

SERRANO WATER DISTRICT

Water Conservation & Water Supply Shortage Program

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**AN RESOLUTION OF THE SERRANO WATER DISTRICT
ESTABLISHING A WATER CONSERVATION AND
WATER SUPPLY SHORTAGE PROGRAM AND REGULATIONS**

Section I: Title.

This chapter will be known as the Serrano Water District Water Conservation and Water Supply Shortage Program.

Section II. Findings.

- a. A reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the southern California region.
- b. Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, climate change, environmental concerns, and other factors in other parts of the State and western United States, make the region highly susceptible to water supply reliability issues.
- c. Careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs.
- d. Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.
- e. Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.
- f. California Water Code section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies.
- g. The adoption and enforcement of a water conservation and supply shortage program is necessary to manage the the Serrano Water District's potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the Serrano Water District. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

Section III. Declaration of Purpose and Intent.

- a. The purpose of this chapter is to establish a water conservation and supply shortage program that will reduce water consumption within the Serrano Water District through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the Serrano Water District to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.

- b. This chapter establishes permanent water conservation standards intended to alter behavior related to water use efficiency at all times and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.

Section IV. Definitions.

- a. The following words and phrases whenever used in this chapter have the meaning defined in this section:
 - 1. **“Person”** means any natural person or persons, corporation, public or private entity, governmental agency or institution, including all agencies and departments of Serrano Water District, or any other user of water provided by the Serrano Water District.
 - 2. **“Landscape irrigation system”** means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.
 - 3. **“Large landscape areas”** means a lawn, landscape, or other vegetated area, or combination thereof, equal to more than one (1) acre of irrigable land.
 - 4. **“Single pass cooling systems”** means equipment where water is circulated only once to cool equipment before being disposed.
 - 5. **“Potable water”** means water which is suitable for drinking.
 - 6. **“Recycled water”** means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations.
 - 7. **“Billing unit”** means the unit of water used to apply water rates for purposes of calculating water charges for a persons water usage and equals 100 cubic feet or seven hundred forty-eight (748) gallons of water.

Section V. Application

- a. The provisions of this chapter apply to any person in the use of any potable water provided by the Serrano Water District.
- b. The provisions of this chapter do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services.
- c. The provisions of this chapter do not apply to the use of recycled water, with the exception of Section VI(a).
- d. The provisions of this chapter do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.

- e. This chapter is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

Section VI: Permanent Water Conservation Requirements – Prohibition Against Waste

The following water conservation requirements are effective at all times and are permanent. Violations of this section will be considered waste and an unreasonable use of water.

- a. **Limits on Watering Hours:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 10:00 a.m. and 4:00 p.m. Pacific Standard Time on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
- b. **Limit on Watering Duration:** Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard.
- c. **No Excessive Water Flow or Runoff:** Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.
- d. **No Washing Down Hard or Paved Surfaces:** 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 a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom.
- e. **Obligation to Fix Leaks, Breaks or Malfunctions:** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than three (3) days of receiving notice from the Serrano Water District, is prohibited.
- f. **Re-circulating Water Required for Water Fountains and Decorative Water Features:** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.
- g. **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat 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.

- h. **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.
- i. **No Installation of Single Pass Cooling Systems:** Installation of single pass cooling systems is prohibited in buildings requesting new water service.
- j. **No Installation of Non-re-circulating in Commercial Car Wash and Laundry Systems:** Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.
- k. **Restaurants Required to Use Water Conserving Dish Wash Spray Valves:** Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.
- m. **Commercial Car Wash Systems:** Effective on January 1, 2009, all new commercial conveyor car wash systems must have installed operational re-circulating water systems, or must have secured a waiver of this requirement from the Serrano Water District.

Section VII: Level 1 Water Supply Shortage

- a. A Level 1 Water Supply Shortage exists when the Serrano Water District determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the Serrano Water District of a Level 1 Water Supply Shortage condition, the Serrano Water District will implement the mandatory Level 1 conservation measures identified in this section.
- b. **Additional Water Conservation Measures:** In addition to the prohibited uses of water identified in Section VI, the following water conservation requirements apply during a declared Level 1 Water Supply Shortage:
 - 1. **Limits on Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to three days per week on a schedule established and posted by the Serrano Water District. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the Serrano Water District. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
 - 2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two (72) hours of notification by the Serrano Water District unless other arrangements are made with the Serrano Water District.

Section VIII. Level 2 Water Supply Shortage

- a. A Level 2 Water Supply Shortage exists when the Serrano Water District determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the Serrano Water District of a Level 2 Water Supply Shortage condition, the Serrano Water District will implement the mandatory Level 2 conservation measures identified in this section.
- b. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Section VI and VII, the following additional water conservation requirements apply during a declared Level 2 Water Supply Shortage:
 1. **Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two days per week on a schedule established and posted by the Serrano Water District. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the Serrano Water District. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
 2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight (48) hours of notification by the Serrano Water District unless other arrangements are made with the Serrano Water District.
 3. **Limits on Filling Ornamental Lakes or Ponds:** Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage level under this ordinance.
 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 or trailer, whether motorized or not, is prohibited except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, by high pressure/low volume wash systems, or at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water.
 5. **Limits on Filling Residential Swimming Pools & Spas:** Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with potable water is prohibited.

