

Title 13WATER SERVICE CONDITIONS AND WATER CONSERVATION MEASURESChapters:

- 13.01 Eliminated (Ord. 346, 1993)
- 13.02 Water Conservation and Dry Year Water Use Reduction Program
- 13.03 Water Budgets and Related Conservation Measures

Chapter 13.02

WATER CONSERVATION AND DRY YEAR WATER
USE REDUCTION PROGRAM*

Sections:

- 13.02.010 Declaration of purpose.
- 13.02.015 Declaration of Water Shortage Emergency.
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13.02.010 Declaration of purpose. The purpose of this chapter is to provide a water conservation plan to minimize the effect of a shortage of water on the district's consumers and to adopt provisions that will significantly reduce the consumption of water during an extended dry weather period (drought), thereby extending the available water for the district's consumers while reducing the hardship on the general public to the greatest extent possible, voluntary conservation efforts having proved insufficient to achieve these ends. The programs developed in this chapter are triggered based on lake storages developed by computer simulations performed utilizing the district's seven reservoirs with approximately eighty thousand acre-feet of total capacity and up to nine thousand acre-feet per year of imported water. (Ord. 387 §1, 1999; Ord. 316 §2 (part), 1991).

* Prior ordinance history: Ords. 279, 286, 290 and 314.

13.02.015 Declaration of Water Shortage Emergency. When the district's lake storage on December 1 is projected to be in the vicinity of, or less than, thirty thousand acre-feet, the board may declare by resolution a Water Shortage Emergency as defined in the Water Code and then advise the State Water Resources Control Board of the need to conserve local storage. (Ord. 387 §1, 1999)

13.02.020 Water waste prohibitions. No customer of the district shall make, cause, use or permit the use of potable water from the district for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this section.

(1) Prohibited Nonessential Uses Applicable to All Consumers. It is unlawful for any person, firm, partnership, association, corporation, or political entity to use water from the district for the following nonessential uses:

(A) The washing of sidewalks, walkways, driveways, parking lots and all other hard-surfaced areas by direct hosing, except as may be permitted by current regulations pertaining to urban water runoff pollution prevention as defined by the Marin County Stormwater Pollution Prevention Program and other controlling agencies;

(B) The escape of water through breaks or leaks within the consumer's plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of forty-eight hours after the consumer discovers such a leak or break, or receives notice from the district of such leak or break, whichever occurs first, is a reasonable time within which to correct such leak or break;

(C) Non-recycling decorative water fountains.

(D) Restrictions on Irrigation. Irrigation shall not be conducted in a manner or to an extent that allows water to run off or overspray the areas being watered. Every consumer is required to have his/her water distribution lines and facilities under control at all times to avoid water waste.

(E) Any excess water runoff flowing onto the public right of way at a rate of 1 gallon per minute or greater not caused by storm water or naturally occurring groundwater, is prohibited.

(2) Restrictions on Reverse-Osmosis Units. The installation of reverse-osmosis water purifying systems not equipped with an automatic shutoff unit is prohibited.

(3) The following are prohibited for new connections:

(A) Single-pass cooling systems for air conditioning or other cooling system applications unless required for health or safety reasons;

(B) Non-recirculating systems for conveyer carwash applications. (Ord. 421 §2, 2011; Ord. 387 §1, 1999; Ord. 332 §1, 1992; Ord. 316 §2 (part), 1991).

13.02.021 Water Conservation: Normal Year Water Conservation.

(1) Declaration of Purpose. The purpose of this chapter is to provide a water conservation plan to maximize the water supply during periods of relatively normal rainfall and to minimize the effect of a shortage of water on the district's consumers during an extended dry weather period (drought). The normal year conservation programs in this chapter are based on industry standards promulgated by the American Rainwater Catchment Systems Association (ARCSA), Bay-Friendly Landscape and Gardening Practices (Bay-Friendly), Best Management Practices developed by the California Urban Water Conservation Council (CUWCC), California Department of Water

Resources (DWR), California Invasive Plant Council (Cal-IPC), California Irrigation Management Information System (CIMIS), Consortium for Energy Efficiency (CEE), University of California Cooperative Extension (U.C. Extension), USEPA WaterSense Program (WaterSense), Water Use Classification of Landscape Species (WUCOLS), and other recognized conservation industry standards. In every case, the intent of this chapter is to remain a living document, incorporating the most restrictive industry standards in practice at the time in question. In the event that there is a conflict in regulations, the default shall be determined by the District, or as required by law.

Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use. This policy protects local water supplies through the implementation of a whole systems approach to design, construction, installation and maintenance of the landscape resulting in water conserving climate-appropriate landscapes, improved water quality and the minimization of natural resource inputs.

(2) Definitions. Definitions used in this chapter are as follows:

- A.** Application for Service from an Existing Connection: The application for service from an existing connection, whether it is a new, increased, or modified water service, in a customer's name for a property.
- B.** Backflow Prevention Device: means an approved device installed to District standards which will prevent backflow or back-siphonage into the potable water system.
- C.** Booster Pumps: used where the normal water system pressure is low and needs to be increased.
- D.** Bubblers: Irrigation heads that produce a large volume of output, measured in gallons per minute (gpm) that flood the soil area surrounding the bubbler head.
- E.** Check 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 sprinkler heads when the sprinkler is off.
- F.** Common Interest Development: community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
- G.** Compost: the decayed remains of organic matter that has rotted into a natural fertilizer suitable as a soil amendment to enhance plant growth.
- H.** Developed landscape area: All outdoor areas under irrigation, swimming pools, and water features, but excluding hardscape areas.

- I.** Ecological Restoration Project: a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- J.** Effective Rainfall: the portion of total rainfall which becomes available for plant growth and that is used by the plants, defined as an average of 25% of total rainfall.
- K.** Emitter: a drip irrigation device that delivers water slowly from the system to the soil.
- L.** Estimated Total Water Use (ETWU): a calculated amount of water needed to irrigate a given landscape, and used as the basis for assigning water budgets at a site.
- M.** ET Adjustment Factor: a factor of 0.6, that, when applied to reference evapotranspiration as measured by a CIMIS weather station, or equivalent, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.
- N.** Evapotranspiration rate: the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specific specified time.
- O.** Flow Rate: the rate at which water flows through pipes, and valves and emission devices, measured in (gallons per minute, gallons per hour, or cubic feet per second).
- P.** Hardscape: Impermeable areas including patios, decks and paths, driveways and sidewalks.
- Q.** Head-to-Head Coverage: a high-flow irrigation system designed to provide an irrigation spray pattern that delivers water from one sprinkler head to the next.
- R.** High-efficiency Fixture(s): High efficiency fixtures shall, at a minimum, meet the current requirements of the Water Sense labeling program and those of the California Department of Water Resources and the District.
1. High-efficiency Irrigation Controller: An electronic device that controls the amount of time and frequency of operation for an irrigation system and adjusts automatically to compensate for the seasonal plant water requirements at the site (commonly referred to as weather-based irrigation controllers).
 2. High-efficiency Irrigation System: An irrigation system connected to a water service where the overall distribution uniformity (how evenly water is distributed across the irrigated landscape area) is a minimum of 71% and the volume of water used is consistent with seasonal plant requirements as defined by the District.

