



**ORDINANCE NO. 0-7-2018
ROWLAND WATER DISTRICT**

**ESTABLISHING A WATER CONSERVATION AND
WATER SHORTAGE CONTINGENCY PLAN
(Supersedes Ordinance No. 0-5-2009)**

Be it ordained by the Board of Directors of the Rowland Water District (District) as follows:

Section 1: Purpose

Rowland Water District receives the majority of its potable water supplies from the Metropolitan Water District of Southern California (MWD) through MWD's member agency, Three Valleys Municipal Water District (Three Valleys). The reliability of imported water supplies have been substantially reduced due to drought and regulatory limitations to the point where MWD notified their member agencies in 2008 that due to the reduction in supplies and depletion of water storage reserves, measures have been put in place by MWD to allocate the available water supplies among their members depending upon the level of shortage, which include severe financial penalties on the retail agencies for taking water in excess of the allocated supply. The District has implemented water conservation measures, and developed a recycled water system to offset use of potable water for appropriate uses, which, although effective, may not be sufficient to stay within a reduced imported water supply allocation imposed by MWD. The Board of Directors finds that, because of the foregoing circumstances, there is currently a substantial threat and likelihood of a severe water shortage, in which the District's water supplies will be severely restricted. It is in the best interest of the residents and businesses within the District that measures are implemented to ensure that adequate supplies of water are available for domestic use, fire suppression and sanitation, and that the District, so far as possible, limits its demand for imported water to avoid penalties for excessive use and to ensure a reliable and sustainable minimum supply of water for public health, safety and welfare for all.

Section 2: Authorization and Authority

Article X, Section 2 of the California Constitution declares the general welfare requires that water resources be put to beneficial use, waste or unreasonable method of use of water be prevented, and conservation of water be fully exercised with the view to the reasonable and beneficial use thereof. Pursuant to Water Code Sections 31026 et seq., Water Code Sections 350 et seq., Water Code Sections 370 et seq., and 375 et seq., the District is authorized and empowered to enact and enforce restrictions on water use and water conservation programs to conserve its water supplies and prevent wastage.

Section 3: Declaration and Notification of Water Supply Shortage

At any time that the Board of Directors determines that the water supply available to the District is likely to be insufficient to meet the expected demands of the District's customers due to any cause, including but not limited to facility failure or reductions or allocations imposed by the District's wholesale suppliers, such that the District will not be able to supply all of the demands of its customers without incurring penalties or violating policies of the wholesale agencies, the Board may declare a water shortage. A declaration of a Level 1 or Level 2 Water Supply Shortage, as defined, shall be made at a regular or special meeting of the Board of Directors. The declaration of a Level 3 Water Supply Shortage or "Water Shortage Emergency" as authorized pursuant to Water Code Section 350, shall be made after a public hearing held pursuant to published notice, unless the Water Shortage Emergency is caused by the breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency. The Board of Directors may declare, change or rescind, as applicable, the particular stage of the water supply shortage through the adoption of a Resolution. The restrictions and mandatory reduction of use listed under each level of shortage will take effect immediately upon adoption. A full listing of the restrictions applicable to the level of shortage declared shall be published once in full in a newspaper of general circulation, printed, published and circulated in the District within fifteen (15) days after adoption of the declaration of water supply shortage. Any provisions requiring curtailment in the use of water shall become effective with the first full billing period commencing on or after the date of adoption. Notice of the activation of a water supply shortage will be included in the regular billing statement or by separate mailing to the address and customer name on record. Pursuant to and authorized by Resolution No. 2-2017, certain drought rates apply during a declared Level 1,2,3 and 4 Water Supply Shortage.

Section 4: Compliance Responsibility

The customer of the District whose name is on the account shall be responsible for compliance with the provisions of this Ordinance.

Section 5: Water Conservation Best Management Practices

The District encourages its customers to use water efficiently, even during times of adequate supplies, and the following water conservation practices are recommended at all times.

