

INDIAN WELLS VALLEY WATER DISTRICT

BOARD OF DIRECTORS

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May 13, 2010

California Department of Water Resources
Water Conservation Department
P.O. box 942836
Sacramento, CA 94236

RE: Water Conservation Ordinances

The Board of Directors of the Indian Wells Valley Water District (District) find that the water sources available to the District and all the other water users in the Indian Wells Valley is a limited resource and must be conserved to the fullest extent possible.

To promote the values and benefits of landscaping while recognizing the need to utilize water and other resources as efficiently as possible, the Board of Directors passed two ordinances restricting turf and water-thirsty plants on all new development and one ordinance restricting water waste and establishing a water conservation plan for existing landscape within the boundaries of the Indian Wells Valley Water District. These water efficient landscape ordinances became effective on April 9, 2010.

The following requirements are for NEW single family residential development (Ordinance 90):

1. No turf allowed in the landscape area of the front yard.
2. Only plants from the Approved Plant List, on file and maintained by the District, shall be used within the landscape area of the front yard. The Approved Plant List will also be on file at the City of Ridgecrest Planning Department.
3. The irrigation system in the landscape area of the front yard must be a low volume irrigation system.
4. The landscape area shall be designed to eliminate any runoff.

The following requirements are for NEW multi-family, commercial and/or institutional development (Ordinance 91):

1. Turf and/or any plants not on the Approved Plant List are limited up to 50% of the landscape area.
2. Only plants from the Approved Plant List, on file and maintained by the District, shall be used within the remaining landscape area. The Approved Plant List will also be on file at the City of Ridgecrest Planning Department.
3. The irrigation system in the remaining landscape area must be a low volume irrigation system.
4. All of the landscape area shall be designed to eliminate any runoff.

As a condition of service, the above requirements are necessary. The District shall also record a Covenant of Landscape Restrictions on each new development that is subject to Ordinances 90 and 91 with the County Recorder as notice to subsequent owners of said development of the provisions of Ordinances 90 and 91.

500 West Ridgecrest Boulevard - Mailing Address: P.O. Box 1329, Ridgecrest, California 93556-1329

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The following requirements are for EXISTING and NEW developments (Ordinance 93):

1. No water user shall waste water. "Waste" means the following:
 - A. Landscape irrigation to an extent which allows water to run off the area being irrigated, specifically onto sidewalks and streets creating an undue, continuous flow of water.
 - B. Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume water broom, high-pressure cleaning machine equipped to recycle any water used. General maintenance cleaning shall be performed by other means such as by using a broom.
 - C. Knowingly allowing water to leak through water connections, hoses, faucets, pipes, outlets or plumbing fixtures.
 - D. Limits on washing vehicles: Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat, motor home, or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility that recycles water.
2. Landscape shall not be irrigated on the surface, except for hand watering and/or the use of a drip irrigation system, between the hours of 8:00 AM – 8:00 PM during the months of May, June, July, August, September and October unless a special permit is issued to accommodate newly planted material.
3. No water shall be provided to any structure hereafter constructed or remodeled unless the plumbing fixtures to be installed conform to requirements of law as a flow capacity.

This is part of the District's water conservation plan for new and existing residential, commercial, industrial and institutional development.

Sincerely,



Tom Mulvihill
General Manager

- Enclosures:
1. Ordinances 90 and 91
 2. Ordinance 93
 3. Approved Plant List
 4. Landscape Plants for the California High Desert

ORDINANCE NO. 91

ORDINANCE OF THE BOARD OF DIRECTORS OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND SAN BERNARDINO COUNTIES, CALIFORNIA, REQUIRING WATER EFFICIENT LANDSCAPE AS A CONDITION OF RECEIVING NEW MULTI-FAMILY DWELLINGS, COMMERCIAL AND/OR INSTITUTIONAL WATER SERVICE.

WHEREAS, the Indian Wells Valley Water District (District) is a County Water District formed and operating under and pursuant to California Water District Law (California Water Code §§ 30000, *et seq.*); and

WHEREAS, pursuant to Water Code § 31001, the District is authorized to perform all acts necessary to fully carry out its functions; and

WHEREAS, pursuant to Water Code § 31035, the District may undertake a water conservation program to reduce water use and may require as a condition of new service that reasonable water saving devices and water reclamation devices be installed to reduce water use; and

WHEREAS, the Board of Directors of the District find that the water sources available to the District and all the other water users in the Indian Wells Valley is a limited resource and must be conserved to the fullest extent possible.

NOW THEREFORE, BE IT ORDAINED by the Board of Directors of the Indian Wells Valley Water District, as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to conserve water by requiring all Landscape Areas of Multi-Family Dwellings, Commercial and/or Institutional buildings/facilities to at all times comply with the provisions herein as a condition of receiving District water service.

SECTION 2. DEFINITIONS

- A. **“Approved Plant List”** means the list formulated by staff and approved and/or modified by the District Board of Directors.
- B. **“Landscape Area”** means all non-hardscape or non-building area.
- C. **“Low Volume Irrigation System”** means appropriately designed irrigation systems that utilize low volume watering devices appropriate to the climatic and site factors including microsprinkler heads, drip emitters, and bubbler emitters.
- D. **“Multi-Family Dwellings, Commercial and/or Institutional”** means a newly constructed or existing multi-family residential dwelling, commercial and/or institutional building/facility whose owner/occupant is making application to the District for new water service on a property where District water service did not previously exist (collectively referred to herein as “Multi-Family Dwelling”).
- E. **“Runoff”** means water from irrigation that leaves the Landscape Area and flows onto sidewalks, streets, or roads.
- F. **“Turf”** means a surface layer of earth containing mowed or unmowed living grass with its roots.

SECTION 3. RESTRICTIONS ON LANDSCAPE

- A. Turf and/or any plants not on the Approved List are limited up to 50% of the Landscape Area.
- B. Only the plants from the Approved Plant List, on file and maintained by the District, shall be used within the remaining Landscape Area.
- C. The irrigation system in the remaining Landscape Area must be a Low Volume Irrigation System.
- D. All of the Landscape Area shall be designed to eliminate any runoff.

SECTION 4. NOTICE

A. District shall record a Covenant of Landscape Restrictions on each Multi-Family Dwelling that is subject to this Ordinance with the Kern County Recorder as notice to each and every owner of said Multi-Family Dwelling of the provisions of this Ordinance.

B. Upon confirmation by the District of any violation of this Ordinance, the District shall provide written notice along with educational materials to the owner of record of the Multi-Family Dwelling and the occupant of the Multi-Family Dwelling. The notice shall be dated and shall specify the address of the Multi-Family Dwelling, the nature of the violation, list the steps that must be taken to comply with this Ordinance and the name and telephone number of a District staff person from whom additional information can be obtained. In addition, the notice shall advise the owner/occupant that termination of water service will result from continued non-compliance. These provisions are for a first violation within any consecutive twelve month period.

C. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 4(A) above, within thirty (30) calendar days, a second violation shall occur and a second notice containing the information specified in Section 4(B) above shall be issued. The second violation shall impose a fine in an amount not to exceed Fifty Dollars (\$50.00) and will be charged to and billed on the water user's account.

If, under the discretion of the District, satisfactory progress is being made on steps to correct the violation, a second notice will not be issued.

D. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 4(C) above, within thirty (30) calendar days, a third violation shall occur and a third notice containing the information specified in Section 4(B) above shall be issued. The third violation shall impose a fine in an amount not to exceed Two Hundred Dollars (\$200.00) and will be charged to and billed on the water user's account.

The third notice shall also notify the owner/occupant that water service will be terminated in thirty (30) calendar days unless the Multi-Family Dwelling is in compliance with the provisions of this Ordinance. If the owner/occupant fails to comply with the provisions of this Ordinance, the final notice of service termination shall be posted at the entrance to the Multi-Family Dwelling which indicates that water service shall be terminated in forty-eight (48) hours.

SECTION 5. EXTENSION

A. The General Manager shall have the authority to extend any deadlines by a period of time not to exceed an additional 30 days as set forth in this Ordinance.

SECTION 6. APPEAL

A. Should a property owner/occupant of a Multi-Family Dwelling determined to be in violation of this Ordinance dispute the findings of staff, said property owner/occupant may request a hearing with an appropriate committee of the Board of Directors. The hearing shall be scheduled within thirty (30) calendar days of the request. The hearing shall be attended by the District's General Manager or a designated representative of the General Manager.

B. The District's General Manager or a designated representative of the General Manager shall mail the property owner/occupant a written decision within ten (10) calendar days of the hearing. If the property owner/occupant is dissatisfied with the outcome of the hearing, the property owner/occupant may request the matter be placed on the agenda of the District's Regularly Scheduled Board Meeting. The property owner may then make his or her petition to the Board of Directors. The Board's determination shall be final.

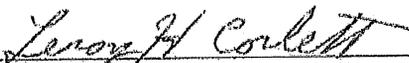
SECTION 7. EFFECTIVE DATE

A. The foregoing Ordinance shall become effective on April 9, 2010 upon adoption of same by the Board of Directors of the District.

SECTION 8. PUBLICATION

A. The Secretary is hereby directed to cause this Ordinance to be published once in full in a newspaper of general circulation, printed, published and circulated within the District.

ADOPTED this 14th day of December, 2009.



President of the Indian Wells Valley
Water District Board of Directors

ATTEST



Secretary of the Indian Wells Valley
Water district Board of Directors

(SEAL)

ORDINANCE NO. 93

ORDINANCE OF THE BOARD OF DIRECTORS OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND SAN BERNARDINO COUNTIES, CALIFORNIA, RESCINDING ORDINANCE NO. 72 IN ITS ENTIRETY; AND ADOPTING VOLUNTARY AND MANDATORY CONSERVATION MEASURES AND RECOMMENDING AND/OR REQUIRING CERTAIN WATER CONSERVING MEASURES

WHEREAS, the Indian Wells Valley Water District (District) is a County Water District formed and operating under and pursuant to California Water District Law (California Water Code §§ 30000 *et seq.*); and

WHEREAS, pursuant to Water Code § 31001, the District is authorized to perform all acts necessary to fully carry out its functions; and

WHEREAS, pursuant to Water Code § 31035, the District may undertake a water conservation program to reduce water use and may require as a condition of new service that reasonable watersaving devices and water reclamation devices be installed to reduce water use; and

WHEREAS, the Board of Directors of the District find that the water sources available to the District and all the other water users in the Indian Wells Valley is a limited resource and must be conserved to the fullest extent possible.

WHEREAS, a Memorandum of Understanding was made and entered into by and between the District and the City of Ridgecrest (City) for the mutual goal of conserving groundwater and adopting a water efficient landscape ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of Directors of the Indian Wells Valley Water District, as follows:

SECTION 1. TITLE

This Section shall be known and may be cited as the Water Efficient Landscape Ordinance.

SECTION 2. PURPOSE AND INTENT

- A. Promote the values and benefits of landscaping while recognizing the need to utilize water and other resources as efficiently as possible;
- B. establish a water conservation plan to reduce water consumption in the residential and commercial landscape environment by encouraging single-family residential water conservation, and, in multi-family, commercial and manufacturing zone districts, limiting the use of turf and requiring the utilization of low water use plant materials in new projects;
- C. establish provisions for water management practices and water waste prevention for new development;
- D. establish a plan for designing, installing and maintaining water efficient landscapes in new projects; and
- E. implement a more efficient use of water through swimming pool and water body design by the use of efficient water body management and proper recirculation of water.

SECTION 3. DEFINITIONS

Approved Plant List shall mean the list formulated by District staff and approved and/or modified by the District Board of Directors.

Drainage system shall mean a landscape or irrigation system design to drain the water to be reused on the property or to channel the water off the property.

Drip Irrigation System shall mean the use of a drip emitter system that permits no more than 5 gallons of water per hour from each emitter.

Emitter shall mean a drip irrigation component that dispenses water to plants at a predictable rate, measured in gallons or liters per hour.

Hand Watering shall mean the actual watering of landscape by a person who remains present and holds onto and directs the watering device.

Irrigation Systems shall mean appropriately designed system that utilizes water sprinklers, emitters and bubblers.

Landscape area shall mean all permeable area located on the property and land set aside exclusively for shrubs, flowers, trees, water features and other landscape material to enhance the natural beauty of an area.

Low volume irrigation systems shall mean appropriately designed irrigation systems that utilize low volume sprinklers appropriate to the climatic and site factors. Such heads include low volume sprinkler heads, drip emitters and bubbler emitters.

Low water use plants shall mean trees, shrubs and ground covers that survive with a limited amount of supplemental water as recommended by the Approved Plant List or as identified in the booklet "*Landscape Plants for the California High Desert*" published by the Indian Wells Valley Water District, Rosamond Community Services District, Palmdale Water District, City of Palmdale, Kern County Water Agency and Naval Air Weapons Station China Lake. A copy of the Approved Plant List and booklet shall be on file and available for inspection in the City Planning Department and Indian Wells Valley Water District Offices. Other plant material that is believed to be low water use may be added to the Approved Plant List by special application to the Indian Wells Valley Water District or City Planning Commission.

Recirculation shall mean the reuse of water in a pool or pond in such a way that the water would enter from one point and be reused in another portion in such a way that the water is not wasted or lost by reuse in the pool or pond.

Recycling shall mean the reuse of water in a pool or pond through a series of pumps and filters.

Runoff shall mean water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

Turf shall mean a surface layer of earth containing mowed or un-mowed grass with its roots.

