

**ORDINANCE NO. 62**

**AN ORDINANCE OF PICO WATER DISTRICT  
TO ESTABLISH WATER USE EFFICIENCY REQUIREMENTS AND  
WATER SUPPLY SHORTAGE LEVELS**

**WHEREAS**, a reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the Southern California region; and

**WHEREAS**, careful water management that includes active water conservation measures at all times is essential to ensure a reliable supply of water to meet current and future water supply needs within Pico Water District's service area; and

**WHEREAS**, Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof; and

**WHEREAS**, California Water Code Section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies; and

**WHEREAS**, Section 8.07 of the Pico Water District (District) Rules and Regulations ensures that water resources available to the District are put to a reasonable beneficial use and that the benefits of the District's water supply and service extend to the greatest number of persons; and

**WHEREAS**, California Governor Edmund G. Brown, Jr. has on three occasions since January 2014 declared California to be in a state of drought emergency, including on April 1, 2015 when he issued an Executive Order requiring a 25% reduction statewide; and

**WHEREAS**, on July 25, 2014, the State Water Resources Control Board approved certain emergency water use regulations, which it subsequently amended on March 17, 2015 and which took effect on March 27, 2015; and

**WHEREAS**, on May 5, 2015, the State Water Resources Control Board approved further amendments to its emergency water use regulations to implement Governor Brown's April 1 Executive Order, including the requirement for the District to reduce potable water production by 24% as compared to its 2013 potable water production; and

**WHEREAS**, the adoption and enforcement of a water conservation and supply shortage program is necessary to manage the District's potable water supply to comply with the requirements of the State Water Resources Control Board's emergency water use regulations and Governor Brown's April 1, 2015 Executive Order, and to avoid or minimize the effects of drought and shortage within the District in order to ensure a reliable and sustainable supply of water for the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED**, that the Board of Directors of Pico Water District hereby:

**Section 1.** Through its adoption of this Ordinance, the Board of Directors hereby repeals any prior ordinance, resolution or other action taken by the District's Board of Directors with respect to water use or water shortage restrictions, including, but not limited to District Resolution Nos. 56B-R, 56C-R and 130-R.

**Section 2.** The purpose of the Ordinance is to establish water conservation and supply shortage levels that will reduce water consumption within the District through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the District to avoid and minimize the effect and hardship of water shortage on the District and its customers to the greatest extent possible.

**Section 3.** This Ordinance establishes permanent water conservation standards intended to alter behavior related to water use efficiency at all times and further establishes four (4) stages of water supply shortage response actions 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 and decreasing supplies.

**Section 4. Definitions** - the following words and phrases whenever used in this ordinance shall have the meaning defined in this section:

- A. "District" means the Pico Water District.
- B. "City" means the City of Pico Rivera.
- C. "Person" means any natural person or persons, corporation, partnership, limited liability company, public or private entity, governmental agency or institution, or any other use of water provided by the District.
- D. "Landscape Irrigation System" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.
- E. "Large Landscape Areas" means a lawn, landscape or other vegetated area, or combination thereof, equal to more than one (1) acre of irrigable land.
- F. "Single Pass Cooling Systems" means equipment where water is circulated only once to cool equipment before being disposed.
- G. "Potable Water" means water that is suitable for drinking.

H. "Recycled Water" means the reclamation and reuse of non-potable water for beneficial use.

I. "Billing Unit" means the unit of water used to apply water rates for the purposes of calculating water charges for a person's water usage (i.e., 100 cubic feet or 748 gallons).

#### **Section 5. Application**

A. The provisions of this Ordinance apply to any person in the use of any potable water provided by the District.

B. The provisions of this Ordinance do not apply to uses of water necessary to protect public health and safety or for essential governmental services, such as police, fire or other similar emergency services.

C. The provisions of this Ordinance do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.

D. This Ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, state or local statutes, ordinances or regulations relating to protection of water quality or control of drainage or runoff.

E. The provisions of this ordinance do not apply to the use of recycled water.

#### **Section 6. Water Use Efficiency Requirements & Prohibition Against Waste**

The following water conservation requirements are effective at all times and are permanent requirements in accordance with the District governing act and Rules and Regulations. Violations of this section will be considered waste and an unauthorized use of water, which will result in penalties outlined in Section 13, below.

A. **Limits on Watering Hours.** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 10:00 a.m. and 4:00 p.m. Pacific Daylight Time or Pacific Standard Time, as applicable, on any day, except for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

B. **Limit on Watering Duration.** Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended to is limited to no more than fifteen (15) minutes of water per day per station is prohibited. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a seventy percent (70%) efficiency standard.

