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QUAIL VALLEY WATER DISTRICT

BOARD OF DIRECTORS

Mike Biglay
Jean Grodewald
Rita Leonard-Phillips
Enrique Lopez
Jimmy Sweany

ORDINANCE NO. 01-2022

AN ORDINANCE OF THE QUAIL VALLEY WATER DISTRICT ADOPTED APRIL 30, 2022, ESTABLISHING A WATER CONSERVATION PROGRAM

WHEREAS, article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. empower any public entity which supplies water at retail or wholesale to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code section 375, subdivision (c) defines "public entity" to include a city, county, special district, water authority, or any other municipal public corporation or district; and

WHEREAS, pursuant to Water Code section 376 and Government Code 6061, the Quail Valley Water District must publish in a newspaper printed, published, and circulated within the District, or if no such paper exists, post in three public places within the District, any ordinance or resolution adopting a water conservation program within 10 days after its adoption; and

WHEREAS, Water Code section 377 establishes that, from the publication of an ordinance or resolution pursuant to section 376 until the repeal of the ordinance or end of the emergency, it is a misdemeanor punishable by up to 30 days in county jail and/or



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a fine of up to \$1,000 for any person to violate a requirement of the water conservation program; and

WHEREAS, the adoption and enforcement of a comprehensive water conservation program will allow the Quail Valley Water District to delay or avoid declaring a water shortage emergency pursuant to Water Code section 350; and

WHEREAS, on April 30, 2022, the Quail Valley Water District held a public hearing and made appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, the water supply of Quail Valley Water District is entirely dependent on well water; and

WHEREAS, Southern California has continued to receive below average rainfall precluding sufficient groundwater recharge; and

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety and welfare; and

WHEREAS, 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.

NOW, THEREFORE, BE IT ORDAINED by the Quail Valley Water District, as follows:

1. This ordinance is effective immediately upon adoption or as otherwise established by State law; and
2. Pursuant to Water Code section 376 and Government Code section 6061, the Quail Valley Water District shall publish in a newspaper of general circulation a summary of this ordinance adopting a water conservation program containing the url where the entire text may be found within 10 days after its adoption; and
3. This ordinance establishes regulations to be implemented during times of declared water shortages or declared water shortage emergencies. It establishes three levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies; and



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4. The provisions of this ordinance apply to any person, corporation, public or private entity, governmental agency or institution, or any other user of water provided by the District in the use of any potable water provided by the District; and
5. The provisions of this ordinance 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; and
6. The following water conservation requirements are effective at all times and shall be permanent. Violation of these requirements shall be considered waste and an unreasonable use of water:
 - a. **Watering Hours:** Watering or irrigation of lawn, landscape, or other vegetated area with potable water is prohibited between the hours of 9:00 a.m. and 5:00 p.m. 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 device, or for very short periods for the express purpose of adjusting or repairing an irrigation system.
 - b. **Watering Duration:** Irrigation systems shall be limited to watering for no more than 15 minutes per station per day. This shall not apply to landscape irrigation systems that exclusively use very low-flow drip type emitters when no emitter produces more than 2 gallons of water per hour and utilize weather-based controllers.
 - c. **Run-Off:** Application of water to outdoor landscape in a manner that causes more than incidental runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited.
 - d. **Washing Vehicles:** Use of a hose that dispenses water to wash a motor vehicle is prohibited, except by use of a hose fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
 - e. **Driveways and Sidewalks:** Application of potable water directly to driveways and sidewalks is prohibited.



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- f. Ornamental Fountains and Decorative Water Features: Use of potable water in an ornamental fountain or other decorative water feature is prohibited, except where the water is part of a recirculating system.
- g. Precipitation Events: Application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one-tenth of one inch is prohibited.
- h. Leaks, Breaks or Malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system resulting in water loss or waste must be repaired within five (5) days of discovery.

7. The existence of a Stage 1 or Stage 2 Water Supply Shortage condition exists when the Board of Directors of Quail Valley Water District determines, in its sole discretion, that due to drought or other supply reductions, a consumer demand reduction is required in order to ensure that sufficient supplies will be available to meet anticipated demands. The declaration of a Stage 1 or Stage 2 Water Supply Shortage condition shall be by resolution of the Board adopted at a regular or special meeting held in accordance with State Law. The mandatory conservation measures applicable to Stage 1 and Stage 2 Water Supply Shortage conditions, respectively, shall take effect on the tenth day after the date the shortage condition is declared. Within five days following the declaration of the shortage condition, the District shall post a copy of the resolution in a public place within the District. A copy of the resolution shall also be included with the next regular billing statement.

