

ORDINANCE NO. 103

ORDINANCE OF THE BOARD OF DIRECTORS OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND SAN BERNARDINO COUNTIES, CALIFORNIA, RESCINDING ORDINANCE NUMBER 100 IN ITS ENTIRETY AND ADOPTING EMERGENCY WATER CONSERVATION MANDATORY RESTRICTIONS

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**WHEREAS**, the Indian Wells Valley Water District (District) is a County Water District formed and operating under and pursuant to California Water District Law (California Water Code §§ 30000 *et seq.*); and

**WHEREAS**, pursuant to Water Code § 31001, the District is authorized to perform all acts necessary to fully carry out its functions; and

**WHEREAS**, pursuant to Water Code § 31026, the District may restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of district water or the use of district water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the district and may prohibit use of such water during such periods for specific uses which the district may from time to time find to be nonessential;

**WHEREAS**, the Board of Directors of the District find that the water sources available to the District and all the other water users in the Indian Wells Valley is a limited resource and must be conserved to the fullest extent possible;

**WHEREAS**, the State Water Resources Control Board adopted emergency regulations to safeguard the state's remaining water supplies by imposing mandatory water restrictions more stringent than those of the District's then current Ordinance No. 93 and required the Board of Directors of the District to adopt Ordinance No. 100 on January 11, 2016;

**WHEREAS**, the Board of Directors of the District have determined that restricting landscape irrigation to one day a week can be detrimental to not only turf, trees and shrubs, but also the aesthetic quality of the Ridgecrest community; and

**WHEREAS**, this Ordinance will supersede Ordinance No. 100 until rescinded by the District's Board of Directors.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Directors of the Indian Wells Valley Water District, as follows:

**SECTION 1. TITLE**

This Section shall be known and may be cited as the Emergency Water Conservation Regulation.

**SECTION 2. PURPOSE AND INTENT**

- A. Establish a drought water conservation plan to reduce water consumption in residential, commercial, public and industrial landscape, and the hotel/motel, and restaurant industry; and
- B. implement a more efficient use of water.

**SECTION 3. REPEAL, RECISSION AND AMENDMENT**

Ordinance No. 100 is hereby rescinded in its entirety.

**SECTION 4. DEFINITIONS**

Drip Irrigation System shall mean the use of a drip emitter system that permits no more than 5 gallons of water per hour from each emitter.

Hand Watering shall mean the actual watering of landscape by a person who remains present and holds onto and directs the watering device.

Irrigation System shall mean an irrigation system that utilizes water sprinklers, emitters and/or bubblers.

Recirculation shall mean the reuse of water in a pool or pond in such a way that the water would enter from one point and be reused in another portion in such a way that the water is not wasted or lost by reuse in the pool or pond.

Runoff shall mean water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

Landscape Area means all non-hardscape or non-building area on the property.

Turf shall mean a surface layer of earth containing mowed or un-mowed grass with its roots.

## **SECTION 5. MANDATORY RESTRICTIONS**

- A. No water user shall waste water. For the purposes of this section “waste” includes the following and is prohibited:
1. Landscape irrigation to an extent which allows water to runoff the Landscape Area being irrigated, specifically onto sidewalks and streets creating an undue, continuous flow of water.
  2. 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 hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume water broom, high-pressure cleaning machine equipped to recycle any water used. General maintenance cleaning shall be performed by other means such as by using a broom.
  3. Knowingly allowing water to leak through water connections, hoses, faucets, pipes, outlets or plumbing fixtures.
  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, motor home, 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 that recycles water.
- B. **During the months of April, May, June, July, August, September and October**, all customers of the District (residential/commercial/public/industrial) with even-numbered addresses may only operate irrigation systems on Tuesday, Thursday and Saturday and odd numbered addresses may only operate irrigation systems on Wednesday, Friday and Sunday. Irrigation systems may not be operated on Mondays. Landscape Areas shall not be irrigated on the surface, except for hand watering and/or the use of a drip irrigation system, between the hours of 8:00 AM – 8:00 PM, unless a special permit is issued to accommodate newly planted material.

**During the months of November, December, January and February**, all customers of the District (residential/commercial/public/industrial) with even-numbered addresses may only operate irrigation systems on Tuesday, Thursday and Saturday and odd numbered addresses may only operate irrigation systems on Wednesday, Friday and Sunday. Irrigation systems may not be operated on Mondays. Landscape Areas may be irrigated by hand watering and/or the use of a drip irrigation system at any time. There will be no daytime watering restriction during these months.

