



**ORDINANCE NO. 0-2-2022  
ROWLAND WATER DISTRICT**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE ROWLAND WATER DISTRICT ESTABLISHING WATER CONSERVATION  
AND WATER SUPPLY SHORTAGE  
RESTRICTIONS**

*(Supersedes Ordinance No. 0-7-2018)*

**WHEREAS**, Rowland Water District (the District) receives the majority of its potable water supplies from the Metropolitan Water District of Southern California (MWD) and through MWD's member agency, Three Valleys Municipal Water District (Three Valleys); and

**WHEREAS**, in recent years, the reliability of imported water supplies has been substantially reduced due to more frequent drought and regulatory limitations; and

**WHEREAS**, due to reductions in supplies and depletion of water storage reserves in the past, MWD has put measures in place to allocate available water supplies among their members depending upon the level of shortage; which, included severe financial penalties on the retail agencies for taking water in excess of the allocated supply; and

**WHEREAS**, the District has implemented water conservation measures and developed a recycled water system to offset use of potable water, which has helped to increase the reliability of the District's water supplies for its customers. However, conditions are such that there is still a need for additional conservation, especially during a drought; and

**WHEREAS**, the District finds and determines that 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; and

**WHEREAS**, in 2021 the District adopted an Urban Water Management Plan (UWMP), which includes a Water Shortage Contingency Plan with six levels of water shortage responses that are required by recent changes to the Water Code; and

**WHEREAS**, the proposed Ordinance includes six escalating stages of water shortage regulations and is consistent with the new requirements in the Water Code for UWMPs; and

**WHEREAS**, 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; and

**WHEREAS**, pursuant to Water Code Sections 31026 et seq., Water Code Sections 350-375, the District is authorized to adopt and empowered to enact and enforce restrictions on water use and water conservation programs to conserve its water supplies and prevent wastage; and

**WHEREAS**, given the persistent and unpredictable water conditions in the State and additional statutory requirements for water planning, the District hereby finds and determines that it is necessary and appropriate to update its water conservation ordinance to include additional levels of water shortage restrictions, including emergency levels, to preserve water supplies, prevent the waste or unreasonable use or unreasonable method of use of water, and ensure that there is sufficient water for human consumption, sanitation, and fire protection; and

**NOW THEREFORE BE IT ORDAINED** by the Board of Directors of the Rowland Water District as follows:

**Section 1: Shortage Stages**

The District hereby establishes six standard water shortage levels corresponding to progressive ranges of up to 10, 20, 30, 40 and 50 percent shortages, and greater than 50 percent shortage, as set forth below. The District's water shortage levels and response actions are aligned with the State water shortage levels and defined in the District's 2020 Water Shortage Contingency Plan (WSCP), and therefore comply with the Water Code Section 10632 as identified above. If there is a conflict between the mandatory restrictions in certain levels in this Ordinance, the more the restrictive measures apply.

**Section 2: 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 3: 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

#### **Section 4: Level 1 Water Supply Shortage**

A Level 1 Water Supply Shortage may be declared by the Board of Directors by resolution when it determines in its sole discretion that due to drought, state regulations, imposition of a water supply allocation by MWD or Three Valleys, limited imported supplies, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Level 1 Water Supply Shortage is up to 10%.

Upon the declaration of a Level 1 Water Supply Shortage condition, the water conservation practices recommended in Section 3(a), (b), (c), (e) and (f) above will be mandatory, and the District will implement the additional conservation requirements identified in this section.

#### **Additional Water Conservation Measures:**

In addition to the water conservation requirements identified above, the following water conservation restrictions in this section 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 5: Level 2 Water Supply Shortage**

A Level 2 Water Supply Shortage may be declared by the Board of Directors by resolution when it determines in its sole discretion that due to drought, state regulations, imposition of a water supply allocation by MWD or Three Valleys, limited imported supplies, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Level 2 Water Supply Shortage is up to 20%. Upon the declaration of a Level 2 Water Supply Shortage condition, the District will implement the additional conservation requirements identified in this section.

