

CALIFORNIA PUBLIC UTILITIES COMMISSION

Water Division

INSTRUCTIONS FOR WATER CONSERVATION, RATIONING AND SERVICE CONNECTION MORATORIA

Standard Practice U-40-W

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SAN FRANCISCO, CALIFORNIA

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INSTRUCTIONS FOR WATER CONSERVATION, RATIONING AND SERVICE CONNECTION MORATORIA

A—PURPOSE AND SCOPE

1. The purpose of this standard practice is to provide guidance to Water Division staff, to the public and to utilities as to steps to be taken when the utility suffers from a water shortage. The three levels of action are voluntary rationing, mandatory rationing and a service connection moratorium.

B—BACKGROUND

2. General Order 103, Chart 1, and Standard Practice U-22-W, Determination of Water Supply Requirements of Water Systems, address water supply requirements, but supply can be affected temporarily due to drought or decreased production of a utility's wells. When this happens, utilities may have to resort to mandatory conservation or may have to institute a service connection moratorium.

3. Parties may also protest service area extensions (see Standard Practice U-14-W) over concern that the available supplies may be inadequate to serve the new customers, which would be the equivalent of a service connection moratorium (see Section F)¹.

4. The position of the Commission in overall water supply planning was set forth in Decision 99-04-061, April 22, 1999 (see Appendix A to this Standard Practice).

C—DEVELOPMENT OF CONSERVATION AND RATIONING

5. In mid-1976, due to a drought, the Commission opened an Order Instituting Investigation (OII, Case No. 10114, June 8, 1976) to determine what actions to take. In early 1977, the Commission issued an emergency decision that allowed water utilities to distribute water conservation kits and to implement cost effective water conservation programs.

6. The Commission was once again faced with drought conditions in mid-1988. The Commission opened OII 89-03-005 that allowed all classes of water utilities to file a water conservation and rationing plan consisting of two distinct parts: Rule 14.1 (a "voluntary conservation" program) and Schedule 14.1 (the mandatory rationing and penalty part). This plan was based primarily upon the Department of Water Resources and Metropolitan Water District's model plans, but also

¹ In Resolution No. 4154, August 5, 1999, the Sierra Club protested Valencia Water Company's Advice Letters 84 and 85 for service area extension. The Commission found in the favor of Valencia, that it had adequate supplies, but ordered the utility to file its Water Management Program by application so the long-term water availability issues could be heard.

incorporated aspects of the North Marin Water District, East Bay Municipal Utility District, and California Water Service Company's existing conservation and rationing plans. The main objective of Rule 14.1 and Schedule 14.1 was to have a plan readily available for any utility that needed conservation and/or rationing methods. This plan allowed regulated utilities to achieve conservation of 17.5% to 26%.

7. The drought was officially declared over in February 1993 and the OII was closed. Because history shows that drought occurs in California about once every ten years, Rule 14.1 has remained in place. When conditions become severe, the utility may file an advice letter to institute Schedule 14.1. The Commission must approve implementation of this schedule by resolution.

D—VOLUNTARY RATIONING

8. Voluntary rationing consists of the steps described in Rule 14.1 (Appendix B). This Tariff Rule should be in the tariff book of every utility that might suffer from a water shortage.

E—MANDATORY RATIONING

9. Mandatory rationing consists of the steps described in Schedule 14.1. The utility adds schedule 14.1 to its tariff book by filing an advice letter with full justification. Staff will prepare a resolution for consideration by the Commission. The Commission must approve the imposition of mandatory conservation.

10. Schedule 14.1 may be modified to fit the needs of the utility and its particular water shortage situation. The following provisions are examples of what might be included in a typical Schedule 14.1:

- A. Prohibit nonessential and unauthorized water use, including:
 - i. use for more than minimal landscaping in connection with new construction;
 - ii. use through any meter when the company has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to effect such repairs within five days;
 - iii. use of water which results in flooding or runoff in gutters or streets;
 - iv. use of water through a hose for washing cars, buses, boats, trailers or other vehicles without a positive automatic shut-off valve on the outlet end of the hose;
 - v. use of water through a hose for washing buildings, structures, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas;
 - vi. use of water to clean, fill or maintain levels in decorative fountains;

- vii. use of water for construction purposes unless no other source of water or other method can be used;
 - viii. service of water by any restaurant except upon the request of a patron; and
 - ix. use of water to flush hydrants, except where required for public health or safety.
- B. Establish customer water allocations at a percentage of historical usage with the corresponding billing periods of a non-drought year being the base.
 - C. Establish an allocation of a percentage of historical usage with the corresponding billing periods of a non-drought year being the base for consumption for users of process water (water used to manufacture, alter, convert, clean, grow, heat or cool a product, including water used in laundries and car wash facilities that recycle the water used).
 - D. Establish a minimum allocation of a number of Ccf per month (one Ccf is one hundred cubic feet) for any customer regardless of historical usage.
 - E. Establish an exceptions procedure for customers with no prior billing period record or where unusual circumstances dictate a change in allocation.
 - F. Establish a penalty ("conservation fee") of \$2.00 per Ccf for usage over allocated amounts, provided, however, that banking of underusage from month to month is allowed.
 - G. Provide that penalty funds are not to be accounted for as income, but are to be kept in a separate reserve account for disposition as directed by the Commission.
 - H. Provide that, after written warning for nonessential or unauthorized water use, for subsequent violations the utility may install a flow restrictor to be left in a minimum of three days. The second time a flow restrictor is installed it may be left in until rationing ends.
 - I. Establish charges of \$25, \$50, or actual cost depending on meter size for removing restrictors, and provide that continuing nonessential or unauthorized use may result in disconnection.
 - J. Establish an appeal procedure first through the utility, then to the Commission staff through the Executive Director, then to the Commission via a formal complaint.

F—SERVICE CONNECTION MORATORIUM

11. A service connection moratorium is sometimes imposed by the California Department of Health Services. The California Water Code, Section 350 et seq.,

provides that any public water supplier may, after public notice and hearing, declare a water shortage emergency within its service area whenever it determines that the ordinary demands and requirements of its consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. After it has declared a water shortage emergency, it must adopt such regulations and restrictions on water delivery and consumption as it finds will conserve its water supply for the greatest public benefit. Section 357 requires that suppliers which are subject to regulation by the CPUC shall secure its approval before making such regulations and restrictions effective.

12. Section 2708 of the Public Utilities Code states:

2708. Whenever the commission, after a hearing had upon its own motion or upon complaint, finds that any water company which is a public utility operating within this State has reached the limit of its capacity to supply water and that no further consumers of water can be supplied from the system of such utility without injuriously withdrawing the supply wholly or in part from those who have theretofore been supplied by the corporation, the commission may order and require that no such corporation shall furnish water to any new or additional consumers until the order is vacated or modified by the commission. The commission, after hearing upon its own motion or upon complaint, may also require any such water company to allow additional consumers to be served when it appears that service to additional consumers will not injuriously withdraw the supply wholly or in part from those who theretofore had been supplied by such public utility.

13. To establish a service connection moratorium the utility must:

- a. Hold a public meeting under Section 350 and 351 of the Water Code
- b. Add the following language to each service schedule:

“MORATORIUM

No service shall be provided to any premises not previously served within the _____ Service Area as defined on the Service Area Map filed as a part of these tariffs.”

G—EXEMPTIONS

14. Some decisions to impose a moratorium contain exceptions. For example in Citizen’s Utilities (CUCC) Montara District:

“The moratorium shall not apply to owners of real property who are customers of CUCC on or before the date of this order, or their successors in interest, if any change in the use of their property

will not increase their demand upon the system.” (D.86-05-078, Ordering Paragraph 3.)

15. D.86-05-078 also provided that prospective customers could seek an exemption from the moratorium by filing an application with the Commission showing that extraordinary circumstances required an exemption.

16. In D.00-06-020, June 8, 2000 the Commission granted an application and authorized Citizens Utilities to install a water service connection to applicant’s property at APN 037-278-090 following cessation of service at applicant’s property at 888 Ocean Boulevard in Montara. Costs were to be borne by applicant. The order made it clear that water service could not be reinstated at 888 Ocean Boulevard absent a lifting or easing of the moratorium. Such determinations were also delegated to staff².

² D.86-05-078, May 28, 1986, Ordering Paragraph 4.

The Commission's Role in Water Planning

The two state agencies primarily responsible for overseeing water planning are the California Department of Water Resources, which manages the State Water Project and produces the California Water Plan, and the State Water Quality Control Board and Regional Water Quality Control Boards which have authority over water allocation and water quality protection.

In addition to the state agencies which have broad planning and management powers, local government also has a part in water use decisions. For example, county boards of supervisors, county water agencies, land use planning agencies, city governments, municipal water districts and many special districts all have a role in the use of water in California.

In this context, the Commission has recognized the futility of one party taking unilateral action to protect a groundwater basin:

Rehabilitation of the Santa Maria Groundwater Basin is not the responsibility of, and is beyond the physical and financial resources of any single individual, company, or agency. Even if [Southern California Water Company] were to stop drawing from the basin entirely and injected into the basin the entire 7,900 AFY it desires to obtain from the [Central Coast Water Authority], the basin's fundamental problems of declining quantity and water quality would not be solved. Most simply put, the basin's salvation as a water resource requires the immediate, undivided, sincere and selfless attention of all its users.

(Re Southern California Water Company, 48 CPUC2d 511, 519 (D.93-03-066)(emphasis in original).)

The Commission's role is limited to ensuring that each jurisdictional water utility provides its customers with "just and reasonable service, . . . and facilities as are necessary to promote the safety, health, comfort and convenience of its patrons, employees, and the public." (§ 451.) The Commission has further delineated the service standard in its General Order 103 where it proscribes Standards of Service

including water quality, water supply, and water pressure, as well as many other details of service.

The Commission has not, however, dictated to investor-owned utilities what method of obtaining water must be used to meet its present and future responsibility of providing safe and adequate supply of water at reasonable rates. (Southern California Water, 48 CPUC2d at 517.)

Which is not to suggest that the Commission ignores issues of water availability in its regulation of water utilities. The Commission requires that all water utilities prepare, file, and update a water management plan which includes identification of water sources as well as consumption projections over 15 years. These plans are updated by the utility as part of its general rate case.

RULE NO. 14.1
WATER CONSERVATION AND RATIONING PLAN

GENERAL INFORMATION

If water supplies are projected to be insufficient to meet normal customer demand, and are beyond the control of the utility, the utility may elect to implement voluntary conservation using the portion of this plan set forth in Section A of this Rule after notifying the Commission's Water Division of its intent. If, in the opinion of the utility, more stringent water measures are required, the utility shall request Commission authorization to implement the mandatory conservation and rationing measures set forth in Section B.

The Commission shall authorize mandatory conservation and rationing by approving Schedule No. 14.1, Mandatory Water Conservation and Rationing. When Schedule No. 14.1 has expired, or is not in effect, mandatory conservation and rationing measures will not be in force. Schedule No. 14.1 will set forth water use violation fines, charges for removal of flow restrictors, and the period during which mandatory conservation and rationing measures will be in effect.

When Schedule No. 14.1 is in effect and the utility determines that water supplies are again sufficient to meet normal demands, and mandatory conservation and rationing measures are no longer necessary, the utility shall seek Commission approval to rescind Schedule No. 14.1 to discontinue rationing.

In the event of a water supply shortage requiring a voluntary or mandatory program, the utility shall make available to its customers water conservation kits as required by Rule 20. The utility shall notify all customers of the availability of conservation kits.

(continued)

RULE NO. 14.1
(continued)

WATER CONSERVATION AND RATIONING PLAN

A. CONSERVATION - NON-ESSENTIAL OR UNAUTHORIZED WATER USE

No customer shall use utility-supplied water for non-essential or unauthorized uses as defined below:

1. Use of water through any connection when the utility has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to make such repairs within 5 days after receipt of such notice.
2. Use of water which results in flooding or run-off in gutters, waterways, patios, driveway, or streets.
3. Use of water for washing aircraft, cars, buses, boats, trailers or other vehicles without a positive shut-off nozzle on the outlet end of the hose. Exceptions include washing vehicles at commercial or fleet vehicle washing facilities operated at fixed locations where equipment using water is properly maintained to avoid wasteful use.
4. Use of water through a hose for washing buildings, structures, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas in a manner which results in excessive run-off or waste.
5. Use of water for watering streets with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible), or to protect the health and safety of the public.
6. Use of water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or other method can be used.
7. Use of water for more than minimal landscaping in connection with any new construction.

(continued)

RULE NO. 14.1
(continued)

WATER CONSERVATION AND RATIONING PLAN

A. CONSERVATION – NON-ESSENTIAL OR UNAUTHORIZED WATER USE (CONT.)

8. Use of water for outside plants, lawn, landscape, and turf areas more often than every other day, with even numbered addresses watering on even numbered days of the month and odd numbered addresses watering on the odd numbered days of the month, except that this provision shall not apply to commercial nurseries, golf courses and other water-dependent industries.
9. Use of water for watering outside plants, lawn, landscape and turf areas during certain hours if and when specified in Schedule No. 14.1 when the schedule is in effect.
10. Use of water for watering outside plants and turf areas using a hand-held hose without a positive shut-off valve.
11. Use of water for decorative fountains or the filling or topping off of decorative lakes or ponds. Exceptions are made for those decorative fountains, lakes, or ponds which utilize recycled water.
12. Use of water for the filling or refilling of swimming pools.
13. Service of water by any restaurant except upon the request of the patron.

B. RATIONING OF WATER USAGE

In the event the conservation measures required by Section A are insufficient to control the water shortage, the utility shall, upon Commission approval, impose mandatory conservation and rationing. Rationing shall be in accordance with the conditions set forth in Schedule No. 14.1 as filed at the time such rationing is approved by the Commission.

Before mandatory conservation and rationing is authorized by the Commission, the utility shall hold public meetings and take all other applicable steps required by Sections 350 through 358 of the California Water Code.

(continued)

RULE NO. 14.1

(continued)

WATER CONSERVATION AND RATIONING PLAN

C. ENFORCEMENT OF MANDATORY CONSERVATION AND RATIONING

1. The water use restrictions of the conservation program, in Section A of this rule, become mandatory when the rationing program goes into effect. In the event a customer is observed to be using water for any nonessential or unauthorized use as defined in Section A of this rule, the utility may charge a water use violation fine in accordance with Schedule No. 14.1.
2. The utility may, after one verbal and one written warning, install a flow-restricting device on the service line of any customer observed by utility personnel to be using water for any non-essential or unauthorized use as defined in Section A above.
3. A flow restrictor shall not restrict water delivery by greater than 50% of normal flow and shall provide the premise with a minimum of 6 Ccf/month. The restricting device may be removed only by the utility, only after a three-day period has elapsed, and only upon payment of the appropriate removal charge as set forth in Schedule No. 14.1.
4. After the removal of the restricting device, if any non-essential or unauthorized use of water shall continue, the utility may install another flow-restricting device. This device shall remain in place until water supply conditions warrant its removal and until the appropriate charge for removal has been paid to the utility.
5. If, despite installation of such flow-restricting device pursuant to the provisions of the previous enforcement conditions, any such non-essential or unauthorized use of water shall continue, then the utility may discontinue water service to such customer. In such latter event, a charge as provided in Rule No. 11 shall be paid to the utility as a condition to restoration of service.
6. Any monies collected by the utility through water use violation fines shall not be accounted for as income, but shall be accumulated by the utility in a separate account for disposition as directed or authorized from time to time by the Commission.
7. The charge for removal of a flow-restricting device shall be in accordance with Schedule No. 14.1.

(continued)

RULE NO. 14.1
(continued)

WATER CONSERVATION AND RATIONING PLAN

D. APPEAL PROCEDURE

Any customer who seeks a variance from any of the provisions of this water conservation and rationing plan shall notify the utility in writing, explaining in detail the reason for such a variation. The utility shall respond to each such request.

Any customer not satisfied with the utility's response may file an appeal with the staff of the Commission. The customer and the utility will be notified of the disposition of such appeal by letter from the Executive Director of the Commission.

If the customer disagrees with such disposition, the customer shall have the right to file a formal complaint with the Commission. Except as set forth in this Section, no person shall have any right or claim in law or in equity, against the utility because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of this water conservation and rationing plan.

E. PUBLICITY

In the event the utility finds it necessary to implement this plan, it shall notify customers and hold public hearings concerning the water supply situation, in accordance with Chapter 3, Water Shortage Emergencies, Sections 350 to 358, of the California Water Code. The utility shall also provide each customer with a copy of this plan by means of billing inserts or special mailings; notification shall take place prior to imposing any fines associated with this plan. In addition, the utility shall provide customers with periodic updates regarding its water supply status and the results of customers' conservation efforts. Updates may be by bill insert, special mailing, poster, flyer, newspaper, television or radio spot/advertisement, community bulletin board, or other appropriate methods.

SCHEDULE NO. 14.1
MANDATORY WATER CONSERVATION AND RATIONING

APPLICABILITY

This schedule applies to all water customers served under all tariff rates schedules authorized by the Commission. It is only effective in times of rationing, as required by Rule No. 14.1, and only for the period noted in the Special Conditions section below.

TERRITORY

This schedule is applicable within the entire territory served by the utility.

WATER USE VIOLATION FINE

When this schedule is in effect, the water use restrictions of the conservation program, in Section A of Rule 14.1, become mandatory. If a customer is seen violating the water usage restrictions, as outlined in Rule No. 14.1 and the Special Conditions below, the customer will be subject to the following fine structure:

First offense -	written warning
Second offense -	\$25
(of the same restriction)	
Third offense -	\$50
(of the same restriction)	
Each additional offense -	\$25 more than the previous
	fine imposed.
(of the same restriction)	

Offenses for separate water use restrictions will each start at the warning stage.

The water use violation fine is in addition to the regular rate schedule charges.

(continued)

SCHEDULE NO. 14.1
MANDATORY WATER CONSERVATION AND RATIONING (CONT.)

FLOW RESTRICTOR REMOVAL CHARGE

The charge for removal of a flow-restricting device shall be:

<u>Connection Size</u>	<u>Removal Charges</u>
5/8" to 1"	\$25.00
1-1/2" to 2"	\$50.00
3" and larger	Actual cost

SPECIAL CONDITIONS

1. This tariff schedule shall remain in effect for period of six (6) months from the effective date set forth below.
2. There shall be no use of utility-supplied water for outside plants, lawn, landscape, and turf areas between the hours of 3:00 a.m. to 8:00 p.m., regardless of address or day of the month.
3. Water use violation fines may be applied to violations of Section A of Rule No. 14.1, which prohibits non-essential and unauthorized uses of water.
4. Water use violation fines must be separately identified on each bill.
5. All bills are subject to the reimbursement fee set forth on Schedule No. UF.

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Article I. Water Waste Prohibited.

Sec. 36A-1. Purpose and scope.

This article prohibits water waste within the city for all uses of water in response to the current drought situation which has resulted in overdrafting of the groundwater basin and seawater intrusion.

(Ord. No. 2123 (NCS), § 2.)

Sec. 36A-2. Definitions.

For the purposes of this chapter, the following words are defined as follows:

- (a) "Automatic shutoff nozzle" shall mean a water release mechanism securely affixed to the end of a water hose that requires the person using the hose to apply and maintain pressure at the outlet end of the hose to activate and maintain the flow of water and which shuts off immediately when such pressure is released.
- (b) "Construction" shall mean any project which requires the issuance of a permit to construct or remodel residential or commercial structures except for any of the following:
 - (1) Projects that do not require water outlets or fixtures; or
 - (2) Projects that do not include more than one hot water fixture unit for a residential use as defined by the private use category shown in Table 10-1 entitled Equivalent Fixture Units of the Uniform Plumbing Code; or
 - (3) Projects that do not include more than two hot water fixture units for a commercial use as defined by the public use category shown in Table 10-1 entitled Equivalent Fixture Units of the Uniform Plumbing Code.
- (c) "Person" shall mean any individual person and any firm, partnership, corporation, business entity, district, agency, city, county, and any other entity or organization.
- (d) "Potable water" shall mean water that meets all state and federal requirements for human consumption without threat to health or safety.
- (e) "Water waste" shall mean the indiscriminate, unreasonable or excessive use of potable water.
- (f) "Xeriscape" shall mean the use of drought-tolerant, low water use plants in landscaping. Drought-tolerant plants are those which can survive on little or no water other than available rainfall.

(Ord. No. 2123 (NCS), § 2.)

Sec. 36A-3. Mandatory restrictions.

(a) General Regulations. These general regulations shall apply to all persons regardless of the specific nature of the activity involved, whether it is residential, commercial, industrial or otherwise.

- (1) Repair of Leaking or Broken Water Systems. Owners, managers or other persons responsible for the day-to-day operation of any premises shall repair any leaking, broken

or defective water pipes, faucets, plumbing fixtures, sprinklers, watering, irrigation or distribution systems, or any other water service appliances, which is discharging potable water, within twenty-four hours of notice of such leaks, breaks or defects to the owner, manager or other responsible person.

(2) Water Spillage. No person shall cause, permit, or suffer any potable water to spill into streets, curbs, or gutters or to use potable water in any manner which results in any puddling, pooling or runoff of potable water beyond the immediate area of use.

(3) Use of Automatic Shutoff Nozzle with Hose. No person shall use a hose for watering unless it is equipped with an automatic shutoff nozzle.

(4) Cleaning of Vehicles. Except as provided herein for commercial car washes, no person shall use any potable water to wash or clean any automobile, truck, boat, trailer, bus, recreational vehicle, camper or any other vehicle used for recreation or transportation unless the hose is equipped with an automatic shutoff nozzle or unless the water is contained in a bucket.

(5) Cleaning of Structures or Surfaces. No person shall use potable water to clean the exterior of any building or structure, or any sidewalk, driveway, roadway, patio, deck, tennis court, parking lot or any other exterior paved or hard-surfaced area, provided, however, that the use of potable water for paint preparation and maintenance is permitted if an automatic shutoff nozzle is used.

(6) Swimming Pools, Spas and Hot Tubs. No person shall empty and refill a swimming pool, spa or hot tub except to prevent or repair structural damage and/or to comply with public health regulations. All pools, spas, and hot tubs filled by potable water shall be covered when not in use.

(7) Fountains. No person shall use water to operate or maintain levels in decorative fountains, unless such water is part of a cycling system.

(8) Indiscriminate Use. No person shall cause, suffer or permit the indiscriminate running of water not otherwise prohibited above which is wasteful and without reasonable purpose.

(9) Retrofitting of water outlets.

(A) No later than January 1, 1992, every water closet shall be a low water flush system using no more than 1.5 gallons of water per flush; provided, however, that a water closet can be retrofitted with a device that reduces the amount of water used per flush by at least 1.0 gallon per flush. A dual flush conversion kit that converts the water closet so that an economy flush or a full flush can be elected by the user shall be treated as meeting the requirements of this section provided that such kit must reduce average consumption for the converted water closet to use an average of not more than 2.5 gallons of water per flush, assuming for the purposes of calculation of average consumption that five out of every six flushes are economy flushes. No later than January 1, 1992, every showerhead shall emit no more than 2.5 gallons of water per minute.

(B) Change of Ownership.

(i) All existing structures within the city shall, at the time of change of ownership, be retrofitted, if not already so, with ultra low-flow water closets with a maximum tank size or flush capacity of 1.5 gallons, and shower heads with a maximum flow capacity of 2.5 gallons per minute.

(ii) Previously installed water closets with fixtures using a maximum of 3.5 gallons per flush shall be exempted from the provisions of this section and are not required to be removed for any change of ownership or use which occurs on or before December 31, 1997, provided those water

closets are fitted with a water closet water-use reduction device capable of reducing flow by at least 1.0 gallon per flush. A dual flush conversion kit that converts the water closet so that an economy flush or a full flush can be elected by the user shall be treated as meeting the requirements of this section provided that such kit must reduce average consumption for the converted water closet to use an average of not more than 2.5 gallons of water per flush, assuming for the purposes of calculation of average consumption that five out of every six flushes are economy flushes. Said exemption shall be verified by submittal of a written declaration signed by the person responsible for compliance with the retrofitting requirements of this section, showing the pertinent details concerning the exemption, to the building official.

(10) Landscape Irrigation. No person shall use potable water to water turf, lawns, gardens or ornamental landscaping except between the hours of 5:00 p.m. and 9:00 a.m.; provided, however, that all watering of turf, lawns, gardens or ornamental landscaping shall be by means of drip irrigation or use of a hose equipped with an automatic shutoff nozzle.

(b) Commercial Regulations.

(1) Hotels, Motels, Restaurants, Convention and other Visitor Accommodations. The owner or manager of every hotel, motel, restaurant, convention and other visitor-serving facility shall insure that such facility display, in places visible to the public, placards or decals approved or provided by the city promoting public awareness of the need for water conservation and advising the public that waste of water is prohibited. No potable water shall be served in restaurants except upon request.

(2) Commercial Car Washes. No owner or manager of a commercial car wash shall suffer or permit the washing of any vehicle or boat other than by use of mechanical automatic car wash facilities utilizing water recycling equipment, use of a hose equipped with an automatic shutoff nozzle, or use of bucket and hand washing.

(3) Construction. No potable water may be used for compaction or dust control in construction activities where there is reclaimed or other subpotable water reasonably available for such use.

(4) Government Agencies and School Districts. All public entities shall display in all restrooms a placard or decal, approved or provided by the city, promoting public awareness of the need for water conservation and advising the public that waste of water is prohibited. No later than January 1, 1992, faucets and water dispensing devices which are not on timers shall be replaced with a spring-loaded device.

When using potable water, fire departments shall engage in cooperative training exercises whenever possible.

(5) Utilities and Water Distribution Systems. Water supply and distribution companies with more than five service connections shall maintain in effect a distribution system leakage detection and repair program which has been approved by the city. Said program shall be reviewed annually by the city. All water supply and distribution companies shall distribute to its customers a notice or announcement approved or provided by the city, promoting public awareness of the need for water conservation and advising the public that waste of water is prohibited.

(6) Construction.

(A) Water Closets, Shower Heads and Hot Water Faucets. Installation of a water closet, a shower head or a hot water faucet shall meet the following requirements:

(i) Water Closet. A new or replacement water closet shall be a water conservation type with a maximum tank size or flush capacity of 1.5 gallons of water. Such a water closet is defined by American National Standards Institute Standard A112.19.2.

(ii) Shower Head. A new shower head shall have a maximum flow capacity of 2.5 gallons of water per minute.

(iii) Hot Water Faucet. A hot water recirculation system, approved by the building official, shall be installed whenever one or more new hot water faucets are installed in excess of ten feet between the faucet and the water heater serving such faucet. Hot water branch lines, ten feet or less in length, need not be recirculating if they are served by a recirculating supply pipe. The length of such branch lines shall be measured from the stop serving the faucet to the main recirculating pipe serving the branch line. Recirculating hot water systems shall be insulated as specified in applicable sections of the California Energy Commission's Energy Efficiency Standards:

Exception:

The following items need not be served by a water recirculation system:

- a. Replacement hot water faucets;
- b. Washing machines;
- c. Dishwashers;
- d. Other non-hot water wasting fixtures approved by the building official.

(7) Sale of Water Devices. Any seller or provider of water devices, including but not limited to pools, spas, fountains, hot tubs, and water outlet hardware, shall display a placard or decal approved or provided by the city, promoting public awareness of the need for water conservation and advising the public that waste of water is prohibited.

(8) Agricultural Dust Control. No potable water shall be used for dust control purposes in agricultural activities where there is a reasonably available source of reclaimed or other sub-potable water approved by the Monterey County Health Department and appropriate for such use.

(Ord. No. 2123 (NCS), § 2; Ord. No. 2139 (NCS), § 2; Ord. No. 2199 (NCS), § 1; Ord. No. 2276 (NCS), § 15.)

Sec. 36A-4. Penalties.

Each violation of this article is an infraction. Any violation which continues from one day to the next shall be deemed a separate violation for each day during which such violation occurs or continues to occur.

(Ord. No. 2123 (NCS), § 2.)

Sec. 36A-5. Severability.

If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held void, invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed

a separate, distinct, and an independent provision, and such decision shall not affect the validity of the remaining portions thereof.

(Ord. No. 2123 (NCS), § 2.)

Monterey County, California, Code of Ordinances >> Title 15 - PUBLIC SERVICES >> **Chapter 15.12 - WATER CONSERVATION** >>

Chapter 15.12 - WATER CONSERVATION

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15.12.010 - Findings and determinations.

The Board of Supervisors finds and determines that:

- A. Water shortage emergency conditions prevail within the area described in Section 15.12.030, which area is called "Monterey Peninsula" in this Chapter.
- B. The ordinary demands and requirements of water consumers of the Monterey Peninsula cannot be satisfied without depleting the water supply of the Monterey Peninsula to the extent that there would be insufficient water for human consumption, sanitation and fire protection.
- C. It is necessary to control new water service facilities on the Monterey Peninsula in order to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation and fire protection, and prohibitions and restrictions contained in this Chapter will fulfill that purpose.
- D. The water uses prohibited and restricted by this Chapter are determined to be nonessential.

(Ord. 2181 § 1, 1976)

15.12.020 - Purpose and intent.

It is the purpose and intent of this Chapter to prohibit an increase in the water demand on the available water supplies on the Monterey Peninsula by limiting the use of certain facilities therein, except to the extent expressly authorized by the terms of this Chapter, and this Chapter shall be liberally construed to effectuate such purpose and intent.

(Ord. 2181 § 2, 1976)

15.12.030 - Area of application.

This Chapter shall apply to that portion of the unincorporated area of the County of Monterey lying within Zone No. 11 of the Monterey County Flood Control and Water Conservation District.

(Ord. 2181 § 7, 1976)

15.12.040 - Conditional granting of permits for prohibited facilities.

The Board of Supervisors may, in its discretion, grant permits for water service facilities otherwise prohibited by this Chapter, upon such reasonable conditions as it may in its discretion impose, if it determines that any of the following conditions exist:

- A. The restrictions in this Chapter would cause an unnecessary and undue hardship upon the

- applicant or the public;
- B. The restrictions in this Chapter would create an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public;
 - C. The granting of the variance would not increase the quantity of water consumed or otherwise adversely affect service to other existing water consumers.

(Ord. 2181 § 3, 1976)

15.12.050 - Waste of water declared unlawful.

It is unlawful for any person, firm, partnership, association, corporation or political entity to waste water as specified in this Chapter within the Monterey Peninsula. This provision shall apply to all domestic, agricultural, commercial, industrial, recreational, educational and institutional users of water.

(Ord. 2181 § 4, 1976)

15.12.060 - Nonessential uses designated—Prohibited.

The following uses of water are determined to constitute "waste" as used in this Chapter and to be nonessential and are prohibited, except as further provided in this Chapter.

- A. In newly constructed or reconstructed residential, commercial, industrial or public buildings, the installation of any toilet that uses in excess of three and one-half gallons of water per flush, or the installation of a shower head that does not limit the flow of water to not more than three gallons per minute at forty (40) pounds per square inch or less pressure;
- B. In newly constructed or reconstructed commercial, industrial or public buildings, the installation in any restroom or bathroom of any faucet other than a metering faucet;
- C. The use of any ornamental fountain, permanent swimming or wading pool, or other structure making similar use of water, except when a recirculating system is employed;
- D. The operation of any water-cooled comfort air-conditioning equipment which does not have water-conserving equipment;
- E. In newly constructed or reconstructed residential, commercial, industrial or public buildings, the installation of water pipes without valves to reduce the water pressure to fifty (50) or less pounds of pressure per square inch;
- F. The provisions of Subsections A, B, and E of this Section shall apply only to those buildings constructed or reconstructed pursuant to a building permit issued after the effective date of the ordinance codified in this Chapter.

(Ord. 2181 § 5, 1976)

15.12.070 - Penalty for violation.

Repealed.

(Ord. 3659 § 8, 1993)

Chapter 7.69 INSTALLATION OF WATER CONSERVATION DEVICES

Sections:

- [7.69.010](#) Findings and purpose.
- [7.69.015](#) Relationship to other code requirements.
- [7.69.020](#) Definitions.
- [7.69.030](#) Requirements for water conservation retrofit devices.
- [7.69.040](#) Exemptions.
- [7.69.050](#) Notice by sellers and agents.
- [7.69.060](#) Violation—Penalty.
- [7.69.070](#) Civil remedy.

7.69.010 Findings and purpose.

The installation of water-saving low-flow showerheads and ultra-low-flush toilets before the sale of property would result in a substantial conservation of water and energy, and also reduce the burden on septic tank systems and sewer systems; and that such water and energy conservation devices may be installed at a nominal cost. (Ord. 4698 § 2 (part), 1/7/03)

7.69.015 Relationship to other code requirements.

Property located within the water service area of the city of Santa Cruz shall comply with the requirements for the installation of water conservation devices as set forth in Chapter 7.74 of the county code. (Ord. 4698 § 2 (part), 1/7/03)

7.69.020 Definitions.

For purposes of this chapter:

- A. “Significant expense” means that the cost for retrofitting any single fixture is estimated to be more than one-half of one percent of the market value of the property subject to transfer.
- B. “Water conservation retrofit devices” means for showers a low-flow showerhead which will have a maximum flow rate of not exceeding two and one-half gallons per minute (gpm), and for toilets, an ultra-low-flush toilet not exceeding one and six-tenths gallon per flush (gpf). (Ord. 4781 § 1, 4/5/05; Ord. 4698 § 2 (part), 1/7/03)

7.69.030 Requirements for water conservation retrofit devices.

Commencing March 1, 2003, all sellers of residential, commercial or industrial property using water in showers and toilets shall be required to install water conservation retrofit devices as defined in Section [7.69.020](#) prior to the recording of any deed transferring title to the property to implement a sale of the property, or prior to the recording of a contract of sale pursuant to Section [2985](#) of the California Civil Code. (Ord. 4698 § 2 (part), 1/7/03)

7.69.040 Exemptions.

- A. The requirement for the installation of water conservation retrofit devices on showers

shall not apply to any of the following:

1. All structures that include plumbing fixtures on the property changing ownership with evidence documenting that they were constructed or renovated in 1994 or later;
2. Any shower that is fitted with a low-flow showerhead with a maximum flow rate that does not exceed two and one-half gallons per minute;
3. Any emergency shower installed for health or safety purposes that cannot safely operate with a maximum flow rate that does not exceed two and one-half gallons per minute;
4. When the retrofit of a shower fixture to comply with this chapter would require a significant expense;
5. Any shower that will not function properly after being retrofitted in accordance with this chapter.

B. The requirement for the installation of ultra-low-flush toilets shall not apply to any of the following:

1. Any toilet that already uses less than one and six-tenths gallons per flush.
2. When the retrofit of a toilet fixture to comply with this chapter would require a significant expense;
3. Any toilet that will not function properly after being retrofitted in accordance with this chapter. (Ord. 4781 § 2, 4/5/05; Ord. 4698 § 2 (part), 1/7/03)

7.69.050 Notice by sellers and agents.

Any real estate agent, broker or salesperson involved in the sale of property subject to this chapter shall give written notice to the buyer and seller of these requirements prior to the closing of the sale of the property. A seller of any property subject to this chapter shall provide the buyer with a written certification of compliance with the requirements of this chapter stating that the required water conservation retrofit devices have been installed or that installation of devices is not required and the reasons why installation is not required under the terms of this chapter. (Ord. 4698 § 2 (part), 1/7/03)

7.69.060 Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of an infraction and be fined in accordance with the provisions of Section [1.12.040](#) of the Santa Cruz County Code. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 4698 § 2 (part), 1/7/03)

7.69.070 Civil remedy.

If the seller fails to comply with the retrofit requirements, the buyer shall install the low consumption plumbing fixtures within ninety days from the date of sale. Any seller who fails to comply with the requirements of this chapter is liable to the buyer in the amount of two hundred and fifty dollars for each fixture that does not comply with this chapter at the

time of sale, or the actual costs of the buyer to comply with this chapter, whichever amounts are greater. (Ord. 4698 § 2 (part), 1/7/03)

This page of the Santa Cruz County Code is current through Ordinance 5054, passed August 4, 2009.

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