VALLEY CENTER MUNICIPAL WATER DISTRICT
NOTICE OF PUBLIC HEARING AND AVAILABILITY OF
REVISED ADMINISTRATIVE CODE, ARTICLE 230
WATER USE EFFICIENCY AND DROUGHT RESPONSE PROGRAM

NOTICE IS HEREBY GIVEN THAT on Monday December 7, 2026, at 2:00 p.m., or as soon thereafter as the matter may be heard, the Board of Directors of the Valley Center Municipal Water District ("District") at their regularly scheduled Board Meeting will conduct a Public Hearing to receive public comments on the revised Administrative Code, Article 230 Water Use Efficiency and Drought Response Program (Article 230) to incorporate Water Code Section 10608.14 requirements, which will be available for public review on November 19, 2026.

NOTICE IS FURTHER HEREBY GIVEN THAT the District's proposed ordinance and revised Article 230 is available for public review, accessible on the District website at: **https://www.vcmwd.org/Board/Public-Notices** and the District's Administrative Office at 29300 Valley Center Road, from 7:00 a.m. to 4:30 p.m., Monday through Thursday and 7:00 a.m. to 3:30 p.m., Friday. Members of the public who wish to address the Board of Directors on the above referenced items may submit written testimony to the Board Secretary of the District at 29300 Valley Center Road, Valley Center, CA (mailing address: P.O. Box 67, Valley Center, CA 92082) any time prior to the hour set for the meeting.

The VCMWD Board of Directors welcomes the public to its Board Room in a limited capacity while accommodating virtual observation options as a convenience to the public. Additionally, Board Meetings continue to be livestreamed for those who wish to observe remotely. Please note in the event of technical issues that disrupt the meeting livestream or receipt of public comments by phone or email, the meeting will continue.

Instructions for members of the public who wish to address the Board of Directors:

Members of the public who wish to address the Board of Directors under "Audience Comments/ Questions" or on specific agenda items, may do so as instructed below. All comments will be subject to a limit of three (3) minutes.

- Making Public Comment for Those Attending In-Person: Members of the public who wish to observe or to address the Board may join the Board Members at the noticed, physical location. A Request to Speak slip is required to be submitted to the Board Secretary prior to the start of the meeting *(if possible)*.
- Phone Comments During the Meeting: Before the meeting, or before the public comment period for the item closes during the meeting, submit a telephone number by email to the Board Secretary at publiccomments@vcmwd.org together with the agenda item number, and the Board Secretary will call when the Board is ready to hear public comments; *or*
- Emailed Comments: Before the meeting, or before the public comment period for that item closes at the meeting, email your comments to the Board Secretary at

publiccomments@vcmwd.org and the comments will be read aloud during the public comment period; *or*

- Written Comments: Written comments can also be physically dropped off or mailed in advance of the meeting at the District's Administrative Office located at 29300 Valley Center Road, Valley Center, CA 92082, for receipt no later than 1:00 p.m., on meeting day.

These public comment procedures supersede the District's standard public comment policies and procedures to the contrary. If modifications or accommodations from individuals with disabilities are required, such persons should provide a request at least twenty-four (24) hours in advance of the meeting by email to the Board Secretary at chutchins@vcmwd.org.

Meeting Broadcast: Members of the public may watch the meeting electronically by visiting the District's website at **https://www.vcmwd.org/Board/Board-Documents** and then clicking the link listed below "live stream" on the page.

The District declares that the necessity and intent of the District's Administrative Code, Article 230 is to establish water demand management requirements necessary to support effective water supply planning, implement the District's adopted Water Shortage Contingency Plan when appropriate, and promote water use efficiency and conservation.

The District's Administrative Code, Article 230 establishes permanent water use efficiency measures and water shortage restrictions to support effective water supply planning. These requirements are necessary to ensure the reasonable and beneficial use of water, prevent waste and unreasonable water use, and establish procedures for noticing, imposing, and appealing penalties for violations of Article 230.

At the time stated above, the Board of Directors shall hear and consider all testimony and comments, if any, to the District's proposed ordinance and revised Administrative Code, Article 230 Water Use Efficiency and Drought Response Program and may continue the hearing from time to time. Upon the conclusion of the hearing, the Board may adopt, revise, change, or modify the proposed documents.

Lindsay Leahy
General Manager

Nov 19 & Nov 26, 2026

ORDINANCE NO. 2026-XX

ORDINANCE OF THE BOARD OF DIRECTORS OF VALLEY CENTER MUNICIPAL WATER DISTRICT PROHIBITING POTABLE WATER USE FOR NON-FUNCTIONAL TURF IRRIGATION IN COMPLIANCE WITH ASSEMBLY BILL 1572 AND APPLICABLE AMENDMENTS TO THE DISTRICT'S ADMINISTRATIVE CODE

WHEREAS, Assembly Bill 1572 (AB 1572), signed into law on October 13, 2023, added Section 10608.14 to the California Water Code, which prohibits, according to specified compliance dates, the use of potable water to irrigate nonfunctional turf (NFT) on commercial, industrial, and institutional (CII) properties, other than cemeteries, and on properties of homeowners' associations (HOAs), common interest developments, community service organizations, and similar entities;

WHEREAS, NFT is defined as turf that is not regularly used for human recreational purposes or for civic or community events;

WHEREAS, California Water Code Section 10608.14 (d) requires public water systems to revise regulations, ordinances, or policies governing water service to include the requirements of Water Code Section 10608.14 (a) and (b) and communicate the requirements to their customers by January 1, 2027;

WHEREAS, the NFT prohibition for all properties owned by the Department of General Services, is effective beginning January 1, 2027;

WHEREAS, the NFT prohibition for all properties owned by local governments, local or regional public agencies, and public water systems not in a disadvantaged community, is effective beginning January 1, 2027;

WHEREAS, the NFT prohibition for all CII properties, is effective beginning January 1, 2028;

WHEREAS, the NFT prohibition for all common areas of properties of HOAs, common interest developments, and community service organizations or similar entities, is effective beginning January 1, 2029.

WHEREAS, the NFT prohibition for all properties owned by local governments, local public agencies, and public water systems in a disadvantaged community, is effective beginning January 1, 2031, or the date upon which a state funding source is made available to fund conversion of NFT on these properties to climate-appropriate landscapes, whichever is later;

WHEREAS, the use of potable water prohibited by Water Code Section 10608.14 does not apply to single-family homes, turf areas irrigated with recycled water, irrigation necessary to ensure the health of trees and other perennial non-turf plantings, or irrigation necessary to address an immediate health and safety need;

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WHEREAS, noncompliance by a person or entity with requirements of California Water Code Section 10608.14, shall be subject to state enforcement, including civil liability and penalties set forth in Water Code Section 1846, as well as penalties identified in the District's Administrative Code Article 230, Section 230.13;

WHEREAS, the District declares that the necessity and intent of the District's Administrative Code, Article 230 is to establish water demand management requirements necessary to support effective water supply planning, implement the District's adopted Water Shortage Contingency Plan when appropriate, and promote water use efficiency and conservation. These requirements are intended to ensure the reasonable and beneficial use of water and prevent waste and unreasonable water use;

WHEREAS, the District's Administrative Code Article 230 established a Water Use Efficiency and Drought Response Program, which includes Permanent Water Use Efficiency Measures identified in Section 230.4;

WHEREAS, Administrative Code Article 230, Section 230.4 should be amended to include the requirements of Water Code Section 10608.14 prohibiting the use of potable water to irrigate NFT on the specified properties;

WHEREAS, no substantial changes were made to the six (6) standardized water shortage levels or associated response actions outlined in Administrative Code Article 230, adopted June 28, 2021; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the VALLEY CENTER MUNICIPAL WATER DISTRICT as follows:

Section 1. The above Recitals are true and correct and are made findings and determinations of the Board of Directors.

Section 2. That the Valley Center Municipal Water District's Administrative Code is amended to revise Article 230, Water Use Efficiency and Drought Response Program, as set forth in Exhibit A (Article 230 red-lined) and Exhibit B (Article 230 with proposed changes), attached hereto.

Section 3. That the modifications to the Administrative Code adopted as a result of this Ordinance shall be effective immediately. The above Recitals are true and correct and are made findings and determinations of the Board of Directors.

Section 4. All ordinances, resolutions, or administrative actions by the Board of Directors, or parts thereof that are inconsistent with any provision of this Ordinance are hereby superseded only to the extent of such inconsistency.

