



Town of Apple Valley

14955 Dale Evans Parkway • Apple Valley, California 92307

February 10, 2010

Mr. Simon Eching
California Department of Water Resources
Water Use and Efficiency Branch
P.O. Box 942836
Sacramento, CA 94236-0001

Subject: Landscape Ordinance Notification

Dear Mr. Eching:

In 2006 and 2007 the Town of Apple Valley worked with the Mojave Water Agency (MWA) and updated the Town's landscape regulations. The MWA's landscape and water conservation model ordinance was used for the preparation of the amendments to the existing regulations. Enclosed is a copy of the Town of Apple Valley's landscape requirements adopted on November 14, 2006 and amended again, on September 11, 2007. The new regulations amended existing regulations to further require water efficiency and savings for landscape projects throughout the Town. Since the Town is not the water purveyor, the implementation of water conservation is limited to the regulations in the adopted landscape regulations. The Town will continue to condition projects to comply with the Town's water conservation regulations and to meet the water budgets as prescribed by the State Ordinance. These regulations in addition to the State water budget allowances will significantly reduce water usage.

The Town's requirements include a limitation on the specific types of drought tolerant or native plants that can be used. Apple Valley restricts the amount of turf that can be used, which achieves the same result of minimizing the amount of water usage as identified in the model ordinance. Specific types of underground and drip irrigation systems are required to reduce the amount of run-off. Once the ability to use recycled water is available, it is anticipated that these regulations will be amended. The Town currently has an existing policy for on-site storm water retention.

If you have any questions please contact me at (760) 240-7000 extension 7200.

Sincerely,

Lori Lamson
Assistant Director of Community Development

Attached: Chapter 9.75 – Water Conservation/Landscape Regulations

CHAPTER 9.75 WATER CONSERVATION/LANDSCAPING REGULATIONS (AMENDED

ORD. 326, 355)

SECTIONS:

9.75.010 General Provisions (Amended Ord. 326, 355).....	2
9.75.020 New Landscape Improvement Projects (Amended Ord. 326, 355).....	5
9.75.030 Low Water Use And California Native Plants (Amended Ord. 326).....	14
9.75.040 Public Education (Amended Ord. 326).....	14
9.75.050 Approved Plant List (Amended Ord. 326).....	15

9.75.010 GENERAL PROVISIONS (AMENDED ORD. 326, 355)

A. *Purpose.*

The purpose of this Chapter is to provide minimum water conservation and landscape development standards which will promote the general welfare of Apple Valley residents through the provision of an outdoor environment which will:

1. Create aesthetically pleasing views and vistas along public streets.
2. Complement and enhance the functional and aesthetic design of new building and site development projects so as to protect and enhance property values.
3. Use water conservation designs that create a mini-oasis concept, where plants and turf are concentrated in areas near buildings where they may be enjoyed at a pedestrian level.
4. Provide visual screening of parking, service and storage areas.
5. Mitigate the adverse impacts of higher intensity land uses upon lower intensity uses through the provision of needed landscape buffers.
6. Promote water conservation by restricting the use of turf and ornamental water features and requiring the utilization of low water use plant materials.
7. Promote climate modifications for enhancement of pedestrian environment at street frontages, parking lots and building facades.
8. Provide maximum shade on ground surfaces to reduce the "urban heat island effect" produced by large expanses of unprotected paved areas.
9. Use only those plants officially approved on the low water use plant list or alternative plants as approved by the Director.
10. Add soil additives within landscape areas to increase the water holding capacity of the soil and improve the health of the plants.
11. Cover final soil surfaces with organic or inorganic mulches to insulate against soil temperature extremes and conserve moisture.
12. Utilize efficient irrigation systems and maintain irrigation systems so they operate at peak efficiency. Lessen water demand by keeping weed growth down and by thinning unwanted wood from trees rather than cropping them.

B. *Applicability.*

All persons owning, developing or maintaining property subject to the provisions of this Chapter shall comply with all applicable provisions contained herein. The landscape standards and requirements established by this Chapter shall apply to all new developments that require the approval of a building permit, site development plan or Development Permit. This Chapter does not apply to registered historical sites or cemeteries.

Registered historical sites and cemeteries shall provide scheduled irrigation based on CIMIS (California Irrigation Management Information System) or conduct water audits every three (3) years with strict

adherence to the recommendations in the water audit. CIMIS and water audits shall be submitted to the water serving entity for compliance.

C. **Definitions**

1. **Application Rate** means the depth of water applied to a given area, usually measured in inches per hour.
2. **Applied Water** means the portion of water supplied by the irrigation system to the landscape.
3. **Automatic Controller** means a mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.
4. **Backflow Prevention Device** means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
5. **Bubbler Emitter** – See Low Volume Irrigation Systems
6. **Check Valve** means a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation downstream sprinkler heads.
7. **Common Open Space.** Land within or serving as a part of a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.
8. **Drip Emitter** – See Low Volume Irrigation System.
9. **Electric Automatic Controllers** refers to time clocks that have the capabilities of multi-programming and multiple start times in order to control amount of water applied to landscaping.
10. **Established Landscaping** means the point at which new plants in the landscape have developed roots into the soil adjacent to the root ball.
11. **Establishment Period** means the first year after installing the plant in the landscape.
12. **Hardscapes** shall mean any inorganic decorative landscape materials, including but not limited to, stones, boulders, cobbles, pavers, decorative concrete and/or mulch, incorporated into an overall landscape design.
13. **Hydrozone** means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A Hydrozone may be irrigated or non-irrigated. For example: A naturalized area planted with native vegetation that will not need supplemental irrigation (once established) is a non-irrigated Hydrozone.
14. **Infiltration Rate** means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).
15. **Interior Open Space.** That open space enclosed by line extensions of the exterior walls of one or more buildings constructed on a common building site.
16. **Irrigation Efficiency** – The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum irrigation efficiency for purposes of these regulations is 75%.
17. **Landscape Area** shall mean the entire parcel less the building footprint, driveways and non-irrigated portions of parking lots including hardscapes, such as decks, patios and other non-porous areas. Water features (including pools and ponds) are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens, are not included.
18. **Landscaping.** Includes all living plants such as trees, shrubs, vines, vegetative ground cover, organic or inorganic materials, earthen berms, walls, walkways, plazas, courtyards, lighting, benches, trash containers, ponds, fountains, sculptures, and other site furnishings creating an attractive environment. It also includes decorative materials such as bark, rock or stone which are allowed to be used in conjunction with live material planting beds.