- S.** High volume irrigation: An irrigation device or system that delivers water to the landscape in a spray, stream-like, or flooding manner from above-ground irrigation nozzles with output expressed in gallons per minute (include many bubblers and micro-spray devices).
- T.** High-Flow Sensor: a device for sensing the rate of flow in the irrigation system.
- U.** High-water-use plants: Annuals, plants in containers, and plants identified as high-water-use in the current edition of the WUCOLS list published by the U.C. Extension. High-water-using plants are characterized by high transpiration rates, shallow rooting, the need for frequent watering during summer months or with exposure to hot and drying climatic conditions.
- V.** Hydrozones: A distinct grouping of plants with similar water needs and climatic requirements. Hydrozone types include, but are not limited to turf, high-water-use plants, low-water-use plants, microclimates (i.e., sun or shade, southern or northern exposures, surrounded by highly reflective surfaces), and partially landscaped areas with plants, pool areas and water-use features.
- W.** Infiltration Rate: the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).
- X.** Invasive Plant Species: species of plants not historically found in California and/or that spread outside cultivated areas and can damage environmental or economic resources as determined by Cal-IPC (www.cal-ipc.org) and the District.
- Y.** Irrigation Design Capacity: The maximum amount of water calculated to flow through an irrigation system, or section of a system, based on pipe size, pipe material, and operating pressure.
- Z.** Irrigation Efficiency (IE): a calculated measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this chapter is 0.71.
- AA.** Irrigation Meter: a separate water meter that measures the amount of water used exclusively for landscape uses, such as lawns, washing exterior surfaces, washing vehicles, filling pools, etc.
- BB.** Isolation Valves: used to isolate and shut-off water to a portion of the piping system.
- CC.** Landscape Agent: The consumer's designated representative for interacting with the District on landscape plan reviews.

- DD.** Landscape Plans: This includes a planting plan, an irrigation plan, and a grading plan drawn at the same scale and that clearly and accurately identify specified plants, irrigation layout, equipment, finish grades and drainage, specifications and construction details, plan sheet numbers, and drawing date of plans.
- EE.** Landscape Water Budget: The amount of water allowed for landscape water use at a site, adjusted on a seasonal basis, as determined by the District.
- FF.** Landscaped Area: the entire parcel, less the building footprint, driveways, and non-irrigated portions of parking lots and hardscapes. Water features, areas dedicated to edible plants, such as orchards or vegetable gardens are included in the calculation of the landscaped area. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other nonirrigated areas designated for non-development (e.g., open spaces and existing native vegetation).
- GG.** Lateral Line: Non-pressurized pipe that is located downstream of an irrigation valve.
- HH.** Low Volume Irrigation: Irrigation devices, commonly called drip or point-source irrigation, with output measured and typically expressed in gallons per hour (gph), that apply water directly to soil in the plants root zone.
- II.** Low-Head Drainage: water that flows out of the system after the valve turns off due to elevation changes within the system.
- JJ.** Low-water-use plants: Plants identified as low-water-use in the current edition of the Water Use Classification of Species list published by the U.C. Extension. (generally, plants that once established, can survive on two irrigations per month during the summer months).
- KK.** Main Line: the pressurized pipeline that delivers water from the water source to the valve or outlet.
- LL.** Maximum Applied Water Allowance (MAWA): for design purposes, the upper limit of annual applied water for the established landscape as determined by the District.
- MM.** Microclimate: The climate of a specific area in the landscape that has substantially differing sun exposure, temperature, or wind, than adjacent areas or the area as a whole.
- NN.** Moderate Water Use Plants: ornamental trees, shrubs ground covers, and perennials and other plants recognized as moderate-water-use by WUCOLS.

- OO.** Mulch: any organic material such as leaves, bark, straw, compost or other inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature and preventing soil erosion.
- PP.** Operating Pressure: the pressure when water is flowing through the irrigation system.
- QQ.** Overhead Irrigation: those systems that deliver water through the air (e.g., pop-ups, impulse sprinklers, spray heads, rotors, micro-sprays, etc).
- RR.** Overspray: Water delivered by an irrigation system outside the targeted landscape area during average operating conditions onto any adjacent hardscapes or other non-landscaped areas during an irrigation cycle, and specifically, for purposes of this Code, limited to maximum of 5% of spray radius area for each nozzle.
- SS.** Pervious: any surface or material that allows the passage of water through the material and into the underlying soil.
- TT.** Plant Factor: a factor specified in WUCOLS that, when multiplied by reference evapotranspiration (ET_o), estimates the amount of water used by specified plants.
- UU.** Point of Connection (POC): The location where an irrigation system is connected to water supply.
- VV.** Precipitation Rate: the rate of application of water measured in inches per hour.
- WW.** Pressure Regulating Valve: a valve that automatically reduces the pressure in a pipe.
- XX.** Project Applicant: the individual or entity submitting a Landscape Documentation Package, to request a permit, plan check or design review from the local agency. A project applicant may be the property owner or his or her designee.
- YY.** Property: Any structure, including but not limited to single family residential, multi-family residential and floating homes, built and/or intended primarily for sheltering or housing of any person and ancillary structures thereto.
- ZZ.** Property Owner: A person or entity that owns or has the financial authority or control over the property to comply with the requirements set forth in this chapter.

- AAA.** Rain Sensor: a system component which automatically shuts off and suspends the irrigation system when it rains.
- BBB.** Recreational Area: areas dedicated to active play or recreation such as sports fields, school yards, picnic grounds, or other areas with intense foot traffic parks, sports fields and golf courses where turf provides a playing surface.
- CCC.** Recycled Water: means tertiary treated water which results from the treatment of wastewater, is suitable for direct beneficial use, and conforms to the definition of disinfected tertiary recycled water in accordance with state law.
- DDD.** Reference Evapotranspiration or ETo: a standard measurement of environmental parameters which affect the water use of plants and are an estimate of the evapotranspiration of a large field of four to seven-inch tall, cool-season grass that is well watered.
- EEE.** Rehabilitated Landscape: any re-landscaping project that requires a building or grading permit, plan check or design review.
- FFF.** Residential Customer: The person(s) or entity with an existing water service connection for a residential property.
- GGG.** Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied and which flows onto other non-targeted areas, including runoff into storm drain systems.
- HHH.** Soils Laboratory Report: the analysis of a soil sample to determine nutrient content, composition and other characteristics, including contaminants, for horticultural purposes.
- III.** Special Landscape Area (SLA): an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
- JJJ.** Sprinkler Head: a high volume irrigation device that delivers water to the landscape through a spray nozzle.
- KKK.** Static Water Pressure: the pipeline or municipal water supply pressure when water is not flowing.
- LLL.** Station: an area served by one valve or by a set of valves that operate simultaneously.

