

ORDINANCE NO. 16-10

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
JOSHUA BASIN WATER DISTRICT (“DISTRICT”) SUPERSEDING
ORDINANCE 15-9 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. On March 17, 2015 the State Water Board adopted Resolution No. 2015-0013 which expanded the State Regulations (“Expanded Regulations”) to safeguard the state’s remaining water supplies as California enters a fourth consecutive dry year. The Expanded Regulations became effective on March 27, 2015 and remain in place for 270 days unless extended by the State Water Board. The regulations are set forth in Title 23, Sections 863-865 of the California Code of Regulations; and

- D. On April 1, 2015, Governor Brown issued Executive Order B-29-15, effective immediately and in addition to other requirements mandates a 25% statewide reduction in urban water use, and provides that the orders in the January 17, 2014 and April 25, 2014 proclamations and Executive Orders B-26-14 and B-28-14 also remain in full force except as modified by Executive Order B-29-15. The Governor directed the State Water Board to impose restrictions to achieve the statewide 25% reduction; and
- E. On April 7, 2015, the State Water Board proposed a mandatory Regulatory Framework that apportions water reductions according to consumption. The State Water Board revised the apportionment of water reductions on April 18 and April 28 and the conservation savings for all urban water suppliers are now allocated across nine tiers of increasing levels of residential water use (R-GPCD) to reach the statewide 25% reduction mandate. Agencies in Tier 7, including JBWD, must reduce water use by 28%. On May 5, the State Water Board approved its Emergency Regulation Implementing the 25% Conservation Standard which includes a prohibition against certain irrigation practices and an order that all urban water suppliers reduce their total potable water production by a defined percentage which has been applied to each urban water supplier; and
- F. On November 13, 2015, the Governor issued an Executive Order that directs the State Board to, if drought conditions persist through January, 2016, extend until October 31, 2016, restrictions to achieve a statewide reductions in potable usage; and
- G. On May 9, 2016, the governor issued an Executive Order that directs the State Board to adjust and extend its emergency water conservation regulations through the end of January 2017 in recognition of the differing water supply sanctions for many communities; and
- H. The drought conditions will likely continue for the foreseeable future and additional action by both the state Water Resource Control Council and local water suppliers will likely be necessary to prevent waste and unreasonable use of water and to further promote conservation; and
- I. 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 application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall is prohibited;
- c) The irrigation with potable water of ornamental turf on public street medians is prohibited;
- d) The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulation or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development is prohibited;
- e) 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;
- f) The application of potable water to driveways and sidewalks is prohibited;
- g) 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;
- h) 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;
- i) All conventional (overhead) spray irrigation systems shall be scheduled to run between the hours of 8 pm and 9am.

- j) No use of potable water is permitted to irrigate, water or sprinkle grass, lawns, groundcover, shrubbery, crops, vegetation and trees between the hours of 9:00 a.m. and 5 p.m. during the high use season which begins June 1 and terminates September 30 of each year. During this season, watering shall be permitted on any three days of the week, of the customer's choice, but shall not exceed three (3) days of any week.
- k) 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;
- l) All new construction, including residential, commercial and industrial, shall be equipped with low flow toilets and fixtures;
- m) All new model homes and commercial and industrial development, when landscaped, shall include low water use, drought tolerant or native plant material, and drip irrigation systems. Irrigation systems shall include a smart irrigation controller or equivalent technology;
- n) Dedicated (separate) landscape water meters shall be installed for all irrigated landscape areas in excess of 2500 square feet, except for single family residences.
- o) Water used for cooling systems must be recycled to the extent possible;
- p) Evaporation resistant covers are required for all new swimming pools and hot tubs and are encouraged on existing pools;
- q) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language;
- r) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased is prohibited;
- s) All water customers are encouraged to install flow reducers and faucet aerators.

SECTION 2. Non-Compliance Charges and Penalties.

- a) 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 is subject to a non-compliance charge of fifty dollars (\$50.00) on the water bill.
 - 3. Third Instance of Non-Compliance: A third instance of non-compliance with this Ordinance is subject to a non-compliance charge of one hundred dollars (\$100.00) on the water bill.

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 July 20, 2016 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 July, 2016.

Victoria Fuller _____

Mickey Luckman _____

Robert Johnson _____

Mike Reynolds _____

Rebecca Unger _____

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