

ORDINANCE NO. 117
AN ORDINANCE AMENDING ORDINANCE 116
WATER CONSERVATION, SHORTAGE, DROUGHT AND
EMERGENCY RESPONSE
ORDINANCE OF
NEWHALL COUNTY WATER DISTRICT

Be it ordained by The Board of Directors of Newhall County Water District, Los Angeles County, California, Ordinance No. 112 is amended to read as follows:

SECTION 1.0 PURPOSE: The specific provisions of this Ordinance are necessary and proper to conserve water resources for the District and its customers. The District requires that water resources available to the District be put to the maximum beneficial use, and that water efficient practices be used to reach this objective. The District further finds that its water supplies may be reduced because of drought, failure of facilities, or catastrophic events such as earthquakes and regional power failures. Anti-waste and water conservation requirements are necessary to achieve demand reduction without unneeded hardship. This ordinance is adopted pursuant to Water Code sections 366 & 375.

SECTION 2.0 DEFINITIONS AND TERMS:

- A. ***Excessive Water Use:*** Excessive water use will be identified during a period when the Governor has issued a proclamation of a state of emergency based on statewide drought conditions and/or when the District has moved to conservation Stages 2, 3, 4, or 5 of this Ordinance. Each of these four (4) stages identifies water use restrictions. Any individually metered single-family or multi-family residential customer not complying with these restrictions or the permanent prohibited practices (Section 3.1) will be deemed as excessive water users and may be subject to penalties as defined in Section 4.0 of this Ordinance.
- B. ***Water efficient practices:*** Cost-effective practices that require the least amount of water to generate the greatest benefit (water and cost savings) to the customer.
- C. ***Water Waste:*** To use or expend water carelessly or needlessly.
- D. ***Water User:*** Business or residential customer of the District.
- E. ***Water Conservation Stages:*** The Board shall determine any conservation stage by Resolution. A water shortage occurs when the current or near-term water demand exceeds the current or near-term water supply or when the state has deemed a conservation emergency exists.

Stage 1: The water use reduction goal is 10 to 20% and voluntary unless regulations stipulate otherwise.

Stage 2: The water use reduction goal is 20 to 30% and mandatory unless regulations stipulate otherwise.

Stage 3: The water use reduction goal is 30 to 40% and mandatory unless regulations stipulate otherwise.

Stage 4: The water use reduction goal is 40 to 50% and mandatory unless regulations stipulate otherwise.

Stage 5: The water use reduction goal is 50% or greater and mandatory unless regulations stipulate otherwise.

SECTION 3.0 WATER CONSERVATION ACTION PLAN: This plan establishes water conservation measures to be taken in response to current and anticipated levels of water shortages in State and/or local water supplies. No Water User shall waste water or make, cause, or permit the use of water for any purpose contrary to any provision of this Ordinance, or in quantities in excess of the use permitted by the conservation stage in effect pursuant to this Ordinance.

Efficient Water Use: Because more severe effects of a water shortage are often brought about due to wasteful water use habits carried over from times of sufficient supply, prohibited practices which waste water are defined in Section 3.1. These water-use practices are prohibited except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency. In addition, general water-use efficiency guidelines and recommendations are defined in Sections 3.2, and 3.3:

3.1 Permanent Prohibited Practices that Waste Water:

- a) Hosing off sidewalks, driveways, and other hardscapes;
- b) Washing automobiles with hoses not equipped with a shut-off nozzle;
- c) Using non-recirculating water in a fountain or other decorative water feature;
- d) Watering outdoor landscapes in a manner that causes runoff;
- e) Watering landscapes with potable water during or within 48 hours after measurable precipitation;
- f) Irrigating ornamental turf on public street medians;
- g) Irrigating with potable water landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements.

3.2 General Outdoor Water Use Efficiency Guidelines and Recommendations:

- a) Sprinklers should be maintained and adjusted to avoid water waste. The most effective and water-efficient irrigation should be used, and drip irrigation should be considered where appropriate.
- b) All leaks in plumbing and irrigation systems should be repaired promptly.
- c) Low-water-use native or drought-tolerant vegetation should be used to minimize the need for irrigation. Plants and trees with similar water needs should be grouped together for most efficient irrigation. (Please see our website at ncwd.org for more information and links to other websites listing drought tolerant plants.)
- d) Landscape should be installed in a manner that will reduce the amount of water needed for irrigation. For example, the use of mulches and watering basins is

encouraged where appropriate.