8. The existence of a Stage 3 Water Supply Emergency condition may be declared in accordance with the requirements and procedures specified in California Water Code section 350 et seq.

9. Upon the declaration of a Stage 1 Water Supply Shortage condition, Quail Valley Water District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following mandatory water conservation practices in addition to the permanent water conservation requirements that remain effective at all times:

- a. Watering Days: Watering or irrigation of landscape or other vegetated areas, plants, trees, shrubs, and lawns, including plants, trees, and shrubs in greenhouses or similar structures, with potable water is limited to 3 days per week. This provision does not apply to landscape irrigation systems that



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exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour. This provision does not apply to use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing shut-off device, or for very short periods for the express purpose of adjusting or repairing an irrigation system.

- b. Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system resulting in water loss or waste must be repaired within seventy-two (72) hours of discovery.
- c. Water use for Construction: The use of potable water for construction activities is prohibited.
- d. Other prohibited Uses: The District may implement other prohibited water uses as determined by the Board of Directors, after providing notice to Users.

10. Upon the declaration of a Stage 2 Water Supply Shortage condition, Quail Valley Water District will implement the following mandatory water conservation practices in addition to the water conservation practices identified under a Stage 1 Water Supply Shortage:

- a. Watering Days: Watering or irrigation of landscape or other vegetated areas, plants, trees, shrubs, and lawns, including plants, trees, and shrubs in greenhouses or similar structures, with potable water is limited to 2 days per week. This provision does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour. This provision does not apply to use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing shut-off device, or for very short periods for the express purpose of adjusting or repairing an irrigation system.
- b. Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system resulting in water loss or waste must be repaired within forty-eight (48) hours of discovery.
- c. Ornamental Fountains and Decorative Water Features: No filling, cleaning, and/or refilling of decorative fountains, ornamental lakes or ponds except to the extent needed to sustain aquatic life, provided that such aquatic life has been actively managed within the water feature prior to declaration of this supply shortage stage.
- d. Washing Vehicles: The washing of vehicles with potable water is prohibited.
- e. Pools: The filling of any new or existing pool or outdoor spa is prohibited.
- f. New Grass: The planting of new turf grass is prohibited.
- g. Mist Coolers: Use of outdoor evaporative mist coolers is prohibited



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- h. Line Flushing: Main line flushing is allowed for emergency purposes only.
- i. Other prohibited Uses: The District may implement other prohibited water uses as determined by the Board of Directors, after providing notice to Users.

11. Upon the declaration of a Stage 3 Water Supply Emergency condition, Quail Valley Water District will implement the following mandatory water conservation practices in addition to the water conservation practices identified under a Stage 2 Water Supply Shortage:

- a. The irrigation of landscape, plants, trees, shrubs, and lawns, including plants, trees, and shrubs in greenhouses or similar structures, with potable water is prohibited. This restriction shall not apply to the following categories of use:
 - i. Maintenance of trees and shrubs that are watered for no more than 10 minutes each per day by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;
 - ii. Maintenance of food crops grown for personal use watered for no more than 10 minutes each day by using a bucket, hand held hose with a positive shut-off nozzle, or low volume non-spray irrigation;
 - iii. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;
 - iv. Maintenance of existing landscaping necessary for erosion control;
 - v. Maintenance of plant materials identified to be rare or essential to the well being of rare animals; and
 - vi. Watering of livestock.
- b. Provision of new water service, temporary or permanent meters, or statements of immediate ability to serve (will serve letter) is prohibited except under the following conditions:
 - i. A valid, unexpired building permit has been issued for the project; or
 - ii. The project is necessary to protect the public's health, safety, and welfare; or
 - iii. 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 Quail Valley Water District.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.