SECTION 4: APPLICABILITY

All new developer, homeowner and/or commercial installed landscape projects within the boundaries of the District shall be subject to this Ordinance as well as Ordinances No. 90 and/or 91 adopted by the District Board of Directors on December 14, 2009. All water users within the boundaries of the District shall be subject to Section 9 of this Ordinance

SECTION 5: SINGLE-FAMILY RESIDENTIAL LANDSCAPE PROCEDURE

- A. All new single-family residential landscape projects are subject to District Ordinance No. 90 which imposes mandatory restrictions on landscaping. All existing single-family residential landscape projects which are not subject to Ordinance No. 90 are encouraged to abide by these recommendations. Existing landscape areas larger than one acre may be audited so recommendations can be made for water savings.
- B. The following is recommended for all single-family residential homes:
1. Turf landscaping should not exceed 2,000 square feet of single-family residential lots 10,000 square feet or smaller.
 2. Turf landscaping should not exceed 3,000 square feet of single-family residential lots 10,001 square feet or larger.
 3. Irrigation and Landscape Design. Homebuilders, developers and/or landscape contractors should provide the residential customer an irrigation design and landscape design that would, if installed, demonstrate compliance with this Ordinance. Low volume irrigation systems will be demonstrated along with low water use plant material.
 4. The irrigation design needs to show proper drainage to eliminate water waste.
 5. Irrigation Drainage. All irrigation water is to remain on property during normal water run cycle, such that there is minimal or limited runoff from the area being irrigated, specifically onto sidewalks and streets.

SECTION 6. MULTI-FAMILY RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL LANDSCAPE PROCEDURE

- A. All new landscape projects for multi-family residential, commercial, industrial or institutional are subject to District Ordinance No. 91.
- B. The following limitations apply:
1. Turf and/or any plants not on the Approved Plant List are limited up to 50% of the landscape area.
 2. Only the plants from the Approved Plant List, on file and maintained by the District, shall be used within the remaining Landscape Area.
 3. The irrigation system in the remaining Landscape Area must be a Low Volume Irrigation System.
 4. All of the Landscape Area shall be designed to eliminate any runoff.
 5. An irrigation and landscape plan shall be submitted to the City of Ridgecrest Planning Department, containing low volume irrigation systems and low water use plants. The irrigation plan shall demonstrate drainage to eliminate water waste. The plan must provide adequate water supply such that all of the water needed can be delivered every other day within the water window of 8:00 PM – 8:00 AM during the months of May, June, July, August, September and October.
 6. Irrigation Drainage. All irrigation water is to remain on property during normal water run cycle, such that there is no runoff from the area being irrigated, specifically onto sidewalks and streets.

SECTION 7. SWIMMING POOLS AND WATER BODIES

- A. Public and private swimming pools and water bodies over 300 square feet shall adhere to the goal of water efficiency as set forth in this Section.
1. New swimming pools shall have a swimming pool cover.
 2. New swimming pools shall have a drainage plan.

3. Water features including swimming pools must have recycling or recirculation features.

SECTION 8. APPROVED PLANT LIST

The Approved Plant List is a recommendation for existing single-family and multi-family dwellings, commercial and/or institutional development. The Approved Plant List is a requirement for new development subject to District Ordinances No. 90 and 91.

SECTION 9. MANDATORY MEASURES

The General Manager of the Indian Wells Valley Water District or designee may provide health and safety exceptions with regards to mandatory measures on a case by case basis.

- A. No water user shall waste water. For the purposes of this section enforcement shall be to that degree necessary to prevent the waste of water. "Waste" means the following:
 1. Landscape irrigation to an extent which allows water to runoff the area being irrigated, specifically onto sidewalks and streets creating an undue, continuous flow of water.
 2. Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume water broom, high-pressure cleaning machine equipped to recycle any water used. General maintenance cleaning shall be performed by other means such as by using a broom.
 3. Knowingly allowing water to leak through water connections, hoses, faucets, pipes, outlets or plumbing fixtures.
 4. Limits on washing vehicles: Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat, motor home, or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility that recycles water.

- B. Landscape shall not be irrigated on the surface, except for hand watering and/or the use of a drip irrigation system, between the hours of 8:00 AM – 8:00 PM during the months of May, June, July, August, September and October unless a special permit is issued to accommodate newly planted material.
- C. No water shall be provided to any structure hereafter constructed or remodeled unless the plumbing fixtures to be installed conform to requirements of law as to flow capacity.

SECTION 10. NOTICE AND PENALTIES

- A. Upon confirmation by the District of any violation of this Ordinance, the District shall provide written notice along with educational materials to the owner of record and/or occupant. The notice shall be dated and shall specify the address, the nature of the violation, list the steps that must be taken to comply with this Ordinance and the name and telephone number of a District staff person whom additional information can be obtained. In addition, the notice shall advise the owner/occupant that termination of water service will result from continued non-compliance. These provisions are for a first violation within any consecutive twelve month period.
- B. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 10.A above, within a reasonable amount of time, a second violation shall occur and a second notice containing the information specified in Section 10.A above shall be issued. The second violation shall impose a fine in an amount not to exceed Fifty Dollars (\$50.00) and will be charged to and billed on the water user's account.

If under the discretion of the District, satisfactory progress is being made on steps to correct the violation, a second notice will not be issued.

- C. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 10.B above, within a reasonable amount of time, a third violation shall occur and a third notice containing the information specified in Section 10.A shall be issued. The third violation shall impose a fine in an amount not to exceed Two Hundred Dollars (\$200.00) and will be charged to and billed on the water user's account.

The third notice shall also notify the owner/occupant that water service will be terminated within thirty (30) calendar days unless the owner/occupant is in compliance with the provisions of this Ordinance. If the owner/occupant fails to comply with the provisions of this Ordinance, the final notice of service termination shall be posted at the entrance to the dwelling/property which indicates that water service shall be terminated in forty-eight (48) hours.

SECTION 11. EXTENSION

The General Manager shall have the authority to extend any deadlines by a period of time not to exceed an additional 30 days as set forth in this Ordinance.

SECTION 12. APPEAL

1. Should a property owner/occupant determined to be in violation of this Ordinance dispute the findings of staff or if said property owner/occupant believes they have sufficient justification for said violation, said property owner/occupant may request a hearing with an appropriate committee of the Board of Directors. The hearing shall be scheduled within thirty (30) calendar days of the request. The hearing shall be attended by the District's General Manager or a designated representative of the General Manager.
2. The District's General Manager or a designated representative of the General Manager shall mail the property owner/occupant a written decision within ten (10) calendar days of the hearing. If the property owner/occupant is dissatisfied with the outcome of the hearing, the property owner/occupant may request the matter be placed on the agenda of the District's Regularly Scheduled Board Meeting. The property owner/occupant may then make his or her petition to the Board of Directors. The Board's determination shall be final.

