

Ordinance No. 1344-02
Nuevo Water Company
Water Conservation Ordinance

WHEREAS, Nuevo Water Company (“NWC”) is a mutual water company organized pursuant to the provisions of the former General Corporation Law of California and is empowered to provide water service within its boundaries; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, NWC may declare a water shortage emergency under Water Code section 350 *et. seq.* if and when NWC finds that water supply conditions so warrant, and may identify the appropriate shortage response(s) and adopt the corresponding rules and regulations identified herein; and

WHEREAS, in light of the foregoing, NWC desires to adopt and enforce a comprehensive water conservation program,

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE NUEVO WATER COMPANY DOES ORDAIN AS FOLLOWS:

WATER CONSERVATION:

ARTICLE 1.0 Declaration of Necessity and Intent.

1. The general welfare and the California Constitution, art. X, § 2, requires that NWC’s water supplies must be put to beneficial use; that it is good to practice water conservation even in the best of times, and that waste or unreasonable uses must be prevented. Water conservation must be practices so that adequate water supplies will be available to serve NWC’s customers.
2. This ordinance identifies Five Stages of Drought Response and sets forth applicable rules and regulations, as provided by Water Code section 350 *et seq.*, that NWC may implement in its discretion, in full or in part, upon a finding and

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declaration of a water shortage emergency as provided for in Water Code section 350 *et seq.*.

Stage 1 – Supply Watch.

Use restrictions are requested with a conservation target of 10%. Voluntary reduction of up to 20% is encouraged.

Stage 2 – Supply Alert.

1. When the Board determines that a Stage 2 shortage condition exists and declares an emergency shortage condition pursuant to Water Code section 350, *et seq.*, use restrictions are mandatory with a conservation target of 25%.

Stage 3 – Mandatory Water Reduction.

1. When the Board determines that a Stage 3 shortage condition exists and declares an emergency shortage condition pursuant to Water Code section 350 *et seq.*, use restrictions are mandatory with a conservation target of 40%. Mandatory reduction of excessive water shall be enforced through penalties for violation set forth in Article 11.

Stage 4 – Mandatory Outdoor Reduction.

1. When the Board determines that a Stage 4 shortage condition exists and declares an emergency shortage condition pursuant to Water Code section 350 *et seq.*, mandatory reduction of outdoor water use will be enforced through observation-based penalties that will be increased based on prior violations, and the restrictions applicable to Stages 1-3 would apply in the discretion of NWC.

Stage 5 – Indoor Reduction.

1. Use restrictions are mandatory with conservation target of 50%. This stage would be implemented in response to catastrophic loss of supply, and the restrictions applicable to Stages 1-4 would apply in the discretion of NWC.

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C. Response Stage 2 – 5.

1. During Response Stages 2- 5, following a declaration of water supply shortage under Water Code section 350 *et seq.*, the water conservation and use rules are regulations established by this ordinance are mandatory, unless NWC resolves otherwise, and violations will be subject to penalties.

ARTICLE 1.1 Application.

This ordinance shall apply to all customers, water users, and premises serviced by NWC.

ARTICLE 2.0 Definitions.

- A. “Applicant” means the person, association, corporation, developer or governmental agency applying for water service.
- B. “Billing Unit” equals 100 cubic feet (748 gallons) of water and is the unit amount of water used to calculate commodity charges for the customers water usage.
- C. “Board” means the Board of Directors of Nuevo Water Company.
- D. “Commercial Use” means any building for office or commercial use with water requirements, which include, but are not limited to, landscape irrigation, toilets, urinals, and decorative fountains.
- E. “Customers” means water customer or water user.
- F. “Flow Restricting Device” or “Flow Restrictor” means a fitting inserted into the service connection to reduce flow capacity.
- G. “Non-Potable Water” means water that is not acceptable for human consumption in conformance with federal, state or local drinking water standards.
- H. “NWC” means Nuevo Water Company.
- I. “Potable Water” means the integral property or area, including improvements thereon, to which water service is provided, or for which an application for service is filed.

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- J. "Recycled Water" means water available from Eastern Municipal Water District's recycled water facilities, which may include a combination of treated wastewater, intercepted surface and subsurface stream flows, groundwater, and other waters including potable water.
- K. "Service Connection" means the pipe or tubing, fittings and valves necessary to conduct water from the distribution main to and through the meter.
- L. "Staff" means the person employed by Nuevo Water Company.
- M. "Water User" means any user of water, including a water customer.

ARTICLE 3.0 Notification.

- A. Staff shall monitor any water shortage and evaluate the supply and demand for water by its customers, and shall recommend, when appropriate, that the Board of Directors declare a water shortage and implement the appropriate response stage.
- B. Once a response stage is in effect, NWC shall inform its customers of the effective date of the prohibited uses of water, what actions are to be taken, and will encourage its customers to implement additional voluntary actions to further conserve water. NWC shall also inform and prepare its customers for the possibility of further restrictions on water use and will communicate with them throughout the water supply shortage.

ARTICLE 4.0 Water Conservation and Unreasonable Use of Water.

- A. It is unlawful at any time for any person to make, cause or use or permit the use of water from NWC residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this ordinance, or in an amount in excess of that use permitted by the water conservation stages which are in effect pursuant to this ordinance or by action taken by the Board of Directors in accordance with this ordinance. The water

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conservation and supply shortage response measures set forth in this Article shall be in effect at all times.

B. It is unlawful at any time for any person to waste water or to use it unreasonably. Unreasonable uses of water shall include, but not limited to, the following practices:

1. Allowing water to leave the person's property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks;
2. Failing to repair a water leak;
3. Using water to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate safety or sanitation hazards; and
4. Watering lawns and/or groundcovers and irrigating landscaping between the hours of 6:00 AM TO 8:00 PM.

C. A water conservation stage shall be determined by the Board of Directors in accordance with the provisions of this ordinance. A water conservation stage shall remain in full force and effect until otherwise determined or discontinued by resolution of the Board of Directors declaring that existing water supply conditions and the supply of water available for distribution within NWC's service area is adequate.

D. During Water Conservation Stages 2 through 5, the water conservation and supply shortage response measures are mandatory and violations are subject to penalties and remedies as specified in this Ordinance

ARTICLE 5.0 Stage 1 Supply Watch 1 – Supply Watch Condition.

A. Supply Watch Stage 1 condition is also referred to as a "Supply Watch" condition. A Stage 1 condition applies when the Board of Directors finds and

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declares that a drought or other reductions in NWC's water supplies have resulted in a water supply shortage. Customers are encouraged to reduce their water consumption 10% to ensure that sufficient supplies will be available to meet anticipated demands. The Board of Directors shall declare the existence of a Supply Watch and Staff shall implement Stage 1 conservation practices identified in this ordinance.

- B. During a Stage 1 Supply Watch, NWC will increase its public education and outreach efforts to enhance awareness of the need to implement the following water conservation practices:
1. No washing down of paved surfaces including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, exception when necessary to alleviate safety or sanitation hazards.
 2. Adjusting sprinklers and irrigation systems to avoid overspray, runoff and waste. Customers should also avoid watering on windy days.
 3. Irrigate residential and commercial landscape before dawn, if possible, but never between the hours of 6:00 am and 8:00 pm, with an automatic or manual sprinkler system. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas that are not irrigated by a landscape irrigation system.
 4. Irrigate parks and school grounds before dawn, if possible, but never between the hours of 6:00 am and 8:00 pm. Reclaimed water should be used whenever possible.
 5. Agricultural users are requested to reduce water usage and to consult with the Resource Conservation District in their area for appropriate water conservation measures and to implement them as soon as possible.

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6. Watering is acceptable at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is acceptable at any time.
7. When installing new landscaping, plant low water-demand, native or drought tolerant trees and plants. Avoid large turf areas which consume large quantities of water. Minimize consumption by using low water-use grasses.
8. Developers of residential, commercial and industrial properties are required to comply with Riverside County's Ordinance No. 859 (or as amended) establishing water-efficient landscape requirements. The Developer is to provide documentation to the Water Company that the Developer is in compliance with Riverside County's Ordinance No. 859 or as amended.
9. Use recycled or non-potable water for construction purposes whenever possible.
10. Install water-saving devices for indoor plumbing, if feasible.
11. Check Faucets, toilets, and pipes, both indoors and outdoors, for leaks and repair them immediately.
12. Use re-circulated water to operate decorative fountains, ponds, lakes or other similar aesthetic structures.
13. Where possible, install and use spa and pool covers to reduce evaporation.
14. Wash motor vehicles, trailers, boats and all other mobile equipment using a bucket and a hand-held hose with a positive shut-off nozzle, mobile high-pressure/low volume wash system, or at a commercial site that re-

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circulates (reclaims) water onsite. Avoid washing during hot conditions when additional water is required due to evaporation.

15. Restaurants or other public places where food is served shall not serve drinking water to any customer unless expressly requested.

ARTICLE 5.0 Stage 2 Supply Alert – Supply Alert Condition.

- A. A Supply Alert condition is also referred to as “Supply Alert” condition. A Stage 2 condition applies when the Board of Directors finds and declares that a drought or other reductions in NWC’s water supplies have resulted in a water supply shortage. Following a declaration of water shortage emergency by NWC, customers are required, in addition to other restrictions set forth herein, to reduce their water consumption by 25% to ensure that sufficient supplies will be available to meet anticipated demands. The Board of Directors shall declare the existence of a Supply Alert Stage 2 and Staff shall implement the Stage 2 conservation practices identified in this ordinance.
- B. All persons using NWC water shall comply with Stage 1 Supply Watch water-conservation practices during a Stage 2 Supply Alert, and shall also comply with the following conservation measures:
 - 1. Lawn watering and landscape irrigation using sprinklers is limited to no more than 10 minutes per watering station per day. This provision does not apply to landscape irrigation systems using water-efficient devices, including but not limited to, weather-based controllers, drip/micro-irrigation systems, and stream rotor sprinklers.
 - 2. Repair all leaks within 72 hours of notification by NWC unless other arrangements are made with Staff.
 - 3. Cease operating ornamental fountains or similar decorative water features unless re-circulated water is used.

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4. Reduce watering or irrigation of lawn, landscape or other vegetated areas with sprinklers by 1 day a week.
5. Refrain from using potable water to wash or clean a vehicle, including but not limited to automobile, truck, van, bus, motorcycle, boat or trailer whether motorized or not.

ARTICLE 7.0 Stage 3 Mandatory Waste Reduction – Mandatory Waste Reduction Condition.

- A. A Mandatory Waste Reduction Stage 3 condition is also referred to as a “Waste Reduction” condition. A Stage 3 condition applies when the Board of Directors find and declares that a drought or other reductions in NWC’s water supplies have resulted in a water supply shortage. Following a declaration of water shortage emergency by NWC, customers are required, in addition to other restrictions set forth herein, to reduce their water consumption by 40% in order to ensure that sufficient supplies will be available to meet anticipated demands. The Board of Directors shall declare the existence of a Waste Reduction Stage 3 and the Staff shall implement the Stage 3 conservation practices identified in this ordinance.
- B. All persons using NWC water shall comply with Stage 1 and Stage 2 water conservation practices during a Stage 3 Water Reduction condition and shall also comply with the following additional mandatory conservation measures:
 1. Stop filling or re-filling of swimming pools and ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are significant value and have been actively managed within the water feature prior to declaration of a drought response stage under this ordinance.

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2. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high-pressure/low-volume wash systems.
 3. Repair all leaks within 48 hours of notification by NWC unless otherwise arrangements are made with Staff.
- C. Upon declaration of a Water Reduction Stage 3 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as will-serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:
1. A valid water availability letter; or
 2. A valid, unexpired building permit has been issued for the project; or
 3. The project is necessary to protect the public's health, safety, and welfare; or
 4. The applicant owns irrigation share(s) of the Corporation which entitles the applicant to convert each 1 irrigation share for 1 water service connection; or
 5. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will offset prior to the provision of a new water meter(s) to the satisfaction of NWC.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

- D. Following the effective date of this ordinance, any NWC customer that uses water within Tier 4 or above as set forth in NWC's rate schedule, shall be subject to a unit charge of 1.5 times NWC's approved tier charges.

ARTICLE 8.0 Stage 4 Mandatory Outdoor Reduction – Mandatory Outdoor Reduction Condition.

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- A. A Mandatory Outdoor Reduction Stage 4 condition is also referred to as an “Outdoor Reduction” condition. A Stage 4 condition applies when the Board of Directors finds and declares that a drought or other reductions in NWC’s water supplies have resulted in a water supply shortage. Following a declaration of water shortage emergency by NWC, customers are required, in addition to other restrictions set forth herein, to reduce their water consumption by 40% to ensure that supplies will be available to meet anticipated demands. The Board of Directors shall declare an Outdoor Reduction and the Staff shall implement the Stage 4 conservation policies identified in this ordinance.
- B. All persons using NWC water shall comply with conservation measures required during Response Stages 1-3 and shall also comply with the following mandatory conservation measures:
1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless NWC has determined that recycled water is available and may be lawfully applied to the use:
 - a. Maintenance of trees and shrubs that are watered by using a bucket; hand-held hose with a positive shut-off nozzle; or low-volume, non-spray irrigation;
 - b. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;
 - c. Maintenance of existing landscaping for erosion control;
 - d. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;

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- e. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, and golf course greens;
 - f. Watering of livestock; and
 - g. Public works projects.
- 2. Repair all leaks within 24 hours of notification by NWC unless other arrangements are made with the Staff.
 - 3. Watering of irrigation of lawn, landscape, or other vegetated area with sprinklers should be limited to the following schedule:
 - a) June through August – A maximum of two days a week.
 - b) September through May – A maximum of one day a week.
- C. Following the effective date of this ordinance, any NWC customer that uses water within Tier 4 or above as set forth in NWC’s rate schedule, shall be subject to a unit charge of 2 times NWC’s approved tier charges.

ARTICLE 9.0 Stage 5 Supply Emergency – supply Emergency Condition.

- A. A Stage 5 condition applies when the Board of Directors finds and declares that a drought or other reduction in NWC’s water supplies have resulted in a water supply shortage. Following a declaration of water shortage emergency by NWC. In addition to the mandatory restrictions imposed in Stages 2-4, a Stage 5 Emergency may result in reduced water deliveries to accommodate human consumption, sanitation, fire protection, and/or state declared emergencies. “Supply Emergency” means a condition existing within NWC in which the ordinary water demands and requirements of NWC’s customers cannot be satisfied without depleting the water supply of NWC to the extent that there would be insufficient water for human consumption, sanitation and fire protection. A Supply Emergency includes both an immediate emergency, in which NWC is unable to meet current water needs of NWC’s customers, as well

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as a threatened water shortage, in which NWC determines that its supply cannot meet an increased future demand.

ARTICLE 10.0 Producers for Determination and Notification of Response Stage.

- A. The existence of Response Stage 1-5 conditions declared by resolution of NWC's Board of Directors adopted at a regular or special public meeting. The mandatory conservation measures applicable to Response Stage 2-5 shall take effect on the 10th day after the date the response stage and water shortage emergency is declared under Water Code section 350 *et seq.* Within 5 days following the declaration of the response stage, NWC shall notify its customers by publication and on its website. A copy of the Ordinance can be obtained by contact the office.
- B. NWC's Board of Directors may declare an end to a Response Stage(s) by the adoption of a resolution at any regular or special meeting held in accordance with NWC's bylaws.

ARTICLE 11.0 Notice and Surcharges.

- A. The Board authorizes NWC Staff to issue the notices and assess the surcharges listed below to shareholders in violation of any restriction or prohibition of this Ordinance. The Board has determined that the surcharges listed below reasonably compensate NWC and its customers for all loss of water and other damages incurred, as well as foster water conservation within the service area of NWC:
 - 1. First Violation: Written & oral notice (door hanger & follow-up call) identifying nature of violation.
 - 2. Second Violation: Written notice including notification of possible surcharge.

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3. Third Violation: Within 1 month period: 50% surcharge based on the most recent months bill added to the current month's water bill.
4. Fourth & Subsequent Violations: Within 1 month period: 100% surcharge based on the most recent month's bill added to the current month's water bill.

ARTICLE 12.0 Emergency Staff Action.

- A. In unusual emergency circumstances where NWC personnel observe substantial amounts of water being wasted in violation of this Ordinance and where after reasonable efforts have been made to persuade the shareholder to terminate such waste, but have failed to persuade the shareholder, the Staff may authorize the immediate restriction of water service by installation of a flow-regulating device or temporary discontinuation of service to the affected property. A written notice of such action and the reason therefor shall be delivered to the shareholder and any adult person present at the premises, or if none can be found, left in a conspicuous place on the property within 24 hours of restrictions or discontinuation of service. Any such person whose service has been discontinued may have water service promptly reinstated by applying therefor at NWC's office, upon payment of reconnection fee equal to the delinquent shut-off fee established by the Board. Notwithstanding any reinstatement, such person may still be subject to all other penalties for water usage provided elsewhere in this Ordinance.

ARTICLE 13.0 Appeals.

- A. Any water user may appeal any decision or application of the provisions of this Ordinance to the Board of Directors by filing a written appeal with the Staff within 10 days from the date of the decision or application of the provisions is made, and the Board of Directors will set the matter for hearing at the next

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regular meeting, and may, in its discretion, thereafter affirm, reverse, or modify Staff decision, and impose any conditions it deems just and proper.

ARTICLE 14.0 Exceptions.

- A. The Board of Directors may, in its discretion, grant exceptions to the terms of the Ordinance if it finds and determines that (1) the restrictions herein would cause an undue hardship or emergency condition, or (2) that the granting of the exception will not adversely affect the water supply or service to other existing shareholders. Such exceptions may be granted only upon application and review of the matter at a regular meeting of the Board of Directors, except that the Board of Directors, in its discretion, dispense with the writing and meeting requirements if it finds that an emergency condition exists requiring immediate action. Upon granting any such exception, the Board of Directors may impose any conditions it determines to be just and proper. The terms of any exception shall be set forth in writing, the original to be kept on file with NWC and a copy to be furnished to the shareholder.

ARTICLE 15.0 Severability.

- A. If any section, sub-section, sentence, clause, or phrase of the Ordinance is for any reason held to be invalid, such decision shall not affect the validity or the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each section, sub-section, sentence, clause, or phrase thereof irrespective of the possibility that one or more sections, sub-sections, sentences, clauses or phrases might be deemed invalid by a court of proper jurisdiction.

ARTICLE 16.0 Effective Date.

This Ordinance became effective and was originally adopted November 12, 2009.

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ARTICLE 17.0 Amendment.

This Ordinance was amended and becomes effective immediately.

ADOPTED this 14th day of December 2021.

Gerald Donathan

Gerald Donathan, President of the Board of Directors

ATTEST:

Cynthia Robbins

Cynthia Robbins, Secretary to the Board of Directors