

ORDINANCE NO. TSD-66

Triunfo Sanitation District/Oak Park Water Service
Water Waste Prevention Ordinance

September 30, 2009

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Water Waste Prevention Ordinance

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ORDINANCE NO. TSD-66

AN ORDINANCE OF THE TRIUNFO SANITATION DISTRICT ESTABLISHING A PROGRAM FOR PREVENTION OF THE WASTE OF WATER

Section I: Title

This ordinance will be known at the Triunfo Sanitation District/Oak Park Water Service Water Waste Prevention Program.

Section II: Findings

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the southern California region;

WHEREAS, Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, climate change, environmental concerns and other factors in other parts of the State and western United States, make the region highly susceptible to water supply reliability issues;

WHEREAS, careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure reliable minimum supply of water to meet current and future water supply needs;

WHEREAS, Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof;

WHEREAS, California Water Code Section 375 et seq. requires water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies;

WHEREAS, the adoption and enforcement of water conservation and supply shortage program is necessary to manage the District's potable water supply in the short and long-term and to avoid or minimize the impacts of drought and shortage within the District. Such a program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare; and

WHEREAS, based upon the above findings, the District's legal counsel advises, and the Board finds, that actions taken pursuant to this ordinance are categorically exempt from CEQA according to 14 California Code of Regulations 15301 and 15307.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED THAT THE BOARD OF THE TRIUNFO SANITATION DISTRICT DOES ORDAIN AS FOLLOWS:

Section III. Declaration of Purpose and Intent

This ordinance establishes permanent water conservation standards intended to insure water use efficiency for non-shortage conditions.

Section IV. Definitions

The following words and phrases whenever used in this ordinance shall have the meaning defined in this section:

1. "District" means the Triunfo Sanitation District/Oak Park Water Service.
2. "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution or any other user of water provided by the District.
3. "Potable Water" means water which is suitable for drinking.
4. "Recycled Water" means the reclamation and reuse of non-potable water for beneficial use.
5. "Customer side" means any component of the water conveyance system past the District's water meter.

Section V. Application

- a. The provisions of this ordinance apply to any person in the use of any potable water provided by the District.
- b. The provisions of this ordinance do not apply to the use of recycled water.
- c. This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, state, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any state based ordinances and stormwater management plans.
- d. In addition to the provisions set forth in this ordinance, persons using potable and/or recycled water provided by the District may be subject to differing or more stringent limitations or requirements set forth in laws, statutes, rules, and regulations promulgated and enforced by other federal, state, and local agencies.

Section VI: Water Conservation Requirements – Prohibition Against Waste

The following water conservation requirements are effective at all times and shall be permanent. Violation of this section shall be considered waste and an unreasonable use of water.

- a. **Limits on Watering Hours:** Watering or irrigation of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 9:00 a.m. and 5:00 p.m. on any day except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, or for very short periods for the express purpose of adjusting or repairing an irrigation system.
- b. **Limits on Watering Duration:** Limit irrigation system watering to no more than 15 minutes per day per station. This does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard.
- c. **No Watering During Rain Events:** Irrigation is not permitted during periods of rain nor in the 24 hours following each rain event in the Oak Park area.

- d. **No Excessive Water Flow or Run-Off:** Watering or irrigation of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or run-off onto an adjoining sidewalk, driveway, street, alley, gutter or ditch must be repaired within 5 days of observation and/or notification by the District.
- e. **No Washing Down Hard or Paved Surfaces:** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys is prohibited except when necessary to alleviate safety or sanitary hazards and only by use of a hand-held bucket or similar container, a low-volume high pressure cleaning machine equipped to recycle any water used or a low volume high pressure water broom.
- f. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system must be remedied within five (5) days of observation and/or notification by the District.
- g. **Re-Circulating Water Required for Water Fountains and Decorative Water Features:** Operating a water fountain or other decorative water feature that does not use re-circulating water is prohibited.
- h. **Limits on Washing Vehicles:** Using water to wash or clean a vehicle including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self closing water shut-off nozzle or device.
- i. **Drinking Water Served Upon Request Only:** Restaurants are prohibited from providing drinking water to any person unless expressly requested by that person.