Section 5. If any section, subsection, clause or provision in this Ordinance or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Ordinance or the application of such provisions to other persons or circumstances shall not be affected thereby. The

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Board of Directors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Valley Center Municipal Water District held on the 7th day of December 2026, by the following vote, to wit:

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Enrico P. Ferro, *President*

_____

Coral Hutchins, *Board Secretary*

Exhibit A - Administrative Code, Article 230 Red-Lined Revisions
Exhibit B - Administrative Code, Article 230 Proposed Changes

Exhibit A

Article 230 Water Use Efficiency and Drought Response Program

Sec. 230.1 Declaration of Necessity and Intent

(a) This Article establishes water demand management requirements necessary to support effective water supply planning, implement the District's adopted Water Shortage Contingency Plan when appropriate, and promote water use efficiency and conservation. These requirements are intended to ensure the reasonable and beneficial use of water and prevent waste and unreasonable water use, including water loss from suspected or actual leaks within the District.

(b) This Article establishes regulations to be implemented during times of normal water supply availability and hydrologic conditions, as well as declared water shortages, or declared water shortage emergencies. It establishes six levels of water use efficiency and drought response actions to be implemented; with increasing restrictions on water use for the District's customers and the District itself in response to worsening water supply conditions and decreased short-term, intermittent, and long-term water supply availability.

Sec. 230.2 Definitions

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this Article:

1. "Agricultural Water Use" refers to water used for the growing or raising, in conformity with recognized practices of husbandry, for the purpose of personal use, donation, commerce, trade, or industry, or for use by public, educational or correctional institutions, for agricultural, horticultural or floricultural products, and produced: (1) for the market, (2) for the feeding of fowl or livestock produced for human consumption or for the market, (3) for the feeding of fowl or livestock for the purpose of obtaining their products for the market, (4) for personal consumption, or (5) donation for consumption. Except where stated, provisions of this Article do not apply to Agricultural Water Use as defined herein.

2. "Board of Directors" refers to the duly elected Board of Directors of the Valley Center Municipal Water District.

3. "Common Area" means that portion of a common interest development or of a property owned or managed by a homeowners' association or a community service organization or similar entity that is not assigned or allocated to the exclusive use of the occupants of an individual dwelling unit within the property.

4. "Common Interest Development" means a community apartment project, condominium project, a planned development or stock cooperative.

5. "Community Service Organization or Similar Entity" means a nonprofit entity, other than an association, that is organized to provide services to residents of the common interest development or to the public in

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addition to the residents, to the extent community common area or facilities are available to the public. It does not include an entity that has been organized solely to raise moneys and contribute to other nonprofit organizations that are qualified as tax exempt under Section 501(c)(3) of the Internal Revenue Code and that provide housing or housing assistance.

6. "Community Space" means an area designated by a property owner or a governmental agency to accommodate human foot traffic for civic, ceremonial, or other community events or social gatherings.
7. "Construction Water" means water used for construction purposes; including, but not limited to grading, compaction, dust control, cleanup, and hydroseeding, or other uses as determined by the General Manager.
8. "Disadvantaged Community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.
9. "District" refers to the Valley Center Municipal Water District.
10. "Functional Turf" means a ground cover surface of turf located in a recreational use area or community space.
11. "Homeowners' Association" or "HOA" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
12. "Immediate Emergency" means a short-term operational limitation due to breakage or failure of dam, reservoir, aqueduct, pump, treatment system, pipeline, conduit, a natural or man-made disaster, or any other disruption of the District's water supply or delivery system.
13. "Non-Functional Turf" means turf that is not regularly used for human recreational purposes or for civic or community events.
14. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, educational institutions, or any other user of water provided by the District.
15. "State" means the state of California, including any department or regulatory agency thereof.
16. "Turf" or "Turf Grass" means a living ground cover surface of mowed grass.
17. "Water Authority" means the San Diego County Water Authority.
18. "Water Shortage Emergency" means a condition existing within the District in which the ordinary water demands and requirements of the persons within the District cannot be satisfied without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation and fire protection. A water shortage emergency includes a threatened water shortage, in which the District determines that its supply cannot meet

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an increased future demand.

Sec. 230.3 Application

(a) The provisions of this Article apply to any person in the use of any potable water provided by the District.

(b) The provisions of this Article do not apply to use of water from private wells, surface sources or recycled water.

(c) This Article is intended solely to further the conservation of potable 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 land use jurisdiction or Regional Water Quality Control Board for information on any storm water ordinances and storm water management plans.

(d) Nothing in this Article is intended to affect or limit the ability of the District to declare and respond to an emergency, including an emergency that affects the ability of the District to supply water or limit the ability of the District to prevent what is determined to be a wasteful or unreasonable use of water even though it may not specifically be identified as such in this Article.

(e) Nothing in this article shall apply to use of potable water that is subject to a special supply program, such as the Water Authority's Permanent Special Agricultural Water Rate (PSAWR) Program. Violations of the conditions of special supply programs are subject to the penalties established under the applicable programs. A person using water subject to a special supply program as well as other potable water provided by the District is subject to this Article for the use of the other potable water.

(f) If the State or a wholesale water provider, through executive action, emergency legislation or other actions, imposes conditions, requirements, or procedures that are not included in this Article, the General Manager is authorized to implement such other actions, conditions, requirements or procedures as are reasonably required to bring the District, in each Water Supply Level, into functional conformity with such conditions, requirements, or procedures. In such an event, the General Manager shall notify the Board of Directors of any such implemented actions, conditions, requirements or procedures at the next regular Board Meeting unless a special meeting is warranted and called for by the Board President or Vice President in the President's absence.

Sec. 230.4 Permanent Water Use Efficiency Measures

(a) The District has adopted permanent water use efficiency measures that prohibit wasteful potable water use. These measures are in effect at all times, regardless of water supply availability or hydrologic conditions. The following potable water uses and practices are prohibited:

1. Hosing off sidewalks, driveways, and other hardscapes; except when it is necessary to alleviate safety or sanitation hazards.

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2. Watering lawns in a manner that causes runoff, or watering within forty-eight (48) hours after measurable precipitation.
3. The use of non-recirculated water to operate ornamental fountains or other decorative water features.
4. Washing vehicles with hoses not equipped with a shut-off nozzle. Avoid washing during hot conditions when additional water is required due to evaporation.
5. Consistent with Water Code Section 10608.14, the use of potable water to irrigate nonfunctional-turf (NFT) on commercial, industrial, and institutional (CII) properties, other than cemeteries, and on properties of homeowners' associations (HOAs), common interest developments, community service organizations, and similar entities as of the following dates:

    A. All properties owned by the Department of General Services, beginning January 1, 2027;

    B. All properties owned by local governments, local or regional public agencies, and public water systems, except those specified in Section 230.4(a)(5)(E), effective beginning January 1, 2027;

    C. All CII properties, effective beginning January 1, 2028;

    D. All common areas of properties of HOAs, common interest developments, and community service organizations or similar entities, effective beginning January 1, 2029; and

    E. All properties owned by local governments, local public agencies, and public water systems in a disadvantaged community, effective beginning January 1, 2031, or the date upon which a state funding source is made available to fund conversion of nonfunctional-turf on these properties to climate-appropriate landscapes, whichever is later.

(b) The prohibition under Section 230.4(a)(5) does not apply to single-family homes, turf areas irrigated with recycled water, irrigation necessary to ensure the health of trees and other perennial non-turf plantings, or irrigation necessary to address an immediate health and safety need.

(c) The State Water Resources Control Board may, upon a showing of good cause for reasons including economic hardship, critical business need, or potential impacts to human health or safety, postpone a compliance deadline established by Water Code Section 10608.14 for up to three (3) years for certain persons, institutions, and businesses. An extension granted by the State Water Resources Control Board does not waive, modify, or otherwise supersede a customer's obligation to comply with the prohibition established by Section 230.4(a)(5). Upon receipt of proof of an extension granted by the State Water Resources Control Board, in a form acceptable to the District, the applicable compliance deadline in Section 230.4(a)(5) shall be extended to match the deadline established by the State Water Resources Control Board.

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(d) Noncompliance by a person or entity with Article 230.4(a)(5), as required by California Water Code Section 10608.14, maybe subject to state enforcement, including civil liability and penalties set forth in Water Code Section 1846, as well as District penalties identified in Section 230.13.

Sec. 230.5 Drought Response Level 1 – Reduction Up to 10%

(a) A Drought Response Level 1 condition applies when supply reductions imposed by the Water Authority, or water supply conditions specific to the District, require a consumer demand reduction of up to ten percent (10%)

to ensure sufficient supplies are available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 1 and implement the mandatory Level 1 water conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350 *et seq*., during a Level 1 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.