## **Additional Water Conservation Measures:**

In addition to the water conservation requirements for a Water Supply Shortage Level 1, the following water conservation requirements in this section 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 48 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 6: Level 3 Water Supply Shortage

A Level 3 Water Supply Shortage may be declared by the Board of Directors by resolution when it determines in its sole discretion that due to drought, state regulations, imposition of a water supply allocation by MWD or Three Valleys, limited imported supplies, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Level 3 Water Supply Shortage is up to 30%. Upon the declaration of a Level 3 Water Supply Shortage condition, the District will implement the additional conservation requirements identified in this section.

### Additional Water Conservation Measures:

In addition to the water conservation requirements for a Water Supply Shortage Level 1, and Water Supply Shortage Level 2, the following water conservation requirements in this section apply during a declared Level 3 Water Shortage:

Shortage Level:

- 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 handheld 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 Water Supply Shortage Level 2 (a) and time restrictions in the Water Conservation Best Management Practices (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 Water Supply Shortage Level 2 (a) and time restrictions in the Water Conservation Best Management Practices (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 Water Supply Shortage Level 2 (a) and time restrictions in Water Conservation Best Management Practices (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 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 willserve 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 7: Level 4 Water Supply Shortage**

A Level 4 Water Supply Shortage may be declared by the Board of Directors by resolution when it determines in its sole discretion that due to drought, state regulations, imposition of a water supply allocation by MWD or Three Valleys, limited imported supplies, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Level 4 Water Supply Shortage is up to 40%. Upon the declaration of a Level 4 Water Supply Shortage condition, the District will implement the additional conservation requirements identified in this section.

### **Additional Water Conservation Measures:**

In addition to the water conservation requirements for a Supply Shortage Level 1 through 3, the following water conservation requirements in this section apply during a declared Level 4 Water Shortage:

- a. **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 4 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 5 Water Supply Shortage - Emergency**

A Level 5 Water Supply Shortage Emergency may be declared by the Board of Directors by resolution when it determines in its sole discretion that due to drought, state regulations, imposition of a water supply allocation by MWD or Three Valleys, limited imported supplies, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Level 5 Water Supply Shortage Emergency is up to 50%. Upon the declaration of a Level 5 Water Supply Shortage Emergency condition, the District will implement the additional conservation requirements identified in this section.

### **Additional Water Conservation Measures:**

In addition to the water conservation requirements for Water Supply Shortage Level 1 through 4 the following water conservation requirements in this section apply during a declared Level 5 Water Shortage Emergency:

- a. **No Irrigation Watering:** Water or irrigating of outdoor lawns, landscape, or other vegetated area with potable water is prohibited.
- b. **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 5 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: Level 6 Water Supply Shortage - Immediate Emergency**

A Level 6 Water Supply Shortage may be declared by the Board of Directors by resolution when it determines in its sole discretion that due to an immediate water shortage emergency, which may include but is not limited to the breakage or failure of a dam, pump, pipeline, or conduit causing such emergency, or severe drought, severe interruption of imported supplies, or other water supply emergency, a reduction in water use of more than 50% is necessary. At the time of a declaration of a Level 6 Water Supply Shortage Immediate Emergency condition, the General Manager shall make any recommendations for emergency conditions and/or restrictions that should be imposed during such immediate emergency. The General Manager may also take certain actions they determine to be necessary to respond to the immediate emergency pursuant to and consistent with Board authorization in Resolution 3-2002.

### **Section 10: Compliance and Enforcement**

In addition to the penalty rate imposed for excess water use above, customers violating the mandatory prohibitions in this ordinance will be subject to the procedures and/or penalties as outlined in this section.

- a. First Violation: A written notice will be provided to the customer by mail or personal delivery informing them of the violation and the timeframe for compliance.
- b. Second Violation: For a second violation within twelve (12) calendar months of the first violation, a final written notice on non-compliance will be provided to the customer by mail or personal delivery informing them of the violation and the timeframe for compliance. In addition, for second violations that occur during a Level 3, 4, or 5 Water Supply Shortage, a \$50 fine will be imposed. For second violations that occur during a Level 6 Water Supply Shortage, a \$150 fine will be imposed.
- c. Third Violation: For a third violation within twelve (12) calendar months of the first violation, a written notice of non-compliance will be provided to the customer by mail or personal delivery informing them of the violation and the timeframe for compliance. In

addition, for third violations that occur during a Level 1 and 2 Water Supply Shortage, a \$50 fine will be imposed. For third violations that occur during a Level 3, 4, or 5 Water Supply Shortage, a \$150 fine will be imposed. For third violations that occur during a Level 6 Water Supply Shortage, a \$200 fine will be imposed and a flow restrictor may be installed.

