

ORDINANCE 375

AN ORDINANCE OF THE WESTERN MUNICIPAL
WATER DISTRICT OF RIVERSIDE COUNTY
ESTABLISHING A LANDSCAPE WATER USE
EFFICIENCY PROGRAM PROVIDING COMPLIANCE
MEASURES IN SUPPORT OF STATE LANDSCAPE
MODEL ORDINANCE REQUIREMENTS

WHEREAS, the California Water Conservation in Landscaping Act, also known as the State Landscape Model Ordinance, has been implemented by a Statewide Landscape Task Force which was overseen by the California Urban Water Conservation Council. The California Water Conservation in Landscaping Act was amended pursuant to AB 2717 of 2004; and

WHEREAS, AB 1881 of 2006 requires local agencies, not later January 1, 2010, to adopt the updated model ordinance or an equivalent document which is "at least as effective as" the State Model Ordinance. In the event local agencies do not take such action, the State's version will be deemed to be automatically adopted by statute; and

WHEREAS, the Riverside County Water Task Force, a county-wide stakeholder group, has constructed a local water efficiency ordinance designed to meet the requirements and guidelines of the State Model Ordinance; and

WHEREAS, Western Municipal Water District ("Western") has adopted water management strategies including a Water Use Efficiency Master Plan outlining a host of projects and ordinance actions designed to increase overall water use efficiency throughout Western's service area as well as a Water Conservation and Supply Shortage Program designed to eliminate outdoor water waste at all stages of water supply; and

WHEREAS, enforcement of ordinances required by AB 1881 to be adopted by the County of Riverside, the City of Murrieta and the City of Riverside will require supportive measures of Western, a local water provider within these jurisdictions; and

WHEREAS, pursuant to California Water Code section 71610.5, Western may undertake a water conservation program to reduce water use and may require that reasonable water-saving devices and water reclamation devices be installed to reduce water use; and

WHEREAS, pursuant to California Water Code section 71640 Western may restrict the use of water during any emergency caused by drought, or other threatened or existing water shortage, and may prohibit the wastage of water or the use of water during such periods for any purpose other than household uses or such other restricted uses as Western determines to be necessary. Western may also prohibit use of water during such periods for specific uses which it finds to be nonessential. Pursuant to Water Code section 71641, Western may prescribe and define by ordinance the restrictions, prohibitions, and exclusions referred to in section 71640; and

WHEREAS, pursuant to California Water Code section 375, the Board is authorized to adopt and enforce a water conservation program to reduce the quantity of water used by persons within its jurisdiction for the purpose of conserving the water supplies of Western; and

WHEREAS, a notice of a public hearing regarding the proposed adoption of this Ordinance was published in the Press Enterprise, a newspaper of general circulation at least seven (7) days prior to the hearing; and

WHEREAS, a public hearing regarding the proposed adoption of this Ordinance was conducted on September 16, 2009 at 9:30 a.m., or as soon thereafter as practicable, as part of the regular meeting of the Board; and

WHEREAS, the Board of Directors has a long-standing policy of engaging in and encouraging efficient water management measures and practices and desires to adopt this Ordinance in order to provide supportive measures to facilitate the

enforcement of landscape conservation ordinances by the applicable city and/or the County; and

BE IT ORDAINED by the Board of Directors of the Western Municipal Water District of Riverside County as follows:

Section 1. SHORT TITLE

This Ordinance shall be known as the "Landscape Water Use Efficiency Program".

Section 2. INTENT

It is the intent of the Board in adopting this Program to:

- A. Establish provisions for water management practices and water waste prevention;
- B. Establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction and rehabilitated projects;
- C. To reduce the water demands from landscapes without a decline in landscape quality or quantity;
- D. To retain flexibility and encourage creativity through appropriate design;
- E. To assure the attainment of water-efficient landscape goals by requiring that landscapes not exceed a maximum water demand of seventy percent (70%) of its reference evapotranspiration (ET_o) or any lower percentage as may be required by Western policy or state legislation, whichever is stricter;
- F. To eliminate water waste from overspray and/or runoff;
- G. To achieve water conservation by raising the public awareness of the need to conserve water through education and motivation to embrace an effective water demand management program; and
- H. To implement the requirements to meet the state of California Water Conservation in Landscaping Act 2006 and the California Code of Regulations Title 23, Division 2, Chapter 2.7.

Section 3. DEFINITIONS

The terms used in this Program have the meaning set forth below:

- A. *Backfilling* - to refill an excavation, usually with excavated material
- B. *Backflow prevention device* - a safety device used to prevent pollution or contamination of the water supply

due to the reverse flow of water from the irrigation system.