19. **Landscape Plan.** A graphic representation of the development of a site that illustrates the nature, design, and location of all landscaping and irrigation elements and materials.
20. **Low Volume Irrigation systems** shall mean appropriately designed irrigation systems that utilize low volume devices appropriate to the climatic and site factors. Such heads include micro sprinkler heads, drip emitters and bubbler emitters.
21. **Low Water Use Plant Material** means trees, shrubs and ground covers that survive with a limited amount of supplemental water, as identified in the Approved Plant list.
22. **Main Line** is the pressurized pipeline that delivers water from the water source to a valve or outlet.
23. **Micro Sprinkler** - See Low Volume Irrigation Systems.
24. **Mulch** means any organic material such as leaves, bark, straw or inorganic material such as pebbles, stones, gravel and decorative sand or decomposed granite left loose and applied to the soil surface to reduce evaporation.
25. **Native Plants** means plants that are : (1) Indigenous to the desert region of California, Nevada and/or Arizona; and (2) Native to the southwestern United States and northern Mexico and (3) are low to minimal water users.
26. **Overdraft** shall mean that situation wherein the current total annual consumptive use of water in the Mojave Basin Area exceeds the long-term average annual natural water supply to the Basin Area or Sub Area.
27. **Overspray** shall mean the water, which is delivered beyond the landscaped area, wetting pavements, walks, structures or other non-landscaped areas.
28. **Qualified Professional** means a person who has been certified by his or her professional organization or a person who has demonstrated knowledge and is locally recognized as qualified around Landscape Architects due to long time experience.
29. **Rain Shutoff Device** shall mean a system which automatically shuts off the irrigation system when it rains.
30. **Reclaimed Water.** Water which has been processed by a municipal or comparable wastewater treatment plant and/or otherwise made available for reuse which has been approved by Federal, State or local regulatory agencies.
31. **Recreation Areas** shall mean areas of active play or recreation such as sports fields, school yards, picnic grounds or other areas with intense foot traffic.
32. **Rehabilitated Landscape** shall mean any re-landscaping project that requires discretionary approval and any re-landscaping project whose choice of new plant material and/or irrigation system components is such that the calculation of the site's estimated water use will be significantly changed. The new estimated water use calculation must not exceed the maximum applied water allowance calculated for the site using a 0.6 ET Adjustment Factor.
33. **Run Off** means water which is not absorbed by the soil or landscape to which it is applied and flows from the area. For example: Run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate), or when there is a severe slope.
34. **Salvaged/Harvested Water.** Storm water collected for landscape use.
35. **Sprinkler Head** shall mean a device which sprays water through a nozzle.
36. **Station** shall mean an area served by one valve or by a set of valves that operate simultaneously.
37. **Turf** shall mean a surface layer of earth containing mowed grass with its roots.
38. **Valve** shall mean a device used to control the flow of water in the irrigation system.
39. **Water Intensive Landscape** means an area of land that is watered with a permanent water application system and planted primarily with plants not referred to in the "Low Water Use Plant List". Included is the total surface area of all water features (i.e. swimming pools of any size, fountains, ponds, water courses, waterfalls and other artificial water structures) filled or refilled with water from any source.

40. *Water Feature* means any water applied to the landscape for non-irrigation, decorative purposes. Fountains, streams, ponds and lakes are considered water features. Water features use more water than efficiently irrigated turf grass and are assigned a plant factor of 1.1 for a stationary body of water and 1.2 for a moving body of water.
41. *Water Waste* shall mean any unreasonable or non-beneficial use of water or any unreasonable method or use of water, including but expressly not limited to, the specific uses, conditions, actions or omissions prohibited or restricted by the Ordinance, as hereinafter set forth.
42. *Xeriscape Landscaping*. A water conservation concept that stresses the use of the appropriate plant material and irrigation techniques which are well suited for the local micro-climate. This concept incorporates native plants, selected hardscapes, and proper planting and irrigation techniques that improve the overall water efficiency of a landscape system.
43. *Zone* means an area served by one valve, sometimes referred to as a Station.

D. *Required Approval For Projects*

No Building Permit, shall be approved or issued unless the Planning Division finds that the project satisfies the criteria set forth in this Chapter. Residential infill lots not built and permitted to the owner of the property is exempt from this requirement, provided that a deposit of an amount adopted by Council Resolution is submitted prior to issuance of building permits. For this exemption, a landscape plan implementing the criteria of this Chapter must be submitted and approved by the Planning Division prior to occupancy of the residence. The property owner is required to install the approved landscaping within six (6) months from the date of occupancy. Failure to complete the approved landscaping in said time frame will result in forfeiting the deposit to the Town and having the non-compliance of landscape requirements forwarded to the Code Enforcement Division for legal action. One extension of time not to exceed six (6) months may be approved at the discretion of the Director for special circumstances.

9.75.020 NEW LANDSCAPE IMPROVEMENT PROJECTS (AMENDED ORD. 326, 355)

A. *Limitations on New Landscaping Projects*

1. The maximum slope of a turf area shall not exceed 4:1 or 25 percent.
2. Turf areas shall not be located within six (6) feet of a street, curb, paved surface or sidewalk unless watered with subterranean drip irrigation.
3. No area of turf (unless watered with subterranean drip irrigation) shall have a width less than five (5) feet unless adjacent to a planter bed or other landscape area which will catch overspray.
4. No water intensive landscape or turf (unless watered with subterranean drip irrigation) shall be permitted in any right-of-way.
5. Information shall be provided to new homeowners about designing, installing and maintaining water efficient landscapes.
6. Recreational areas shall not be considered in calculating percentage of the total lot area and shall not be considered in determining compliance with this Section, but shall be subject to the requirements of "Water -Efficiency in Landscape Irrigation and Design".
7. Artificial turf/plants are not limited.

B. Unity and Continuity

Landscape unity and continuity may be significantly enhanced through the selection of a dominant tree and shrub species. Such dominance shall be established by making the selected species clearly in the majority of sixty (60) percent or more.

C. Tree and Shrub Placement in Proximity to Fire Hydrants

Trees, as measured from trunk center, shall be placed a minimum of five (5) feet from fire hydrants. Shrubs, as measured from their mature perimeter, shall be located a minimum of five (5) feet from the rear of a fire hydrant. In no case shall any material other than groundcover be placed between the street or roadway and within fifteen (15) feet of either side or front of a fire hydrant (Figure 9.75.020-A).

