

**CASITAS MUNICIPAL WATER DISTRICT**

**ORDINANCE NO. 2022-01**

**AN ORDINANCE OF THE CASITAS MUNICIPAL WATER DISTRICT  
ESTABLISHING WATER WASTE PROHIBITIONS**

THIS ORDINANCE is adopted in light of the following facts and circumstances, which are hereby found and declared by the Casitas Municipal Water District (Casitas) Board of Directors:

WHEREAS, Article X, Section 2 of the California Constitution and Section 100 of the California Water Code declare that the general welfare requires water resources be put to beneficial use, therefore, 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, the adoption and enforcement of this Ordinance is necessary to help manage Casitas' potable water supply and to avoid or minimize the effects of drought within the Casitas service area.

WHEREAS, Casitas has the power to perform all acts necessary to fully carry out the provisions of this Ordinance consistent with Section 71640 and Sections 10608 through 10656 of the California Water Code.

WHEREAS, this Ordinance rescinds and replaces Casitas Municipal Water District Ordinance No. 15-02, Ordinance Establishing Water Waste Prohibitions.

BE IT ORDAINED by the Board of Directors of the Casitas Municipal Water District as follows:

**1. TITLE.**

This Ordinance shall be known as the Casitas MWD Water Waste Prohibition Ordinance.

**2. APPLICABILITY.**

The provisions of this Ordinance shall apply to all persons, corporations, public or private entities, governmental agencies or institutions, or any other direct water customers of the Casitas Municipal Water District. The water customers of other water purveyors shall be governed by the prohibitions that are adopted by the other water purveyors.

**3. PROHIBITED USES.**

A. The following uses of water are permanently prohibited and are in effect year round:

- a. **General Waste:** Indiscriminate running of water or washing with water which is wasteful and without reason or purpose.
- b. **Washing of Exterior Surfaces:** The washing of hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, except when necessary to alleviate safety or sanitary hazards or when broom or other waterless device will not suffice. If necessary, washing may only be done with a bucket or similar container, a hose equipped with a positive shut-off

- nozzle, a pressure washer, a low-volume high pressure water efficient water broom, or a cleaning machine equipped to recycle the water used.
- c. **Cleaning of Structures and Vehicles:** The washing of building exteriors, mobile homes, cars, boats or recreational vehicles without the use of a positive shut-off nozzle on either the hose or pressure washer.
  - d. **Watering/Irrigation Runoff Control:** The watering of grass, lawn, groundcover, shrubbery, open ground, crops and trees, including agricultural irrigation, in a manner or to an extent which allows water to run off the area being watered. Every water user is deemed to have under their control, at all times, their water distribution lines and facilities, and to know the manner and extent of their water use and run off.
  - e. **Limits on Watering Hours:** The watering or irrigating of outdoor ornamental landscapes and turf areas between the hours of 10:00 a.m. and 6:00 p.m. Pacific Standard Time on any day. (Does not apply to irrigation systems that use drip-irrigation and weather-based controllers or stream rotor sprinklers that meet a 70% efficiency standard. Exceptions may be authorized by the General Manager where there is no ability to not water between 10:00 a.m. to 6:00 p.m.).
  - f. **Watering During and within 48 hours after Measureable Rainfall:** The watering of grass, lawn, groundcover, shrubbery, open ground, crops and trees, including agricultural irrigation, at any time during and within 48 hours after measureable rainfall of at least one fourth of one inch of rain. In determining whether measureable rainfall of at least one fourth of an inch of rain occurred in a given area, enforcement may be based on records of the National Weather Service, the closest CIMIS station to the parcel, or any other reliable source of rainfall data available to CMWD.
  - g. **Drought Restrictions:** Watering/irrigating during publicly declared curtailment period in a manner that is not compliant with drought restrictions.
  - h. **Plumbing Leaks:** The escape of water through leaks, breaks, or malfunctions within the water user's plumbing or distribution system, for a substantial period of time within which such break or leak should reasonably have been discovered and corrected.
  - i. **Fountains and Decorative Water Features:** The operation of any ornamental fountain using water from the District's domestic water system unless water for such use is re-circulated.
  - j. **Cooling:** The use of water in mechanical equipment purchased and installed after the adoption of this Ordinance that utilizes a single pass cooling system. Water used for all cooling purposes shall be re-circulated.
  - k. **Drinking Water Served Upon Request Only:** Eating and drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, clubs or other public places where food or drinks are sold or served, are prohibited from providing drinking water to customers unless expressly requested. Affected establishments must prominently display notice informing their customers of this requirement using clear and easily understood language.
  - l. **Restaurant Non-water Conserving Dish Wash Spray Valves:** Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.
  - m. **Providing Option to Not Launder Linen and Towels Daily:** Hotels, motels, vacation rentals and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial

lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.

- n. **Commercial Car Wash Systems:** Installation of non-recirculating water systems is prohibited in new or renovations of commercial conveyor car washes systems.
- o. **Turf Irrigation Restrictions:** Irrigating turf or ornamental landscapes during and within 48 hours following measurable precipitation of at least one fourth of one inch of rain.
- p. **Public Street Medians:** The use of potable water for irrigation of ornamental turf on public street medians.
- q. **Street Cleaning & Construction Sites:** The use of potable water for street cleaning or construction site preparation purposes, unless no other method can be used or as needed to protect the health and safety of the public.
- r. **Homeowners Association or Community Service Organization:** To prevent the unreasonable use of water and to promote water conservation, any homeowners' association or community service organization or similar entity is prohibited from:
  - i. Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivisions (a) and (b) of the Civil Code;
  - ii. Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil Code; or
  - iii. Requiring an owner of a separate interest upon which water-efficient landscaping measures have been installed in response to a declared drought emergency, as described in section 4735, subdivisions (c) and (d) of the Civil Code, to reverse or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.