- e) Irrigation should occur during optimal watering hours, avoiding wind and heat. The following hours are considered the most efficient hours for NCWD customers to effectively irrigate lawns and landscaped areas:

Winter/Fall (November through April) -6 PM to 10 AM

Spring/Summer (May through October) -8 PM to 9 AM

- f) Pool and spa safety covers or evaporation-reducing water treatments should be considered if safe and appropriate for the situation. These will help minimize water loss due to evaporation. Pool and spa chemistry should be balanced and maintained to help reduce the frequency of pool/spa draining and refilling.

3.3 General Indoor Water Use Efficiency Guidelines and Recommendations:

- a) All leaks and/or damage to faucets, toilets, and indoor pipes should be repaired immediately.
- b) Low flow devices for indoor plumbing fixtures including faucets, kitchen spray nozzles, toilets, and showers should be used where possible.
- c) Install 1.0 gallon per flush (gpf) ultra-low-flow toilets or dual-flush toilets.
- d) Water-efficient Energy Star® approved appliances including, but not limited to, clothes washers and dishwashers should be used.
- e) Clothes washers and dishwashers should be run using full loads to maximize water efficiency.
- f) A source specific hot water dispenser or a whole house hot water recirculation system should be considered. These devices generate hot water within seconds, minimizing running the water until it is hot.
- g) All commercial establishments where food or beverages are provided should encourage the serving of water to their customers only when specifically requested by the customer.

3.4 New Construction Water Efficiency Guidelines:

As new technology advances, builders of new structures or persons retrofitting existing facilities should consider options such as evapotranspiration-controlled sprinkler systems, grey water or non-potable water systems (where legally acceptable), storm water cisterns, and landscape designs minimizing the use of turf and water-intensive plants. Businesses should review industry-specific guidance for ways to reduce water usage and should consider programs such as multi-pass cooling towers and process water recycling. Additionally, new construction must comply with landscape efficiency measures of the updated Model Water Efficient Landscape Ordinance updated by the State as required by AB 1881 and Executive Order B-29-15 issued by Governor Jerry Brown on April 1, 2015.

3.5 Water Conservation Stage 1: At this stage of water shortage, a 10 to 20% reduction in use is voluntary, and water users are strongly encouraged to adhere to all the guidelines in section 3.2 and 3.3, General Outdoor and Indoor Water Use Efficiency Guidelines and Recommendations. The following practice is also strongly suggested during Stage 1 water shortages:

Outdoor irrigation of all vegetation including lawns and landscaping should be limited to three times per week and no more than 10 minutes per watering station. Irrigation should occur during the following hours:

Winter/Fall (November through April) – 6 PM to 10 AM

Spring/Summer (May through October) – 8 PM to 9 AM

3.6 Water Conservation Stage 2: At this stage of water shortage, a 20 to 30% water reduction is mandatory, and water users are strongly encouraged to adhere to all the guidelines in section 3.2 and 3.3 General Outdoor and Indoor Water Use Efficiency Guidelines and Recommendations. In addition to any state mandated conservation regulations, further mandatory practices during Stage 2 are as follows:

During the months of April, May, June, July, August, September, and October, outdoor irrigation of ornamental landscapes or turf with potable water is restricted to three (3) days per week. Customers with addresses ending in an odd number (1, 3, 5, 7, 9) may only water on Monday, Wednesday, and Friday. Customers with addresses ending in an even number (2, 4, 6, 8) may only water on Tuesday, Thursday, and Sunday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Saturdays.

During the months of November, December, January, February, and March, outdoor irrigation of ornamental landscapes or turf with potable water is restricted to two (2) days per week. Customers with addresses ending in an odd number (1, 3, 5, 7, 9) may only water on Monday and Thursday. Customers with addresses ending in an even number (2, 4, 6, 8) may only water on Tuesday and Friday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Wednesdays, Saturdays, and Sundays.