- d. Fourth Violation: For a fourth violation within twelve (12) calendar months of the first violation, a written notice of non-compliance will be provided to the customer by mail or personal delivery informing them of the violation and the timeframe for compliance. In addition, for fourth violations that occur during a Level 1 Water Supply Shortage, a \$100 fine will be imposed. For fourth violations that occur during a Level 2 Water Supply Shortage, a \$150 fine will be imposed. For fourth violations that occur during a Level 3, 4, or 5 Water Supply Shortage, a \$200 fine will be imposed and a flow restrictor may be installed. For fourth violations that occur during a Level 6 Water Supply Shortage, water service may be disconnected
- e. Fifth Violation: For a fifth violation within twelve (12) calendar months of the first violation, a written notice of non-compliance will be provided to the customer by mail or personal delivery informing them of the violation and the timeframe for compliance. In addition, for fifth violations that occur during a Level 1 or 2 Water Supply Shortage, a \$150 fine will be imposed and a flow restrictor may be installed. For fifth violations that occur during a Level 3, 4, 5, or 6 Water Supply Shortage, water service may be disconnected.
- f. Flow Restrictor: If the District installs a flow restrictor as authorized above, it is the customer's responsibility to pay for the installation and removal of any such flow restrictor and the District may collect such costs from the customer. In such instances, the District is under no obligation to provide sufficient fire flow to the customer.
- g. Service Disconnection: In addition to the penalties in this Section, after notice to the customer, the District may shut off a customer's water service for willful violations of mandatory restrictions in this Ordinance. The customer is responsible for the cost of reconnecting service consistent with District Rules and Regulations.
- h. Leak Shut Off – Irrigation Meters: In instances where a leak is observed on the customer's side of a dedicated irrigation system or water meter, the District may immediately shut off such system and/or meter and may issue a notice of violation as provided for in this Ordinance. Water service will not be reinstated until such leak is repaired.
- i. Notices of Violation:
  - i. Notices of violation shall contain a description of the violation, the penalties associated with the violation, and a statement informing the customer of the right to request an appeal or waiver due to hardship or special circumstances, as described in more detail below.

- ii. Notice of violation will be issued by mail, personal delivery, or by email to an email on record, to the customer at the address currently on file. 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. If personal delivery is made, the name of the person for which delivery is made will be documented including time and date. 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 and an image of such notice shall be taken and placed in the file if practicable. Additionally, a copy will be mailed to the customer’s address on file.
  - iii. Pending receipt of a written Notice of Violation by the customer 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.
- j. Separate Violations: Each violation of this Ordinance is a separate offense. However, for the limited purpose of calculating the number of violations to determine the escalating penalties in this Section, multiple violations on the same day will only count as one violation.

The following chart outlines the penalties for each violation of each declared water supply shortage levels described in this Section:

<b>Water Supply Shortage Level</b>	<b>First Violation</b>	<b>Second Violation w/in 12 Months of First Violation</b>	<b>Third Violation w/in 12 Months of First Violation</b>	<b>Fourth Violation w/in 12 Months of First Violation</b>	<b>Fifth Violation w/in 12 Months of First Violation</b>
<b>Level 1</b>	Written Notice	Final Written Notice	\$50 Fine	\$100 Fine	\$150 Fine Flow Restrictor
<b>Level 2</b>	Written Notice	Final Written Notice	\$50 Fine	\$150 Fine	\$150 Fine Flow Restrictor
<b>Level 3, 4, 5</b>	Written Notice	\$50 Fine	\$150 Fine	\$200 Fine Flow Restrictor	Service Disconnection
<b>Level 6</b>	Written Notice	\$150 Fine	\$200 Fine Flow Restrictor	Service Disconnection	Service Disconnection