(b) During a Drought Response Level 1 condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices. The same water conservation practices become mandatory if the District declares a Level 2 condition:

1. Irrigate residential and commercial landscape before 10:00 a.m. and after 4:00 p.m. **only**. Watering is permitted at any time when weather based controllers, drip or micro-irrigation equipment, stream rotor sprinklers, or other water-efficient devices are used. This Section shall not apply to Agricultural Water Use.

2. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas; including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

3. Irrigate nursery and commercial growers' products before 10:00 a.m. and after 4:00 p.m. **only**. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

4. Serve and refill water in restaurants, bars, and other food service establishments only upon request.

5. Hotels, motels, time shares and resort facilities and other commercial lodging establishments should offer guests the option of not laundering towels and linens daily.

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6. Repair all leaks within five (5) days of notification by the District, unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District ***including*** Agricultural Water Use.

Sec. 230.6 Drought Response Level 2 – Reduction up to 20%

(a) A Drought Response Level 2 condition applies when supply reductions imposed by the Water Authority, or water supply conditions specific to the District, require a consumer demand reduction of up to twenty percent (20%) to ensure sufficient supplies are available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 2 and implement the mandatory Level 2 water conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350 et seq., during a Level 2 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.

(b) During a Level 2, all persons using District supplied water shall comply, on a mandatory basis, with conservation practices and measures required during a Level 1 and shall also comply with the following additional mandatory conservation measures to achieve up to a 20 percent (20%) reduction in demand:

1. Repair all leaks within three (3) days of notification by the District of a suspected or actual leak unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District ***including*** Agricultural Water Use.
2. Use recycled or non-potable water for construction purposes when available and economically feasible.
3. Limit residential and commercial landscape irrigation to three (3) or fewer assigned days per week, as specified on a schedule established by the General Manager and posted by the District; provided however, that landscape irrigation systems using weather based controllers, drip or micro-irrigation equipment, stream rotor sprinklers, or other water-efficient devices are not subject to the ten (10) minute restriction in subsequent levels. This Section shall not apply to Agricultural Water Use or landscapes irrigated with recycled water.
4. Water landscaped areas, including trees and shrubs located on residential and commercial properties, not irrigated by a landscape irrigation system governed by Section 230.6(b)(3), on the same schedule set forth in Section 230.6(b)(3) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

Sec. 230.7 Drought Response Level 3 – Reduction Up to 30%

(a) A Drought Response Level 3 condition applies when supply reductions

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imposed by the Water Authority, or water supply conditions specific to the District, require a consumer demand reduction of up to thirty percent (30%) to ensure sufficient supplies are available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of Level 3 and implement the mandatory Level 3 conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in a manner and on the grounds provided in California Water Code Section 350 *et seq.*, during a Level 3 condition, such declaration shall remain in effect during the period of the emergency and until the supply of water available for distribution within the District has been replenished or augmented.

(b) During a Level 3 all persons using District supplied water shall comply, on a mandatory basis, with conservation practices and measures required during Level 1 and Level 2, and shall also comply with the following additional mandatory conservation measures to achieve up to a 30 percent (30%) reduction in demand:

1. Limit residential and commercial landscape irrigation to before 10:00 a.m. or after 4:00 p.m. **only** and to no more than ten (10) minutes or fewer per watering station for three (3) or fewer assigned days per week as specified on a schedule established by the General Manager and posted by the District provided however, that landscape irrigation weather based controllers, drip or micro-irrigation equipment, stream rotor sprinklers, or other water-efficient devices are not subject to the ten (10) minute restriction. This Section shall not apply to Agricultural Water Use or landscapes irrigated with recycled water.
2. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section 230.7(b)(1), on the same schedule set forth in Section 230.7(b)(1) by using a bucket, or hand-held hose with a positive shut-off nozzle or low-volume non-spray irrigation.
3. Not washing vehicles except at commercial carwashes that recirculate water, or by high pressure/low volume wash systems.
4. Repair all leaks within two (2) days of notification by the District unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District ***including*** Agricultural Water Use.
5. Use recycled or non-potable water for construction purposes as defined in Section 230.2(a)(1) of this Article.

(c) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, upon declaration of Level 3, all non-PSAWR meters without preexisting allocations shall be provided an allocation of ten (10) Hundred Cubic Feet (HCF) per equivalent ¾-inch meter, per month for months in the base period for which there is no usage history or a usage history of less than ten (10) HCF. Such allocation shall be subject to

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future reductions as determined necessary by the Board of Directors as well as the appeal process provided for in Section 230.14 of this Article. Water allocations for meters in the PSAWR program shall be based upon water supply reduction plans adopted by the Board for those specific programs.

(d) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350 *et seq.,* during a Level 3, unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager.

1. Only existing and new annexation proposals which can provide to the District additional water resources offsetting the net water demand impact for the specific projects in the annexing area and providing 0.5 acre feet per year of additional supply per unit of development in the annexing area to meet firm Municipal and Industrial demands within the existing District service area will continue to be processed or have applications considered by the District. For the purposes of this subsection, "additional water resources" shall be defined as:

A. Water resources originating from outside the current service area of the District; and

B. Water resources resulting from financial support from the annexing lands for local water resource development opportunities within the District determined to be available for annexing territories. Local resource development opportunities available for annexing lands shall be identified after first determining the level of local resource development opportunities which may be required to accommodate development on lands currently within the District boundaries.

Sec. 230.8 Drought Response Level 4 – Reduction up to 40%

(a) A Drought Response Level 4 condition applies when supply reductions imposed by the Water Authority, or water supply conditions specific to the District, require a consumer demand reduction of greater up to forty percent (40%) to ensure sufficient supplies are available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 4 and implement the mandatory Level 4 water conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350 *et seq.,* during a Level 4 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.

(b) During a Level 4, all persons using District supplied water shall comply on a mandatory basis with conservation practices and measures required during Level 1, Level 2 and Level 3 and shall also comply with the following additional mandatory conservation measures to achieve a reduction of up to 40 percent

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(40%) in demand:

1. Limiting residential and commercial landscape irrigation to before 10:00 a.m. or after 4:00 p.m. **only** and to no more than ten (10) minutes or fewer per watering station for two (2) or fewer assigned days per week as specified on a schedule established by the General Manager and posted by the District provided however, that landscape irrigation using weather based controllers, drip or micro-irrigation equipment, stream rotor sprinklers, or other water-efficient devices are not subject to the ten (10) minute restriction. This Section shall not apply to Agricultural Water Use or landscapes irrigated with recycled water.

2. Watering landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section 230.8(b)(1), on the same schedule set forth in Section 230.8(b)(1) by using a bucket, or hand-held hose with a positive shut-off nozzle or low- volume non-spray irrigation.

3. Stop filling or refilling ornamental lakes or ponds, 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 drought response level under this Article.

(c) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350 *et seq.,* during a Level 4, unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager:

1. All new development processing, consisting of the issuance of new statements of ability to serve (PFA/PFC letters, Concept Approvals, or Agency Clearance letters) shall be subject to limitations. Projects that meet the following criteria will continue to be processed:

   A. Existing meter capacity; or

   B. Those providing substantial evidence, to the satisfaction of the District, that the project's net water demands will be offset prior to the installation of any new water meter(s) through either of the following:

      i. The development of local water resources; or

      ii. Participation in a local or regional net demand offset program.

Sec. 230. 9 Drought Response Level 5 - Reduction Up to 50%

(a) A Drought Response Level 5 condition applies when supply reductions imposed by the Water Authority, or water supply conditions specific to the District, require a consumer demand reduction of up to fifty percent (50%) to ensure sufficient supplies are available to meet anticipated demands, or

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as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 5 and implement the mandatory Level 5 conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350 *et seq.,* during a Level 5 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.

(b) All persons using water shall comply with conservation measures required during Level 1, Level 2, Level 3, and Level 4 conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the District has determined that recycled water is available and may be lawfully applied to the use:

   A. Maintenance of trees and shrubs that are watered on the same schedule set forth in Section 230.8(b)(1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

   B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

   C. Maintenance of existing landscaping for erosion control; and

   D. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;

   E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under Section 230.8(b)(1);

   F. Watering of livestock;

   G. Agricultural Water Use; and

   H. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all leaks within one (1) day of notification by the District unless other arrangements are made with the General Manager. This applies to any person in the use of any water provided by the District ***including*** Agricultural Water Use.