Section IX. Level 3 Water Supply Shortage – Emergency Condition

- a. A Level 3 Water Supply Shortage condition is also referred to as an “Emergency” condition. A Level 3 condition exists when the Serrano Water District declares a water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon the declaration of a Level 3 Water Supply Shortage condition, the Serrano Water District will implement the mandatory Level 3 conservation measures identified in this section.
- b. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Section VI, VII, and VIII, the following water conservation requirements apply during a declared Level 3 Water Supply Shortage Emergency:
 1. **No Watering or Irrigating:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited. This restriction does not apply to the following categories of use, unless the Serrano Water District has determined that recycled water is available and may be applied to the use:
 - i. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device;
 - ii. Maintenance of existing landscape necessary for fire protection;
 - iii. Maintenance of existing landscape for soil erosion control;
 - iv. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
 - v. Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed two (2) days per week according to the schedule established in Section VIII(b)(1) and time restrictions in Section VI(a) and (b)(1);
 - vi. Actively irrigated environmental mitigation projects.
 2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user’s plumbing or distribution system must be repaired within twenty four (24) hours of notification by the Serrano Water District unless other arrangements are made with the Serrano Water District.
 3. a. **No New Potable Water Service:** Upon declaration of a Level 3 Water Supply Shortage Emergency condition, no new potable water service will be provided, no new temporary meters or permanent meters will be provided, and no statements of immediate ability to serve or provide potable water service (such as, will-serve letters, certificates, or letters of availability) will be issued, except under the following circumstances:
 1. A valid, unexpired building permit has been issued for the project; or
 2. The project is necessary to protect the public health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the Serrano Water
4. **Discontinue Service:** The Serrano Water District, in its sole discretion, may discontinue service to consumers who willfully violate provisions of this section.
5. **No New Annexations:** Upon the declaration of a Level 3 Water Supply Shortage condition, the Serrano Water District will suspend consideration of annexations to its service area. This subsection does not apply to boundary corrections and annexations that will not result in any increased use of water.

Section X. Procedures for Determination / Notification of Water Supply Shortage

- a. **Declaration and Notification of Water Supply Shortage:** The existence of Level 1, Level 2 or Level 3 Water Supply Shortage conditions may be declared by resolution of the Serrano Water District adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation requirements applicable to Level 1, Level 2 or Level 3 conditions will take effect on the tenth day after the date the shortage level is declared. Within five (5) days following the declaration of the shortage level, the Serrano Water District must publish a copy of the resolution in a newspaper used for publication of official notices. If the Serrano Water District activates a water allocation process, it must provide notice of the activation by including it in the regular billing statement or by any other mailing to the address to which the Serrano Water District customarily mails the billing statement for fees or charges for on-going water service. A water allocation will be effective on the fifth day following the date of mailing or at such later date as specified in the notice.

Section XI. Hardship Waiver

- a. **Undue and Disproportionate Hardship:** If, due to unique circumstances, a specific requirement of this chapter would result in 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 users, then the person may apply for a waiver to the requirements as provided in this section.
- b. **Written Finding:** The waiver may be granted or conditionally granted only upon a written finding of the existence of 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.
 1. **Application:** Application for a waiver must be on a form prescribed by the Serrano Water District and accompanied by a non-refundable processing fee in an amount set by the Serrano Water District resolution.
 2. **Supporting Documentation:** The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.
 3. **Required Findings for Waiver:** An application for a waiver will be denied unless the Serrano Water District finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water

use information for the property as shown by the records of the Serrano Water District or its Agent, all of the following:

- i. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;
 - ii. That because of special circumstances applicable to the property or its use, the strict application of this chapter would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally;
 - iii. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the Serrano Water District to effectuate the purpose of this chapter and will not be detrimental to the public interest; and
 - iv. That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent or general in nature.
4. **Approval Authority:** The General Manager must act upon 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. Unless specified otherwise at the time a waiver is approved, the waiver will apply too the subject property during the period of the mandatory water supply shortage condition. The decision of the General Manager will be final.

Section XII. Penalties and Violations

- a. **Misdemeanor:** Any violation of this chapter may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days, or by a fine not exceeding one thousand dollars (\$1,000), or by both.
- b. **Penalties:** Penalties for failure to comply with any provisions of the ordinance are as follows:
 1. **First Violation:** The Serrano Water District will issue a written warning and deliver a copy of this ordinance by mail.
 2. **Second Violation:** A second violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed one hundred dollars (\$100).
 3. **Third Violation:** A third violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed two hundred and fifty (\$250).
 4. **Fourth and Subsequent Violations:** A fourth and any subsequent violation is punishable by a fine not to exceed five hundred (\$500).
 - i. **Water Flow Restrictor:** In addition to any fines, the Serrano Water District may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and comparatively sized

restrictors for larger services after written notice of intent to install a flow restrictor for a minimum of forty eight (48) hours.

