



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
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Agenda Item No: 6-C
Mtg. Date: 05/11/15

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: RAYMOND R. CRUZ, CITY MANAGER *me*

SUBJECT: DISCUSSION CONCERNING COMMENTS THE CITY COUNCIL MAY WANT TO PROVIDE THE CALIFORNIA WATER SERVICE COMPANY AND CALIFORNIA PUBLIC UTILITIES COMMISSION REGARDING THE PROPOSED WATER SHORTAGE CONTINGENCY PLAN - SCHEDULE NO. 14.1.

DATE: MAY 11, 2015

ATTACHMENTS:

**Schedule No. 14.1–Water Shortage Contingency Plan
City Letter to California Water Resources Control Board
Cal Water Draft Water Conservation Ordinance**

RECOMMENDATION

The City Council will discuss comments it may want to provide the California Water Services Company (Cal Water) and California Public Utilities Commission (CPUC) regarding the proposed Water Shortage Contingency Plan—Schedule No. 14.1.

BACKGROUND

In response to Governor Brown’s executive order mandating a 25% reduction in urban water use statewide, the State Water Resources Control Board (the Board) set water-use reduction requirements for each community in California based upon average per capita water usage. Beginning June 1, 2015 Cal Water and its customers must achieve a 36 percent reduction in water use for its Palos Verdes District, as set by the Board, as compared to their usage during the same month in 2013. The City of Rolling Hills sent a letter opposing this 36% requirement to the Board on May 4th with the hopes of a reduction to the percentage. However, the City was informed by Cal Water officials that the Board did not lower the City’s required water reduction percentage requested through its appeal comments.

The Board's regulations also establish certain statewide prohibited uses of water, including:

- Using potable water to wash sidewalks and driveways.
- Allowing runoff when irrigating with potable water.
- Using hoses without shutoff nozzles to wash cars.
- Using potable water in decorative water features that do not recirculate the water
- Irrigating outdoors during and within 48 hours following measureable rainfall.
- Restaurants from serving water to their customers unless the customer requests it.
- Irrigation with potable water of ornamental turf on public street medians.
- Irrigation with potable water outside of newly constructed homes and buildings not in accordance with emergency regulations or other requirements established in the California Building Standards.
- Hotels and motels must offer their guests the option to not have their linens and towels laundered daily, and prominently display this option in each guest room.

To meet these requirements, also adopted by the California Public Utilities Commission, on April 28, Cal Water filed "Schedule 14.1: Water Budgets and Enforcement Measures" with the Commission. Schedule 14.1 is expected to become effective June 1. The Schedule establishes new waste of water enforcement measures for households and businesses, plus water budgets and associated enforcement measures. Individual customers will be given a water budget that reflects state-mandated reductions. The customer's monthly bill will show his or her water budget for the following month. Customer's water use history through 2013 will also be available on line at www.calwater.com beginning in June. Cal Water has requested the City to adopt the enclosed draft Water Conservation Ordinance that will assist them in educating the residents of the requirements within Schedule 14.1.

To help its customers learn and understand more about water use restrictions, water budgets, enforcement measures, and conservation programs, Cal Water is hosting a public drought outreach meeting for its Palos Verdes System customers on May 13th at 6:00 p.m. at its Cal Water Torrance Office. This meeting will also be an opportunity for residents to protest the provisions of the Water Shortage Contingency Plan proposed by Cal Water. At the May 11th City Council meeting, the City Council may establish what provisions of the Plan it supports and which ones it does not. If the City Council chooses to comment, these decisions can then be sent to both Cal Water and CPUC via a letter to demonstrate the City's official position.

DISCUSSION

Attached to this staff report is the entire copy of the Water Contingency Plan (Schedule No. 14.1) that includes the "Stages" of mandatory reductions and drought surcharges.

Cal Water has indicated its Plan has already received positive verbal comments from the CPUC and they expect it to be approved as submitted. Cal Water plans to hire additional staff to assist them with the implementation of the Plan. Since the Plan has not been officially approved, it is important for the City Council to know the provisions of the Plan and provide comments to Cal Water and CPUC in order to inform them of the City of Rolling Hills official position on the Plan.

Each Stage of the Plan establishes certain restrictions on the use of potable water. The plan includes waste of water penalties for each Stage within its schedule. Violating the restrictions set forth in a particular Stage while it is in effect is declared a non-essential, wasteful use of potable water. Cal Water is authorized to take various actions when its personnel verify a customer is using potable water for non-essential, wasteful uses. There are various penalties for up to four levels of violations and the severity depends on what water restriction Stage that is in place at the time. There are also more severe penalties if the violations are considered egregious. The various penalties include: requiring a real time meter to be installed at ones home at ones expense; financial penalties that increase with additional violations; and installation of a water flow restrictor device to be installed at owners expense.

Each Stage has water restrictions that limit outdoor watering on designated days a week and the number of days decrease with each higher Stage. During all Stages, outdoor watering is prohibited between 8:00 am and 6:00 pm. There are provisions in each Stage how quickly one needs to fix leaks and exemptions for irrigated areas utilizing drip systems. There are requirements and restrictions when water runs off on a non irrigated surface (walkway, driveway, etc.) when washing a car, utilizing water on hardscape, water features, swimming pools, and ornamental ponds.

In Stage One, watering outdoor ornamental landscapes will be limited to three days a week and households will be required to fix leaks within 5 business days. When Stage Two or higher is implemented, water budgets will be required. Water budgets will be based on a customers' consumption during a historical base period and will include a percentage reduction designed to meet necessary water use reductions. Cal Water will include provisions such as minimum water budgets for residential metered service to protect the health and safety of customers, and water banking allowing customers additional flexibility with regard to their required reductions. In Stage Two, a drought surcharge will be charged to a customer for each unit of water used over the established water budget for the billing period. There will be an appeal process if a customer requests for a increase in its water budget.

If Stage Three is imposed, Cal Water can impose surcharges up to three times those charged in Stage two. Outdoor ornamental water usage will be limited to two days a week. There will be a requirement to fix leaks within two business days. Use of potable water for construction purposes, such as dust control is prohibited unless an other method cannot be utilized. If Stage Four is imposed, Cal Water will implement surcharges of three times those charged in Stage Two and may require customer

consumption reductions of 50%. Irrigating ornamental landscape with potable water is prohibited, except when utilizing a hand-held bucket or a continuously monitored hose which is fitted with an automatic shut off nozzle device is attached to it that causes it to cease dispensing water immediately when not in use. All leaks will need to be repaired within one business day in a Stage Four rationing phase.

There may be provisions within this Plan that the City Council agrees or disagrees with and may want to provide formal comments to Cal Water and the CPUC. To initiate the City Council's discussion, below are the points that Councilmember Black would like the City to advocate concerning the Plan. They include the following: 1. Oppose new hires for Cal Water for enforcement, 2. Oppose fines for water usage to cover under collection of user rates (noted to be illegal in recent court decision) and 3. Oppose rates increases of 3 times current rates for over consumption (this is too high in his opinion).

