

13.05.010 Purpose and policy.

Title 13 WATER, SEWERS AND UTILITIES

Chapter 13.05 WATER CONSERVATION

City of Chino
CITY CODE

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13.05.010 Purpose and policy.

It is declared that because of the water conditions prevailing in the city, region and the state of California, the general welfare requires that the waste or unreasonable use of water be prevented, and that the conservation of water is to be encouraged. (Ord. 91-21 § 1 (part), 1991.)

Title 13 WATER, SEWERS AND UTILITIES

Chapter 13.05 WATER CONSERVATION

13.05.020 City council authority.

A. The city council shall authorize and direct implementation of the applicable provisions of this chapter upon determination that such implementation is necessary to protect the public health, welfare and safety or when the demand for water consumption threatens to exceed the city's available supply of quality water to the consumer, provided there are no immediate resources available to remedy the situation.

B. When any conservation level of this chapter is enacted by the city council, the specific level called for shall be made by public announcement and shall be published at least twice in a newspaper of general circulation and shall become effective immediately upon the second publication. When any other level is enacted or the drought conditions no longer exist, then publication of the applicable portion of this chapter or a statement stating that the drought conditions no longer exist, shall be published an additional two times. (Ord. 91-21 § 1 (part), 1991.)

Title 13 WATER, SEWERS AND UTILITIESChapter 13.05 WATER CONSERVATION**13.05.030 Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

- A. "City council," means the council of the city of Chino.
- B. "Designated outdoor water use day" shall be determined by the last digit in an address. On even-numbered days, only even-numbered addresses may water landscaping and on odd-numbered days, only odd-numbered addresses may water landscaping as determined by this chapter.
- C. "Reclaimed water" means treated effluent from a sewage treatment plant or water from non-potable sources.
- D. "Water shortage" shall be determined by the existing conditions of water production and/or an announcement by any State Water Agency, Metropolitan Water District, or Chino Basin Water Master that a water shortage exists.
- E. "Process water" means water used to manufacture, alter, convert, clean, heat, or cool a product, or the equipment used for such purposes; water used for plant and equipment washing and for transporting raw materials and products; and water used to grow trees or plants for sale or installation.
- F. "Base period" means that period of time over which the base is computed.
- G. "Base" means the amount of water used on a customer's premises during corresponding billing period of July 1989 to June 1990.
- H. "Billing unit" means the unit amount of water used to apply water rates for purposes of calculating commodity charges for customer water usage and equals one hundred cubic feet or seven hundred forty-eight gallons of water.
- I. "Grey water" means a second or subsequent use of water supplied by the department on the customer's premises, such as the use of laundry or dish washing water.
- J. "Commercial agricultural enterprise" is a bona fide business which grows and sells one or more types of agricultural or horticultural products, for the purpose of producing income from the sale of these products. (Ord. 91-21 § 1 (part), 1991.)

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13.05.040 Applicability.

The provisions of this chapter shall apply to all persons, customers, or property, wherever situated, utilizing water provided by the city. (Ord. 91-21 § 1 (part), 1991.)

13.05.050 Party responsible for compliance.

A. For purposes of this chapter, it shall be presumed that a person, corporation or association in whose name the water service account with the city is or was last billed or who is receiving the economic benefit of said water supply will be responsible for complying with this chapter.

B. For the purpose of this chapter, a use of water by a tenant or by an employee, agent, contractor or other acting on behalf of a customer whether with real or ostensible authority shall be imputed to the customer. (Ord. 91-21 § 1 (part), 1991.)

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13.05.060 Adequate water supply conditions--Measures recommended.

Voluntarily refraining from the following activities is hereby recommended:

- A. Allowing irrigation water, under ordinary conditions, to run off into a gutter, ditch, or drain;
- B. Failing to repair a leak;
- C. Washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment, unless done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses. However, this section does not apply to the washing of the above listed vehicles or mobile equipment when conducted on the immediate premises of a commercial car wash using on-site recycled water;
- D. Restaurants serving water to their customers, except when specifically requested by their customer. (Ord. 91-21 § 1 (part), 1991.)

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13.05.070 Moderate water shortage--Restrictions to take effect.

The following measures shall take effect upon a declaration by the city council that demand is anticipated to be ten percent or less in excess of available production of quality water. Upon this enactment, the following restrictions shall apply to all customers of, or persons who use, the water utility of the city:

A. Landscape irrigation--Residential. Irrigation of landscape shall not occur during the hot hours of the day. Hot hours of the day are defined as ten a.m. to five p.m. Citizens are encouraged to avoid irrigating during the peak morning (six to eight a.m.) and evening (six to eight p.m.) demand hours, and to avoid the use of sprinklers on windy days. Irrigation by hand held hoses, drip irrigation, or hand held buckets is permitted anytime.

B. Landscape Irrigation--Commercial. Water consumption through water meters designed specifically for landscape irrigation only shall not exceed seventy-five percent of the amount of water used during the base period as defined in Section 13.05.030(F).

C. Total Customer Percentage Curtailment. No customer shall make, cause, use or permit the use of water for any purpose in an amount in excess of ninety percent of the amount used during the base period as defined in Section 13.05.030(F).

D. Prohibited Activities. The following activities are hereby prohibited:

1. Allowing irrigation water, under ordinary conditions, to run off into a gutter, ditch, or drain;
2. Failing to repair a leak;
3. Washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment, unless done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses. However, this section does not apply to the washing of the above listed vehicles or mobile equipment when conducted on the immediate premises of a commercial car wash using on-site recycled water.
4. Restaurants serving water to their customers, except when specifically requested by their customer. (Ord. 91-21 § 1 (part), 1991.)

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13.05.080 High water shortage--Restrictions to take effect.

In the event the city council determines that the measures outlined in Section 13.05.070 do not produce a sufficient reduction in demand, or if the estimated demand is greater than ten percent but less than fifteen percent higher than the available production of quality water, then the following restrictions shall be implemented and shall include those in subsection 13.05.070(D):

A. Landscape Irrigation--Residential. Outdoor irrigation of landscape by sprinklers will be allowed only on even numbered days of the month for those locations having a street address with an even last digit. Outdoor irrigation of landscape by sprinklers will be allowed only on odd numbered days of the month for those locations having a street address with an odd last digit. Outdoor irrigation of locations not having a street address shall occur only on even numbered days of the month. Irrigation of landscape shall not occur during the hot hours of the day. Hot hours of the day are defined as ten a.m. to five p.m.

Citizens are encouraged to avoid irrigating during the peak morning (six a.m. to eight a.m.) and evening (six p.m. to eight p.m.) demand hours, and to avoid the use of sprinklers on windy days. Irrigation by hand held hoses, drip irrigation, or hand held buckets is permitted anytime.

B. Landscape Irrigation--Commercial. Water consumption through water meters designed specifically for landscape irrigation only shall not exceed sixty-five percent of the amount of water used during the base period as defined in Section 13.05.030(F).

C. Total Customer Percentage Curtailment. No customer shall make, cause, use or permit the use of water for any purpose in an amount in excess of eighty-five percent of the amount used during the base period as defined in Section 13.05.030(F). (Ord. 91-21 § 1 (part), 1991.)

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13.05.090 Severe water shortage--Restrictions to take effect.

In the event the city council determines that the measures outlined in Section 13.05.080 do not produce a sufficient reduction in the demand so as to function within the available production of quality water, or, if the estimated demand is fifteen percent or more than the available production of quality water, then the following restrictions shall be implemented and shall include those in subsection 13.05.070(D):

A. Landscape Irrigation--Residential. Outdoor irrigation of landscape by sprinklers will be allowed only on even numbered days of the month for those locations having a street address with an even last digit. Outdoor irrigation of landscape by sprinklers will be allowed only on odd numbered days of the month for those locations having a street address with an odd last digit. Outdoor irrigation of locations not having a street address shall occur only on even numbered days of the month. Irrigation of landscape shall not occur during the hot hours of the day. Hot hours of the day are defined as ten a.m. to five p.m.

Citizens are encouraged to avoid irrigating during the peak morning (six to eight a.m.) and evening (six to eight p.m.) demand hours, and to avoid the use of sprinklers on windy days. Irrigation by hand held hoses, drip irrigation, or hand held buckets is permitted anytime.

B. Landscape Irrigation--Commercial. Water consumption through water meters designed specifically for landscape irrigation only shall not exceed fifty percent of the amount of water used during the base period as defined in Section 13.05.030(F).

C. Total Customer Percentage Curtailment. No customer shall make, cause, use or permit the use of water from the department for any purpose in an amount in excess of eighty percent of the amount used during the base period as defined in Section 13.05.030(F). (Ord. 91-21 § 1 (part), 1991.)

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13.05.100 Exceptions to provisions.

None of the restrictions outlined in this chapter shall apply to the following:

- A. The routine and necessary use of water by a governmental entity in pursuit of its functions for protecting the public health, safety and welfare. This exception does not apply to landscape irrigation by a governmental agency;
- B. The necessary use of water for the routine maintenance and/or repair of water distribution facilities, residential and commercial plumbing and permanently installed landscape irrigation systems;
- C. The prohibited uses set forth in this subsection do not apply to "grey water." This provision shall not be construed to authorize the use of "grey water" if such use is otherwise prohibited by law. (Ord. 91-21 § 1 (part), 1991.)

13.05.105 Exemptions from provisions.

Nothing contained in Sections 13.05.070--13.05.090 shall require any single-family residential customer to reduce the customer's consumption of water to any amount less than the following:

- A. Under moderate water shortage conditions: Nine billing units per month, two hundred twenty-four gallons per day, at each meter during any billing period.
- B. Under high water shortage conditions: To an amount less than eight and one-half billing units per month, two hundred twelve gallons per day, at each meter during any six billing periods.
- C. Under severe water shortage conditions: To an amount less than eight billing units per month, two hundred gallons per day, at each meter during any billing period. (Ord. 91-21 § 1 (part), 1991.)

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13.05.110 Hardship and special cases--Implementation/review board.

A. A review board is established to review hardship and special cases which cannot follow the letter of this chapter. The review board shall consist of the assistant director of community development, deputy director of public works/services, and deputy director of public works/engineering. Appeal of any board decision shall be made to the city manager.

B. It is the purpose of the review board to review hardship or special cases and to determine whether or not said case warrants a variance, permit or compliance agreement. The board shall consider the facts of each case and decide whether to grant a variance or a permit or to enter into a compliance agreement within five working days of the receipt of a properly completed "Application for Variance, Permit or Compliance Agreement" form. A variance shall be granted only for reasons of economic hardship which is defined as, but not limited to, a threat to an individual business's primary source of income. (But under no circumstances shall inconvenience or the potential for damage of landscaping be considered an economic hardship which justifies a variance.) The board shall authorize only the implementation of equitable water use restrictions which further the purpose and intent of the emergency water conservation plan. The special water use restrictions authorized by the board in each special or hardship case shall be set forth on the face of the variance, permit or compliance agreement. A fee shall be assessed, as set forth in a separate resolution, to defray administrative costs for each permit application.

C. A variance or permit issued under moderate water shortage shall not be valid upon implementation of high water shortage or severe water shortage of this chapter. A variance or permit expires under its own terms and conditions and/or when the next higher stage of the emergency water conservation ordinance takes effect. A separate application for variance or permit must be submitted at each higher stage of the water conservation ordinance.

D. Any person, corporation or association who is issued a variance or permit and makes use of the water utility of the city pursuant to said variance, permit or compliance agreement shall provide proof of said variance, permit or compliance agreement upon demand by any peace officer or person authorized by the city to enforce this chapter. Upon conviction of any person, corporation or association for violating any provision of this part, the review board shall revoke any permit, variance, or compliance agreement previously granted. However, the board shall notify applicant of the proposed revocation five working days before taking such action, and applicant shall be given the opportunity to be heard by the review board prior to its taking such action.

E. Persons wishing to appeal the decision of the board shall have the right of appeal to the city manager. Appeal shall be made in writing within ten working days of the board decision. The decision of the city manager shall be final. (Ord. 91-21 § 1 (part), 1991.)

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13.05.120 Failure to comply--Violation--Penalty.

A. Penalties. It is unlawful for any water customer to fail to comply with any of the provisions of this chapter. Notwithstanding any other provision of the city code, the penalties set forth herein shall be exclusive and not cumulative with any other provisions of this code. The penalties for failure to comply with the provisions of this chapter shall be as set out in subsection B of this section.

B. Violation of Prohibited Activities.

1. For the first violation by any customer of any of the provisions of subsections 13.05.070(A), 13.05.070(D), 13.05.080(A) or 13.05.090(A), the city shall issue a written notice of the fact of such violation to the customer.
2. For a second violation by any customer of any of the provisions of subsection 13.05.070(A), 13.05.070(D), 13.05.080(A) or 13.05.090(A) within the preceding twelve calendar months, the city shall issue a final written notice of the fact of such violation to the customer.
3. For a third violation by any customer of any of the provisions of subsections 13.05.070(A), 13.05.070(D), 13.05.080(A) or 13.05.090(A) within the preceding twelve calendar months, a surcharge in the amount of fifty dollars shall be added to the customer's water bill.
4. For a fourth violation by any customer of any of the provisions of subsections 13.05.070(A), 13.05.070(D), 13.05.080(A) or 13.05.090(A) within the preceding twelve calendar months, a surcharge in the amount of one hundred dollars shall be added to the customer's water bill.
5. For a fifth and any subsequent violation by any customer of any of the provisions of Subsection 13.05.070(A), 13.05.070(D), 13.05.080(A) or 13.05.090(A) within the preceding twelve calendar months, a surcharge in the amount of one hundred and fifty dollars shall be added to the customer's water bill.
6. After a fifth violation of subsections 13.05.070(A), 13.05.070(D), 13.05.080(A) or 13.05.090(A), the city may install a flow restricting device of one gallon per minute (1 GPM) capacity for services up to one and one-half inch size and comparatively sized restrictors for larger services. The city may terminate a customer's landscape meter service, in addition to the final surcharges provided for herein, upon a prior determination that the customer has repeatedly violated this chapter regarding the conservation of water and that such action is reasonably necessary to assure compliance with this chapter's rules regarding the conservation of water. Such action shall be taken only after a hearing held by the review board where the customer has an opportunity to respond to the city's information or evidence that the customer has repeatedly violated this chapter's rules regarding the conservation of water and that such action is reasonably necessary to assure compliance with this chapter regarding the conservation of water. Appeal of board decisions shall be made to the city manager. The decision of the city manager shall be final.

Any such restricted or terminated service may be restored upon application of the customer made not less than forty-eight 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 provisions of this chapter's rules regarding the conservation of water. Prior to any restoration of service, the customer shall pay all city charges for any restriction or termination of service and its restoration as provided for in a separate ordinance.

