

ORDINANCE NO. 93

ORDINANCE OF THE BOARD OF DIRECTORS OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND SAN BERNARDINO COUNTIES, CALIFORNIA, RESCINDING ORDINANCE NO. 72 IN ITS ENTIRETY; AND ADOPTING VOLUNTARY AND MANDATORY CONSERVATION MEASURES AND RECOMMENDING AND/OR REQUIRING CERTAIN WATER CONSERVING MEASURES

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

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

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

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

WHEREAS, a Memorandum of Understanding was made and entered into by and between the District and the City of Ridgecrest (City) for the mutual goal of conserving groundwater and adopting a water efficient landscape ordinance.

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

SECTION 1. TITLE

This Section shall be known and may be cited as the Water Efficient Landscape Ordinance.

SECTION 2. PURPOSE AND INTENT

- A. Promote the values and benefits of landscaping while recognizing the need to utilize water and other resources as efficiently as possible;
- B. establish a water conservation plan to reduce water consumption in the residential and commercial landscape environment by encouraging single-family residential water conservation, and, in multi-family, commercial and manufacturing zone districts, limiting the use of turf and requiring the utilization of low water use plant materials in new projects;
- C. establish provisions for water management practices and water waste prevention for new development;
- D. establish a plan for designing, installing and maintaining water efficient landscapes in new projects; and
- E. implement a more efficient use of water through swimming pool and water body design by the use of efficient water body management and proper recirculation of water.

SECTION 3. DEFINITIONS

Approved Plant List shall mean the list formulated by District staff and approved and/or modified by the District Board of Directors.

Drainage system shall mean a landscape or irrigation system design to drain the water to be reused on the property or to channel the water off the property.

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

Emitter shall mean a drip irrigation component that dispenses water to plants at a predictable rate, measured in gallons or liters per hour.

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

Irrigation Systems shall mean appropriately designed system that utilizes water sprinklers, emitters and bubblers.

Landscape area shall mean all permeable area located on the property and land set aside exclusively for shrubs, flowers, trees, water features and other landscape material to enhance the natural beauty of an area.

Low volume irrigation systems shall mean appropriately designed irrigation systems that utilize low volume sprinklers appropriate to the climatic and site factors. Such heads include low volume sprinkler heads, drip emitters and bubbler emitters.

Low water use plants shall mean trees, shrubs and ground covers that survive with a limited amount of supplemental water as recommended by the Approved Plant List or as identified in the booklet "*Landscape Plants for the California High Desert*" published by the Indian Wells Valley Water District, Rosamond Community Services District, Palmdale Water District, City of Palmdale, Kern County Water Agency and Naval Air Weapons Station China Lake. A copy of the Approved Plant List and booklet shall be on file and available for inspection in the City Planning Department and Indian Wells Valley Water District Offices. Other plant material that is believed to be low water use may be added to the Approved Plant List by special application to the Indian Wells Valley Water District or City Planning Commission.

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

Recycling shall mean the reuse of water in a pool or pond through a series of pumps and filters.

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

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

SECTION 4: APPLICABILITY

All new developer, homeowner and/or commercial installed landscape projects within the boundaries of the District shall be subject to this Ordinance as well as Ordinances No. 90 and/or 91 adopted by the District Board of Directors on December 14, 2009. All water users within the boundaries of the District shall be subject to Section 9 of this Ordinance

SECTION 5: SINGLE-FAMILY RESIDENTIAL LANDSCAPE PROCEDURE

- A. All new single-family residential landscape projects are subject to District Ordinance No. 90 which imposes mandatory restrictions on landscaping. All existing single-family residential landscape projects which are not subject to Ordinance No. 90 are encouraged to abide by these recommendations. Existing landscape areas larger than one acre may be audited so recommendations can be made for water savings.
- B. The following is recommended for all single-family residential homes:
1. Turf landscaping should not exceed 2,000 square feet of single-family residential lots 10,000 square feet or smaller.
 2. Turf landscaping should not exceed 3,000 square feet of single-family residential lots 10,001 square feet or larger.
 3. Irrigation and Landscape Design. Homebuilders, developers and/or landscape contractors should provide the residential customer an irrigation design and landscape design that would, if installed, demonstrate compliance with this Ordinance. Low volume irrigation systems will be demonstrated along with low water use plant material.
 4. The irrigation design needs to show proper drainage to eliminate water waste.
 5. Irrigation Drainage. All irrigation water is to remain on property during normal water run cycle, such that there is minimal or limited runoff from the area being irrigated, specifically onto sidewalks and streets.