FISCAL IMPACT

The City has already cut back on its water usage by 50% from a direction provided by the City Council in the summer of 2014. Staff believes the present proposed provisions within the Water Shortage Contingency Plan will not impact the City financially, but the vegetation around City Hall has been and will continue to be impacted where some of the vegetation is in a very distressed state. If some of the higher Stages are imposed by Cal Water, vegetation will die and need to be replaced with more drought tolerant plants. There is funding in the FY 15/16 budget to accommodate plant replacement if that occurs.

NOTIFICATION

California Water Services Company, Rolling Hills Community Association and residents that volunteered to assist the City with water conservation efforts.

Schedule No. 14.1

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WATER SHORTAGE CONTINGENCY PLAN

WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES

Page 1

A. APPLICABILITY

1. This schedule applies to all of California Water Service's regulated ratemaking areas in California, as well as Grand Oaks Water.

B. GENERAL INFORMATION

1. All expenses incurred by utility to implement Rule 14.1, and Schedule 14.1, and requirements of the California State Water Resources Control Board ("Water Board") that have not been considered in a General Rate Case or other proceeding shall be accumulated by Cal Water in a separate memorandum account, authorized in Resolution W-4976, for disposition as directed or authorized from time to time by the Commission.
2. All monies collected by Cal Water through waste of water penalties established in this schedule shall be recorded in the appropriate memorandum account and used to offset the expenses described in Section 1 above.
3. All monies collected by Cal Water through drought surcharges, as established by the Mandatory Water Budgets found in Schedule 14.1, shall be recorded in the appropriate Water Revenue Adjustment Mechanism ("WRAM") account and used to offset under-collected revenues.
4. To the extent that any provision in this Schedule is inconsistent with Rule 14.1, the provisions of this Schedule apply.
5. A customer may request installation of a real-time water measurement device on the customer's service line. The cost of the device, including installation and ongoing operating costs, shall be billed to the customer, and nonpayment may result in discontinuance of service.

C. DEFINITIONS

For the purposes of this Schedule, the following terms have the meanings set forth in this section. (These are the same as in Rule 14.1, unless otherwise specified.)

1. "Commercial nursery" means the use of land, buildings or structures for the growing and/or storing of flowers, fruit trees, ornamental trees, vegetable plants, shrubs, trees and similar vegetation for the purpose of transplanting, for use as stock or grafting, and includes the retail sale or wholesale distribution of such items directly from the premises/lot.
2. "Drip irrigation system" means a non-spray, low-pressure, and low volume irrigation system utilizing emission devices with a precipitation or flow rate measured in gallons per hour (GPH), designed to slowly apply small volumes of water at or near the root zone of plants or other landscaping.
3. "Flow rate" means the rate at which water flows through pipes, valves, and emission devices, measured in gallons per minute (GPM), gallons per hour (GPH), inches per hour (IPH), hundred cubic feet (Ccf), or cubic feet per second (CFS).
4. "Flow-restricting device" means valves, orifices, or other devices that reduce the flow of potable water through a service line, which are capable of passing a minimum of 3 Ccf per person, per month, based upon the U.S. Census calculation of the average number of people in a household in the area.
5. "High-efficiency sprinkler systems" means an irrigation system with emission devices, such as sprinkler heads or nozzles, with a precipitation or flow rate no greater than one IPH.
6. "Irrigation" means the application of potable water by artificial means to landscape.
7. "Irrigation system" means the components of a system meant to apply water to an area for the purpose of irrigation, including, but not limited to, piping, fittings, sprinkler heads or nozzles, drip tubing, valves, and control wiring.

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(To be inserted by utility)
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WATER SHORTAGE CONTINGENCY PLAN

WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (continued)

Page 2

C. DEFINITIONS (Continued)

8. "Landscape" means all of the outdoor planting areas, turf areas, and water features at a particular location.
9. "Measureable rainfall" means any amount of precipitation of more than one-tenth of an inch (0.1").
10. "Micro spray irrigation system" means a low-pressure, low-volume irrigation system utilizing emission devices that spray, mist, sprinkle, or drip with a precipitation or flow rate measured in GPH, designed to slowly apply small volumes of water to a specific area.
11. "Ornamental landscape" means shrubs, bushes, flowers, ground cover, turf, lawns, and grass planted for the purpose of improving the aesthetic appearance of property, but does not include crops or other agricultural products or special landscape areas.
12. "Plumbing fixture" means a receptacle or device that is connected to a water supply system, including, but not limited to, pipes, toilets, urinals, showerheads, faucets, washing machines, water heaters, tubs, and dishwashers.
13. "Potable water" means water supplied by Cal Water which conforms to the federal and state standards for human consumption.
14. "Properly programmed" means a smart irrigation controller that has been programmed according to the manufacturer's instructions and site-specific conditions.
15. "Real-time water measurement device" means a device or system that provides regularly updated electronic information regarding the customer's water use.
16. "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape onto other areas.
17. "Smart irrigation controller" means an automatic device used to remotely control valves that operate an irrigation system that has been tested by an American National Standards Institute accredited third-party certifying body or laboratory in accordance with the Environmental Protection Agency's WaterSense program (or an analogous successor program), and certified by such body or laboratory as meeting the performance and efficiency requirements of such program, or the more stringent performance and efficiency requirements of another similar program.
18. "Special landscape area" means an area of the landscape dedicated solely to edible plants and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
19. "Turf" means a ground cover surface of grass that can be mowed.
20. "Water feature" means a design element where open, artificially supplied water performs an aesthetic or recreation feature, including, but not limited to, ponds, lakes, waterfalls, fountains, and streams.
21. "Water use evaluation" means an evaluation of the efficiency of indoor water-using devices, including, but not limited to, measurement of flow rates for all existing showerheads, faucets, and toilets, inspection for leaks, and providing written recommendations to improve the efficiency of the indoor water-using fixtures and devices and/or an evaluation of the performance of an irrigation system, including, but not limited to, inspection for leaks, reporting of overspray or runoff, and providing written recommendations to improve the performance of the irrigation system.

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WATER SHORTAGE CONTINGENCY PLAN

WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (continued)

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D. WASTE OF WATER PENALTIES

Each Stage of this Schedule establishes certain restrictions on the use of potable water. Violating the restrictions set forth in a particular Stage while it is in effect is declared a non-essential, wasteful use of potable water. Cal Water is authorized to take the following actions when its personnel verify a customer is using potable water for non-essential, wasteful uses. No person shall have any right or claim in law or in equity, against Cal Water because of, or as a result of, any matter or thing done or threatened to be done pursuant to the restrictions on using potable water for non-essential, wasteful uses.

Note: When a Stage in this Schedule has been activated, Section D in this Schedule supersedes Section D (Enforcement) in Rule 14.1.