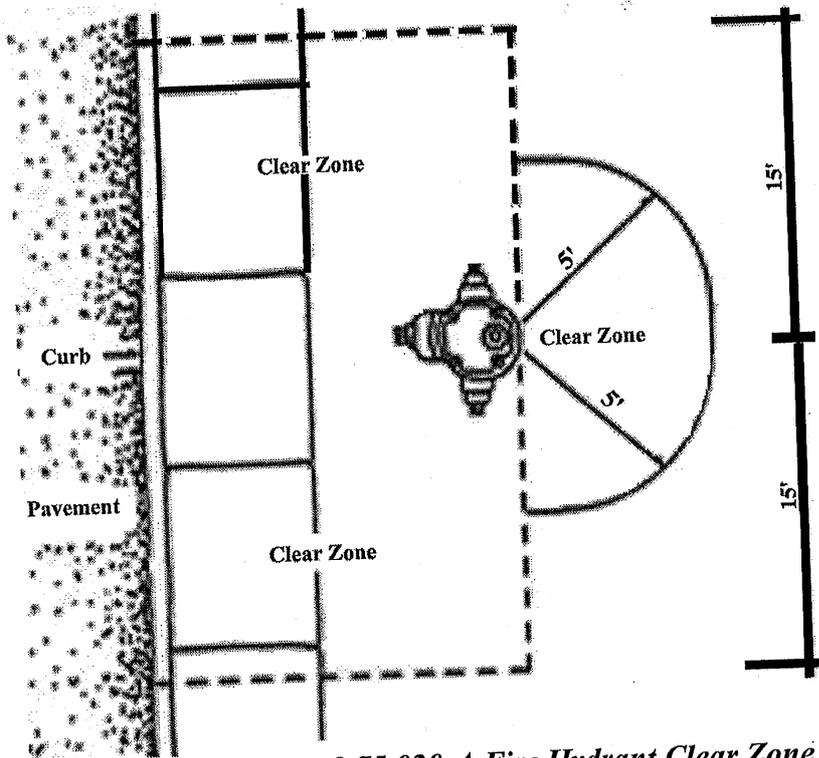


Figure 9.75.020-A Fire Hydrant Clear Zone

D. Ground Surface Treatment

- 1. Pre-Treatment of Ground Surfaces Required.** A pre-emergent herbicide shall be applied to the ground prior to and after the placement of natural surface materials (decomposed granite, gravel, crushed rock, river run rock, etc.) in any landscaped area to prevent weed growth.
- 2. Inorganic Ground Cover.** Inorganic ground covers (decomposed granite, crushed stone, etc.) shall be of a natural color harmonious with other site and architectural materials and shall be installed to a minimum depth of two (2) inches.
- 3. Plant Cover/Dust Control.** All portions of a development site (including future building pads) not occupied by buildings, structures, paved improvements, and required landscape areas shall be temporarily landscaped with plant materials in accordance with this Chapter or treated with an appropriate inorganic ground cover and maintained in a weed and dust free condition.

E. *Plant Massing.*

The massing of trees and shrubs into groups containing three (3) or more plants is required unless standards elsewhere within this Chapter require only a single element, e.g., single trees within parking lot planter islands. Planting of single shrub specimens, unless used to repeat an element already established within a massed planting within the same visual area, is prohibited.

F. *Plant Groupings.*

The grouping of plant species commonly found together in natural associations or of common environmental requirements (soil type, water, sun exposure, temperature limitations, etc.) is required.

G. *Plant Spacing.*

In order to foster a more natural look, an uneven spacing of plants is required unless such plants are being used to create a massed shrub or groundcover bed. The spacing of shrubs shall be sufficient to allow plants to reach their natural mature size and form.

H. *Consistency with Existing Streetscape Standards.*

Street frontage landscaping shall be consistent with any previously adopted specific streetscape standards.

I. *Provisions for New Landscapes*

All new landscaping for the front and street side yards for new residential development shall be subject to the following requirements; All landscaping for new non-residential development shall be subject to the following, unless specifically omitted in this Chapter, such as recreational uses.

1. Residential – Single/Duplex

Landscaping shall be installed in the front yard of the residence meeting the following requirements:

- Limit total area of water intensive landscaping/turf to not more than thirty (30) percent of the landscaped area (Up to a maximum of 900 square feet).
- Use only low water use plants on all additional landscape areas.
- Install low volume irrigations systems on any additional landscape areas.

2. Residential Multi-Family Dwelling

Water Intensive Landscaping/Turf shall be limited to ten (10) percent of the first 9,000 square feet and five (5) percent of the remaining lot area up to one (1) acre. Additional acreage of development over one (1) acre shall be limited to a maximum of five (5) percent water intensive landscape/turf.

3. Non-Residential Limitation on water intensive landscape and turf areas.

A. The following types of facilities shall limit the water intensive landscape and turf within the landscape area to the following percentages of the total lot area, and all remaining landscape areas shall consist of plants identified on the approved plant list. Turf areas shall not be located within six (6) feet of a street, curb, paved surface or sidewalk if adjacent to a paved surface. Turf area may be located within six (6) feet of the aforementioned features if subterranean drip irrigation is used. The maximum slope of a turf area shall not exceed twenty-five (25) percent.

- Churches: Twenty-five (25) percent
- Resorts, including hotels and motels: Ten (10) percent of the total area.
- Commercial, institutional and industrial uses: Shall be limited to ten (10) percent of the first 9,000 square feet and five (5) percent of the remaining lot area up to one (1) acre. Additional acreage of development over one (1) acre shall be limited to a maximum of five (5) percent water intensive landscape/turf.

B. Recreational areas shall not be considered in calculating the percentage of the total lot area and shall not be considered in determining compliance with this Section.

C. No water intensive landscape or turf shall be permitted in any right-of-way.

4. **Processing Procedures and Submittal Requirements:**

A. As a condition of approval for any development proposal, the applicant shall submit landscape plans, meeting the requirements listed below to the Planning Division. Plans submitted for residential development are not required to be prepared by a licensed Landscape Architect. All non-residential development requires a California licensed Landscape Architect, Architect, Landscape Contractor (within the scope of his/her license) or Certified Irrigation Designer shall prepare the landscape plans.

B. All landscape plans submitted by the applicant shall meet the following requirements: Plans must be drawn at a minimum scale of one (1) inch equals thirty (30) feet (maximum sheet size 30" X 42") and contain the following information:

- Name of applicant/owner
- The dates the plans are submitted and revised
- All existing and proposed buildings, roof overhangs and other structures, paved areas, landscaped areas (including non-irrigated areas), power poles, fire hydrants, water meters, light standards, streets, street names, signs, fences/walls, water features (including pools and ponds), storm water retention/detention areas and other permanent features to be added and/or retained on site.
- The location of existing and proposed plant materials
- Calculations of the square footage and percent of total of all site elements including building footprints, parking, and landscape areas. Landscape areas shall also be further subdivided into subcategories of turf, shrubs, groundcover and inorganic materials.
- Plant graphic symbol legend and a plant schedule including botanical and common names, planting size, number of plants and on-center spacing of massed shrubs and ground cover plants on each landscape plan
- All property lines
- Project information, including total square footage of the landscaped area, total square footage of the proposed turf grass area.
- Existing protected trees including any vegetation identified in Vegetation Preservation Plans, if required, to be preserved in place, indicated by botanical name and variety, common name, size and location.
- Show all paved areas such as driveways, walkways and streets
- Show all pools, ponds, lakes, fountains, water features, fences and walls.
- Planting details, specifications and required guarantee.
- Inorganic materials schedule including type of materials (i.e. decomposed granite, river rock, Arizona stone, etc.)
- A diagram showing the amount of shading that the landscaping is expected to provide at its maturity with sun at its apex.

C. All irrigation plans shall contain the following minimum information:

- The location and type of all sprinkler heads, including drip emitter configurations.
- The location and type of irrigation controllers, existing or proposed meters, backflow preventer, water lines and materials. Programmable controllers are required.
- Irrigation details and pressure loss calculations.

5. **Final Planting Plans Shall Contain the Following Minimum Information:**
- A. A table listing the plant material including the plant symbols, common and botanical names, sizes, spacing (if applicable), quantities and other remarks as appropriate to describe the plant selection.
 - B. The location of all plant material shall be shown on the plan at approximately two-thirds the mature size of the plant material.
 - C. All proposed lawn areas and ground cover areas shall be identified, including the types and amounts of living plant materials to be used and the size and depth of non-living materials. The manner in which any lawn areas are to be established shall be included.
6. **Final Irrigation Plans Shall Contain The Following Minimum Information:**
- A. The location and type of all sprinkler heads, including the drip emitter configurations.
 - B. The location and size of main line and lateral line piping.
 - C. The location and size of water meters.
 - D. The location and backflow prevention devices.
 - E. The location, size and circuit number of all valves
 - F. The location and type of irrigation controllers.
 - G. A table including the manufacturer and a description of all parts use in the irrigation plan.
 - H. Details of the backflow prevention devices, valves, sprinkler heads, controllers, etc.