- MMM.** Submeter: a separate meter that is located on the private side of the water system and is plumbed to measure all water that flows only through the irrigation system. This meter is to be used by the owner to monitor irrigation water use and will not be read or maintained by the District.
- NNN.** Swing Joint: an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.
- OOO.** Turf: A mat layer of monocotyledonous plants with shallow rooting structures requiring frequent watering during the growing season; i.e., cool or warm season grass consisting, but not limited to Blue, Rye, Fescue, Bent, Bermuda, Kikuyu, St. Augustine, Zoysia, and Buffalo.
- PPP.** Valve: a device used to control the flow of water in the irrigation system.
- QQQ.** Valve Manifold: a one-piece manifold for use in a sprinkler valve assembly that includes an intake pipe having a water inlet and a plurality of ports adapted for fluid connection to inlets.
- RRR.** Water Budget: an allocation of water based on plant water needs, used to determine the billing tiers for customers with dedicated landscape irrigation meters, for example.
- SSS.** Water Feature: a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area.
- TTT.** Weather Based or Sensor Based Irrigation Control Technology: uses local weather and landscape conditions to tailor irrigation schedules to actual conditions on the site or uses historical weather data.
- UUU.** WUCOLS: the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

(Ord. 421 §3(part), 2011: Ord. 403 §4, 2004: Ord. 394 §1, 2001: Ord. 385 §1(part), 1999): Ord. 326 §1(part), 1991).

(3) Requirements for All Services.

- A.** Pressure Regulation. A pressure-regulating valve shall be installed and maintained by the consumer if static service pressure exceeds 80 pounds per square inch (psi), and be set at a maximum operating pressure of 60 psi at the regulator outlet. The pressure-regulating valve shall be located between the meter

and the first point of water use, or first point of division in the pipe, and pressure-relief valves and other plumbing safety devices shall be installed as required by local codes. The operating pressure requirement may be waived if the consumer presents evidence satisfactory to the District that high pressure is necessary in the design and that no water will be wasted as a result of higher pressure operation.

- B. Interior Plumbing Fixtures.** All plumbing installed, replaced or moved in any new or existing service shall be high-efficiency fixtures and shall meet the following minimum requirements:
1. **High-efficiency Clothes Washers:** Residential or commercial clothes washers that meet the current highest water efficiency standards as defined by the District. The General Manager shall have authority to grant a variance from the requirements of this section based upon financial hardship.
 2. **High-efficiency Lavatory Faucet:** The maximum flow rate shall not exceed 1.5 gallons per minute (gpm) at a pressure of 60 pounds per square inch (psi) at the inlet, when water is flowing.
 3. **High-efficiency Shower Head:** The manufacturer shall specify a maximum flow rate equal to or less than 2.0 gallons per minute (gpm), at a pressure of 60 pounds per square inch (psi) at the inlet, when water is flowing.
 4. **High-efficiency Toilet:** Any WaterSense listed toilet rated at an effective flush volume of no greater than 1.28 gallons.
 5. **High-efficiency Urinal:** The average water consumption shall not exceed 0.25 gallons per flush (gpf).
- C. Pool Covers.** Pool covers are required for all new outdoor swimming pools. (Ord. 421 §3(part), 2011; Ord. 385 §1(part), 1999); Ord. 326 §1(part), 1991).
- (4) **Non-Residential Interior Plumbing Fixtures.** All plumbing installed, moved or replaced in any new or existing service shall be high-efficiency fixtures and shall meet the following minimum requirements: (Ord. 421 §3(part), 2011).
- A. Faucets.** Lavatory faucets, other than public lavatory or metering faucets, shall deliver 1.5 gallons, or less of water per minute.
1. **Metered Faucets** Self-closing or self-closing metering faucets shall be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants, and convention halls. Metered faucets shall deliver no more than .25 gallons of water per use. Self-closing faucets shall deliver no more than .5 gallon per minute.

2. **Public Lavatory** (other than metering) faucets shall deliver 0.5 gallons, or less, of water per minute.
3. **Kitchen, Bar and Utility/Service** (other than hand-washing sinks) faucets shall deliver 2.2 gallons, or less, of water per minute.

B. Private Use, Public Use. *Pursuant to the International Plumbing Code (IPC):* “In the classification of plumbing fixtures, “private” applies to fixtures in residences and apartments, and to fixtures in nonpublic toilet rooms of hotels and motels and similar installations in buildings where the plumbing fixtures are intended for utilization by a family or an individual...” “public” applies to fixtures in general toilet rooms of schools, gymnasiums, hotels, airports, bus and railroad stations, public buildings, bars public comfort stations, office buildings, stadiums, stores, restaurants and other installations where a number of fixtures are installed so that their utilization is similarly unrestricted”.

C. Commercial Equipment Specifications.

1. **Dishwashers.** Dishwashers are machines designed to clean and sanitize plates, glasses, cups, bowls, utensils, and trays by applying sprays of detergent solution (with or without blasting media granules) and a sanitizing final rinse. Dishwashers shall meet the current specifications set by the Consortium for Energy Efficiency’s (CEE) “High Efficiency Specifications for Commercial Dishwashers and any and all amendments thereto”.
2. **Steamers.** A “steamer” or “steam cooker” is a device with one or more food steaming compartments in which the energy in the steam is transferred to the food by direct contact. Steamers shall meet the current specifications set by the CEE’s “High Efficiency Specifications for Commercial Steamers and any and all amendments thereto”.
3. **Pre-Rinse Spray Valves.** Pre-rinse valves use a spray of water to remove food waste from dishes prior to cleaning in a dishwasher. Pre-rinse spray valves shall (1) deliver 1.3 gallons, or less, of water per minute based on tested performance by the FSTC and (2) meets the cleaning performance standard of 26 seconds per plate or less, based on the ASTM *Standard Test Method for Performance of Pre-Rinse Spray Valves and any and all amendment thereto.*
4. **Dipper Wells.** A “dipper well” is a basin into which clean tap water flows constantly to provide a fresh supply of water for soaking utensils. The run-off goes down the drain. Dipper well flow rate shall be .3 gallon, or less, per minute.
5. **Ice Machines.** Ice machine are a factory-made assembly (not necessarily shipped in one package) consisting of a condensing unit and ice-making section operating as an integrated unit, with means for making and

harvesting ice. It is an assembly that makes up to 4,000 lbs of ice per day at Standard Ratings Conditions, as defined in Section 5.2.1 of ARI Standard 810-2006, and may also include means for storing or dispensing ice, or both. Ice machines shall (1) be Energy Star qualified and (2) meet the current highest Tier specification set by the CEE's "High Efficiency Specifications for Air-Cooled Ice Machines and any and all amendments thereto".