1. **FIRST VIOLATION:** Cal Water shall provide the customer with a written notice of violation. In addition, Cal Water is authorized to take the following actions:
 - A. If the customer currently receives service through a metered connection, install a real-time water measurement device on the customer's service line and provide the customer with access to information from the device. The cost of the device, including installation and ongoing operating costs, shall be billed to the customer, and nonpayment may result in discontinuance of service.
 - B. If the customer does not currently receive service through a metered connection, install a water meter on the customer's service line, charge the customer for water use pursuant to Cal Water's metered service tariffs and rules, and install a real-time water measurement device on the customer's service line and provide the customer with access to information from the device. The cost of the device, including installation and ongoing operating costs, shall be billed to the customer, and nonpayment may result in discontinuance of service.
2. **SECOND VIOLATION:** If Cal Water verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the first violation, Cal Water shall provide the customer with a second written notice of violation. In addition to the actions prescribed under the first violation above, Cal Water is authorized to take the following actions:
 - A. Apply the following waste of water penalties, which are in addition to any other charges authorized by this Schedule or other Cal Water tariffs.
 - i. If Stage 1 is in effect, \$25 (Stage 1 is detailed below in Section E).
 - ii. If Stage 2 is in effect, \$50 (Stage 2 is detailed below in Section F).
 - iii. If Stage 3 is in effect, \$100 (Stage 3 is detailed below in Section G).
 - iv. If Stage 4 is in effect, \$200 (Stage 4 is detailed below in Section H).
 - B. At its sole discretion, waive the waste of water penalty if the customer participates in a water use evaluation provided by Cal Water and/or provides documentation to Cal Water proving that a drip irrigation system, micro spray irrigation system, high-efficiency sprinkler system, or properly programmed smart irrigation controller has been installed, after a notice of violation was delivered, and is in use at the customer's service address.

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WATER SHORTAGE CONTINGENCY PLAN

WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (continued)

D. WASTE OF WATER PENALTIES (Continued)

3. **THIRD VIOLATION:** If Cal Water verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the second violation, Cal Water shall provide the customer with a third written notice of violation. In addition to the actions prescribed under the first and second violations above, Cal Water is authorized to take the following actions:
- A. Apply the following waste of water penalties, which are in addition to any other charges authorized by this Schedule or other Cal Water tariffs.
 - i. If Stage 1 is in effect, \$50 (Stage 1 is detailed below in Section E).
 - ii. If Stage 2 is in effect, \$100 (Stage 2 is detailed below in Section F).
 - iii. If Stage 3 is in effect, \$200 (Stage 3 is detailed below in Section G).
 - iv. If Stage 4 is in effect, \$400 (Stage 4 is detailed below in Section H).
 - B. At its sole discretion, waive the waste of water surcharge if the customer participates in a water use evaluation provided by Cal Water and/or provides documentation to Cal Water proving that a drip irrigation system, micro spray irrigation system, high-efficiency sprinkler system, or properly programmed smart irrigation controller has been installed, after notice of violations have been delivered, and is in use at the customer's service address.
4. **FOURTH VIOLATION:** If Cal Water verifies that the customer has used potable water for non-essential, wasteful uses after having been notified of the third violation, Cal Water shall provide the customer with a fourth written notice of violation. In addition to actions set forth in previous violations prescribed above, Cal Water is authorized to install a flow-restricting device on the customer's service line. Cal Water shall not be held liable for any injuries, damages, and/or consequences arising from the installation of a flow restricting device.
5. **EGREGIOUS VIOLATIONS:** Notwithstanding the foregoing framework for penalties, customers who Cal Water has verified are egregiously using potable water for non-essential, wasteful uses are subject to having a flow-restricting device installed on their service line. After providing the customer with one notice of egregious violation, either by direct mail or door hanger, which documents the egregious use of potable water for non-essential, wasteful uses and explains that failure to correct the violation may result in the installation of a flow-restricting device on the customer's service line, Cal Water is authorized to install a flow-restricting device on the customer's service line. Cal Water shall not be held liable for any injuries, damages, and/or consequences arising from the installation of a flow restricting device.
6. **NOTICES OF VIOLATION:**
- A. Unless otherwise specified, written notices of violation provided to customers pursuant to this Schedule shall document the verified violation and alert the customer to the fact that future violations of the restricted uses of potable water may result in a real-time water management device being installed on the customer's service line at the customers expense, waste of water surcharges being applied to the customer's bill, the installation of a flow-restricting device on the customer's service line, or the discontinuation of the customer's service.

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WATER SHORTAGE CONTINGENCY PLAN

WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (continued)

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D. WASTE OF WATER PENALTIES (Continued)

B. If Cal Water elects to install a flow-restricting device on a customer's service line, the written notice of violation shall also explain that a flow-restricting device has or will be installed on the customer's service line, shall document the steps the customer must take in order for the flow-restricting device to be removed, and shall explain that after the flow-restricting device is removed, it may be reinstalled, without further notice, if the customer is again verified by Cal Water to be using potable water for non-essential, wasteful uses.

7. **FLOW RESTRICTING DEVICE CONDITIONS:** The installation of a flow-restricting device on a customer's service line is subject to the following conditions:

A. The device shall be capable of providing the premise with a minimum of 3 Ccf per person, per month, based upon the U.S. Census calculation of the average number of people in a household in the area.

B. The device may only be removed by Cal Water, and only after a minimum three-day period has elapsed.

C. Any tampering with the device may result in the discontinuation of the customer's water service and the customer being charged for any damage to Cal Water's equipment or facilities and any required service visits.

D. After the removal of the device, if Cal Water verifies that the customer is using potable water for non-essential, wasteful uses, Cal Water may install another flow-restricting device without prior notice. This device shall remain in place until water supply conditions warrant its removal. If, despite the installation of the device, Cal Water verifies that the customer is using potable water for non-essential and, unauthorized wasteful uses, then Cal Water may discontinue the customer's water service, as provided in its Rule No. 11.

8. **FLOW-RESTRICTING DEVICE REMOVAL CHARGES:** The charge to customers for removal of a flow-restricting device installed pursuant to this Schedule is \$100 during normal business hours, and \$150 for the device to be removed outside of normal business hours.

E. STAGE ONE WATER USE RESTRICTIONS

1. WASTEFUL USES OF WATER

The following restrictions may be imposed by Cal Water, except where necessary to address an immediate health or safety need, or to comply with a term or condition in a permit issued by a state or federal agency:

A. Outdoor Irrigation Restrictions (Stage 1)

i. Irrigating ornamental landscapes with potable water is limited to no more than three (3) days per week, on a schedule established and posted by Cal Water on its website or otherwise provided to customers by bill message, bill insert, direct mail, or email, or as follows:

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WATER SHORTAGE CONTINGENCY PLAN

WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (continued)

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E. STAGE ONE WATER USE RESTRICTIONS (Continued)

1. Customers with even-numbered addresses may irrigate on Saturdays, Tuesdays, and Thursdays.
2. Customers with odd-numbered addresses may irrigate on Sundays, Wednesdays, and Fridays.
3. Customers without a street address may irrigate on Saturdays, Tuesdays, and Thursdays.
4. Notwithstanding the foregoing restrictions, irrigation of special landscape areas or commercial nurseries may occur as needed, provided that the customer who wishes to irrigate a special landscape area or commercial nursery presents Cal Water with a plan to achieve water use reductions commensurate with those that would be achieved by complying with foregoing restrictions.
5. Notwithstanding the foregoing restrictions, when a city, county, or other local public agency in one of Cal Water's service areas duly adopts restrictions on the number of days or hours of the day that customers may irrigate that are different than those adopted by Cal Water, Cal Water may enforce the city, county, or other local public agency's restrictions.

