

ORDINANCE NO. 91

ORDINANCE OF THE BOARD OF DIRECTORS OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND SAN BERNARDINO COUNTIES, CALIFORNIA, REQUIRING WATER EFFICIENT LANDSCAPE AS A CONDITION OF RECEIVING NEW MULTI-FAMILY DWELLINGS, COMMERCIAL AND/OR INSTITUTIONAL WATER SERVICE.

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 § 31035, the District may undertake a water conservation program to reduce water use and may require as a condition of new service that reasonable water saving devices and water reclamation devices be installed to reduce water use; and

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.

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

SECTION 1. PURPOSE

The purpose of this Ordinance is to conserve water by requiring all Landscape Areas of Multi-Family Dwellings, Commercial and/or Institutional buildings/facilities to at all times comply with the provisions herein as a condition of receiving District water service.

SECTION 2. DEFINITIONS

- A. **“Approved Plant List”** means the list formulated by staff and approved and/or modified by the District Board of Directors.
- B. **“Landscape Area”** means all non-hardscape or non-building area.
- C. **“Low Volume Irrigation System”** means appropriately designed irrigation systems that utilize low volume watering devices appropriate to the climatic and site factors including microsprinkler heads, drip emitters, and bubbler emitters.
- D. **“Multi-Family Dwellings, Commercial and/or Institutional”** means a newly constructed or existing multi-family residential dwelling, commercial and/or institutional building/facility whose owner/occupant is making application to the District for new water service on a property where District water service did not previously exist (collectively referred to herein as “Multi-Family Dwelling”).
- E. **“Runoff”** means water from irrigation that leaves the Landscape Area and flows onto sidewalks, streets, or roads.
- F. **“Turf”** means a surface layer of earth containing mowed or unmowed living grass with its roots.

SECTION 3. RESTRICTIONS ON LANDSCAPE

- A. Turf and/or any plants not on the Approved List are limited up to 50% of the Landscape Area.
- B. Only the plants from the Approved Plant List, on file and maintained by the District, shall be used within the remaining Landscape Area.
- C. The irrigation system in the remaining Landscape Area must be a Low Volume Irrigation System.
- D. All of the Landscape Area shall be designed to eliminate any runoff.

SECTION 4. NOTICE

A. District shall record a Covenant of Landscape Restrictions on each Multi-Family Dwelling that is subject to this Ordinance with the Kern County Recorder as notice to each and every owner of said Multi-Family Dwelling of the provisions of this Ordinance.

B. Upon confirmation by the District of any violation of this Ordinance, the District shall provide written notice along with educational materials to the owner of record of the Multi-Family Dwelling and the occupant of the Multi-Family Dwelling. The notice shall be dated and shall specify the address of the Multi-Family Dwelling, 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 that termination of water service will result from continued non-compliance. These provisions are for a first violation within any consecutive twelve month period.

C. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 4(A) above, within thirty (30) calendar days, a second violation shall occur and a second notice containing the information specified in Section 4(B) above shall be issued. The second violation shall impose a fine in an amount not to exceed Fifty Dollars (\$50.00) and will be charged to and billed on the water user's account.

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

D. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 4(C) above, within thirty (30) calendar days, a third violation shall occur and a third notice containing the information specified in Section 4(B) above shall be issued. The third violation shall impose a fine in an amount not to exceed Two Hundred Dollars (\$200.00) and will be charged to and billed on the water user's account.

The third notice shall also notify the owner/occupant that water service will be terminated in thirty (30) calendar days unless the Multi-Family Dwelling is in compliance with the provisions of this Ordinance. If the owner/occupant fails to comply with the provisions of this Ordinance, the final notice of service termination shall be posted at the entrance to the Multi-Family Dwelling which indicates that water service shall be terminated in forty-eight (48) hours.

SECTION 5. EXTENSION

A. 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 6. APPEAL

A. Should a property owner/occupant of a Multi-Family Dwelling determined to be in violation of this Ordinance dispute the findings of staff, said property owner/occupant 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.

B. The District's General Manager or a designated representative of the General Manager shall mail the property owner/occupant a written decision within ten (10) calendar days of the hearing. If the property owner/occupant is dissatisfied with the outcome of the hearing, the property owner/occupant may request the matter be placed on the agenda of the District's Regularly Scheduled Board Meeting. The property owner may then make his or her petition to the Board of Directors. The Board's determination shall be final.


SECTION 7. EFFECTIVE DATE

A. The foregoing Ordinance shall become effective on April 9, 2010 upon adoption of same by the Board of Directors of the District.

SECTION 8. PUBLICATION

A. 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.

ADOPTED this 14th day of December, 2009.



President of the Indian Wells Valley
Water District Board of Directors

ATTEST



Secretary of the Indian Wells Valley
Water district Board of Directors

(SEAL)