If approved, the Planning Division or Building Division will make an inspection of the completed project for compliance with the program before issuing a Certificate of Occupancy.

7. **Irrigation Operation Systems must be designed and operated to maximize irrigation efficiency.**
- A. Sprinkler irrigation shall be scheduled to operate during the months of May through October, between the hours of 6:00 P.M. and 9:00 A.M. and during the remaining months of November through April, between the hours of 9:00 A.M. and 3:00 P.M. to reduce water loss from wind and evaporation,, and to avoid ice during winter months. Drip irrigation and subterranean devices shall not be subject to this water window.
 - B. Valves shall be scheduled for multiple repeat cycles if necessary to reduce runoff, especially on slopes and with soils with slow infiltration rates.
 - C. All zone run times shall be adjusted seasonally to accommodate landscape water needs, exposure slope and soil types.
 - D. Turf and non-turf shall be irrigated on separate valves.
 - E. Drip emitters and sprinklers shall be placed on separate valves.
 - F. No single zone shall mix head types, such as rotors and pop-up spray heads on the same zone.
8. **Water Efficiency in Landscape and Irrigation Design**
- New irrigations systems and improvements shall be designed to achieve water-efficiency.
- A. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs.
 - a. Turf and non-turf shall be irrigated on separate valves.
 - b. Drip emitters and sprinklers shall be placed on separate valves.
 - c. Bubblers shall be placed on a separate valve and shall not exceed 2 gallons per hour (gph) for each device.
 - B. Soil types, infiltration rate and slopes shall be considered in order to avoid runoff and overspray, where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures. Proper irrigation equipment, schedules and repeat cycles shall be used to minimize runoff. Spray zones shall run parallel to the slope to minimize runoff.
 - C. A minimum of three (3)-inches of mulch shall be applied to all exposed soil surface areas in new plantings.
 - D. Separate landscape water meters shall be installed for all projects except for single-family homes or any project with a landscaped area of more than 5,000 square feet.

- E. A pressure-reducing valve shall be used when the static water pressure exceeds the pressure needed by the system by 15 pounds per square inch (psi). Pressure reducing valves can be installed within the project on the mainline or at the valve, if elevation changes require it.
- F. Turf irrigation principles:
 - a). No single zone shall mix head types, such as rotors and pop-up spray heads on the same zone.
 - b). No sprinkler irrigation systems shall be installed in strips less than five (5) feet wide.
 - c). Small areas (25 feet wide or less) shall be irrigated with fixed nozzle pop-up spray heads with matched precipitation nozzles. Nozzles shall be sized to provide head to head coverage. Heads shall pop-up a minimum of four (4) inches in turf areas. Heads can be specified with pressure reducing features where needed.
 - d). Large areas (wider than 25 feet) shall be irrigated with gear driven rotor heads with a minimum precipitation rate of 1.45 inches per hour for a full circle head. Heads shall pop-up a minimum of four (4) inches in turf areas.
 - e). Check valves shall be included in heads or valves where low head drainage will occur due to elevations changes.
 - f). Use emerging water saving technology such as evapotranspiration controls and subterranean irrigation systems is highly encouraged.

9. **Irrigation Control Systems Shall be employed that offer flexibility in programming.**

- A. All irrigation systems shall include an electric automatic controller with multiple programs and multiple repeat and rest cycle capabilities and a flexible calendar program.
- B. Each zone/valve shall have its own station on the controller. The exception is drip valves, which can be doubled on the controller.

10. **Systems shall be operated to maximize irrigation water efficiency.**

- A. Sprinkler irrigation shall be scheduled to operate during the months of May through October, between the hours of 6:00 PM and 9:00 AM and during the remaining months of November through April, between the hours of 9:00 AM to 3:00 PM to reduce the water loss from wind and evaporation, and to avoid ice during winter months. Drip irrigation and subterranean devices shall not be subject to this water window.
- B. Valves shall be scheduled for multiple repeat cycles if necessary to reduce runoff, especially on slopes and with soils with slow infiltration rates.
- C. All zone run times shall be adjusted seasonally to accommodate landscape water needs, exposure slope and soil types.

J. **Landscape Area Requirements For Residential Tracts, Multi-family Residential And All Non-Residential Development.**

All portions of a development site not utilized for building development, service areas, paved or improved storage areas, parking, driveways, etc., shall be landscaped. Minimum areas of landscaping are as follows:

- 1. **Front Building Setback/Street Right-of-Way Areas.** All front building setback and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped, unless otherwise provided for in this Development Code.
- 2. **Parking Lot Area.** The following landscaping standards apply to parking lots (Figure 9.75.020-A, B and C):
 - A. In order to reduce the "heat island effect" of large expanses of unprotected paved areas, a minimum of thirty (30) percent of the interior parking surface of all parking lots shall be shaded at the maturity of the landscaping.
 - B. Provide a minimum of one (1) tree (minimum fifteen (15) gallon size when planted) for each seven (7) parking spaces located so as to visually disrupt long rows of parking spaces, trees may be clustered where appropriate.
 - C. A thirty-six to forty-two (36-42)-inch high decorative masonry wall, hedge or landscaped berm, as measured from the finished grade of the parking area, shall also be used adjacent to

public rights-of-way to screen the parking area. The height of the screening wall or berm may be reduced when the parking lot is below grade. Horizontal and vertical variations in the design of screening walls are required where the length of such walls exceed forty (40) feet. Said variations are subject to Planning Staff approval.

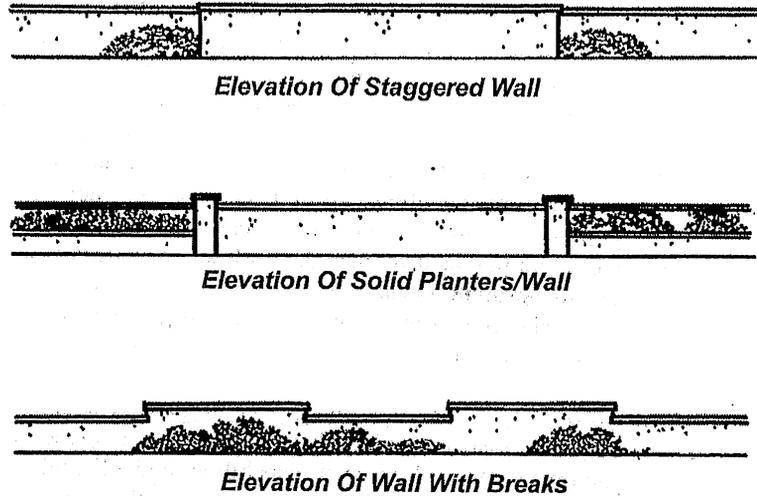
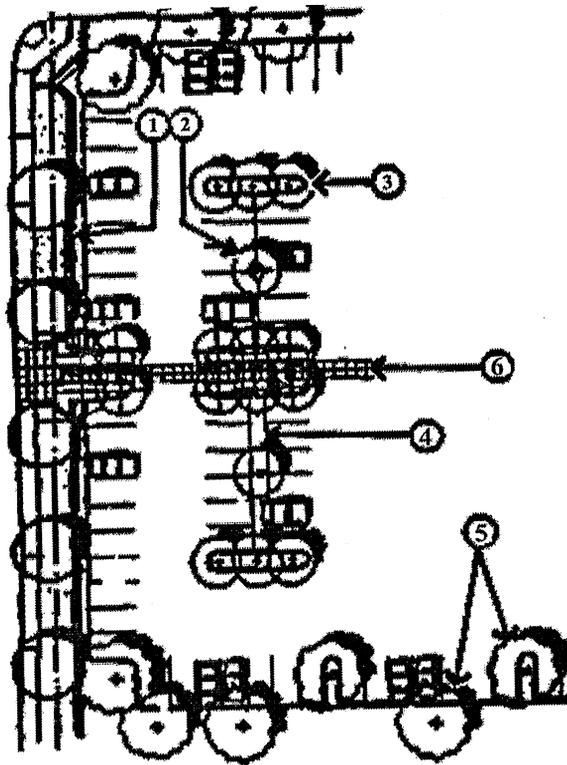


