

## Exhibit A

### 14.04.160 – Unreasonable and Wasteful Water Use.

- A. Unreasonable and Wasteful Water Use. No customer shall unreasonably or wastefully use district's water. Where water is unreasonably or wastefully used on a customer's premises, the district may fine the customer after giving the customer notice if such conditions are not immediately corrected. In the event the customer does not immediately correct the unreasonable or wasteful use of water identified in the notice, the district may fine the customer or disconnect the customer's service. Unreasonable or wasteful use of water is presumed where a customer is not in compliance with section 14.04.170. In the event the district assesses fines or disconnects water service, the district shall not be liable to the customer or to any employee, licensee, invitee, lessee, or permittee of the customer on account of any bodily injury or property damage alleged to have occurred on account of such action taken by the district.
- B. Unreasonable and Wasteful Water Use – Remedial Actions. No customer or other person acting on behalf of, or under the direction of, a customer shall cause or permit the unreasonable or wasteful use of water. If the general manager of the district or his designee finds that any customer or other person is in violation of the provisions in this section, in addition to any other remedies available, any one or more of the following actions may be taken by the general manager or his designee:
1. Impose a fine in accordance with this Chapter or Chapter 1.12 pursuant to the Administrative Fine Schedule for the unreasonable or wasteful water use violation not remedied by the customer after giving prior written notice of potential fine. Notice may be by delivery to the customer or person occupying the premises, or by placing the notice on the door handle, gate, or other conspicuous place on or about the property receiving the water service and mailing a copy of the notice to the customer at the last known mailing address in the district's customer records. Notice shall be given at least twenty-four (24) hours by the general manager or his designee before fine assessment unless the general manager, or his designee, in his discretion, determines that a shorter period of notice is required in view of the nature of the violation and to protect the public health and safety, in which case the notice shall be given as expeditiously as the general manager or his designee finds to be reasonable under the circumstances.
  2. Disconnect water service for unreasonable or wasteful water use (if separate meter and turnoff facilities are available for those purposes) or to the entire premises served, as deemed appropriate under the circumstances by the general manager or his designee, after giving prior written notice that service will be disconnected if the violation is not immediately corrected. Notice may be by delivery to the customer or person occupying the premises, or by placing the notice on the door handle, gate, or other conspicuous place on or about the property receiving the water service and mailing a copy of the notice to the customer at the last known mailing address in the district's customer records. Notice shall be given at least twenty-four (24) hours by the general manager or his designee before disconnection unless the general manager, or his designee, in his discretion, determines that a shorter period of notice is required in view of the nature of the violation and to protect the public health and safety, in which case the notice shall be

## Exhibit A

given as expeditiously as the general manager or his designee finds to be reasonable under the circumstances.

3. Request initiation of proceedings for prosecution by the district attorney or any other proper prosecuting officer of any violation of this section.

### 14.04.170 – Water Conservation and Water Shortage Plan.

#### A. Purpose.

1. The district is authorized by California Water Code Section 350 et seq. to restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the unreasonable use or waste of district water for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the district and may prohibit use of such water during such periods for specific uses which the district may from time to time find to be nonessential.
2. The district is further authorized by California Water Code Section 350 et seq. to prescribe and define by ordinance those restrictions, prohibitions, and exclusions it may determine to be necessary pursuant to California Water Code Section 350 et seq. in restricting the use of district water during threatened or existing water shortages.
3. It is therefore the intent of the district to establish by this section those procedures required to maximize the beneficial use of its available water resources to the extent to which they are capable, and that the wasteful and unreasonable uses 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 people of the community of Hesperia and for the public welfare.

- B. Implementation and Termination. The general manager or his designee shall monitor the water supply and demand daily to determine the level of conservation required by the water shortage emergency or to recommend implementation of the water conservation plan stages and shall notify the board of the necessity for the implementation or termination of each stage. Each declaration of the board implementing or terminating a water conservation stage shall be published at least once in a newspaper of general circulation and shall remain in effect until the board otherwise declares, as provided herein.

#### C. Water Shortage Plan.

1. Customer Use Baseline Water Use. Each customer's baseline water use shall be calculated based upon unconstrained water use pursuant to a method as determined by the district. Unconstrained water use shall mean water use during a period or averaged across multiple periods absent any implementation of the water conservation stages in excess of Stage 1 identified in this chapter.
2. Public Notice and Public Hearing. In the event of a threatened or actual water supply shortage in excess of Stage 1 which will affect the district's ability to provide water for

## Exhibit A

ordinary domestic, industrial, and commercial uses, the board shall hold a noticed public hearing after giving at least ten days' notice by publication in a newspaper of general circulation at which district's customers shall have the opportunity to testify concerning the pending water supply shortage and for the district to determine required conservation measures.

