ORDINANCE NO. 03-25-01
WALNUT VALLEY WATER DISTRICT

AN ORDINANCE OF THE BOARD OF DIRECTORS OF WALNUT VALLEY WATER DISTRICT PROHIBITING POTABLE WATER FROM BEING USED TO IRRIGATE CERTAIN AREAS OF NON-FUNCTIONAL TURF

WHEREAS, Walnut Valley Water District (the District) receives its potable water supplies from the Metropolitan Water District of Southern California (MWD) and through MWD's member agency, Three Valleys Municipal Water District (Three Valleys); and

WHEREAS, pursuant to Water Code Section 31026 et seq. and Water Code Sections 350-375, the District is authorized to adopt and empowered to enact and enforce restrictions on water use and water conservation programs to conserve its water supplies and prevent water waste; and

WHEREAS, Water Code Section 13550 states that the use of potable domestic water for non-potable purposes is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available, and any person may be required to use recycled water as long as it meets Title 22 water quality standards and is provided at a reasonable cost; and

WHEREAS, Water Code Section 13551 et seq. states that no person shall use potable water for non-potable purposes if suitable recycled water is available and certain conditions are met, and the use of such recycled water shall be a beneficial use of water that does not impact water rights; and

WHEREAS, the District actively promotes and has implemented water conservation measures and has developed a recycled water system to offset use of potable water, which has helped to increase the reliability of the District's water supplies for its customers; and

WHEREAS, consistent with the District's statutory authority described above, in 2022 the District adopted Ordinance 01-18-22, which established water conservation and water supply shortage requirements applicable to all customers, including increasing levels of restrictions on the use of potable water on nonfunctional turf during certain water shortage conditions; and

WHEREAS, in 2023 the Legislature adopted AB 1572, which further prohibits the use of potable water to irrigate nonfunctional turf at all times on certain non-residential properties by certain dates, and requires the District to update its regulations to enforce the State-mandated prohibitions; and

WHEREAS, in 2024, the State Water Resources Control Board adopted water conservation regulations as part of the "Conservation as a Way of Life" legislation that will require the District to significantly reduce its potable water use over time; and

WHEREAS, the District desires to adopt this ordinance, pursuant to its existing authority as described above, and implement the State requirements of Water Code Section 10608.14 as they relate to the use of potable water on nonfunctional turf for certain types of properties.

NOW THEREFORE BE IT ORDAINED by the Board of Directors of Walnut Valley Water District as follows:

Section 1: Definitions

Unless otherwise stated, the terms in this Ordinance shall have the same meanings as defined in Water Code Section 10608.12.

Section 2: Compliance Responsibility

The customer of the District whose name is on the account shall be responsible for compliance with the provisions of this Ordinance.

Section 3: Existing Water Conservation Ordinance

This Ordinance is in addition to and does not repeal or replace any other current District ordinance, including Ordinance 01-18-22, concerning water conservation or restrictions, unless explicitly stated. The requirements herein do not affect any other limits on watering hours, responsibilities to fix leaks or breaks, or any other activities in which water may be used within the District.

Section 4: Prohibition on Use of Potable Water To Irrigate Nonfunctional Turf

The use of potable water for the irrigation of nonfunctional turf located on commercial, industrial, and institutional properties, other than a cemetery, and on properties of homeowners' associations, common interest developments, and community service organizations or similar entities is prohibited. This Ordinance shall take effect as follows:

(1) All properties owned by the Department of General Services, beginning January 1, 2027.

(2) All properties owned by local governments, local or regional public agencies, and public water systems, except those specified in paragraph (5) below, beginning January 1, 2027.

(3) All other institutional properties and all commercial and industrial properties, beginning January 1, 2028.

(4) All common areas of properties of homeowners' associations, common interest developments, and community service organizations or similar entities, beginning January 1, 2029.

(5) All properties owned by local governments, local public agencies, and public water systems in a disadvantaged community, 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.

Nonfunctional turf includes, but is not limited to, the following:

(1) Turf or ground cover located within street rights-of-way and parking lots;

(2) Turf which is not assigned or allocated to the exclusive use of the occupants of an individual dwelling unit within the property;

(3) Common areas of homeowners associations; and

(4) Turf which is enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly.