Figure 9.75.020-A Recommended Design Features and Materials

- D.** A minimum of five (5) percent of the interior parking surface area of all parking lots shall be landscaped. Such percentage may be achieved by combining paragraph (1) below with paragraph (2) and/or (3).
- 1.** Planter islands a minimum of five (5) feet in width shall be located at the ends of all rows of parking stalls between the last stall and any drive aisle. Where drive aisles are curved, alternative dimensions with similar area may be approved (Figure 9.75.020-B); and
 - 2.** Planter islands, shall be uniformly distributed throughout the interior parking area, and protected by raised curbs (Figure 9.75.020-B); or
 - 3.** Planter strips, located between double rows of parking stalls, shall be a minimum of four (4) feet in width. Each parking stall may overhang two (2) feet into this area (Figure 9.75.020-B).

Figure 9.75.020-B Planter Islands/Strips



LEGEND

- 1 30" - 42" Block wall and/or berm.
- 2 Minimum 6' square tree well.
- 3 Minimum 6'x18' end of row planter island.
- 4 Planter strips a minimum of 4' in width between double rows.
- 5 Minimum one tree per each 7 uninterrupted parking stalls.
- 6 Special paving at pedestrian circulation areas.

- E. Trees within parking lots shall be kept trimmed to a minimum clear canopy height of six (6) feet for visual safety.
- F. A landscaped strip with a minimum width of ten (10) feet shall be provided where parking lots are adjacent to a public right-of-way or residential uses or districts, unless otherwise provided for in this Code.

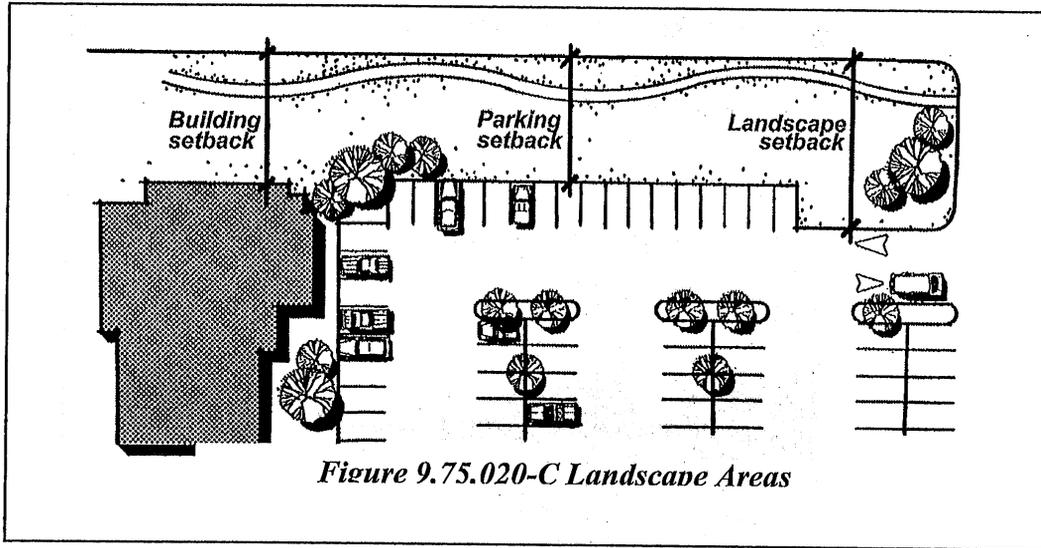


Figure 9.75.020-C Landscape Areas

- K. Landscape Buffers/Perimeter Landscape Strips**
1. **Landscape Buffers.** When providing a buffer between commercial/industrial and residential uses or districts the following features are required:
 - A. Landscaping shall include one (1) tree for each 200 square feet of required landscape area. Said tree shall be a minimum fifteen (15) gallon size when planted, twenty (20) percent of such required trees shall be twenty-four (24)-inch box size; and
 - B. A six (6)-foot decorative masonry wall reflecting the design, material, and color of the primary structures within the project, excluding approved gate openings; and
 - C. Evergreen trees a minimum of six (6) feet in height planted at a maximum spacing of twenty (20) feet on center and shrubs planted at a rate of five (5) per one hundred linear feet.
 2. **Front Building Setback Area.** Landscaping in the front building setback area shall be provided at a minimum rate of one (1) tree and six (6) shrubs per thirty (30) linear feet of frontage plus sufficient groundcover plantings to provide combined shrub and ground coverage of fifty (50) percent of the total landscaped area. Trees and shrubs may be grouped, but gaps between groupings of plants shall not exceed forty (40) feet.
 3. **Other Perimeter Areas.** Landscaping in other perimeter areas shall be provided at a minimum rate of one (1) tree and six (6) shrubs per forty (40) linear feet plus sufficient groundcover plantings to provide combined shrub and ground coverage of forty (40) percent of the total landscaped area, except where screening is required. Trees shall be a minimum fifteen (15) gallon size when planted, twenty (20) percent of which shall be twenty-four (24) inch box size. Trees and shrubs may be grouped, but gaps between groupings of plants shall not exceed fifty (50) feet.
- L. Landscape Improvement Requirements.** The following minimum landscape improvements are required within the following landscape areas:
1. **Single-Family Residential Tracts and Multi-Family Residential Developments**
 - A. **Common open space/retention areas,** A minimum of one (1) tree and six (6) shrubs per 500 square feet of open space plus such additional vegetative ground cover as is necessary to cover a minimum of fifty (50) percent of the total landscaped area with shrubs, ground cover and turf in accordance with subsection 9.75.9020.I above.