- a. **Limits on Watering Hours:** No watering or irrigation of lawn, landscape or other vegetated area with potable water between the hours 8:00 a.m. and 5:00 p.m.
- b. **Excessive Water Flow or Runoff:** Eliminate 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.
- c. **Washing Down of Hard or Paved Surfaces:** Washing down of hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, should only be done when using a 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, or a low-volume high-pressure water broom.

- d. **Leaks and Breaks:** Repair all plumbing and irrigation leaks and/or breaks as soon as reasonably possible.
- e. **Serving of Water at Establishments:** Eating or drinking establishments, including but not limited to restaurants, hotels, cafes, bars or other public places where food or drinks are sold or served should provide drinking water to patrons only upon request.
- f. **Lodging Establishments Linen Service:** Hotels, motels and other commercial lodging establishments should offer customers the option of not having towels and linens laundered daily. Commercial lodging establishments should prominently display notice of this option in each bathroom using clear and easily understood language.

Section 6: Level 1 Water Supply Shortage

A Level 1 Water Supply Shortage may be declared in the event that the imported water supplies available to the District are limited or restricted due to drought, regulatory restrictions and/or the imposition of a water supply allocation by MWD or Three Valleys to the extent that a 5 to 15 percent reduction in consumer demand is determined to be necessary due to actual water shortages or to avoid financial penalties for taking water in excess of the allocation. A Level 1 Water Supply Shortage shall be declared pursuant to resolution adopted by the Board of Directors of the District, which shall specify a mandatory conservation level of up to 10%. Upon the declaration by the District of a Level 1 Water Supply Shortage condition, the District will implement Mandatory Level 1 conservation measures identified in this section.

Additional Water Conservation Measures:

In addition to the water conservation practices identified in Section 5, the following water conservation requirements apply during a declared Level 1 Water Supply Shortage:

- a. **Limits on Watering Days:** Watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to three days per week (**Monday, Wednesday & Friday**). Irrigation by hand-held hose equipped with a positive self-closing shut-off nozzle, drip irrigation type irrigation systems when no emitter produces more than two (2) gallons per hour, or hand-held bucket or similar container is permitted.
- b. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks and malfunctions in the customer's plumbing must be repaired within seventy-two (72) hours of discovery. Failure to repair a leak or break within 72 hours of notification by the District will constitute a violation.
- c. **Construction/Temporary Water:** Potable water used on a temporary basis for construction and dust control shall be limited to that quantity identified in the plan submitted by the user which describes water use requirements. The plan must be

submitted and approved by the District. Upon availability, non-potable recycled water will be made available for these uses.

- d. **Fire Hydrant Use:** Use of water from fire hydrants shall be limited to fire fighting and related activities, or for activities necessary to maintain the public health, safety and welfare.
- e. **Metered Reduction:** Water consumption as measured through the customer's meter shall be reduced by the customer by the percentage specified in the Resolution declaring the Level 1 Water Supply Shortage. The required reduction will be calculated based on the amount of water used by the same customer during the same billing period in the last calendar year during which no potable water shortage was declared. For those customers who do not have historical data upon which to base the reduction, an average consumption for the area will be used as a baseline for reduction. Metered water use in excess of the amount set forth in the Resolution will be billed at a penalty rate which shall be calculated as the per unit (hundred cubic foot) cost of the penalty imposed on deliveries of potable water from Three Valleys Municipal Water District exceeding Rowland Water District's allocation. This penalty will be charged in addition to the water usage rate. At such time as the penalties imposed by Three Valleys Municipal Water District for excess use are changed, the penalty rate imposed under this Water Shortage Ordinance will be adjusted to reflect the actual per unit cost of the penalty. Notice of the amount of any adjustment to the penalty rate will be given in the next billing statement after the adjustment is made.

Section 7: Level 2 Water Supply Shortage

A Level 2 Water Supply Shortage may be declared in the event that the imported water supplies available to the District are limited or restricted due to drought, regulatory restrictions and/or the imposition of a water supply allocation by MWD or Three Valleys to the extent that a 16 to 25 percent reduction in consumer demand is determined to be necessary due to actual water shortages or to avoid financial penalties for taking water in excess of the allocation. A Level 2 Water Supply Shortage shall be declared pursuant to resolution adopted by the Board of Directors of the District, which shall specify a mandatory conservation level of up to 25%. Upon the declaration by the District of a Level 2 Water Supply Shortage condition, the District will implement Mandatory Level 2 conservation measures identified in this section.