- C. *Check valve or anti-drain valve* - a valve located under a sprinkler head or other location in the irrigation system to hold water in the system to prevent drainage from the sprinkler heads when the system is off.
- D. *Established landscape* - the point at which plants in the landscape have developed significant root growth into the site. Typically, most plants are established after one or two years of growth.
- E. *Estimated Annual Water Use or EAWU* - the estimated total water use per year as calculated using the formula contained in Section 6.B.3.
- F. *Evapotranspiration* - It is the loss of water to the atmosphere by the combined processes of evaporation from soil and plant surfaces, and transpiration from plant tissues. It is an indication of how much water a plant needs to sustain healthy growth. It is expressed as inches of water per time period.
- G. *Hydrozone* - a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.
- H. *Invasive species* - non-indigenous species (both plants and animals) that adversely affect the habitats they invade economically, environmentally, or ecologically. Lists of invasive species are included within the Western Riverside County Multi-Species Habitat Conservation Plan and the Coachella Valley Multi-Species Habitat Conservation Plan (incorporated by reference). In addition, for the purposes of this Program, invasive species include other locally invasive species as further defined by a local lead agency.
- I. *Landscape architect* - a person who holds a license to practice landscape architecture in the state of California (Government Code Section 5615).
- J. *Landscaped Area or LA* - all of the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance (MAWA) calculation. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).
- K. *Local water purveyor* - any entity, including a public agency, city, county or private water company that provides retail water service to customers in Riverside County.
- L. *Low volume irrigation* - the application of irrigation water at low pressure through a system of tubing or

lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

- M. *Maximum Applied Water Allowance* or *MAWA* - the upper limit of annual applied water allowed for the established landscaped area as calculated using the formula contained in Section 6.B.2.
- N. *Overhead sprinkler irrigation systems* - systems that deliver water through the air (e.g., pop-ups, impact sprinklers, spray heads and rotors, etc.).
- O. *Reference evapotranspiration* or *ET_o* - *ET_o* is evapotranspiration from a standardized vegetation surface, such as well irrigated cool-season grass, in a particular location. It is given in inches per day, month, or year. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances so that regional differences in climate can be accommodated. Reference evapotranspiration numbers shall be taken from the most current Evapotranspiration Zones Map by the California Department of Water Resources. For geographic areas not covered by the Evapotranspiration Zones Map, data from nearby areas shall be used.
- P. *Rehabilitated landscapes* - any re-landscaping project that requires a permit, plan check, or design review, and/or would meet the requirements of Section 4.
- Q. *Special landscape area* - an area of the landscape dedicated to edible plants, areas irrigated with recycled water, and publicly accessible areas dedicated to active play such as parks, sports fields, golf courses, where turf provides a playing field or where turf is needed for high traffic activities.
- R. *Temporarily irrigated* - irrigation for the purposes of establishing plants, or irrigation which will not continue after plant establishment. Temporary irrigation is for a period of six months or less.
- S. *water intensive landscaping* - a landscape with a WUCOLS plant factor of 0.7 or greater.
- T. *WUCOLS* - the publication entitled "Water Use Classification of Landscape Species" by the University of California Cooperative Extension (1999 or most current version).

Section 4. APPLICABILITY

The water-efficient landscape requirements contained in this Program apply all existing properties with landscape areas one acre or greater in size and all properties served by a dedicated landscape irrigation meter.

Section 5. LANDSCAPE DOCUMENTATION PACKAGE REQUIREMENTS

An applicant proposing any new landscape that is subject to this Program as defined in Section 4 above, and designated for recycled water use, is advised that recycled water irrigation systems will entail additional coordination with Western, the land use agency and the maintenance entity's standards, approvals, and implementation requirements.

Therefore, applicants shall consult with Western early in the development review process to ensure that future recycled water facilities meet the projected demand and that subsequent landscape plans comply with the applicable standards, approvals, and implementation requirements of Western, the land use agency, and maintenance entity.

Water systems for common open space areas shall use non-potable water if approved facilities are made available by Western. Provisions for a non-potable water system shall be provided within the landscape plan. Water systems designed to utilize non-potable water shall be designed to meet all applicable standards of the California Regional Water Quality Control Board and the Riverside County Health Department.

Section 6. LANDSCAPE WATER USE EFFICIENCY ENFORCEMENT

A. RESTRICTIONS. The following water conservation requirements are intended to avoid water waste and are effective at all times. These requirements shall be subject to change, from time to time, by the Board. For example, and not by way of limitation, the Board may revise or amend Western's Water Conservation and Supply Shortage Program from time to time.

1. Limits on Watering Hours: Watering or irrigating of lawn, landscape or other vegetated area with potable water, excluding agricultural crops grown for commercial sale, is prohibited between the hours of 8:00 a.m. and 8:00 p.m. on any day; except:

- a. by use of a hand-held bucket or similar container,
- b. a hand-held hose equipped with a positive self-closing water shut-off nozzle or device,
- c. through permanently-installed low-volume point-to-point drip irrigation that is completely covered by an organic or inorganic mulch layer,
- d. for very short periods of time for the express purpose of adjusting or repairing an irrigation system, or
- e. for very short periods of time during the first three weeks of a new landscape's establishment period. Overhead irrigation shall be limited to the hours of 8:00 pm to 8:00 am.

2. No Excessive Water Flow or Runoff: Watering or irrigating of any lawn, landscape or other vegetated

area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.

3. 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 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.
4. 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 four (4) days, is prohibited.

B LANDSCAPE METER REQUIREMENTS

1. A separate dedicated meter is required for landscaped areas greater than or equal to 2,500 square-feet.
2. The efficient use of water shall be considered in the design of any new landscaped area. The Maximum Applied Water Allowance (MAWA) will be calculated for customers that request a new account using the following formula:

$$\text{MAWA (in gallons)} = (\text{ET}_0) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

Where:

- ET_0 is historic local reference evapotranspiration
- LA is total landscape area (including the SLA) in square feet
- SLA is the amount of special landscape area in square feet

- i. For the purposes of determining the Maximum Applied Water Allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average irrigation efficiency of 0.71.
3. Prior to the issuance of a meter, the new customer shall calculate the Estimated Annual Water Use (EAWU) for each landscaped area using the following formula:

$$\text{EAWU (in gallons)} = (\text{ET}_0) (0.62) [((\text{PF} \times \text{HA}) / \text{IE}) + \text{SLA}]$$

Where:

ET_0 is reference evapotranspiration
 PF is plant factor
 HA is hydrozone area in square feet
 IE is irrigation efficiency (minimum 0.71)
 SLA is the amount of special landscape area in square feet

- i. Landscaping plans shall provide the EAWU (in the same units as the MAWA) for each landscaped area or hydrozone. The sum of all EAWU totals shall not exceed the MAWA for the project.
- ii. The plant factor used shall be from WUCOLS. The plant factor for low water-use plants range from 0 to 0.3, for moderate water-use plants range from 0.4 to 0.6, and for high water-use plants range from 0.7 to 1.0.
- iii. The plant factor calculation is based on the proportions of the respective plant water uses and their plant factor, or the plant factor of the higher water-using plant is used.
- iv. The surface area of a water feature shall be included in the high water-use hydrozone area of the water budget calculation, and temporarily irrigated areas in the low water-use hydrozone.

4. For the new meter to be issued, the sum of the EAWU's for all landscaped areas of the project cannot exceed the MAWA for the project as calculated in Section 6.B.2 of the Program. Calculations shall be submitted to Western for review.

5. New accounts that have to comply with equivalent or more stringent water use efficiency measures imposed by another jurisdiction do not need to comply with the requirements of this section of the Program, but do need to provide information about the landscape area to Western.

- i. ENFORCEMENT. Western provides water efficiency audits, and surveys for all direct retail water customers to ensure water is being used efficiently. Western's authority includes the implementation of a water budget-based rate structure for all customers based on metrics described in the State Landscape Model Ordinance, the County Task Force Local Water Efficient Ordinance and the Maximum Annual Water Allowance formula detailed above for landscapes installed after January 1, 2010. Landscapes existing prior to January 1, 2010 and qualifying Special Landscape Areas will be given

landscape factors of 0.80 and 1.0 respectively as outlined in the State Model Ordinance.

Section 7. CEQA COMPLIANCE

The Board hereby finds that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) ("CEQA") pursuant to Section 15307 (the activity assures the maintenance, restoration, enhancement, or protection of a natural resource) and Section 15378(b)(2) (the activity is not a project as it involves general policy and procedure making) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, since it makes and implements policies and procedures for ensuring that water resources are conserved by reducing the water demands of landscaping.

Section 8. CONFLICTING PROVISIONS

If provisions of this Ordinance are in conflict with each other, other rules and regulations of Western, any other resolution or ordinance of Western, or any State law or regulation, the more restrictive provisions shall apply.

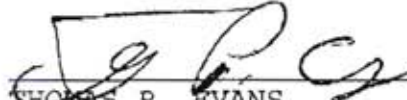
Section 9. SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase or sections of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the invalidity of the remaining portions of sections of this Ordinance shall not be affected, it being the intent of the Board in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 10. EFFECTIVE DATE AND PUBLICATION

This Ordinance shall be effective upon adoption. Within ten (10) days after its adoption, the Secretary shall cause this Ordinance to be published once pursuant to California Government Code section 6061 in full in a newspaper of general circulation which is printed, published, and circulated within Western. If there is no such newspaper, the Ordinance shall be posted within Western after its adoption in three public places.

Adopted by the Western Municipal Water District Board of Directors this 16th day of September, 2009.



THOMAS P. EVANS
President

September 16, 2009

ATTEST

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of Ordinance 375 adopted by the Board of Directors of Western Municipal Water District of Riverside County at its regularly scheduled Board Meeting held September 16, 2009.



BRENDA DENNSTEDT
Secretary-Treasurer