- B. Arterial and collector street rights-of-way.* Arterial and collector street rights-of-way adjacent to and within single and multi-family residential developments shall be landscaped at a rate of one (1) tree and three (3) shrubs per 30 linear feet plus such vegetative ground cover necessary to cover a minimum of forty (40) percent of the total landscaped area with shrubs and ground cover. Turf is prohibited within public rights-of-way.
2. *Commercial/Office/Institutional Developments.* One (1) tree and six (6) shrubs per 500 square feet of interior open space plus such additional ground cover which, upon maturity, will cover a minimum of fifty (50) percent of all interior open space surfaces. The inclusion of turf is subject to the limitations established in subsection 9.75.020.I above.
 3. *Industrial Developments.* One (1) tree and six (6) shrubs per 750 square feet of interior open space plus such additional vegetative ground cover which, upon maturity, will cover a minimum of forty (40) percent of all interior open space surfaces. The inclusion of turf is subject to the limitations established in subsection 9.75.020.I above.
 4. *Grading in the Front Building Setback.* Front setback areas shall be graded in a manner which creates natural and pleasing ground forms in accordance with the following guidelines:
 - A. A maximum of fifty (50) percent of the front building setback area may be used for storm water retention;
 - B. Soil excavated to create needed retention basins shall, within the slope limitations established below, be used to create complementary earth mounds elsewhere within the same front building setback area;
 - C. Earth mounds with a maximum slope ratio of four to one (4:1), horizontal to vertical, shall be located and designed to minimize street views into retention basins;
 - D. Grading and other site preparation shall preclude the run-off of rain and/or irrigation water from landscaped surfaces onto paved surfaces.
 5. *Finished Grade Surfaces.* All landscaped areas shall be graded so that finish grade surfaces of all nonliving materials (i.e., decomposed granite, crushed rock, mulch, and the like) are at least one and one-half (1^{1/2}) inches below concrete or other paved surfaces.
 6. *Protection of Landscaped Areas.* Landscaped areas adjacent to vehicular drives or parking areas shall be protected by a six (6)-inch vertical curb. Areas surfaced with different materials (i.e. lawn and decomposed granite) shall be separated by masonry, wood, or mowing strips.
 7. *Irrigation Systems.* The use of drip irrigation systems or systems of equivalent efficiency for all landscaping at commercial and industrial facilities and all common areas of residential developments is required. The use of similar systems on individual residential lots is encouraged.

9.75.030 LOW WATER USE AND CALIFORNIA NATIVE PLANTS (AMENDED ORD. 326)

All landscape shall strive to maximize the use of native species as provided in the approved plant list at the end of this Chapter in Section 9.75.070 or as approved by the Director. Where native material is not appropriate for the intended use or appearance, plant species that are regionally adapted and non-invasive may be used with the approval of the Director.

9.75.040 PUBLIC EDUCATION (AMENDED ORD. 326)

The Town of Apple Valley shall make available information about water efficient landscaping to water users throughout the community. The Town will also use public education to encourage users to conserve water through voluntary compliance. In addition to education, the Town may use enforcement measures to curb water waste.

9.75.50 APPROVED PLANT LIST (AMENDED ORD. 326)

TOWN OF APPLE VALLEY
WATER CONSERVING PLANTS FOR THE HIGH DESERT

LEGEND: D=Drought Tolerant
M=moderate Water Use

A. Vines

M	Antigonon leptopus	Queen's Wreath
M	Campsis radicans	Trumpet Creeper
M	Gelsemium sempervirens	Carolina Jasmine
M	Hedera helix.....	English Ivy
M	Jasminum mesnyi	Primrose Jasmine
M	Lonicera japonica	Japanese Honeysuckle
M/D	Macfadyena unguis-cati.....	Cat's Claw Vine
M/D	Parthenocissus quinquefolia	Virginia Creeper
M	Rosa banksiae	Lady Bank's Rose
M	Wisteria floribunda.....	Japanese Wisteria

B. Ground Covers

M/D	Acacia redolens	Prostrate Acacia
D	Atriplex semibacata	Australian Salt Bush
D	Bouteloua gracilis.....	Blue Grama Grass
M/D	Baccharis pilularis	Coyote Bush
D	Cerastium tomentosum	Snow-in-summer
M/D	Convolvulus mauritanicus	Ground Morning Glory
D	Dalea greggii	Trailing Indigo Bush
M	Euonymus fortunei	Winter Creeper
M/D	Festuca ovina glauca.....	Blue Fescue
M/D	Gazania rigens	Gazania
M	Liriope muscari.....	Big Blue Lily Turf
D	Muhlenbergia rigens	Deer Grass
D	Muhlenbergia capillaris	Pink Muhly
D	Muhlenbergia lindheimeri	Blue Muhly Grass
D	Nolina microcarpa	Bear Grass
D	Nassella tenuissima	Mexican Feather Grass
D	Oenothera berlandieri	Mexican Evening Primrose
M	Ophiopogon japonicus.....	Mondo Grass
D	Phlox species	
M/D	Pyracantha coccinea 'Low Boy'	Firethorn
D	Rosmarinus officinalis.....	Rosemary
D	Santolina chamaecyparissus	Lavender Cotton
D	Sedum species	
M/D	Teucrium chamaedrys	Germander
D	Thymus species	
M/D	Verbena rigida	Verbena
M	Vinca major	Periwinkle
M	V. minor.....	Dwarf Periwinkle

C. Trees

D	Acacia constricta	Whitethorn Mescat Acacia
---	-------------------------	--------------------------

D	<i>A. greggii</i>	Catclaw Acacia
D	<i>Ailanthus altissima</i>	Tree of Heaven
M	<i>Albizia julibrissin</i>	Silk Tree/Mimosa
M/D	<i>Arbutus unedo</i>	Strawberry Tree
M/D	<i>Calocedrus decurrens</i>	Incense Cedar
M	<i>Casuarina stricta</i>	Drooping She Oak
D	<i>Catalpa speciosa</i>	Western Catalpa
M	<i>Cedrus atlantica</i>	Atlas Cedar
M	<i>C. deodora</i>	Deodar Cedar
D	<i>Celtis pallida</i>	Desert Hackberry
M/D	<i>C. reticulata</i>	Western Hackberry
D	<i>Cercidium Floridum</i>	Blue Palo Verde
D	<i>C. microphyllum</i>	Little Leaf Palo Verde
M/D	<i>Cercis occidentalis</i>	Western Redbud
M	<i>Chamaerops humulis</i>	Mediterranean Fan Palm
D	<i>Chitalpa tashkentensis</i>	Pink Dawn
D	<i>Chilopsis linearis</i>	Desert Willow
D	<i>Cupressus arizonica</i>	Arizona Cypress
D	<i>Cotinus coggygria</i>	Smoke Tree
D	<i>Cupressus glabra</i>	Smooth Arizona Cypress
D	<i>C. sempervirens</i>	Italian Cypress
D	<i>Elaeagnus angustifolia</i>	Russian Olive
M	<i>Eriobotrya japonica</i>	Loquat
D	<i>Eucalyptus camaldulensis (rostrata)</i>	Red River Gum
D	<i>Eucalyptus cinerea</i>	Silver Dollar Gum
D	<i>Eucalyptus microtheca</i>	Coolibah
D	<i>E. gunnii</i>	Cider Gum
D	<i>E. nicholii</i>	Willow Leaf Peppermint
D	<i>E. pulverulenta</i>	Silver Mountain Gum
D	<i>Fraxinus angustifolia</i>	Narrowleaf Ash
M/D	<i>Fraxinus velutina</i>	Arizona Ash
M/D	<i>F.v. 'Modesto'</i>	Modesto Ash
M/D	<i>F.v. 'Rio Grande'</i>	Fan-Tex Ash
D	<i>Fremontodendron californicum</i>	Flannel Bush
M	<i>Gleditsia triacanthos</i>	Honey Locust
M	<i>G.t. 'Sunburst'</i>	Sunburst Honey Locust
D	<i>Heteromeles arbutifolia</i>	Toyon/California Holly
M/D	<i>Koelreuteria paniculata</i>	Goldenrain Tree
M/D	<i>Lagerstromia indica</i>	Crape Myrtle
M/D	<i>Melia azedarach</i>	Chinaberry
M	<i>Morus alba</i>	White or Silkworm Mullberry
M/D	<i>Nerium oleander</i>	Oleander
M/D	<i>Olea eruopaea</i>	Olive
D	<i>Parkinsonia aculeata</i>	Mexican Palo Verde
D	<i>Parkinsonia floridum</i>	Blue Palo Verde
D	<i>Parkinsonia microphyllum</i>	Little Leaf Palo Verde
M	<i>Photinia fraseri</i>	Fraser's Photinia
M/D	<i>Pinus eldarica</i>	Afghan Pine
M/D	<i>P. halepensis</i>	Aleppo Pine
M/D	<i>P. edulis</i>	Pinion Pine
M/D	<i>P. pinea</i>	Italian Stone Pine
M/D	<i>P. roxburghii</i>	Chir Pine
M/D	<i>P. thunbergiana</i>	Japanese Black Pine
D	<i>Pistacia chinensis</i>	Chinese Pistache