B. Violation of Water Usage Restrictions Under Moderate, High, and Severe Water Shortage Conditions.

1. For the first violation by any customer of any of the provisions of subsections 13.05.070(B), 13.05.070(C), 13.05.080(B), 13.05.080(C), 13.05.090(B) or 13.05.090(C), a surcharge in an amount equal to fifteen percent of the water bill, plus an additional three dollars for each billing unit in excess of the usage of water permitted by the particular conservation phase in which the violation occurred shall be added to the customer's water bill.
2. For a second violation by any customer of any of the provisions of Subsections 13.05.070(B), 13.05.070(C), 13.05.080(B), 13.05.080(C), 13.05.090(B) or 13.05.090(C) within the preceding twelve calendar months, a surcharge in an amount equal to twenty-five percent of the water bill plus an additional three dollars for each billing unit in excess of the usage of water permitted by the particular conservation phase in which the violation occurred shall be added to the customer's water bill.
3. For a third violation and any subsequent violation of any of the provisions of subsections 13.05.070(B), 13.05.070(C), 13.05.080(B), 13.05.080(C), 13.05.090(B) or 13.05.090(C) within the preceding twelve calendar months, a surcharge in an amount equal to seventy-five percent of the water bill, plus an additional four dollars for each billing unit in excess of the usage of water permitted by the particular conservation phase in which the

13.05.120 Failure to comply--Violation--Penalty.

violation occurred shall be added to the customer's water bill.

4. After a fourth violation by a customer of any of the provisions of Subsections 13.05.070(B), 13.05.070(C), 13.05.080(B), 13.05.080(C), 13.05.090(B) or 13.05.090(C) within the preceding twelve calendar months, in addition to the surcharges established herein, the review board may impose the penalties provided for in subsections (B)(3), (4), (5) of this section. (Ord. 91-21 § 1 (part), 1991.)

ORDINANCE NO. 83

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF CHINO HILLS, STATE OF CALIFORNIA, PERTAINING
TO THE CONSERVATION OF WATER AND REGULATING
THE USE OF WATER UNDER SHORTAGE CONDITIONS

The City Council of the City of Chino Hills, State of California, ordains as follows:

WHEREAS, the water resources of the City of Chino Hills are limited and of a finite supply;

WHEREAS, the public health, safety, and welfare of the residents of the City of Chino Hills requires that an adequate supply of water be stored and available for reasonable use and fire protection;

WHEREAS, the general health, safety, and welfare of the public requires that the water resources available to the City of Chino Hills be utilized for maximum benefit;

WHEREAS, there exists significant potential for environmental hazards such as fires and earthquakes in the Southern California area;

WHEREAS, the City Council of the City of Chino Hills has determined that it is necessary to adopt a Water Conservation Ordinance in order to prevent inefficient and unnecessary water consumption during peak demand periods;

SECTION 1. The City Council of the City of Chino Hills does hereby find, determine and declare that:

Article - Water Conservation

Sections:

- | | |
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| 1 | Purpose |
| 2 | Definitions |
| 3 | Application |
| 4 | Exceptions |
| 5 | Voluntary Conservation |
| 6 | Prohibition - Restrictions -- Moderate Water Conservation Alert |
| 7 | Prohibition - Restrictions -- High Water Conservation Alert |
| 8 | Prohibition - Restrictions -- Severe Water Conservation Alert |
| 9 | Penalties |
| 10 | Compliance |
| 11 | Severability |
| 12 | Certification |

Section 1. Purpose The purpose of this Ordinance is to minimize the potential for water shortage through the practice of water conservation. It is furthermore the intent of this Ordinance to reduce the potential effects of a water shortage on the residents and visitors of Chino Hills and to adopt provisions that will significantly reduce the inefficient consumption of water, thereby extending the available water resources necessary for the domestic, sanitation, and fire protection of the community to the greatest extent possible.

Section 2. Definitions Water Customer: For the purposes of this Ordinance, any person, business, corporation, or association to whom the City supplies water shall be considered a water customer.

Section 3. Application This Ordinance shall be applicable to all water customers.

Section 4. Exceptions The prohibited uses of water provided within this Ordinance are not applicable for the use of water necessary to public health and safety or for essential government services such as police, fire and other similar services.

Nothing contained within this Ordinance shall be construed to require the City to curtail the supply of water necessary for the health, safety, and welfare of any customer.

The Public Works Commission shall be given the task of reviewing any requests for a Variance from compliance with this Ordinance. A written request for a Variance must be submitted to the Public Works Department a minimum of two weeks prior to the Commission meeting at which the Variance is to be considered. The Public Works Commission will review the request for a Variance, make a recommendation, and refer the matter to the City Council for action.

Voluntary
Section 5. Voluntary Conservation Chino Hills Water Customers are hereby requested to voluntarily limit the amount of water used from June 1 through September 30 of each year to the amount absolutely necessary for health, business, and irrigation.

Moderate
Section 6. Prohibitions and Restrictions---Moderate Water Conservation Alert
The following restrictions shall be applicable during a "Moderate Water Conservation Alert" which shall be declared by the City Manager or his/her designee whenever the City's total available water storage capacity is reduced by 20%- 25% and not replenished within 48 hours:

- a. There shall be no hose washing of sidewalks, walkways, driveways, parking areas, patios, porches or verandas, except that flammable or similarly dangerous materials may be washed from said areas by direct hose flushing for the benefit of public health and safety;
- b. No water shall be used to clean, fill, operate or maintain levels in

decorative fountains unless such water is part of a recycling system;

c. No person shall permit water to leak from any facility on his/her premises, including water lines for transmission of water, privately or commercially; said leak shall be repaired in a timely manner after notification by the City, but in no case after notification in excess of 72 hours for the first violation and then every 72 hours thereafter for the second and third violations.

d. No person shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, groundcovers, plants, vines, gardens, vegetables, flowers, or any other landscaped or vegetated areas between the hours of 9:00 a.m. and 6:00 p.m. In any event, such watering shall not be in excess of needs nor be of a manner which allows water to flow onto streets. The above mentioned plants may be watered by a hand-held hose equipped with a shut-off nozzle at any time of the day. This provision shall not apply to commercial nurseries, golf courses, or other water dependent industries.

e. Non-commercial washing of privately owned vehicles, trailers, busses or boats except from a bucket using a hand-held hose equipped with a shut-off nozzle used for a quick rinse shall be prohibited.

f. No restaurant or other public place which serves food shall serve drinking water to any customer unless expressly requested by the customer.

g. No person shall cause or allow water to run-off or leak from landscaped areas to adjoining streets, sidewalks, or other paved areas due to incorrectly directed or maintained sprinklers or excessive watering.

h. The use of water from fire hydrants shall be limited to fire fighting and related activities or other activities necessary to maintain the public health, safety, and welfare. An exception may be made for construction use through a proper City-designated meter.

High
Section 7. Prohibitions and Restrictions---High Water Conservation Alert In the event that the City's total available water storage capacity is reduced to between 25% and 30% of capacity and not replenished within 48 hours, a High Water Conservation Alert shall be issued and the following restrictions shall be declared in effect by the City Manager or his/her designee:

a. All prohibitions and restrictions in Section 5 shall be in effect. In addition:

b. Commercial nurseries, golf courses, and other water dependent industries shall be prohibited from watering lawn, landscape, or other turf areas more than every other day. Irrigation shall occur between the hours of 6:00 p.m. and 6:00 a.m. only.

c. All other water customers other than commercial nurseries, golf courses, and other water dependent industries shall be limited in the use of outdoor watering for sprinkling, watering, or irrigating any shrubbery, trees, lawns, grass, groundcovers, plants, vines, gardens, vegetables, flowers, or any other

landscaped or vegetated areas to a two day per week schedule based on street address. All locations ending in an odd number shall have outdoor water scheduled on Monday and Friday, all locations ending in an even number or having no street number address shall have outdoor water scheduled on Tuesday and Saturday. There shall be no outdoor watering on Wednesdays, Thursdays, or Sundays. The use of a hand-held hose with shut-off valve shall be permitted at any time. The replenishment of swimming pools shall be limited to the same days as other outdoor watering.

d. Swimming pool refilling or new construction swimming pool filling shall not occur without permission from the City Manager or his/her designee.

Severe

Section 8. Prohibitions and Restrictions---Severe Water Conservation Alert In the event of a major earthquake, large scale fire, or other so called "Act of God" which could have serious impacts on the City's total available water storage capacity, whether storage capacities have been reduced or not, or in the case of a reduction in City storage capacity by more than 30% for any duration of time, a Severe Water Conservation Alert shall be declared by the City Manager or his/her designee.

a. All previous restrictions noted in Sections 5 and 6 shall be in effect. In addition:

b. There shall be no use of outdoor water at any time except the minimal amount by hand-held hose equipped with a shut off-nozzle.

c. Commercial nurseries, golf courses, and other water dependent industries shall be prohibited from the use of outside water except by hand-held hose equipped with a shut-off nozzle.

d. All non-essential uses of water shall be prohibited including the filling, cycling, filtering, or refilling or swimming pools, spas, jacuzzis, fountains or other like devices.

Section 9. Penalties No water customer of the City of Chino Hills shall knowingly use, or permit the use of water in a manner contrary to any provision of this Ordinance, or in an amount in excess of that use permitted by the provisions of this Ordinance.

Unless otherwise provided, any person firm or corporation violating any provision of this Ordinance shall be guilty of an infraction or misdemeanor as herein specified, and each day or portion thereof such violation is in existence shall be a new and separate offense.

Any person so convicted shall be:

a. Guilty of an infraction offense and punished by a fine of not less than twenty-five dollars (\$25) but not exceeding fifty dollars (\$50) for a first violation during any calendar year or period of declared Water Conservation Alert (Moderate, High, or Severe), whichever time period is shorter;

b. Guilty of an infraction offense and punished by a fine not less than fifty dollars (\$50) and not exceeding one hundred (\$100) for a second violation during any calendar year or period of declared Water Conservation Alert (Moderate, High, or Severe), whichever time period is shorter;

c. On conviction of a third violation, guilty of a misdemeanor offense and shall be punished by a fine not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), during any calendar year or period of declared Water Conservation Alert, whichever is less.

In addition, to the above penalties, the City may file an action for civil abatement and at the discretion of the court, be entitled to reimbursement for all necessary costs incurred through investigation, discovery, analysis, inspection, abatement and other actual costs incurred by the City or its agents pertaining to the violation.

The court shall fix the amount of any such reimbursements upon submission of proof of such costs by the City. Payment of any penalty herein provided shall not relieve a person, firm or corporation, or other entity from the responsibility of correcting the condition resulting from the violation.

In addition to the above, the City Manager or his/her designee is hereby empowered to enact other penalties and restrictive measures including by not limited to the following: placement of a flow restricting device upon the water service, locking off of a water meter, removal of a water meter, and shutting off of a mainline.

Section 10. Compliance The Water Conservation Program Coordinator and City Code Enforcement Office shall enforce the provisions of this Ordinance.

Section 11. Severability If any section, subsection, clause or phrase in the Ordinance, or application thereof to any person or circumstances, is for any reason held invalid, the validity of the remainder of the Ordinance or the application of such provision to other persons or circumstances shall not be affected thereby. The City Council of the City of Chino Hills hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstances be held invalid.

Section 12. Certification The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED AND ADOPTED this 11th day of June, 1996

Ed Graham
ED GRAHAM, MAYOR

ATTEST:

Linda D. Ruth
LINDA D. RUTH, CITY CLERK

APPROVED AS TO FORM:

Mark Hensley
MARK HENSLEY, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF CHINO HILLS)

I, LINDA D. RUTH, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that the foregoing Ordinance No. 83 was duly passed and adopted at a regular meeting of the Chino Hills City Council held on the 11th day of June 1996, with the following roll call, to wit:

AYES: COUNCIL MEMBERS: GRAHAM, THALMAN, LARSON, WICKMAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NORTON-PERRY

Linda D. Ruth
LINDA D. RUTH, CITY CLERK

(SEAL)

The foregoing is the original of Ordinance No. 83 duly passed and adopted by the Chino Hills City Council at their regular meeting on June 11, 1996.

Linda D. Ruth
LINDA D. RUTH, CITY CLERK

(SEAL)

TITLE 6. SANITATION AND HEALTH

CHAPTER 8A: EMERGENCY WATER CONSERVATION

CHAPTER 8A: EMERGENCY WATER CONSERVATION

RECEIVED
OCT 04 2005
I.E.U.A.

- 6-8.20 Scope and title
- 6-8.21 Statement of policy and declaration of purpose
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Sec. 6-8.20. Scope and title.

This chapter shall be known as "The Emergency Water Conservation Plan of the City of Ontario."

(§ 1, Ord. 2500)

Sec. 6-8.21. Statement of policy and declaration of purpose.

(a) Because of the water supply conditions prevailing in the City and/or the area from which the City obtains a portion of its supply, the general welfare requires that the water resources available to the City of Ontario be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use of water be prevented and that the conservation of such water be practiced with a view to that reasonable and beneficial use thereof in the interest of the people of the City.

(b) The purpose of this chapter is to provide a mandatory water conservation plan to minimize the effect of a shortage of water supplies on the water customers of the City during a water shortage emergency.

(§ 1, Ord. 2500)

Sec. 6-8.22. Authorization to implement water conservation ordinance.

(a) The City Council is authorized to implement the provisions of this chapter, following the public hearing required by subsection (b) of this section, upon its determination that such implementation is necessary to protect the public welfare and safety.

(b) Prior to implementation of this chapter, the City Council shall hold a public hearing for the purpose of determining whether a shortage exists and which measures provided by this chapter should be implemented. Notice of the time and place of the public hearing shall be published not less than ten (10) days before the hearing in a newspaper of general circulation within the City.

(c) The City Council shall issue its determination of shortage and corrective measures by public proclamation published in a daily newspaper of general circulation within the City. Any prohibitions on the use of water shall become effective immediately upon such publication. Any provisions requiring curtailment in the use of water shall become effective with the first full billing period commencing on or after the date of such publication.

(§ 1, Ord. 2500)

Sec. 6-8.23. General prohibitions.

No water customer of the City shall make, cause, use, or permit the use of water from the City in a manner contrary to any provision of this chapter or in an amount in excess of the use permitted by any curtailment provisions then in effect pursuant to action taken by the City Council in accordance with the provisions of this chapter.

(§ 1, Ord. 2500)

Sec. 6-8.24. Phase I shortage.

(a) A Phase I shortage may be declared when the City Council determines that it is likely that the City will suffer a shortage of up to ten percent (10%) shortage in its water supplies.

(b) The following restrictions on the use of water shall be in effect during a Phase I shortage:

(1) There shall be no hose washing of sidewalks, walkways, driveways, parking areas or other paved surfaces, except as required for sanitary purposes;

(2) Washing of motor vehicles, trailers, boats and other types of mobile equipment shall be done only with a hand-held bucket or a hose equipped with a positive shutoff nozzle for quick rinses, except that washing may be done at the immediate premises of a commercial car wash or with reclaimed wastewater.

(3) No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures unless such water is part of a recycling system.

(4) No restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale, shall serve drinking water to any customer unless expressly requested.

(5) All water customers of the City shall promptly repair all leaks from indoor and outdoor

plumbing fixtures.

