

ORDINANCE NO. 14-8

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
JOSHUA BASIN WATER DISTRICT (“DISTRICT”) REQUIRING
WATER USE EFFICIENCY MEASURES AND THE
PREVENTION OF WATER WASTE PURSUANT TO
CALIFORNIA WATER CODE SECTION 375 et seq.**

Recitals, Findings, and Determinations.

- A. On January 17, 2014, Governor Brown declared a drought state of emergency and on April 25, 2014, the Governor signed an Executive Order (“Executive Order”) calling on the State Water Resources Control Board (“State Water Board”) to adopt emergency regulations to ensure that urban water suppliers implement drought response plans to limit outdoor potable water irrigation and prohibit other wasteful water practices; and

- B. On July 15, 2014, the State Water Board adopted Emergency Regulations (“State Regulations”) effective July 29, 2014 that prohibit certain outdoor water uses and require urban water agencies to implement mandatory outdoor water use restrictions under their local water shortage contingency plans. The State Regulations will remain in effect for a minimum of 270 days or nine months. The State Regulations require urban water agencies to report monthly water production data, GPCD (Gallons per Capita per Day), conservation-related implementation measures and/or enforcement actions by the 15th of each month starting with August. With regard to reporting GPCD, the State Water Board acknowledged that the GPCD reporting requirement will be delayed to October 15 in order for the state to develop guidance on how the GPCD should be calculated. Water production data for each preceding month will be compared to a similar month in 2013. The State will develop an electronic reporting portal that will include applicable data fields. Nothing in the State Regulations or in the enforcement provisions of the State Regulations, preclude a local agency from exercising its authority to adopt more stringent conservation measures; and

- C. The water conservation measures and restrictions on water use identified by this Ordinance provide certainty to water users and enable the District to control water use and plan and implement water measures and restrictions in a fair and orderly manner for the benefit of the public. This Ordinance is further intended to comply with the mandates of the State Water Board Regulations applicable to the District.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT DOES ORDAIN AS FOLLOWS:

SECTION 1. Conservation Water Use Restrictions and Measures.

Except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency, the following water use restrictions and conservation measures shall apply:

- a) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited;
- b) The use of a hose that dispenses potable water to wash a motor vehicle is prohibited, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
- c) The application of potable water to driveways and sidewalks is prohibited;
- d) The use of potable water in a fountain or other decorative water feature is prohibited, except where the water is part of a recirculating system;
- e) Water shall not be permitted to leak from any water line, faucet or other facility on any premises. Any leak shall be repaired in a timely manner.
- f) All conventional (overhead) spray irrigation systems shall be scheduled to run between the hours of 8 pm and 9 am.
- g) Water for construction purposes, including but not limited to debrushing of vacant land, compaction of fills and pads, trench backfill and other construction uses, shall be used in an efficient manner.
- h) All new construction, including residential, commercial and industrial, shall be equipped with low flow toilets and fixtures.
- i) All new model homes and commercial and industrial development, when landscaped, shall include low water use, drought tolerant or native plant material, and matched precipitation rate, low-gallonage sprinkler heads, bubblers, and drip irrigation systems. Irrigation systems shall include a smart irrigation controller or equivalent technology.
- j) Dedicated (separate) landscape water meters shall be installed for all irrigated landscape areas in excess of 2500 square feet, except for single family residences.

- k) Water used for cooling systems must be recycled to the extent possible.
- l) Evaporation resistant covers are required for all new swimming pools and hot tubs and are encouraged on existing pools.
- m) Hotels/motels and vacation rentals are encouraged to post notices urging guests to conserve water.
- n) Restaurants or other public places where food is served are encouraged to provide glasses of drinking water to customers only when specifically requested.
- o) All water customers are encouraged to install flow reducers and faucet aerators.

SECTION 2. Non-Compliance Charges and Penalties.

The District intends to achieve customer compliance with the water use restrictions and measures of this Ordinance through the District's educational and communication efforts. The District will not initiate enforcement action, except in those instances where the customer demonstrates intentional or gross negligent disregard for the water use restrictions and measures set forth in this Ordinance.

Non-Compliance Charges: The following will apply to persons or entities failing to comply with any provision of this Ordinance.

1. First Instance of Non-Compliance: The District will issue a written warning and send it along with an explanation of the violation.
2. Second Instance of Non-Compliance: A second instance of non-compliance with this Ordinance within the preceding twelve (12) calendar months is subject to a non-compliance charge of twenty five dollars (\$25.00) on the water bill.
3. Third Instance of Non-Compliance: A third instance of non-compliance with this Ordinance within the preceding twelve (12) calendar months is subject to a non-compliance charge of fifty dollars (\$50.00) on the water bill.
4. Subsequent instances of non-compliance are each subject to a non-compliance charge of one hundred dollars (\$100.00).

SECTION 3. Appeals.

- A. Any person or entity wishing to appeal a non-compliance charge, action or

penalty shall do so in writing to the District's General Manager.

- B. The District's General Manager and/or his designee shall review and make a decision on the appeal.
- C. If the applicant disagrees with the decision, the applicant may appeal the decision to the District's Board of Directors for consideration.

SECTION 4. Purpose and Intent. It is the purpose and intent of this Ordinance to limit the use of water to beneficial purposes only and to prohibit and restrict the unnecessary and wasteful use of water.

SECTION 5. Ordinance Controlling. The provisions of this Ordinance shall prevail and control in the event of any inconsistency between this Ordinance and any other rule, regulation or code of this District, except as later amended by resolution or emergency rule.


SECTION 6. Effective Date. This Ordinance shall be effective upon its adoption.

SECTION 7. Publication. The District's General Manager or his designee is hereby directed to publish this Ordinance in full within 10 days of August 20, 2014 pursuant to Section 376 of the Water code of the State of California.


ADOPTED, SIGNED, AND APPROVED by the following vote this 20th day of August, 2014.

Director Victoria Fuller	<u>Aye</u>
Director Bob Johnson	<u>Aye</u>
Director Mickey Luckman	<u>Aye</u>
Director Mike Reynolds	<u>Aye</u>
Director Gary Wilson	<u>Aye</u>

JOSHUA BASIN WATER DISTRICT


VICTORIA FULLER, President
Joshua Basin Water District and the
Board of Directors thereof

ATTEST:


CURT SAUER, General Manager/Secretary
Joshua Basin Water District and the
Board of Directors thereof