## Section 11: Request for Adjustment

- a. Any customer may request an adjustment, either in whole or part, to their mandatory water use reduction amount or to the mandatory restrictions imposed under this Ordinance by making a written request for relief to the District. Requests for adjustment will be reviewed by the General Manager. The General Manager shall determine whether the customer qualifies for adjustment, and make recommendations for the resolution of such written requests in accordance with the procedures and criteria set forth in this section.
- b. 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.
  - iv. The customer demonstrates that due to unique circumstances, a specific water use restriction in this Ordinance would result in undue hardship to the customer or to property upon which water is used, that is disproportionate to the impacts to the water users generally or to similar property or classes of water users.
- c. In order to be considered, a request for adjustment must be filed in writing with the District and shall include the name and address of the party submitting the request for adjustment, as well as a brief explanation of the basis for the requested adjustment.
- d. 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. General Manager shall notify the customer within fifteen (15) days after complete

documentation is received whether the requested adjustment is partially or fully granted and or not. If the General Manager determines, based upon the documentation provided by the customer that the customer does not qualify for an adjustment or qualifies for an adjustment less than that requested, the customer may request in writing a hearing before the General Manager, which shall be scheduled within five (5) business days of receipt 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.

- e. Filing of a request for adjustment will not prevent discontinuance of service or imposition of any other penalties that may otherwise apply. To avoid penalties or discontinuance of service, water bills must be paid under protest, pending conclusion of the request for adjustment process. The final decision of the General Manager will be given in writing by mail to the customer within fifteen (15) days of the hearing. The decision of the General Manager is final.
- f. **Appendix A** is a list of conservation measures/devices and the estimated quantity of water conserved per measure or device. These are recommended and are intended to help customers comply with this Ordinance and meet conservation reduction requirements if imposed. Whether a customer has implemented or installed some or all of these recommended measures may be considered by the General Manager as a factor in determining whether to grant a request for adjustment.

## **Section 12. Appeals**

Customers may appeal notices of violation and mandatory water use reduction requirements by filing a written appeal with the District within ten (10) days of the date of the Notice of Violation or receipt of bill with a mandatory water use reduction. Any Notice of Violation or mandatory water use reduction not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and the District will mail, personally deliver, and/or electronically transmit written notice of the hearing date to the customer at least twenty (20) days before the date of the hearing. The General Manager, or authorized delegate, shall serve as the hearing officer and make any and all decisions regarding any appeals. The District shall send written notification of any decision within fifteen (15) days after the hearing. All decisions are final.

## **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**

This Ordinance shall be effective immediately upon adoption, and upon adoption of this Ordinance, Ordinance No. 0-7-2018 shall be repealed and rescinded. The Secretary shall cause this Ordinance to be published within fifteen (15) days after its adoption, at least once in a newspaper of general circulation which is distributed within the boundaries of the District.

Said ordinance was adopted, on roll call vote, at the regular meeting of the Board of Directors held February 8, 2022, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 0-2-2022, adopted by the Board of Directors of the Rowland Water District at its regular meeting held on February 8, 2022.

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ANTHONY J. LIMA  
Board President

ATTEST:

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TOM COLEMAN  
Secretary

## Appendix A

<b>CONSERVATION MEASURES/DEVICES</b>					
<b>Device</b>	<b>Non-Conserving</b>		<b>Conserving</b>		<b>Savings/Month Gallons/Hcf</b>
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 2.51 hcf
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 .77 hcf
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 .33 hcf
Waterless Urinals	3432 gallons per month x 12 42,000/year				3432 gallons or 4.6 hcf
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 .20 hcf
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 .13 hcf
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 .23 hcf
ET Weather- Based Controller			41 gallons/day <i>(Based on median lot size of 11,000 sq. ft.)</i>		1230 gallons or 1.65 hcf
Rotary Sprinkler Heads (10)					333 gallons or .45 hcf
Artificial Turf					<b>Reduce</b> outdoor water use by 61%