II. Irrigating ornamental landscape with potable water is prohibited during the hours between 8:00 a.m. and 6:00 p.m.

III. The foregoing restrictions do not apply to:

1. Landscape irrigation zones that exclusively use drip irrigation systems and/or micro spray irrigation system;
2. Irrigating ornamental landscapes with the use of a hand-held bucket or similar container, with a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use or monitored, or for the express purpose of adjusting or repairing an irrigation system.

B. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the customer's plumbing fixtures and/or irrigation system must be repaired within five (5) business days of written notification by Cal Water, unless other arrangements are made with Cal Water.

C. **Prohibited Uses of Water:** Customers are prohibited from using potable water for the following actions:

- i. The application of potable water to landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures,

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WATER SHORTAGE CONTINGENCY PLAN

WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (continued)

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E. STAGE ONE WATER USE RESTRICTIONS (Continued)

- ii. The use of a hose that dispenses potable water to wash vehicles, including cars, trucks, buses, boats, aircraft, and trailers, whether motorized or not, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
- iii. The application of potable water to driveways and sidewalks;
- iv. The use of potable water in a water feature, except where the water is part of a recirculating system;
- v. The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall (see Definitions);
- vi. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;
- vii. Irrigation of ornamental landscape on public street medians with potable water;
- viii. Irrigation outside of newly constructed homes and buildings with potable water unless the potable water is delivered by a drip irrigation systems and/or micro spray irrigation system.

(N)

- D. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guest room using clear and easily understood language.
- E. Limits on Filling Single-Family Residential Swimming Pools and Spas: Re-filling and initial filling of single-family residential swimming pools or outdoor spas with potable water is prohibited, except to maintain required operating levels of existing pools and spas or as a result of completing structural repairs to the swimming pool or outdoor spa.
- F. Limits on Filling Ornamental Lakes or Ponds: Filling or re-filling ornamental lakes or ponds with potable water is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to the implementation of any staged mandatory restrictions of water use as described in this Schedule.
- G. Other duly adopted restrictions on the use of potable water as prescribed from time to time by the Commission or other authorized government agencies are incorporated herein by reference.

F. STAGE TWO WATER USE RESTRICTIONS

I. MANDATORY WATER BUDGETS AND BANKING (STAGE 2)

Water budgets will be based on a customer's consumption during a historical base period and will include a percentage reduction designed to meet necessary water-use reductions. Cal Water may include provisions such as minimum water budgets for residential metered service to protect the health and safety of customers, and water banking allowing customers additional flexibility with regard to their required reductions.

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WATER SHORTAGE CONTINGENCY PLAN

WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (continued)

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F. STAGE TWO WATER USE RESTRICTIONS (Continued)

In addition to the normal rate paid for the unit of water, a drought surcharge will be charged to a customer for each unit of water used over the established water budget for the billing period.

See Appendix A: Details on minimum water budgets, as well as the drought surcharges that will be applied for exceeding a water budget, are provided in Appendix A. Cal Water retains the right to increase the surcharges if there are changes to the rates in the future.

Cal Water will establish an appeals process for customers that will allow for requests for increased water budgets.

2. WASTEFUL USES OF WATER (STAGE 2)

Cal Water may continue to impose the restrictions on the wasteful use of water as outlined in Stage One, except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency.

G. STAGE THREE WATER USE RESTRICTIONS

1. MANDATORY WATER BUDGETS AND BANKING (STAGE 3)

Water budgets will be based on a customer's consumption during a historical base period and will include a percentage reduction designed to meet necessary water-use reductions. Cal Water may include provisions such as minimum water budgets to protect the health and safety of customers, and water banking allowing customers additional flexibility with regard to their required reductions.

In addition to the normal rate paid for the unit of water, a drought surcharge will be charged to a customer for each unit of water used over the established water budget for the billing period.

Cal Water may implement surcharges up to three (3) times those charged in Stage 2.

Cal Water will establish an appeals process for customers that will allow for requests for increased water budgets.

2. WASTEFUL USES OF WATER (STAGE 3)

The following restrictions may be imposed by Cal Water, except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency. Differences from or additions to previous Stages are underlined. (The following restrictions are the same as those provided in Stage 3 of Rule 14.1.)

a. Outdoor Irrigation Restrictions (Stage 3)

i. Irrigating ornamental landscapes with potable water is limited to no more than two (2) days per week, on a schedule established and posted by Cal Water on its website or otherwise provided to customers by bill message, bill insert, direct mail, or email, or as follows:

1. Customers with even-numbered addresses may irrigate on Saturdays and Tuesdays (previous Stages allowed Thursdays as well.)
2. Customers with odd-numbered addresses may irrigate on Sundays and Wednesdays (previous Stages allowed Fridays as well.)
3. Customers without a street address may irrigate on Saturdays and Tuesdays (previous Stages allowed Thursdays as well.)

(N)

(continued)

(To be inserted by utility)
Advice Letter No. 2166
Decision No. -

Issued by
PAUL G. TOWNSLEY
NAME
Vice President
TITLE

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Effective _____
Resolution No. _____

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Schedule No. 14.1

(N)

WATER SHORTAGE CONTINGENCY PLAN

WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (continued)

Page 9

G. STAGE THREE WATER USE RESTRICTIONS (Continued)

4. Notwithstanding the foregoing restrictions, irrigation of special landscape areas or commercial nurseries may occur as needed, provided that the customer who wishes to irrigate a special landscape area or commercial nursery presents Cal Water with a plan to achieve water use reductions commensurate with those that would be achieved by complying with foregoing restrictions.
5. Notwithstanding the foregoing restrictions, when a city, county, or other local public agency in one of Cal Water's service areas duly adopts restrictions on the number of days or hours of the day that customers may irrigate which are different than those adopted by Cal Water, Cal Water may enforce the city, county, or other local public agency's restrictions.
- ii. Irrigating ornamental landscape with potable water is prohibited during the hours between 8:00 a.m. and 6:00 p.m.
- iii. The foregoing restrictions do not apply to:
 1. Landscape irrigation zones that exclusively use drip irrigation systems and/or micro spray irrigation system;
 2. Irrigating ornamental landscapes with the use of a hand-held bucket or similar container, a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use or monitored, or for the express purpose of adjusting or repairing an irrigation system.
- b. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the customer's plumbing fixtures and/or irrigation system must be repaired within **two (2) business days** of written notification by Cal Water, unless other arrangements are made with Cal Water.
- c. **Prohibited Uses of Water:** Customers are prohibited from using potable water for the following actions:
 - i. The application of potable water to landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures (note: this provision appears under Section E in Rule 14.1);
 - ii. The use of a hose that dispenses potable water to wash vehicles, including cars, trucks, buses, boats, aircraft, and trailers, whether motorized or not, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use (note: this provision appears under Section E in Rule 14.1).
 - iii. The application of potable water to driveways and sidewalks;
 - iv. The use of potable water in a water feature, except where the water is part of a recirculating system;
 - v. The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall;
 - vi. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;
 - vii. Irrigation of ornamental landscape on public street medians with potable water;

(N)

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(To be inserted by utility)
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Decision No. -

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WATER SHORTAGE CONTINGENCY PLAN

WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (continued)

G. STAGE THREE WATER USE RESTRICTIONS (Continued)

- viii. Irrigation outside of newly constructed homes and buildings with potable water unless the potable water is delivered by a drip irrigation systems and/or micro spray irrigation system;
- ix. Use of potable water for street cleaning with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible);
- x. Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or other method can be used.
- d. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guest room using clear and easily understood language.
- e. Limits on Filling Residential Swimming Pools and Spas: Re-filling and initial filling of single-family residential swimming pools or outdoor spas with potable water is prohibited (previous Stages allowed certain exceptions).
- f. Limits on Filling Ornamental Lakes or Ponds: Filling or re-filling ornamental lakes or ponds with potable water is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to the implementation of any staged mandatory restrictions of water use as described in this Schedule.
- g. Other duly adopted restrictions on the use of potable water as prescribed from time to time by the Commission or other authorized government agencies are incorporated herein by reference.