3.7 Water Conservation Stage 3: At this stage of water shortage, a 30 to 40% water reduction is mandatory, and water users are strongly encouraged to adhere to all the guidelines in section 3.2 and 3.3 General Outdoor and Indoor Water Use Efficiency Guidelines and Recommendations. In addition to any state mandated conservation regulations, mandatory practices during Stage 3 are as follows:

Outdoor irrigation of ornamental landscapes or turf with potable water is restricted to two (2) days per week. Customers with addresses ending in an odd number (1, 3, 5, 7, 9) may only water on Monday and Thursday. Customers with addresses ending in an even number (2, 4, 6, 8) may only water on Tuesday and Friday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Wednesdays, Saturdays, and Sundays. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Wednesdays, Saturdays, and Sundays.

3.8 Water Conservation Stage 4: At this stage of water shortage, a 40 – 50% water reduction is mandatory, and water users are strongly encouraged to adhere to all the guidelines in Section 3.2 and 3.3 General Outdoor and Indoor Water Use Efficiency Guidelines and Recommendations. In addition to any state mandated conservation regulations, mandatory practices during Stage 4 are as follows:

Outdoor irrigation of ornamental landscapes or turf with potable water is restricted to one (1) day per week. Customers with addresses ending in an odd number (1, 3, 5, 7, 9) may only water on Monday. Customers with addresses ending in an even number (2, 4, 6, 8) may only water on Thursday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Tuesdays, Wednesdays, Fridays, Saturdays, and Sundays.

- a) All new landscaping shall be limited to drought-tolerant plants requiring less than typical water requirements.
- b) No new lawns, whether by seed or sod, shall be installed.
- c) No filling of pools or spas. Water levels may be maintained.
- d) No new applications for service will be accepted.
- e) No water for grading will be allowed.
- f) Washing vehicles is prohibited, except at commercial facilities that recycle water.
- g) Street cleaning with potable water is prohibited.

3.9 Water Conservation Stage 5: At this stage of water shortage, more than 50% water reduction is mandatory, Stage 4 restrictions are in place, and water users are strongly encouraged to adhere to all the guidelines in Section 3.2 and 3.3 General Outdoor and Indoor Water Use Efficiency Guidelines and Recommendations. In addition to any state mandated conservation regulations, mandatory practices during Stage 5 are as follows:

Outdoor irrigation of ornamental landscapes or turf is prohibited. Health and Safety water use only is allowed.

SECTION 4.0 ENFORCEMENT:

4.1 Stage 1:

- a) Any notification to the District of signs or indications of water leaks or water waste will be documented. The District will confirm the water waste prior to any further action and if appropriate, provide education material regarding the conservation stage. Any confirmed leaks must be repaired within (48) hours after receiving notice.
- b) The District shall determine if additional action is to be taken to inform the Water User of the guidelines in this Ordinance and to encourage more efficient water use.

4.2 Stage 2, 3, 4, and 5: *The General Manager and other District authorized representatives have the duty to enforce provisions of Stages 2, 3, 4, and 5 of this Ordinance. If a violation is ongoing, the District may disconnect service until the violation is corrected.*

- a) *Courtesy Notice:* A written warning delivered to the customer along with water conservation materials.
- b) *First Violation:* For a second complaint within twelve (12) calendar months of the notice, a written warning in the form of a non-compliance, corrective-action letter sent to the customer.
- c) *Second and Subsequent Violations:* For a third violation, a fine of \$50 per day and increase of \$50 for each subsequent violation up to a maximum of \$500 per day. Any single fine of more than \$500 shall first be approved by the General Manager.
- d) *Separate Violations:* Each day a violation of this Ordinance occurs is a separate violation.

SECTION 5.0 ADMINISTRATION:

5.1 General: The provisions of this Ordinance shall be administered and enforced by the District through the General Manager, who may delegate such enforcement to one or more employees of the District. The District may implement additional demand reduction practices, including surcharges, rationing, and specific water allocations, in times of severe shortage or emergency situations.