3. In addition to any other remedies available, the district may implement any one or more of the following actions to reduce water demands based on the characterization and severity of water shortage conditions, such as the percentage of reduction required, disasters, water emergency, or state policy directives:
  - a. Levy water use restrictions and prohibitions.
  - b. Perform water use audits.
  - c. Identify customers with high per capita water usage to achieve proportionally greater reduction than those with low use.
  - d. Enact water rationing with water use allocation limits.

### D. Stages of Water Conservation

Current water shortage condition response measures will be updated based on board approvals and direction, state policy directives, emergency conditions, or to improve customer response.

1. Stage 1 – Water Alert: Savings up to 10%. Stage 1 shall be normal operating conditions in effect when the district is able to meet all the water demands of its customers in the immediate future. The district continuously operates under mandatory conservation. Unreasonable use and waste of water is prohibited, and water conservation measures are mandatory. All water users must continue to use water reasonably, to prevent the unreasonable use or waste of water, and to reduce water consumption to that necessary for ordinary domestic and commercial purposes.
  - a. The following conservations measure shall be in effect at all times:
    - i. Exterior landscape plans for all new multi-family; commercial and industrial development shall provide for timed irrigation systems that provide options to irrigate landscapes after 8 p.m. but before 6 a.m. and shall require the use of drought resistant varieties of plants, shrubs, and turf.
    - ii. No customer of the district or other person acting on behalf of or under the direction of a customer shall cause or permit the use of water for irrigation of landscaping or other outdoor vegetation plantings, lawns, or other growth to exceed the amount required to provide reasonable irrigation of the same and shall not cause or permit any unreasonable or excessive waste of water from said irrigation activities or from watering devices or systems. Landscape watering shall be confined to a user's property and shall not runoff onto adjacent properties, roadsides, or gutters. Free flow of water away from an irrigated site shall be presumptively considered excessive irrigation and waste.

## Exhibit A

- iii. Persons receiving water from the district who are engaged in agricultural practices, whether for the purpose of crop production or growing of commercial ornamental plants, shall provide, maintain, and use irrigation equipment and practices which are consistent with efficiency standards of irrigators in arid environments. The general manager or his designee may require the owner or operators of these systems to prepare a plan describing their irrigation practices and equipment, including but not limited to, an estimate of the efficiency of the use of water on their properties.
  - iv. Commercial and industrial facilities shall, upon request of the general manager or his designee, provide the district with its plan to ensure conservation of water at its facilities. The district will provide these facilities with information regarding the average monthly water use by the facility for the last two-year period. The facility will be expected to provide the district with a plan to conserve or reduce the amount of water used by that percentage deemed to be necessary under the circumstances. After review and approval by the general manager or his designee, the water conservation plan shall be considered subject to inspection and enforcement by the district.
  - v. Unauthorized use of hydrants is prohibited. Authorization for use must be obtained from the district.
- b. The district manager or his designee may also implement one or more of the following conservation instruments during this or any subsequent stage of water conservation:
- i. Establish customer use baselines.
  - ii. Conduct a public information campaign that may consist of distribution of literature, speaking engagements, website updates, bill inserts, conservation messages printed in local newspapers, educational programs in area schools and/or other methods of disseminating information.
  - iii. Implement programs to assist customers in reducing water use.
  - iv. Evaluate operations and make operational changes.
2. Stage 2. Moderate Water Shortage: Savings up to 20%. Augmentation of water supply conditions requiring reduction in water use. All aspects of Stage 1, including conservation measures implemented, shall remain in effect. A reduction of water use by up to an additional 10% is anticipated. Water consumption reduction methods from Stage 1 may be intensified as needed. Additional voluntary conservation measures are encouraged.
- a. The following additional mandatory consumption reduction methods ~~shall~~ may be in effect:

## Exhibit A

- i. Parks, golf courses (municipal and private) and school grounds which use water provided by the district shall be irrigated between the hours of 10 p.m. and 5 a.m., or such other times as may be determined appropriate by the district. Additionally, turf areas in excess of one thousand (1,000) square feet will be required to use soil moisture sensors and rain shut-off valves as part of their irrigation system.
  - ii. Commercial, industrial, institutional equipment that uses water must be properly maintained and in full working order to eliminate unreasonable or wasteful uses of water.
  - iii. The washing of cars, trucks or other vehicles is not permitted, except with a hose equipped with an automatic shut-off device, or at a commercial facility designed and so designated on the district's billing records.
  - iv. All residential, public, and recreational swimming pools shall use evaporation resistant covers and shall recirculate water. Any swimming pool which does not have a cover installed during periods of nonuse shall be considered an unreasonable and wasteful use of water.
  - v. Utilize sweeping or other methods to clean impervious surfaces such as driveways, sidewalks, and parking lot. The use of water to clean impervious surfaces is prohibited unless for public health and safety purposes.
- b. Customers are encouraged to practice the following consumption reduction measures:
- i. Fix leaks or faulty sprinklers promptly.
  - ii. Decorative water features (water fountains, etc.) should recirculate water and be leak proof.
  - iii. Irrigate landscapes between the hours of 10 p.m. and 5 a.m. to reduce evaporation.
  - iv. Landscape watering should not occur during rain events.
  - v. Equip all hoses with a shut-off nozzle while using water for any purpose.
  - vi. Wash only full loads when washing dishes or clothes.
  - vii. Restaurants - serve water to patrons upon request.
  - viii. Hotels and motels – encourage guests to conserve water and limit hotel laundering of linens and towels.

## Exhibit A

3. Stage 3. Severe Water Shortage: Savings up to 30%. Increase of water supply conservation actions that require a reduction in water use. A reduction of water use by up to an additional 10% is anticipated. All conservation measures implemented in Stage 1 and 2 shall remain in effect. Water consumption reduction methods from Stage 1 and 2 may be intensified as needed and customer usage may be assessed against established baseline.
  - a. One or more of the following additional mandatory restrictions shall be in effect as determined by the district:
    - i. The district may determine that the irrigation of exterior vegetation shall be conducted only during specified hours and days such as restricting irrigation to the hours between 10 p.m. and 5 a.m. limited to 3 days per week and may impose other restrictions on the use of water for such irrigation. The irrigation of exterior vegetation at other than the times and days specified by the district at the time of implementation shall be considered a waste of water. Outdoor plant containers, trees, shrubs, and vegetable gardens may be watered additional days using only drip irrigation or hand watering. The district may determine that this shall conform to the restrictions for other outdoor irrigation.
    - ii. Restrictions may be implemented for domestic water provided by the district used for construction meters limiting use to only during specified hours.
    - iii. Washing down impervious surfaces such as driveways, sidewalks, and parking lot areas is prohibited unless for extraordinary public health and safety purposes. Any water used on a premises that is allowed to escape the premises and run-off into gutters or storm drains shall be considered a waste of water.
    - iv. Leaks or faulty sprinklers shall be repaired within 7 days, or as directed by the district.
    - v. Restaurants shall serve water to patrons only upon request.
    - vi. Hotels and motels shall have messaging in all guest rooms encouraging water conservation and limiting hotel laundering of linens and towels.
  - b. The following consumption reduction measures shall also apply:
    - i. Non-essential potable water uses are strongly discouraged.
    - ii. Customers are encouraged to continue implementing voluntary measures from prior stages, which are not mandatory under this stage.
    - iii. There are no restrictions on landscape watering with non-potable water.
4. Stage 4. Critical Water Shortage: Savings up to 40%. Increase of water supply conservation actions that require a reduction in water use. A reduction of water use by up to an additional 10% is anticipated. All conservation measures implemented in Stage

## Exhibit A

1-3 shall remain in effect. Water consumption reduction methods from Stage 1-3 may be intensified as needed and customer usage may be assessed against established baseline.