H. STAGE FOUR WATER USE RESTRICTIONS

1. MANDATORY WATER BUDGETS AND BANKING (STAGE 4)

Water budgets will be based on a customer's consumption during a historical base period and will include a percentage reduction designed to meet necessary water-use reductions. Cal Water may include provisions such as minimum water budgets to protect the health and safety of customers, and water banking allowing customers additional flexibility with regard to their required reductions.

In addition to the normal rate paid for the unit of water, a drought surcharge will be charged to a customer for each unit of water used over the established water budget for the billing period. For Stage 4, Cal Water may implement surcharges up to three (3) times those charged in Stage 2. Cal Water may require customer consumption reductions of up to 50%.

Cal Water will establish an appeals process for customers that will allow for requests for increased water budgets.

2. WASTEFUL USES OF WATER (STAGE 4)

The following restrictions may be imposed by Cal Water, except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency. Differences from or additions to previous Stages are underlined. (The following restrictions are the same as those provided in Stage 4 of Rule 14.1.)

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(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice Letter No. 2166

PAUL G. TOWNSLEY

Date Filed _____

Decision No. -

NAME
Vice President
TITLE

Effective _____

Resolution No. _____

Schedule No. 14.1

(N)

WATER SHORTAGE CONTINGENCY PLAN

WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (continued)

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G. STAGE FOUR WATER USE RESTRICTIONS (Continued)

- A. Irrigating ornamental landscape with potable water is prohibited, except when a hand-held bucket or a similar container, or a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use or monitored is used to maintain vegetation, including trees and shrubs.
- B. Obligation to Fix Leaks, Breaks or Malfunctions: All leaks, breaks, or other malfunctions in the customer's plumbing fixtures or irrigation system must be repaired within **one (1) business day** of written notification by Cal Water, unless other arrangements are made with Cal Water.
- C. Prohibited Uses of Water: Customers are prohibited from using potable water for the following actions:
- i. The application of potable water to landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
 - ii. The use of a hose that dispenses potable water to wash vehicles, including cars, trucks, buses, boats, aircraft, and trailers, whether motorized or not, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
 - iii. The application of potable water to driveways and sidewalks;
 - iv. The use of potable water in a water feature, except where the water is part of a recirculating system;
 - v. The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall;
 - vi. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;
Note that items previously identified as (ix) and (x) in Stage 3 have been eliminated.
 - vii. Use of potable water for street cleaning with trucks (previous Stage allowed certain exceptions);
 - viii. Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses (previous Stage allowed certain exceptions).
- d. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guest room using clear and easily understood language.
- e. Limits on Filling Residential Swimming Pools and Spas: Re-filling and initial filling of single-family residential swimming pools or outdoor spas with potable water is prohibited.
- f. Limits on Filling Ornamental Lakes or Ponds: Filling or re-filling ornamental lakes or ponds with potable water is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to the implementation of any staged mandatory restrictions of water use as described in this Schedule.
- g. Other duly adopted restrictions on the use of potable water as prescribed from time to time by the Commission or other authorized government agencies are incorporated herein by reference.

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(continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice Letter No. 2166

PAUL G. TOWNSLEY

Date Filed _____

Decision No. _____

NAME
Vice President
TITLE

Effective _____

Resolution No. _____

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Schedule No. 14.1

(N)

WATER SHORTAGE CONTINGENCY PLAN

WITH STAGED MANDATORY REDUCTIONS AND DROUGHT SURCHARGES (continued)

Page 12

APPENDIX A

Stage 2 - Drought Surcharges for Exceeding Water Budget, and Minimum Water Budgets					
District	Tariff Area	Drought Surcharge Non-LIRA Customers (a)	Drought Surcharge LIRA Customers (b)	Minimum Water Budget (Ccf) (c)	Rate Support Fund (RSF) Areas
Antelope Valley	Fremont Valley & Lake Hughes	\$4.5200	\$2.2600	5	RSF Area
	Lancaster	\$7.1180	\$3.5590	5	
	Leona Valley	\$4.5200	\$2.2600	5	RSF Area
Bakersfield		\$4.1868	\$2.0934	7	
Bayshore	Mid-Peninsula	\$10.0000	\$5.0000	6	
	South San Francisco	\$5.6492	\$2.8246	6	
Bear Gulch		\$10.0000	\$5.0000	6	
Chico		\$3.1314	\$1.5657	6	
Dixon		\$7.9402	\$3.9701	7	
Dominguez		\$6.9934	\$3.4967	7	
East Los Angeles		\$3.7605	\$1.8803	9	
Grand Oaks		\$2.1236	\$1.0618	5	
Hermosa Redondo		\$9.1586	\$4.5793	5	
Kern River Valley		\$4.5200	\$2.2600	4	RSF Area
King City		\$6.7536	\$3.3768	9	
Livermore		\$7.6194	\$3.8097	6	
Los Altos		\$8.1608	\$4.0804	6	
Marysville		\$5.1470	\$2.5735	6	
Oroville		\$6.1840	\$3.0920	6	
Palos Verdes		\$9.5358	\$4.7679	6	
Redwood Valley		\$4.5200	\$2.2600	4	RSF Area
Salinas		\$5.7776	\$2.8888	7	
Selma		\$3.0122	\$1.5061	8	
Stockton		\$5.5506	\$2.7753	7	
Visalia		\$2.9796	\$1.4898	7	
Westlake		\$9.2378	\$4.6189	6	
Willows		\$4.1356	\$2.0678	6	

- (a) - The Drought Surcharge is equal to two (2) times the highest residential tier rate with a \$10.00 maximum EXCEPT for: The Drought Surcharge in Rate Support Fund (RSF) areas is equal to \$4.52.
 The Drought Surcharge for districts with a 10% or less water reduction requirement is equal to the highest residential tier rate.
- (b) - The Drought Surcharge for LIRA customers is 50% of the Drought Surcharge for Non-LIRA customers.
- (c) - The Minimum Water Budget is set at 55 gpcd (gallons per capita per day) multiplied by the people per household for the area in the U.S. Census.