(6) No lawn, landscape or other turf area shall be watered more often than every other day and during the hours between 10:00 a.m. and 4:00 p.m.; except that this provision shall not apply to commercial nurseries, golf courses and other water-dependent industries.

(7) No water customer of the City shall cause or allow the water to run off landscape areas into adjoining streets, sidewalks or other paved areas due to incorrectly directed or maintained sprinkler or excessive watering.

(§ 1, Ord. 2500)

Sec. 6-8.25. Phase II shortage.

(a) A Phase II shortage may be declared when the City Council determines that it is likely that the City will suffer a shortage of more than ten percent (10%) but less than twenty percent (20%) in its water supplies.

(b) The following restrictions on the use of water shall be in effect during a Phase II shortage:

(1) The restrictions listed in § 6-8.24(b) shall be in effect, except that the restrictions on watering lawn, landscape or other turf shall be modified to prohibit more often than every third day between the hours of 6:00 a.m. and 6:00 p.m.

(2) Commercial nurseries, golf courses and other water-dependent industries shall be prohibited from watering lawn, landscape or other turf areas more often than every other day and between the hours of 10:00 a.m. and 4:00 p.m.; except that there shall be no restriction on water utilizing reclaimed wastewater.

(c) No water customer of the City shall make, cause, use or permit the use of water from the City for any purpose in an amount in excess of eighty-five percent (85%) of the amount used on the customer's premises during the corresponding billing period during the prior calendar year.

(§ 1, Ord. 2500)

Sec. 6-8.26. Phase III shortage.

(a) A Phase III shortage may be declared whenever the City Council determines that it is likely that the City will suffer a shortage of more than twenty percent (20%) in its water supplies.

(b) The following restrictions on the use of water shall be in effect during a Phase III shortage:

(1) The restrictions listed in § 6-8.25(b) shall be in effect, except that there shall be no residential outside watering of lawn, landscaping and other turf areas at any time except by bucket.

(2) Commercial nurseries, golf courses and other water dependent industries shall be prohibited from watering lawn, landscaping and other turf areas more often than every third day and between the hours of 6:00 a.m. and 6:00 p.m.; except that there shall be no restriction on watering utilizing reclaimed water.

(3) The use of water from fire hydrants shall be limited to fire fighting and related activities and other uses of water for municipal purposes shall be limited to activities necessary to maintain the public health, safety and welfare.

(c) No water customer of the City shall make, cause, use or permit the use of water from the City for any purpose in an amount in excess of eighty percent (80%) of the amount used on the customers premises during the corresponding billing period of the prior calendar year.

(§ 1, Ord. 2500)

Sec. 6-8.27. Relief from compliance.

(a) A water customer of the City may file an application for relief from any provisions of this Chapter. The City Manager shall develop such procedures as he considers necessary to resolve such applications and shall, upon the filing by a water customer of an application for relief, take such steps as he or she deems reasonable to resolve the application for relief. The decision of the City Manager shall be final. The City Manager may delegate his or her duties and responsibilities under this section as appropriate.

(b) The application for relief may include a request that the water customer be relieved, in whole or in part, from the water use curtailment provisions of §§ 6-8.25(c) and 6-8.26(c).

(c) In determining whether to grant relief, and the nature of any relief, the City Manager shall take into consideration all relevant factors including but not limited to:

- (1) Whether any additional reduction in water consumption will result in unemployment;
- (2) Whether additional members have been added to the household;
- (3) Whether any additional landscaped property has been added to the property since the corresponding billing period of the prior calendar year;
- (4) Changes in vacancy factors in multi-family housing;
- (5) Increased number of employees in commercial, industrial and government offices;
- (6) Increased production requiring increased process water;
- (7) Water used during new construction;
- (8) Adjustments to water use caused by emergency health or safety hazards;
- (9) First filling of a permit-constructed swimming pool; and
- (10) Water use necessary for reasons related to family illness or health.

(d) In order to be considered, an application for relief must be filed with the City Clerk within fifteen (15) days after the date the provision from which the relief is sought becomes applicable to the applicant. No relief 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 areas in which relief is

being sought. No relief shall be granted to any water customer who, when requested by the City Manager, fails to provide any information necessary for resolution of the customer's application for relief.

(§ 1, Ord. 2500)

Sec. 6-8.28. Failure to comply.

(a) For each violation by any customer of the water use curtailment provisions of §§ 6-8.25(c) and 6-8.26(c), a surcharge shall be imposed in an amount equal to one hundred percent (100%) of the portions of the water bill that exceeds the respective percentages set in those two subsections.

(b) Violations by any water customer of the water use prohibitions of § 6-8.23, or subsection (b) of § 6-8.24, 6-8.25, and 6-8.26 shall be penalized as follows:

(1) First violation. The City shall issue a written notice of the fact of a first violation to the water customer.

(2) Second violation. For a second violation during any one water shortage emergency, the City shall impose a surcharge in an amount of Fifty Dollars (\$50.00) added to the water customer's water bill.

(3) Third violation. For a third violation during any one water shortage emergency, the City shall impose a surcharge in an amount of One Hundred Dollars (\$100.00) added to the water customer's water bill.

(4) After a fourth and any subsequent violation during any one water shortage emergency, the City shall impose a surcharge in an amount of One Hundred Fifty Dollars (\$150.00) added to the customer's water bill.

(5) Fourth and subsequent violations. After a fourth violation during any one water shortage emergency, the City may install a flow restricting device of one (1) gallon per minute capacity for services up to one and one-half (1½) inch size, and comparatively sized restrictors for larger services, on the service of the customer at the premises at which the violation occurred for a period of not less than forty-eight (48) hours. The City shall charge the water customer the reasonable costs incurred for installing and for removing the flow-restricting devices and for restoration of normal service. The charge shall be paid before normal service can be restored. In addition, the surcharge provided in subsection (b)(4) of this section shall be imposed.

(c) The City shall give notice of violation to the water customer committing the violation as follows:

(1) Notice of violation of the water use curtailment provisions of §§ 6-8.25(c) and 6-8.26(c) or of first violations of water use prohibitions of § 6-8.23 or of subsection (b) of § 6-8.24, 6-8.25 and 6-8.26 given in writing by regular mail to the address at which the water customer is normally billed.

(2) Notice of second or subsequent violations of the water use prohibitions of § 6-8.23 or subsection (b) of § 6-8.24, 6-8.25 and 6-8.26 shall be given in writing in the following manner:

(i) By giving the notice to the water customer personally;

(ii) If the water 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 address at which the water customer is normally billed; or

(iii) If a person of suitable age or discretion cannot be found, then 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 address at which the customer is normally billed.

(d) The notice shall contain a description of the facts of the violation, a statement of the possible penalties for each violation on the merits of the violation pursuant to § 6-8.28.

(§ 1, Ord. 2500)

Sec. 6-8.29. Hearing regarding violations.

(a) Any water customer receiving notice of a second or subsequent violation of §§ 6-8.23, 6-8.24 (b), 6-8.25(b), or 6-8.26(b) shall have a right to a hearing by the City Manager of the City within fifteen (15) days of mailing or other delivery of the notice of violation.

(b) The water customer's timely written request for a hearing shall automatically stay installation of flow-restricting device on the customer's premises until after the City Manager renders his or her decision.

(c) The water customer's timely written request for a hearing shall not stay the imposition of a surcharge unless within the time period to request a hearing, the water customer deposits with the City money in the amount of any unpaid surcharge due. If it is determined that the surcharge was wrongly assessed, the City will refund any money deposited to the water customer.

(d) The decision of the City Manager shall be final except for judicial review.

(e) The City Manager may delegate his duties and responsibilities under this section as appropriate.

(§ 1, Ord. 2500)

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND AMENDING PART 3, WATER CONSERVATION, SECTIONS 7730 - 7743.

THE CITY COUNCIL OF THE CITY OF UPLAND DOES HEREBY ORDAIN AS FOLLOWS:

WHEREAS, THE CITY COUNCIL IS CONCERNED THAT OUR PRECIOUS WATER RESOURCES ARE PROTECTED SO THAT CITY WATER USERS CAN EXPECT TO RECEIVE A RELIABLE SUPPLY OF QUALITY WATER ON DEMAND, AND;

WHEREAS, THE CITY HAS A RESPONSIBILITY TO PROVIDE WATER TO RESIDENTS THROUGH THE CREATION AND MAINTENANCE OF THE INFRASTRUCTURE NECESSARY TO PUMP, STORE AND DISTRIBUTE WATER, AND;

WHEREAS, THE CITY OF UPLAND MUNICIPAL CODE HAS NOT BEEN UPDATED SINCE 1992 TO INCORPORATE CHANGES IN TECHNOLOGY AND BEST MANAGEMENT PRACTICES;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

PART 3. WATER CONSERVATION

Section 7730.00. Generally

.010 *Declaration of policy.* It is hereby declared that because of the water conditions prevailing in the city, the general welfare requires that the water resources available to the City, Region and State be put to the maximum beneficial use, that the waste or unreasonable use of water be prevented, and that the conservation of water is to be encouraged at all times.

.020 *Authorization.*
The City Manager shall request the City Council to declare that demand for water is anticipated to be in excess of supply, immediately after it appears that such a situation exists or is threatened, if the City Council is in session. If the council is not in session, the City Manager shall immediately cause a request for a special meeting of the City Council to be delivered to each council person who can be located.

The City Council shall have the power to declare the necessity to implement the applicable provisions of this part when in their opinion the demand for water consumption exceeds the city's available supply (allowing for a safe reserve), or threatens to do so, provided there are no immediate resources available to remedy the situation. Said declaration shall be made by public

announcement and shall be published in a newspaper of general circulation and shall become effective immediately upon such publication.

.030 *Application.*

The provisions of this chapter shall apply to all persons, customers within the City of Upland, or property utilizing city water wherever situated.

.040 *Presumption.*

For purposes of this chapter, it shall be presumed that a person, corporation or association in whose name the water utility of the city is or was last billed or who is receiving the economic benefit of said water supply has knowingly made, caused, used or permitted the use of water received from the city for a purpose in a manner contrary to any provision of this chapter.

Section 7731.00. Penalties

.010 *Compliance; guidelines.*

No customer of the City of Upland or person who uses water within the City of Upland shall knowingly use, or permit the use of water in a manner contrary to any provision of this part, or in an amount in excess of that use permitted by the provisions of this chapter or that is reasonably necessary to satisfy the water usage need.

Unless otherwise provided, any person, firm or corporation violating any provision of said Chapter 7 as adopted by reference above, other than the provisions of section 7737 through 7740 of this Code, shall be guilty of an infraction or misdemeanor as hereinafter specified at the City's discretion, and each day or portion thereof such violation is in existence shall be a new and separate offense.

Any person so convicted shall be:

.020 Guilty of an infraction offense and punished by a fine of not less than twenty-five dollars (\$25.00) but not exceeding fifty dollars (\$50.00) for a first violation during any calendar year or declared conservation stage, whichever time period is shorter in duration;

.030 Guilty of an infraction offense and punished by a fine not less than fifty dollars (\$50.00) and not exceeding one hundred dollars (\$100.00) for a second violation during any calendar year or declared conservation stage, whichever time period is shorter in duration;

.040 On conviction of a third violation, guilty of a misdemeanor offense and shall be punished by a fine not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) during any calendar year or declared conservation stage, whichever time period is shorter in duration.

- .050 Notwithstanding the above, first or second offense may be charged and prosecuted as a misdemeanor at the City's sole discretion. In addition to the above penalties, such convicted person, firm, corporation or other entity may, in the discretion of the court, be ordered to reimburse the city for all necessary costs incurred through investigation, discovery, analysis, inspection, abatement and other actual costs incurred by the city or its agents pertaining to the violation.

The court shall fix the amount of any such reimbursements upon submission of proof of such costs by the city. Payment of any penalty herein provided shall not relieve a person, firm or corporation, or other entity from the responsibility of correcting the condition resulting from the violation.

- .060 In addition to the above, the water utility director is hereby empowered to enact other penalties and restrictive measures that are intended to abate the conductor circumstances comprising the violation, including but not limited to the following: placement of a flow restricting device upon the water service, locking off of water meter, removal of water meter, and shutting off of the service line valve.

Section 7732.00. Conservation Program – Year Round Stage

The following activities are hereby prohibited:

- .010 The washing of sidewalks, walkways, driveways, public and private parking areas and all other impervious hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;
- .011 Excessive or unreasonable run off of water or unreasonable spray of the areas being watered. Every customer is deemed to have his/her water system under control at all times, to know the manner and extent of this water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
- .020 Allowing, permitting or causing the escape of water through breaks or leaks within the customers plumbing or private water distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the city of a break or leak, is a reasonable time within which to correct such break or leak, or, at a minimum, to stop the flow of water from such break or leak;
- .030 Outdoor irrigation of landscape by sprinklers during the hours of 10:00 a.m. to 6:00 p.m. Citizens are encouraged to avoid the use of sprinklers on windy

days. Irrigation by hand held hose, drip irrigation, hand held bucket, or similar container or by use of a cleaning machine equipped to recycle any water used are permitted anytime. In no event shall any water so used be permitted to run off into adjacent property, streets, alleys or storm drains;

- .040 Washing of automobiles, trucks, trailers, boats, airplanes, and other types of equipment (mobile or otherwise) unless done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use to ensure the water supply is shutoff. However, this section does not apply to the washing of the above-listed vehicles or mobile equipment when conducted on the immediate premises of a commercial carwash;
- .050 All eating and drinking establishments of any kind including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall not provide drinking water to any person unless expressly requested.
- .060 *Exceptions:* None of these restrictions shall apply to the following:
 - .061 The routine and necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as construction projects and for the cleaning of streets to prevent debris and harmful substances from entering water systems via storm drains;
 - .062 The necessary use of water for the routine maintenance and/or repair of water distribution facilities, residential and commercial plumbing and permanently installed landscaped irrigation systems.

