



Operation Conservation

SMWD staff is available to provide assistance to your organization to help reduce water demand and save money. The Program was established to provide education and opportunities to save water and avoid penalizing customers. The Program features include:

- ***Landscape Performance Certification Program*** (LPCP) is a free water management tool for irrigation customers, landscapers and property managers. Participants in the program use the internet to track their irrigation meter's monthly water use and compare it to a custom water budget. This enables customers, board members, property managers and landscapers to easily identify areas that are over/under-watered and enhances accountability to effectively manage demand. Participation can be coordinated through Tina Trotta at (949) 459-6645 or Gary Russell at (949) 459-6533.
- ***Conversion to Recycled Water*** reduces potable water demand by 100% and costs less than potable water. There are several areas within SMWD where conversion may be cost-effective depending on the location of existing distribution pipelines and on-site uses. To review your irrigation account(s) to determine the feasibility of converting to recycled water, contact Clay Hutter at (949) 459-6581.
- ***Rebate Programs*** are periodically available for irrigation controllers, replacement of landscaping and efficient irrigation sprinklers. Please contact Tina Trotta at (949) 459-6645 or Gary Russell at (949) 459-6533 or check the District's website at www.smwd.com to determine if any programs are available and applicable to your system.

Reducing your water demand by 10% can save thousands of dollars annually. Careful water management is both environmentally and economically rewarding. Please let us know how we can assist you.

Sincerely,

SANTA MARGARITA WATER DISTRICT

A handwritten signature in black ink that reads "John J. Schatz".

John J. Schatz
General Manager

ORDINANCE NO. 09-07-02
ORDINANCE OF THE SANTA MARGARITA WATER
DISTRICT, ORANGE COUNTY, CALIFORNIA,
ADOPTING A COMPREHENSIVE WATER CONSERVATION
PROGRAM

BE IT ORDAINED BY THE Board of Directors of the Santa Margarita Water District (the "District") as follows:

SECTION 1. Declaration of Policy. California Water Code Section 375 et seq. provides public water purveyors with the authority to adopt and enforce a water conservation program to (1) protect the health, safety and welfare of the customers of the District, (2) maximize the beneficial use of the District's water supplies, and (3) ensure that there will be sufficient water supplies to meet the basic needs of human consumption, sanitation and fire protection. The Board of Directors of the District ("Board") hereby establishes this District Comprehensive Water Conservation Program pursuant to California Water Code Section 375 et seq., to reduce the quantity of water used by persons within the jurisdiction of the District for the purpose of conserving the District's water supplies.

SECTION 2. Findings.

- a. Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, potential climate change, environmental concerns, and other factors in other parts of the State and western United States, make the region susceptible to potential water supply reliability issues; and
- b. The District and South Orange County relies on imported potable water to meet its water demands; and
- c. A reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of California; and
- d. Wasteful water use practices constitute a potential threat to, and an unacceptable diminution of, the District's water supplies. The prevention of water waste is an economically and environmentally feasible way to help protect, conserve and prevent unacceptable diminution of the District's water supplies; and
- e. Careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs, and
- f. Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof; and

- g. On January 21, 1991, the District adopted a conservation based tiered rate structure for District residential customers and has periodically updated the tiered rate structure. On February 25, 1991, the District adopted guidelines for exceptions to the specific consumption allotments pertaining to residential water customers. Exceptions can only be granted upon application by the residential water customer accompanied with some evidence to prove or substantiate the variance condition (i.e., medical necessity, number of persons in household, hardship, business use of residence). The rate structure includes residential tiers, with specific consumption allotments and rates applicable to each tier; and
- h. The District adopted Ordinance 0-91-04-01, adopting a Comprehensive Water Conservation Program on April 15, 1991 establishing a staged water conservation program; in response to the reduction in the District's allocation of water from Metropolitan Water District of Southern California (MWD) and Municipal Water District of Orange County (MWDOC); and
- i. The District has reviewed Ordinance 0-91-04-01 and determined it is appropriate to update its water conservation program.