(N)

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Decision No. _____	Vice President <small>TWLA</small>	Effective _____
		Resolution No. _____

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City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

May 4, 2015

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

RE: Comment Letter - Emergency Conservation Regulation

Dear Ms. Townsend,

I am writing to the Board on behalf of the City of Rolling Hills to vehemently oppose the State Water Resources Control Board's Proposed Emergency Regulation concerning Drought Emergency Water Conversation. The City knows the Board is dealing with a serious environmental emergency in order to conserve water in a severe drought condition Statewide, but the Proposed Emergency Regulation needs to be amended to assist municipalities such as Rolling Hills.

The 36% reduction requirement for the City of Rolling Hills is very onerous and could be hazardous to our residents and their livestock. Rolling Hills is a unique rural and equestrian community in Los Angeles County with a population of only 1,860 residents, based on the 2010 census. Our city has less than 800 residences and no commercial businesses. Rolling Hills' water is provided by the California Water Service Company within its Palos Verdes District. Almost all the parcels in Rolling Hills range between 1 to 12 acres in size. It is obvious that a household in Rolling Hills will use more water than almost any other household in the State. To group our residents' per capita water usage to all other urban and suburban communities is simply not comparable and is unfair.

The entire City of Rolling Hills is zoned as "Residential Agricultural" where every household by right can farm on their land. Many of our residents have planted vineyards, orchards and vegetable plots that create in itself high water usage per capita. Within Sec. 865(e) of the Proposed Emergency Regulation, you allow water suppliers to credit themselves for commercial agricultural uses. Residential farmers such as those in Rolling Hills should get a similar credit by reducing the overall percentage requirement for the entire City. If not, you will put a damper on local food supply sustainability and destroy a very important local resource.

The City of Rolling Hills' entire history is based on its equestrian lifestyle and heritage. Every parcel in Rolling Hills is required to have an area for a horse stable and corral. Between the City and the Rolling Hills Homeowners Association, they own and operate two municipal corrals which are used to provide the required exercise for horses. Therefore, taking care of horses and other farm animals is commonplace in Rolling Hills. It takes a great deal of potable water to care for farm animals, particularly for their drinking water during the hot summer months, so that these animals remain healthy. These

Townsend
May 4, 2015
Re: Comment Letter - Emergency Conservation Regulation
Page 2

necessities cannot be compared to most urban households and cutting back water for livestock and equestrian uses is not possible.

The State of California has declared the entire City of Rolling Hills to be located in a Very High Fire Severity Zone. With the right conditions, our entire City can burn down by wildfire. The City already has concerns about certain households who have cut back their watering of vegetation around their home, which is causing this vegetation to die and making it more susceptible to wildfire. The City believes it is dangerous that the Board require residents in extremely high fire zones to cut any water to the plants surrounding residents' homes. Such plants provide firebreaks only when they are still alive due to proper irrigation.

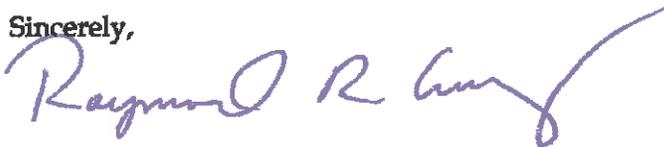
Since the City has already implemented best practices in water conservation measures, it will be difficult for our residents to cut much more of their water usage. The City in 2013 adopted the California Housing and Community Development "CAL Green" code for water efficiency and conservation for both outdoor and indoor uses. Also, the City amended its municipal code by adopting the Water Efficient Landscape Ordinance. Finally, since our residents have already been paying such large bills due to their large lots with varied uses, they have on their own installed very expensive water conservation devices and have cut back on their personal water use. So requiring these residents to cut another 36% is simply not feasible and is penalizing them for their water conservation efforts.

A final point is that the Regulation is not consistent with the recent legal case involving the City of San Juan Capistrano. Any water rate structure, fee or fine must be commensurate with the cost of providing the water service.

Due to all the above stated facts and circumstances, the City of Rolling Hills believes that it deserves the least onerous water reduction requirements. We are requesting a citywide reduction requirement of only 8%.

If you have any questions regarding this letter or about our community, please contact me at (310) 377-1521.

Sincerely,



Raymond R. Cruz
City Manager

RRC:hl

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Rolling Hills Mayor and City Council
Dan Trejo, Acting District Manager, California Water Service Company
State Senator Ben Allen
State Assemblymember David Hadley

Sec. 1. Short Title

This Chapter shall be known as the “Water Conservation of [INSERT].”

Sec. 2. Findings

- (a) A reliable supply of potable water is essential to the public health, safety, and welfare of the people and economy of [INSERT].
- (b) Article X, Section 2 of the California Constitution declares that the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare.
- (c) Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.
- (d) On January 17, 2014, the Governor of California proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions.
- (e) On April 25, 2014, the Governor of California proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought.
- (f) The drought conditions that formed the basis of the Governor of California’s emergency proclamations continue to exist as the present year is critically dry and has been preceded by two or more consecutive below normal, dry, or critically dry years.
- (g) On April 1, 2015 the Governor of California proclaimed, under the provisions of Section 8558(b) of the California Government Code, a Continued State of Emergency to exist throughout the State of California due to water shortage and drought conditions.
- (h) The adoption and enforcement of water conservation regulations is essential to ensure a reliable supply of water to meet current and future needs.

Sec. 3. Declaration of Purpose and Intent

- (a) The purpose of this Chapter is to establish water conservation regulations that will reduce the consumption of water, assure reasonable and beneficial use of water, prevent the waste of water, and maximize the efficient use of water.

- (b) This Chapter establishes permanent water conservation regulations intended to alter behavior related to the use of water and further establishes conservation stages to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions.

Sec. 4. CEQA Exemption

The [INSERT] finds that this Chapter and actions taken hereafter pursuant to this Chapter are exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency pursuant to Public Resources Code Section 210808(b)(4) and California Environmental Quality Act Guidelines Section 15269(c).

Sec. 5. Applicability

- (a) The provisions of this Chapter shall apply to all persons and property within the limits of [INSERT].
- (b) The provisions of this Chapter do not apply to uses of water where necessary to protect public health or safety, for essential government services, such as police, fire, and other similar emergency services, or where necessary to comply with the a term or condition in a permit issued by a state or federal agency.

Sec. 6. Definitions

For the purposes of this Chapter, the following terms have the meaning set forth in this section.

- (a) "Commercial nursery" means the use of land, buildings or structures for the growing and/or storing of flowers, fruit trees, ornamental trees, vegetable plants, shrubs, trees and similar vegetation for the purpose of transplanting, for use as stock or grafting, and includes the retail sale or wholesale distribution of such items directly from the premises/lot.
- (b) "Drip irrigation system" means a non-spray, low-pressure, and low volume irrigation system utilizing emission devices with a precipitation or flow rate measured in gallons per hour (GPH), designed to slowly apply small volumes of water at or near the root zone of plants or other landscaping.
- (c) "Flow rate" means the rate at which water flows through pipes, valves, and emission devices, measured in gallons per minute (GPM), gallons per hour (GPH), inches per hour (IPH), hundred cubic feet (Ccf), or cubic feet per second (CFS).
- (d) "Irrigation" means the application of potable water by artificial means to landscape.

