

ORDINANCE NO. 47

**AN ORDINANCE OF THE CUCAMONGA VALLEY WATER DISTRICT
OF SAN BERNARDINO COUNTY, CALIFORNIA,
RESCINDING ORDINANCE 41
AND ENCOURAGING WATER USE EFFICIENCY**

WHEREAS, the State of California and western United States has limited supplies of drinking water, and;

WHEREAS, Cucamonga Valley Water District practices diligent stewardship of this valuable resource, and;

WHEREAS, the District's Board of Directors encourages the efficient use of all water supplies.

WHEREAS, it is hereby declared that the conditions prevailing in areas served by Cucamonga Valley Water District, the areas of the State of California and elsewhere from which the District obtains its water supplies require that the water resources available to the District be put to the maximum beneficial use to the extent to which they are capable, and that waste or unreasonable method of use of water be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interests of the people of the District and for the public welfare.

WHEREAS, Water Code Section 31026 authorizes the District to restrict the use of 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 use. Other restricted uses may be determined to be necessary by the District.

WHEREAS, Water Code Section 350 et seq. and Section 375 et seq. authorize the District to declare a water shortage emergency condition whenever it finds and determines that the ordinary demands and requirements of water consumers will not be satisfied without depleting the water supply of the District to the extent that there will be insufficient water for human consumption, sanitation and fire protection. The District has the power and authority to enact a water conservation measures pursuant to Water Code Section 350 et seq. and 375 et seq.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE CUCAMONGA VALLEY WATER DISTRICT OF SAN BERNARDINO COUNTY, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1: As of the effective date of this Ordinance No. 47, Ordinance No. 47 shall supersede, and otherwise control, over Ordinance 41 and Ordinance 41 shall be of no further force or effect.

SECTION 2: DEFINITIONS

- 2.1 “DISTRICT”: Cucamonga Valley Water District
- 2.2 “AREA OF SERVICE”: For the purposes of this Ordinance, the area of service shall be defined as all of the Cucamonga Valley Water District
- 2.3 “CUSTOMER/PERSON”: Any natural person, firm, or corporation.
- 2.4 “GENERAL MANAGER/CEO”: The person designated by the District to supervise the operation of the public water system and who is charged with certain duties and responsibilities by this Ordinance, or his/her duly authorized representative.

SECTION 3: AUTHORITY

This Ordinance is adopted pursuant to Water Code Sections 31026, 31027, 350 et seq., and 375 et seq. Pursuant to the Water Code Sections 31027, 350 et seq., and 375 et seq., a notice of public hearing was published at least seven (7) days prior to the date of the public hearing which was conducted on March 24, 2009 at 6:00 p.m., or as soon thereafter as practicable at 10440 Ashford Street, Rancho Cucamonga, CA 91730-2799 as part of the Regular Meeting of the Board of Directors. A certified copy of the proposed Ordinance was also posted at the District offices at least five (5) days before the hearing. Notice of the time and place of the public hearing was published in a newspaper of general circulation within the District. The Public Hearing was continued to the May 12, 2009 Regular Meeting of the Board of Directors and a subsequent notice of the continuation was published in the newspaper of general circulation, on the District’s website and on the bulletin board at the District office.

SECTION 4: WATER USE EFFICIENCY PRACTICES

Customers are required to practice the following activities:

- (1) Hosing paved areas for health and safety purposes only with the use of a waterbroom or water-efficient pressure washer using not more than 5 gallons per minute.
- (2) Wash vehicles using a hose equipped with a shutoff nozzle so that water does not flow to waste.
- (3) All decorative fountains shall be equipped with recirculating systems.
- (4) Upon notification by the District, repair all leaks.
- (5) Adjust sprinklers so there is no run-off, over-spray or excessive irrigation from the property.

- (6) Restaurants will only serve water on request.
- (7) Hotels will offer guests the option to not launder linen daily.
- (8) Industrial customers will review their water-using processes to evaluate ways to increase water conservation

No water customer of the District shall make, cause, use, or permit the use of water in a manner contrary to any provision of this Ordinance.