6. **Clothes Washers.** "Commercial clothes washer" means a soft mount front-loading or soft mount top loading clothes washer with clothes container compartment no greater than 3.5 ft³ for horizontal axis clothes washers, or nor greater than 4.0 ft³ for vertical axis clothes washers, that is designed for use in (1) applications where the occupants of more than one household will be using it, such as multi-family housing common areas and coin laundries, or (2) other commercial applications. Commercial clothes washers shall meet the minimum Modified Energy Factor (MEF) and maximum Water Factor (WF) corresponding to the highest efficiency machines on the most recent CEE "High Efficiency Specification for Commercial, Family-Sized Clothes Washers and any and all amendments thereto". As of January 1, 2007, the highest efficiency machines have a minimum MEF of 2.20 and a maximum WF of 4.5.

7. **Heating, Ventilation and Air Conditioning (HVAC) Equipment.** HVAC Equipment shall eliminate all once-through cooling, replacing with an air-cooled system or a cooling tower. For cooling towers, the following are recommended:
 - (a) flow submeters on make-up and bleed-off lines; submeters should, at a minimum, be capable of totaling the flow.
 - (b) conductivity controllers that activate the blowdown valve for dissolved solids control.
 - (c) overflow sensors on the overflow pipes.
 - (d) baffles or drift eliminators.

All cooling towers shall be monitored and maintained in a manner consistent with applicable regulatory guidelines and manufacturers recommendations.

(5) Water Efficient Landscaping

- A. After January 1, 2011, this chapter shall apply to all of the following:
1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 1,000 square feet requiring a building or landscape permit, plan check or design review;
 2. New construction and rehabilitated landscapes which are developer or contractor-installed in single-family and multi-family projects with a landscape area equal to or greater than 1,000 square feet requiring a building or landscape permit, plan check, or design review;
 3. New construction and rehabilitated landscapes which are homeowner-provided in single family and multi-family residential projects with a total project landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review.
- B. This chapter shall not apply to:
1. Registered local, state or federal historical sites;
 2. Ecological restoration projects that do not require a permanent irrigation system;
 3. Mined-land reclamation projects that do not require a permanent irrigation system; or
 4. Plant collections, as part of botanical gardens and arboretums open to the public.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

- C. Landscape Design Plan. For each landscape project subject to this chapter applicants shall submit a landscape design plan in accordance with the following:
1. Amendments, Mulching and Soil Conditioning: A minimum of 8” of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.
 2. Incorporate compost or natural fertilizer into the soil to a minimum depth of 8” at a minimum rate of 6 cubic yards per 1000 square feet or per specific amendment recommendations from a soils laboratory report.

3. A minimum 3” layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications.
4. Plants.
 - (a) Selected plants shall not cause the Estimated Total Water Use to exceed the Maximum Applied Water Allowance (see calculation in Appendix A).
 - (b) Plants with similar water use needs shall be grouped together in distinct hydrozones and where irrigation is required, the distinct hydrozones shall be irrigated with separate valves.
 - (c) Low and moderate water use plants can be mixed, but the entire hydrozone will be classified as moderate water use for MAWA calculations.
 - (d) High water use plants shall not be mixed with low or moderate water use plants.
 - (e) All non-turf plants shall be selected, spaced, and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.
 - (f) Turf shall not be allowed in the following conditions: Slopes exceeding 10%, planting areas 8 feet wide or less, street medians, traffic islands, planter strips adjacent to hardscape, or bulbouts of any size.
 - (g) Invasive plants as listed by the Cal-IPC are prohibited. Weedy species, listed as invasive in California at (www.cal-ipc.org/ip/inventory/index.php) shall not be planted. Please check the species you might be thinking of planting against these lists, broken out by plant type. Exemptions may be granted on a case by case basis if District staff determine that the proposed location, species, size, number of plants, and other cultural methods are not likely to cause harm to the watershed ecosystem.
 - (h) Fire Safe Landscape Practices. The requirements in this chapter are intended to support, and be in compliance with, all local and State requirements related to Fire Safe Landscaping practices, including, but not limited to, requirements for Wildlife Urban Interface zones as specified by the local authority.

- (i) Identify any applicable rain harvesting, graywater, or catchment technologies (e.g. rain gardens, cisterns, etc.). Applicants are encouraged to employ alternative irrigation techniques as appropriate, and where permitted by law.
- (j) Identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Appropriate stormwater best management practices are encouraged in the landscape design.

5. Water Features.

- (a) Re-circulating water systems shall be used for water features.
- (b) Recycled water shall be used when available and approved for use onsite.

D. Irrigation Design Plan.

1. For each landscape project subject to this chapter applicants shall submit an irrigation design plan that is designed, and installed, to meet irrigation efficiency criteria as described in Appendix A (MAWA) and in accordance with the following:
 - (a) Irrigation systems with meters 1 ½” or greater require a high-flow sensor that can detect high flow conditions and have the capabilities to shut off the irrigation system.
 - (b) Isolation valves shall be installed at the point of connection and before each valve or valve manifold.
 - (c) High-efficiency controllers, weather-based, or other sensor based self-adjusting irrigation controllers shall be required.
 - (d) Rain sensors shall be installed for each irrigation controller.
 - (e) Pressure regulation and/or booster pumps shall be installed so that all components of the irrigation system operate at the manufacturer’s recommended optimal pressure.
 - (f) Irrigation systems shall be designed to prevent runoff or overspray onto non-targeted areas, and wherever overhead irrigation is located directly adjacent to hardscape areas, where runoff water flows into the curb and gutter; all spray heads shall be setback a minimum of 24” from hardscape edges.

- (g) Low volume or bubbler irrigation is required where plant height at maturity will affect the uniformity of a high volume overhead spray system.
 - (h) Minimum 24" setback of overhead spray irrigation is required where turf is directly adjacent to a continuous hardscape area where runoff water flows into the curb and gutter.
 - (i) Slopes greater than 15% shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour (or lower if appropriate for site conditions as determined the District). This restriction may be modified if the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.
 - (j) A single valve shall not irrigate hydrozones that mix high water use plants with moderate or low water use plants.
 - (k) Trees shall be placed on separate irrigation valves except when planted in turf areas.
 - (l) Sprinkler heads, rotors and other emission devices on a valve shall have matched precipitation rates.
 - (m) For all irrigation systems, coverage to sustain plant material in a healthy condition and provide irrigation efficiency shall be required. Head-to-head coverage is required for high volume spray systems unless otherwise directed by the manufacturer's specifications.
 - (n) Swing joints or other pipe protection components are required on above-ground irrigation piping.
 - (o) Check valves shall be installed to prevent low-head drainage.
- E. Separate District landscape water service meters shall be required for all new landscapes, other than single-family and two-unit residential landscapes, for which the irrigated area is equal to or greater than 1,000 square feet.
1. A private submeter shall be required for all rehabilitated landscapes, other than single-family and two-unit residential landscapes, for which the irrigated landscape area is equal to or greater than 1,000 square feet.
 2. A private submeter shall be required for all points of connection on single-family and two-unit residential sites for which the irrigated landscape area is equal to or greater than 2,500 square feet.

