

ORDINANCE NO. 117
AN ORDINANCE AMENDING ORDINANCE NO. 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. 116 is amended to read as follows:

SECTION 1.0 PURPOSE

The specific provisions of this Ordinance are necessary and proper to conserve water resources and generate the greatest benefit for the District and its customers during times of extreme drought and water shortages. This Ordinance is adopted pursuant to Water Code Sections 366375, and Executive Order B-37-16 (Making Water Conservation a California Way of Life.)

SECTION 2.0 DEFINITIONS AND TERMS

- A. **Excessive Water Use:** Excessive water use will be based for individual customers within the District's Water Efficiency Target (WET) program. There are five (5) water use patterns identified in the WET program; Super-Efficient, Efficient, Inefficient, Wasteful, and Excessive. For customers not within the WET program, excessive use will be based on the reduction goals of each conservation Stage of this Ordinance

- B. **Applicability:** This Ordinance will be activated 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 determined a water shortage emergency exists.

- C. **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 (depending on the requirements of an emergency executive order, the stages below may not apply, in which case a revised Ordinance may be required). In each Stage, the reduction goal will be met when demand reductions match existing supplies.
 - Stage 1: The water use reduction goal is 1 to 10% and provisions are voluntary unless regulations stipulate otherwise.
 - Stage 2: The water use reduction goal is 11 to 20% and provisions are voluntary unless regulations stipulate otherwise.
 - Stage 3: The water use reduction goal is 21 to 30% and provisions are mandatory unless regulations stipulate otherwise.
 - Stage 4: The water use reduction goal is 31 to 40% and provisions are mandatory unless regulations stipulate otherwise.
 - Stage 5: The water use reduction goal is 41 to 50% and provisions are mandatory unless regulations stipulate otherwise.
 - Stage 6: The water use reduction goal is greater than 50% and provisions are 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 provisions of this Ordinance, or in quantities in excess of the use permitted by the conservation stage in effect pursuant to this Ordinance.

3.1 Water Conservation Stage 1:

At this stage of water shortage, a 1 to 10% reduction in use is voluntary. The following practice is also strongly suggested during Stage 1 water shortages:

Water use efficiency educational material will be provided to all customers during this stage.

3.2 Water Conservation Stage 2:

At this stage of water shortage, an 11 to 20% reduction in use is voluntary. The following practice is also strongly suggested during Stage 2 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 water 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

The District may implement further outreach to customers during Stage 2. These include but are not limited to, water use patrols, water use surveys, questionnaires, bill stuffers, etc.

3.3 Water Conservation Stage 3:

At this stage of water shortage, a 21 to 30% water reduction is mandatory. In addition to any state mandated conservation regulations, further mandatory practices during Stage 2 are as follows:

Any customer within the District's WET program and is in the water use category tier of Excessive (Tier 5) and any customer not in the WET program who exceeds the conservation requirements of this stage for outdoor water use is subject to Section 4.0 of this Ordinance.

3.4 Water Conservation Stage 4:

At this stage of water shortage, a 31 to 40% water reduction is mandatory. In addition to any state mandated conservation regulations, mandatory practices during Stage 3 are as follows:

Any customer within the District's WET program and is in the water use category Tier of Wasteful (Tier 4) or Excessive (Tier 5) and any customer not in the WET program who exceeds the conservation requirements of this stage for outdoor water use is subject to Section 4.0 of this Ordinance.

3.5 Water Conservation Stage 5:

At this stage of water shortage, a 41 – 50% water reduction is mandatory. In addition to any state mandated conservation regulations, mandatory practices during Stage 4 are as follows:

Any customer within the District's WET program and is in the water use category tier of Inefficient (Tier 3), Wasteful (Tier 4), or Excessive (Tier 5) and any customer not in the WET program who exceeds the conservation requirements of this stage for outdoor water use is subject to Section 4.0 of this Ordinance.

- 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.

