

**ORDINANCE NO. 91-02**

**AN URGENCY ORDINANCE  
OF THE BOARD OF DIRECTORS  
OF THE YORBA LINDA WATER DISTRICT  
FINDING THE NECESSITY FOR  
AND ADOPTING AN EMERGENCY  
WATER MANAGEMENT PROGRAM**

- WHEREAS,** California is in the fifth consecutive year of drought conditions; and,
- WHEREAS,** precipitation for the current water year is substantially below normal in the watersheds of the water supplies serving Southern California; and,
- WHEREAS,** the completion of the State Water Project continues to be delayed; and
- WHEREAS,** water deliveries from the State Water Project to southern California are being cutback; and
- WHEREAS,** the Metropolitan Water District of Southern California has instituted water conservation goals with severe monetary penalties for not meeting the goal; and,
- WHEREAS,** the Municipal Water District of Orange County, as a member agency of the Metropolitan Water District of Southern California, has also instituted water conservation goals with severe monetary penalties for the Yorba Linda Water District; and,
- WHEREAS,** the Yorba Linda Water District (hereinafter referred to as District) has broad authority to enact water conservation rules under the laws of the State of California; and,
- WHEREAS,** the public's adoption of water conservation measures is now, or may be, necessary to avoid or minimize the effects of the water shortage in southern California.

**NOW, THEREFORE, BE IT ORDAINED THAT THE BOARD OF DIRECTORS OF THE YORBA LINDA WATER DISTRICT,** under the authority of Water Code Sections 350 et seq, 375 et seq, 31024, 31026 and 31027 as follows:

**Section 1. Findings — Declaration of Water Shortage Emergency.**

The Board does hereby find that the matters set forth in the recitals above are true and correct and constitute an emergency condition or a threatened or existing water shortage condition within the District. These conditions require this urgency Ordinance to take effect immediately.

**Section 2. Priority Uses of Water.**

In order to promote water conservation, the objective of the different Levels of water management are to curtail the low priority uses of water. Low priority uses of water are generally described as all uses other than for drinking, cooking, bathing, sanitation, fire suppression, or for medicinal or health related uses requiring water, such as dialysis machines.

### **Section 3. Base Target Amount.**

- a. A Base Target Amount shall be established for each connection in the Yorba Linda Water District corresponding to the average water consumption by meter size for areas with similar land uses, lot or home size, landscape sophistication and economic location for each two month billing cycle in fiscal year 1989-90.
- b. The Base Target Amount for the residential customers may be adjusted to account for families larger than the District wide average of 3 per persons per household at the rate of 100 gallons per day per additional person for four (4) to a maximum of seven (7) persons per household.
- c. Customers with multiple metered connections in the same revenue classification, serving similar land uses may, upon approval in advance by the District, allocate the Base Target Amount between their connections.
- d. In cases where there is insufficient historical data to establish a Base Target Amount, the District shall establish a Base Target Amount by comparing water users similar as to type, lot or home size, landscape sophistication and economic location.
- e. The Base Target Amount may be established and adjusted based upon a determination by the Board of Directors of high priority and low priority water uses.

### **Section 4. Level 1 — Voluntary Conservation Measures.**

Level 1 measures may be declared by the Board of Directors when, in their judgment, the possibility exists the District may not be able to meet all of the demands of its customers without punitive surcharges levied against the District due to restrictions on imported supply. The Board of Directors shall, by separate Resolution, establish voluntary water conservation goals and advise customers of ways to conserve water.

### **Section 5. Level 2 — Mandatory Conservation.**

Level 2 measures, hereinafter referred to as "Water Watch", may be declared by the Board of Directors when, in their judgment, the probability exists that the District will not be able to meet all of the water demands of its customers without punitive surcharges levied against the District due to restrictions on imported supply. The Board of Directors shall, by separate Resolution, determine the extent of conservation required by setting a percentage of the Base Target Amount for high priority and low priority water use, advise customers of ways to save water and may enforce such allocation by mandating certain practices identified in Exhibit "A" of this Ordinance.

### **Section 6. Level 3 — Mandatory Reduction.**

Level 3 measures, hereinafter referred to as "Water Warning", may be declared by the Board of Directors when, in their judgment, the District will not be able to meet all of the water demands of its customers without punitive surcharges levied against the District due to restrictions on imported supply. The Board of Directors shall, by separate Resolution, determine the extent of conservation required, set a percentage of the Base Target Amount for high priority and low priority water use, advise customers of ways to save water and may enforce such allocation by mandating certain practices identified in Exhibit "A" of this Ordinance.