Section 7733.00. Conservation Program – Moderate Shortage Stage

In the event the City Council determines that the measures outlined in section 7732.00 fail to produce a sufficient reduction in demand so as to produce a sufficient supply, the use of water within the city shall be additionally restricted and the following provisions shall become effective upon a declaration by the City Council and publication of same as follows:

- .010 The washing of sidewalks, walkways, driveways, public and private parking areas and all other impervious hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;
- .020 Excessive or unreasonable run off of water or unreasonable spray of the areas being watered is prohibited. Every customer is deemed to have his/her water system under control at all times, to know the manner and extent of

this water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;

- .030 Allowing, permitting or causing the escape of water through breaks or leaks within the customers plumbing or private water distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the city of a break or leak, is a reasonable time within which to correct such break or leak, or, at a minimum, to stop the flow of water from such break or leak;
- .040 Outdoor irrigation of landscape by sprinklers is permitted only on even days of the month for those locations having a street address with an even last digit. Outdoor irrigation by sprinklers is permitted only on odd days of the month for those locations having a street address with an odd last digit. Outdoor irrigation for locations not having a street address shall occur on even days of the month if located west of San Antonio Avenue or only on odd days of the month if located east of San Antonio Avenue. No outdoor irrigation shall take place between the hours of 10:00 a.m. and 6:00 p.m. Irrigation by hand held hose, drip irrigation, hand held bucket, or similar container or by use of a cleaning machine equipped to recycle any water used are permitted anytime. In no event shall any water so used be permitted to run off into adjacent property, streets, alleys or storm drains;
- .050 *Washing of vehicles, trailers, boats, airplanes and mobile equipment:*
 - .051 The washing of automobiles, trucks, trailers, boats, airplanes and other types of equipment (mobile or otherwise) is prohibited except on the designated outdoor water use days pursuant to section 7733.030 between the hours of 12:00 midnight to 12:00 noon and sundown to 12:00 midnight. Such washing, when allowed, shall be done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use to ensure the water supply is shutoff;
 - .052 No individual, firm or business that regularly washes vehicles for remuneration or provides facilities for customers to do so through coin operated machinery shall be permitted to operate such a business unless their place of business is equipped and operating to approved city standards with equipment to recycle water for use within their facility;
 - .053 Trucks, trailers and other types of mobile equipment (such as garbage trucks and vehicles used to transport food and other perishables) when said washing is necessary in order to protect the health, safety and welfare of the public, shall be restricted to the hours of sundown to noon. Such washing, when allowed, shall be done with a hand held

bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use;

- .054 Nonprofit and community based organizations' fundraising car washes shall be allowed, provided they are otherwise in accordance with all other provisions of the Upland Municipal Code and this section, and have obtained a permit to operate a nonprofit carwash* from the Finance Department, the cost of same to be five dollars (\$5.00), which sum is found to cover the City's costs to issue said permit. Such activities shall be limited to no more than two (2) times in one (1) month. Permit shall become void upon the effective date of the declaration of severe shortage.
- .060 All eating and drinking establishments of any kind including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall only provide drinking water to any person unless expressly requested.
- .070 The refilling or adding of water to swimming pools is prohibited except on designated outdoor water use days, which shall be the same days as outdoor watering is permitted pursuant to section 7733.030.
- .080 Any non-business, operation related pond, ornamental fountain or other structure making similar use of water is prohibited.
- .090 The irrigation of golf course fairways is prohibited. This section shall not apply to the irrigation of any golf course solely with reclaimed wastewater.
- .100 The use of water from fire hydrants shall be limited to firefighting and emergency related activities and/or other activities necessary to maintain the health, safety, and welfare of the citizens of Upland. This restriction shall not apply to businesses, which require the use of water for land development and building construction processes, pursuant to prior written approval by the Review Board as defined in section 7736.00.
- .110 *Exceptions:* None of the moderate shortage restrictions shall apply to the following uses of water:
 - .111 The routine and necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as construction projects and for the cleaning of streets to prevent debris and harmful substances from entering water systems via storm drains;

* Editor's Note: A copy of an application for a permit to operate a nonprofit carwash, referred to herein may be found on file in the Finance Department and Water Department.

- .112 The routine and necessary use of water, other than for landscape irrigation, for land development (e.g., roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes;
- .113 The necessary use of water for the routine maintenance and/or repair of water distribution facilities, residential and commercial plumbing and permanently installed landscape irrigation systems;
- .114 The use of water necessary to irrigate large, landscaped areas in commercial and institutional establishments as authorized by the terms and conditions of an approved compliance agreement issued by the Review Board, as defined in section 7736.00;
- .115 The use of water pursuant to the approved terms and conditions of a variance granted by the Review Board as defined in section 7736.00.

Section 7734.00. Conservation Program – High Shortage Stage

In the event the City Council determines that the measures outlined in section 7733.00 fail to produce a sufficient reduction in demand so as to produce a sufficient supply, the use of water within the city shall be additionally restricted and the following provisions shall become effective upon a declaration by the City Council and publication of same as follows:

- .010 The washing of sidewalks, walkways, driveways, public and private parking areas and other impervious hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety is prohibited;
- .020 Excessive run off of water or unreasonable spray of the areas being watered is prohibited. Every customer is deemed to have his/her water system under control at all times, to know the manner and extent of this water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
- .030 Allowing, permitting or causing the escape of water through breaks or leaks within the customers plumbing or private water distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the city of a break or leak, is a reasonable time within which to correct such break or leak, or, at a minimum, to stop the flow of water from such break or leak;

- .040 Outdoor irrigation of landscape by sprinklers is permitted only on Wednesday and Sunday for those locations having street address with an even last digit. Outdoor irrigation by sprinklers is permitted only on Tuesday and Saturday for those locations having a street address with an odd last digit. Outdoor irrigation for locations not having a street address shall occur on Wednesday and Sunday if located west of San Antonio Avenue or only on Tuesday and Saturday if located east of San Antonio Avenue. No outdoor irrigation shall take place between 6:00 a.m. until one (1) hour before sundown. Irrigation by hand held hose, drip irrigation, or hand held bucket or similar container or by use of a cleaning machine equipped to recycle any water used are permitted anytime. In no event shall any water so used be permitted to run off into adjacent property, streets, alleys or storm drains;
- .050 *Washing of vehicles, trailers, boats, airplanes and mobile equipment:*
- .051 The washing of automobiles, trucks, trailers, boats, airplanes and other types of equipment (mobile or otherwise) is prohibited except on the designated outdoor water use days pursuant to section 7734.040 between the hours of 12:00 midnight to 12:00 noon and sundown to 12:00 midnight. Such washing, when allowed, shall be done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use to ensure the water supply is shutoff;
- .052 No individual, firm or business that regularly washes vehicles for remuneration or provides facilities for customers to do so through coin operated machinery shall be permitted to operate such a business unless their place of business is equipped and operating to approved city standards with equipment to recycle water for use within their facility;
- .053 Trucks, trailers and other types of mobile equipment (such as garbage trucks and vehicles used to transport food and other perishables) when said washing is necessary in order to protect the health, safety and welfare of the public, shall be restricted to the hours of sundown to noon. Such washing, when allowed, shall be done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use;
- .054 Nonprofit and community based organizations' fundraising car washes shall be allowed, provided they are otherwise in accordance with all other provisions of the Upland Municipal Code and this section, and have obtained a permit to operate a nonprofit carwash* from the Finance Department, the cost of same to be five dollars (\$5.00), which sum is found to cover the City's costs to issue said permit. Such

* Editor's Note: A copy of an application for a permit to operate a nonprofit carwash, referred to herein may be found on file in the Finance Department and Water Department.

activities shall be limited to no more than two (2) times in one (1) month. Permit shall become void upon the effective date of the declaration of severe shortage.

- .060 All eating and drinking establishments of any kind whatsoever including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall only provide drinking water to any person unless expressly requested.
- .070 The refilling or adding of water to existing swimming pools is prohibited except on designated outdoor water use days which shall be the same days as outdoor water is permitted pursuant to section 7734.040. New pool construction filling shall be by permit only.
- .080 Any non-business, operation related pond, ornamental fountain or other structure making similar use of water is prohibited.
- .090 The waters of golf course tee areas and fairways is prohibited unless done with reclaimed wastewater.
- .100 The use of water from fire hydrants shall be limited to firefighting and emergency related activities and/or other activities necessary to maintain the health, safety, and welfare of the citizens of Upland. This restriction shall not apply to businesses, which require the use of water for land development and building construction processes, pursuant to prior written approval by the Review Board as defined in section 7736.00.
- .110 *Exceptions:* None of the high shortage restrictions shall apply to the following uses of water, provided there is prior written approval by the Review Board as defined in section 7736.00:
 - .111 The routine and necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as construction projects and for the cleaning of streets to prevent debris and harmful substances from entering water systems via storm drains;
 - .112 The routine and necessary use of water, other than for landscape irrigation, for land development (e.g., roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes;
 - .113 The necessary use of water for the routine maintenance and/or repair of water distribution facilities, residential and commercial plumbing and permanently installed landscape irrigation systems;
 - .114 The use of water necessary to irrigate large landscaped areas in commercial and institutional establishments as authorized by the

terms and conditions of an approved compliance agreement is issued by the Review Board, as defined in section 7736.00.

Section 7735.00. CONSERVATION PROGRAM – SEVERE SHORTAGE STAGE

In the event the City Council determines that the measures outlined in section 7734.00 fail to produce a sufficient reduction in demand so as to produce a sufficient supply, then the use of water within the city shall be additionally restricted and the following provisions shall become effective upon a declaration by the City Council and publication of same as follows:

- .010 The washing of sidewalks, walkways, driveways, public and private parking areas and other impervious hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety is prohibited;
- .020 Excessive run off of water or unreasonable spray of the areas being watered is prohibited. Every customer is deemed to have his/her water system under control at all times, to know the manner and extent of this water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
- .030 Allowing, permitting or causing the escape of water through breaks or leaks within the customers plumbing or private water distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the city of a break or leak, is a reasonable time within which to correct such break or leak, or, at a minimum, to stop the flow of water from such break or leak;
- .040 Outdoor irrigation of landscape by sprinklers is permitted only on Sunday for those locations having street address with an even last digit. Outdoor irrigation by sprinklers is permitted only on Saturday for those locations having a street address with an odd last digit. Outdoor irrigation for locations not having a street address shall occur on Sunday if located west of San Antonio Avenue or only on Tuesday and Saturday if located east of San Antonio Avenue. No outdoor irrigation shall take place between 6:00 a.m. until one (1) hour before sundown. Irrigation by hand held hoses, drip irrigation, or hand held bucket, or similar container or by use of a cleaning machine equipped to recycle any water used are permitted anytime. In no event shall any water so used be permitted to run off into adjacent property, streets, alleys or storm drains;
- .050 *Washing of vehicles, trailers, boats, airplanes and mobile equipment.*

- .051 The washing of automobiles, trucks, trailers, boats, airplanes, and other types of equipment (mobile or otherwise) is prohibited except as provided elsewhere in this section;
- .052 No individual, firm or business that regularly washes vehicles for remuneration or provides facilities for customers to do so through coin operated machinery shall be permitted to operate such a business unless their place of business is equipped and operating to approved city standards with equipment to recycle water for use within their facility. Washing of vehicles in such facilities shall occur only between the hours of 6:00 a.m. and 12:00 noon;
- .053 Trucks, trailers, and other types of mobile equipment (such as garbage trucks and vehicles used to transport food and other perishables) when said washing is necessary in order to protect the health, safety and welfare of the public, shall be restricted to the hours of sundown to 12:00 noon. Such washing when allowed, shall be done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use.
- .060 All eating and drinking establishments of any kind including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall only provide drinking water to any person unless expressly requested.
- .070 Washing sidewalks, driveways, public and private parking areas, tennis courts, patios, or other paved areas, except to alleviate an immediate health hazard is prohibited.
- .080 The refilling or adding of water to existing swimming pools is prohibited except on designated outdoor water use days which shall be the same days as outdoor water is permitted pursuant to section 7735.030. New pool construction filling shall be by permit only.
- .090 Any non-business, operation related pond, ornamental fountain or other structure making similar use of water is prohibited.
- .100 The watering of golf course tee areas and fairways is prohibited unless done with reclaimed wastewater.

Section 7736.00. IMPLEMENTATION

- .010 *Review board; variances, permits and compliance agreements.* A Review Board is hereby established to review special cases, which cannot follow the letter of this part. Said Review Board shall consist of the Water Utility Director, the City Engineer, the Fire Chief, the City Planning Director and the City Attorney, or their appointed representative.

- .011 Appeal of Review Board decisions shall be made to the City Council. It is the purpose of the Review Board to review special cases and to determine whether or not said case warrants a variance, permit or compliance agreement including conditions of approval. Said board shall consider the facts of each case and decide whether to grant a variance or a permit or to enter into a compliance agreement within five (5) working days of the receipt of a properly completed "Application for Variance/Permit/Compliance Agreement" form.*
- .012 A variance shall be granted only for reasons of economic hardship, which is defined as a threat to an individual business's primary source of income. (Under no circumstances shall inconvenience or the potential for damage of landscaping be considered an economic hardship, which justifies a variance.) The board shall authorize only the implementation of equitable water use restrictions, which further the purpose and intent of the water conservation plan. The special water use restrictions authorized by the board in each case shall be set forth on the face of the variance, permit or compliance agreement. A nonrefundable fee of fifty dollars (\$50.00) per permit application for all requests shall be assessed to reimburse the City for administrative costs.
- .020 A variance or permit issued under moderate shortage shall not be valid upon implementation of high or severe shortage stages unless the permit specifically addresses either or both of those stages upon initial issuance. Said multi-stage permit would have to reflect significant additional savings of water, or nonuse of water, under progressively more critical shortage stages. A variance or permit shall expire under its own terms and conditions and/or when another water conservation stage is in effect.
- .021 *Exception:* If, within the period of the permit, the conservation stage for which the permit was originally issued is reinstated, the permit will be considered valid until the original expiration date, as long as that conservation stage is in effect.
- .030 Any person, corporation or association who is issued a variance or permit and makes use of water pursuant to said variance, permit or compliance agreement shall provide proof of said variance, permit or compliance agreement upon demand by any peace officer or person authorized by the city to enforce this chapter.
- .040 Upon conviction of a person, corporation or association of violating any provision of this part, the Review Board shall revoke any permit, variance, or compliance agreement previously granted. However, the board shall notify

* Editor's Note: A copy of the "Application for Variance/Permit/Compliance Agreement," referred to herein, may be found on file in the Finance Department and Water Department.

applicant of the proposed revocation five (5) working days before taking such action, and applicant shall be given the opportunity to be heard by the Review Board prior to its taking such action.

- .050 Persons wishing to appeal the decision of the Review Board shall have the right of appeal to the City Council. Appeal shall be made in writing within ten (10) working days of the Review Board decision. The decision of the City Council shall be final.

PART 4. WATER CONSERVATION RETROFIT

Section 7737.00. RETROFIT

.010 *Findings and objectives.*

.011 Water is a precious commodity of limited supply. The City Council is the trustee of the City's domestic water supply. The general welfare of the citizens of Upland and its environs requires that the water resources available to the city be utilized with maximum efficiency.

Section 7738.00. APPLICATION

.010 When the owner(s) of a facility listed in this Section replaces any plumbing fixture as defined in Section 7739.00, the plumbing fixture shall be replaced with a water conserving plumbing fixture as set forth in Section 7739.00 or otherwise required by law. The provisions of this part shall apply to the following facilities:

.011 Single-family residences and apartment buildings:

.012 Commercial buildings;

.013 Hotels and motels;

.014 Health and fitness centers;

.015 Schools and day care centers;

.016 Shopping centers and malls.

.020 *The provisions of this part shall not apply to the following facilities:*

.021 Facilities equipped with water-conserving plumbing fixtures, which meet plumbing device specifications approved by the city building inspection department, pursuant to this part.

- .022 Facilities wherein water use fixtures cannot be retrofitted to achieve further water use reduction, as determined by the Chief Building Official, pursuant to this part and recorded in the City's permanent records.
- .023 Facilities wherein water use reduction would threaten health and/or safety or historical cultural value of a structure, where such condition is documented by affidavit submitted to and approved by the chief building officials.
- .024 Facilities wherein retrofitting for water use reduction cannot be done so as to ensure a three-year simple pay-back period, as determined by the chief building official on the basis of generally accepted business principles. Simple payback is based upon contractor-installed cost of labor and material.