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- c. Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system resulting in water loss or waste must be repaired within twenty-four (24) hours of discovery or upon notification of District unless other arrangements are approved by the General Manager.
- d. Water Allocations: Water use shall be limited to 17 units (12,716 gallons) per month per water service. Penalties will be levied on accounts that exceed this water allocation.
- e. Waste of water by loss from leaks. All leaks shall be repaired within 24 hours of discovery or upon notification of District unless other arrangements are approved by the General Manager.
- f. Other prohibited Uses: The District may implement other prohibited water uses as determined by the Board of Directors, after providing notice to Users.

12. If a specific requirement of this ordinance would directly and negatively impact the health and safety of a water user residing on property subject to this ordinance, the property owner may apply for a waiver of the specific requirements of this ordinance. The waiver may be granted to the property owner only upon a written finding by the General Manager of the existence of facts demonstrating a direct, negative impact on the health and safety of the water user. Application and finding shall be subject to the following provisions:

- a. Application: Application for a health and safety waiver shall be on a form prescribed by the District and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the Board.
- b. Supporting Documents: The application must include factual evidence demonstrating that the enforcement of the specific requirements of this ordinance will result in a direct and negative impact on the health and safety of a water user residing on the property due to unique circumstances specific to that water user. That evidence may include a statement from a licensed California health professional or other licensed California professional qualified to evaluate the health and safety threats of this ordinance on the water user.
- c. Required Findings: An application for a health and safety waiver shall be denied unless the appropriate authority 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 District or its agent, all of the following:
 - i. That the health and safety waiver does not constitute a grant of special privilege inconsistent with the limitations upon other water users;



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- ii. That because of special circumstances applicable to the water user, the strict application of this ordinance to the property owner would directly and negatively impact the health or safety of the water user; and
 - iii. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, will not materially affect the ability of the District to effectuate the purposes of this ordinance, and will not be detrimental to the public interest.
 - d. Approval Authority: The General Manager (or designee) shall exercise approval authority and act upon any completed application no later than ten (10) days after submittal and may approve, conditionally approve, or deny an application for a health and safety waiver. The property owner requesting the health and safety waiver shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a health and safety waiver is approved, the health and safety waiver applies to the subject property during the term of the mandatory water supply shortage or emergency condition.
 - e. Appeals to the Board: An applicant may appeal a decision or condition of the General Manger on a health and safety waiver application to the District Board within 10 days of the decision upon written request to the District for a hearing. The request shall state the grounds for appeal. At a public meeting, the District Board shall act as the approval authority and review the appeal following the regular waiver procedure. The decision of the District Board shall be final.
13. Violation of the requirements of the Water Conservation Program shall constitute a misdemeanor, subject to the following penalties:

- a. Each violation of this ordinance 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 \$1,000, or by both as provided in Water Code section 377.
- b. Each day that a violation of this ordinance occurs is a separate offense.
- c. Fines for failure to comply with the water conservation measures in the ordinance shall be:

Violation	Permanent, Stage 1 and Stage 2	Stage 3
First Violation	Courtesy notice describing violation.	Fine not greater than \$100
Second Violation within 12 consecutive months	Fine not greater than \$100	Fine not greater than \$250
Third Violation within 12 consecutive months	Fine not greater than \$250	Fine not greater than \$500



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- d. A third and subsequent Stage 3 violation is punishable not only with a fine, but also by disconnection and/or termination of service.
- e. Excessive water use penalties will be charged in addition to the regular fee structure based on total monthly consumption. If a water user uses more water during any monthly billing cycle than has been allocated, such excess use shall constitute a violation of this ordinance and the penalty shall be:

Excess Water Use Penalty 1	Excess Water Use Penalty 2	Excess Water Use Penalty 3
0 - <5 Units	5 - <10 Units	Over 10 Units
1X Consumption Rate	2X Consumption Rate	3X Consumption Rate

- f. In the event of an accidental water loss such as a leak or malfunction on a water user's premises causing water use in excess of the water use allocation, and the water user applies for and is granted a Leak Adjustment pursuant to District Leak Adjustment policy, Excessive water use penalties shall not be assessed on the water use in excess of the monthly average consumption for the previous 12 months.

Passed and adopted by the Board of Directors of Quail Valley Water District on April 30, 2022, by the following vote:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAINED: Directors



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_____, President

ATTEST:

Dawnette Boatman, Secretary, Quail Valley Water District

_____, Secretary

DRAFT