SECTION 6. MULTI-FAMILY RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL LANDSCAPE PROCEDURE

- A. All new landscape projects for multi-family residential, commercial, industrial or institutional are subject to District Ordinance No. 91.

- B. The following limitations apply:
 - 1. Turf and/or any plants not on the Approved Plant List are limited up to 50% of the landscape area.
 - 2. Only the plants from the Approved Plant List, on file and maintained by the District, shall be used within the remaining Landscape Area.
 - 3. The irrigation system in the remaining Landscape Area must be a Low Volume Irrigation System.
 - 4. All of the Landscape Area shall be designed to eliminate any runoff.
 - 5. An irrigation and landscape plan shall be submitted to the City of Ridgecrest Planning Department, containing low volume irrigation systems and low water use plants. The irrigation plan shall demonstrate drainage to eliminate water waste. The plan must provide adequate water supply such that all of the water needed can be delivered every other day within the water window of 8:00 PM – 8:00 AM during the months of May, June, July, August, September and October.
 - 6. Irrigation Drainage. All irrigation water is to remain on property during normal water run cycle, such that there is no runoff from the area being irrigated, specifically onto sidewalks and streets.

SECTION 7. SWIMMING POOLS AND WATER BODIES

- A. Public and private swimming pools and water bodies over 300 square feet shall adhere to the goal of water efficiency as set forth in this Section.
 - 1. New swimming pools shall have a swimming pool cover.
 - 2. New swimming pools shall have a drainage plan.

3. Water features including swimming pools must have recycling or recirculation features.

SECTION 8. APPROVED PLANT LIST

The Approved Plant List is a recommendation for existing single-family and multi-family dwellings, commercial and/or institutional development. The Approved Plant List is a requirement for new development subject to District Ordinances No. 90 and 91.

SECTION 9. MANDATORY MEASURES

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

- A. No water user shall waste water. For the purposes of this section enforcement shall be to that degree necessary to prevent the waste of water. "Waste" means the following:
 1. Landscape irrigation to an extent which allows water to runoff the area being irrigated, specifically onto sidewalks and streets creating an undue, continuous flow of water.
 2. Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume water broom, high-pressure cleaning machine equipped to recycle any water used. General maintenance cleaning shall be performed by other means such as by using a broom.
 3. Knowingly allowing water to leak through water connections, hoses, faucets, pipes, outlets or plumbing fixtures.
 4. Limits on washing vehicles: Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat, motor home, or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility that recycles water.

- B. Landscape shall not be irrigated on the surface, except for hand watering and/or the use of a drip irrigation system, between the hours of 8:00 AM – 8:00 PM during the months of May, June, July, August, September and October unless a special permit is issued to accommodate newly planted material.
- C. No water shall be provided to any structure hereafter constructed or remodeled unless the plumbing fixtures to be installed conform to requirements of law as to flow capacity.

SECTION 10. NOTICE AND PENALTIES

- A. Upon confirmation by the District of any violation of this Ordinance, the District shall provide written notice along with educational materials to the owner of record and/or occupant. The notice shall be dated and shall specify the address, the nature of the violation, list the steps that must be taken to comply with this Ordinance and the name and telephone number of a District staff person whom additional information can be obtained. In addition, the notice shall advise the owner/occupant that termination of water service will result from continued non-compliance. These provisions are for a first violation within any consecutive twelve month period.
- B. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 10.A above, within a reasonable amount of time, a second violation shall occur and a second notice containing the information specified in Section 10.A above shall be issued. The second violation shall impose a fine in an amount not to exceed Fifty Dollars (\$50.00) and will be charged to and billed on the water user's account.

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

- C. If the owner/occupant fails to comply with the requirements of the notice pursuant to Section 10.B above, within a reasonable amount of time, a third violation shall occur and a third notice containing the information specified in Section 10.A shall be issued. The third violation shall impose a fine in an amount not to exceed Two Hundred Dollars (\$200.00) and will be charged to and billed on the water user's account.

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

SECTION 11. EXTENSION

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

SECTION 12. APPEAL

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

SECTION 11. ADMINISTRATIVE EXCEPTIONS

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

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

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

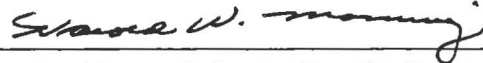
SECTION 12. EFFECTIVE DATE

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

SECTION 13. PUBLICATION

1. The Secretary is hereby directed to cause this Ordinance to be published once in full in a newspaper of general circulation, printed, published and circulated within the District.

ADOPTED this 10th day of May, 2010.



Vice-President of the Indian Wells Valley Water
District Board of Directors

ATTEST



Secretary of the Indian Wells Valley Water
District Board of Directors

(SEAL)