Section 7739.00. DEFINITIONS

In this chapter, the following special terms have the following meanings:

Aerator: A device attached to a faucet outlet which reduces flow by introducing air bubbles into the water stream, thereby reducing the degree of splashing and creating the appearance of a greater flow than actually exists.

City water utility customer: Any individual, association, corporation, partnership or entity which obtains all or a portion of its water supply from the city.

Flow restrictor: An in-line device incorporated into a faucet to reduce the opening through which water passes, thereby yielding a maximum flow increasing roughly in proportion to water pressure.

Flush tank water saver: A flexible, double-edged panel to be used as a dam to withhold part of the flush tank water that would normally drain into the bowl upon flushing.

Flush valve water saver: A device installed in flush valves of commercial toilets and urinals in order to shorten the flush cycle and reduce the volume of water flow during flush.

Low flow self-cleaning showerhead: A showerhead device, furnished with one-half-inch IP thread to fit standard shower arms, designed to provide dispersed water flow and contain built-in mechanism to reduce the amount of water allowed to flow when operating. The device is also capable of automatically cleaning debris such as mineral deposits, rust scale or other impurities from the water channels or pores located in the showerhead without the use of special tools.

Owner: Any individual, association, nonprofit corporation, professional association, joint stock company, corporation, proprietorship, partnership or joint venture, having a freehold interest in a facility listed in section 7738.00 herein.

Spray tap: A faucet, which delivers water in a broad pattern of droplets and is capable of reducing the flow rate to one or two (2) gallons per minute (gpm).

Water conservation retrofit: The modification and/or replacement of fixtures or trim with fixtures and trim not exceeding the following flow rates and/or water usage. These rates are based on a pressure at the fixture of twenty (20) to eighty (80) psi.

	Gallons
(1) Toilets, tank type, per flush	1.6
(2) Urinals, tank type, per flush	1.0
(3) Showerheads, per minute	2.5
(4) Bathroom and kitchen faucets, per minute	2.2

Section 7740.00. WATER CONSERVATION STANDARDS

.010 *Toilets.* The owner of a facility listed in section 7738.00 herein, where such facility itself, or the individual tenants or users of such facility are city water utility customers, shall install and maintain toilet(s) conforming to the specification indicated in section 7739.00.

.020 *Enforcement.*

.021 As of May 23, 1990, the violation of Section 7737 through section 7740 of the Upland Municipal Code shall be a misdemeanor offense and upon conviction, any person violating these sections shall be punished by a fine of not less than one hundred dollars (\$100.00), nor more than two hundred dollars (\$200.00) or by imprisonment in the county jail not exceeding six (6) months or both.

.022 An alleged violator of this chapter shall be given written notice thereof and seventy-two (72) hours within which to install, repair or replace the required water conservation devices. Failure to do so will give rise to a presumption of intent to violate this chapter thereafter.

.023 Each day a violation of this chapter continues shall constitute a distinct and separate offense.

.024 Nothing herein shall limit the City's authority to seek injunctive or other civil relief available under the law.

Section 7741.00. WATER CONSERVING PLUMBING FIXTURES FOR NEW CONSTRUCTION

- .010 No certificate of occupancy shall be issued for any new construction unless all plumbing fixtures to be installed meet the requirements set forth in subsection .020 notwithstanding compliance with any other building or plumbing code. As used in this section, new construction means any construction of a previously nonexistent structure requiring a building permit or other discretionary permit issued after the effective date of the ordinance adopting this section.
- .020 *All plumbing fixtures installed in new construction shall meet the following requirements:*
- .021 Toilets and associated flush valves shall be rated at not more than 1.6 gallons per flush,
- .022 Urinals and associated flush valves shall be rated at not more than 1.0 gallon per flush,
- .023 Showerheads shall have a rated flow of 2.5 gallons per minute or less,
- .024 Bathroom faucets shall have aerators or laminar flow devices together with flow control inserts; valves, devices or orifices that restrict flow to a maximum of approximately 2.2 gallons per minute.
- .025 City staff shall advise all persons seeking permits for new construction of the plumbing fixture requirements set forth in this section.

Section 7742.00. REQUIREMENTS FOR INSTALLATION OF WATER CONSERVING TOILET FIXTURES

- .010 *Definitions.*
- .011 Water-Conserving Toilet Fixture: Any toilet and associated flush valve that use no more than 1.6 gallons of water per flush or urinals and associated flush valve that use no more than 1.0 gallons of water per flush.
- .020 *Mandatory Retrofit of all Toilets With Water Conserving Toilet Fixtures.*
- .021 All existing toilets in existing structures receiving water from the City's water system shall be retrofitted, if not already done, exclusively with water-conserving toilets as defined in Section 7742.020 of this ordinance on, or before January 1, 2006.
- .030 *Compliance and Penalties.*

.031 If the retrofit installation required by this regulation is not completed by the required date and the City later determines or finds that the work was not done or was not completed or that the water conserving toilet fixtures are no longer present, the City may, at its discretion assess a fine of \$500 to the owner of the property. Prior to the imposition of any fine the owner of the property will be provided a cure period of 30 days to demonstrate that the required retrofit work has in fact been done. A site inspection shall be required in such cases and the owner shall be charged a penalty of \$50 for each such site inspection as an added fee on the owner's plumbing permit. If the owner of the property fails to complete the required work after 30 days, water to the property shall be shut-off until such time as the property owner demonstrates compliance with this section.

.032 *Variances and Exemption.*

.0321 Any owner of real property may seek a variance or exemption from the retrofit requirement. The process shall be as set forth in Section 7736.00.

Section 7743.00. LANDSCAPE GUIDELINES

.010 *Purpose.*

.011 To promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible; to suggest a structure for designing, installing, and maintaining water efficient landscapes in new projects; and to recommend provisions for water management practices and water waste prevention for established landscapes.

.020 *Landscape Design.*

.021 It is recommended that the owner consult with a landscape design Professional when designing a new landscape or renovating an existing landscape.

.022 Plants having similar water use shall be grouped together and served by a valve or set of valves with the same schedule.

.023 Plants should be selected appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the landscape site. Protection and preservation of native species and natural areas is encouraged.

.030 *Water Features.*

- .031 Recirculating water should be used for decorative water features.
- .032 Pool and spa covers are encouraged.
- .040 *Irrigation Design.*
 - .041 It is recommended that the owner consult with an irrigation professional when installing automatic landscaping systems.
 - .042 Soil types and infiltration rate should be considered when designing irrigation systems. All irrigation systems should be designed to avoid runoff, low head drainage, over spray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, should be used to closely match application rates to infiltration rates therefore minimizing runoff.
 - .043 Special attention should be given to avoid runoff on slopes and to avoid over-spray in planting areas with a width less than ten feet.
 - .044 Controllers. Automatic control systems should accommodate all aspects of the design.
 - .045 Valves. Separate valves should irrigate plants, which require different amounts of water. If one valve is used for a given area, only plants with similar water use should be used in that area.
 - .046 Sprinkler Heads. Heads and emitters should have consistent application rates within each control valve circuit. Sprinkler heads should be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.
 - .047 Rain Sensing Override Devices. Rain sensing override devices should be required on all irrigation systems.
 - .048 Soil Moisture Sensing Devices. It is recommended that soil moisture sensing devices be considered where appropriate.
 - .049 Recycled Water. Recycled water should be used when and where practical.
- .050 Automatic irrigation systems should be operated by an electric time controller set for early morning irrigation. The controller shall support a minimum of three start times per irrigation day per valve (station) and shall permit programming each valve with individual run times.

Section 1. DECLARATION OF INVALID OR UNENFORCEABLE SECTION OF ORDINANCE

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The people of the City of Upland hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

The foregoing ordinance was PASSED, APPROVED AND ADOPTED by the City Council of the City of Upland on the _____ day of _____, 2005.

John V. Pomierski, Mayor

ATTEST:

Stephanie A. Mendenhall, City Clerk

I, Stephanie A. Mendenhall, City Clerk of the City of Upland, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Upland held on the _____ day of _____, 2005, and was adopted at 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Stephanie A. Mendenhall, City Clerk

ORDINANCE NO. 42

AN ORDINANCE OF THE CUCAMONGA VALLEY WATER DISTRICT
ESTABLISHING A WATER CONSERVATION PLAN FOR EMERGENCY
CONDITIONS OF WATER SUPPLY

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE
CUCAMONGA VALLEY WATER DISTRICT AS FOLLOWS:

Section 1. Statement of Policy and Declaration of Purpose

- (a) The Board of Directors (the "Board") of the Cucamonga Valley Water District (the "District") has determined that it would be in the best interest of the public, considering the cost and quantity of water supplies available to the District, to adopt a water conservation plan for emergency conditions based on voluntary conservation, increasing rates, and due process measures.
- (b) The purpose of this ordinance is to establish standards for a water conservation plan to minimize the effect of a water shortage during a period of drought or natural or manmade disaster.

Section 2. Statutory Authority

Pursuant to Water Code Section 350 et seq. and Section 375 et seq., the Board of Directors is authorized to declare a water shortage emergency and implement water conservation measures to (1) protect the health, safety, and welfare of the customers of the District, (2) assure the maximum beneficial use of the water supplies of the District, and (3) assure there will be sufficient water supplies to meet the basic needs of human consumption, sanitation, and fire protection.

Section 3. Implementation of the Provisions of the Water Conservation Plan

- (a) The Board of Directors shall authorize the implementation of the provisions of the Water Conservation Plan.
- (b) The authorization shall take the form of a public notice by the Board that an emergency condition exists in the District, or will exist in the near future. The notice shall include a statement of the severity of the condition, the provisions of the Water Conservation Plan to be implemented, and the time of implementation.
- (c) Prior to implementing the provisions of the Water Conservation Plan, the purpose of declaring an emergency condition, and to hear comments from the public. Notice of the time and place of the public hearing shall be published not less than 10 days before the hearing in a newspaper of general circulation within the District.

Section 4. Definition of Emergency Conditions of Water Supply

(a) There are three phases of emergency conditions established. The District has various sources of water and the partial or total loss of one or more sources may seriously impact the District's ability to meet water demands. The criteria for implementation shall be based on an assessment by management staff of the District's ability to meet normal water demands for a twelve month period. If it is determined that the District's ability to meet normal demand is less than 90 percent for the period in question, staff shall immediately recommend to the Board that an emergency condition be declared. Such recommendation shall include a statement of the severity of the condition, the phase of the Plan to be implemented, the time at which the phase should be implemented, and the estimated duration for implementation. The measures to be put in force under the three phases shall be defined in Sections 5 and 6.

Section 5. Incremental Water Rate Structure

(a) Single Family Residences. Based on consumption studies by District staff, the standard personal consumption is hereby set 125 gallons per day (GPD) per person. Further, the standard household consumption is set at 500 GPD, which assumes 4 full-time residents at each service address. Customers may apply for additional personal allocations at 125 GPD with evidence of full-time residents exceeding four (See Section 8). The rate structures for a single family residence are determined using bi-monthly billing averages, and are as follows:

<u>Phase I</u>	<u>Consumption</u>	<u>Rate by Increment</u>
	1 to 500 GPD	Regular Rate
	501 to 1,000 GPF	1.5 times Regular Rate
	1,001 GPD and over	2 times Regular Rate
<u>Phase II</u>	<u>Consumption</u>	<u>Rate by Increment</u>
	1 to 400 GPD	Regular Rate
	401 to 800 GPD	2 times Regular Rate
	801 GPD and over	4 times Regular Rate
<u>Phase III</u>	<u>Consumption</u>	<u>Rate by Increment</u>
	1 to 300 GPD	Regular Rate
	301 to 600 GPD	2 times Regular Rate
	601 GPD and over	4 times Regular Rate

(b) Multiple Dwellings and Mobile Home Parks. Multiple dwellings and mobile homes shall be rated at 250 GPD per unit which assumes two persons per unit at 125 GPD each. This customer class shall be subject to the rate structure

defined for single family residences except that the consumption levels (GPD) shall be reduced by one half.

(c) Commercial Businesses. Each Business account shall be analyzed based on its consumption history to determine the gallons per day (GPD) required. The business GPD divided by 500 GPD equals the consumption factor. The minimum consumption factor will be 1.0. Commercial businesses will be subject to the single family rate structure except that the rate change levels of consumption (GPD) will be multiplied by the consumption factor.

(d) Agriculture, Parks/Recreation, Landscape/Parkway. The rate structure for these classes shall be determined in the same manner as for commercial businesses except that consumption factors shall be determined on a bi-monthly basis. The consumption factors for landscape/parkway accounts shall be reduced by one-half before determining the GPD levels of consumption.

(e) Other Classes. The rate structure for the remaining classes of accounts shall be determined in the same manner as for commercial businesses.

Section 6. High Consumption Program

(a) The District shall implement a program of monitoring customers using excessive amounts of water in one bi-monthly billing period. Monitoring will apply when the following consumption levels are exceeded:

Phase I

2,460 GPD (200 hundred cubic feet bi-monthly)

Phase II

1,850 GPD (150 GPD hundred cubic feet bi-monthly)

Phase III

1,230 GPD (100 hundred cubic feet bi-monthly)

(b) The procedure will begin with a written notice to the customer. If the customer does not respond within 10 days, a second written notice shall be mailed. If the customer does not respond within 10 days, a District representative will be sent to the service address to deliver the notice in person. If no response is received within 5 days, a shut-off tag shall be placed at the address. If no response has been received within 3 days, water service to the address shall be shut off. Reconnection shall be subject to the charges specified in the Ordinance No. 30-D.

(c) Customers responding to notification may receive assistance from the District in an attempt to reduce water consumption.

(d) Customers monitored under this program may be subject to the stipulations of the Willful Waste of Water Ordinance No. 41.

(e) Classes other than single family residence shall be subject to the same requirements as single family residences except that the consumption limits shall be determined by multiplying by the consumption factors derived in Section 5.

Section 8. Relief and Appeals

(a) A customer may file an application with the Customer Service Department for relief from the provisions of this ordinance. The application shall be filed on a form provided by the District.

(b) Since the provisions of this ordinance do not restrict water consumption, relief shall be limited to the following:

- (1) Residential accounts may apply for additional personal consumption allocations of 125 GPD each with evidence of more than 4 full-time residents in a single family residence;
- (2) Non-residential accounts may apply to have the consumption factor adjusted based on erroneous calculation, the consumption history being inconsistent with current water requirements, or in the case of an industrial or business account, changes in a production or business process that would require more water.

(c) A customer who is not satisfied with the decision of the Customer Service Department may file an appeal with the District. Appeals shall be processed according to the procedure defined in the District's Customer Appeals and Hearing Policy.