SECTION 11. ADMINISTRATIVE EXCEPTIONS

The General Manager of the District or designee may provide administrative exceptions to the landscape and irrigation plan requirements of this Ordinance on a case by case basis.

The General Manager of the District or designee will notify the City Manager of any administrative exemption granted pursuant to this Section prior to the date the exception becomes effective.

The City Manager or designee after consultation with the General Manager of Indian Wells Valley Water District may grant an administrative exception.

SECTION 12. EFFECTIVE DATE

1. The foregoing Ordinance shall become effective upon adoption of same by the Board of Directors of the Indian Wells Valley Water District.

SECTION 13. PUBLICATION

1. The Secretary is hereby directed to cause this Ordinance to be published once in full in a newspaper of general circulation, printed, published and circulated within the District.

ADOPTED this 10th day of May, 2010.

Stavros W. Manning

Vice-President of the Indian Wells Valley Water
District Board of Directors

ATTEST

Thomas J. Muhl

Secretary of the Indian Wells Valley Water
District Board of Directors

(SEAL)

APPROVED PLANT LIST FOR THE INDIAN WELLS VALLEY

CAUTION! The plants included on this list may be harmful to humans or animals if swallowed.

*Denotes plants that appear in the IWVWD free publication *Landscape Plants for the California High Desert*, available at the Water District office located at 500 W. Ridgecrest Blvd., Ridgecrest, CA 93555

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
TREES	
* <i>Acacia constricta</i>	White Thorn Acacia
* <i>Acacia farnesiana</i> (syn. <i>A. smallii</i>)	Sweet Acacia
* <i>Acacia stenophylla</i>	Shoestring Acacia
* <i>Albizia julibrissin</i>	Silk Tree
* <i>Brahea armata</i>	Mexican Blue Palm
* <i>Cedrus deodara</i>	Deodar Cedar
* <i>Celtis reticulata</i>	Canyon Hackberry
* <i>Cercidium</i> species (see <i>Parkinsonia</i>)	Palo Verde
* <i>Chamaerops humillis</i>	Mediterranean Fan Palm
* <i>Chilopsis linearis</i>	Desert Willow (including cultivars)
* <i>Chitalpa tashkentensis</i>	Pink Dawn Chitalpa
<i>Eucalyptus cinerea</i>	Silver Dollar Gum
<i>Eucalyptus gunnii</i>	Cider Gum
<i>Eucalyptus leucoxydon</i>	White Iron Bark
* <i>Eucalyptus microtheca</i>	Coolibah Tree
<i>Eucalyptus nicholii</i>	Willowleaf Peppermint
<i>Eucalyptus polyanthemus</i>	Silver Dollar Gum
<i>Fraxinus oxycarpus</i>	'Raywood' Ash
* <i>Fraxinus velutina</i>	Arizona Ash
* <i>Fraxinus velutina glabra</i>	'Modesto' Ash
* <i>Gleditsia triacanthos inermis</i>	'Shademaster' Honey Locust
* <i>Lagerstroemia indica</i>	Crape Myrtle (including cultivars)
* <i>Olea europaea</i>	ONLY pollenless and fruitless cultivars
* <i>Parkinsonia florida</i> (syn. <i>floridum</i>)	Blue Palo Verde
* <i>Parkinsonia microphylla</i>	Foothill Palo Verde
* <i>Parkinsonia hybrid</i>	'Desert Museum' Palo Verde
* <i>Phoenix canariensis</i>	Canary Island Date Palm
<i>Phoenix dactylifera</i>	Date Palm
* <i>Pinus eldarica</i>	Mondell or Afgan Pine
<i>Pinus edulis</i>	Two-Needle Pinyon Pine
* <i>Pinus halepensis</i>	Aleppo Pine
<i>Pinus monophylla</i>	Singleleaf Pinyon Pine
* <i>Pinus pinea</i>	Italian Stone Pine
<i>Pinus sabiniana</i>	Grey Pine
* <i>Pistacia chinensis</i>	Chinese Pistache
* <i>Prosopis chilensis</i>	Chilean Mesquite
* <i>Prosopis glandulosa glandulosa</i>	Texas Honey Mesquite
<i>Prosopis glandulosa torreyana</i>	Western Honey Mesquite
<i>Prosopis pubescens</i>	Screwbean Mesquite

APPROVED PLANT LIST FOR THE INDIAN WELLS VALLEY

CAUTION! The plants included on this list may be harmful to humans or animals if swallowed.
 *Denotes plants that appear in the IWVWD free publication *Landscape Plants for the California High Desert*, available at the Water District office located at 500 W. Ridgecrest Blvd., Ridgecrest, CA 93555

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
* <i>Prunus cerasifera</i> cv.	'Atropurpurea' or 'Krauter Vesuvius' Purple Leaf Plum
* <i>Pyrus calleryana</i> cv.	'Bradford' Flowering Pear
* <i>Quercus fusiformis</i>	Escarpment Live Oak
<i>Quercus kelloggii</i>	California Black Oak
<i>Quercus lobata</i>	Valley Oak
* <i>Robinia ambigua</i>	Pink Flowering Locust
* <i>Robinia neomexicana</i>	New Mexico Locust
<i>Sambucus mexicana</i> (syn. <i>S. caerulea</i>)	Elderberry
* <i>Trachycarpus fortunei</i>	Windmill Palm
* <i>Ulmus parvifolia</i>	Evergreen Elm
* <i>Vitex agnus-castus</i>	Chaste Tree (including cultivars)
* <i>Washingtonia filifera</i>	California Fan Palm
 SHRUBS	
* <i>Abelia grandiflora</i>	Glossy Abelia
<i>Acacia greggii</i>	Catclaw Acacia
* <i>Ambrosia dumosa</i>	Burrobush
<i>Anisacanthus quadrifidus</i> v. <i>wrightii</i>	'Mexican Fire' Flame Acanthus
<i>Arctostaphylos densiflorus</i> cv.	'Howard McMinn' Manzanita
<i>Arctostaphylos pungens</i>	Mexican Manzanita
* <i>Artemisia filifolia</i>	Silver Sage
* <i>Artemisia frigida</i>	Prairie Sagewort
* <i>Artemisia</i> cv.	'Powis Castle' Artemisia
* <i>Artemisia ludoviciana</i>	White Sagebrush
<i>Artemisia tridentata</i>	Big Sagebrush
* <i>Atriplex canescens</i>	Fourwing Saltbush
<i>Atriplex lentiformis</i>	Quail Bush
* <i>Buddleia alternifolia</i>	Fountain Butterfly Bush
<i>Buddleia davidii</i>	Butterfly Bush (many cultivars in various colors)
<i>Buddleia marrubifolia</i>	Wooly Butterfly Bush
* <i>Caesalpinia gilliesii</i>	Desert (Yellow) Bird of Paradise
* <i>Caesalpinia mexicana</i>	Mexican Bird of Paradise
<i>Caesalpinia pulcherrima</i>	Red Bird of Paradise
* <i>Calliandra eriophylla</i>	Pink Fairy Duster
* <i>Caryopteris x clandonensis</i>	'Dark Knight' Blue Mist
* <i>Celtis pallida</i>	Desert Hackberry
* <i>Ceratoides</i> (see <i>Krascheninnikovia</i>)	
* <i>Cercocarpus ledifolius</i>	Curleaf Mountain-mahogany