3.6 Water Conservation Stage 6:

At this stage of water shortage, more than 50% water reduction is mandatory. In addition to any state mandated conservation regulations, mandatory practices during Stage 5 are as follows:

Any customer within the District's WET program and is in the water use category tier of Efficient (Tier 2) Inefficient (Tier 3), Wasteful (Tier 4), or Excessive (Tier 5) and any customer not in the WET program who exceeds the conservation requirements of this stage is subject to Section 4.0 of this Ordinance.

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

SECTION 4.0 ENFORCEMENT

The General Manager and other authorized District representatives have the duty to enforce the provisions of this Ordinance consistent with this Section. It is the intent and goal to implement the contents of this Section in order to conserve water resources and generate the greatest benefit for the District customers during times of drought and water shortages. The District is also committed to using discretion and will make every attempt to verify complaints of excessive water use prior to deeming a customer is in violation and prior to taking enforcement actions. If the District is meeting the reduction in use target within the specific conservation Stage, enforcement actions will focus on communication and education.

4.1 Enforcement Actions (Customers Within the WET Program):

- a. *Courtesy Notice:* A written Courtesy Notice will be sent each month to any customer whose usage falls within the specified WET tier per Section 3.0.
- b. *First Violation:* A First Violation letter will be sent to any customer whose usage falls within the specified WET tier per Section 3.0 for two consecutive months.
- c. *Second Violation:* If a customer's usage falls within the specified WET tier(s) per Section 3.0 for three consecutive months, each unit of water in the specified WET tier(s) during this third month and each consecutive month thereafter will be charged at a penalty rate of \$0.25/CCF.
- d. If a violation is ongoing, the District may disconnect service until the violation is corrected.

4.2 Enforcement Actions (Customers Outside the WET Program):

Compliance with water savings reductions for customers outside the WET Program will be calculated based on water use from the previous year same month or a State mandated

timeframe.

- a. *Courtesy Notice:* A written Courtesy Notice will be sent each month to any customer not within the WET Program whose usage does not comply with the requirements set forth in Section 3.0.
- b. *First Violation:* A First Violation letter will be sent to any customer not within the WET Program whose usage does not comply with requirements set forth in Section 3.0 for two consecutive months.
- c. *Second Violation:* If a customer's usage who is not within the WET Program falls outside the requirements set forth in Section 3.0 for three consecutive months, a penalty in the amount of \$50 will be applied to the customer's bill for this third month and each consecutive month thereafter.
- d. If a violation is ongoing, the District may disconnect service until the violation is corrected.

SECTION 5.0 ADMINISTRATION

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 Water Utility Accounts:

The 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.

5.2 Appeals:

The District will issue all enforcement actions by mail or personal delivery. Any associated penalty will be added to the customer's bill. Customers may appeal any enforcement action by filing a written appeal with the District within ten (10) days of the date of receipt of the enforcement action. The appeal shall provide evidence the customer was in compliance with the provisions of this Ordinance. The customer may request a hearing before the Board of Directors. Any enforcement action not appealed within the required ten (10) days, will be final. Upon receipt of an appeal, a review on the appeal will be completed, and a hearing shall be held if requested by the customer. The Board of Directors 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.

5.3 Discretionary Exemptions:

The General Manager may exempt water users and individual facilities of water users from 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) Outdoor watering restriction requirements of Water Conservation Stages 2 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.
- e) Outdoor watering restriction requirements of Water Conservation Stages 2 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.
- f) Outdoor watering restriction requirements of Water Conservation Stages 2 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.
- g) 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.
- h) 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.
- i) 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.

Ordinance No. 117 was Duly Passed, Approved and Adopted by the Board of Directors of Newhall County Water District at its Regular Board Meeting of August 10, 2017.

MARIA GUTZEIT, President of the
Board of Directors of
NEWHALL COUNTY WATER DISTRICT

ATTEST:

Rochelle Patterson, Secretary of the
Board of Directors of the
NEWHALL COUNTY WATER DISTRICT