Additional Water Conservation Measures:

In addition to the prohibited uses of potable water identified in Sections 5 and 6, the following water conservation requirements apply during a declared Level 2 Water Supply Shortage:

- a. **Limits on Watering Days:** Watering or irrigation of lawn, landscape or other vegetated area with potable water by use of a sprinkler or soaker hose is limited to two days per week (**Monday & Friday**). Irrigation by hand-held hose equipped with a positive self-closing shut-off nozzle, drip irrigation type irrigation systems when no emitter produces

more than two (2) gallons per hour or hand-held bucket or similar container is permitted at other times.

- b. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks and malfunctions in the customer's plumbing must be repaired within Forty-eight (48) hours of discovery. Failure to repair a leak or break within 24 hours of notification by the District will constitute a violation.
- c. **Limits on Filling Ornamental Lakes or Ponds:** Filling or re-filling of ornamental lakes or ponds is prohibited, except to the extent needed to sustain existing aquatic life.
- d. **Limits on Washing of Vehicles:** Using water to wash motor vehicles, trailers, boats and other types of mobile equipment is prohibited except by use with a bucket or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device.
- e. **Limits on Filling Residential Swimming Pools & Spas:** Emptying or refilling swimming pools, spas and ponds for cleaning purposes is prohibited. Water levels may be maintained.
- f. **Metered Reduction:** Water consumption as measured through the customer's meter shall be reduced by the customer by the percentage specified in the Resolution declaring the Level 2 Water Supply Shortage. The required reduction will be calculated based on the amount of water used by the same customer during the same billing period in the last calendar year during which no potable water shortage was declared. For those customers who do not have historical data upon which to base the reduction, an average consumption for the area will be used as a baseline for reduction. Metered water use in excess of the amount set forth in the Resolution will be billed at a penalty rate which shall be calculated as the per unit (hundred cubic foot) cost of the penalty imposed on deliveries of potable water from Three Valleys Municipal Water District exceeding Rowland Water District's allocation. This penalty will be charged in addition to the water usage rate. At such time as the penalties imposed by Three Valleys Municipal Water District for excess use are changed, the penalty rate imposed under this Water Shortage Ordinance will be adjusted to reflect the actual per unit cost of the penalty. Notice of the amount of any adjustment to the penalty rate will be given in the next billing statement after the adjustment is made.

Section 8: Level 3 Water Supply Shortage – Emergency Condition

A Level 3 Water Supply Shortage may be declared in the event that the imported water supplies available to the District are limited or restricted due to drought, regulatory restrictions and/or the imposition of a water supply allocation by MWD or Three Valleys to the extent that a reduction of greater than twenty-five (25) percent in consumer demand is determined to be necessary due to actual water shortages or to avoid financial penalties for taking water in excess of the allocation. A Level 3 Water Supply Shortage shall be declared pursuant to resolution adopted by the Board of Directors of the District after a public hearing, and shall specify a mandatory

conservation level which may be in excess of 25%. A Level 3 Water Supply Shortage condition is also referred to as a “Water Shortage Emergency” condition. Upon the declaration by the District of a Level 3 Water Supply Shortage condition, the District will implement Mandatory Level 3 conservation measures identified in this section.