- (e) "Irrigation system" means the components of a system meant to apply water to an area for the purpose of irrigation, including, but not limited to, piping, fittings, sprinkler heads or nozzles, drip tubing, valves, and control wiring.
- (f) "Landscape" means all of the outdoor planting areas, turf areas, and water features at a particular location.
- (g) "Measureable rainfall" means any amount of precipitation of more than one-tenth of an inch (0.1").
- (h) "Micro spray irrigation system" means a low-pressure, low-volume irrigation system utilizing emission devices that spray, mist, sprinkle, or drip with a precipitation or flow rate measured in GPH, designed to slowly apply small volumes of water to a specific area.
- (i) "Ornamental landscape" means shrubs, bushes, flowers, ground cover, turf, lawns, and grass planted for the purpose of improving the aesthetic appearance of property, but does not include crops or other agricultural products or special landscape areas.
- (j) "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water within the [INSERT].
- (k) "Plumbing fixture" means a receptacle or device that is connected to a water supply system, including, but not limited to, pipes, toilets, urinals, showerheads, faucets, washing machines, water heaters, tubs, and dishwashers.
- (l) "Potable water" means water which conforms to the federal and state standards for human consumption.
- (m) "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape onto other areas.
- (n) "Special landscape area" means an area of the landscape dedicated solely to edible plants and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
- (o) "Turf" means a ground cover surface of grass that can be mowed.
- (p) "Water feature" means a design element where open, artificially supplied water performs an aesthetic or recreation feature, including, but not limited to, ponds, lakes, waterfalls, fountains, and streams.

Sec. 7. Prohibited Uses of Water

Using potable water for the following actions is prohibited, at all times, as each is declared a non-essential, wasteful use of water:

- (a) Use of potable water through a broken or defective plumbing fixture or irrigation system when the water user has been notified in writing to repair the broken or defective plumbing fixture or irrigation system, and the water user has failed to effect such repairs within seven (7) business days of delivery of such notice;
- (b) The application of potable water to landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
- (c) The use of a hose that dispenses potable water to wash vehicles, including cars, trucks, buses, boats, aircraft, and trailers, whether motorized or not, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.

Sec. 8. Implementation of Staged Mandatory Restrictions on Water Use

- (a) From time to time, the [INSERT] may determine that additional restrictions on water use are needed. The [INSERT] may implement a particular stage of Mandatory Restrictions on Water Use by resolution, adopted at a regular or special public meeting held in accordance with State law.
- (b) The restrictions set forth in the adopted stage of Mandatory Restrictions on Water Use shall take effect on the tenth calendar day after the date the stage is adopted.
- (c) Within five (5) days of adopting a particular stage of the Mandatory Restrictions on Water Use, the [INSERT] shall publish a copy of the resolution in a newspaper used for publication of official notices.
- (d) The restrictions set forth in the adopted stage of Mandatory Restrictions on Water Use shall remain in effect until the [INSERT] implements, by resolution, a different stage of Mandatory Restrictions on Water Use or determines, by resolution, that additional restrictions on water use are no longer needed.

Sec. 9. Stage 1 Mandatory Restrictions on Water Use

- (a) Stage 1 Mandatory Restrictions on Water Use may be adopted when the [INSERT] determines, in its sole discretion, that drought or other water supply conditions are such that additional prohibitions on water use are needed to reduce water consumption.

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(b) In addition to the Prohibited Uses of Water outlined in Section 7, the following restrictions on water use are implemented when Stage 1 Mandatory Restriction on Water Use is in effect:

(1) Outdoor Irrigation Restrictions

- (A) Irrigating ornamental landscapes with potable water is limited to no more than three (3) days per week on a schedule established and posted by [INSERT], or as follows:
- (i) Water users with even-numbered addresses may irrigate on Saturdays, Tuesdays, and Thursdays.
 - (ii) Water users with odd-numbered addresses may irrigate on Sundays, Wednesdays, and Fridays.
 - (iii) Water users without a street address may irrigate on Saturdays, Tuesdays, and Thursdays.
 - (iv) Notwithstanding the foregoing restrictions, irrigation of special landscape areas or commercial nurseries may occur as needed, provided that the water user who wishes to irrigate a special landscape area or commercial nursery presents [INSERT] with a plan to achieve water use reductions commensurate with those that would be achieved by complying with foregoing restrictions
- (B) Irrigating ornamental landscape with potable water is prohibited during the hours between 8:00 a.m. and 6:00 p.m.
- (C) The foregoing restrictions do not apply to:
- (i) Landscape irrigation zones that exclusively use drip irrigation systems and/or micro spray irrigation system;
 - (ii) Irrigation of ornamental landscapes with the use of a hand-held bucket or similar container, a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use or monitored, or for the express purpose of adjusting or repairing an irrigation system.
- (D) All leaks, breaks, or other malfunctions in the water user's plumbing fixture(s) or irrigation system(s) must be repaired within five (5) business days of a written notification to repair the broken or defective plumbing fixture or irrigation system being delivered to the water user.

(E) Using potable water for the following actions is prohibited:

- (i) The application of potable water to driveways and sidewalks;
- (ii) The use of potable water in a water feature, except where the water is part of a recirculating system;
- (iii) The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall.

Sec. 10. Stage 2 Mandatory Restrictions on Water Use

- (a) Stage 2 Mandatory Restrictions on Water Use may be adopted when the [INSERT] determines, in its sole discretion, that drought or other water supply conditions are such that prohibitions on water use beyond those prescribed by the Stage 1 Restrictions on Water Use are needed to reduce water consumption.
- (b) In addition to the Prohibited Uses of Water outlined in Section 7, the following restrictions on water use are implemented when Stage 2 Mandatory Restrictions on Water Use is in effect:

(1) Outdoor Irrigation Restrictions

- (A) Irrigating ornamental landscapes with potable water is limited to no more than three (3) days per week on a schedule established and posted by [INSERT], or as follows:
 - (i) Water users with even-numbered addresses may irrigate on Saturdays, Tuesdays, and Thursdays.
 - (ii) Water users with odd-numbered addresses may irrigate on Sundays, Wednesdays, and Fridays.
 - (iii) Water users without a street address may irrigate on Saturdays, Tuesdays, and Thursdays.
 - (iv) Notwithstanding the foregoing restrictions, irrigation of special landscape areas or commercial nurseries may occur as needed, provided that the water user who wishes to irrigate a special landscape area or commercial nursery presents [INSERT] with a plan to achieve water use reductions commensurate with those that would be achieved by complying with foregoing restrictions

- (B) Irrigating ornamental landscape with potable water is prohibited during the hours between 8:00 a.m. and 6:00 p.m.
- (C) The foregoing restrictions do not apply to:
- (i) Landscape irrigation zones that exclusively use drip irrigation systems and/or micro spray irrigation system;
 - (ii) Irrigation of ornamental landscapes with the use of a hand-held bucket or similar container, a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use or monitored, or for the express purpose of adjusting or repairing an irrigation system.
- (D) All leaks, breaks, or other malfunctions in the water user's plumbing fixture(s) or irrigation system(s) must be repaired within three (3) business days of a written notification to repair the broken or defective plumbing fixture or irrigation system being delivered to the water user.
- (E) Using potable water for the following actions is prohibited:
- (i) The application of potable water to driveways and sidewalks;
 - (ii) The use of potable water in a water feature, except where the water is part of a recirculating system;
 - (iii) The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall;
 - (iv) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;
 - (v) Irrigation of ornamental landscape on public street medians;
 - (vi) Irrigation outside of newly constructed homes and buildings with potable water unless the potable water is delivered by a drip irrigation systems and/or micro spray irrigation system.
- (F) Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guest room using clear and easily understood language.