- F. Documentation for Compliance. The following documentation is to be presented to the District at each of the three steps of review defined below. This documentation shall be required for compliance with this chapter. 13.02.021
1. STEP 1: DESIGN REVIEW. For those landscape projects that require Design Review, applicants shall submit the following documentation to the District:
 - (a) Completed Appendix A, Maximum Applied Water Allowance (MAWA)
 - (b) A landscape planting design plan that accurately and clearly identifies and depicts new and existing trees, shrubs, groundcovers, turf, and any other planting areas; plants by botanical name, common name, and plant factor; plant sizes and quantities; property lines, new and existing building footprints, streets, driveways, sidewalks and other hardscape features; pools, fountains, water features.
 - (c) An irrigation design plan drawn at the same scale as the planting plan that:
 - (i) Accurately and clearly identifies and depicts irrigation system point(s) of connection;
 - (ii) Accurately and clearly identifies and depicts irrigation system components, e.g. controller, pipe, remote-control valves, sprinklers, rain shut-off device, check valves, pressure regulating devices, backflow prevention devices, and other required devices
 - (iii) Includes the Hydrozone Table (See Appendix B).
 - (iv) For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading design plan drawn at the same scale as the planting design plan shall be submitted as part of the Landscape Documentation Package. Items 1(a-e) below are required for all projects.
 - (1) The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
 - (a) height of graded slopes:
 - (b) drainage patterns:
 - (c) pad elevations;
 - (d) finish grade: and
 - (e) stormwater retention improvements, if applicable.

- (2) It is highly recommended that, when site conditions allow, project applicants consider grading so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes.

The grading design plan shall contain the following statement: “I have complied with the criteria of this chapter and applied them accordingly for the efficient use of water in the grading design plan” and shall bear the signature of a licensed professional or contractor as authorized by law.

- (d) For homeowner-provided projects, a completed Homeowner’s Irrigation Design Statement, Appendix B, which describes irrigation methods and design actions that will be employed to meet the irrigation specifications of this chapter, may be submitted in lieu of the irrigation design plan.
2. STEP 2: COMPLETION OF INSTALLATION. Upon installation and completion of the landscape, applicant shall submit Appendix D, the Certificate of Completion.

The certificate shall be accompanied by an irrigation audit that contains the following:

- (a) Operating pressure of the irrigation system.
- (b) Distribution uniformity of overhead irrigation.
- (c) Precipitation rate of overhead irrigation.
- (d) Report of any overspray or broken irrigation equipment.
- (e) Irrigation schedule including:
- (f) Plant establishment irrigation schedule.
- (i) Regular irrigation schedule by month including: plant type, root depth, soil type, slope factor, shade factor, irrigation interval (days per week), irrigation runtimes, number of start times per irrigation day, gallons per minute for each valve, precipitation rate, distribution uniformity and monthly estimated water use calculations.
- (ii) An irrigation maintenance schedule timeline shall be attached to the certificate of completion that includes: Routine inspections, adjustment and repairs to the irrigation system, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning and weeding.

3. **STEP 3: FINAL INSPECTION.** A final inspection shall be performed by District staff to verify compliance with this chapter. Once the completion form is received, the District will conduct an inspection to check for proper installation and operation of all landscape and irrigation elements per the approved plan; however, the District reserves the right to perform site inspections at any time before, during, or after irrigation system and landscape installation and to require corrective measures if requirements of this chapter are not satisfied. If corrective measures are necessary, the District will set the water budget to zero until corrective measures are completed.

Advanced notice is required for all inspections. Inspections can be requested for either morning or afternoon during regular business hours. Final approval shall not be completed until the landscape inspection is approved. An extension of the approval process, to complete landscape and irrigation installation, shall be requested and shall be approved District staff.

(Ord. 421 §3(part), 2011).

(6) Drinking Water Served Upon Request Only.

By January 1, 2011, eating or drinking establishments, including but not limited to a restaurant, hotel, café, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.

(7) Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services.

By January 1, 2011, hotels, motels and other commercial lodging establishments shall provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments shall prominently display notice of this option in each bathroom using clear and easily understood language.

(8) Grey Water Systems. This section is reserved for future provisions regarding grey water systems.

(9) Rain Water Harvesting Systems. This section is reserved for future provisions regarding rain water harvesting systems.

- (10) Other Provisions. The General Manager will consider and may allow the substitution of design alternatives and innovation which may equally reduce water consumption for any of these requirements. The General Manager may accept documentation methods, water allowance determination, and landscape and irrigation design requirements of the State of California Model Water Efficient Landscape Ordinance instead of Chapters 14-30.040 and 14-30.050 of these requirements where it can be demonstrated that the State procedure will more effectively address the design requirements of the project.
- (11) Provisions For Appeal. The applicant or any affected person may appeal the final decision of staff regarding plan check or final inspection to the General Manager, The decision of the General Manager shall be final. An appeal regarding plan check shall be submitted prior to the installation of the landscape or it will be deemed to have been waived.
- (12) **Forms**. The following forms shall be submitted as described in this chapter: Appendix A, Maximum Applied Water Allowance; Appendix B, Homeowner's Irrigation Design Statement; Appendix C, Hydrozone Table; Appendix D, Certificate of Completion. (Ord. 421 §3(part), 2011; Ord. 414 §2, 2010)

Appendix A

Maximum Applied Water Allowance

The following calculations will help you determine your site specific water budget and establish a planting mix that will allow you to meet your water budget. Your Estimated Total Water Use must be less than your Maximum Applied Water Allowance.

1.) Maximum Applied Water Allowance (MAWA)

$$MAWA = (ET_o) (0.62)[(0.6 \times LA) + (0.4 \times SLA)]$$

Where:

ET_o = Annual Net Reference Evapotranspiration (inches)

0.6 = ET Adjustment Factor

LA = Landscaped Area (square feet)

0.62 = Conversion factor (to gallons per square foot)

SLA = Portion of the landscape area identified as Special Landscape Area (square feet)

0.4 = the additional ET adjustment factor for Special Landscape Area (1.0 - 0.6 = 0.4)

A.) Net Evapotranspiration Calculation

(Annual ET_o)

(Annual Rainfall)

x

.25

=

(Effective Rainfall)

Net Evapotranspiration Calculation = Annual ET_o - Effective Rainfall =

B.) Adjusted Landscape Area Calculation

(Landscaped Area) x 0.6 Adjustment Factor =

(Special Landscaped Area) x 0.4 Adjustment Factor =

Sum of Adjusted Landscape Area =

MAWA = (Net Evapotranspiration Calculation) x 0.62 x (Sum of Adjusted Landscape Area) =

2.) Estimated Total Water Use (ETWU)

A.) Net Evapotranspiration Calculation

Net Evapotranspiration Calculation = Annual ET_o - Effective Rainfall =

B.) Adjusted Landscape Area Calculation

(Low water use plant sqft) x 0.3 =

(Moderate water use plant sqft) x 0.6 =

(High water use plant sqft) x 1.0 =

Sum of Adjusted Landscape Area =

ETWU = (Net Evapotranspiration Calculation) x 0.62 x (Sum of Adjusted Landscape Area) =

Irrigation Efficiency Factor		
Percent of total landscape irrigated with Drip		
0-25%		0.71
26-50%		0.75
51-75%		0.80
76-100%		0.85

Appendix B Homeowner's Irrigation Design Statement

The intent of this statement is to provide the homeowner with an alternative method for conceptualizing the irrigation design. A signed, written statement shall be submitted to the District as part of the design review process, and shall include the following elements:

- Accurately and clearly describes the types and locations of all irrigation system point(s) of connection;
- Accurately and clearly describes the types and locations of all irrigation system components by valve zone, including high-efficiency irrigation controller, pipe, valves, high and low volume irrigation devices, rain shut-off device, check valves, pressure regulating devices, backflow prevention devices, and all other irrigation devices required by the District.
- A completed hydrozone table, Appendix C.**
- A description of plant species irrigated in each valve zone by scientific name, water use of each plant species as High, Moderate, or Low water use according to WUCOLS (Water Use Classification of Landscape Species) , and plant height at maturity for each plant. Plant height is not necessary where drip or bubbler will be used.**
- A statement signed by the homeowner that includes the following certifying language: "The irrigation system will be installed as described in this statement, and in compliance with the requirements of the District".**

Appendix C Hydrozone Table

This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package. Please complete the hydrozone table(s) for each hydrozone. Use as many tables as necessary to provide the square footage of landscape area per hydrozone.

Hydrozone*	Zone or Valve	Irrigation Method**	Area (Sq. Ft.)	% of Landscape Area
Total				100%

Summary Hydrozone Table		
Hydrozone*	Area (Sq. Ft.)	% of Landscape Area
High Water Use		
Moderate Water Use		
Low Water Use		
Total =		100%

***Hydrozone**
 HW= High Water Use Plants
 MW=Moderate Water Use Plants
 LW=Low Water Use Plants

****Irrigation Method**
 MS=Micro-spray
 S=Spray
 R=Rotor
 B=Bubbler
 D=Drip
 O=Other

Appendix D Certificate of Completion

This certificate is filled out by the project applicant, landscape architect and/or landscape contractor upon completion of the landscape project.

Part 1. Project Information Sheet

Date		
Project Name	Project Address	
Name of Project Applicant	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

Property Owner or his/her designee:

Name	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

“I/we certify that I/we have received copies of all the documents within the Landscape Documentation Package and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule.”

Property Owner Signature

Date

Part 2. Landscape Architect and/or Landscape Contractor/Installer

Landscape Architect Name	Telephone No.	
	Fax No.	
Title	Email Address	
License No. or Certification No.	Telephone No.	
Company	Street Address	
City	State	Zip Code
Landscape Contractor/Installer Name	Telephone No.	
	Fax No.	
Title	Email Address	
License No. or Certification No.	Telephone No.	
Company	Street Address	
City	State	Zip Code

“I/we certify that the work has been completed in accordance with the ordinance and that the landscape planting and irrigation installation conform to the criteria and specifications of the approved Landscape Documentation Package. Additionally, the landscape audit and irrigation maintenance schedule have been completed as required and are attached to this certificate showing that the system meets the efficiency requirements used in the Estimated Total Water Use calculation”

Landscape Architect Signature

Date

Landscape Contractor Signature

Date

13.02.030 Water use reduction in dry periods. No customer of the district shall make, cause, use or permit the use of potable water from the district for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this section.

(1) Program to Reach a Ten Percent Water Use Reduction Goal (alert stage). When lake storage on April 1st in any year is below fifty thousand acre-feet and system modeling based on historic hydrologic data and use patterns indicates that a minimum reduction in use is required to assure a sufficient carry-over storage, the board may activate by resolution a voluntary use reduction program and should review its financial reserves to determine if a reduction in tier breaks is fiscally warranted to achieve ten percent savings in district's overall water use as follows:

(A) Consumer Percentage Curtailment. Every consumer shall eliminate water wastage in an effort to aid the district in achieving a ten percent reduction of the amount of potable water used by all consumers during the last year in which no restrictions in water use were required.

(B) Curtailment of Program. When lake storage on April 1st of any year is above fifty thousand acre-feet or when lake storage on or after January 1st is sufficiently above fifty thousand acre feet and projected demands will not reduce lake storage below fifty thousand acre-feet by the following April 1st, the requirements of this subsection shall be deactivated by resolution of the board.

(2) Twenty-five Percent Water Use Reduction Program. When lake storage on April 1st is below forty thousand acre-feet and system modeling based on historical hydrologic data and use patterns indicates a reduction in use is required to assure sufficient carry-over storage, the board may activate by resolution a mandatory use reduction program to achieve twenty-five percent savings in district's overall water use as follows:

(A) Consumer Use Reduction. Residential consumers, Billing Codes 1 through 5, shall use no more than the water use allocation assigned by the district based on an allotment per resident to aggregate a thirty-two percent reduction by all residential consumers. A resident is considered to be an individual who resides, or is expected to reside in the structure for a minimum of six months of the year.

Each nonresidential consumer, Billing Code 6 shall use no more than seventy-five percent, Billing Code 7 shall use no more than eighty percent, and Billing Code 8 shall use no more than fifty percent, of the annual water budget calculated by the district for said consumer pursuant to Chapter 13.03 of the district's code.

Every consumer shall eliminate water wastage and non-essential use of potable water from the district in an effort to aid the district in achieving a twenty-five percent reduction in the amount of water used by all consumers in the last year in which no restrictions in water use were required.

(B) Prohibited Nonessential Uses Applicable to All Consumers. It is unlawful for any person, firm, partnership, association, corporation or political entity to use potable water from the district contrary to the provisions of this subsection, or, if more restrictive, subsections (1), (2) and (3) of this section, or to use potable water for: refilling or as make-up water for decorative fountains or pools; irrigation between the hours of 11 AM and 7 PM; irrigation of new turf areas; washing of cars, boats, airplanes with hose without a shut-off nozzle; or serving water to restaurant patron except on request.