Additional Water Conservation Measures:

In addition to the prohibited uses of potable water identified in Sections 5, 6 and 7, the following water conservation requirements apply during a declared Level 3 Water Shortage Emergency:

- a. **Limits on Watering Days:** Watering or irrigation of lawn, landscape or other vegetated area with potable water is limited to one day per week (**Wednesday**). Irrigation by hand-held hose equipped with a positive self-closing shut-off nozzle, drip irrigation type irrigation systems when no emitter produces more than two (2) gallons per hour or bucket or similar container is permitted at other times. The restriction does not apply to the following categories.
 - i. Minimum water necessary for maintenance of existing landscape necessary for fire protection and for properties adjacent to wildlands provided that such irrigation does not exceed two (2) days per week according to the Section 7 (a) and time restrictions in Section 5 (a);
 - ii. Minimum water necessary for maintenance of existing landscape for soil erosion control on slopes provided that such irrigation does not exceed two (2) days per week according to the Section 7 (a) and time restrictions in Section 5 (a);
 - iii. Maintenance of landscape within active public parks and playing fields, day care centers, golf course tee boxes and greens, and school grounds, provided that such irrigation does not exceed two (2) days per week according to the Section 7 (a) and time restrictions in Section 5 (a);
- b. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks and malfunctions in the customer’s plumbing must be repaired within Twenty-Four (24) hours of discovery. Failure to repair a leak or break within 24 hours after notification by the District will constitute a violation.
- c. **No New Potable Water Service:** Upon declaration of a Level 3 Water Supply Shortage Emergency condition, no new potable water services will be provided, no new temporary meters or permanent meters will be provided, and no statements of immediate ability to serve or provide water service (such as will-serve letters, certificates, or letters of availability) will be issued, except under the following circumstances:
 - i. A valid unexpired building permit has been issued for the project; or
 - ii. The project is necessary to protect the public 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 District.
- d. **Metered Reduction:** Water consumption as measured through the customer's meter shall be reduced by the customer by the percentage specified in the Resolution declaring the Level 3 Water Supply Shortage. The required reduction will be calculated based on the amount of water used by the same customer during the same billing period in the last calendar year during which no potable water shortage was declared. For those customers who do not have historical data upon which to base the reduction, an average consumption for the area will be used as a baseline for reduction. Metered water use in excess of the amount set forth in the Resolution will be billed at a penalty rate which shall be calculated as the per unit (hundred cubic foot) cost of the penalty imposed on deliveries of potable water from Three Valleys Municipal Water District exceeding Rowland Water District's allocation. This penalty will be charged in addition to the water usage rate. At such time as the penalties imposed by Three Valleys Municipal Water District for excess use are changed, the penalty rate imposed under this Water Shortage Ordinance will be adjusted to reflect the actual per unit cost of the penalty. Notice of the amount of any adjustment to the penalty rate will be given in the next billing statement after the adjustment is made.

Section 9: Exceptions

No mandatory water conservation provisions shall apply to the following water uses:

- a. Recycled water distributed through the District's recycled water distribution system and used for landscape irrigation, industrial processes, construction, dust control or other approved uses.
- b. The routine and necessary use of water by a governmental entity in pursuit of its functions for protecting the public health, safety and welfare of its citizens. This exception does not apply to the use of potable water for landscape irrigation by a government agency.
- c. The necessary use of water for routine maintenance, testing and/or repair of the District's distribution and storage facilities.

Section 10: Level 4 Water Shortage Emergency Response

In the event that an immediate water supply shortage occurs due to the breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, the General Manager shall declare the extent of the water supply shortage emergency and, after allocating and setting aside the amount of water necessary for domestic use, sanitation and fire protection, shall determine and implement the appropriate water supply shortage restrictions, as defined herein. The General Manager will call a special meeting of the Board of Directors as soon as practical for the

purpose of reviewing and ratifying the action of the General Manager in declaring the Water Shortage Emergency.

Section 11: Failure to Comply

- a. In addition to the penalties imposed in Sections 6(e), 7(f) and 8(e), customers violating the mandatory provisions set forth in this Ordinance, as enacted by Board Resolution declaring the specific level of Water Supply Shortage, shall be subject to the procedures and/or penalties as outlined in this section.
- b. Continued violations 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 fine not exceeding one thousand dollars (\$1,000.00), or by both.
- c. The following table outlines the procedures and penalties for each violation of each declared water supply shortage level, respectively:

Water Supply Shortage Level	First Violation	Second Violation	Third Violation	Fourth Violation	Fifth Violation
Level 1	Written Notice	Final Written Notice	\$50 Fine	\$100 Fine	\$150 Fine Flow Restrictor
Level 2	Written Notice	Final Written Notice	\$50 Fine	\$150 Fine	\$150 Fine; Flow Restrictor
Level 3	Written Notice	\$50 Fine	\$150 Fine	\$200 Fine Flow Restrictor	-----
Level 4	Written Notice	\$150 Fine	\$200 Fine Flow Restrictor	-----	-----

- d. **Service Disconnection:** A customer who willfully or repeatedly violates any provision of this Ordinance is subject to termination of water service by the District after notice of the violation as specified in Section 11(e).

e. **Notice and Hearing:**

- i. The District will issue a Notice of Violation, as outlined in the above table by mail or personal delivery to the customer at the address currently on file at least ten (10) days before taking enforcement action. If the notice is sent via mail, it will be done in such a manner to be able to track delivery and signature of the person for which delivery is made.
- ii. If personal delivery is made, the name of the person for which delivery is made will be documented including time and date.
- iii. If the customer or person of suitable age is unavailable at the time of delivery, a copy of the notice may be affixed in a conspicuous location at the premises; additionally, a copy will be mailed to the customer's address on file.
- iv. The notice shall contain a description of the violation, the potential penalties associated with the violation and a statement informing the customer of the right to request a waiver due to hardship or special circumstances.
- v. Pending receipt of a written Notice of Violation or pending a hearing pursuant to an appeal, the District may take appropriate action to prevent the unauthorized use of water as appropriate to the nature of the violation, including termination of service for multiple violations based on the current Water Shortage Level in effect at the time.

Section 12: Request for Adjustment

- a. Any customer may request an adjustment to his or her mandatory water use reduction amount, or appeal the enforcement of the mandatory restrictions imposed under this Ordinance by making a written application for relief to the District. An adjustment of a customer's mandatory water use reduction level may be granted for the following reasons:
 - i. The customer or a member of the customer's household has a medical condition that requires the use of an amount of water in excess of normal demand. A request for adjustment on the basis of a medical condition must be supported by the certificate of a physician which specifies the nature of the use and quantity of water required.
 - ii. The customer demonstrates that he or she installed conservation devices or implemented measures to substantially reduce water use at the customer's property prior to the base year on which the water use reduction level was calculated, and that those conservation measures have resulted in a reduction in the customer's water consumption of at least one unit (one hundred cubic feet) per billing period. Where such conservation has been established, the customer's base year on which the mandatory water use reduction amount is calculated shall be increased by the estimated quantity of water conserved per billing period.

- iii. The customer establishes that the imposition of the mandatory water use reduction on the customer would threaten the public health or safety. Examples of threats to public health and safety include the use of water to abate an unsanitary condition, or for fire suppression.

Applications for adjustment to a customer's mandatory water use reduction levels will be reviewed by the General Manager, who shall determine whether the customer qualifies for adjustment of his or her mandatory water use reduction amount and make recommendations for the resolution of such applications in accordance with the procedures and criteria set forth in this appeals policy.

- b. The application for relief may include a request that the customer be relieved, in whole or in part, from the water use reduction provisions as outlined in this Ordinance.
- c. In order to be considered, an application for relief must be filed in writing with the District within ten (10) business days after receipt of the disputed billing and shall include the name and address of the party submitting the appeal, as well as a brief explanation of the basis for the appeal. No relief shall be granted unless the customer demonstrates that he or she has achieved the maximum practical reduction in water consumption. No relief shall be granted to any customer who, when requested by the General Manager, fails to provide information necessary for the resolution of the customer's application for relief.
- d. The appeals procedure shall consist of the following steps:
 - i. The General Manager shall review the application for adjustment. If the documentation provided with the application is not adequate to establish that the customer is eligible for an adjustment or the amount of the adjustment which is justified, the General Manager shall contact the applicant to request further documentation. The General Manager shall notify the customer within 5 days after documentation is completed whether the adjustment is granted and the amount of adjustment allowed. If the General Manager determines, based upon the documentation provided by the applicant that the customer does not qualify for an adjustment or qualifies for an adjustment less than that requested, the applicant may request a hearing before the General Manager, which shall be scheduled within five business days of the request. No formal rules of evidence apply. All evidence customarily relied upon by reasonable persons in the conduct of serious business affairs will be allowed, and the customer may present any such evidence which would support the grant of relief, and evidence that the customer has not engaged in wasteful water use.
 - ii. Filing of an application will not prevent discontinuance of service or imposition of any other penalties. To avoid penalties or discontinuance of service, water bills must be paid under protest, pending conclusion of the appeals process. The final decision of the General Manager will be given in writing by mail to the