### **Section 7. Level 4 — Water Emergency.**

Level 4 measures, hereinafter referred to as "Water Emergency", may be declared by the Board of Directors when the failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the State Water Project, Metropolitan Water District of Southern California, Municipal Water District of Orange County, Orange County Water District or Yorba Linda Water District may seriously affect the ability to supply water to customers. The Board of Directors shall, by separate Resolution, determine the extent of conservation required, set a percentage of the Base Target Amount for high priority and low priority water use, advise customers of ways to save water and may enforce such allocation by certain practices identified in Exhibit "A" of this Ordinance.

### **Section 8. Rate for Excess Water Use.**

Water consumption which is in excess of the Base Target Amount or percentage of the Base Target Amount as established or as modified by the Board of Directors will be charged the District's current water rate plus a surcharge equal to the accumulative cost per acre foot of any penalty rate adopted by the Metropolitan Water District of Southern California plus any penalty rate adopted by the Municipal Water District of Orange County plus any penalty rate adopted by the Orange County Water District converted to a unit cost per one hundred cubic feet.

### **Section 9. Enforcement.**

a. Degrees of Violation. The following enforcement measures shall apply to any customer who willfully disregards any of the mandated and/or prohibited water management practices adopted pursuant to this Ordinance:

1. First violation: A written warning shall be mailed to the customer. The warning shall state the violation and that if the matter is not corrected, additional enforcement measures may be taken.
2. Second violation: A letter shall be mailed to the customer explaining the violation and a one time charge equal to two times the latest water bill will be charged to the customer.
3. Third violation: An orifice flow restrictor will be inserted into the customers meter to reduce the rate of flow. The orifice will remain in the service line for one billing cycle. The customer shall pay the cost to insert and remove the orifice flow restrictor.
4. Fourth and subsequent violations: Service of water will be subject to further restriction with an orifice or termination of service. The term is at the General Manager's discretion so as to minimize the health and safety affects to the customer.

b. Due Process Procedures.

1. The General Manager shall notify a customer that the District intends to surcharge water usage or to restrict or shut off water service. In the cases of flow restriction or shut off, the notice shall be delivered at least 72 hours in advance. The General Manager shall provide an opportunity to the customer within that time to dispute the District's determination of non-compliance with this Ordinance or to demonstrate that compliance has been achieved subsequent to the notice.
2. The General Manager may revoke, modify, or extend time for compliance with a notice of intent to surcharge water usage or to restrict or shut off water service if the General Manager is reasonably satisfied that such action will be consistent with the best interests of the District and/or the purposes of this Ordinance.
3. The General Manager shall provide for restoration of restricted or shutoff service upon a determination that appropriate steps to assure compliance with this Ordinance have been taken. The customer shall be responsible, as a precondition of service restoration, to pay the District's normal and usual shutoff and turn-on fees and to comply with such other District Rules and Regulations as apply to customers' service shutoff for nonpayment of water bills.

### **Section 10. Appeal Process.**

The Board of Directors shall, by separate Resolution, establish an appeal process that affords customers the opportunity to contest findings, correct errors and alleviate unusual and extraordinary circumstances.

**Section 11. Notification.**

The District shall notify all customers of the water conservation Level adopted by the Board of Directors, Base Target Amount or percentage of Base Target Amount, and recommended and mandated practices adopted by the District.

**Section 12. Effective Date.**

This Ordinance is enacted as an emergency measure and shall become effective on the date of adoption by the Board of Directors. The General Manager is authorized and instructed to cause a copy of the full text of this Ordinance to be published once in a newspaper of general circulation within the District.

**Section 13. Rescind Conflicting Resolutions.**

Effective immediately upon adoption of this Ordinance, the voluntary measures adopted in Resolution No. 90-13, and all conflicting Resolutions are hereby rescinded.

**Section 14. Severability.**

If any portion of this Ordinance is found to be unconstitutional or invalid, the District hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid portion.

**Section 15. California Environmental Quality Act.**

The provisions of this Ordinance are exempt from the provisions of the California Environmental Quality Act as an action to mitigate emergency conditions and as a rate setting measure pursuant to the Public Resources Code Sections 21080(b)(4) and 21080(b)(8), respectively; and in following with the Notice of Exemption filed by the Metropolitan Water District of Southern California on January 8, 1991, as lead agency for the establishment of water delivery conservation programs for water delivered to the Municipal Water District of Orange County.