Section 9. Use of Additional Revenue

The additional revenue generated by the implementation of the provisions of this ordinance shall be used to pay any penalties levied by the Metropolitan Water District of Southern California, to pay for the administrative costs of the program described, to pay for water conservation material and equipment, and to offset future general water rate increases.

Section 10. Severability

If any provision, paragraph, word, section, or article of this ordinance is invalidated by any court of words, sections, and articles shall not be affected and shall continue in full force and effect.

Section 11. Conflict

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby superseded to the extent of such inconsistency or conflict.

Section 12. Exemption From California Environmental Quality Act – C.E.Q.A.

The Board of Directors hereby determines that the implementation of any of the provisions of the Water Conservation Plan is exempt from review under the California Environmental Quality Act (California Public Resources Code Section 21080 (b) (4) et seq.) because it shall be an action taken to mitigate a water shortage emergency. The Board of Directors therefore directs management staff to prepare and file a Notice of Exemption with the County of San Bernardino immediately upon implementation of any of the provisions of the Water Conservation Plan.

Section 13. Adoption

This ordinance shall become effective immediately upon adoption.

ADOPTED this _____ day of _____, 2004.

Henry L. Stoy
President

ATTEST:

Robert A. DeLoach
Secretary

SAN GABRIEL VALLEY WATER COMPANY

11142 GARVEY AVENUE • P.O. BOX 6010 • EL MONTE, CALIFORNIA 91734 • (818) 448-6183

IMPORTANT NOTICE

10% Voluntary Water Use Reduction Requested

Dear Customer:

Because of the severe 5-year drought we are experiencing, San Gabriel Valley Water Company is requesting that effective immediately all water customers reduce their water use, on a **voluntary basis**, by at least 10% compared to the same period last year.

As you may be aware, the Metropolitan Water District of Southern California (MWD) has adopted stringent water conservation measures to greatly reduce water usage because of the severe drought in California. Effective March 1, 1991, MWD has declared a Stage V water shortage. Fortunately, MWD supplies only a small portion of the water provided by San Gabriel Valley Water Company. Nevertheless, because of the drought, we also must request your cooperation in conserving water.

We believe that you and our other customers can achieve the requested 10% reduction on a voluntary basis and that it will not be necessary to implement strict water rationing and penalty rates. Obviously, if our customers are unable to achieve the conservation goals on a voluntary basis, we would be forced to consider mandatory cutbacks and higher water costs.

To assist you in meeting the conservation goal, your current water use and your use during the corresponding period last year is shown on your water bill. On future water bills we will be showing your conservation goal for the coming month. In addition, the water conservation measures shown on the back of this letter can help save water. Thank you for your cooperation.

Very truly yours,

SAN GABRIEL VALLEY WATER COMPANY

SAN GABRIEL VALLEY WATER COMPANY
WATER CONSERVATION MEASURES

1. Lawn watering and landscape irrigation should be done only between the hours of 4 p.m. and 8 a.m. every other day. Public and recreational facilities such as parks, school grounds, golf courses, and recreational fields can be irrigated on any day. Agricultural users and commercial nurseries and landscape contractors can continue to irrigate as necessary but should curtail all non-essential water uses.
2. Other watering can be done at any time if a handheld hose equipped with a positive shutoff nozzle is used, a handheld faucet-filled bucket of five gallons or less is used, or a drip irrigation system is used.
3. Do not allow water to run off landscaped areas into adjoining streets, sidewalks, or other paved areas because of excessive watering or incorrectly directed or maintained sprinklers.
4. Washing of cars, trucks, trailers, boats, airplanes, or buildings should only be done with a handheld bucket or with a handheld hose equipped with a positive shutoff nozzle for quick rinses.
5. Do not use water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate fire, sanitation, or health hazards.
6. There should be no filling or refilling of ponds, fountains, or artificial lakes. Pools and spas should be filled or refilled only between 4 p.m. and 8 a.m.
7. Restaurants should not serve water to their customers unless specifically requested.
8. Leaks from indoor and outdoor plumbing fixtures should be repaired as soon as discovered and should not be allowed to continue for more than 48 hours.
9. Do not leave water running while brushing your teeth, shaving, soaping in the shower, or washing dishes in the sink.

Also, to further assist customers in conserving water, the company has water conservation kits available and water-saving information literature available free of charge at each of the company's commercial offices. You may call or stop by one of the company's commercial offices to avail yourself of these materials. The commercial offices are located at:

11142 Garvey Avenue, El Monte, CA
14404 East Valley Boulevard, Industry, CA
11579 Hadley Street, Whittier, CA

FONTANA WATER COMPANY

A DIVISION OF SAN GABRIEL VALLEY WATER COMPANY

8440 NUEVO AVENUE • P.O. BOX 987, FONTANA, CALIFORNIA 92334 • (714) 822-2201

IMPORTANT NOTICE

10% Voluntary Water Use Reduction Requested

Dear Customer:

Because of the severe 5-year drought we are experiencing, Fontana Water Company is requesting that effective immediately all water customers reduce their water use, on a **voluntary basis**, by at least 10% compared to the same period last year.

As you may be aware, the Metropolitan Water District of Southern California (MWD) has adopted stringent water conservation measures to greatly reduce water usage because of the severe drought in California. Effective March 1, 1991, MWD has declared a Stage V water shortage. Fortunately, Fontana Water Company does not rely on water deliveries from MWD to supply its customers. Nevertheless, because of the drought, we also must request your cooperation in conserving water.

We believe that you and our other customers can achieve the requested 10% reduction on a voluntary basis and that it will not be necessary to implement strict water rationing and penalty rates. **Obviously, if our customers are unable to achieve the conservation goals on a voluntary basis, we would be forced to consider mandatory cutbacks and higher water costs.**

To assist you in meeting the conservation goal, your current water use and your use during the corresponding period last year is shown on your water bill. On future water bills we will be showing your conservation goal for the coming month. In addition, the water conservation measures shown on the back of this letter can help save water. Thank you for your cooperation.

Very truly yours,

FONTANA WATER COMPANY

FONTANA WATER COMPANY
WATER CONSERVATION MEASURES

1. Lawn watering and landscape irrigation should be done only between the hours of 4 p.m. and 8 a.m. every other day. Public and recreational facilities such as parks, school grounds, golf courses, and recreational fields can be irrigated on any day. Agricultural users and commercial nurseries and landscape contractors can continue to irrigate as necessary but should curtail all non-essential water uses.
2. Other watering can be done at any time if a handheld hose equipped with a positive shutoff nozzle is used, a handheld faucet-filled bucket of five gallons or less is used, or a drip irrigation system is used.
3. Do not allow water to run off landscaped areas into adjoining streets, sidewalks, or other paved areas because of excessive watering or incorrectly directed or maintained sprinklers.
4. Washing of cars, trucks, trailers, boats, airplanes, or buildings should only be done with a handheld bucket or with a handheld hose equipped with a positive shutoff nozzle for quick rinses.
5. Do not use water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate fire, sanitation, or health hazards.
6. There should be no filling or refilling of ponds, fountains, or artificial lakes. Pools and spas should be filled or refilled only between 4 p.m. and 8 a.m.
7. Restaurants should not serve water to their customers unless specifically requested.
8. Leaks from indoor and outdoor plumbing fixtures should be repaired as soon as discovered and should not be allowed to continue for more than 48 hours.
9. Do not leave water running while brushing your teeth, shaving, soaping in the shower, or washing dishes in the sink.

Also, to further assist customers in conserving water, the company has water conservation kits available and water-saving information literature available free of charge at the company's commercial office. You may call or stop by the company's commercial office to avail yourself of these materials. The commercial office is located at:

8440 Nuevo Avenue, Fontana, CA

Cal. P.U.C. Sheet No. _____

Canceling _____ Cal. P.U.C. Sheet No. _____

RULE NO. 14.1

MANDATORY WATER CONSERVATION AND RATIONING PLAN

GENERAL INFORMATION

If water supplies are projected to be insufficient to meet normal customer demand, the utility may elect to implement voluntary conservation using the portion of this plan set forth in Section A of this Rule after notifying the Commission's Water Utilities Branch of its intent. If in the opinion of the utility more stringent water conservation measures are required, the utility shall request Commission authorization to implement the mandatory conservation and rationing measures set forth in Section B.

The Commission shall authorize mandatory conservation and rationing by approving Tariff SCHEDULE NO. 14.1, MANDATORY WATER CONSERVATION AND RATIONING. When Tariff Schedule No. 14.1 has expired or is not in effect, mandatory conservation and rationing measures will not be in force. Tariff Schedule No. 14.1 will set forth water use allocations, excess water use penalties, charges for removal of flow restrictors, and the period during which mandatory conservation and rationing measures will be in effect.

When Tariff Schedule No. 14.1 is in effect and the utility determines that water supplies are again sufficient to meet normal demands and mandatory conservation and rationing measures are no longer necessary, the utility shall seek Commission approval to rescind Tariff Schedule No. 14.1 to discontinue rationing.

In the event of a water supply shortage requiring a voluntary or mandatory program, the utility shall make available to its customers water conservation kits as required by Rule No. 20. The utility shall notify all customers of the availability of conservation kits.

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Advice Letter No. _____

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Effective _____

RULE NO. 14.1
(continued)

A. CONSERVATION - NONESSENTIAL OR UNAUTHORIZED WATER USE

No customer shall use utility-supplied water for nonessential or unauthorized uses as defined below:

1. Use of water through any connection when the utility has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to make such repairs within 5 days after receipt of such notice.
2. Use of water which results in flooding or run-off in gutters, waterways, patios, driveways, or streets.
3. Use of water for washing aircraft, cars, buses, boats, trailers or other vehicles without a positive shutoff nozzle on the outlet end of the hose, except for the washing of vehicles at commercial or fleet vehicle washing facilities operated at fixed locations where equipment using water is properly maintained to avoid wasteful use.
4. Use of water through a hose for washing buildings, structures, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas in a manner which results in excessive run-off or waste.
5. Use of water for watering streets with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible), or to protect the health and safety of the public.
6. Use of water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or other method can be used.
7. Use of water for more than minimal landscaping in connection with any new construction.

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RULE NO. 14.1
(continued)

- A. 8. Use of water for outside plants, lawn, landscape and turf areas more often than every other day, with even numbered addresses watering on even numbered days of the month and odd numbered addresses watering on the odd numbered days of the month, except that this provision shall not apply to commercial nurseries, golf courses and other water-dependent industries.
- 9. Use of water for outside plants, lawn, landscape and turf areas during certain hours if and when specified in Tariff Schedule No. 14.1 when the schedule is in effect.
- 10. Use of water for watering outside plants and turf areas using a hand held hose without a positive shut-off valve.
- 11. Use of water for decorative fountains or the filling or topping off of decorative lakes or ponds. Exceptions are made for those decorative fountains, lakes, or ponds which utilize recycled water.
- 12. Use of water for the filling or refilling of swimming pools.
- 13. Service of water by any restaurant except upon the request of a patron.

B. RATIONING OF WATER USAGE

In the event the conservation measures required by Section A are insufficient to control the water shortage, the utility shall, upon Commission approval, impose mandatory conservation and rationing. The water allocated for each customer, the time period during which rationing shall be in effect, and any additional conditions, will be set forth in Tariff Schedule No. 14.1, which shall be filed for this purpose at the time such rationing is approved by the Commission.

Before rationing is authorized by the Commission the utility shall hold public meetings and take all other applicable steps required by Sections 350 through 358 of the California Water Code.

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Decision No. _____

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RULE NO. 14.1
(continued)

C. ENFORCEMENT OF MANDATORY CONSERVATION AND RATIONING

1. The water use restrictions of the conservation program in Section A of this rule become mandatory when the rationing program goes into effect. These restrictions are applicable whether or not the customer exceeds the monthly water allocation.
2. Upon inception of the mandatory provisions of this Rule the utility may, after one verbal and two written warnings, install a flow-restricting device on the service line of any premises where utility personnel observe water being used for any nonessential or unauthorized use as defined in Section A.
3. A flow restrictor shall not restrict water delivery by greater than 50% of normal flow and shall provide the premises with a minimum of 6 Ccf/month. The restrictor may be removed only by the utility, after a three-day period has elapsed, and upon payment of the appropriate removal charge as set forth in Tariff Schedule No. 14.1.
4. After the removal of a restricting device, if any nonessential or unauthorized use of water continues, the utility may install another flow-restricting device. This device shall remain in place until rationing is no longer in effect and until the appropriate charge for removal has been paid to the utility.
5. Each customer's water allocation shall be shown on the water bill. Water allocations may be appealed in writing as provided in Section D of this Rule. If a customer uses water in excess of the allocated amount, the utility may charge the excess usage penalty shown in Tariff Schedule No. 14.1.
6. Any monies collected by the utility through excess usage penalties shall not be accounted for as income, but shall be accumulated by the utility in a separate account for disposition as directed or authorized from time to time by the Commission.
7. The charge for removal of a flow-restricting device shall be in accordance with Tariff Schedule No. 14.1.

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RULE NO. 14.1

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D. APPEAL PROCEDURE

Any customer who seeks a variance from any of the provisions of this mandatory water conservation and rationing plan or a change in water allocation shall notify the utility in writing, explaining in detail the reasons for such a variation. The utility shall respond to each such request.

Any customer not satisfied with the utility's response may file an appeal with the staff of the Commission. The customer and the utility will be notified of the disposition of such appeal by letter from the Executive Director of the Commission.

If the customer disagrees with such disposition, the customer shall have the right to file a formal complaint with the Commission. Except as set forth in this Section, no person shall have any right or claim in law or in equity, against the utility because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of this mandatory water conservation and rationing plan.

E. PUBLICITY

In the event the utility finds it necessary to implement this plan, it shall notify customers and hold public hearings concerning the water supply situation, in accordance with Chapter 3, Water Shortage Emergencies, Sections 350 through 358, of the California Water Code. The utility shall also provide each customer with a copy of this plan by means of billing inserts or special mailings; notifications shall take place prior to imposing any fines associated with this plan. In addition, the utility shall provide customers with periodic updates regarding its water supply status and the results of customers' conservation efforts. Updates may be by bill insert, special mailing, poster, flyer, newspaper, television or radio spot/ advertisement, community bulletin board, or other appropriate method(s).

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Sections of the California Water Code
Chapter 3 - Water Shortage Emergencies

- Section 350. The governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, may declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.
- Section 351. Excepting in event of a breakage or failure of a dam, pump, pipe line or conduit causing an immediate emergency, the declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard in protest against the declaration and to present their respective needs to said governing board.
- Section 352. Notice of the time and place of hearing shall be published pursuant to Section 606 of the Government Code at least seven days prior to the date of hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed or if there is no such newspaper, in any newspaper printed, published, and circulated in the county in which the area is located.
- Section 353. When the governing body has so determined and declared the existence of an emergency condition of water shortage within its service area, it shall thereupon adopt such regulations and restrictions on the delivery of water and the consumption within said area of water supplied for public use as will in the sound discretion of such governing body conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.
- Section 354. After allocating and setting aside the amount of water which in the opinion of the governing body will be necessary to supply water needed for domestic use, sanitation, and fire protection, the regulations may establish priorities in the use of water for other purposes and provide for the allocation, distribution, and delivery of water for such other purposes, without discrimination between consumers using water for the same purposes.