- (G) Re-filling and initial filling of single-family residential swimming pools or outdoor spas with potable water is prohibited, except to maintain required operating levels of existing pools and spas or as a result of completing structural repairs to the swimming pool or outdoor spa.
- (H) Filling or re-filling ornamental lakes or ponds with potable water is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to the implementation of any staged Mandatory Restrictions on Water Use.

Sec. 11. Stage 3 Mandatory Restrictions on Water Use

(a) Stage 3 Mandatory Restrictions on Water Use may be adopted when the [INSERT] determines, in its sole discretion, that drought or other water supply conditions are such that prohibitions on water use beyond those prescribed by the Stage 2 Restrictions on Water Use are needed to reduce water consumption.

(b) In addition to the Prohibited Uses of Water outlined in Section 7, the following restrictions on water use are implemented when Stage 3 Mandatory Restrictions on Water Use is in effect:

(1) Outdoor Irrigation Restrictions

(A) Irrigating ornamental landscapes with potable water is limited to no more than two (2) days per week on a schedule established and posted by [INSERT], or as follows:

- (i) Water users with even-numbered addresses may irrigate on Saturdays, and Tuesdays.
- (ii) Water users with odd-numbered addresses may irrigate on Sundays and Wednesdays.
- (iii) Water users without a street address may irrigate on Saturdays and Tuesdays..
- (iv) Notwithstanding the foregoing restrictions, irrigation of special landscape areas or commercial nurseries may occur as needed, provided that the water user who wishes to irrigate a special landscape area or commercial nursery presents [INSERT] with a plan to achieve water use reductions commensurate with those that would be achieved by complying with foregoing restrictions



- (B) Irrigating ornamental landscape with potable water is prohibited during the hours between 8:00 a.m. and 6:00 p.m.
- (C) The foregoing restrictions do not apply to:
 - (i) Landscape irrigation zones that exclusively use drip irrigation systems and/or micro spray irrigation system;
 - (ii) Irrigation of ornamental landscapes with the use of a hand-held bucket or similar container, a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use or monitored, or for the express purpose of adjusting or repairing an irrigation system.
- (2) All leaks, breaks, or other malfunctions in the water user's plumbing fixture(s) or irrigation system(s) must be repaired within two (2) business days of a written notification to repair the broken or defective plumbing fixture or irrigation system being delivered to the water user.
- (3) Using potable water for the following actions is prohibited:
 - (B) The application of potable water to driveways and sidewalks;
 - (C) The use of potable water in a water feature, except where the water is part of a recirculating system;
 - (D) The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall;
 - (E) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;
 - (F) Irrigation of ornamental landscape on public street medians;
 - (G) Irrigation outside of newly constructed homes and buildings with potable water unless the potable water is delivered by a drip irrigation systems and/or micro spray irrigation system.
 - (H) Use of potable water for street cleaning with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible);

- (l) Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or other method can be used.
- (4) Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guest room using clear and easily understood language.
- (5) Re-filling and initial filling of single-family residential swimming pools or outdoor spas with potable water is prohibited.
- (6) Filling or re-filling ornamental lakes or ponds with potable water is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to the implementation of any staged Mandatory Restrictions on Water Use.

Sec. 12. Stage 4 Mandatory Restrictions on Water Use

- (a) Stage 4 Mandatory Restrictions on Water Use may be adopted when the [INSERT] determines, in its sole discretion, that drought or other water supply conditions are such that prohibitions on water use beyond those prescribed by the Stage 3 Mandatory Restrictions on Water use are needed to reduce water consumption.
- (b) In addition to the Prohibited Uses of Water outlined in Section 7, the following restrictions on water use are implemented when Stage 4 Mandatory Restrictions on Water Use is in effect:
 - (1) Irrigating ornamental landscape with potable water is prohibited, except when a hand-held bucket or a similar container, or a continuously monitored hose which is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use or monitored is used to maintain vegetation, including trees and shrubs.
 - (2) All leaks, breaks, or other malfunctions in the water user's plumbing fixture(s) or irrigation system(s) must be repaired within one (1) business day of a written notification to repair the broken or defective plumbing fixture or irrigation system being delivered to the water user.
 - (3) Using potable water for the following actions is prohibited:
 - (A) The application of potable water to driveways and sidewalks;

- (B) The use of potable water in a water feature, except where the water is part of a recirculating system;
 - (C) The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall;
 - (D) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;
 - (E) Use of potable water for street cleaning with trucks;
 - (F) Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses.
- (4) Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guest room using clear and easily understood language.
 - (5) Re-filling and initial filling of single-family residential swimming pools or outdoor spas with potable water is prohibited.
 - (6) Filling or re-filling ornamental lakes or ponds with potable water is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to the implementation of any staged Mandatory Restrictions on Water Use.

Sec. 13. Enforcement

[Insert]

Sec. 14. Penalties

- (a) Any person violating or causing or permitting to be violated, any of the provisions of this Chapter, is deemed guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than 30 days. Every such person shall be deemed to be guilty of a separate offense for every day during any portion of which any violation of any provision of this Chapter is committed, continued or permitted by such person, and shall be punishable therefore as provided in this section.
- (b) Notwithstanding any other provision of this code, whenever a violation of any section contained in this Chapter is punishable as a misdemeanor, the [INSERT] may specify that

the offense is an infraction, and proceed with prosecution as an infraction, unless the defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge.

- (c) In addition to all other available remedies, including penalties available pursuant to subsection (a) or (b) of this Section, any person violating or causing or permitting to be violated any provision of this Chapter shall be subject to the following penalties and fines:
 - (1) First Violation: The [INSERT] will issue a written warning and deliver a copy of this ordinance by mail.
 - (2) Second Violation: A second violation within any consecutive twelve (12) month period is punishable by a fine not to exceed one hundred dollars (\$100).
 - (3) Third Violation: A third violation within any consecutive twelve (12) month period is punishable by a fine not to exceed two hundred dollars (\$200).
 - (4) Subsequent Violations: Any subsequent violations within any consecutive twelve (12) month period are punishable by a fine not to exceed five hundred (\$500).
- (d) Separate Offenses: Each day that a person violated provisions of this Chapter shall constitute a separate violation or offense.
- (e) All remedies provided for herein shall be cumulative and not exclusive.

Sec. 15. Severability

If any section, subsection, sentence, clause, or phrase in this Chapter is, for any reason, held invalid, the validity of the remainder of the Chapter shall not be affected. The [INSERT] hereby declares it would have enacted this Chapter and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid.