

Mesa Consolidated Water District

# Water Conservation Program

Practices help customers save water

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2. **Water Flow/Runoff:** Use only the water you need for your lawn, landscape, and other vegetated areas to prevent excessive runoff from the property.
3. **Hard or Paved Surfaces:** Use a broom to clean hard or paved surfaces, including sidewalks, walkways, driveways, and patios, unless for safety or sanitary reasons.
4. **Washing Vehicles:** Use only a bucket, or hose with a water shut-off nozzle to clean vehicles.
5. **Fix Leaks, Breaks, or Malfunctions:** Make repairs to limit excessive use or loss of water.

To view the entire Water Conservation Program  
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## ORDINANCE NO. 21

### ORDINANCE OF THE MESA CONSOLIDATED WATER DISTRICT BOARD OF DIRECTORS ADOPTING THE MESA CONSOLIDATED WATER DISTRICT WATER CONSERVATION PROGRAM

WHEREAS, the Mesa Consolidated Water District (Mesa) is a county water district organized and operating according to California Law; and

WHEREAS, Mesa has the authority to adopt water conservation requirements and programs to promote and effectuate wise water use and avoid water wastage; and

WHEREAS, the Board of Directors (Board) of Mesa has previously adopted, and supplemented, Ordinance No. 8 adopting an Emergency Water Conservation Program, which was adopted on March 21, 1991 (Ordinance No. 8); and

WHEREAS, Ordinance No. 8 was further supplemented by the adoption of Ordinance No. 19 on December 10, 2007 (Ordinance No. 8, as supplemented, and Ordinance No. 19 are collectively in certain cases referred to herein as the "Prior Ordinances"); and

WHEREAS, prior to the adoption of this Ordinance, the Board has conducted a noticed public hearing to receive public comments concerning the subject matter hereof; and

WHEREAS, the purpose of this Ordinance is to adopt and enact a water conservation program within Mesa's service area.

NOW, THEREFORE, BE IT ORDAINED BY THE MESA CONSOLIDATED WATER DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

**Section 1. Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2. Findings.** The Board hereby finds and determines as follows:

- a. 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.
- b. California Water Code Section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies.
- c. Mesa has the authority, pursuant to the Water Code to take action(s) relative to the use and conservation of water within its service area.

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To view the entire Water Conservation Program  
call (949) 631-1200 or visit

[www.mesawater.org](http://www.mesawater.org).

- d. The adoption and enforcement of a water conservation program is necessary to help to manage Mesa's potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within Mesa's service area. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety, and welfare.

**Section 3. Program Designation; Purpose; Intent and Integration.**

- a. The requirements and program adopted and enacted hereby shall be designated as the Mesa Consolidated Water District Water Conservation Program (for purposes of this Ordinance, the "Program").
- b. The purpose of the Program is to enhance the on-going water conservation program within Mesa's service area.
- c. This Program establishes water conservation standards intended, among other things, to alter behavior related to water use efficiency at all times.
- d. Mesa's Emergency Water Conservation Program, as adopted, supplemented, and amended pursuant to the Prior Ordinances, is not repealed, superseded, or amended hereby.
- e. The provisions of the Program and this Ordinance are in support of, and supplemental to, the policies, provisions, requirements and limitations set out in the Prior Ordinances. In the event of a conflict between the requirements set out in the Program and the terms of the Prior Ordinances, all efforts shall be made to harmonize such directives and/or requirements. If such terms or provisions cannot be harmonized, the requirements of the Prior Ordinances shall govern.

**Section 4. Program Provisions.**

- a. The Program provisions are set forth in Exhibit A to this Ordinance and are incorporated herein by this reference.
- b. Section 7 of Mesa's Rules and Regulations for Water Service are hereby repealed, to be superseded by the terms of the Program.
- c. The text of the Program shall be appended to Mesa's Rules and Regulations for Water Service.
- d. The Board reserves the right to amend, revise, and/or supplement this Ordinance and/or the Program in the future based upon the needs, circumstances, and requirements of Mesa.

- e. This Ordinance and the Program are adopted by this Board pursuant to the provisions of the California Constitution and California law as referenced herein.
- f. All penalties set forth in the Program are administrative and regulatory penalties and are not fees or charges for the water service or water capacity.

**Section 5. Other Actions.** Mesa staff and officers are hereby authorized and directed to take such other and further action(s) as may be reasonably necessary to carry out the determinations, findings and directives set forth herein within the limits set forth by and in accordance with direction of the Board of Directors.

**Section 6. Effective Date.** This Ordinance No. 21 shall take effect on September 1, 2009.

ADOPTED, SIGNED, AND APPROVED this 25<sup>th</sup> day of August 2009 by a roll call vote:

AYES: DIRECTORS: Atkinson, Ohlig-Hall, Bockmiller, Dewane  
NOES: DIRECTORS:  
ABSENT: DIRECTORS:  
ABSTAIN: DIRECTORS:



Shawn Dewane  
President, Board of Directors

ATTEST:



Coleen L. Monteleone  
District Secretary

## ORDINANCE NO. 21

### EXHIBIT A

ORDINANCE OF THE  
MESA CONSOLIDATED WATER DISTRICT BOARD OF DIRECTORS  
ADOPTING THE MESA CONSOLIDATED WATER DISTRICT  
WATER CONSERVATION PROGRAM

**Section 1. Title.** This program is designated as the Mesa Consolidated Water District Water Conservation Program (Program).

**Section 2. Authority.** The Program is adopted pursuant to California law and the provisions of Mesa Consolidated Water District Ordinance No. 21.

**Section 3. Definitions.** The following words and phrases whenever used in this Program have the meaning(s) defined in this section:

- a. **“Billing unit”** means the unit of water used to apply water rates for purposes of calculating water charges for a person’s water usage and equals 100 cubic feet.
- b. **“Board”** means the Board of Directors of Mesa.
- c. **“General Manager”** means the duly appointed and acting General Manager of the Mesa Consolidated Water District.
- d. **“Landscape irrigation system”** means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.
- e. **“Mesa”** means the Mesa Consolidated Water District, a county water district organized pursuant to California Water Code Sections 33200 and following and operating pursuant to Water Code Section 30000 and following. Referenced to Mesa also include its Directors, officers, agents, and employees, as applicable.
- f. **“Person”** means any natural person or persons, corporation, public or private entity, governmental agency or institution, including Mesa, or any other user of water provided by the Mesa.
- g. **“Potable water”** means water that is suitable for drinking.
- h. **“Recycled water”** means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations.
- i. **“Single pass cooling systems”** means equipment where water is circulated only once to cool equipment before being disposed.

- j. **“State”** means the State of California.
- k. **“Water Conservation Coordinator”** means the person (who may be an officer or employee of Mesa) charged with the principal enforcement of this Program. The Water Conservation Coordinator may be the General Manager or another person so designated by the General Manager.

**Section 4. Application.**

- a. The provisions of this Program apply to any person in the use of any potable water provided by Mesa.
- b. The provisions of this Program do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire, and other similar emergency services.
- c. The provisions of this Program do not apply to the use of recycled water, with the exception of Sections 5(c), 5(n), and 5(o).
- d. The provisions of this Program do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale, with the exception of Section 5(c).
- e. This Program is intended solely to further the conservation of water

**Section 5. Water Conservation Requirements – Prohibition Against Waste.** The following water conservation requirements are effective at all times. Violations of this section constitute waste and an unreasonable use of water.

- a. **Limits on Watering Hours:** Watering or irrigating of lawn, landscape, or other vegetated area with potable water is prohibited between the hours of 8:00 a.m. and 5:00 p.m. Pacific Standard Time on any day. Hand-held watering cans, buckets, or similar containers reasonably used to convey water for irrigation purposes are not subject to these time restrictions. Similarly, a hand-held hose equipped with a fully functioning, positive self-closing water shut-off nozzle or device may be used during the otherwise restricted period. If necessary, and for very short periods of time for the express purpose of adjusting or repairing it, one may operate an irrigation system during the otherwise restricted period.
- b. **No Excessive Water Flow or Runoff:** No person shall cause or allow watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive runoff from the property.
- c. **No Washing Down Hard or Paved Surfaces:** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to

alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a fully functioning, positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom.

- d. **Obligation to Fix Leaks, Breaks or Malfunctions:** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than seven (7) days of receiving notice from Mesa, is prohibited.
- e. **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-circulated water is prohibited.
- f. **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 fully functioning, positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.
- g. **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are encouraged not to provide drinking water to any person unless expressly requested.
- h. **Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services:** Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments shall prominently display notice of this option in each bathroom using clear and easily understood language.
- i. **No Installation of Single Pass Cooling Systems:** Installation of single pass cooling systems is prohibited in buildings requesting new water service from Mesa.
- j. **No Installation of Non-re-circulating in Commercial Car Wash and Laundry Systems:** Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.
- k. **Restaurants Required to Use Water Conserving Dish Wash Spray Valves:** Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.

- l. **Commercial Car Wash Systems:** Effective on July 1, 2010, all commercial conveyor car wash systems must have installed operational re-circulating water systems, or must have secured a waiver of this requirement from Mesa.
- m. **Recycled Water Use Required if Available:** After Mesa has provided to the user an analysis demonstrating that recycled water is available, cost effective, and safe for the intended use, and the user has been given a reasonable time to make the conversion to recycled water, the use of potable water, is prohibited.
- n. **Water Recycling – New Service:** Prior to the connection of any new commercial, industrial, or multi-residential water service, Mesa shall perform an evaluation to determine whether recycled water is available, cost effective, and safe for the intended use to supply all or some of the water needed by the new user. If available, cost effective, and safe for the intended use, recycled water must be used.

#### **Section 6. Penalties, Violations and Enforcement.**

- a. **Penalties:** Penalties for failure to comply with any provisions of this Program are as follows:
  1. **First Violation:** Mesa will issue a written warning and deliver a copy of this Program by mail.
  2. **Second Violation:** A second violation within the preceding twelve (12) calendar months will receive a second written warning and attempt contact via telephone.
  3. **Third Violation:** A third violation within the preceding twelve (12) calendar months will receive a third written warning with reference to the previous two violations and possibility of future actions including water flow restriction and discontinued water service
  4. **Water Flow Restrictor:** In addition to any written warnings, Mesa 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 comparatively sized restrictors for larger services after written notice of intent to install a flow restrictor for a minimum of forty eight (48) hours.
- b. **Discontinuing Service:** In addition to the installation of a water flow restrictor, Mesa may disconnect a customer's water service for willful violations of mandatory restrictions in this Program.
- c. **Cost of Flow Restrictor and Disconnecting Service:** A person or entity that violates this Program is responsible for payment of Mesa's charges for installing and/or removing any flow restricting device and for disconnecting and/or

reconnecting service per Mesa's schedule of fees and charges as then in effect. The charge for installing and/or removing any flow restricting device must be paid to Mesa before the device is removed. Nonpayment thereof will be subject to the same remedies as nonpayment of Mesa's water rates.

- d. **Separate Offenses:** Each day that a violation of this Program occurs is a separate offense.
- e. **Notice and Hearing:**
  - 1. Mesa will issue a Notice of Violation by mail or personal delivery at least ten (10) days before taking enforcement action. Such notice shall describe the violation and the date by which corrective action(s) must be taken. A customer may appeal the Notice of Violation by filing a written notice of appeal with Mesa 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 Mesa will mail written notice of the hearing date to the customer at least ten (10) days before the date of the hearing.
- f. **Additional Actions, Penalties:** The Board may prescribe additional action(s) and/or penalties for violation of the prohibited actions or practices described herein. Mesa may also implement additional actions or programs to educate Mesa customers, ratepayers, and persons in Mesa's service area as to the on-going need to conserve and use water wisely.
- g. **Application of Penalties:** The General Manager or Water Conservation Coordinator, as applicable, shall have discretion as to the application of penalties and enforcement actions set forth herein. The overall intention of this Program is to implement water conservation actions as described herein.

#### **Section 7. Hardship Waiver.**

- a. **Undue and Disproportionate Hardship:** If, due to unique circumstances, a specific requirement of this Program would result in undue hardship to a person using water or to property upon which water is used, 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. An application for a waiver must be on a form prescribed by Mesa and accompanied by a non-refundable processing fee in an amount set by the Board. The application must be accompanied by a written statement of the applicant.

1. **Approval Authority:** The General Manager or Water Conservation Coordinator, as applicable, must 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 must be promptly notified in writing of any action taken.
2. **Right of Appeal:** Any aggrieved applicant, who remains dissatisfied with the decision of the General Manager or Water Conservation Coordinator, can appeal, in writing, such final decision to the Board. The Board shall hear such appeal and render its decision. The decision of the Board shall be final.

**Section 8. Other Provisions.**

- a. Mesa may provide water efficiency devices either directly or through supported programs. Such devices shall remain within Mesa's service area at all times. Devices provided by Mesa shall be used with the intent to conserve water and not be modified in any way or sold.
- b. The penalties established and set forth herein are regulatory and administrative in nature. Such penalties are not imposed for water service or water capacity to any particular customer or person.

**Section 9. Severability.** If any section, subsection, sentence, clause or phrase in this Program is for any reason held invalid, the validity of the remainder of the Program will not be affected. The Board hereby declares it would have passed this Program and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases is declared invalid.