Section 355. The regulations and restrictions shall thereafter be and remain in full force and effect during the period of the emergency and until the supply of water available for distribution within such area has been replenished or augmented.

Section 356. The regulations and restrictions may include the right to deny such applications for new or additional service connections, and provision for their enforcement by discontinuing service to consumers willfully violating the regulations and restrictions.

Section 357. If the regulations and restrictions on delivery and consumption of water adopted pursuant to this chapter conflicts with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of the water supply available for distribution within such service area, the regulations and restrictions adopted pursuant to this chapter shall prevail over the provisions of such laws relating to water rights for the duration of the period of emergency; provided, however, that any distributor of water which is subject to regulation by the State Public Utilities Commission shall before making such regulations and restrictions effective secure the approval thereof of the Public Utilities Commission.

Section 358. Nothing in this chapter shall be construed to prohibit or prevent review by any court of competent jurisdiction of any finding or determination by a governing board of the existence of an emergency or of regulations or restrictions adopted by such board, pursuant to this chapter, on the ground that any such action is fraudulent, arbitrary, or capricious.

**DRAFT CONSERVATION ORDINANCE
ORDINANCE NO. _____**

**AN ORDINANCE OF THE MONTE VISTA WATER
DISTRICT ESTABLISHING RULES AND REGULATIONS
TO INSURE THE MAXIMUM BENEFICIAL USE OF
AVAILABLE WATER SUPPLIES, PER WATER SHORTAGE
CONTINGENCY PLAN, HERETO AND MADE A PART OF THE
URBAN WATER MANAGEMENT PLAN SUBMITTED FOR 2000**

The Board of Directors of the Monte Vista Water District does hereby ordain:

Section I: Water Conservation

1. Declaration of Policy.

Monte Vista Water District is responsible to insure that available water supplies are put to the most beneficial use possible for the health, safety and welfare of its customers. The District finds that available water supplies with the District have been severely depleted due to a prolonged drought and announced cutback in the supply of imported water from the Metropolitan Water District and the State Water Project. This District has worked diligently to educate its customers as to the value of water conservation and available water supplies within the District, and the current statewide drought condition and curtailment of imported water to the District requires that the District adopt more stringent methods of water conservation methods by adopting a Phase Conservation Measures Policy. Such methods will help to insure that the protection and maximum beneficial use of water within the District is achieved.

2. Purpose of Policy.

- A. Because of the water conditions prevailing in the Monte Vista Water District service area, the region and the State of California, the general welfare requires that the waste or unreasonable use of water be prevented, and that the conservation of water be encouraged.
- B. Further, the State of California Water Code requires urban water suppliers to establish a means to review current and anticipated water demands in order to guarantee water availability. In accordance with the State Water Code, Monte Vista Water District has adopted a Water Shortage Contingency Plan, part of which is a four stage rationing plan. This plan establishes water conservation measure responses to specific levels of efficiencies in State and/or local water supplies. In implementing this Ordinance, it is the Districts intent to establish water use guidelines and restrictions, which will reinforce the water use reduction goals established in the Water Shortage Contingency Plan made hereto and a part of the Regional Updated Urban Water Management Plan for 1995.

3. Authorization and Authority

The District Manager shall request the Board of Directors to authorize and implement if applicable the provisions of said Ordinance which declares that the demand for water consumption is anticipated to be in excess of the water supply at such time that it appears that such a condition exists or is threatened. The request shall be made 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, to implement water conservation procedures.

The Board of Directors shall have the power to declare a local water emergency and to implement the provision of this Ordinance when it appears to the Board that the demand for water consumption exceeds the District's available supply, or threatens to do so, and there is no other water available to the District to remedy such emergency.

The declaration of the Board shall be made by public announcement and shall be published in a newspaper of general circulation. The declaration shall become effective immediately upon such publication.

4. Compliance Responsibility

It shall be presumed that the agency whose name the account has service with, or was last billed by, shall be responsible for compliance of said Ordinance.

5. Water Rationing

A. Water Shortage - Defined

A water shortage occurs when the current or projected water demand as determined exceeds the current or projected water supply, based on yearly assessment.

B. Conservation Phases

Phase I - A Phase I drought condition will occur when water deficiencies range between 5 and 10 percent.

Phase II - A Phase II drought condition will occur when water deficiencies range from more than 10 percent and up to 25 percent.

Phase III - A Phase III drought condition will occur when water deficiencies range from more than 25 percent and up to 40 percent.

Phase IV - A Phase IV drought condition will occur when water deficiencies are more than 40 percent.

6. Emergency Water Shortage Response

- A. In the event that an immediate shortage of water occurs due to disaster, the Monte Vista Water District General Manager shall declare the extent of water shortage emergency and shall implement the appropriate water conservation measure phase. The General Manager

shall report such water shortage condition and level of response to the Board of Directors at a time which is reasonable and practicable.

7. Measure Recommendations

The effects of a water shortage can be magnified due to wasteful use in times of sufficient supply. Water shall be used in an efficient manner to eliminate unnecessary water use when possible.

Following are encouraged practices:

- a. Insure that irrigation water does not run off into a gutter, ditch or drain.
- b. Repair all leaks.
- c. Wash all types of mobile equipment with a hand held bucket or a hand held hose equipped with a shut off nozzle.
- d. Serve water to restaurant customers upon request only.
- e. Use low flow shower head and faucet fixtures even where not required by government or city code.

In addition, general water efficient landscape guidelines shall be followed to comply with requirements of state law or city landscape and irrigation standards.

8. Enforcement

No District customer shall use or permit the use of water in a manner contrary to the provision of this Ordinance. Any violation of use restrictions as set forth in this Ordinance shall be reported to the District. Each individual customer shall be guilty of a separate offense for each day during which unauthorized use occurs. Any violation of the use restrictions set forth in this Ordinance shall be prosecuted by the District Legal Counsel by means of a criminal or civil filing as deemed appropriate by the Monte Vista Water District General Manager and District Legal Counsel if such violation continues after a notice has been issued by District.

Section II: Stage 1 - Drought Condition

- A. If the General Manager declares that there is a 5 to 10 percent shortage of available water within the District and that voluntary water conservation measures have not sufficiently reduced the demand for water to meet the existing water supply, and after reporting such condition to the Board of Directors, the Board may declare a Phase I Water Conservation Drought Condition Resolution, and
- B. After adoption of Resolution declaring such shortage and notification requirements have been met, Phase I water use restrictions shall become effective. The following prohibitions shall be initiated immediately:

1. Allowing irrigation water to run off into a gutter, ditch, drain, sidewalk or other paved areas due to incorrectly directed or maintained sprinklers or as a result of excessive watering.
2. Failing to repair a reported leak within 48 hours of discovery.
3. Washing of all types of mobile equipment, unless done with a hand held bucket or a hand held hose equipped with a shut off nozzle. This section does not apply to the premises of a commercial car wash using on-site water recycling.
4. Restaurants serving customers water only when requested.
5. Hosing or washing a sidewalk, walkway, driveway, parking area or any paved surface except as required for sanitary purposes.
6. Using water to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar structures unless such water is a part of a recycling system.

The following provisions shall apply:

- a) All lawns, landscaper or turf areas shall be watered only during the hours between 5 P.M. and 10 a.m. except during germination for new turf areas or when necessary to test proper operation of an irrigation system. This time restriction shall apply to residential, commercial and industrial properties within district, but shall not apply to commercial nurseries, golf courses and/or other water dependent industries as determined by the General Manager.
 - b) Commercial gardeners, landscapers, municipal users, nurseries, golf courses, publicly owned facilities and other water dependent industries shall not water between the hours of 10 a.m. and 5 P.M. unless reclaimed water is used.
 - c) Irrigation by hand held hoses, drip irrigation or hand held buckets is permitted anytime.
- C. The Board of Directors Resolution declaring a Phase I situation shall set for a time schedule for expiration after review of the water shortage situation as reported by the District General Manager.

Section II: Stage 2 - Drought Condition

- A. If the General Manager declares that there is a 10 percent and not more than 25 percent shortage of available water within the District and that Phase I Water Conservation measures have not sufficiently reduced the demand for water to meet the existing water supply, Phase II water use restrictions shall become effective, and
- B. Adoption of Resolution declaring such shortage and notification requirements shall be administered and the following Phase II measures shall become effective:

1. All restrictions and prohibitions listed under Phase I shall apply.
2. Landscape Irrigation Residential - Outdoor irrigation by sprinklers will only be allowed on even numbered days of the month for those locations with a street address ending in an even last digit. Outdoor irrigation by sprinklers will only be allowed on odd numbered days of the month for those locations with a street address ending in an odd last digit. Outdoor irrigation of locations not having a street address shall irrigate on even numbered days of the month. Irrigation shall not occur during the hot hours of the day as established in Phase I measures.
3. Except as limited in item #4 below, no customer shall use or permit the use of water for any purpose in an amount exceeding 90% of the average daily amount used during the customers corresponding billing period in the customers historical base period use, however, no customer shall be required to reduce consumption below nineteen (19 billing) units per thirty (30) day period. Allocations between units shall be rounded up to the next full billing unit.
4. Landscape Irrigation Commercial - Water consumption through water meters designed for landscape irrigation shall not exceed 75% of the amount of water used during the base period or 75% of the daily CIMIS evapotranspiration water amount.
5. Any customer who was not a customer during the full historical base period shall be assigned by the District an average daily usage which corresponds to the usage of a similar account.
6. Water used on a one time basis for construction and dust control shall be limited to that quantity identified in a plan submitted by the user which describes water use requirements. The plan shall be submitted to the General Manager for approval.
7. Grading, Pool and Spa Permits -
 - a) Permits will not be issued until such time as Phase II restrictions are deemed no longer in effect.
 - b) Restrictions on permits will become effective at a time the General Manager, in the event of immediate emergency, submits report for Resolution proposal. Normally the measures will be in effect a minimum of thirty (30) days after resolution declaration.
 - c) No one shall cause the emptying or refilling of existing pools or spas for cleaning purposes. Water levels will be maintained.
8. Landscaping -
 - a) All new landscaping shall be limited to drought- tolerant plantings as determined by the District.
 - b) No new lawns, whether by seed or sod shall be permitted.

- c) No person or entity shall be required to implement any landscaping requirements of any association, developer or governing agency until the termination of this stage.
- C. The Board of Directors Resolution declaring a Phase II situation shall set forth a scheduled time for expiration after review of the water shortage situation as reported by the District General Manager.

Section II: Stage 3 - Drought Condition

- A. If the General Manager declares that there is a 25 percent but not more than 40 percent shortage of available water within the District and that Phase II water conservation measures have not sufficiently reduced the demand for water to meet the existing water supply and after reporting such condition to the Board of Directors, the Board may declare a Phase III Water Conservation Drought Condition Resolution, and
- B. After adoption of Resolution declaring such shortage and notification requirements have been met, Phase III water use restrictions shall become effective. The following prohibitions shall be initiated immediately:
1. All restrictions and/or prohibitions listed in Phase II.
 2. No customer shall use or permit the use of water for any purpose in an amount exceeding seventy (70%) percent of the average daily amount used on the customer's premises during the corresponding billing period of the historical base period; however, no customer shall be required to reduce consumption below fifteen (15) billing units per thirty (30) day period. Allocations falling between full billing units shall be rounded up to the next full unit.
 3. Any customer who was not a customer during the full historical base period shall be assigned by the District an average daily usage amount which corresponds to the usage of a similar account.
 4. Water used on a one time basis for purposes such as construction and dust control shall be limited to that quantity identified in a plan submitted by the user which describes water use requirements. The plan shall be submitted to the General Manager for approval.
 5. The use of water from fire hydrants shall be limited to fire fighting and related activities and other water for municipal purposes shall be limited to activities necessary to maintain the public health, safety and welfare.
- C. The Board of Directors Resolution declaring a Phase III situation shall set forth a scheduled time for expiration after review of the water shortage situation as reported by the District General Manager.

Section II: Stage 4 - Drought Condition

- A. If the General Manager declares that there is a more than 40 percent shortage of available water within the District and that Phase III water conservation measures have not sufficiently reduced the demand for water to meet the existing water supply and after reporting such condition to the Board of Directors, the Board may declare a Phase IV Conservation Drought Condition Resolution, and
- B. After Resolution declaring such shortage and notification requirements have been met, Phase IV water use restrictions shall become effective. The following prohibitions shall be initiated immediately:
 1. All restrictions and/or prohibitions listed in Phase III.
 2. No customer shall use or permit the use of water for any purpose in an amount exceeding fifty (50) percent or some other percentage determined by the General Manager to be an appropriate average daily amount used on the customer's premises during the corresponding billing period of the historical base period; however, no customer shall be required to reduce consumption below thirteen (13) billing units per thirty (30) day period. Allocations falling between full billing units shall be rounded up to the next full billing unit.
 3. Landscaping -
 - (a) No new landscaping shall be permitted.
 - (b) Existing landscaping shall be maintained with reclaimed water only as approved by the Department of Health. Existing trees and larger shrubs will be exempt.
 4. Pool and Spa Permits -
 - (a) No new pool or spa permit shall be issued.
 5. Building and Grading Permits -
 - (a) Permits for new residential construction which would result in additional dwelling unit(s) shall not be issued. Residential additions are over 50% of the existing residences habitable floor area will be considered an additional dwelling unit.
 - (b) Building permits for new non-residential construction and non-residential additions which are over 50% of the existing habitable floor area shall not be issued.
 - (c) All grading under permits issued prior to the Resolution declaring a Phase IV shortage shall be limited to the use of reclaimed water, as approved by the County Department of Health.
- C. The Board of Directors Resolution declaring a Phase IV situation shall set forth a scheduled time for expiration after review of the water shortage situation as reported by the District General Manager.

Exceptions To Provisions

None of the restrictions outlined shall apply to the following:

1. The routine and necessary use of water by a governmental entity in pursuit of its functions for protecting the public health, safety and welfare. This exception does not apply to landscape irrigation by a governmental agency.
2. The necessary use of water for the routine maintenance and/or repair of water distribution facilities, residential and commercial plumbing and permanently installed landscape irrigation systems.
3. The prohibited uses set forth in this subsection do not apply to "gray water". This provision shall not be construed to authorize the use of "gray water" if such use is otherwise prohibited by law.
4. Commercial car washes with water recycling systems and commercial laundries shall be exempt from allotment restrictions. These types of businesses are commonly used by consumers as a water conservation measure.
5. The use of reclaimed water shall be exempt from this Ordinance with respect to restrictions.

Exemptions from Provisions

Nothing contained in this Ordinance shall require any single family residential customer to reduce the customer's consumption of water to any amount less than the following water usage expressed as billing units per month at each meter during any billing period.