(C) Curtailment of Program. When lake storage on April 1st is above forty thousand acre-feet or when lake storage is sufficiently above forty thousand acre-feet and projected demands will not reduce lake storage below forty thousand acre-feet by the following April 1st,

the requirements of this subsection shall be deactivated by resolution of the board. (Ord. 387 §1, 1999; Ord. 376 §8, 1997; Ord. 325 §1, 1991; Ord. 323 §1, 1991; Ord. 316 §2 (part), 1991).

13.02.040 Calculation of allowable water use. When the requirements of Section 13.02.030 (2) are in effect, consumers in Billing Codes 6, 7 and 8 will reduce their use by the appropriate percentage of their water budget. (Ord. 387 §1, 1999; Ord. 376 §9, 1997; Ord. 316 §2 (part), 1991).

13.02.050 Variances. The general manager of the district may grant variances for use of water otherwise prohibited by this chapter if the general manager finds and determines that:

(1) The applicant, if requesting a variance for a nonresidential service (Billing Codes 6, 7 and 8), has agreed to abide by an annual water budget calculated pursuant to Chapter 13.03 of this title; and

(2) The applicant has agreed to adjust his water usage by complying with Section 11.04.080 of this code where determined to be applicable by district staff; and

(3) Failure to do so would cause an unnecessary and undue hardship on applicant or the public, including but not limited to, adverse economic impacts, such as loss of production or jobs; or

(4) Failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or the public. (Ord. 387 §1, 1999; Ord. 316 §2 (part), 1991).

13.02.060 Enforcement.

(1) Any customer violating the regulations and restrictions on water use set forth in this chapter shall receive a written warning for the first such violation.

(2) Upon a second violation, the following enforcement process shall be implemented by the District:

(A) The customer shall receive a written warning describing the nature of the second violation and the required corrective action(s).

(B) Upon receipt of the written warning for the second violation, the customer shall have a 15 calendar day period in which to implement the corrective action(s) and shall notify the District when the corrective actions have been completed.

(C) District staff will conduct a site visit to verify that the corrective action(s) are complete and satisfy the requirements in this chapter.

(3) If the customer fails to complete the required corrective action(s), and notify the District within the 15 calendar day period, the District shall issue a Notice of Violation by certified mail or personal delivery at least 10 calendar days before imposing a \$250 fine on the customer's water bill. The notice shall inform the customer that he/she may appeal the imposition of the fine to the District's General Manager by filing a written appeal within 7 calendar days of the date of the letter. Any Notice of Violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled and the District will mail notice of this date to the customer at least 10 calendar days before the hearing. The General Manager's decision is final. Pending receipt of a written appeal or pending hearing pursuant to an appeal, the District may take appropriate steps to prevent unauthorized use of water as appropriate to prevent waste. This notice and hearing procedure shall not apply to those water waste situations charged as misdemeanors.

(4) Failure by the customer to pay the fine and correct the violation, may cause the District to install a flow restrictor to be installed in the service. If a flow restrictor is placed, the cost of installation and removal specified in Section 11.32.020 of this code shall be paid by the violator.

(5) Any willful violation occurring subsequent to the issuance of the second written warning may constitute a misdemeanor and may be referred to the Marin County district attorney's office for prosecution pursuant to Section 13.02.080.

(6) The district may also disconnect the water service in accordance with Section 11.28.030 of this code. If water service is disconnected, it shall be restored only upon payment of the turn-on charge fixed by the board of directors under the provisions of Section 11.08.130(2) of this code. (Ord. 421 §4, 2011; Ord. 387 §1, 1999; Ord. 316 §2 (part), 1991).

13.02.065 Unauthorized water use. Use of water without having made application to the district for water service or use of any district water not metered pursuant to such application is prohibited pursuant to this chapter, and in addition to the penalties contained in Section 13.02.080, violators will be subject to the charges for use of such water set forth in Section 6.01.080 of this code. (Ord. 316 §2 (part), 1991).

13.02.070 Further Prohibitions. It is unlawful for any person, firm, partnership, association, corporation or political entity to remove, replace, alter or damage any water meter or components thereof, including but not limited to the meter face, its dials or other water usage indicators and any flow restricting device installed pursuant to Section 13.02.060. (Ord. 316 §2 (part), 1991).

13.02.080 Penalty for violations. Except as provided in Section 13.02.060, for the first and second violations any person, firm, partnership, association, corporation or political entity violating or causing or permitting the violation of any of the provisions of this chapter or providing false information to the district in response to district's requests for information needed by the district to calculate consumer water allotments shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than thirty days or by a fine not exceeding one thousand dollars or both. Each separate day or portion thereof in which any violation occurs or continues without a good faith effort by the responsible party to correct the violation shall constitute a separate offense and, upon conviction thereof, shall be separately punishable. (Ord. 316 §2 (part), 1991).

13.02.090 Appeals. Variances from the requirements of this chapter may be granted by the board of directors only after denial of a variance request by the general manager. Appeals of variance request denials shall be made in writing to the secretary of the board at least two weeks prior to the meeting at which they will be heard. Upon granting any appeal, the board of directors may impose any conditions it determines to be just and proper. Variances granted by the board of directors shall be prepared in writing, the original to be kept on file with the district and a copy to be furnished to the applicant. The board of directors may require it to be recorded at applicant's expense. (Ord. 316 §2 (part), 1991).

13.02.100 Remedies/cumulative. The remedies available to the district to enforce this chapter are in addition to any other remedies available under the district's code, or any state statutes or regulations, and do not replace or supplant any other remedy, but are cumulative. (Ord. 316 §2 (part), 1991).

13.02.110 Chapter controlling. The provisions of this chapter shall prevail and control in the event of any inconsistency between this chapter and any other rule, regulation, ordinance or code of this district. (Ord. 316 §2 (part), 1991).

Chapter 13.03WATER BUDGETS AND RELATED CONSERVATION MEASURES*Sections:

13.03.010	Declaration of purpose.
13.03.020	Basis for determination of water budget.
13.03.030	Water budgets, when required.
13.03.031	Increasing a Service's Water Budget.
13.03.040	Efficient plumbing fixtures.
13.03.050	Variances from Section 13.13.040.
13.03.060	Appeals.
13.03.070	Penalty for violations.
13.03.080	Recordation of notice.
13.03.090	Cost of enforcement.
13.03.100	Chapter controlling.
13.03.110	Remedies/cumulative.
13 03 120	Flow restrictors.

13.03.010 Declaration of purpose. The purpose of this chapter is to specify the terms and conditions under which water budgets will be required and to specify when consumers will be required to retrofit water using fixtures with low-flow or ultra-low-flow fixtures, all for the purpose of permanently reducing the per capita consumption of water by the district's customers, thereby reducing the hardship on the district's consumers resulting from over-subscription of the district's water supplies which has increased the susceptibility of the district's supply to shortfalls in dry years. (Ord. 316 §2 (part), 1991).