- C. Turf or ornamental landscapes shall not be irrigated during the 48 hours following measurable precipitation.
- D. Restaurants and other food service establishments shall only serve water to customers on their request.
- E. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily and prominently display notice of this option.
- F. Operating a fountain or decorative water feature is prohibited, unless the water is part of a recirculating system.
- G. No water service shall be provided to any structure hereafter constructed or remodeled unless the plumbing fixtures to be installed conform to requirements of law as to flow capacity.

The General Manager of the Indian Wells Valley Water District or designee may provide health and safety exceptions with regards to mandatory measures on a case by case basis.

## **SECTION 6. NOTICE AND PENALTIES**

- A. Upon confirmation by the District of any violation of this Ordinance, the District shall provide written notice (warning) to the owner of record, and/or occupant and/or property manager (owner/occupant/manager). The notice shall be dated and shall specify the address, the nature of the violation, list the steps that must be taken to comply with this Ordinance and the name and telephone number of a District staff person from whom additional information can be obtained. In addition, the notice shall advise the owner/occupant/manager that termination of water service may result from continued non-compliance. These provisions are for a first violation of the provisions of this Ordinance No. 103 by the owner/occupant/manager.

1. Once a warning has been issued to any owner/occupant/manager, they shall be considered duly informed of the District's Mandatory Restrictions pursuant to this Ordinance No. 103 and any future violations shall be subject to Sections 6.B through E below.
- B. If the owner/occupant/manager fails to comply with the requirements of the notice given pursuant to Section 6.A above, within a reasonable amount of time but not less than two weeks, a second violation shall occur and the District shall provide a second written notice to the owner/occupant/manager. The notice shall be dated and shall specify the address, the nature of the violation, list the steps that must be taken to comply with this Ordinance, how to obtain educational water conservation materials electronically, and the name and telephone number of a District staff person that can provide additional information including hard copies of educational water conservation materials. In addition, the notice shall advise the owner/occupant/manager that a monetary fine in the amount of Fifty Dollars (\$50.00) shall be imposed for a third violation of this Ordinance and that termination of water service may result from continued non-compliance.
- C. If the owner/occupant/manager fails to comply with the requirements of the notice given pursuant to Section 6.B above, within a reasonable amount of time but not less than two weeks, a third violation shall occur and a third notice containing the date, the address, the nature of the violation and the steps that must be taken to comply with this Ordinance shall be issued. The third notice shall further advise the owner/occupant/manager that a fine in the amount of Two Hundred Dollars (\$200.00) shall be imposed for fourth violation of this Ordinance and that termination of water service may result from continued non-compliance. The third violation shall impose a Fifty Dollar (\$50.00) fine charged to and billed on the water user's account. This fine shall be subject to the District's Delinquent Charges section as described in the current Water Sales and Service Policy Manual.

If, in the sole discretion of the District, satisfactory progress is being made on steps to correct the violation, a third notice will not be issued.

- D. If the owner/occupant/manager fails to comply with the requirements of the notice given pursuant to Section 6.C above, within a reasonable amount of time but not less than two weeks, a fourth violation shall occur and a fourth notice containing the date, the address, the nature of the violation and the steps that must be taken to comply with this Ordinance shall be issued. The fourth violation shall impose a Two Hundred Dollar (\$200.00) fine charged to and billed on the water user's account on a monthly basis until the violation(s) ceases. This fine shall be subject to the District's Delinquent Charges section as described in the current Water Sales and Service Policy Manual.

- E. If the owner/occupant/manager fails to comply with the requirements of the notice given pursuant to Section 6.D above resulting in repeated and significant water loss as determined by the District, the District may terminate water service within ten (10) calendar days unless the owner/occupant/manager is in compliance with the provisions of this Ordinance. If the owner/occupant/manager fails to comply with the provisions of this Ordinance, the final notice of service termination, subject to the District's current 48-Hour Notice of Termination charge, shall be posted at the entrance to the dwelling/property stating that water service shall be terminated in forty-eight (48) hours

Service may only be restored if the violation has been corrected. Owner/occupant/manager will be required to pay all fines and penalties previously assessed pursuant to this Ordinance plus a Service Reinstatement Charge per the Customer Service Charges section as described in the current Water Sales and Service Policy Manual.

## **SECTION 7. EXTENSION**

The General Manager shall have the authority to extend any deadlines by a period of time not to exceed an additional 30 days as set forth in this Ordinance.