Phase Reduction Units per Month (each unit = 100 cubic feet or 748 gallons)

- I: 0% 22 units (548 gallons per day)
- II: 10% 19 units (473 gallons per day)
- III: 30% 15 units (374 gallons per day)
- IV: 50% 11 units (274 gallons per day)

Hardship and Special Cases - Implementation/Review

- A. A review board shall be established to review hardship special cases, which cannot follow the letter of this chapter. The review board shall consist of the General Manager, Controller, Legal Counsel and the Board of Directors of the District.
- B. It will be the purpose of the review board to review hardship or special cases and to determine whether or not said case warrants a variance, permit or compliance agreement. A fee shall be assessed, as set fort to defray administrative costs for each permit application.

- C. A variance or permit issued under a particular phase shortage shall not be valid upon implementation of a higher phase water shortage. A separate application or variance or permit must be submitted at each higher stage of the water conservation ordinance.
- D. Any person, corporation or association who is issued a variance or permit and makes use of the water utility of the District pursuant to said variance, permit or compliance agreement shall provide proof of said variance, permit or compliance agreement upon demand by any person authorized the District. Upon conviction of any person, corporation or association for violating any provision of this part, the review board shall revoke any permit, variance or compliance agreement previously granted. The Board shall notify applicant of the proposed revocation five (5) working days before taking such action and applicant shall be given the opportunity to be heard by the review board prior to its taking such action.
- E. Persons wishing to appeal the decision of the board shall have the right of appeal to the General Manager. Appeal shall be made in writing within ten (10) working days of the board decision. The decision of the General Manager shall be final.

Section III: Failure To Comply - Violation - Penalty

- A. Penalties. It is unlawful for any water customer to fail to comply with any of the provision of this chapter. The penalties for failure to comply with the provision of this chapter shall be as set out in subsection B of this section.
- B. Violation of Prohibited Activities.
 - 1. For the first violation by any customer of any of the provision of these subsections, the District shall issue a written notice of the fact of such violation to the customer.
 - 2. For a second violation within the preceding twelve calendar months, the District shall issue a final written notice of the fact of such violation to the customer.
 - 3. For a third violation within the preceding twelve calendar months, a surcharge in the amount of \$50 (fifty) shall be added to the customer's water bill.
 - 4. For a fourth violation within the preceding twelve calendar months, a surcharge in the amount of \$100 (100) dollars shall be added to the customer's water bill.
 - 5. For a fifth and any subsequent violation within the preceding twelve calendar months, a surcharge of \$150 (150) shall be added to the customer's water bill.
 - 6. After a fifth violation the District may install a flow restricting device of one gallon per minute (1 GPM) capacity for services up to 1 1/2" size and comparatively sized restrictors for larger services. The District may terminate a customer's landscape meter service, in addition to the final surcharges provided for herein, upon a prior determination that the customer has repeatedly violated this Ordinance regarding the conservation of water and that such action is reasonably necessary to assure compliance with this chapter's rules regarding the conservation of water. Such action will only be taken after a

hearing held by the review board where the customer has an opportunity to respond the District's evidence that the customer has repeatedly violated this chapter's rules regarding the conservation of water and that such action is reasonably necessary to assure compliance with this Ordinance regarding the conservation of water. Appeal of board decisions shall be made the General Manager. The decision of the General Manager shall be final.

Any such restricted or terminated service may be restored upon application 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 chapter's rules regarding the conservation of water. Prior to any restoration of the service, the customer shall pay all District charges for any restriction or termination of service and its restoration.

C. Violation of Water Usage Restriction Under Phase II, III and IV Water Shortage Conditions.

1. For the first violation by any customer of any of the provision a drought surcharge in an amount equal to fifteen (15%) percent of the water bill plus an additional three dollars (\$3.00) for each billing unit in excess of the usage of water permitted by the particular conservation phase in which the violation occurred shall be added to the customer's water bill.
2. For a second violation within the preceding twelve calendar months, a drought surcharge in an amount equal to twenty-five (25%) of the water bill, plus an additional three dollars (\$3.00) for each billing unit in excess of the usage of water permitted by the particular conservation phase in which the violation occurred shall be added to the customer's water bill.
3. For a third violation and any subsequent violation within the preceding twelve calendar months, a drought surcharge in an amount equal to seventy-five (75%) of the water bill, plus an additional four dollars (\$4.00) for each billing unit in excess of the usage of water permitted by the particular conservation phase in which the violation occurred shall be added to the customer's water bill.
4. After a fourth violation by a customer of any of the provision of subsections within the preceding twelve calendar months, in addition to the surcharges established herein, the review board may impose the penalties provided for in the subsection that covers flow restriction.

Section IV: Request for Adjustment to Average Daily Usage During Historical Base Period

A customer notified of failure to comply with the water use allotment provisions shall have the right to request relief from or an adjustment to their average daily usage during the historical base period, provided that a written request using forms provided by the District is submitted, or a letter setting forth the reasons for the request filed by the customer within fifteen (15) days after receipt of notice of failure to comply. No relief shall be granted to any customer who, when requested, fails to provide any information requested by the District. A decision on the request

shall be made by the District within fifteen (15) days after receipt of the request thereof. Penalties, including the installation of a flow restricting device, will be stayed until such time as a written decision by the District is conveyed to the customer. In determining whether relief shall be granted, the District shall take into consideration all relevant factors including, but not necessarily limited to the following:

1. Whether any additional reduction in water consumption will result in unemployment or economic hardship.
2. Whether additional members have been added to the household.
3. Whether any additional landscaped property has been added to the property subsequent to the historical base period.
4. Changes in vacancy factors in multi-family housing.
5. Increased number of employees in commercial, industrial and governmental offices.
6. Water uses during new construction.
7. Adjustment to water use caused by emergency health or safety hazards.
8. First filling of a swimming pool constructed under permit.
9. Water use necessary for reasons related to family illness or health.
10. Increased production requiring increased process water.
11. Water use in multi-family housing or mobile home parks where more than one dwelling unit is provided water service by a single water meter.
12. Unusual or unexplained water usage.
13. Water usage which is substantially less than adjacent and similar properties as a direct result of historic water conservation practices. In no event, however, could an adjustment be made which would permit a water use higher than that which historically existed.

A written decision shall be given to the customer personally or by mail within fifteen (15) days after the request for an adjustment is received by the District.

Section V: Notices Of Failure To Comply

1. The District shall give at least the following written notice of violation to the customer committing the violation:
 - A. Notice of violation of the water use allotment provision or of the water use restrictions shall be given in writing by regular mail or personal delivery to the customer's address on file with the District.

B. If personal delivery is used, any notice of violation of the water use allotments or of water use restrictions shall be made in the following manner:

- (1) By handing notice to customer personally.
- (2) 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 address at which the customer is normally billed.
- (3) If a person of suitable age or discretion cannot be found, they 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 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 an adjustment to the average daily water use during the historical base period.

Section VI: No Obligation on Water Purveyor When Health and Safety Would be Impacted

Nothing contained in this article shall be construed to require the District to curtail or reduce the supply of water to any customer when in the discretion of the District, damage to equipment could occur or such water is required by that customer to maintain an adequate level of health and safety.

Section VII: 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 VIII: Effective Date

This Ordinance shall be effective _____ upon publication 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, and the Secretary shall cause it to be published within ten (10) days after its adoption, at least once in a newspaper of general circulation which is distributed within the Monte Vista Water District.

ADOPTED THIS ____ day of _____ 20__

Robb D. Quincey, President
Board of Directors
MONTE VISTA WATER DISTRICT

ATTEST:

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

RESOLUTION No. 2003-05-01

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SAN ANTONIO WATER COMPANY
ESTABLISHING
**A POLICY ON THE EFFICIENT USE OF THE AVAILABLE WATER SUPPLY
AND
APPLICABLE RESTRICTIONS FOR THE ABUSE OR WASTE OF WATER**

WHEREAS, each Shareholder is entitled to receive such part of the entire water of the company that is available for distribution as the number of shares of stock held by said Shareholder bears to the number of shares outstanding; and

WHEREAS, the amount of water available for distribution for any season, year or period of time is determined by the Board of Directors after considering such relevant factors, including but not limited to: the local and regional weather cycles, the storm water runoff and recharge data, the groundwater level data, available alternative water supplies and the company production facilities; and

WHEREAS, the local watershed has experienced a lack of snow fall or sustaining rain fall for recharge in the past years, plus the extreme lack of precipitation in southern California in year 2002 and the declining imported water supply available to the southern California region have all contributed to further declines in the water supply available.

NOW THEREFORE, BE IT RESOLVED that the San Antonio Water Company hereby establishes the following water efficiency and control policies to encourage the beneficial use of available water and to avoid the unnecessary use and waste of water available to the consumer. The progressive steps of this policy are:

1. Company shall continue water conservation education and encouragement notifications to the consumers, as begun in summer of 2001.
2. Company personnel are authorized to assist a consumer who requests help in identifying a water system leak(s) on their property while avoiding entry of a structure.
3. Company personnel are authorized to offer assistance in obtaining a 'water audit' on the consumer's property to determine their water use reduction options. {implementation of any identified options would be the consumer's responsibility}
4. Company must require that all water service requests for new or enlarged meter services provide a copy of their landscaping plans and/or approved fire sprinkler system plan along with the proposed building plan, with corresponding water demands, for review and approval prior to the issuance of a 'Will Serve' letter.
5. Company personnel are authorized to make personal contact with consumers when water runoff/waste is observed or reported originating from their property, and to encourage correction of the situation and advise them of possible actions if the condition is not corrected. Subsequent or repeat offenses are also to be reported to the General Manager for follow-up action.
6. When a water runoff/waste condition continues unabated, a five (5) day written notice to correct is to be provided to the offending party, then if the condition is still not corrected the General Manager or the Assistant Manager is authorized to order in installation of a flow rate restrictor in the offending consumer's water service facilities.
7. When consumers are exceeding their allotments and it appears that there is a risk of reducing the system's emergency water reserves, the General Manager is authorized to issue an advisory of the situation and to request voluntary compliance with an alternating days schedule (e.g. odd-even) for irrigation by the consumers or the use of other water reduction methods of benefit.
8. If and when water usage by the consumers result in a reduction in the reservoir storage of emergency water reserves, so as to pose a risk to the system users or a possible partial system water outage, the General Manager is authorized to order flow rate restrictions to be implemented within that portion of the system at greatest risk.

I, Ken Willis, Secretary of the San Antonio Water Company, do hereby certify that the foregoing Resolution was adopted on May 20, 2003, at a regular meeting of the Directors of the San Antonio Water Company by the following vote:

AYES: 6
NOES: 0
ABSENT: 1
ABSTAIN: 0

SAN ANTONIO WATER COMPANY



RESOLUTION No. 2003-05-02

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SAN ANTONIO WATER COMPANY
SUPPORTING
"WATER SMART PLANNING"
AN APPROACH TO WATER CONSERVATION IN THE REGION

WHEREAS, the water resources of Southern California are precious and limited; and

WHEREAS, the customers of the San Antonio Water Company need a safe, clean and reliable supply of water for their homes and businesses; and

WHEREAS, the San Antonio Water Company has worked in partnership with the Chino Basin Watermaster, local retail and other agencies with the Chino Basin and the Inland Empire Utilities Agency to develop and implement a comprehensive and cost effective strategy to meet the future water needs within the Chino Basin; and

WHEREAS, the San Antonio Water Company is committed to efficient use of water as part of this comprehensive water strategy for the region; and

WHEREAS, year round water efficiency practices effectively combat the impacts of drought as well as reduce local demand for more expensive water supplies including imported water with its limitations; and

WHEREAS, both new technologies and practices are available to improve the efficient use of water for homes, businesses and public spaces; and

WHEREAS, the San Antonio Water Company, in partnership with Inland Empire Utilities Agency and the Metropolitan Water District of Southern California, offers financial incentives to those who use these new technologies and practices; and

WHEREAS, calendar 2002 is recognized as the driest year in the past century in Southern California, and Statewide the upcoming year is predicted to be another dry year and further contribute to the continuing drought conditions; and

WHEREAS, May is 'Water Awareness Month'; and

WHEREAS, San Antonio Water Company recognizes the importance of promoting a region-wide water efficiency activity, "Come Rain or Come Shine".

NOW THEREFORE, BE IT RESOLVED that the San Antonio Water Company hereby urges our consumers to participate in a region-wide water efficiency activity, "Come Rain or Come Shine", and to make a special effort to take advantage of the conservation financial incentives and to reduce the amount of water consumed at their places of residence and business.

I, Ken Willis, Secretary of the San Antonio Water Company, do hereby certify that the foregoing Resolution was adopted on May 20, 2003, at a regular meeting of the Directors of the San Antonio Water Company by the following vote:

AYES: 6
NOES: 0
ABSENT: 1
ABSTAIN: 0

SAN ANTONIO WATER COMPANY



RESOLUTION No. 99-02

A RESOLUTION OF THE SAN ANTONIO WATER COMPANY
SUPPORTING
THE PRESERVATION OF PUBLICLY OWNED WATER BASINS
WITHIN THE CHINO GROUNDWATER BASIN AREA

WHEREAS, a reliable and clean water supply is critical to this region's environmental and economic future; and

WHEREAS, the dependence by local water producers on imported water supplies, especially during times of drought, burdens both the environment and the economy; and

WHEREAS, the local groundwater supply can be sustained and enhanced by intercepting storm water flows in existing publicly owned water basins; and

WHEREAS, the intercepted storm water flows are more economical and environmentally advantageous than dependence on imported water supplies; and

WHEREAS, the current recharge capacities within usable water basins is about 50% of the annual need; and

WHEREAS, existing publicly owned water basins must be preserved and enhanced to ensure that the ability to intercept and conserve water continues into the future; and

WHEREAS, both residential and commercial development within the watershed has flourished, resulting in a vast growth in population and a much greater demand on the limited local water supplies, which in turn restricts the availability of future supply without adequate recharge capacity for the Basin aquifers; and

WHEREAS, the development industry continues to acquire land for additional building within the region, and many of the developers are seeking to purchase lands where existing publicly owned water basins appear to be of little use, but are in fact only temporarily empty; and

WHEREAS, most of the existing water basins are already located and designed to capture water for conservation and local community use; and

WHEREAS, the water captured in existing basins is normally a high quality and is put to beneficial use; and

WHEREAS, loss of existing water basins would result in an unnecessary burden on the economy both due to the need to purchase replacement, higher priced, lands and due to increased dependence upon imported water, when available, for regular use; and

WHEREAS, the Chino Basin Watermaster is currently developing an Optimum Basin Management Program (OBMP) for the groundwater basin that acknowledges the crucial importance of storm water capture in the local recharge basins for the benefit of current and future generations in this region.

Agenda Date: August 24, 1999

NOW, THEREFORE, BE IT RESOLVED that the San Antonio Water Company supports efforts by all local water and planning agencies to protect the Basin's water supply by preserving existing publicly owned water basins to assure that reliable and clean water may be conserved into the future.

I, Elizabeth McDonough, Secretary of the San Antonio Water Company, do hereby certify that the foregoing Resolution was adopted on August 24, 1999, at a regular meeting of the Directors of the San Antonio Water Company by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SAN ANTONIO WATER COMPANY

Secretary