C. **No Excessive Water Flow or Runoff.** Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.

**D. No Washing Down Hard or Paved Surfaces.** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high pressure cleaning machine equipped to recycle any water used or a low-volume high-pressure water broom.

**E. Obligation to Fix Leaks, Breaks or Malfunctions.** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected, and in no event more than fourteen (14) days of receiving notice from the District, is prohibited.

**F. Re-circulating Water Required for Water Fountains and Decorative Water Features.** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.

**G. Limits on Washing Vehicles.** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.

**H. Drinking Water Served Upon Request Only.** Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, club or other public place where food or drinks are sold, served or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.

**I. Commercial Lodging Establishments Must Provide Option to Not Launder Linen Daily.** Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments shall prominently display notice of this option in each bathroom using clear and easily understood language.

**J. No Installation of Single Pass Cooling Systems.** Installation of single pass cooling systems is prohibited in buildings requesting new water service.

**K. No Installation of Non-re-circulating Commercial Car Wash and Laundry Systems.** Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.

**L. Restaurants Required to Use Water Conserving Dish Wash Spray Valves.** Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.

**M. Negligent Waste of Water:** At the discretion of the General Manager, the District reserves the right to determine negligent waste or misuse of water supplies. Such water use constitutes an unauthorized waste of water and is subject to imposition of the penalties outlined in Section 13, below.

N. **Watering During and After a Rain Event:** Watering or irrigating any lawn, landscape or other vegetated area with potable water during, or within 48 hours after a measurable rain event at the customer's location is prohibited.

O. **Prohibition on Watering of Public Street Medians:** The irrigation of ornamental turf on public street medians with potable water is prohibited.

**Section 7. Level 1 Water Supply Shortage – (10% - 15% Reduction of Water Use)**

A Level 1 Water Supply Shortage exists when the District through its Board of Directors determines, that due to drought, a water supply shortage or a threatened water shortage exists and customer use reductions are necessary to comply with state requirements and to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the District's Board of Directors of a Level 1 Water Supply Shortage condition, the District will implement the mandatory Level 1 conservation measures identified in this section.

A. **Additional Water Conservation Measures.** In addition to the prohibited uses of water identified in Section 6, the following water conservation requirements apply during a declared Level 1 Water Supply Shortage.

B. **Limits on Watering Hours:** During times of water shortage (as declared by the Board), watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 10:00 A.M. and 4:00 P.M. Pacific Standard Time or Pacific Daylight Time, as applicable, on any day, except for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

C. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within five (5) days after written notification by the District unless other arrangements are made with the District.

**Section 8. Level 2 Water Supply Shortage – (15% - 25% Reduction of Water Use)**

A Level 2 Water Supply Shortage exists when the District through its Board of Directors determines, that due to drought, a water supply shortage or a threatened water shortage exists and customer use reductions are necessary to comply with state requirements and to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the District's Board of Directors of a Level 2 Water Supply Shortage condition, the District will implement the mandatory Level 2 conservation measures identified in this section.

A. **Additional Water Conservation Measures.** In addition to the prohibited uses of water identified in Sections 6 and 7, the following water conservation requirements apply during a declared Level 2 Water Supply Shortage:

B. **Limits on Watering Days.** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to three (3) days per week. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than two (2) days per week on a schedule established and posted by the District. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water

per hour. This provision also does not apply to watering or irrigating for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

C. **Obligation to Fix Leaks, Breaks or Malfunctions.** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two (72) hours of notification by the District unless other arrangements are made with the District.

D. **Other Prohibited Uses.** The District may implement other prohibited water uses as determined by the District's Board of Directors, after written notice is provided to District customers.

**Section 9. Level 3 Water Supply Shortage – Emergency Condition (25% - 35% Reduction of Water Use)**

A Level 3 Water Supply Shortage exists when the District through its Board of Directors determines, that due to drought, a water supply shortage or a threatened water shortage exists and customer use reductions are necessary to comply with state requirements and to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the District's Board of Directors of a Level 3 Water Supply Shortage condition, the District will implement the mandatory Level 3 conservation measures identified in this section.

A. **Additional Water Conservation Measures.** In addition to the prohibited uses of water identified in Sections 6, 7 and 8 the following water conservation requirements apply during a declared Level 3 Water Supply Shortage:

B. **Watering Days.** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two (2) days per week on a schedule established and posted by the District. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one (1) day per week on a schedule established and posted by the District. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

C. **Obligation to Fix Leaks, Breaks or Malfunctions.** All leaks, breaks or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight (48) hours of notification by the District unless other arrangements are made with the District.