Section VII. Hardship Waiver

- a. **Undue and Disproportionate Hardship:** If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section.
- b. **Written Finding:** The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to 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:** Application for a waiver shall be on a form prescribed by the District and shall be at the discretion of the Board accompanied by a non-refundable processing fee in an amount set by resolution of the Board.
 2. **Supporting Documentation:** The application may be accompanied by photographs, maps, drawing and other information, including a written statement of the applicant.
 3. **Required Findings for Variance:** An application for a waiver shall be denied unless the appropriate authority finds, based in the information provided in the applications, 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 or its Agent, all of the following:

- a. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;
 - b. That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to similarly situated residences and businesses;
 - c. That the authorizing of such waiver 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 ordinance and will not be detrimental to the public interest; and
 - d. That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common or general in nature.
- c. **Approval Authority:** The District Manager (or 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 waiver. The applicant requesting the waiver shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved the waiver applies to the subject property during the term of the mandatory water supply shortage condition.
- d. **Appeals to the Board:** An applicant can appeal a decision or condition to the District Manager on a waiver application to the TSD Board within 10 days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the TSD Board shall act as the approval authority and review the appeal following the regular waiver procedure. The decision of the TSD Board is final.

Section XIII. Penalties and Violations

- a. **Misdemeanor:** Any violation of District ordinances may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days, or by a fine not exceeding one thousand dollars (\$1,000.00), or by both.
- b. **Civil Penalties:** Civil penalties for failure to comply with any provisions of the ordinance shall be as follows:
- 1. **First Violation:** The District shall issue a written courtesy door hanger describing the violation and deliver a copy of this ordinance by mail.
 - 2. **Second Violation:** A second violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed one hundred dollars (\$100.00).
 - 3. **Third Violation:** A third violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed one hundred and fifty dollars (\$150.00).
 - 4. **Fourth Violation:** A fourth violation is punishable by a fine not to exceed two hundred dollars (\$200.00).
 - 5. **Fifth and Subsequent Violations:** A fifth and subsequent violation is punishable by a fine not to exceed two hundred and fifty dollars (\$250.00).
 - a. **Water Flow Restrictor:** In addition to any fines, the District may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and competitively sized restrictors for larger services after written notice of intent to install a restrictor for a minimum of forty-eight (48) hours.

- b. **Termination of Service:** In addition to any fines and the installation of a water flow restrictor, the District may disconnect and/or terminate a customer's water service.
- c. **Cost of Flow Restrictor and Disconnecting Service:** A person or entity that violates this ordinance is responsible for payment of the District's charge for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service. The charge for installing and/or removing any flow restriction device must be paid before the device is removed. Nonpayment shall be subject to the same schedules as nonpayment of basic water charges.
- d. **Separate Offenses:** Once the District issues a violation for a particular offense, no further notice of violation will be issued for the same offense until such time as the penalty for the offense has been paid or the 10 day period to appeal has expired, whichever occurs first. If an appeal is timely filed after a violation is served, then no further notice of violation for the same offense will be issued until the appeal has been heard and a decision on that appeal rendered.
- e. **Notice of Hearing:**
 - 1. The District shall issue a Notice of Violation by mail or personal delivery at least ten (10) days before taking enforcement action and said notice shall describe the action to be taken. A customer may appeal the Notice of Violation by filing a written notice of appeal with the District no later than the close of business on the day before the date scheduled for enforcement action. Any Notice of Violation not timely appealed shall be final. Upon receipt of a timely appeal, a hearing on the appeal shall be scheduled in a timely manner, and the District shall mail written notice of the hearing to the customer at least ten (10) days before the date of the said hearing.
 - 2. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the District may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violations and the current declared water Stage condition.

Section IX. Severability

If any section, subsection, sentence, clause or phrase in this ordinance or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of the ordinance or the application of such provision to other persons or circumstances shall be adopted thereby. The District hereby declares 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.

Section X. Effective Date

This Ordinance is effective upon adoption.

PASSED, APPROVED AND ADOPTED this 30th day of September 2009.

AYES: Gillette, Glancy, Orkney, Parks, and Paule

NOES: None

ABSENT: None

(signed)

Janna Orkney, Chair

(signed)

Rhonda Catron, Clerk of the Board