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<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
* <i>Cercocarpus montanus</i>	Mountain Mohogany
<i>Chrysactinia mexicana</i>	Damianita
<i>Chrysothamnus nauseosa</i>	Rabbitbrush
* <i>Cotoneaster horizontalis</i>	Rock Cotoneaster
* <i>Cordia boissieri</i>	Texas Olive
* <i>Cordia parvifolia</i>	Little-Leaf Cordia
<i>Dalea frutescens</i>	Black Dalea
* <i>Dalea pulchra</i>	Indigo Bush or Bush Dalea
<i>Encelia actonii</i>	Brittlebush
<i>Encelia farinosa</i>	Brittlebush/Incensio
<i>Eremophila maculata</i>	'Valentine' Emu Bush
* <i>Ericameria laricifolia</i>	Turpentine Bush (including cultivars)
<i>Eriogonum fasciculatum</i> v. <i>polifolium</i>	Flat-top or Desert Buckwheat
* <i>Fallugia paradoxa</i>	Apache Plume
<i>Forestiera neomexicana</i>	Desert Olive/New Mexico Privet
<i>Fraxinus greggii</i>	Littleleaf Ash
<i>Heteromeles arbutifolia</i>	Toyon
<i>Isomeris arborea</i>	Bladderpod
<i>Juniperus californica</i>	California Juniper
<i>Juniperus sabina</i>	'Arcadia' Juniper
* <i>Krascheninnikovia lanata</i> (syn. <i>Ceratoides lanata</i>)	Winterfat
* <i>Larrea tridentata</i>	Creosote Bush
<i>Lavendula</i> x. <i>intermedia</i>	Lavender (many cultivars)
* <i>Leucophyllum candidum</i>	Violet Silverleaf
* <i>Leucophyllum frutescens</i>	'Cloud' series Texas Ranger
* <i>Leucophyllum laevigatum</i>	Chihuahuan Sage
<i>Leucophyllum langmaniae</i>	'Rio Bravo' Texas Ranger
<i>Leucophyllum pruinatum</i>	'Sierra Bouquet' Texas Ranger
<i>Leucophyllum zygophyllum</i>	'Cimarron' Texas Ranger
<i>Myrtus communis</i>	Myrtle
<i>Nandina domestica</i>	Nandina or Heavenly Bamboo
* <i>Nerium oleander</i>	Oleander, including semi-dwarf cultivars
<i>Penstemon ambiguous</i>	Sand Penstemon
* <i>Perovskia atriplicifolia</i>	Russian Sage (including cultivars)
* <i>Photinia</i> x. <i>fraseri</i>	Fraser Photinia
<i>Poliomintha maderensis</i>	'Lavender Spice' Mexican Oregano
<i>Prunus andersonii</i>	Desert Peach
* <i>Prunus besseyi</i>	Western Sandcherry
* <i>Punica granatum</i>	Pomegranate

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* <i>Purshia mexicana</i> (syn. <i>Cowania m.</i>)	Mexican Cliffrose
* <i>Pyracantha koidzumii</i> 'Santa Cruz'	Fire Thorn
<i>Quercus turbinella</i>	Scrub Oak
<i>Rhus lanceolata</i>	Flame Leaf Sumac
* <i>Rhus ovata</i>	Sugar Bush
* <i>Rhus trilobata</i>	3-leaf Sumac or Basket Bush
<i>Ribes aureum</i>	Golden Current
<i>Rosmarinus officinalis</i>	Rosemary (including cultivars)
<i>Salvia apiana</i>	White Sagebrush
<i>Salvia clevelandii</i>	Cleveland Sage (inc. some cultivars)
* <i>Salvia dorii</i> v. <i>dorii</i>	Mojave Desert Sage
<i>Salvia pachyphylla</i>	Desert Mountain Sage
<i>Santolina chamaecypariss</i>	Grey Santolina
* <i>Santolina virens</i>	Green Santolina
* <i>Senna artemisioides filifolia</i> (syn. <i>Cassia nemophila</i>)	Green Feathery Senna/Australian Desert Senna
* <i>Senna wislizenii</i> (syn. <i>Cassia</i>)	Shrubby Senna
* <i>Simmondsia chinensis</i>	Jojoba
* <i>Sophora secundiflora</i>	Texas Mountain Laurel/Mescal Bean
<i>Teucrium chamaedrys</i>	Germander
<i>Teucrium fruticans</i>	Silver Germander
<i>Ungnadia speciosa</i>	Mexican Buckeye
* <i>Vauquelinia californica</i>	Arizona Rosewood
<i>Vauquelinia cormybois</i> v. <i>heterodon</i>	Nuevo Lean Rosewood
<i>Viburnum tinus</i>	Laurustinus
<i>Viguera parishii</i>	Golden Eye
* <i>Viguera stenoloba</i>	Skeleton Leaf Golden Eye
GROUNDCOVERS	
* <i>Acacia redolens</i>	'Desert Carpet' Trailing Acacia (also other cultivars)
* <i>Baccharis</i> hybrid	'Starn Thompson' Broom
<i>Calylophus hartwegii</i> var. <i>fendleri</i>	Sundrops
* <i>Chrysactinia mexicana</i>	Damianita
* <i>Convolvulus cneorum</i>	Bush Morning Glory
* <i>Cotoneaster adpressus</i>	Creeping Cotoneaster
* <i>Dalea capitata</i>	'Sierra Gold' Lemon Dalea
* <i>Dalea greggii</i>	Trailing Dalea

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BOTANICAL NAME

COMMON NAME

* <i>Lantana montevidensis</i>	Purple Trailing Lantana (also White form)
* <i>Lantana hybrid</i>	'New Gold' Lantana
* <i>Malephora crocea</i>	Salmon Ice Plant
* <i>Oenothera stubbei</i>	Saltillo Evening Primrose
* <i>Rosmarinus officinalis</i>	'Prostratus' Trailing Rosemary (also other cultivars)
* <i>Teucrium chamaedrys prostratum</i>	Creeping Germander
* <i>Thymus serpyllum</i>	Creeping Thyme (also <i>T. glabrescens</i> , <i>T. praecox albus</i> , <i>T. praecox arcticus</i>)

