

ORDINANCE NO. 1007

**AN ORDINANCE OF THE VALLEY OF THE MOON WATER DISTRICT
INSTITUTING WATER WASTE PROHIBITIONS**

SECTION 1. The Valley of the Moon Water District does hereby ordains as follows:

The Regulations of the Valley of the Moon Water District hereby amended by adding Section 12 to read as follows:

“Section 12 - Water Waste Prohibitions

A. Purpose. The purpose of this Section is to promote water conservation and the efficient use of potable water furnished by the Valley of the Moon Water District by eliminating intentional or unintentional water waste when a reasonable alternative solution is available, and by prohibiting use of equipment which is wasteful.

B. Nonessential Uses. No customer of the Valley of the Moon Water District shall use or permit the use of potable water from the Valley of the Moon Water District for residential, commercial, institutional, industrial, agricultural, or other purpose for the following nonessential uses:

1. The washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;
2. The escape of water through breaks or leaks within the customer’s plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the Valley of the Moon Water District, is a reasonable time within which to correct such break or leak or, at a minimum, to stop the flow of water from such break or leak;
3. Irrigation in a manner or to an extent which allows excessive run off of water or unreasonable over-spray of the areas being watered. Every customer is deemed to have his water system under control at all times, to know the manner and extent of his water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
4. Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle;

5. Water for non-recycling decorative water fountains;
6. Water for single pass evaporative cooling systems for air conditioning in all connections installed after June 6, 2000 unless required for health or safety reasons;
7. Water for new non-recirculating conveyor car wash systems; and
8. Water for new non-recirculating industrial clothes wash systems.

C. Exempt Water Uses. All water use associated with the operation and maintenance of fire suppression equipment or employed by the Valley of the Moon Water District for water quality flushing and sanitation purposes shall be exempt from the provisions of this section. Use of water supplied by a private well or from a reclaimed wastewater, gray water or rainwater utilization system is also exempt.

D. Variations. Any customer of the Valley of the Moon Water District may make written application for a variance. Said application shall describe in detail why applicant believes a variance is justified.

1. The General Manager of the District may grant variances for use of water otherwise prohibited by this section upon finding and determining that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public; or, cause an unnecessary and undue hardship on applicant or public, including but not limited to, adverse economic impacts, such as loss of production or jobs.
2. The decision of the General Manager of the District may be appealed to the Board of Directors by submitting a written appeal to the District within fifteen (15) calendar days of the date of the decision. Upon granting any appeal, the Board of Directors may impose any conditions it determines to be just and proper. Variances granted by the Board of Directors shall be prepared in writing and the Board of Directors may require the variance be recorded at applicant's expense.

E. Enforcement and Fees. Depending on the extent of the water waste the District may, after written notification to customer and a reasonable time to correct the violation as solely determined by the District, take some or all of the following actions. Penalties, fees and charges noted below shall be established by resolution of the District. The penalties listed in Sections E3, E4 and E5 below will be applied only in acute emergencies as determined and publicly announced by the General Manager, or after the Board has declared a Stage 2 or equivalent water shortage condition.

1. Written notice to the customer of the water waste violation including a specified period of time to correct the violation.
2. Personal contact with the customer at the address of the water service. If personal contact is unsuccessful, written notice of the violation including a date that the violation is to be corrected may be left on the premises, with a copy of the notice sent by certified mail to the customer.
3. The District may install a flow-restricting device on the service line.
4. The District may levy a water waste fee to the customer.
5. The District may cause termination of water service and the charge for same shall be billed to the customer. Except in cases of extreme emergency as solely determined by the General Manager of the District, service shall not be reinstated until verified by the District that the violation has been corrected and all charges and fees have been paid.

SECTION II. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be invalid, the validity of the remaining portion of this ordinance shall not be affected.

SECTION III. FINDINGS

A. This Ordinance is enacted in accordance with California Water Code section 375, *et seq.* and for the purpose of insuring that all water furnished by the District is put to reasonable beneficial use, to prevent the waste of water, and to promote efficient use and conservation of water.

B. The District determines that this ordinance is a Class 7 categorical exemption under section 15307 of the California Environmental Quality Act, which exempts actions by regulatory agencies for protection of natural resources.

SECTION IV. EFFECTIVE DATE

This ordinance shall become effective upon its adoption.

SECTION V. PUBLICATION

Within ten (10) days after its adoption, this resolution shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation that is printed, published, and circulated in the District. If there is no such newspaper the resolution shall be posted within ten (10) days after its adoption in three public places within the District.

