

ORDINANCE NO. 105

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MARIANA RANCHOS COUNTY WATER DISTRICT AMENDING
ORDINANCE #102 REGARDING VOLUNTARY WATER CONSERVATION AND
RESTRICTING WATER USAGE DURING SHORTAGES AND EMERGENCIES**

WHEREAS, continued overdraft of the groundwater and the limited supply of regional waters has resulted in a challenging water situation; and

WHEREAS, the rapid growth throughout the High Desert has placed and continues to place a substantial strain on the water resources of the Mojave Basin Area; and

WHEREAS, due to persistent inadequate rainfall, California is suffering from chronic and continuing water shortage which is predicted to severely impact the District's service area: and

WHEREAS, The District exists in a climate where periodic droughts will continue to occur and aquifer recharge can be minimal for several consecutive years, and

WHEREAS, the Board of Directors of the Mariana Ranchos County Water District has the power and the authority to adopt and enforce water conservation measures within its service area pursuant to Water Code Section 31026.

WHEREAS, the Board of Directors of the Mariana Ranchos County Water District desires to update its guidelines, rules and regulations governing water usage during water shortage and emergencies by amending Ordinance #102 adopted on February 19, 1990, and adopting an Ordinance that better serves to address the current water shortage.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Mariana Ranchos County Water District as follows:

Section 1. Title

This Chapter shall be known and may be cited as the Mariana Ranchos County Water District Voluntary Water Conservation and Restricting Water Use During Emergencies Ordinance.

Section 2. Purpose and Intent and Findings.

In accordance with Water Conservation the purpose and intent of this Ordinance is to:

- 1.1 The MARIANA RANCHOS COUNTY WATER DISTRICT (“District”) is a public agency created under the County Water District Act, Water Code Sections 30000 et seq. to, among other purposes; provide water service to the water users within the boundaries of the District.
- 1.2 The District is authorized by Water Code Section 375 to adopt an ordinance or resolution by a majority of the members of the governing body after holding a public hearing upon notice and making appropriate findings of necessity for the adoption of a water conservation program, adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving the water supplies of the District.
- 1.3 Implement procedures required to maximize the beneficial use of the available water resources to the extent capable and that the waste or unreasonable use or unreasonable method of use, of water, be prevented and the conservation of such water is to be extended with a view to the reasonable and beneficial use thereof in the interests of the customers of the Mariana Ranchos County Water District.

Sections:

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Section 3.

Definitions

The words used in this Ordinance and Chapter have the meanings set forth below:

- “Board of Directors” shall mean the Board of Directors of the Mariana Ranchos County Water District.
- “Conservation Stage” The level of mandatory water conservation presently required from customers as determined by the Board of Directors in accordance with this Ordinance.
- “Customer” Any person, persons, association, corporation, or other entity supplied with water service from the District.
- “District” shall mean the Mariana Ranchos County Water District.
- “Drought” means a combination of many complex factors acting and interacting with the environment resulting in water supplies not being replenished normally.
- “General Manager” shall mean the person appointed by the Board of Directors to manage the activities of the District, or his designee.
- “Landscape” all portions of a property that are not covered by the foundations of buildings or other structures.
- “Shall or Must” shall mean an action that is mandatory.
- “Water” shall mean that water supplied by the Mariana Ranchos County Water District.
- “Water User” shall mean any person, firm, partnership, association, corporation, or entity using water obtained from the water system of the District.
- “Water Waste” shall mean any unreasonable or non-beneficial use of water, or any unreasonable method of use of water, including but not limited to, the specific uses prohibited and restricted by this Ordinance as hereinafter set forth.

Section 4. Authorization to Implement Restrictions on Water Consumption

The Board of Directors of the District hereby authorizes the General Manager of the District to take specific steps to meet water conservation goals and avoid an imminent danger that the District will be unable to supply sufficient water for human consumption, sanitation, and fire protection, to implement the provisions set forth in this Ordinance.