VINES

* <i>Campis radicans</i>	Trumpet Vine (including cultivars)
* <i>Jasminum mesnyi</i>	Primrose Jasmine
* <i>Lonicera japonica</i>	'Halliana' Hall's Honeysuckle
* <i>Macfadyena unguis-cacti</i>	Cat Claw Vine
* <i>Rosa banksiae</i>	Lady Banks Rose
* <i>Wisteria species</i>	Wisteria

CACTI

* <i>Cylindropuntia acanthocarpa</i> (syn. <i>Opuntia</i>)	Buckhorn Cholla
<i>Cylindropuntia versicolor</i> (syn. <i>Opuntia</i>)	Staghorn Cholla
* <i>Echinocactus grusonii</i>	Golden Barrel
* <i>Echinocerus englemanni</i>	Hedgehog
<i>Echinocerus trigochidiatus</i>	Mojave Mound
* <i>Ferocactus cylindraceus</i>	California Barrel Cactus
* <i>Opuntia basilaris</i>	Beavertail Prickly Pear
* <i>Opuntia engelmannii</i>	Engelmann Prickly Pear
<i>Opuntia erinacea</i>	Old Man Prickly Pear
<i>Opuntia phaecantha</i>	Prickly Pear
* <i>Opuntia santa-rita</i>	Purple Prickly Pear
<i>Opuntia violacea</i>	Purple Prickly Pear

SUCCULENTS

<i>Agave americana</i>	Century Plant
* <i>Agave colorata</i>	Mescal Ceniza
* <i>Agave deserti</i>	Desert Agave
* <i>Agave havardiana</i>	Chisos Agave
<i>Agave lophantha</i>	Thorn-crested Agave

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* <i>Agave montana</i>	Hardy Century Plant
* <i>Agave murpheyi</i>	Murphy Agave
<i>Agave ovatifolia</i>	Whale's Tongue Agave
* <i>Agave palmeri</i>	Palmer Agave
* <i>Agave parviflora</i>	Smallflower Agave
* <i>Agave parryi</i> v. <i>parryi</i>	Parry Agave
<i>Agave scaba</i>	Rough-leafed Agave
<i>Agave schidigera</i>	Thread-leaf Agave/Mojave Agave (inc. cv. 'Durango Delight')
* <i>Agave utahansis</i>	Utah Agave
* <i>Asclepias subulata</i>	Desert or Rush Milkweed
* <i>Bulbine frutescens</i>	Yellow Bulbine (also cultivars)
* <i>Cycas revoluta</i>	Sago Palm
<i>Dasyllirion acrotrichum</i>	Green Desert Spoon
* <i>Dasyllirion quadrangulatum</i> (syn. <i>D. longissimum</i>)	Grass Tree
* <i>Dasyllirion wheeleri</i>	Sotol
* <i>Fouquieria splendens</i>	Ocotillo
* <i>Hesperaloe funifera</i>	Giant Hesperaloe
* <i>Hesperaloe parviflora</i>	Red Yucca (also 'Yellow' cultivar)
<i>Hesperoyucca whipplei</i> (syn. <i>Yucca whipplei</i>)	Our Lord's Candle or Chaparral Yucca
<i>Nolina matapensis</i>	Tree Bear Grass
<i>Nolina microcarpa</i>	Bear Grass
* <i>Yucca baccata</i>	Banana Yucca
* <i>Yucca brevifolia</i>	Joshua Tree
* <i>Yucca elata</i>	Soaptree Yucca
<i>Yucca filimentosa</i>	Adam's Needle
* <i>Yucca glauca</i>	Soapweed Yucca
<i>Yucca gloriosa</i>	Spanish Dagger
* <i>Yucca harrimaniae</i> (syn <i>Y. neomexicana</i>)	New Mexico Yucca
* <i>Yucca pallida</i>	Paleleaf Yucca
* <i>Yucca rigida</i>	Blue Yucca
* <i>Yucca rostrata</i>	Big Bend Yucca
* <i>Yucca rupicola</i>	Twisted Leaf Yucca
* <i>Yucca thompsoniana</i>	Thompson's Yucca
 PERENNIALS	
<i>Achillea millefolium</i>	Yarrow (including cultivars)
* <i>Achillea tomentosa</i>	Wooly Yarrow
* <i>Agapanthus africanus</i>	Lily of the Nile

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<i>Agastache</i> cultivars	Hummingbird Mint (many cultivars in various colors)
<i>Agastache neomexicana</i>	Lavender Hummingbird Mint
<i>Agastache rupestris</i>	Sunset Hummingbird Mint
* <i>Aquilegia chrysantha</i>	Golden Columbine
<i>Asclepias fascicularis</i>	Narrow-leafed Milkweed
* <i>Baileya multiradiata</i>	Desert Marigold
* <i>Berlandiera lyrata</i>	Chocolate Flower
<i>Conoclinium greggi</i>	'Boothill' Mistflower
* <i>Coreopsis verticillata</i>	Zagreb Coreopsis
* <i>Echinacea purpurea</i>	Coneflower (including hybrids & cultivars)
<i>Gaillardia aristata</i>	Blanket Flower (including cultivars)
* <i>Gaura lindheimeri</i>	Wand Flower or Gaura (including cultivars)
* <i>Gazania hybrids</i>	Gazania
* <i>Hemerocallis hybrids</i>	Day Lily
* <i>Hymenoxys scaposa</i> (syn. <i>Tetraneris</i>)	Thrift-leaf Perky Sue/ Angelita Daisy
<i>Iris germanica</i> hybrids	Bearded Iris
* <i>Melampodium leucanthum</i>	Blackfoot Daisy
<i>Mirabilis multiflora</i>	Showy Four O'Clock
<i>Oenothera caespitosa</i>	White Evening Primrose
<i>Oenothera longiflora</i>	'Lemon Sunset' Evening Primrose
<i>Origanum laevigatum</i>	'Hopley's Purple' Oregano
<i>Origanum microphyllum</i>	Dwarf Pink Oregano
<i>Penstemon amphotellae</i>	Mexican Blue Penstemon
* <i>Penstemon baccharifolius</i>	Rock Penstemon
* <i>Penstemon eatoni</i>	Firecracker Penstemon
<i>Penstemon floridus</i> v. <i>floridus</i>	Panamint Penstemon
<i>Penstemon fructiformis</i>	Death Valley Penstemon
<i>Penstemon heterophyllus</i>	'Margarite BOP' Foothill Penstemon
<i>Penstemon incertus</i>	Mojave Penstemon
<i>Penstemon palmeri</i>	Fragrant Penstemon
* <i>Penstemon parryi</i>	Parry's Penstemon
<i>Penstemon pinifolius</i>	Pineleaf Penstemon (including cultivars)
* <i>Penstemon pseudospectabilis</i>	Desert Beardtongue or Canyon Penstemon
<i>Penstemon spectabilis</i>	Showy Penstemon
* <i>Penstemon superbus</i>	Coral Penstemon
<i>Penstemon triflorus</i>	Hill Country Penstemon

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BOTANICAL NAME

COMMON NAME

<i>Penstemon wrightii</i>	Texas Rose Penstemon
* <i>Phlomis fruticosa</i>	Jerusalem Sage
* <i>Psilostrophe cooperi</i>	Paperflower
* <i>Psilostrophe tagetina</i>	Wooly Paperflower
* <i>Ratibida columnifera</i>	Mexican Hat
<i>Salvia chamaedryoides</i>	Mexican Blue Sage
* <i>Salvia greggii</i>	Autumn Sage (including cultivars)
<i>Salvia muelleri</i>	Royal Purple Autumn Sage
* <i>Sphaeralcea ambigua</i>	Globe Mallow (including cultivars)
<i>Stanleya pinnata</i>	Prince's Plume
<i>Tagetes palmeri</i> (syn. <i>T. lemmoni</i>)	Mt. Lemmon Marigold
<i>Thymophylla pentachaeta</i> (syn. <i>Dyssodia p.</i>)	Golden Dogweed
* <i>Tulbaghia violacea</i>	Society Garlic
* <i>Verbena pulchella</i>	Moss Verbena
* <i>Zauschneria</i> species	California Fuchsia or Hummingbird Flower
* <i>Zephyranthes candida</i>	Rain Lily
* <i>Zinnia acerosa</i>	Desert Zinnia
* <i>Zinnia grandiflora</i>	Prairie Zinnia

ORNAMENTAL GRASSES

<i>Acnatherum hymenoides</i>	Indian Rice Grass
<i>Acnatherum speciosum</i>	Desert Needlegrass
<i>Bouteloua curtipendula</i>	Side-Oats Grama
* <i>Bouteloua gracilis</i>	Blue Grama
* <i>Festuca ovina</i> var. <i>glauca</i>	Blue Fescue (including cultivars)
<i>Helectotrichon sempervirens</i>	Blue Oat Grass
* <i>Muhlenbergia capillaris</i>	Pink Muhly (including 'Regal Mist' cultivar)
<i>Muhlenbergia emersleyi</i>	'El Toro' Muhly
* <i>Muhlenbergia lindheimeri</i>	'Autumn Glow' Muhly
* <i>Muhlenbergia rigens</i>	Deer Grass
<i>Sporobolus airoides</i>	Alkalai Sacaton
* <i>Stipa tenuissima</i> (syn. <i>Nassella ten.</i>)	Mexican Feather Grass

ANNUALS including WILDFLOWERS

* <i>Abronia villosa</i>	Desert Sand Verbena
<i>Coreopsis</i> species	Tickseed
<i>Cosmos bipinnatus</i>	Cosmos (including cultivars)
* <i>Eschscholzia californica</i>	California Poppy (including cultivars)

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<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
<i>Eschscholzia mexicana</i>	Mexican Gold Poppy
* <i>Gaillardia pulchella</i>	Blanket Flower
* <i>Gilia capitata</i>	Globe Gilia
* <i>Lasthenia glabrata</i>	Goldfields
<i>Layia glandulosa</i>	White Tidytops
<i>Layia platyglossa</i>	Tidytops
* <i>Lupinus succulentus</i>	Arroyo Lupine
* <i>Orthocarpus purpurascens</i>	Owls Clover
* <i>Phacelia campanularia</i>	Desert Bluebell
<i>Phacelia tanacetifolia</i>	Wild Heliotrope
<i>Rudbeckia species</i>	Black-eyed Susan/Coneflower
<i>Salvia columbariae</i>	Chia
<i>Tagetes species</i>	Marigold
* <i>Tithonia rotundifolia</i>	Mexican Sunflower
* <i>Verbena gooddingii</i>	Verbena
<i>Zinnia species</i>	Zinnia

INDIAN WELLS VALLEY WATER DISTRICT
FREQUENTLY ASKED QUESTIONS
ORDINANCE 90
SINGLE FAMILY RESIDENTIAL

Q. Why did the District pass Landscape Ordinance 90?

A. Restricting the amount of living turf (grass) in new development is a highly effective method of water conservation.

Q. What is a Landscape Covenant?

A. The landscape covenant is a legally enforceable contract between the owner of the property and the Indian Wells Valley Water District whereby the property owner or any subsequent owner of the property agrees to be bound by terms and conditions of the landscape covenant which restricts the amount of living turf (grass) allowed in new development as a condition of water service.

Q. Why does the Landscape Covenant have to be recorded against the property?

A. The landscape covenant is recorded against the property to ensure that subsequent owners of the property have "notice" of and are bound by the terms and restrictions contained in the landscape ordinance.

Q. How long will the Landscape Covenant be valid and recorded against the property?

A. As long as the property is receiving water service from the District.

Q. Do I have to sign the Landscape Covenant?

A. The legal owner of the property must sign the covenant.

Q. Do I have to landscape my front yard?

A. No, not as a condition of District water service.

Q. Can I plant items not on the Approved Plant List in my front yard?

A. No. However, you may request that the Approved Plant List be modified to include certain plants that are considered water friendly.

Q. Can I plant grass in my backyard?

A. Yes. However, you should be aware that water rates increase as you use more water. The District's highest four usage tiers will be increasing substantially beginning in March of 2011.

Q. How is Ordinance 90 regulated?

A. The District's Conservation Specialist will monitor the properties that have Landscape Covenants recorded against them. When violations occur, the property owner/occupant will be notified and given a reasonable time to correct the violation. If the Property Owner fails to correct the violation, he/she may be assessed monetary penalties and possible water service termination.

Q. What happens if I don't comply with the terms of Ordinance 90?

A. If it has been determined that the Landscape Covenant has been broken, the Property Owner will be notified and given a reasonable time to correct the violation. If the Property Owner remains out of compliance, water service is subject to termination.

INDIAN WELLS VALLEY WATER DISTRICT
FREQUENTLY ASKED QUESTIONS
ORDINANCE 91
NON-SINGLE FAMILY RESIDENTIAL

Q. Why did the District pass Landscape Ordinance 91?

A. Restricting the amount of living turf (grass) in new development is a highly effective method of water conservation.

Q. What is a Landscape Covenant?

A. The landscape covenant is a legally enforceable contract between the owner of the property and the Indian Wells Valley Water District whereby the property owner or any subsequent owner of the property agrees to be bound by terms and conditions of the landscape covenant which restricts the amount of living turf (grass) allowed in new development as a condition of water service.

Q. Why does the Landscape Covenant have to be recorded against the property?

A. The landscape covenant is recorded against the property to ensure that subsequent owners of the property have "notice" of and are bound by the terms and restrictions contained in the landscape ordinance.