(c) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in

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California Water Code Section 350 *et seq*., during a Level 5, unless the water supply shortage is associated with an immediate Emergency as determined by the General Manager:

1. Any and all development and annexation processing with associated direct water usage shall be terminated and no new temporary or permanent potable water meters shall be provided, and no statement of immediate ability to serve or provide potable water service (such as, will serve letters, certificates or letters of availability) shall 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's 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 shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one (1) year or less.

Sec. 230.10 Drought Response Level 6 – Reduction Over 50%

(a) A Drought Response Level 6 condition applies when supply reductions imposed by the Water Authority, or water supply conditions specific to the District, require a consumer demand reduction of greater than fifty percent (50%) to ensure sufficient supplies are available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 6 and implement the mandatory Level 6 conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350 *et seq.,* during a Level 6 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.

(b) All persons using District water shall comply with conservation measures required during Level 1, 2, 3, 4, and 5 conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation identified in Section 230.8(b)(1) except for the following categories of use:

   A. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire

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protection agency having jurisdiction over the property to be irrigated;

B. Maintenance of existing landscaping for erosion control;

C. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;

D. Watering of livestock; and

E. Public works projects and actively irrigated environmental mitigation projects.

Sec. 230.11 Procedures for Determination and Notification of Water Supply Shortage Condition Levels

(a) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, the existence of a Level 1, 2, 3, 4, 5, or 6 condition may be declared by the Board of Directors by adoption of a resolution at a regular or special meeting held in accordance with State law.

Additionally, the Board may declare a Water Shortage Emergency in accordance with the procedures specified in California Water Code sections 351 and 352. Following at least a seven (7) day notice of the meeting at which the declaration will be made, the District Board of Directors may declare the existence of a Water Shortage Emergency during a Level 1, 2, 3, 4, 5 or 6 condition by the adoption of a resolution at any regular or special meeting held in accordance with State law. The mandatory conservation measures applicable to a Level 1, 2, 3, 4, 5 or 6 condition shall take effect on the tenth (10) day after the date the response level is declared.

The General Manager may publish a notice of the determination of the existence of a Level 1, 2, 3, 4, 5 or 6 condition in one or more newspapers, including a newspaper of general circulation within the District. The District may also post notice of the condition on their website. If the District establishes a water allocation, it shall provide notice by mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Water allocations shall be effective on the fifth (5^{th}) day following the date of mailing or at such later date as specified in the notice.

(b) If the water supply shortage requiring declaration of a Level 1, 2, 3, 4, 5 or 6 condition is associated with an Immediate Emergency as determined by the General Manager, the General Manager shall have the authority to implement the measures necessary to balance available water supply and demand. The General Manager shall notify the Board of Directors of the conditions leading to the call for a Level 1, 2, 3, 4, 5 or 6 condition as soon as possible, but no later than twenty-four (24) hours after the physical system emergency or failure. Further, the General Manager shall provide the Board with a full report on the incident leading to the implementation of a Level 1, 2, 3, 4, 5 or 6 condition at the next regular Board Meeting unless a special meeting is warranted and called for by the Board President or Vice President in the President's absence.

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(c) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, the District Board of Directors may declare an end to a Level 1, 2, 3, 4, 5 or 6 condition by the adoption of a resolution at any regular or special meeting held in accordance with State law. In the case of water supply shortage associated with an Immediate Emergency as determined by the General Manager, the General Manager may declare an end to a Water Supply Shortage Response level based upon the assessment of the water supply conditions specific to the District. The Board shall be notified of the General Manager's actions to end a Water Supply Shortage Response in a manner consistent with the provisions in subsection 230.11(b).

Sec. 230.12 Hardship Variance

(a) If, due to unique circumstances, a specific requirement of this Article would result in undue hardship to a person using District water or to property upon which District water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this Section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using District water or to property upon which District water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. The Application for a variance shall be in a form prescribed by the District.

2. Supporting Documentation. The Application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. Required Findings for Variance. The Application for a variance shall be denied unless the approving authority finds, based on the information provided in the Application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other District customers.

B. That because of special circumstances applicable to the property or its use, the strict application of this Article would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of substantial detriment to adjacent properties and will not materially affect the

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ability of the District to effectuate the purpose of this Section and will not be detrimental to the public interest.

D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The General Manager or authorized designee shall exercise approval authority and act upon any completed Application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory water supply shortage response.

Sec. 230.13 Enforcement

(a) As provided in California Water Code Section 377, any violation of Sections 230.4, 230.6, 230.7, 230.8, 230.9 or 230.10 is a misdemeanor. Upon conviction thereof, such person may be punished by imprisonment in the county jail for not more than thirty (30) days, or by fine not exceeding one thousand dollars ($1,000) or both.

(b) As provided in California Water Code Section 377, any person may be held civilly liable for violating Sections 230.4, 230.6, 230.7, 230.8, 230.9 or 230.10 or any emergency regulations adopted by the State Water Resources Control Board.

(c) Each day that a violation of this Article occurs is a separate offense.

(d) Prior to seeking criminal enforcement of the provisions of Sections 230.4, 230.6, 230.7, 230.8, 230.9 or 230.10, the District may impose progressive civil penalties and restrictions for violations pursuant to the following enforcement measures for repeated violations:

First Violation:	Written warning
Second Violation:	Level 2 – Penalty of $25 placed on the water bill. Level 3 – Penalty of $50 placed on the water bill. Level 4 – Penalty of $100 placed on the water bill. Level 5 – Penalty of $200 placed on the water bill. Level 6 – Penalty of $400 placed on the water bill.
Third Violation:	Level 2 – Penalty of $50 placed on the water bill. Level 3 – Penalty of $100 placed on the water bill. Level 4 – Penalty of $200 placed on the water bill. Level 5 – Penalty of $400 placed on the water bill. Level 6 – Penalty of $800 placed on the water bill.
Fourth Violation:	For Levels 2 through 6, a penalty of $1,000 placed on the water bill, and installation of a flow restriction of five

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(5) gallons per minute for 120 hours (5 days), and the customer will be charged for the installation and removal of the flow restrictor.

Fifth Violation: For Levels 2 through 6, a penalty of $2,000 placed on water bill, complaint filed with the County of San Diego District Attorney's office, flow restriction imposed and sustained to five (5) gallons per minute until disposition of complaint, and the customer will be charged for the installation and removal of the flow restrictor.

Continuing Violation: After the fifth violation, the District may additionally impose a per day penalty for continuing violations as follows:

Level 2 – $50
Level 3 – $100
Level 4 – $200
Level 5 – $400
Level 6 – $800

The above penalties are independent of, and are in addition to, any volumetric penalties imposed in accordance with any allocation adopted by the District.

(e) In addition, or as an alternative, the District may install flow restrictors or discontinue water service at any time.

(f) For each of the above-noted measures, a Complaint and Citation will be issued by a designee of the District's General Manager notifying the violator of the basis for the proposed civil liability order. Unless an appeal and/or hearing is requested pursuant to the provisions of Section 230.14(a) of this Article, on the thirty-first (31st) day following the issuance of the Citation and Complaint, the District's General Manager, or authorized designee, shall issue a final order ("Final Order") setting the civil penalty.

(g) Willful violations of Sections 230.9 and Section 230.10 may be enforced by discontinuing service to the property at which the violation occurs as provided by California Water Code Section 356.

(h) All remedies provided for herein shall be cumulative and not exclusive.

(i) All revenues collected by the District from penalties imposed pursuant to Section 230.13 may only be used for the purposes of furthering the provisions and goals of the District's Water Use Efficiency and Drought Response Program.

Sec. 230.14 Appeal Procedures

(a) Appeal of Section 230.13 Civil Penalties.

1. Any person ("Appellant") may appeal any Citation and Complaint issued by a designee of the District's General Manager pursuant to Section 230.13 of this Article. Any such appeal shall be made in

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writing on a form provided by the District to the Director of Finance, or authorized designee. All appeals shall be filed within fifteen (15) calendar days of the date of the Citation and Complaint. The Director of Finance, or authorized designee, shall then have thirty (30) calendar days to provide a written decision, granting or denying the appeal.

2. If the appeal is denied, the Appellant may, within fifteen (15) calendar days of the date of the decision of the Finance Director, or authorized designee, request a hearing before the District's General Manager, or authorized designee. The hearing shall not be held sooner than thirty (30) days after the Citation and Complaint was issued, and the Appellant may present evidence in writing or in person. The District's General Manager, or authorized designee, shall take into consideration all relevant circumstances in determining the amount of civil liability to assess, including but not limited to: (i) the nature and persistence of the violation; (ii) the extent of the harm caused by the violation; (iii) the length of time over which the violation occurs; and (iv) any corrective action taken by the violator. If a hearing is not timely requested or upon closing a completed hearing, the District's General Manager, or authorized designee, shall issue a Final Order within ten (10) calendar days of the hearing.

3. Within fifteen (15) calendar days of the issuance of the District General Manager's Final Order, the Appellant may appeal to the Board of Directors. Appeals to the Board of Directors will be placed on the agenda for review and action at a subsequent meeting of the Board of Directors. A decision by the Board of Directors shall be final. If an appeal is not timely requested, the Final Order issued by the District's General Manager is final. Any civil penalties imposed pursuant to the Final Order or final decision by the Board of Directors are due and payable and shall be placed on the water bill. The provisions of Section 1094.5 of the Code of Civil Procedure of the State of California are applicable to judicial review of the Final Order.

4. During the appeal process, all provisions and decisions under appeal shall remain in full effect until the conclusion of the appeal process.

(b) All other appeals:

1. Decisions made by District staff can be appealed in writing on a form provided by the District to the Director of Finance, or authorized designee. All appeals shall be filed within fifteen (15) calendar days of the date of the form provision or decision being appealed. The Director of Finance, or authorized designee, shall then have thirty (30) calendar days to provide a written decision on the appeal.

2. Decisions by the Director of Finance, or authorized designee, may be appealed to the General Manager, or authorized designee, within fifteen (15) calendar days of the date of the decision by the Director of Finance, or authorized designee. The General Manager, or

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authorized designee, shall then have thirty (30) calendar days to provide a written decision to the appeal of decision by the Director of Finance.

3. All decisions by General Manager, or authorized designee, may be appealed to the Board of Directors. Requests for appeals to the Board shall be made in writing within fifteen (15) days of the date of the decision by the General Manager, or authorized designee, and will be placed on the agenda for review and action at a subsequent meeting of the Board. The decision by the Board shall be final.

4. During the appeal process, all provisions and decisions under appeal shall remain in full effect until the conclusion of the appeal process.

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Article 230 Water Use Efficiency and Drought Response Program

Sec. 230.1 Declaration of Necessity and Intent

(a) This Article establishes water demand management requirements necessary to support effective water supply planning, implement the District's adopted Water Shortage Contingency Plan when appropriate, and promote water use efficiency and conservation. These requirements are intended to ensure the reasonable and beneficial use of water and prevent waste and unreasonable water use, including water loss from suspected or actual leaks within the District.

(b) This Article establishes regulations to be implemented during times of normal water supply availability and hydrologic conditions, as well as declared water shortages, or declared water shortage emergencies. It establishes six levels of water use efficiency and drought response actions to be implemented; with increasing restrictions on water use for the District's customers and the District itself in response to worsening water supply conditions and decreased short-term, intermittent, and long-term water supply availability.

Sec. 230.2 Definitions

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this Article:

1. "Agricultural Water Use" refers to water used for the growing or raising, in conformity with recognized practices of husbandry, for the purpose of personal use, donation, commerce, trade, or industry, or for use by public, educational or correctional institutions, for agricultural, horticultural or floricultural products, and produced: (1) for the market, (2) for the feeding of fowl or livestock produced for human consumption or for the market, (3) for the feeding of fowl or livestock for the purpose of obtaining their products for the market, (4) for personal consumption, or (5) donation for consumption. Except where stated, provisions of this Article do not apply to Agricultural Water Use as defined herein.

2. "Board of Directors" refers to the duly elected Board of Directors of the Valley Center Municipal Water District.

3. "Common Area" means that portion of a common interest development or of a property owned or managed by a homeowners' association or a community service organization or similar entity that is not assigned or allocated to the exclusive use of the occupants of an individual dwelling unit within the property.

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Per Ordinance No. 2021-07; Adopted 06/28/21 (Article 230 Title - *changed from "Water Supply Management and Shortage Condition Response Program"; to: "Water Use Efficiency and Drought Response Program") (§230.1(a) and (b); (c) and (d) removed)*
Per Ordinance No. 2015-06; Adopted 04/20/15 (Article 230)
Per Ordinance No. 2021-07; Adopted 06/28/21 *(§230.2(a)(2),(3) and (§230.3(b))*
Per Ordinance No. 2015-15; Adopted 10/05/15 (§230.2(a)(2)

4. "Common Interest Development" means a community apartment project, condominium project, a planned development or stock cooperative.
5. "Community Service Organization or Similar Entity" means a nonprofit entity, other than an association, that is organized to provide services to residents of the common interest development or to the public in addition to the residents, to the extent community common area or facilities are available to the public. It does not include an entity that has been organized solely to raise moneys and contribute to other nonprofit organizations that are qualified as tax exempt under Section 501(c)(3) of the Internal Revenue Code and that provide housing or housing assistance.
6. "Community Space" means an area designated by a property owner or a governmental agency to accommodate human foot traffic for civic, ceremonial, or other community events or social gatherings.
7. "Construction Water" means water used for construction purposes; including, but not limited to grading, compaction, dust control, cleanup, and hydroseeding, or other uses as determined by the General Manager.
8. "Disadvantaged Community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.
9. "District" refers to the Valley Center Municipal Water District.
10. "Functional Turf" means a ground cover surface of turf located in a recreational use area or community space.
11. "Homeowners' Association" or "HOA" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
12. "Immediate Emergency" means a short-term operational limitation due to breakage or failure of dam, reservoir, aqueduct, pump, treatment system, pipeline, conduit, a natural or man-made disaster, or any other disruption of the District's water supply or delivery system.
13. "Non-Functional Turf" means turf that is not regularly used for human recreational purposes or for civic or community events.
14. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, educational institutions, or any other user of water provided by the District.
15. "Potable Water" means water that is intended and suitable for human consumption and that meets applicable federal and California drinking water quality standards.

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Article 230 Water Use Efficiency and Drought Response Program

Sec. 230.2 Definitions (cont'd)

16. "Recreational Use Area" means an area designated by a property owner or a governmental agency to accommodate human foot traffic for recreation, including, but not limited to, sports fields, golf courses, playgrounds, picnic grounds, or pet exercise areas. This recreation may be either formal or informal.
17. "Recycled Water" means non-potable water produced by a wastewater treatment plant or water recycling treatment plant permitted to produce recycled water pursuant to California Code of Regulations, Title 22 that is suitable for landscape irrigation, decorative fountains, or artificial snowmaking for commercial outdoor use.
18. "State" means the state of California, including any department or regulatory agency thereof.
19. "Turf" or "Turf Grass" means a living ground cover surface of mowed grass.
20. "Water Authority" means the San Diego County Water Authority.
21. "Water Shortage Emergency" means a condition existing within the District in which the ordinary water demands and requirements of the persons within the District cannot be satisfied without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation and fire protection. A water shortage emergency includes a threatened water shortage, in which the District determines that its supply cannot meet an increased future demand.

Sec. 230.3 Application

(a) The provisions of this Article apply to any person in the use of any potable water provided by the District.

(b) The provisions of this Article do not apply to use of water from private wells, surface sources or recycled water.

(c) This Article is intended solely to further the conservation of potable 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 land use jurisdiction or Regional Water Quality Control Board for information on any storm water ordinances and storm water management plans.

(d) Nothing in this Article is intended to affect or limit the ability of the District to declare and respond to an emergency, including an emergency that affects the ability of the District to supply water or limit the ability of the District to prevent what is determined to be a wasteful or unreasonable use of water even though it may not specifically be identified as such in this Article.

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Article 230 Water Use Efficiency and Drought Response Program

Sec. 230.3 Application (cont'd)

(e) Nothing in this article shall apply to use of potable water that is subject to a special supply program, such as the Water Authority's Permanent Special Agricultural Water Rate (PSAWR) Program. Violations of the conditions of special supply programs are subject to the penalties established under the applicable programs. A person using water subject to a special supply program as well as other potable water provided by the District is subject to this Article for the use of the other potable water.

(f) If the State or a wholesale water provider, through executive action, emergency legislation or other actions, imposes conditions, requirements, or procedures that are not included in this Article, the General Manager is authorized to implement such other actions, conditions, requirements or procedures as are reasonably required to bring the District, in each Water Supply Level, into functional conformity with such conditions, requirements, or procedures. In such an event, the General Manager shall notify the Board of Directors of any such implemented actions, conditions, requirements or procedures at the next regular Board Meeting unless a special meeting is warranted and called for by the Board President or Vice President in the President's absence.

Sec. 230.4 Permanent Water Use Efficiency Measures

(a) The District has adopted permanent water use efficiency measures that prohibit wasteful potable water use. These measures are in effect at all times, regardless of water supply availability or hydrologic conditions. The following potable water uses and practices are prohibited:

1. Hosing off sidewalks, driveways, and other hardscapes; except when it is necessary to alleviate safety or sanitation hazards.
2. Watering lawns in a manner that causes runoff, or watering within forty-eight (48) hours after measurable precipitation.
3. The use of non-recirculated water to operate ornamental fountains or other decorative water features.
4. Washing vehicles with hoses not equipped with a shut-off nozzle. Avoid washing during hot conditions when additional water is required due to evaporation.
5. Consistent with Water Code Section 10608.14, the use of potable water to irrigate nonfunctional-turf (NFT) on commercial, industrial, and institutional (CII) properties, other than cemeteries, and on properties of homeowners' associations (HOAs), common interest developments, community service organizations, and similar entities as of the following dates:

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Article 230 Water Use Efficiency and Drought Response Program

Sec. 230.4 Permanent Water Use Efficiency Measures (*cont'd*)

A. All properties owned by the Department of General Services, beginning January 1, 2027;

B. All properties owned by local governments, local or regional public agencies, and public water systems, except those specified in Section 230.4(a)(5)(E), effective beginning January 1, 2027;

C. All CII properties, effective beginning January 1, 2028;

D. All common areas of properties of HOAs, common interest developments, and community service organizations or similar entities, effective beginning January 1, 2029; and

E. All properties owned by local governments, local public agencies, and public water systems in a disadvantaged community, effective beginning January 1, 2031, or the date upon which a state funding source is made available to fund conversion of nonfunctional-turf on these properties to climate-appropriate landscapes, whichever is later.

(b) The prohibition under Section 230.4(a)(5) does not apply to single-family homes, turf areas irrigated with recycled water, irrigation necessary to ensure the health of trees and other perennial non-turf plantings, or irrigation necessary to address an immediate health and safety need.

(c) The State Water Resources Control Board may, upon a showing of good cause for reasons including economic hardship, critical business need, or potential impacts to human health or safety, postpone a compliance deadline established by Water Code Section 10608.14 for up to three (3) years for certain persons, institutions, and businesses. An extension granted by the State Water Resources Control Board does not waive, modify, or otherwise supersede a customer's obligation to comply with the prohibition established by Section 230.4(a)(5). Upon receipt of proof of an extension granted by the State Water Resources Control Board, in a form acceptable to the District, the applicable compliance deadline in Section 230.4(a)(5) shall be extended to match the deadline established by the State Water Resources Control Board.

(d) Noncompliance by a person or entity with Article 230.4(a)(5), as required by California Water Code Section 10608.14, maybe subject to state enforcement, including civil liability and penalties set forth in Water Code Section 1846, as well as District penalties identified in Section 230.13.

Sec. 230.5 Drought Response Level 1 – Reduction Up to 10%

(a) A Drought Response Level 1 condition applies when supply reductions imposed by the Water Authority, or water supply conditions specific to the District, require a consumer demand reduction of up to ten percent (10%)

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to ensure sufficient supplies are available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 1 and implement the mandatory Level 1 water conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350 *et seq*., during a Level 1 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.

(b) During a Drought Response Level 1 condition, the District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices. The same water conservation practices become mandatory if the District declares a Level 2 condition:

1. Irrigate residential and commercial landscape before 10:00 a.m. and after 4:00 p.m. **only**. Watering is permitted at any time when weather based controllers, drip or micro-irrigation equipment, stream rotor sprinklers, or other water-efficient devices are used. This Section shall not apply to Agricultural Water Use.

2. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas; including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

3. Irrigate nursery and commercial growers' products before 10:00 a.m. and after 4:00 p.m. **only**. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

4. Serve and refill water in restaurants, bars, and other food service establishments only upon request.

5. Hotels, motels, time shares and resort facilities and other commercial lodging establishments should offer guests the option of not laundering towels and linens daily.

6. Repair all leaks within five (5) days of notification by the District, unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District *<u>including</u>* Agricultural Water Use.

Per Ordinance No. 2021-07; Adopted 06/28/21 (§230.5 *title changed from "Water Supply Shortage Alert Condition – Level 2", to "Drought Response Level 1 – Reduction Up to 10%"*)
Per Ordinance No. 2015-15; Adopted 10/05/15 and (§230.5(b)(1) & (3))

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Sec. 230.6 Drought Response Level 2 – Reduction up to 20%

(a) A Drought Response Level 2 condition applies when supply reductions imposed by the Water Authority, or water supply conditions specific to the District, require a consumer demand reduction of up to twenty percent (20%) to ensure sufficient supplies are available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 2 and implement the mandatory Level 2 water conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350 et seq., during a Level 2 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.

(b) During a Level 2, all persons using District supplied water shall comply, on a mandatory basis, with conservation practices and measures required during a Level 1 and shall also comply with the following additional mandatory conservation measures to achieve up to a 20 percent (20%) reduction in demand:

1. Repair all leaks within three (3) days of notification by the District of a suspected or actual leak unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District ***including*** Agricultural Water Use.
2. Use recycled or non-potable water for construction purposes when available and economically feasible.
3. Limit residential and commercial landscape irrigation to three (3) or fewer assigned days per week, as specified on a schedule established by the General Manager and posted by the District; provided however, that landscape irrigation systems using weather based controllers, drip or micro-irrigation equipment, stream rotor sprinklers, or other water-efficient devices are not subject to the ten (10) minute restriction in subsequent levels. This Section shall not apply to Agricultural Water Use or landscapes irrigated with recycled water.
4. Water landscaped areas, including trees and shrubs located on residential and commercial properties, not irrigated by a landscape irrigation system governed by Section 230.6(b)(3), on the same schedule set forth in Section 230.6(b)(3) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

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Per Ordinance No. 2021-07; Adopted 06/28/21 (§230.6 *title changed from "Water Supply Shortage Alert Condition – Level 3", to "Drought Response Level 2 – Reduction Up to 20%"*)
Per Ordinance No. 2015-15; Adopted 10/05/15 (§230.6(b)(1) &(2)) and (§230.6(b)(5))

Sec. 230.7 Drought Response Level 3 – Reduction Up to 30%

(a) A Drought Response Level 3 condition applies when supply reductions imposed by the Water Authority, or water supply conditions specific to the District, require a consumer demand reduction of up to thirty percent (30%) to ensure sufficient supplies are available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of Level 3 and implement the mandatory Level 3 conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in a manner and on the grounds provided in California Water Code Section 350 *et seq.*, during a Level 3 condition, such declaration shall remain in effect during the period of the emergency and until the supply of water available for distribution within the District has been replenished or augmented.

(b) During a Level 3 all persons using District supplied water shall comply, on a mandatory basis, with conservation practices and measures required during Level 1 and Level 2, and shall also comply with the following additional mandatory conservation measures to achieve up to a 30 percent (30%) reduction in demand:

1. Limit residential and commercial landscape irrigation to before 10:00 a.m. or after 4:00 p.m. **only** and to no more than ten (10) minutes or fewer per watering station for three (3) or fewer assigned days per week as specified on a schedule established by the General Manager and posted by the District provided however, that landscape irrigation weather based controllers, drip or micro-irrigation equipment, stream rotor sprinklers, or other water-efficient devices are not subject to the ten (10) minute restriction. This Section shall not apply to Agricultural Water Use or landscapes irrigated with recycled water.
2. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section 230.7(b)(1), on the same schedule set forth in Section 230.7(b)(1) by using a bucket, or hand-held hose with a positive shut-off nozzle or low-volume non-spray irrigation.
3. Not washing vehicles except at commercial carwashes that recirculate water, or by high pressure/low volume wash systems.
4. Repair all leaks within two (2) days of notification by the District unless other arrangements are made with the General Manager. This applies to any person using any water provided by the District *including* Agricultural Water Use.
5. Use recycled or non-potable water for construction purposes as defined in Section 230.2(a)(1) of this Article.

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Per Ordinance No. 2021-07; Adopted 06/28/21 (§230.7 *title changed from "Water Supply Shortage Alert Condition – Level 4", to "Drought Response Level 3 – Reduction Up to 30%"*)
Per Ordinance No. 2015-15; Adopted 10/05/15 (§230.7(b))

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Sec. 230.7 Drought Response Level 3 – Reduction Up to 30 (*cont'd*)

(c) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, upon declaration of Level 3, all non-PSAWR meters without preexisting allocations shall be provided an allocation of ten (10) Hundred Cubic Feet (HCF) per equivalent ¾-inch meter, per month for months in the base period for which there is no usage history or a usage history of less than ten (10) HCF. Such allocation shall be subject to future reductions as determined necessary by the Board of Directors as well as the appeal process provided for in Section 230.14 of this Article. Water allocations for meters in the PSAWR program shall be based upon water supply reduction plans adopted by the Board for those specific programs.

(d) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350 *et seq.,* during a Level 3, unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager.

1. Only existing and new annexation proposals which can provide to the District additional water resources offsetting the net water demand impact for the specific projects in the annexing area and providing 0.5 acre feet per year of additional supply per unit of development in the annexing area to meet firm Municipal and Industrial demands within the existing District service area will continue to be processed or have applications considered by the District. For the purposes of this subsection, "additional water resources" shall be defined as:

   A. Water resources originating from outside the current service area of the District; and

   B. Water resources resulting from financial support from the annexing lands for local water resource development opportunities within the District determined to be available for annexing territories. Local resource development opportunities available for annexing lands shall be identified after first determining the level of local resource development opportunities which may be required to accommodate development on lands currently within the District boundaries.

Sec. 230.8 Drought Response Level 4 – Reduction up to 40%

(a) A Drought Response Level 4 condition applies when supply reductions imposed by the Water Authority, or water supply conditions specific to the District, require a consumer demand reduction of greater up to forty percent (40%) to ensure sufficient supplies are available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the

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existence of a Level 4 and implement the mandatory Level 4 water conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350 *et seq.,* during a Level 4 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.

(b) During a Level 4, all persons using District supplied water shall comply on a mandatory basis with conservation practices and measures required during Level 1, Level 2 and Level 3 and shall also comply with the following additional mandatory conservation measures to achieve a reduction of up to 40 percent (40%) in demand:

1. Limiting residential and commercial landscape irrigation to before 10:00 a.m. or after 4:00 p.m. **only** and to no more than ten (10) minutes or fewer per watering station for two (2) or fewer assigned days per week as specified on a schedule established by the General Manager and posted by the District provided however, that landscape irrigation using weather based controllers, drip or micro-irrigation equipment, stream rotor sprinklers, or other water-efficient devices are not subject to the ten (10) minute restriction. This Section shall not apply to Agricultural Water Use or landscapes irrigated with recycled water.

2. Watering landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section 230.8(b)(1), on the same schedule set forth in Section 230.8(b)(1) by using a bucket, or hand-held hose with a positive shut-off nozzle or low- volume non-spray irrigation.

3. Stop filling or refilling ornamental lakes or ponds, 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 drought response level under this Article.

(c) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350 *et seq.,* during a Level 4, unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager:

1. All new development processing, consisting of the issuance of new statements of ability to serve (PFA/PFC letters, Concept Approvals, or Agency Clearance letters) shall be subject to limitations. Projects that meet the following criteria will continue to be processed:

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Article 230 Water Use Efficiency and Drought Response Program

Sec. 230.8 Drought Response Level 4 – Reduction up to 40% (*cont'd*)

A. Existing meter capacity; or

B. Those providing substantial evidence, to the satisfaction of the District, that the project's net water demands will be offset prior to the installation of any new water meter(s) through either of the following:

i. The development of local water resources; or

ii. Participation in a local or regional net demand offset program.

Sec. 230. 9 Drought Response Level 5 - Reduction Up to 50%

(a) A Drought Response Level 5 condition applies when supply reductions imposed by the Water Authority, or water supply conditions specific to the District, require a consumer demand reduction of up to fifty percent (50%) to ensure sufficient supplies are available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 5 and implement the mandatory Level 5 conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350 *et seq.,* during a Level 5 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.

(b) All persons using water shall comply with conservation measures required during Level 1, Level 2, Level 3, and Level 4 conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the District has determined that recycled water is available and may be lawfully applied to the use:

A. Maintenance of trees and shrubs that are watered on the same schedule set forth in Section 230.8(b)(1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

C. Maintenance of existing landscaping for erosion control; and

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D. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;

E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under Section 230.8(b)(1);

F. Watering of livestock;

G. Agricultural Water Use; and

H. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all leaks within one (1) day of notification by the District unless other arrangements are made with the General Manager. This applies to any person in the use of any water provided by the District ***including*** Agricultural Water Use.

(c) The following shall apply if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code Section 350 *et seq*., during a Level 5, unless the water supply shortage is associated with an immediate Emergency as determined by the General Manager:

1. Any and all development and annexation processing with associated direct water usage shall be terminated and no new temporary or permanent potable water meters shall be provided, and no statement of immediate ability to serve or provide potable water service (such as, will serve letters, certificates or letters of availability) shall 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's 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 shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one (1) year or less.

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Sec. 230.10 Drought Response Level 6 – Reduction Over 50%

(a) A Drought Response Level 6 condition applies when supply reductions imposed by the Water Authority, or water supply conditions specific to the District, require a consumer demand reduction of greater than fifty percent (50%) to ensure sufficient supplies are available to meet anticipated demands, or as otherwise determined by the District's Board of Directors in its reasonable discretion. The District's Board of Directors shall declare the existence of a Level 6 and implement the mandatory Level 6 conservation measures identified herein. Additionally, if the District's Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in the California Water Code Section 350 *et seq.,* during a Level 6 condition, such declaration shall remain in effect during the period of emergency and until the supply of water available for distribution within the District has been replenished or augmented.

(b) All persons using District water shall comply with conservation measures required during Level 1, 2, 3, 4, and 5 conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation identified in Section 230.8(b)(1) except for the following categories of use:

   A. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

   B. Maintenance of existing landscaping for erosion control;

   C. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;

   D. Watering of livestock; and

   E. Public works projects and actively irrigated environmental mitigation projects.

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Sec. 230.11 Procedures for Determination and Notification of Water Supply Shortage Condition Levels

(a) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, the existence of a Level 1, 2, 3, 4, 5, or 6 condition may be declared by the Board of Directors by adoption of a resolution at a regular or special meeting held in accordance with State law.

Per Ordinance No. 2021-07; Adopted 06/28/21 (§230.10 *added* and §230.11 *"Procedures for Determination and Notification of Water Supply Shortage Condition Levels" was* §230.8)
Per Ordinance No. 2021-07; Adopted 06/28/21 (§230.10 *added*)

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Sec. 230.11 Procedures for Determination and Notification of Water Supply Shortage Condition Levels (*cont'd*)

Additionally, the Board may declare a Water Shortage Emergency in accordance with the procedures specified in California Water Code sections 351 and 352. Following at least a seven (7) day notice of the meeting at which the declaration will be made, the District Board of Directors may declare the existence of a Water Shortage Emergency during a Level 1, 2, 3, 4, 5 or 6 condition by the adoption of a resolution at any regular or special meeting held in accordance with State law. The mandatory conservation measures applicable to a Level 1, 2, 3, 4, 5 or 6 condition shall take effect on the tenth (10) day after the date the response level is declared.

The General Manager may publish a notice of the determination of the existence of a Level 1, 2, 3, 4, 5 or 6 condition in one or more newspapers, including a newspaper of general circulation within the District. The District may also post notice of the condition on their website. If the District establishes a water allocation, it shall provide notice by mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Water allocations shall be effective on the fifth (5^{th}) day following the date of mailing or at such later date as specified in the notice.

(b) If the water supply shortage requiring declaration of a Level 1, 2, 3, 4, 5 or 6 condition is associated with an Immediate Emergency as determined by the General Manager, the General Manager shall have the authority to implement the measures necessary to balance available water supply and demand. The General Manager shall notify the Board of Directors of the conditions leading to the call for a Level 1, 2, 3, 4, 5 or 6 condition as soon as possible, but no later than twenty-four (24) hours after the physical system emergency or failure. Further, the General Manager shall provide the Board with a full report on the incident leading to the implementation of a Level 1, 2, 3, 4, 5 or 6 condition at the next regular Board Meeting unless a special meeting is warranted and called for by the Board President or Vice President in the President's absence.