Section 5. Essential Water Use

During water shortage emergencies, water use may be restricted to essential water uses only. The term “essential water use” is defined to mean water necessary for human consumption, sanitation, and fire protection. All other uses of water that are not specifically required to meet these needs shall be considered non-essential.

Section 6. Mandatory Water Conservation Stages

No customer shall make, cause, use or permit the use of water from the District for any residential, commercial, industrial, agricultural, governmental, or any other purpose in manner contrary to any provision of this Ordinance or in an amount in excess of that use permitted by the Conservation Stage then in effect. for the purposes of this Ordinance, any use of water on the subject property shall imputed to the customers including without limitation, any use by a tenant or an employee, agent, contractor or other entity or individual.

The following Ordinance associated with the Conservation Stages, described below, will be effective immediately upon declaration and approval of the Board of Directors. There shall be four water Conservation Stages.

Section 6.A. Conservation Stage I: Water-Use Regulations.

A. Customers’ overall water –use reduction target: 5%.

B. Customers’ outdoor water-use reduction target: 15%.

1. There shall be no hose washing of sidewalks, walkways, buildings, wall, patios, and driveways, parking areas or other paved surfaces except to eliminate conditions dangerous to public health or safety.
2. No water users shall cause or allow the water to run off landscape areas into adjoining streets, sidewalks, or other paved areas due to incorrectly directed or maintained sprinklers or excessive watering.
3. Landscape irrigation will only be permitted two days per week.

4. No water shall be used to clean, fill or maintain levels in decorative fountains, ponds or other similar aesthetic structures unless such water is part of a closed recycling system.
5. Washing of livestock, vehicles, trailers, buses, or boats anywhere must be conducted with the use of a bucket and hose equipped with a shut-off nozzle.
6. Use of water fire hydrants, except for fire protection or with authorization from the General Manager is prohibited.
7. All residential, public and recreational swimming pools, of all sizes, shall use evaporation resistant covers and shall re-circulate water.
8. All water users shall promptly repair all leaks from indoor and outdoor plumbing fixtures.

Section 6.A Conservation Stage II: Water –Use Regulations

A. Customers’ overall water-use reduction target: 10%.

B. Customers’ outdoor water-use reduction target: 30%.

1. In addition to all requirements of Stage I.
2. Outdoor irrigation will be permitted only two (2) days per week and will be specified by the District.
3. No washing of vehicles, trailers, buses or boats anywhere but at commercial car washes.
4. No new lawn or grass shall be permitted at any location.

Section 6.B. Conservation Stage III: Water-Use Regulations

A. Customers’ overall water-use reduction target: 25%.

B. Customers’ outdoor water-use reduction target: 60%.

1. In addition to all requirements of Stages I & II.
2. Outdoor irrigation will be permitted only on days authorized by the District.
3. No reseeding of lawns.
4. No new turf will be permitted at any location.
5. No washing of vehicles, trailers, buses or boats will be permitted.

6. No water shall be used for fountains, ponds or other similar aesthetic structures.
7. No water shall be used for the filling of swimming pools

Section 6.C. Conservation Stage IV: Water-Use Regulations

A. Customers' overall water-use reduction target: 45%.

B. Customers' outdoor water-use reduction target: 100%.

1. In addition to all requirements of Stages I, II & III.
2. No outdoor water use shall be permitted.
3. No landscape irrigation will be permitted.
4. Use of water from fire hydrants, except for fire protection purposes is prohibited.
5. No water shall be used for soil compaction or dust control.

For quick reference, a summary of the regulations associated with the four (4) water Conservation Stages described in this Ordinance is set forth in the following table.