NOW THEREFORE, this Ordinance contains provisions for a staged water conservation program that will encourage reduced water consumption within the District through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the District.

SECTION 3. Rescindment of Ordinance 91-4-01. The District hereby rescinds Ordinance 91-41-01 and replaces it with the provisions of this Ordinance.

SECTION 4. Application. The provisions of this Ordinance shall apply to all persons, entities, customers, and properties served by the District (hereinafter collectively referred to as "customers"). The provisions of this chapter do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services. This Ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff; refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans. Provisions of this Ordinance may be used in conjunction with local jurisdictions to meet regional water quality and conservation requirements.

SECTION 5. Authorization. The District's General Manager or his designated representative, is hereby authorized and directed to implement the staged water conservation and enforcement provisions of this Ordinance as necessary.

SECTION 6. Permanent Water Conservation Requirements – Prohibition Against Water Waste. As part of the District's "Best Management Practices," the following water conservation

requirements are in effect at all times and are permanent. Violations of this section will be considered waste and an unreasonable use of water.

A. Limits on Irrigation Practices.

- i. Limits on Watering Hours: Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 8:00 a.m. and 6:00 p.m. Pacific Standard Time on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
- ii. Limit on Watering Duration: Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes watering per day per station.
- iii. Efficient Irrigation Systems: This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard.
- iv. No Excessive Water Flow or Runoff: Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or any runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.

B. No Washing Down Hard or Paved Surfaces: 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 a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom.

C. Obligation to Fix Leaks, Breaks or Malfunctions: Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than seven (7) days of receiving notice from the District, is prohibited.

D. Re-circulating Water Required for Water Fountains and Decorative Water Features: Operating and maintaining a water fountain or other decorative water feature that does not use re-circulated water is prohibited.

E. Limits on Washing Vehicles: Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat 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.

- F. **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.
- G. **Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services:** Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.
- H. **No Installation of Single Pass Cooling Systems:** Installation of single pass cooling systems is prohibited in buildings requesting new water service.
- I. **No Installation of Non-re-circulating Water Systems in Commercial Car Wash and Laundry Systems:** Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.
- J. **Restaurants Required to Use Water Conserving Dish Wash Spray Valves:** Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.
- K. **Commercial Car Wash Systems:** Effective on January 1, 2010, all commercial conveyor car wash systems must have installed operational re-circulating water systems, or must have secured a waiver of this requirement from the District.

SECTION 7. Conservation Stages. In addition to the Permanent Water Conservation Requirements, the District's Comprehensive Water Conservation Program consists of the following four stages to respond to a reduction in the potable water available to the District for distribution to its customers.

Conservation Stage	Level of Restriction	Percentage of Projected Savings
Stage 1	Voluntary	Up to 10%
Stage 2	Mandatory	Up to 20%
Stage 3	Mandatory	Up to 40%
Stage 4	Mandatory	Over 40%%

Stage 1 shall remain in effect at all times until or unless a mandatory conservation stage is implemented in accordance with the provisions of this Ordinance. The mandatory conservation stages (stages 2, 3 and 4) shall take effect upon implementation by the Board in accordance with Section 8.

A. Stage 1 - Voluntary Conservation. In addition to complying with the Permanent Restrictions in Section 6, District customers are encouraged to voluntarily conserve water during stage 1. District customers are specifically requested to voluntarily implement the mandatory water use restrictions set forth in stages 2, 3 and 4 to the extent feasible. In particular, watering or irrigating of lawn, landscape or other vegetated area with potable water is requested to be limited to three days per week. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is recommended to be limited to no more than one day per week. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

B. Stage 2 - Mandatory Conservation – Drought Conditions. A Stage 2 Mandatory Conservation – Drought Conditions exists when the District determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the District of a Stage 2 condition, the District will implement the mandatory conservation measures identified in this Section. In addition to the prohibited uses of water identified in Section 6, the following additional water conservation requirements apply during Stage 2:

1. **Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to three days per week on a schedule established and posted by the District. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the District. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight (48) hours of notification by the District unless other arrangements are made with the District.
3. **Limits on Filling Ornamental Lakes or Ponds:** Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage level under this Ordinance.