## **SECTION 8. APPEAL**

1. Should an owner/occupant/manager determined to be in violation of this Ordinance dispute the findings of staff or if said owner/occupant/manager believes they have sufficient justification for said violation, said owner/occupant/manager may request a hearing with an appropriate committee of the Board of Directors. The hearing shall be scheduled within thirty (30) calendar days of the request. The hearing shall be attended by the District's General Manager or a designated representative of the General Manager.
2. The District's General Manager or a designated representative of the General Manager shall mail the owner/occupant/manager a written decision within ten (10) calendar days of the hearing. If the owner/occupant/manager is dissatisfied with the outcome of the hearing, the owner/occupant/manager may request the matter be placed on the agenda of the District's Regularly Scheduled Board Meeting. The owner/occupant/manager may then make his or her petition to the Board of Directors. The Board's determination shall be final.

**SECTION 9. ADMINISTRATIVE EXCEPTIONS**

The General Manager of the District or designee may provide administrative exceptions to the landscape and irrigation plan requirements of this Ordinance on a case by case basis.

The General Manager of the District or designee will notify the City Manager of any administrative exemption granted pursuant to this Section prior to the date the exception becomes effective.

The City Manager or designee after consultation with and approval from the General Manager of Indian Wells Valley Water District may grant an administrative exception.

**SECTION 10. EFFECTIVE DATE**

- 1. The foregoing Ordinance shall become effective upon adoption of same by the Board of Directors of the Indian Wells Valley Water District.

**SECTION 11. PUBLICATION**

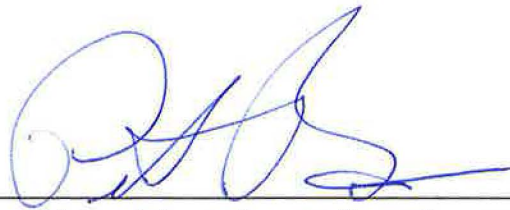
- 1. The Secretary is hereby directed to cause this Ordinance to be published once in full in a newspaper of general circulation, printed, published and circulated within the District within ten (10) days after adoption.

All the foregoing being on the motion of Director Kicinski seconded by Director Cortichiato, and authorized by the following vote, namely:

AYES:	President Brown Vice-President Cordell Director Cortichiato Director Kicinski
NOES:	Director Griffin
ABSENT:	None.
ABSTAIN:	None.

I HEREBY CERTIFY that all the foregoing ordinance is the ordinance of the Indian Wells Valley Water District as duly passed and adopted by said Board of Directors at a legally convened meeting held on the 11<sup>th</sup> day of September, 2017.

WITNESS my hand and the official seal of said Board of Directors this 11<sup>th</sup> day of September, 2017.



\_\_\_\_\_  
President of the Indian Wells Valley Water District  
Board of Directors

ATTEST



\_\_\_\_\_  
Secretary of the Indian Wells Valley Water  
District Board of Directors

(SEAL)



STATE OF CALIFORNIA )  
COUNTIES OF KERN )  
AND SAN BERNARDINO )

I, DONALD M. ZDEBA, Secretary of the Board of Directors of the Indian Wells Valley Water District, DO HEREBY CERTIFY, as follows:


The foregoing Ordinance is a full, true and correct copy of Ordinance No. 103, duly adopted at a Regular Meeting of the Board of Directors of said District, duly and held at the regular meeting place of the Board on the 11<sup>th</sup> day of September, 2017, for which all of the members of said Board of Directors had due notice and at which a majority of the Board of Directors were present. All the foregoing being on the motion of Director Kicinski seconded by Director Cortichiato, and authorized by the following vote, namely:

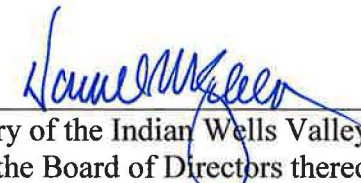
AYES:	President Brown Vice-President Cordell Director Cortichiato Director Kicinski
NOES:	Director Griffin
ABSENT:	None.
ABSTAIN:	None.

I have carefully compared the foregoing with the original Minutes of said meeting on file and of record in my office, and the foregoing is a full, true and correct copy of the original ordinance adopted at said Hearing and entered into said Minutes.

Ordinance No. 103 has not been amended, modified or rescinded since the date of its adoption on September 11, 2017, and the same is now in full force and effect.

WITNESS my hand and the official seal of said Board of Directors this 11<sup>th</sup> day of September, 2017.

  
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President of the Indian Wells Valley Water  
District and of the Board of Directors thereof.

  
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Secretary of the Indian Wells Valley Water District  
and of the Board of Directors thereof.

(SEAL)