Stage I	Stage II	Stage III	Stage IV
Customers reduce use by 5%	Customers reduce Use by 10%.	Customers reduce Use by 25%.	Customers reduce Use by 45%
Even/odd watering Schedule, 15% Reduction in outdoor water use.	Designated 3 days a week watering schedule, 30% reduction in outdoor water use.	Authorized only watering schedule target 60% reduction in outdoor use.	No outside water use.
Promote indoor Water use Conservation.	5% reduction in indoor water use.	10% reduction in indoor water use.	20% reduction in indoor water use.
Permits required for New turf with size Limit, 900 sq.ft.	No new turf permitted.	No reseeding of lawns.	No new turf permitted
		No turf irrigation permitted.	No outside water use permitted.
		No District water for fountains, ponds or new or unfilled pools.	No District water for fountains, ponds or new or unfilled pools.
No District water for soil compaction or dust control.	No District water for soil compaction or dust control.	No District water for soil compaction or dust control.	No District water for soil compaction or dust control.

The water-use restrictions, listed in Conservation Stages I-IV, provide general water use regulations to be implemented during water shortage and /or emergencies. Additional restrictions and/or changes in the Stages may be recommended by the Board of Directors whenever it determines necessary.

Section 7. Failure to Comply.

Violations of this Ordinance may result in either Criminal Charges and/or Civil Penalties, installation of a flow restrictor device or the termination of service in the manner set forth in the failure to comply provisions of this Ordinance #105 as now written or as amended from time to time.

Section 7A. Criminal Penalties for Violation.

Water Code Section 31029 makes any violation of this Ordinance a misdemeanor, and upon conviction thereof, the violator shall be punished by imprisonment, fine or by both as may be allowed by law.

Section 7B. Civil Penalties for Violation

In addition to criminal penalties, violators of the mandatory provisions of this Ordinance shall be subject to civil action initiated by the District, as follows:

1. First violation. For a first violation, the District shall issue a written notice of violation to the water user violating the provisions of this Ordinance. Written notice shall be given to the customer/property owner personally or by depositing the notice in the U.S. Mail.
2. Second Violation: \$50.00 surcharge. For a second violation of this Ordinance within a 12-month period, or failure to comply with the notice of violation within the period stated, a surcharge of \$50.00 is hereby imposed for the meter through which the wasted water was supplied. Notice shall be given by personal service to the customer and/or the property owner and by Certified Mail, Return Receipt Requested.
3. Third Violation: \$100.00 surcharge. For a third violation of this Ordinance within a 12-month period, or for continued failure to comply within 30 days after notice and imposition of second violation sanctions a surcharge of \$100.00 is hereby imposed for the meter through which the wasted water was supplied. Notice shall be given by personal service to the customer and/or property owner and by Certified Mail, Return Receipt Requested.
4. Installation of a flow-restrictor. In addition to any surcharge, the District may, at its discretion, install a flow-restricting device at such meter on the service of the customer at the premise at which the violation occurred for a period of at least one billing cycle or until the District determines that the water user has provided reasonable assurances that future violations of this Ordinance by such user will not occur.
5. Discontinuance of Service. For any subsequent violations of this Ordinance within the 24 calendar months after said first violation the District may discontinue water service to that customer at the premises or to the meter where the violation occurred. The charge for reconnection and restoration of normal service shall be as provided in the Rules and Regulations of the District. Such restorations of service shall not be made until the General Manager of the District has determined that the water user has provided reasonable assurances that future violations of this Ordinance by such user will not occur.

Section 8.

Severability

If any section, subsection, sentence, clause or phase of this Ordinance is for any reason held to be unconstitutional or invalid, such decisions shall not effect the validity of the remaining portions of this Ordinance.

Section 9.

Effective Date

This Ordinance shall become effective immediately after adoption.

Section 10. Repeal of Conflicting Provisions

Any provisions of the District Water Code found to be in conflict with this Ordinance is hereby repealed. This Ordinance will always take precedence.

BE IT FURTHER RESOLVED that this Ordinance supersedes and replaces Ordinance 102 adopted by the District on February 13, 1990, which is hereby rescinded.

PASSED, APPROVED AND ADOPTED this 15th day of May, 2014 by
The following vote:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

Ronald Dodge,
President of the Board of Directors

ATTEST:

Phyllis Walker,
Secretary of the Board of Directors