

ORDINANCE 33

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTE VISTA WATER DISTRICT, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, TO ESTABLISH WATER USE EFFICIENCY BEST PRACTICES AND STAGED WATER SUPPLY SHORTAGE MEASURES

The Board of Directors of the Monte Vista Water District (District) of San Bernardino County, California, does hereby ordain the following:

Section 1: Purpose

Monte Vista Water District is responsible for providing reliable water supply for the beneficial use, health, safety and welfare of its customers. The District has worked diligently to educate its customers about the value of water use efficiency and available water supplies to the District. In the unlikely event of a water shortage, the District shall request that its customers make reasonable and necessary reductions in their water use, according to the provisions of this Ordinance.

Section 2: Policy

1. The waste or unreasonable use of water by District customers shall be prevented to the greatest extent possible, and the efficient use of water shall be encouraged.
2. The District shall meet its urban water efficiency targets as set forth in California Water Code Sections 10608-10608.60, requiring the District to achieve a 20% reduction in per capita water use or a comparable water use reduction goal by December 31, 2020.
3. The District shall declare respective water supply shortage stages only if the District determines one or more of the following situations has occurred or may occur in the foreseeable future:
 - a. The District may be unable to acquire or produce adequate water supplies to meet projected customer demands; or,
 - b. The cost to acquire or produce adequate water supplies to meet projected customer demands may rise above the projected revenues generated by currently adopted water rates.

Such circumstances would most likely occur due to one or more of the following events: imported water supply cutbacks by Metropolitan Water District of Southern California, extended drought, equipment failure, act of terrorism, and/or natural disaster.

4. During a declared water supply shortage, the District shall reduce water deliveries to wholesale water customers equal to the percentage of water demand reduction requested from the District's retail customers. The wholesale customer shall be responsible for managing water demand within its service area to comply with reduced deliveries during the declared water supply shortage.

5. The District shall offer to local agencies within whose boundaries the District provides retail and wholesale water service, upon their request, reasonable levels of assistance in complying with California Government Code Sections 65591-65599 (Water Conservation in Landscaping Act), enacted by Assembly Bill No. 1881 (2006).

Section 3: Authority and Implementation

1. The Board of Directors has the statutory power to declare that water supply shortage conditions exist and to implement the various staged provisions of this Ordinance as required to maintain reliable and safe water service to District customers.
2. The General Manager shall request the Board of Directors to declare a water supply shortage at a regular or special meeting of the Board of Directors. The Board shall receive evidence of water supply conditions at a public hearing and shall make findings concerning the adequacy of water supplies for the District and the necessity, if any, of declaring a water supply shortage.
3. The declaration of the Board that a water supply shortage exists or is threatened to exist shall be made by Resolution and public announcement, and shall be published in a newspaper of general circulation within ten (10) calendar days of adoption. The declaration shall become effective immediately upon adoption. The Resolution shall set a time schedule for expiration after review of water supply shortage conditions as reported by the General Manager.

Section 4: Compliance Responsibility

The District customer whose name is on the account shall be responsible for compliance with the provisions of this Ordinance.

Section 5: Water Use Efficiency Best Practices

1. District customers are required to implement the following water use efficiency best practices at all times:
 - a. Set automatic irrigation controllers to water outdoor landscaped areas only between the hours of 8 p.m. and 8 a.m. and for no more than fifteen (15) minutes per day per valve-controlled station. Exempt from this requirement:
 - i. Watering by hand.
 - ii. Drip irrigation.
 - iii. Irrigation systems equipped with weather-based or soil moisture-based irrigation controllers.
 - b. Adjust irrigation system so there is no run-off, over-spray or excessive irrigation causing irrigation water to flow off of the customer's property.
 - c. Turn off outdoor irrigation during rain.
 - d. Repair all plumbing and irrigation system leaks within seven (7) days of discovery.

- e. Wash motor vehicles, trailers, boats and other types of mobile equipment with a hand-held bucket or a hand-held hose equipped with a shutoff nozzle, or use a commercial vehicle wash equipped with a water recycling system.
 - f. Wash paved areas for health and safety purposes only with the use of a waterbroom or water-efficient pressure washer.
 - g. Restaurants serve water only upon request.
 - h. Hotels offer guests the option to not launder linen daily.
2. The following technologies shall be equipped with water recycling, recirculation or reuse systems prior to the establishment of new water service:
- a. Cooling towers and evaporative cooling systems.
 - b. Decorative water fountains.
 - c. Conveyor vehicle washes and in-bay automatic vehicle washes.
3. The District shall offer local agencies and retail and wholesale customers reasonable assistance in complying with State and local water use efficiency guidelines and requirements.

Section 6: Significant Water Supply Shortage

If the Board of Directors finds that current or near-term water supply shortage conditions require a 10 to 25 percent demand reduction, the Board may pass a Significant Water Supply Shortage Resolution, enacting the following water use requirements in addition to those described in Section 5 above:

1. Landscaping and Landscape Irrigation.
 - a. All lawns, landscape or turf areas shall be irrigated only on Tuesday, Thursday and Saturday of each week. Exempt from this requirement:
 - i. Commercial nurseries, golf courses and other water-dependent industries.
 - ii. Watering by hand.
 - iii. Drip irrigation.
 - iv. Irrigation systems equipped with weather-based or soil moisture-based irrigation controllers.
 - b. Water consumption through water meters designed for landscape irrigation shall not exceed 75 percent of the amount of water used during the same billing period in the last calendar year during which no water shortage was declared.

2. Potable water used on a one-time basis for construction and dust control shall be limited to that quantity identified in the plan submitted by the user which describes water use requirements. The plan shall be submitted to and approved by the General Manager. Upon availability, non-potable recycled water will be made available for these uses.
3. The use of water from fire hydrants shall be limited to fire fighting and related activities, or for municipal activities necessary to maintain the public health, safety and welfare, or for construction use and dust control as approved by the General Manager.
4. The District shall reduce wholesale water deliveries in the same amount applicable to its retail customers, by 10 to 25 percent, effective upon the date of its public announcement of a Significant Water Supply Shortage. The General Manager shall consult with District wholesale customers prior to the announcement to coordinate and implement periods of reduction in water delivery.

Section 7: Critical Water Supply Shortage

If the Board of Directors finds that current or near-term water supply shortage conditions require a 25 to 40 percent demand reduction, the Board may pass a Critical Water Supply Shortage Resolution, enacting the following water use requirements in addition to those described in Sections 5 and 6 above:

1. Landscaping and Landscape Irrigation.
 - a. All lawns, landscape or turf areas shall be watered only on Tuesday and Saturday of each week.
 - b. Water consumption through water meters designed for landscape irrigation shall not exceed 50 percent of the amount of water used during the same billing period in the last calendar year during which no water shortage was declared.
 - c. No person or entity shall implement any landscaping requirements of any homeowners association, developer or governing agency if it will result in an increase in water consumption from the prior calendar year.
2. No washing of motor vehicles, trailers, boats and other types of mobile equipment shall be permitted, unless done on the premises of a commercial car wash.
3. No one shall empty or refill swimming pools, spas or ponds for cleaning purposes. Water levels may be maintained.
4. The District shall reduce wholesale water deliveries in the same amount applicable to its retail customers, by 25 to 40 percent, effective upon the date of its public announcement of a Critical Water Supply Shortage. The General Manager shall consult with the District wholesale customers prior to the announcement to coordinate and implement periods of reduction in water delivery.

Section 8: Emergency Water Supply Shortage

If the Board of Directors finds that, due to emergency circumstances, current or near-term water supply shortage conditions require a 40 percent or higher demand reduction, the Board may pass an Emergency Water Supply Shortage Resolution, enacting the following water use requirements in addition to those described in Sections 5, 6 and 7 above:

1. Landscaping and Landscape Irrigation.
 - a. All lawns, landscape or turf areas shall be watered only on Saturday of each week.
 - b. Water consumption through water meters designed for landscape irrigation shall not exceed 33 percent of the amount of water used during the same billing period in the last calendar year during which no water shortage was declared.
 - c. No installation of new landscaping shall be permitted.
2. No potable water for construction and dust control shall be permitted. Upon availability, non-potable recycled water will be made available for these uses.
3. No water shall be used to fill or maintain swimming pools, spas or ponds.
4. The District shall reduce wholesale water deliveries in the same amount applicable to its retail customers, by at least 40 percent, effective upon the date of its public announcement of an Emergency Water Supply Shortage. The General Manager shall consult with District wholesale customers prior to the announcement to coordinate and implement periods of reduction in water delivery.

Section 9: Exceptions

No water use requirements described in Sections 5, 6, 7 and 8 above shall apply to the following water uses:

1. The use of recycled water distributed through the District's recycled water distribution system and used for landscape irrigation, construction, dust control or other approved uses, or the use of recycled water produced for direct reuse by commercial car washes, commercial laundries and various industries utilizing industrial water reuse systems.
2. The routine and necessary use of water by a governmental entity in pursuit of its functions for protecting the public health, safety and welfare of its citizens. This exception does not apply to the use of potable water for landscape irrigation by a governmental agency.
3. The necessary use of water for the routine maintenance, testing and/or repair of water distribution facilities, residential and commercial plumbing and permanently installed landscape irrigation systems.

4. The use of “gray water”. For the purposes of this Ordinance, “gray water” is defined as non-septic domestic wastewater collected from clothes washers, bathtubs, showers, and sinks. This provision shall not be construed to authorize the use of “gray water” if such use is otherwise prohibited by law.

Section 10: Immediate Water Shortage Response

In the event that an immediate shortage of water supply occurs due to disaster, the General Manager shall declare the extent of the water supply shortage and shall implement the appropriate water supply shortage stage as defined herein. The General Manager shall report such water supply shortage condition and level of response to the Board of Directors at a time which is reasonable and practicable.

Section 11: Failure to Comply

1. Any District customer violating the provisions set forth in this Ordinance shall be subject to the procedures and/or penalties described in this Section.
2. The following table outlines the procedures and penalties for violating the provisions set forth in this Ordinance, and each subsequent violation which occurs at least seven (7) days subsequent to the previous violation:

	First Violation	Second Violation	Third Violation	Fourth Violation	Fifth Violation
Best Practices	Written Notice	Final Written Notice	\$50 Fine	\$100 Fine	\$150 Fine; Flow Restrictor
Significant Water Supply Shortage	Written Notice	\$50 Fine	\$100 Fine	\$150 Fine	\$200 Fine; Flow Restrictor
Critical Water Supply Shortage	Written Notice	\$100 Fine	\$200 Fine	\$300 Fine; Flow Restrictor	---
Emergency Water Supply Shortage	Written Notice	\$150 Fine	\$300 Fine; Flow Restrictor	---	---

3. Written Notice
 - a. Notice of a violation of Ordinance provisions, as outlined in Subsection 2 above, shall be given in writing by regular mail or personal delivery to the customer at the address on file with the District. If notice is given by mail, the person depositing the notice by mail shall complete a Proof of Service by Mail form indicating the time, date and place the notice was deposited in the U.S. Mail.
 - b. If personal delivery is used, any notice of violation of the water use requirements shall be made in the following manner:

- i. By handing the notice to the customer personally. The person serving the notice shall complete a Proof of Service form indicating the time, date and place of service.
 - ii. If the customer is absent from or unavailable at the premises at which the violation occurred, by leaving a copy with some person of suitable age and discretion at the premises and sending a copy through the regular mail to the customer at the address at which the customer is normally billed.
 - iii. If a person of suitable age or discretion cannot be found, by affixing a copy in a conspicuous place at the premises at which the violation occurred and also sending a copy through the regular mail to the customer at the address at which the customer is normally billed.
 - c. The notice shall contain a description of the facts of the violation, a statement of the possible penalties for each violation and a statement informing the customer of his or her right to request a waiver due to hardship or special circumstances.
4. After multiple violations of Ordinance provisions, as outlined under Subsection 2 above, the District may install a flow restricting device on a customer's water meter. The District may terminate a customer's landscape meter service upon a prior determination that the customer has repeatedly violated this Ordinance. Such action will only be taken after a hearing held by the Review Board where the customer will have the opportunity to respond to the District's evidence of repeated violation.
 5. Any restricted or terminated service may be restored upon request of the customer made not less than forty-eight (48) hours after the implementation of the action restricting or terminating service and only upon a showing by the customer that the customer is ready, willing and able to comply with the provision of this Ordinance. Prior to any restoration of the service, the customer shall pay all District charges for any restriction or termination of service and its restoration.

Section 12: Review Board

1. A District customer may request a waiver from any provisions of this Ordinance due to hardship or special circumstances. A Review Board comprised of members of the District staff shall be designated by the General Manager to review such requests. The Review Board shall respond to a waiver request within ten (10) working days of receipt of request.
2. The Review Board shall review customer written requests for a waiver from Ordinance provisions due to hardship or special circumstances, and determine whether or not the case warrants a waiver. No waiver shall be granted unless the water customer shows that he or she has achieved the maximum practical reduction in water consumption other than in the specific area(s) in which a waiver is being sought. No waiver shall be granted to any water customer who, when requested by the District, fails to provide any information necessary for resolution of the customer's request for a waiver.

3. Any customer who is granted a waiver shall provide proof of compliance with said waiver upon demand by any person authorized by the District. If the customer is found to violate any provision of the waiver, the Review Board shall revoke the waiver. The Review Board shall notify the customer in writing of the proposed revocation five (5) working days before taking such action, and the customer shall be given the opportunity to be heard by the Review Board prior to its taking such action.
4. A waiver issued under a particular water supply shortage stage shall not be valid upon passage of a higher water supply shortage stage. A new waiver must be granted by the Review Board for each enacted water supply shortage stage.
5. Appeal of Review Board decisions shall be made in writing to the Board of Directors, whose decision shall be final. The Board of Directors shall consider the appeal within thirty (30) days from the date the appeal was filed. The appealing customer shall be given the opportunity to address the Board of Directors and submit evidence orally and in writing.

Section 13: Validity

If any section, sub-section, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of remaining portions of this Ordinance.

Section 14: Consistency

1. This Ordinance is consistent with the provision of California Water Code Sections 375-378, inclusive, and Sections 31020-31035.1, inclusive.
2. This Ordinance fulfills the District's water supply shortage planning obligation as required by California Water Code Sections 10610-10656, inclusive (Urban Water Management Planning Act). Subsequent District Urban Water Management Plan updates shall comply with this Ordinance.

Section 15: Effective Date

This Ordinance shall be effective immediately upon adoption and shall be published in any newspaper of general circulation and distributed within the District as required by law.

The President of the Board of Directors shall sign this Ordinance and the Secretary shall attest to the same. The Secretary shall cause this Ordinance to be published within ten (10) days after its adoption, at least once in a newspaper of general circulation which is distributed within the boundaries of the Monte Vista Water District.

Section 16: Repeal and Rescind

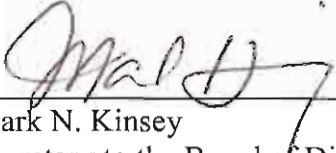
Upon adoption of this Ordinance, Ordinance 32 shall be repealed and rescinded effective on the date of adoption of this Ordinance.

ADOPTED THIS 12th day of May 2010.



Sandra S. Rose
President of the Board of Directors
MONTE VISTA WATER DISTRICT

ATTEST:



Mark N. Kinsey
Secretary to the Board of Directors
MONTE VISTA WATER DISTRICT