D. **Limits on Filling Ornamental Lakes or Ponds.** Filling or re-filling ornamental lakes or ponds 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 declaration of a supply shortage level under this ordinance.

E. **Limits on Filling Residential Swimming Pools & Spas:** Re-filling of water constituting more than one foot of depth, and initial filling of, residential swimming pools or outdoor spas with potable water is prohibited.

F. **Other Prohibited Uses.** The District may implement other prohibited water uses as determined by the District's Board of Directors, after written notice is provided to District customers.

G. **Mandatory Percentage Use Reductions.** During a Level 3 Water Supply Shortage condition, all customers will be required to reduce water consumption by a percentage determined by

the District's Board of Directors.

**Section 10. Level 4 Water Supply Shortage – Emergency Condition (35% - 50% Reduction of Water Use)**

A. A Level 4 Water Supply Shortage condition is also referred to as an "Emergency" condition. A Level 4 condition exists when the District's Board of Directors declares a water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to ensure sufficient supplies will be available to meet anticipated demands. Upon the declaration of a Level 4 Water Supply Shortage Emergency condition, the District will implement the mandatory Level 4 conservation measures identified in this section.

B. A Level 4 Water Supply Shortage Emergency exists when the District's Board of Directors declares a water shortage emergency condition pursuant to California Water Code section 350 and notifies its residents and businesses that more than a thirty-five percent (35%) consumer demand reduction is required to ensure sufficient supplies for human consumption, sanitation and fire protection. The District must declare a Water Supply Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350.

C. **Additional Conservation Measures.** In addition to the prohibited uses of water identified in Sections 6, 7, 8 and 9 the following water conservation requirements apply during a declared Level 4 Water Supply Shortage Emergency:

D. **No Watering or Irrigating.** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited. This restriction shall not apply to the following categories of use unless the District's Board of Directors has determined that recycled water is available and may be lawfully applied to the use:

1. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or a very low- flow drip type irrigation system when no emitter produces more than two (2) gallons of water per hour subject to the hour restrictions in Section 6;
2. Maintenance of existing landscape necessary for fire protection;
3. Maintenance of existing landscape for soil erosion control;
4. Maintenance of plant materials identified to be rare or essential to the wellbeing of rare animals;
5. Maintenance of landscape within active public parks and playing fields, day care center, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week.
6. Public works projects and actively irrigated environmental mitigation projects.

E. **Obligation to Fix Leaks, Breaks or Malfunctions.** All leaks, breaks or other malfunctions in the water user's plumbing or distribution system must be repaired within twenty-four

(24) hours of notification by the District unless other arrangements are made with the District.

F. **No New Potable Water Service.** Upon declaration of a Level 4 Water Supply Shortage Emergency condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has already been issued for the project; or
2. The project is necessary to protect the public's health, safety and welfare; or
3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District.
4. This provision does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less.

G. **Discontinue Service:** The District, in its sole discretion, may discontinue service to consumers who willfully violate provisions of this section.

H. **Other Prohibited Uses:** The District may implement other prohibited water uses as determined by the District's Board of Directors, after written notice is provided to District customers.

**Section 11. Procedures for Determination and Notification of Water Supply Shortage** The existence of Level 1, Level 2, Level 3, or Level 4 Water Supply Shortage conditions may be declared by resolution and adopted at a regular or special Board meeting held by the District's Board of Directors in accordance with state law. The mandatory conservation requirements applicable to Level 1, Level 2, Level 3, or Level 4 conditions will take effect on the tenth (10<sup>th</sup>) day after the date the applicable level is declared. Within five (5) days following the declaration of the shortage level, the District must publish a copy of the resolution in a newspaper used for publication of official notices.

**Section 12. Hardship Waiver**

A. **Undue and Disproportionate Hardship:** If, due to unique circumstances, a specific requirement of this Ordinance would result in undue hardship to a District customer, then the customer may apply for a waiver to the requirements as provided in this section.

B. **Written Finding:** The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a customer.

C. **Application:** Application for a waiver must be on a form provided by the District (if applicable) or the person requesting the waiver must provide written justification supporting the purported hardship.

D. **Supporting Documentation:** The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant, that demonstrates the customer's purported hardship.



E. **Required Findings for Waiver:** An application for a waiver will be denied unless the General Manager finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, that because of special circumstances applicable to the property or its use, the strict application of this Ordinance would have a disproportionate impact on the property or use that exceeds the impacts to other District residents or businesses.