13.03.020 Basis for determination of water budget. The initial annual water budget for each existing service which is not a single-family residential or multi-unit residential structure is determined by the district assigning the amount of the water entitlement based on the purchased water entitlement, calculated consumption or designated annual consumption as defined in Section 11.08.180 of this code. The water budget for each service may be adjusted below the water entitlement as set forth in Section 11.08.035. All customers except residential customers exceeding their annual water entitlements are subject to terms and conditions of Section 11.08.030 of this code regarding changing character and/or increasing use of water. (Ord. 376 §9, 1997; Ord. 340 §1 (part), 1992; Ord. 316 §2 (part), 1991).

13.03.030 Water budgets when required. Services must conform to the annual water budget calculated by the district for each property receiving water service as follows:

- (1) New services: immediately upon connection.

* Prior ordinance history: Ords. 295, 301, 309, 310 and 314.

(2) Existing services: as a condition of receipt of a variance or as part of the calculation of allowable use pursuant to Section 13.02.040 of this title, or upon receipt of notification from district that an annual water budget has been prepared by district staff. (Ord. 316 §2 (part), 1991).

13.03.031 Increasing a Service's Water Budget. Requests to increase a service's Water Budget, as a result of an entitlement purchase or transfer, or where the service's water budget is less than the service's water entitlement shall meet the following requirements:

(1) Mixed-use Non-Residential Services:

(A) Interior Fixtures. Interior Fixtures shall meet conditions as stated in District Code Section 13.02.02.

(B) Irrigated Landscape Areas. A minimum 3" layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas or creeping or rooting groundcovers. Rain sensors shall be installed for each irrigation controller. Irrigation system shall be adjusted to minimize runoff or overspray onto non-targeted areas.

(2) Dedicated Irrigation Services. The following items shall be completed by the applicant according to the requirements in District Code Section 13.02.02:

- A landscape water budget calculating both MAWA & ETWU requirements.
- A landscape hydrozone table.
- A minimum 3" layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas or creeping or rooting groundcovers.
- Rain sensors shall be installed for each irrigation controller.
- Irrigation system shall be adjusted to minimize runoff or overspray onto non-targeted areas.
- Backflow prevention equipment shall be installed and tested as required by the District.

Upon determining the service meets the requirements for both indoor and outdoor water use, and based on the current water efficiency standards established by the District, the service may be eligible to increase the annual water budget as calculated by staff, but in no case shall the budget exceed the services entitlement. Requests to increase a service's water budget may be made once per calendar year. (Ord. 421 §5, 2011).

13.03.040 Efficient plumbing fixtures. Any plumbing fixture in any existing service which is replaced, added or moved shall conform to the criteria contained in District Code Section 13.02.021. (Ord. 414 §3, 2010; Ord. 316 §2 (part), 1991).

13.03.050 Variances from Section 13.13.040. The general manager may, in his discretion, exempt services from the requirements of Section 13.03.040 of this chapter, or impose reasonable conditions in lieu of compliance therewith, if he determines that any of the following conditions apply:

(1) Hardship. The general manager may grant an extension for hardship where the requirements of Section 13.03.040 cause an unnecessary and undue substantial hardship upon the owner, or purchaser of the facility or the public. Substantial hardship may include, but is not limited to:

(A) Plumbing in an existing facility which does not match the connections with efficient plumbing fixtures and would, therefore, require partial replumbing of the structures;

(B) Unavailability of efficient plumbing fixtures to match a well-defined historic architectural style in a locally, state or federally recognized building of historic significance, fitted with authentic plumbing fixtures;

(C) Any project exempted pursuant to subsection (1) of this section shall be required to have installed toilets using a maximum of 3.5 gallons per flush and three gallons per minute showerheads if not already so provided.

(2) Emergency. The general manager may grant an exemption for emergency purposes when the requirements of Section 13.03.040 would create a condition affecting the health, sanitation, fire protection or safety of the facility owner or the public. (Ord. 316 §2 (part), 1991)

13.03.060 Appeals. Except for variances from Section 13.03.040, variances from the requirements of this chapter may be granted by the board of directors only after denial of a variance request by the general manager. Appeals of variance request denials shall be made in writing to the secretary of the board at least two weeks prior to the meeting at which they will be heard. Upon granting any appeal, the board of directors may impose any conditions it determines to be just and proper. Variances granted by the board of directors shall be prepared in writing, the original to be kept on file with the district and a copy to be furnished to the applicant. The board of directors may require it to be recorded at applicant's expense. (Ord. 316 §2 (part), 1991).

13.03.070 Penalty for violations. Any person, firm, partnership, association, corporation or political entity violating or causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than thirty days or by a fine not exceeding one thousand dollars or both. Each separate day or portion thereof in which any violation occurs or continues without a good faith effort by the responsible party to correct the violation shall constitute a separate offense and, upon conviction thereof, shall be separately punishable. (Ord. 316 §2 (part), 1991).

13.03.080 Recordation of notice. Whenever the general manager determines that low water-use plumbing fixtures required by Section 13.03.040 have not been installed or have been removed since initial installation, the general manager may record a notice of violation with the office of the county recorder. The owners of the property as revealed by the assessment roll on which the violation is situated and any other person responsible for the violation shall be notified of the recordation, if their address is known. The owner of record shall have ninety days to take corrective action. Failure to take corrective action within ninety days shall constitute a violation of this code. The general manager shall cause a notice of correction to be recorded at such time as the property owner has established full compliance with the provisions of this chapter. (Ord. 316 §2 (part), 1991).

13.03.090 Cost of enforcement. Any person, firm or corporation or upon whose property a notice of violation has been recorded shall, if the condition creating the nuisance or constituting the violation is not corrected within thirty days, be liable for the cost of abatement and cost of correction which shall include, but not be limited to, cost of investigation, court costs, attorney fees and costs of monitoring compliance. (Ord. 316 §2 (part), 1991).

13.03.100 Chapter controlling. The provisions of this chapter shall prevail and control in the event of any inconsistency between this chapter and any other rule, regulation, ordinance or code of this district. (Ord. 316 §2 (part), 1991).

13.03.110 Remedies/cumulative. The remedies available to the district to enforce this chapter are in addition to any other remedies available under the district's rules and regulations, or any other state statutes or regulations, and do not replace or supplant any other remedy, but are cumulative. (Ord. 316 §2 (part), 1991).

13.03.120 Flow restrictors. In addition to the penalties provided for in Section 13.03.070 of this chapter, district may install a flow restrictor in the service of a customer who violates the provisions of this chapter if, after receiving notice from district that he is in violation, he does not rectify the violation within a reasonable time specified by the district not to exceed sixty days. (Ord. 316 §2 (part), 1991).