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 or trailer, whether motorized or not, is prohibited except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, by high pressure/low volume wash systems, or at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water.
5. **Limits on Filling Residential Swimming Pools & Spas:** Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with potable water is prohibited.
6. **Limits on use of Potable Water for Construction:** The use of domestic water for construction purposes shall only be permitted by, and in accordance with the provisions of, a construction water use permit obtained from the District General Manager or his designee.

C. Stage 3-Mandatory Conservation - Serious Drought Conditions. . A Stage 3 condition exists when the District notifies its residents and businesses that a significant reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. In addition to the mandatory water conservation measures for Stage 2, the following water conservation measures shall apply during Stage 3:

1. **Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two days per week on a schedule established and posted by the District. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the District. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within twenty four (24) hours of notification by the District unless other arrangements are made with the District.
3. **Artificial Lakes:** Filling or refilling of artificial lakes shall only be permitted by, and in accordance with the provisions of, an artificial lake filling permit obtained from the District General Manager or his designee.
4. **No New Potable Water Service:** Upon declaration of a Level 3 Water Supply Shortage Emergency condition, no new potable water service will be provided, no new temporary

meters or permanent meters will be provided, and no will-serve letters will be issued, except under the following circumstances:

- a. A valid, unexpired building permit has been issued for the project; or
- b. The project is necessary to protect the public health, safety, and welfare; or
- c. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the District.

This provision does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less.

5. **No New Annexations:** Upon the declaration of a Level 3 Water Supply Shortage condition, the District will suspend consideration of annexations to its service area. This subsection does not apply to boundary corrections and annexations that will not result in any increased use of water.

D. Stage 4 - Mandatory Conservation - Severe Drought Conditions. A Stage 4 condition exists when the District declares severe drought conditions exists and notifies its residents and businesses that a major reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. In addition to the mandatory waters for stages 2 and 3, the following water conservation measures shall apply during stage 4:

1. **Irrigation.** All outdoor irrigation with potable water is prohibited.
2. **No agricultural use of water.** Use of water for agricultural or commercial nursery purposes is prohibited, except for livestock watering.
3. **Prohibition of vehicle washing.** Washing of autos, trucks, trailers, boats, airplanes or other types of mobile equipment is prohibited. Washing is permitted at any time upon the immediate premises of a commercial car wash. The use of water by all types of commercial car washes shall be reduced in volume by 50%. Further, such washings are exempted from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning such as garbage trucks and vehicles used to transport food and perishables.
4. **Prohibition on filling recreational water facilities.** Filling, refilling or adding of water to swimming pools, spas, ponds or artificial lakes is prohibited.
5. **Prohibition on use of potable water for construction.** Use of domestic water for construction purposes is prohibited.

SECTION 8. Mandatory Conservation Stage Implementation. The District shall monitor the projected supply and demand for water by its customers on a daily basis. The Board shall determine the extent of the conservation required through implementation or termination of

particular conservation stages in order for the District to prudently plan for and supply water to its customers. The Board may order that the appropriate stage of water conservation be implemented or terminated by resolution adopted in accordance with this Ordinance. Within five (5) days following the declaration of the response level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices and shall post a notice on the District's Web site at www.smwd.com. Adoption of a resolution terminating any stage shall be made at a public meeting of the Board. The mandatory conservation measures applicable to Stage 2, 3 or 5 conditions shall take effect on the tenth (10) day after the date the response level is declared

Within five (5) days following the declaration of the response level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices. Notices may also be posted on the District's Web site at www.smwd.com.

SECTION 9. Exemptions. Customers may be exempted from application of this Ordinance for a certain type of use if the General Manager issues a permit allowing such use and if such permit issuance is based on a finding that enforcement of the applicable restriction would either (1) cause an unnecessary and undue hardship to the customer applying for such permit or the public, or (2) cause or threaten an emergency condition affecting the health, sanitation, fire protection, or safety of the customer or the public. The General Manager may require the installation and use of such water conservation devices or practices as he deems appropriate as a condition of the exemption permit.