- 5.1.1 *Water Utility Accounts:* Accounts shall not be established for new customers, including the transfer of accounts upon change of ownership, until the customer agrees to comply with the provisions of this Ordinance.
- 5.1.2 *Appeals.* The District will issue a Notice of Violation by mail or personal delivery. Any associated penalty will be added to the customer's bill. Customers may appeal a Notice of Violation by filing a written appeal with the District within ten (10) days of the date of the Notice of Violation. The appeal shall provide evidence that there was no excessive water use or of a bona fide reason for the excessive water use, including evidence of a water leak, a medical reason, or any other reasonable justification for the water use, as determined by the District. The customer may request a hearing before the General Manager. Any Notice of Violation not timely appealed will be final. Upon receipt of a timely appeal, a review on the appeal will be completed,

and a hearing shall be held if requested by the customer. The General Manager or a person designated by such shall make any and all decisions regarding any appeals. The District shall promptly send written notification of any decision and all decisions are final.

5.1.3 *Discretionary Exemptions:* The General Manager may exempt water users and individual facilities of water users from the provisions of this Ordinance, or impose reasonable conditions in lieu of compliance with this Ordinance, if the Board finds that any of the following conditions exist:

- a) **Hardship:** If, due to unique circumstances, a specific requirement of this Ordinance would result in undue hardship to a person using water or to property upon which water is used is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section.
- b) **Health and Safety:** Strict compliance with the requirements of this Ordinance would create an emergency condition, as determined by the Board or other governmental entity with appropriate jurisdiction, affecting the health, protection or safety of the water user or the public.
- c) **No Impact on water use:** The granting of the exemption or imposition of reasonable conditions in lieu of compliance with this Ordinance would not increase the quantity of water consumed by the Water User or otherwise adversely affect service to other Water Users. In other words, the Water User will create an offset. In granting any such relief, the departure from the requirements of this Ordinance shall be limited to the minimum necessary to address the circumstances upon which such departure is required by a Water User.
- d) **Water Efficiency Target (WET):** Customers within the WET program and who have achieved a WET target of “Super-Efficient” or “Efficient” are exempt from the outdoor watering restrictions within Water Conservation Stages 1 through 4 as stated above.
- e) Customers achieving required water use reduction in any Water Conservation Stage and/or mandated state targets are exempt from the outdoor watering restrictions within Water Conservation Stages 1 through 4 as stated above.
- f) Outdoor watering restriction requirements of Water Conservation Stages 1 through 4 do not apply to the application of potable water to trees in medians or parkways by water trucks if no permanent irrigation system is connected.
- g) Outdoor watering restriction requirements of Water Conservation Stages 1 through 4 do not apply to the application of potable water to trees and gardens grown for personal food consumption or spot watering by hand using a hose fitted with a shut off nozzle.
- h) Outdoor watering restriction requirements of Water Conservation Stages 1 through 4 do not apply to customers who have removed turf and/or high

water use plants, and have installed drought tolerant landscaping, including those participating in the Santa Clarita Valley's water conservation rebate program, if additional watering is required to plant and maintain the new drought tolerant landscaping for a limited period of time.

- i) Application: A person wishing to receive a hardship waiver pursuant to this section must submit a written application to the District, which should include a statement describing the reasons for the request and any other relevant information to support the request, including but not limited to any photographs, drawings, or maps.
- j) Written Finding: The waiver may be granted or conditionally granted only upon a written finding of the existence of unique circumstances and facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property. The findings must also include a determination based on the information in the application and any other relevant information, a waiver does not constitute a grant of special privilege inconsistent with the limitations upon other customers of any class.
- k) Approval Authority: The General Manager must act on any completed application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver must be promptly notified in writing of any action taken. The decision of the General Manager will be final

SECTION 6.0: SEVERABILITY: If any provision of this **Ordinance** or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the **Ordinance** which can be given effect without the invalid provision or application, and to this end the provisions of this **Ordinance** are severable. The Board hereby declares it would have adopted this **Ordinance** irrespective of the invalidity of any particular portion thereof.

SECTION 7.0: PUBLICATION: This ordinance shall be published within 10 days after its adoption, pursuant to Water Code section 376.