SECTION 5: FAILURE TO COMPLY

Financial penalties will be assessed when a customer who, in the reasonable discretion of the General Manager/CEO, or his/her representative, violates this Ordinance. Exhibit A, attached hereto and incorporated herein by reference, outlines those penalties and the method of notifying a customer that he/she is violating District's Ordinance. If the General Manager/CEO, or his/her representative deems it appropriate, water service will be terminated at the location where the violation occurred due to a failure to comply with this Ordinance or a failure to pay financial penalties. Any such service termination shall be implemented under the District's authority and procedures including, but not limited to, the District's rules and regulations for water service. The regulatory purpose of imposing the requirements and financial penalties, as set forth in this Ordinance and Exhibit "A," are to conserve water, deter waste and unreasonable use of water, encourage efficiency, and to cover the costs incident to the investigation, inspection, and administration of the enforcement of this Ordinance and Exhibit "A." Such costs of this regulatory program include, but are not necessarily limited to, the cost of District personnel for administration of this program, notices, publications, implementation of conservation measures/programs and the monitoring and enforcement of penalties.


SECTION 6: SEVERABILITY

If any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provision, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

SECTION 7: EFFECTIVE DATE OF ORDINANCE

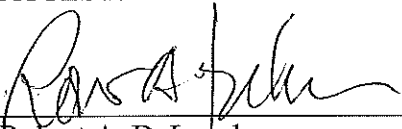
This Ordinance is effective immediately upon its adoption. Within ten (10) days after adoption of this Ordinance, this full Ordinance with the names of those Directors voting for and against the Ordinance shall be published in a newspaper of general circulation and a certified copy of this Ordinance, along with the names of those Directors voting for and against the Ordinance, will be posted in the District offices.

ADOPTED May 12, 2009



Randall J. Reed
President

ATTEST:



Robert A. DeLoach
Secretary

ORDINANCE NO. 47

EXHIBIT "A"

Financial penalties will be assessed when a customer violates the requirements outlined in Section 4 of Ordinance 47. The penalties are as follows:

- (a) First violation. The District shall issue a written notice of a first violation to the water customer.
- (b) Second violation. For a second violation, the District shall impose a penalty in the amount of Fifty Dollars (\$50.00) which will be added to the water customer's water bill.
- (c) Third violation. For a third violation, the District shall impose a penalty in the amount of One Hundred Dollars (\$100.00) which will be added to the water customer's water bill.
- (d) Fourth violation. After a fourth and any subsequent violation, the District shall impose a penalty in the amount of One Hundred Fifty Dollars (\$150.00) which will be added to the water customer's water bill.

The regulatory purposes of imposing the requirements and financial penalties, as set forth in this Ordinance and Exhibit "A," are to conserve water, deter waste and unreasonable use of water, encourage efficiency, and to cover the costs incident to the investigation, inspection, and administration of the enforcement of this Ordinance and Exhibit "A." Such costs of this regulatory program include, but are not necessarily limited to, the cost of District personnel for administration of this program, notices, publications, implementation of conservation measures/programs and the monitoring and enforcement of penalties.

NOTICING

The District shall give notice of violation of Ordinance No. 47 to the water customer as follows:

- (a) The first notice of violation shall be a warning given to the customer by using a door hanger.
- (b) The second violation shall be in writing by regular mail to the address at which the water customer is normally billed.
- (c) Notice of subsequent violations shall be given in writing in the following manner:
 - (i) By giving the notice to the customer at the property where the violation occurred;
or
 - (ii) If the water customer is absent from or unavailable at the premises at which the violation occurred, by leaving a copy with some person of suitable age and discretion

at the premises and sending a copy through the regular mail to the address at which the water customer is normally billed; or

(iii) If a person of suitable age or discretion cannot be found, then by affixing a copy in a conspicuous place at the premises at which the violation occurred, and also sending a copy through the regular mail to the address at which the customer is normally billed.

The notice shall contain a description of the facts of the violation and a statement of the penalties for each violation.

APPEAL PROCESS

- (1) The application of this Ordinance is not intended to have a disproportionate impact on customers who have implemented conservation methods or installed water saving devices.
- (2) A water customer may appeal to the District in writing if he/she feels that this Ordinance causes an undue hardship. The written request shall provide a justification for a reduction of a restricted use violation. Documentation must be provided to support the request and reasons outlining the hardship must be included.
- (3) The request shall be reviewed by the General Manager or designee(s) and the customer will receive a written response from the District.
- (4) A customer may appeal the District's decision by requesting a review by a committee designated by the Board of Directors. The decision of this committee will be final.