F. **Approval Authority:** The District's General Manager shall consider the application requesting the waiver and shall notify the applicant in writing of the General Manager's decision on the application. Any denial of the application for a hardship waiver may be appealed to the District's Board of Directors within fifteen (15) days of the date of the General Manager's written notice to the applicant by submitting to the District's General Manager within that fifteen (15) day period a written notice of appeal. The Board of Directors shall thereafter consider that application within one of the next two regularly scheduled Board of Directors' meetings after the District has received that notice of appeal, and the Board's decision on the appeal shall be final. Unless specified otherwise at the time a waiver is approved, the waiver will apply to the subject property during the period of the mandatory water supply shortage condition.

### **Section 13. Penalties and Violations**

A. **Violations:** Violations of any provision of this Ordinance shall be considered an unauthorized use of water and subject to penalties as set forth in subdivision B, below. In addition, persistent violations (i.e., after four violations in any twelve (12) calendar month period) may result in the disconnection of water service to a property, as provided in Section 8.07(A) and (D) of the District's Rules and Regulations.

B. **Penalties:** Penalties for failure to comply with any provisions of the ordinance are as follows, provided, however, that the District's General Manager shall have the discretion to waive any such penalty if the violating customer provides information or documentation that justifies such a waiver:

1. **First Violation:** The District will issue a written notice of non-compliance and deliver a copy of this Ordinance by mail.
2. **Second Violation:** For a second violation within the preceding twelve (12) calendar months, the District will issue a final written notice of non-compliance.
3. **Third Violation:** A third violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed one hundred dollars (\$100).
4. **Fourth Violation:** A fourth violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed two hundred dollars (\$200).
5. **Fifth and Subsequent Violations:** A fifth violation, and any subsequent violation, within the preceding twelve (12) calendar months is punishable by a fine not to exceed five hundred dollars (\$500) per violation.

C. **Water Flow Restrictor:** In addition to any fines, the District may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch in size and comparatively sized restrictors for larger services after providing written notice to the customer of intent to install a flow restrictor for a minimum of forty eight (48) hours prior to such installation.

D. **Cost of Flow Restrictor and Disconnecting Service:** A person or entity that violates this Ordinance is responsible for payment of the District's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the District's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device and disconnection service must be paid to the District before water supply is returned to active service. Nonpayment will be subject to the same remedies as nonpayment of basic water rate established in the District's Rules and Regulations.

E. **Separate Offenses:** Each day that a violation of this ordinance occurs is a separate offense.

F. **Appeal to the Board:** The District will issue a Notice of Violation when its staff witnesses a violation or receives a complaint of violation and District staff confirms the violation has occurred. When such a violation occurs, District staff will provide the Notice of Violation in person, and/or by mail. The specific enforcement action set forth in B, above, will be provided along with the Notice of Violation, and, if applicable, the date by which any corrective action must be taken. Individuals receiving a Notice of Violation (NOV) may appeal the NOV to the District by filing a written notice of appeal within ten (10) days of receiving the NOV and addressing their letter of appeal to the General Manager. Any NOV not timely appealed will be final. Upon receipt of a timely appeal, the General Manager will review the request and make a finding on the appeal. If the General Manager denies the appeal, then he will provide his finding to the resident and inform them that if they wish to have their appeal considered by the District's Board of Directors they must submit a letter addressed to the Board President and General Manager requesting the Board to consider their appeal. Upon receipt of the letter the General Manager will then provide all documents for the Board to consider at the next regularly scheduled Board Meeting. While the appeal is being considered all water charges are to be paid in full, and only the water wasting penalties will be placed on hold.

G. **Reporting Mechanism:** Residents who wish to report incidents of water waste can call the District office at (562) 692-3756 and leave a message or go online to the District's website at ([www.picowaterdistrict.net](http://www.picowaterdistrict.net)) and report such waste through the Customer Service & Billing tab.

#### **Section 14. Effective Date**

A. This Ordinance shall be effective upon adoption, and shall continue until such time as the Board decides to terminate Ordinance 62. Ordinance 62 shall be published once a week for two weeks in the Whittier Daily News newspaper.

**ADOPTED, APPROVED AND EXECUTED BY THE BOARD OF DIRECTORS OF PICO WATER DISTRICT the 3rd day of June, 2015**

The vote on this Ordinance was as follows:

AYES:

NOES:

ABSTENTIONS:

  
E.A. "Pete" Ramirez, Vice President

ATTEST:

  
Mark J. Grajeda, Secretary

(Seal)