customer within fifteen (15) days of the appeals hearing. A customer whose request for relief has been denied in whole or in part shall have the right to appeal to the Board of Directors, provided a written request has been made within fifteen (15) days following the date of mailing of the decision rendered by the General Manager.

- iii. The appeal to the Board of Directors shall be scheduled at the next public meeting of the Board which is at least seven (7) days following receipt of the request.
- iv. The decision of the Board shall be final.
- e. Any appeal made should state the grounds upon which it is based and what remedy, if any, the appellant seeks.
- f. Appendix A is a listing of conservation measures/devices which, if implemented or installed by the customer prior to the billing period for which the allocation amount is determined, would be considered, and the estimated quantity of water conserved per measure or device.

Section 13: Severability

If any section, subsection, sentence, clause or phrase in this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section 14: Effective Date

This Ordinance shall be effective immediately upon adoption and shall be published in a newspaper of general circulation and distributed within the District.

Section 15: Repeal and Rescind

Upon adoption of this Ordinance, Ordinance No. 0-5-2009 shall be repealed and rescinded.

Said ordinance was adopted, on roll call vote, at the regular meeting of the Board of Directors held July 10, 2018, by the following vote:

AYES:	Directors Lu-Yang, Lewis, Lima and Rios
NOES:	None
ABSENT:	None
ABSTAIN:	Director Bellah

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 0-7-2018, adopted by the Board of Directors of the Rowland Water District at its regular meeting held on July 10, 2018.



SZU PEI LU-YANG
Board President

ATTEST:



TOM COLEMAN
Secretary

Appendix A

	Non-conserving		Conserving		Savings/Month <i>Gallons/Hcf</i>
ULFT	5.5 gals x 5.2 flushes/day x 4 people= 114x 30 days=	3432gals	2.5 gals x 5.2 flushes/day x 4 people= 52 x 30 days=	1560	1,872 gallons or <i>2.51 hcf</i>
HET	2.5 gals x 5.2 flushes/day x 4 people=52 x30 days=	1560gals	1.6 gals x 5.2 flushes/day x 4 people=33 x30 days=	990	570 gallons or <i>.77 hcf</i>
DualFlush	1.6 gals x 5.2 flushes/day x 4 people=33 x30 days=	990gals	1.2 gals x 5.2 flushes/day x 4 people=25 x30 days=	749	241 gallons or <i>.33 hcf</i>
Waterless Urinals	3432 gallons per month x 12 42,000/year				3432 gallons or <i>4.6 hcf</i>
Low Flow Faucet Aerator	9.2 gals x 4 people= 37 x 30 days	1110 gals	8.0 gals x 4 people= 32 x 30 days	960	150 gallons or <i>.20 hcf</i>
Dishwasher	12 gals per load x 4 Per week x 4 weeks	192	6 gals per load 4/week x 4 weeks	96	96 gallons or <i>.13 hcf</i>
Washing Machine	40.9 gals/load x .36 loads/day= 14.8 gals x 30	444	24.3 gals/load x .38 loads/day= 9.2 gals x 30	277	167 gallons or <i>.23 hcf</i>
ET Weather- Based Controller			41 gallons/day <i>(Based on median lot size of 11,000 sq. ft.)</i>		1230 gallons or <i>1.65 hcf</i>
Rotary Sprinkler Heads (10)					333 gallons or <i>.45 hcf</i>
Artificial Turf					Reduce outdoor water use by 61%