D	<i>Pistacia atlantica</i>	Mt. Atlas Pistache
D	<i>Pithecellobium flexicaule</i>	Texas Ebony
M	<i>Platanus acerfolia</i>	London Plane Tree
M	<i>P. racemosa</i>	California Sycamore
D	<i>Prosopis species</i>	Mesquite
D	<i>Prunus ilicifolia</i>	Hollyleaf Cherry
M	<i>P. caroliniana</i>	Laurel Cherry
M.	<i>P. cerasifera</i>	Purple Leaf Plum
M	<i>P. persica</i>	Flowering Peach
M/D	<i>Punica granatum</i>	Pomegranate
M	<i>Pyrus kawakamii</i>	Evergreen Pear
D	<i>Quercus dumosa</i>	California Scrub Oak
M	<i>Q. ilex</i>	Holly Oak
M	<i>Q. lobata</i>	Valley Oak
M	<i>Q. palustris</i>	Pin Oak
M	<i>Q. suber</i>	Cork Oak
M/D	<i>Robinia ambigua</i> 'Idahoensis'	Idaho Locust
D	<i>R. Pseudoacacia</i>	Black Locust
M	<i>Sambucus mexicana</i>	Mexican Elderberry
M	<i>Séquoiadendron giganteum</i>	Giant Sequoia
D	<i>Sophora secundiflora</i>	Texas Mountain Laurel
M/D	<i>Trachycarpus fortunei</i>	Windmill Palm
M/D	<i>Ulmus parvifolia</i>	Chinese Elm
M/D	<i>U. pumila</i>	Siberian Elm
M/D	<i>Vauquelinia californica</i>	Arizona Rosewood
M/D	<i>Vitex agnus-castus</i>	Chaste Tree
M/D	<i>Washingtonia filifera</i>	California Fan Palm
M/D	<i>W. robusta</i>	Mexian Fan Palm
D	<i>Yucca brevifolia</i>	Joshua Tree
M/D	<i>Zelkova Serrata</i>	Sawleaf Zelkova
M/D	<i>Ziziphus jujuba</i>	Chinese Jujube

D. Shrubs

M	<i>Abelia grandiflora</i>	Glossy Abelia
M	A.g. 'Prostrata'	Dwarf abelia
D	Agave 'Americana'	Century plant
D	<i>Aloe saponaria</i>	African Aloe
D	Artemisia 'Powis Castle'	Wormwood
M/D	<i>Arctostaphylos hookerii</i>	Monterey Manzanita
D	<i>Atriplex canescens</i>	Four-wing Salt Bush
D	<i>A. lentiformis</i>	Quail Bush
D	A.l. 'Breweri'	Brewers Saltbush
D	<i>Baccharis sarthroides</i>	Desert Broom
D	<i>Baccharis 'Centennial'</i>	Coyote Broom
D	<i>Baccharis pilularis</i>	Coyote Bush
M	<i>Buxus microphylla japonica</i>	Japanese Boxwood
D	<i>Caesalpinia gilliesii</i>	Bird of paradise
D	<i>Calliandra eriophylla</i>	Fairy Duster
D	<i>Cassia Wislizeni</i>	Shrubby senna
D	<i>Cistus species</i>	Rockrose
M/D	<i>Convolvulus species</i>	Morning Glory
D	<i>Cortaderia selloana</i>	Pampas Grass
M	<i>Cotoneaster horizontalis</i>	Rock Cotoneaster
M	<i>C. microphyllus</i>	Rockspray Cotoneaster

M	<i>C. lacteus</i>	Parney Cotoneaster
D	<i>Dasyilirion wheeleri</i>	Desert Spoon
D	<i>Dendromecon rigida</i>	Bush Poppy
D	<i>Elaeagnus pungens</i>	Silverberry
D	<i>Eriogonum species</i>	Wild Buckwheat
M	<i>Euonymus Species</i>	Evergreen Euonymus
D	<i>Fallugia paradoxa</i>	Apache Plume
M	<i>Fatsia japonica</i>	Japanese Aralia
D	<i>Ferocactus species</i>	Barrel cactus
D	<i>Fouquieria splendens</i>	Ocotilla
D	<i>Grevillea x Noellii</i>	Noelli Grevillea
D	<i>Hesperaloe parviflora</i>	Red Yucca
M/D	<i>Hibiscus syriacus</i>	Rose of Sharon
M	<i>Ilex cornuta "Burfordii"</i>	Burford Holly
M/D	<i>Ilex vomitoria</i>	Yaupon Holly
M/D	<i>Juniperus species</i>	Juniper
D	<i>Kniphofia uvaria</i>	Red-Hot Poker
D	<i>Larrea tridentata</i>	Creosote Bush
D	<i>Lavandula species</i>	Lavender
D	<i>Leucophyllum laevigatum</i>	Chihuahuan Sage
D	<i>Leucophyllum frutescens</i>	Texas Ranger
M	<i>Ligustrum japonicum 'Texanum'</i>	Wax Leaf Privet
D	<i>Lycium species</i>	Boxthorn
M/D	<i>Mahonia aquifolium</i>	Oregon Grape
M	<i>Myrtus communis</i>	True Myrtle
M	<i>M.c. 'Compacta'</i>	Dwarf Myrtle
M	<i>M.c. 'Boetica'</i>	Twisted Myrtle
M/D	<i>Nandina domestica</i>	Heavenly Bamboo
M/D	<i>N.d. 'Nana'</i>	Dwarf Nandina
M/D	<i>Nerium oleander</i>	Oleander
D	<i>Nolina microcarpa</i>	Bear Grass
D	<i>Opuntia species</i>	Prickley Pear and Cholla Cactus
M	<i>Osmanthus fragrans</i>	Sweet Olive
D	<i>Pennisetum species</i>	Fountain Grass
D	<i>Penstemon species</i>	Beard Tongue
M	<i>Photinia fraseri</i>	Fraser's Photinia
M	<i>P. serrulata</i>	Chinese Photinia
M	<i>Pittosporum tobira</i>	Mock Orange
M	<i>P.t. 'Wheeler's Dwarf'</i>	Wheeler's Dwarf
D	<i>Teucrium fruticans</i>	Bush Germander
M/D	<i>Pyracantha species</i>	Firethorn
M	<i>Rhaphiolepis indica</i>	Indian Hawthorn
D	<i>Romneya coulteri</i>	Matilija Poppy
D	<i>Rhus ovata</i>	Sugarbush
M/D	<i>Rosmarinus officinalis</i>	Bush Rosemary
M/D	<i>R. prostratus</i>	Dwarf Rosemary
D	<i>Santolina chamaecyparissus</i>	Lavender Cotton
D	<i>S. 'virens'</i>	Green Santolina
D	<i>Salvia dorrii</i>	Purple Sage
D	<i>Salvia greggii</i>	Autumn Sage
D	<i>Salvia clevelandii</i>	Cleveland Sage
D	<i>Salvia chamaedryoides</i>	Mexican Blue Sage
M/D	<i>Syringa vulgaris</i>	Common Lilac
D	<i>Yucca alofolia</i>	Spanish Bayonet