(c) Unless the water supply shortage is associated with an Immediate Emergency as determined by the General Manager, the District Board of Directors may declare an end to a Level 1, 2, 3, 4, 5 or 6 condition by the adoption of a resolution at any regular or special meeting held in accordance with State law. In the case of water supply shortage associated with an Immediate Emergency as determined by the General Manager, the General Manager may declare an end to a Water Supply Shortage Response level based upon the assessment of the water supply conditions specific to the District. The Board shall be notified of the General Manager's actions to end a Water Supply Shortage Response in a manner consistent with the provisions in subsection 230.11(b).

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Sec. 230.12 Hardship Variance

(a) If, due to unique circumstances, a specific requirement of this Article would result in undue hardship to a person using District water or to property upon which District water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this Section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using District water or to property upon which District water is used, that is disproportionate to the impacts to District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. The Application for a variance shall be in a form prescribed by the District.

2. Supporting Documentation. The Application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. Required Findings for Variance. The Application for a variance shall be denied unless the approving authority finds, based on the information provided in the Application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the District, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other District customers.

B. That because of special circumstances applicable to the property or its use, the strict application of this Article would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of substantial detriment to adjacent properties and will not materially affect the ability of the District to effectuate the purpose of this Section and will not be detrimental to the public interest.

D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

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Article 230 Water Use Efficiency and Drought Response Program

Sec. 230.12 Hardship Variance (*cont'd*)

4. Approval Authority. The General Manager or authorized designee shall exercise approval authority and act upon any completed Application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory water supply shortage response.

Sec. 230.13 Enforcement

(a) As provided in California Water Code Section 377, any violation of Sections 230.4, 230.6, 230.7, 230.8, 230.9 or 230.10 is a misdemeanor. Upon conviction thereof, such person may be punished by imprisonment in the county jail for not more than thirty (30) days, or by fine not exceeding one thousand dollars ($1,000) or both.

(b) As provided in California Water Code Section 377, any person may be held civilly liable for violating Sections 230.4, 230.6, 230.7, 230.8, 230.9 or 230.10 or any emergency regulations adopted by the State Water Resources Control Board.

(c) Each day that a violation of this Article occurs is a separate offense.

(d) Prior to seeking criminal enforcement of the provisions of Sections 230.4, 230.6, 230.7, 230.8, 230.9 or 230.10, the District may impose progressive civil penalties and restrictions for violations pursuant to the following enforcement measures for repeated violations:

First Violation:	Written warning
Second Violation:	Level 2 – Penalty of $25 placed on the water bill. Level 3 – Penalty of $50 placed on the water bill. Level 4 – Penalty of $100 placed on the water bill. Level 5 – Penalty of $200 placed on the water bill. Level 6 – Penalty of $400 placed on the water bill.
Third Violation:	Level 2 – Penalty of $50 placed on the water bill. Level 3 – Penalty of $100 placed on the water bill. Level 4 – Penalty of $200 placed on the water bill. Level 5 – Penalty of $400 placed on the water bill. Level 6 – Penalty of $800 placed on the water bill.

Per Ordinance No. 2021-07; Adopted 06/28/21 (*§230.13 "Enforcement" was previously §230.10)*
Per Ordinance No. 2015-15 Adopted 10/05/15 (§230.10)
Per Ordinance No. 2021-07; Adopted 06/28/21 (§230.12 *"Hardship Variance" was previously §230.9)*
Per Ordinance No. 2015-15; Adopted 10/05/15 (§230.9(b)(4))

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Article 230 Water Use Efficiency and Drought Response Program

Sec. 230.13 Enforcement (*cont'd*)

Fourth Violation: For Levels 2 through 6, a penalty of $1,000 placed on the water bill, and installation of a flow restriction of five (5) gallons per minute for 120 hours (5 days), and the customer will be charged for the installation and removal of the flow restrictor.

Fifth Violation: For Levels 2 through 6, a penalty of $2,000 placed on water bill, complaint filed with the County of San Diego District Attorney's office, flow restriction imposed and sustained to five (5) gallons per minute until disposition of complaint, and the customer will be charged for the installation and removal of the flow restrictor.

Continuing Violation: After the fifth violation, the District may additionally impose a per day penalty for continuing violations as follows:

Level 2 – $50
Level 3 – $100
Level 4 – $200
Level 5 – $400
Level 6 – $800

The above penalties are independent of, and are in addition to, any volumetric penalties imposed in accordance with any allocation adopted by the District.

(e) In addition, or as an alternative, the District may install flow restrictors or discontinue water service at any time.

(f) For each of the above-noted measures, a Complaint and Citation will be issued by a designee of the District's General Manager notifying the violator of the basis for the proposed civil liability order. Unless an appeal and/or hearing is requested pursuant to the provisions of Section 230.14(a) of this Article, on the thirty-first (31st) day following the issuance of the Citation and Complaint, the District's General Manager, or authorized designee, shall issue a final order ("Final Order") setting the civil penalty.

(g) Willful violations of Sections 230.9 and Section 230.10 may be enforced by discontinuing service to the property at which the violation occurs as provided by California Water Code Section 356.

(h) All remedies provided for herein shall be cumulative and not exclusive.

(i) All revenues collected by the District from penalties imposed pursuant to Section 230.13 may only be used for the purposes of furthering the provisions and goals of the District's Water Use Efficiency and Drought Response Program.

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Exhibit B

Sec. 230.14 Appeal Procedures

(a) Appeal of Section 230.13 Civil Penalties.

1. Any person ("Appellant") may appeal any Citation and Complaint issued by a designee of the District's General Manager pursuant to Section 230.13 of this Article. Any such appeal shall be made in writing on a form provided by the District to the Director of Finance, or authorized designee. All appeals shall be filed within fifteen (15) calendar days of the date of the Citation and Complaint. The Director of Finance, or authorized designee, shall then have thirty (30) calendar days to provide a written decision, granting or denying the appeal.

2. If the appeal is denied, the Appellant may, within fifteen (15) calendar days of the date of the decision of the Finance Director, or authorized designee, request a hearing before the District's General Manager, or authorized designee. The hearing shall not be held sooner than thirty (30) days after the Citation and Complaint was issued, and the Appellant may present evidence in writing or in person. The District's General Manager, or authorized designee, shall take into consideration all relevant circumstances in determining the amount of civil liability to assess, including but not limited to: (i) the nature and persistence of the violation; (ii) the extent of the harm caused by the violation; (iii) the length of time over which the violation occurs; and (iv) any corrective action taken by the violator. If a hearing is not timely requested or upon closing a completed hearing, the District's General Manager, or authorized designee, shall issue a Final Order within ten (10) calendar days of the hearing.

3. Within fifteen (15) calendar days of the issuance of the District General Manager's Final Order, the Appellant may appeal to the Board of Directors. Appeals to the Board of Directors will be placed on the agenda for review and action at a subsequent meeting of the Board of Directors. A decision by the Board of Directors shall be final. If an appeal is not timely requested, the Final Order issued by the District's General Manager is final. Any civil penalties imposed pursuant to the Final Order or final decision by the Board of Directors are due and payable and shall be placed on the water bill. The provisions of Section 1094.5 of the Code of Civil Procedure of the State of California are applicable to judicial review of the Final Order.

4. During the appeal process, all provisions and decisions under appeal shall remain in full effect until the conclusion of the appeal process.

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Per Ordinance No. 2021-07; Adopted 06/28/21 (§230.14 *"Appeal Procedures" was previously §230.11)*
Per Ordinance No. 2015-15 Adopted 10/05/15 (§230.11(a))

(b) All other appeals:

1. Decisions made by District staff can be appealed in writing on a form provided by the District to the Director of Finance, or authorized designee. All appeals shall be filed within fifteen (15) calendar days of the date of the form provision or decision being appealed. The Director of Finance, or authorized designee, shall then have thirty (30) calendar days to provide a written decision on the appeal.

2. Decisions by the Director of Finance, or authorized designee, may be appealed to the General Manager, or authorized designee, within fifteen (15) calendar days of the date of the decision by the Director of Finance, or authorized designee. The General Manager, or authorized designee, shall then have thirty (30) calendar days to provide a written decision to the appeal of decision by the Director of Finance.

3. All decisions by General Manager, or authorized designee, may be appealed to the Board of Directors. Requests for appeals to the Board shall be made in writing within fifteen (15) days of the date of the decision by the General Manager, or authorized designee, and will be placed on the agenda for review and action at a subsequent meeting of the Board. The decision by the Board shall be final.

4. During the appeal process, all provisions and decisions under appeal shall remain in full effect until the conclusion of the appeal process.

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