5. **Discontinuing Service:** In addition to any fines and the installation of a water flow restrictor, the Serrano Water District may disconnect a customer's water service for willful violations of mandatory restrictions in this chapter.
- c. **Cost of Flow Restrictor and Disconnecting Service:** A person or entity that violates this ordinance is responsible for payment of the Serrano Water District's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the Serrano Water District's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device must be paid to the Serrano Water District before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.
- d. **Separate Offenses:** Each day that a violation of this ordinance occurs is a separate offense.
- e. **Notice and Hearing:**
 1. The Serrano Water District will issue a Notice of Violation by mail or personal delivery at least ten (10) days before taking enforcement action. Such notice must describe the violation and the date by which corrective action must be taken. A customer may appeal the Notice of Violation by filing a written notice of appeal with the Serrano Water District no later than the close of business on the day before the date scheduled for enforcement action. Any Notice of Violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and the Serrano Water District will mail written notice of the hearing date to the customer at least ten (10) days before the date of the hearing.
 2. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the Serrano Water District may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violations and the current declared water Level condition.

Section XIII. Severability

If any section, subsection, sentence, clause or phrase in this chapter is for any reason held invalid, the validity of the remainder of the chapter will not be affected. The Board of Directors hereby declares it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid.

Other Measures Available for Consideration

a. **Water Allocations and Mandatory Reductions**

1. **Water Allocations / Water Budget:** The Serrano Water District will activate a water allocation process using a method that does not in effect penalize persons for prior implementation of conservation methods or installation of water-saving devices. The Serrano Water District must provide notice of activation of the allocation process by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the Serrano Water District customarily mails the billing statement for fees or charges for on-going water service.

Following the effective date of the water allocation, any person using water in excess of the allocation will be subject to a 20% penalty for each billing unit of water in excess of the allocation. The penalty for excess water usage will be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

- b. **Large Landscape Areas – Rain Sensors:** Large landscape areas, such as parks, cemeteries, golf courses, school grounds, and playing fields, that use landscape irrigation systems to water or irrigate, must use landscape irrigation systems with rain sensors that automatically shut off such systems during periods of rain or irrigation timers which automatically use information such as evapotranspiration sensors to set an efficient water use schedule.
- c. **Construction Purposes:** Recycled or non-potable water must be used for construction purposes when available.
- d. **Water Recycling Required if Available:** The use of potable water, other than recycled water, is prohibited for specified uses after the Serrano Water District has provided to the user an analysis showing that recycled water is available, a cost-effective alternative to potable water for such uses and the user has had a reasonable time, as determined by the Serrano Water District, to make the conversion to recycled water.
- e. **Water Recycling – New Service:** Prior to the connection of any new water service, an evaluation must be done by the Serrano Water District to determine whether recycled water exists to supply all or some of the water needed and recycled water must be utilized to the extent feasible.
- f. **Reporting Mechanism - Hotline:** The Serrano Water District will establish a water waste hotline for residents to report violations of this chapter.
- g. **State Model Landscape Ordinance:** The Department of Water Resources State Model Landscaping Ordinance is adopted by reference and incorporated as part of this Chapter. The full text of the Model Landscaping Ordinance is available on the Serrano Water District website at www.serranowater.org and a copy is maintained with the Serrano Water District.

APPENDIX

WATER CONSERVATION ORDINANCE SUMMARY TABLE

Permanent	Level 1	Level 2	Level 3 – Emergency	Other Provisions for Consideration
<p>Restrictions</p> <ul style="list-style-type: none"> ○ No Watering: 10:00 am-4:00 pm, except by hand ○ Irrigation system limit of 15 minutes ○ No excessive water flow or runoff ○ No washing down hard or paved surfaces ○ Obligation to fix leaks in reasonable time (within 3 days of notice) ○ Fountains only with re-circulating water ○ Wash vehicles only with bucket or shut-off nozzle ○ Restaurants only serve water on request 	<p>Same as Permanent +</p> <ul style="list-style-type: none"> ○ Watering limited to 3 days a week ○ Fix leaks within 72 hours 	<p>Same as Permanent & Level 1 +</p> <ul style="list-style-type: none"> ○ Watering limited to 2 days a week ○ Fix leaks within 48 hours ○ No filling or re-filling ornamental lakes or ponds ○ Wash vehicles only at car wash with re-circulating system ○ No filling residential pools or outdoor spas 	<p>Same as Permanent, Level 1 & Level 2 +</p> <ul style="list-style-type: none"> ○ No watering or irrigating with certain exceptions ○ Fix leaks within 24 hours ○ No new potable water service ○ No new annexations to service areas 	<ul style="list-style-type: none"> ○ Water allocation requirements and penalties for exceeding allotment ○ Mandatory % reduction and penalties for overage ○ Large landscape areas must have rain sensors ○ Departments prepare annual conservation reports.

PASSED AND ADOPTED by the Board of Directors of Serrano Water District at a regular meeting on March 17, 2009, by the following roll call vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

Jerry Haight, President

David H. Noyes, Secretary