

14.04.160 Wasting water.

- A. Wasting Water. No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises seriously affecting the general service, the district may disconnect the service after giving the customer notice if such conditions are not immediately corrected. In such circumstances, the district shall not be liable to the customer or to any employee, licensee, invitee 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. Excessive Irrigation and Related Unreasonable Uses—Remedial Actions. No customer 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 same, and shall not cause or permit any waste of water from said irrigation activities or from watering devices or systems. 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:
1. Request initiation of proceedings for prosecution by the district attorney or any other proper prosecuting officer of any violation of this section;
 2. Disconnect water service either for said irrigation purposes (if a 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, after giving prior written notice to disconnect or service will be terminated if said violation is not immediately disconnected. Notice may be by delivery to the customer or person appearing to be in charge of the premises, or by placing said notice on the door handle, gate, or other conspicuous place on or about the property receiving the water service and immediately mailing a copy of said 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 before turn-off by the general manager or his designee 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 said manager or his designee finds to be reasonable under the circumstances.

(Ord. No. 2011-06, § 4(Exh. A), 7-19-11)

14.04.170 Water conservation emergency 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 waste of district water or the use of district water during such periods, 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 waste or unreasonable uses 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 people of the community of Hesperia and for the public welfare.
- B. Implementation and Termination. The general manager shall monitor the supply and demand for water on a daily basis to determine the level of conservation required by the water shortage emergency or to recommend termination 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 Supply Plan.
1. Stage No. 1. Normal Conditions—Mandatory conservation measures. Normal conditions shall be in effect when the district is able to meet all the water demands of its customers in the immediate future. During normal conditions, all water users must continue to use water wisely, to prevent the waste or unreasonable use of water, and to reduce water consumption to that necessary for ordinary domestic and commercial purposes.
 - a. Exterior Landscape Plans. Exterior landscape plans for all new multi-family; commercial and industrial development shall provide for timed irrigation systems and shall require the use of drought resistant varieties of plants, shrubs, and turf. Such plans shall be presented to and approved prior to issuance of a water service letter.
 - b. Excess Irrigation and Related Waste. 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. The free flow of water away from an irrigated site shall be presumptively considered excessive irrigation and waste.
 - c. Agricultural Irrigation. 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 the most efficient possible. The general manager 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.
 - d. Commercial Facilities. Commercial and industrial facilities shall, upon request of the general manager, provide the district with their plan to insure conservation of water at their 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, the water conservation plan shall be considered subject to inspection and enforcement by the district.

- e. **Swimming Pools.** 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 a waste of water.
 - f. **Vehicle Washing.** 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.
2. **Stage No. 2. Threatened water supply shortage.** In the event of a threatened water supply shortage which will affect the district's ability to provide water for ordinary domestic 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 consumers of the water supply shall have the opportunity to testify concerning the pending water supply shortage and for the district to determine required conservation measures. Stage No. 2 requirements are in addition to those mandated by Stage No. 1.
- a. **Parks, Golf Courses, and School Grounds.** Parks, golf courses (municipal and private) and school grounds which use water provided by the district shall be irrigated between the hours of eleven p.m. and five 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.
 - b. **Irrigation.** The district may determine that the irrigation of exterior vegetation shall be conducted only during specified hours and/or days, and may impose other restrictions on the use of water for such irrigation. The irrigation of exterior vegetation at other than these times shall be considered to be a waste of water.
 - c. **Run-Off and Wash-Down.** No water provided by the district shall be used for the purposes of wash-down of hard surfaces such as driveways, sidewalks, and parking lot areas, except as specifically permitted by the district for public health and safety reasons such as wash-down of flammable or otherwise dangerous liquids or substances. 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.
 - d. **Drinking Water Provided by Restaurants.** Restaurants are requested not to provide drinking water to patrons except by request.
 - e. **Construction Meter.** No domestic water provided by the district may be used through construction meters between the hours of six a.m. and ten p.m.
3. **Stage No. 3. Water Shortage Emergency—Mandatory Conservation Measures.** 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.

In the event of a foreseeable emergency such as extended drought conditions, the general manager may be authorized to implement the applicable provisions of this chapter as provided herein, after a public meeting is held before the board, after giving such public notice as the general manager determines is reasonable under the circumstances. After action of the board within seventy-two (72) hours of such declaration, adopting a resolution finding a Stage 3 water shortage emergency, the following rules and regulations shall be in effect immediately following such action:

- a. Watering of parks, school grounds and golf courses is prohibited.
- b. Lawn watering and landscape irrigation is prohibited.
- c. Washing down of driveways, parking lots or other impervious surfaces is prohibited.
- d. Washing of vehicles is prohibited, except when done by commercial car wash establishments with recycled or reclaimed water systems.
- e. Filling or adding water to swimming pools, wading pools, spas, ornamental ponds, fountains and artificial lakes is prohibited.
- f. Restaurants shall not serve drinking water to patrons except by request.
- g. No new construction meter permits shall be issued by the district.
- h. All existing construction meters shall be removed and/or locked.
- i. Commercial nurseries shall discontinue all watering and irrigation. Watering of livestock is permitted as necessary.

D. Exceptions.

1. Application for Exception Permit. The general manager may grant permits for uses of water otherwise prohibited under the provisions of this chapter if he finds and determines 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. Such exceptions may be granted only upon written application therefor. Upon granting such exception permit, the general manager may impose any conditions he determines to be just and proper.

(Ord. No. 2011-06, § 4(Exh. A), 7-19-11)