**4. EXEMPTED WATER USES.**

- A. All water use associated with the operation and maintenance of fire suppression equipment or employed by the District for water quality flushing and sanitation purposes shall be exempt from the provisions of this Ordinance.
- B. Use of water supplied by gray water or rainwater collection system is also exempt; however, use of water from these systems is not exempt from the applicable regulations of the State and local jurisdictions governing the use of such water.
- C. Supervised testing, adjusting, or repairing of irrigation systems is allowed any time for no more than five (5) minutes per station.

**5. VIOLATIONS AND PENALTIES.**

- A. Any person, who uses, causes to be used, or permits the use of water in violation of this Ordinance is guilty of an offense punishable as provided herein.
- B. **Enforcement of Violation.** Complaints of water waste will be investigated and enforced by the District in the form of a notice of violation. The following officers and employees of the Casitas Municipal Water district are hereby designated and authorized to issue citations for enforcement of this Ordinance:

Operations and Maintenance Manager

Public Affairs/Resource Manager  
Water Conservation Coordinator  
Utility Workers  
Water employees designated by the General Manager

C. **Notice of Violation.** The notice to the District water customer of a violation of this Ordinance will be issued by either a telephone call, mail, hand-delivery, or posting at the entrance of the violator's premises. The District will issue a written notice that state the time, place, and general description of the violation or repeat of violation, as well as a time frame in which the violation must be corrected. District staff may use discretion when determining the correction time.

D. **Consequence of Violation.** Administrative fines and water service actions may be levied and applied for each violation of a provision of this Ordinance as follows:

1. **Penalties:** Penalties for failure to comply with any provision of the ordinance are as follows:

- a. **First Violation:** The District will issue a written notice to the water customer and attach a copy of this Ordinance.
- b. **Second Violation:** If the first violation is not corrected within the time frame specified by the District, or if a second violation occurs within the following twelve (12) months after the first violation notice, a second notice of violation will be issued and an administrative fine of one hundred dollars (\$100.00) shall be levied for the second violation of this Ordinance.
- c. **Third Violation:** A third violation within the following twelve (12) months after the date of issuance of the second notice of violation is punishable by an administrative fine of two hundred fifty dollars (\$250.00).
- d. **Fourth and Subsequent Violations:** Each day that a violation of this Ordinance occurs beyond the remedy allowance provided in the third notice of violation is a separate offense, subject to any or all of the following penalties:
  1. Water service may be turned off or flow may be restricted. Where water service is turned off or flow restricted, it shall be turned on or unrestricted upon correction of the violation and the payment of the reestablishment charges, staff time, and District material purchases per the District's Rates and Regulations for Water Service in effect at the time.
  2. A fine of not more than \$600 or imprisonment in the county jail for not more than 30 days, or both the fine and imprisonment, may be imposed upon conviction under Section 71644 of the California Water Code, or fines/ penalties as defined and allowable under Section 53069.4 of the Government Code may be imposed.
- e. **Payment of Administrative Fines:** The water customer is responsible for the full payment of administrative fines. Each administrative fine shall be applied in the customer's regular water billing. Payment of the administrative fine will be the final responsibility of the individual named on the water account. Non-payment of fines will

be subject to the same remedies as non-payment of basic water rates, in accordance with the Casitas Rates and Regulations for Water Service.

- 3. **Appeal:** Any customer against whom a penalty is levied pursuant to this Ordinance shall have the right to appeal as follows:
  - a. The customer request for an appeal consideration must be in writing, legible, and received by the General Manager within ten (10) calendar days of the issuance of the notice of violation to the customer. Any determination not timely appealed shall be deemed final. The written request for appeal consideration shall include:
    - i. A description of the issue,
    - ii. Evidence supporting the appeal, and
    - iii. A request for resolution of the dispute.
  - b. The General Manager will review the material submitted and make an independent determination of the issue, which shall be mailed to the customer within fifteen (15) calendar days of receipt of the request for appeal.
  - c. The General Manager’s determination may be appealed in writing within ten (10) calendar days of the mailing of the notice of determination. The appeal of the General Manager’s determination shall be heard and considered by the Board of Directors at an upcoming regular meeting of the Board. Notice of the hearing shall be mailed to the customer at least ten (10) calendar days prior to the date of the appeal hearing. The Board may, in its discretion affirm, reverse, or modify the determination. The Board’s determination is final.

6. **SEVERABILITY.** If any competent court shall find any portion of this Ordinance unconstitutional, such decision shall not affect the validity of any other portion thereof.

7. **EFFECTIVE DATE.** This Ordinance becomes effective this 26<sup>th</sup> day of January, 2022.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Casitas Municipal Water District held on January 26, 2022 by the following vote:

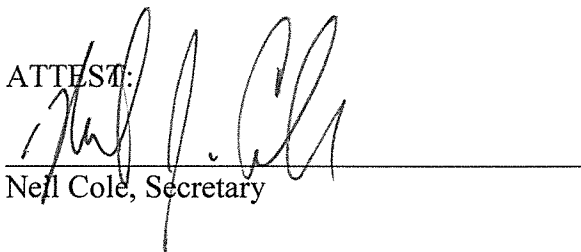
AYES: Bergen, Kaiser, Cole, Hajas, Brennan  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

APPROVED:



\_\_\_\_\_  
Brian Brennan, President

ATTEST:

  
\_\_\_\_\_  
Neil Cole, Secretary