**PASSED AND ADOPTED** this 28th day of March, 1991 by the following called vote:

AYES: M. Roy KNAUFT JR., PAUL ARMSTRONG, STERLING FOX, ARTHUR C. KORN  
NOYES: 0 AND CARL SCANLIN  
ABSENT: 0  
ABSTAIN: 0

  
\_\_\_\_\_  
President,  
Yorba Linda Water District

(SEAL)

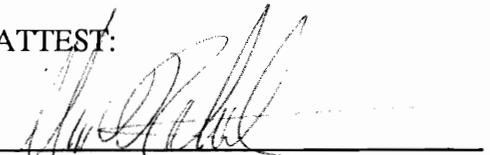
ATTEST:  
  
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Secretary,  
Yorba Linda Water District

Exhibit "A"  
to  
Ordinance 91-02  
Water Conservation Practices

These practices are intended as guidelines for District customers only and are based on the best information available when this Ordinance was adopted. Any Resolution adopting a water conservation level authorized by this Ordinance may modify the practices identified in this list to account for new information or other factors not available or considered when this Ordinance was adopted.

Customer Actions:

1. Check monthly for plumbing leaks and any leaks found should be repaired immediately.
2. Irrigate commercial nurseries, golf courses, parks, school yards, traffic medians and other public open space and other non residential landscaped areas no more often than every third day, and only between the hours of 6:00 p.m. and 5:00 a.m.
3. Reduce outside irrigation schedules to the absolute minimum to keep important plants alive. Withhold fertilizer to inhibit new growth.
4. Residential customers with addresses ending with an even number water lawns, landscaping and other turf areas only on even number days of the month and between the hours of 4:00 p.m. and 10:00 a.m. Residential customers with addresses ending with an odd number water lawns, landscape and other turf areas only on odd number days of the month and between the hours of 4:00 p.m. and 10:00 a.m.
5. Adjust sprinklers to avoid "watering" sidewalks and gutters, and lower pressure to avoid creating a wasteful mist.
6. Eliminate washing of sidewalks, walkways, buildings, walls, patios, driveways, parking areas or other paved surfaces, or walls except to eliminate conditions dangerous to public health or safety or when required as surface preparation for the application of architectural coating or painting, and to alleviate immediate fire hazards.
7. Curtail water used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetical structures unless such water use is approved in advance by the District.
8. Curtail water used for the initial filling or refilling of swimming pools, spas or ponds unless such water use is approved in advance by the District. Replacement due to evaporation is permitted.
9. Curtail washing of motor vehicles, trailers, boats and other types of equipment unless a bucket and a hose equipped with a positive shutoff nozzle for quick rinses is used. Washing of vehicles may be done by a commercial car wash that uses recycled water.
10. Display notice that water will be served only upon request at all restaurants, hotels, cafes, cafeterias or other public place where food is sold, served or offered for sale.
11. Water served in restaurants, hotels, cafes, cafeterias or other public places where food is sold or offered for sale only when requested by a customer.
12. Post notice of the water supply shortage in each room of hotels, motels, inns, guest houses, bed and breakfast facilities and short-term commercial lodgings along with an explanation of necessary compliance measures taken by the establishment.

13. Install low-flow shower heads, toilet dams or low-flow toilets, and faucet flow restrictors in each room of hotels, motels, inns, guest houses, bed and breakfasts facilities and short-term commercial lodgings.
14. Hand water plants with a positive shut-off hose nozzle.
15. Place a plastic bottle, bag or dam in all toilets.
16. Use automatic dish and clothes washers for full loads only.
17. Insulate hot water pipes to reduce the waiting time for hot water. Install circulating hot water system or point off use water heater.
18. Turn off the water while brushing teeth, washing hands and/or shaving.
19. Install water saving shower heads and/or flow restrictors.
20. Take shorter showers. Turn off the water when lathering, shampooing, or shaving. Turn the shower back on to rinse.
21. Capture bath/shower warmup water in buckets and use the water to irrigate plants or to flush toilets.
22. Use garbage disposers sparingly.
23. Do not plant any annuals or new plants that will require extra watering.
24. Place mulching material in landscaped areas to decrease soil moisture evaporation.
25. Use a broom to clean outside patios, porches and sidewalks.
26. Cover spas and swimming pools when not in use. If spa or pool will not be used, make the necessary preparations for not refilling the spa or pool while shortage lasts.

District Actions:

1. Limit use of water from fire hydrants to fire fighting, approved construction activities or other activities as approved by the District as necessary to maintain the health, safety and welfare of the public.
2. Turn off all construction meters until the condition(s) causing the shortage are abated to the satisfaction of the General Manager.
3. Issue no construction meters for earth work or road construction purposes.
4. Moratorium on new service connections.