Section 5: Exceptions

The use of potable water is not prohibited by this Ordinance to the extent necessary to ensure the health of trees and other perennial non-turf vegetation, or to the extent necessary to address an immediate health and safety need.

Potable water may be used to irrigate turf which has been designated by a property owner or a governmental agency to accommodate human foot traffic for civic, ceremonial, or other community events or social gatherings; turf located in a recreational use area or community space; and turf located in sports fields, golf courses, playgrounds, picnic grounds, or pet exercise areas.

The restrictions set forth in the section above shall not apply to private residential properties (including any residences located within a homeowners' association or common interest development), and residential customers may continue to irrigate turf according to the District's water conservation ordinance.

Section 6: Compliance and Enforcement

Customers who use potable water to irrigate nonfunctional turf in violation of this Ordinance may be considered an unauthorized use of water and subject to the penalties and procedures established in the District's Rules and Regulations, Article 4.05.02.03 and/or Article 4.03.07.06. For ease of reference, the penalties are summarized below:

a. **First Violation:** The District will issue a written notice on non-compliance and deliver a copy of this ordinance by certified mail.

b. **Second Violation:** For a second violation within the preceding 12 calendar months, the District will issue a final written notice of non-compliance.

c. **Third and Subsequent Violations:** A third violation, and any subsequent violation, within the preceding 12 calendar months may be considered an unauthorized use of water and

subject to penalties established in Article 4.05.02.03 and/or Article 4.03.07.06 of the District's Rules and Regulations.

d. **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 inches in size and comparatively sized restrictors for larger services after providing written notice to the customer of intent to install a flow restrictor for a minimum of 48 hours prior to such installation. A person or entity that violates this ordinance is responsible for payment of the District's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the District's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device and disconnection service must be paid to the District before water supply is returned. Nonpayment will be subject to the same remedies as nonpayment of basic water rate established in the District's Rules and Regulations.

e. **Service Disconnection.** In addition to the penalties in this section, and after notice to the customer, the District may shut off a customer's water service for willful violations of mandatory restrictions in this Ordinance. The customer is responsible for the cost of reconnecting service consistent with District Rules and Regulations.

f. **Separate Violations.** Each violation of this Ordinance is a separate offense. However, for the limited purpose of calculating the number of violations to determine the escalating penalties in this section, multiple violations on the same day will only count as one violation.

g. **Appeals:** The District will issue a Notice of Violation by certified mail or personal delivery at least 10 days before taking enforcement action. Such notice must describe the violation and the date by which corrective action must 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 will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and the District will send by certified mail a written notice of the hearing date to the customer at least 10 days before the date of the hearing. 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 appropriate to the nature and extent of the violations and the current declared water level condition.

Section 7: Certification of Compliance

Customers having more than 5,000 square feet of irrigated area in commercial, industrial, or institutional property shall certify their compliance to the State Water Resources Control Board pursuant to requirements of Water Code Section 10608.14(e).

Section 8: Deferral

The State Water Resources Control Board may defer compliance for up to three years upon a showing of good cause for reasons which may include economic hardship, critical business need, and potential impacts to human health or safety. The District shall not authorize any period of deferral or postponement that is not first authorized by the State Water Resources Control Board pursuant to Water Code Section 10608.14(c).

Section 9: Severability

If any section, subsection, sentence, clause, or phrase in this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 10. Implementation

The Secretary shall cause this Ordinance to be published within fifteen (15) days after its adoption, at least once in a newspaper of general circulation which is distributed within the boundaries of the District. This Ordinance shall be effective on the thirty-first (31st) day after it is published.

Said ordinance was adopted, on roll call vote, at the regular meeting of the Board of Directors held March 17, 2025, by the following vote:

AYES:	Hilden, Lee, Kwong, Tang, Woo
NOES:	None
ABSENT:	None
ABSTAIN:	None

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 03-25-01, adopted by the Board of Directors of Walnut Valley Water District at its regular meeting held on March 17, 2025.

Scarlett Kwong
Board President

ATTEST:

Sheryl L. Shaw., P.E.
Secretary of the Board of Directors