- a. One or more of the following additional mandatory restrictions shall be in effect as determined by the district:
  - i. Outdoor irrigation of exterior vegetation shall be conducted only during specified hours and days and district may impose other restrictions on the use of water for such irrigation. The irrigation of exterior vegetation at other than these times and days shall be considered a waste of water. Outdoor plant containers, trees, shrubs, and vegetable gardens may be watered additional days using only drip irrigation or hand watering. The district may determine that this shall conform to the restrictions for other outdoor irrigation. During Warm/Dry Season: Turf shall be limited to hours and/or days determined by district when using potable water for irrigation. During Cool/Wet Season: Turf shall not be watered unless utilizing non-potable water during extended dry spells.
  - ii. Customer water usage in excess of baseline will be monitored and recorded.
  - iii. Conservation activities will be intensified, and production monitored daily for compliance with necessary reductions from customer baseline.
  - iv. Water allocations and mandatory conservation may be implemented. Water usage in excess of allocation derived from water use baseline may be considered a waste of water.
  - v. Leaks or faulty sprinklers shall be repaired within 3 days or as directed by the district.
  - vi. Decorative water features that use potable water must be drained and kept dry.
  - vii. Washing of vehicles is prohibited, except when using commercial carwash establishments that use reclaimed water, recirculate water, or use high pressure/low volume wash systems.
  - viii. A construction water use plan shall be submitted to the district that addresses how impacts to existing water users will be mitigated (such as dust control).
  - ix. With the exception of landscapes watered with non-potable water, installation of new turf or hydroseed is prohibited.
5. Stage 5. Water Shortage Crisis: Savings up to 50%. Increase of water supply conservation actions that require a reduction in water use. Source of supply for the water system is severely curtailed to the level that requires each customer to restrict their water use. All conservation measures implemented in Stage 1-4 shall remain in effect. Water consumption reduction methods from Stage 1-4 may be intensified as

## Exhibit A

needed. Production may be monitored daily for compliance with necessary reductions from customer baseline.

- a. Consumption reduction methods shall be intensified as needed and one or more of the following mandatory restrictions shall be in effect:
  - i. District may impose further restrictions on outdoor irrigation of exterior vegetation, including complete cessation in irrigation on properties.
  - ii. Repair leaks or faulty sprinklers within 1 day.
  - iii. Existing pools shall not be emptied and refilled using potable water unless required for public health and safety purposes.
  - iv. Water use for new landscape installations or renovations is not authorized.
  - v. Previous waivers will be revoked.
  - vi. Water use may be restricted to human health and safety purposes.
  - vii. Customer rationing may be implemented as compared to a water use baseline determined by the district.
  - viii. Shortage condition measures shall be updated as needed.
  - ix. Catastrophic event actions may be deemed necessary (such as a boil water order and/or other actions).
6. Stage 6. Emergency Water Shortage: Savings greater than 50% requiring reduction in water use. Source of supply for the water system is severely curtailed to the level that requires each customer to restrict their water use for only human health and safety purposes.

In the event of an unforeseeable disaster or water emergency such as an earthquake or other major disruption in the water supply or any emergency that prevents the district from meeting the water demands of the community, the general manager is authorized to implement the emergency provisions of this chapter as provided herein. Public notice will follow enactment of said provision by publishing notice of said action in a newspaper of general circulation.

All measures implemented in Stages 1-5 shall remain in effect. Water consumption reduction methods from Stage 1-5 may be intensified as needed. Production may be monitored continually for compliance with necessary reductions from customer baseline.

- a. Consumption reduction methods shall be intensified as needed and the following mandatory restrictions shall be in effect:
  - i. Watering of parks, school grounds and golf courses is prohibited.



## Exhibit A

- ii. Turf watering and landscape irrigation is prohibited.
- iii. Washing down of driveways, parking lots or other impervious surfaces is prohibited.
- iv. Filling or adding water to swimming pools, wading pools, spas, ornamental ponds, fountains, and artificial lakes is prohibited.
- v. New construction meter permits shall not be issued by the district.
- vi. All existing construction meters shall be removed and/or locked.
- vii. Commercial nurseries shall discontinue all watering and irrigation.
- viii. Watering of domesticated animals and livestock is permitted as necessary.
- ix. Implement applicable actions for catastrophic events (such as a boil water order or other actions).

### E. Exceptions to Water Shortage Stage Implementation.

1. Application for Exception Permit. The general manager may grant exception permits for uses of water otherwise prohibited under the provisions of this chapter if it is found and determined that special circumstances make compliance impossible, or that restrictions herein would cause an emergency condition affecting the health, sanitation, fire protection or safety of the water use or of the public.
2. Written Application. Such exceptions may be granted only upon written application for a permit addressed to the district's general manager. Upon granting such exception permit, the general manager may impose any conditions determined to be just and proper.
3. Exception Denied. In the event the general manager denies an exception to a water shortage stage, the proponent of the exception may appeal the determination to the district's board.