- D Y. schidigera..... Mojave Yucca
- D Y. whipplei Our Lord's Candle
- D Zauschneria californica California Fuchsia

E. Turf

- M/D Buchloe dactyloides Buffalo Grass
- M/D Zoysia Zoysia Grass
- M/D Stenotaphrum secundatum..... St. Augustine Grass
- M/D Festuca elatior..... Tall Fescue
- M/D Lolium perenne..... Perennial Ryegrass
- M/D Poa pratensis Kentucky Blue Grass

F. Perennial Flowers

- D Berlandiera lyrata Chocolate Flower
- D Convolvulus cneorum..... Bush Morning Glory
- D Coreopsis species.....
- D Cosmos species.....
- D Gaura lindheimeri Whirling Butterflies
- D Hemerocallis..... Daylily
- D Penstemon species.....
- D Perovskia Russian Sage
- D Verbena gooddingii Godding Verbena

TOWN OF APPLE VALLEY, CALIFORNIA

MUNICIPAL CODE

TITLE 6

HEALTH SANITATION

Chapters

6.20	Solid Waste Regulations
6.30	Nuisances
6.40	Water Conservation Plan
6.50	Inspection Grading Of Food Establishments
6.80	Smoking Regulations - Repealed

Chapter 6.40

WATER CONSERVATION PLAN

Sections:

6.40.010	Findings.
6.40.020	Purpose.
6.40.030	Water Regulations.
6.40.040	Exceptions.
6.40.050	Notice and Penalties.

6.40.010 Findings. The Town Council finds that by reason of an apparent overdraft of the water table and because of the current problem existing with respect to the over use of the waste of water in connection with the irrigation of landscape and other outdoor vegetation, lawns and other growth, it is necessary to adopt and enforce a water conservation plan to conserve the water supplies of the Town for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and it is the intent of the Town Council to achieve at least an approximately 10% reduction in water use.

6.40.020 Purpose. The Town finds that certain water uses regulated or prohibited in this ordinance are non-essential and if allowed would constitute wastage of water.

6.40.030 Water Regulations.

A. No water user within the Town of Apple Valley shall knowingly make, cause, use, or permit the use of water for residential, commercial, industrial, agricultural or any other purpose in the manner contrary to any provision of this Chapter.

B. All water users in the Town of Apple Valley shall abide by the following water conservation measures.

(1) The use of water for any purpose shall not result in flooding or runoff in gutters, driveways, streets or adjacent lands.

(2) Lawns, trees, shrubs, and other landscaping shall not be watered beyond what they need for growth and to sustain life, and water shall not be permitted to pool or to run off property onto streets or adjacent land.

- (3) Sidewalks, walkways, driveways, parking areas, patios, porches or verandahs or any other like area shall not be washed off with water from hoses or by any other means. The exception to this shall be the washing of flammable or other similar dangerous substances that require direct hose flushing using recognized safety control measures for the benefit of the public health and safety. Notification to the Town of such wash down is required.
- (4) Water, sprinkling, aerial watering or irrigating of any landscaped or vegetated areas, including lawns, trees, shrubs, grass, ground cover, plants, vines, gardens, vegetables, flowers, or other landscaping shall not occur between the hours of 9:00 a.m. and 6:00 p.m. during the months of April through September provided, however, that these restrictions shall not apply to hand-held hose or drip irrigation systems or to establishment of new lawns, landscaping, or gardens.
- (5) Non-commercial washing of privately owned vehicles, trailers, motor homes, buses, boats and mobile homes is prohibited except from a bucket, and except that a hose equipped with an automatic shut-off nozzle may be used for a quick rinse.
- (6) Water shall not be used to clean, fill, operate or maintain levels in decorative fountains unless such water is for replenishment of a recycling system.
- (7) Water lines, faucets, and other facilities shall be maintained so that they do not leak water. Existing leaks shall be repaired in a timely manner.
- (8) Restaurants, other food establishments, or other public places where food is served, shall not routinely provide glasses of drinking water to customers unless specifically requested by the customer.
- (9) Water for construction purposes including, but not limited to, debrushing of vacant land, compaction of fills and pads, trench backfill and other construction uses, shall be used in an efficient manner. The use of aerial type sprinklers is not recommended but, if used, shall not be operated between the hours of 9:00 a.m. and 6:00 p.m..
- (10) All new residential, commercial and industrial construction shall be equipped with low-flush toilets and low-flow showers and faucets.
- (11) Water used for cooling systems must be recycled to the extent possible.
- (12) Evaporation resistant covers are required for all new swimming pools and hot tubs and are encouraged to be installed for existing pools. The covers required by this ordinance shall, at the time of purchase, installation and all subsequent maintenance, meet or exceed current standards and specifications for swimming pool, spa and hot tub covers adopted by the American Society for Testing and Materials (ASTM).
- (13) Hotels/motels are required to post a notice in substantially the form provided by the Town of Apple Valley urging guests to conserve water.
- (14) All current and future water customers are encouraged to install flow restrictors or pressure reducers and to install toilet tank displacement devices (dams, bottles or bags), and as appliances or fixtures wear out, replace them with water-saving models.
- (15) Parks, schools, golf courses, cemeteries, school grounds and all public use lands shall not irrigate between the hours of 9:00 a.m. and 6:00 p.m. during the months of April through September inclusive and are encouraged to use water conservation irrigation equipment.
- (16) The use of drought tolerant or native plant material is encouraged for exterior landscaping in all new residential, and required for new commercial and industrial construction.
- (17) The use of low precipitation sprinkler heads, bubblers, drip irrigation and timing devices are required in the exterior landscaping in all new residential, commercial and industrial construction.

(18) At least 50% of all new model homes shall include as a part of the exterior landscape development low water use, drought-tolerant or native plants.

(19) Projects, including Commercial and Planned Unit Developments, which utilize recycled water from sewage treatment or agricultural operations, may receive an exemption from paragraphs (15) through (18) of this Section by approval of the Town Council.

6.40.040 Exception. The prohibited or restricted uses of water under this Chapter shall not be applicable in those instances when the Town Manager or his designee finds: (1) The use is essential to avoid an undue hardship for a water user; (2) Special circumstances exist for a particular water user, as distinguished from other water users, which justify allowing an exception; (3) The use is essential for required government or public utility services, including but not limited to police protection, fire protection, sanitation, and other critical or emergency services; or (4) The use is essential to maintain the public health and safety. *(Amended - Ord. #58, 7-24-90)*

6.40.050 Penalties.

Any person who violates any provision or who fails to comply with any of the requirement of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be punished in accordance with the provisions of Sections 1.01.200 through 1.01.230 of Chapter 1.01 of Title 1 of this Code. *(Amended Ord. 156, adopted 11-14-95)*