Q. How long will the Landscape Covenant be valid and recorded against the property?

A. As long as the property is receiving water service from the District.

Q. Do I have to sign the Landscape Covenant?

A. The legal owner of the property must sign the covenant.

Q. Do I have to landscape my property?

A. No, not as a condition of District water service.

Q. Can I plant items that are not on the Approved Plant List?

A. Yes, provided the non-approved plants do not exceed up to fifty percent (50%) of the landscape area.

Q. Can I plant grass in my landscape area?

A. Yes, on up to fifty percent (50%) of your landscape area.

Q. How is Ordinance 91 regulated?

A. The District's Conservation Specialist will monitor the properties that have Landscape Covenants recorded against them. When violations occur, the property owner/occupant will be notified and given a reasonable time to correct the violation. If the Property Owner fails to correct the violation, he/she may be assessed monetary penalties and possible water service termination.

Q. What happens if I don't comply with the terms of Ordinance 91?

A. If it has been determined that the Landscape Covenant has been broken, the Property Owner will be notified and given a reasonable time to correct the violation. If the Property Owner fails to correct the violation, he/she may be assessed monetary penalties and possible water service termination.

ORDINANCE NO. 90

ORDINANCE OF THE BOARD OF DIRECTORS OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND SAN BERNARDINO COUNTIES, CALIFORNIA, REQUIRING WATER EFFICIENT LANDSCAPE AS A CONDITION OF RECEIVING NEW SINGLE FAMILY DWELLING WATER SERVICE.

WHEREAS, the Indian Wells Valley Water District (District) is a County Water District formed and operating under and pursuant to California Water District Law (California Water Code §§ 30000, *et seq.*); and

WHEREAS, pursuant to Water Code § 31001, the District is authorized to perform all acts necessary to fully carry out its functions; and

WHEREAS, pursuant to Water Code § 31035, the District may undertake a water conservation program to reduce water use and may require as a condition of new service that reasonable water saving devices and water reclamation devices be installed to reduce water use; and

WHEREAS, the Board of Directors of the District find that the water sources available to the District and all the other water users in the Indian Wells Valley is a limited resource and must be conserved to the fullest extent possible.

NOW THEREFORE, BE IT ORDAINED by the Board of Directors of the Indian Wells Valley Water District, as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to conserve water by requiring all Front Yards of Single Family Dwellings to at all times comply with the provisions herein as a condition of receiving District water service.

SECTION 2. DEFINITIONS

- A. **“Approved Plant List”** means the list formulated by staff and approved and/or modified by the District Board of Directors.
- B. **“Front Yard”** means the Landscape Area that is between the Single Family Dwelling and any street or road, including any Landscape Area between the sidewalk and the street/road that is the responsibility of the property owner.
- C. **“Landscape Area”** means all non-hardscape or non-building area located on the Front Yard.
- D. **“Low Volume Irrigation System”** means appropriately designed irrigation systems that utilize low volume watering devices appropriate to the climatic and site factors including microsprinkler heads, drip emitters, and bubbler emitters.
- E. **“Runoff”** means water from irrigation that leaves the Landscape Area and flows onto sidewalks, streets, or roads.
- F. **“Single Family Dwelling”** means a newly constructed single family residential dwelling or existing single family residential dwelling whose owner/occupant is making application to the District for new water service on a property where District water service did not previously exist.
- G. **“Turf”** means a surface layer of earth containing mowed or unmowed living grass with its roots.

SECTION 3. RESTRICTIONS ON LANDSCAPE

- A. There shall be no Turf allowed in the Landscape Area of the Front Yard.
- B. Only the plants from the Approved Plant List, on file and maintained by the District, shall be used within the Landscape Area of the Front Yard.
- C. The irrigation system in the Landscape Area of the Front Yard must be a Low Volume Irrigation System.
- D. The Landscape Area shall be designed to eliminate any runoff.

SECTION 4. NOTICE

A. District shall record a Covenant of Landscape Restrictions on each Single Family Dwelling that is subject to this Ordinance with the Kern County Recorder as notice to each and every owner of said Single Family Dwelling of the provisions of this Ordinance.

B. Upon confirmation by the District of any violation of this Ordinance, the District shall provide written notice along with educational materials to the owner of record of the Single Family Dwelling and the occupant of the Single Family Dwelling. The notice shall be dated and shall specify the address of the Single Family Dwelling, the nature of the violation, list the steps that must be taken to comply with this Ordinance and the name and telephone number of a District staff person from whom additional information can be obtained. In addition, the notice shall advise the owner/occupant that termination of water service will result from continued non-compliance. These provisions are for a first violation within any consecutive twelve month period.

C. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 4(A) above, within thirty (30) calendar days, a second violation shall occur and a second notice containing the information specified in Section 4(B) above shall be issued. The second violation shall impose a fine in an amount not to exceed Fifty Dollars (\$50.00) and will be charged to and billed on the water user's account.

If, under the discretion of the District, satisfactory progress is being made on steps to correct the violation, a second notice will not be issued.

D. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 4(C) above, within thirty (30) calendar days, a third violation shall occur and a third notice containing the information specified in Section 4(B) above shall be issued. The third violation shall impose a fine in an amount not to exceed Two Hundred Dollars (\$200.00) and will be charged to and billed on the water user's account.

The third notice shall also notify the owner/occupant that water service will be terminated in thirty (30) calendar days unless the Single Family Dwelling is in compliance with the provisions of this Ordinance. If the owner/occupant fails to comply with the provisions of this Ordinance, the final notice of service termination shall be posted at the entrance to the Single Family Dwelling which indicates that water service shall be terminated in forty-eight (48) hours.

SECTION 5. EXTENSION

A. The General Manager shall have the authority to extend any deadlines by a period of time not to exceed an additional 30 days as set forth in this Ordinance.

SECTION 6. APPEAL

A. Should a property owner/occupant of a Single Family Dwelling determined to be in violation of this Ordinance dispute the findings of staff, said property owner/occupant may request a hearing with an appropriate committee of the Board of Directors. The hearing shall be scheduled within thirty (30) calendar days of the request. The hearing shall be attended by the District's General Manager or a designated representative of the General Manager.

B. The District's General Manager or a designated representative of the General Manager shall mail the property owner/occupant a written decision within ten (10) calendar days of the hearing. If the property owner/occupant is dissatisfied with the outcome of the hearing, the property owner/occupant may request the matter be placed on the agenda of the District's Regularly Scheduled Board Meeting. The property owner may then make his or her petition to the Board of Directors. The Board's determination shall be final.

SECTION 7. EFFECTIVE DATE

A. The foregoing Ordinance shall become effective on April 9, 2010 upon adoption of same by the Board of Directors of the District.

SECTION 8. PUBLICATION

A. The Secretary is hereby directed to cause this Ordinance to be published once in full in a newspaper of general circulation, printed, published and circulated within the District.

ADOPTED this 14th day of December, 2009.



President of the Indian Wells Valley
Water District Board of Directors

ATTEST



Secretary of the Indian Wells Valley
Water district Board of Directors

(SEAL)