SECTION 10. Enforcement. The District intends to provide education and notice to its customers of the terms of the conservation stage then currently in place. The District's customers have previously responded to meet the water needs of the District. However, in the event active enforcement is required any customer who violates the provisions of this Ordinance by either excess use of water or by specific violation of one or more of the applicable water use restrictions for a particular mandatory conservation stage may be cited by the General Manager or his designated representative in accordance with the provisions of subsection A or B of this Section, as applicable.

A. Stage 1 and 2

1. Any person, who uses, causes to be used, or permits the use of water in violation of this policy is guilty of an offense punishable as provided herein.
2. Each day that a violation of this policy occurs is a separate offense.
3. For the first violation, the District shall issue a written notice of fact of such violation to the customer.
4. For a second violation within twelve months from the first notice of violation, the District shall issue a written notice of the fact of such violation of the customer delivered via certified mail to the customer address of record.

5. For a third violation within twelve months from the first notice of violation, a surcharge in the amount of \$100 shall be added to the customer's water bill.
6. For the fourth and any subsequent violation within twelve months from the first notice of violation, a surcharge of \$200 shall be added to the customer's water bill.
7. Violations of a provision of this policy are subject to enforcement through installation of a flow-restricting device in the meter. A person or entity that violates this ordinance is responsible for payment of the District's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the District's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device must be paid to the District before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.
8. Willful violations of the mandatory conservation measures and water use restrictions applicable during a Stage 4 Water Emergency Condition may be enforced by discontinuing service to the property at which the violation occurs as provided by the Water Code Section 356.
9. All remedies provided for herein shall be cumulative and not exclusive.

B. Stage 3 and 4.

1. For the first violation, the customer will receive a certified letter.
2. For the second violation, the customer will incur a \$200 fine.
3. For the third violation, the customer shall be subject to fines and flow restrictions. A person or entity that violates this ordinance is responsible for payment of the District's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the District's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device must be paid to the District before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.
4. For the fourth violation, the customer will be charged double fines for construction and/or irrigation use.

SECTION 11. Rules and Regulations for Water Service. The provisions of this Ordinance are in addition to all other District Rules and Regulations for Water Service, and in the event of a conflict between this Ordinance and other rules and regulations relating to the same subject matter, the conflict shall, insofar as practical, be resolved to implement the purposes of this Ordinance.

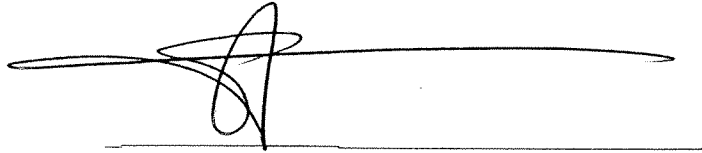
SECTION 12. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent

jurisdiction, such decision shall not affect the remaining portions of this Ordinance and those shall remain in full force and effect.

SECTION 13. CEQA Exemption. The District finds that this Ordinance and actions taken hereafter pursuant to this Ordinance are exempt from the California Environmental Quality Act pursuant to Public Resources Code Section 21080(b)(4) and California Code of Regulations, Title 14, Section 15301. The General Manager of the District is hereby authorized and directed to file a Notice of Exemption as soon as possible following adoption of this Ordinance.

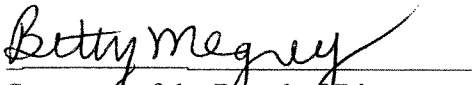
SECTION 14. Effective Date and Publication. This Ordinance shall become effective as of the date of adoption and shall be published within ten days of adoption, pursuant to the California Water Code Section 376.

ADOPTED, SIGNED AND APPROVED this 10th day of July, 2009.



President of the Board of Directors
Santa Margarita Water District

ATTEST:



Secretary of the Board of Directors
Santa Margarita Water District