

**ORDINANCE NO. SD 90-11**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACTING IN ITS CAPACITY AS THE GOVERNING BODY OF NAMED COUNTY SERVICE AREAS AND IMPROVEMENT ZONES THEREOF, ESTABLISHING WATER CONSERVATION MEASURES**

The Board of Supervisors of the County of San Bernardino, State of California, acting in its capacity as the governing body of the county service areas and improvement zones named in Section 1 (a) of this ordinance, ordains as follows:

SECTION 1. The Board of Supervisors of the County of San Bernardino hereby finds and determines:

(a) That from and after the effective date of this ordinance, it shall be in full force and effect within the following county service areas and improvement zones:

County Service Area 42  
County Service Area 64  
County Service Area 70  
Improvement Zone C  
Improvement Zone F  
Improvement Zone G  
Improvement Zone J  
Improvement Zone L  
Improvement Zone W-1  
Improvement Zone W-3  
Improvement Zone W-4

(b) That a drought condition has existed within the above-named county service areas and improvement zones ("Districts", or individually, the "District") during the past four years and such condition poses a substantial, current threat to the water supply within these areas;

(c) That it is necessary to preserve the water supply for the greatest public benefit within these Districts;

(d) That in order to preserve the health and safety of the people within these Districts, water conservation measures are necessary;

(e) That all water users in these Districts shall be subject to the water conservation measures and related provisions established herein;

(f) That in order to conserve the water supply for the greatest public benefit, with particular regard to domestic use, sanitation and fire protection of consumers, it is necessary to restrict the use of water within each District's service area.

SECTION 2. In order to conserve the water supply within these Districts and pursuant to Water Code Sections 375-377, the following water conservation measures are hereby established:

(a) Lawns, trees, shrubs, and other landscaping shall not be excessively watered at any time, and water shall not be permitted to run off private property onto streets or adjacent lands.

(b) Sidewalks, walkways, driveways, parking areas, patios, porches or verandas shall not be washed off with hoses. The exception to this shall be flammable or other similar dangerous substances that require direct hose flushing.

(c) Watering, sprinkling, aerial watering or irrigating of any landscaped or vegetated areas, including lawns, trees, shrubs, grass, ground cover, plants, vine gardens, vegetables, flowers, or other landscaping shall not occur between the hours of 6:00 a.m. and 9:00 p.m. during the high use season (April 1 through October 31 of each year). In the low use season (November 1 through March 31), such watering shall not occur between the hours of 1:00 p.m. and 8:00 a.m. These restrictions shall not apply to hand-held hose or drip irrigation systems.

(d) Noncommercial washing of privately owned vehicles, trailers, motor homes, buses, boats and mobile homes is prohibited except from bucket and except that a hose equipped with a shut-off nozzle may be used for a quick rinse.

(e) Water shall not be used to clean, fill, operate or maintain levels in decorative fountains, unless such water is part of a recycling system.

(f) Water shall not be permitted to leak from any water line, faucet or other facility on any premises. Any leak shall be repaired in a timely manner.

(g) Restaurants or other public places where food is served shall not routinely provide glasses of drinking water to customers unless specifically requested.

(h) Water for construction purposes, including but not limited to debrushing of vacant land, compaction of fills and pads, trench backfill and other construction uses, shall be used in an efficient manner. The use of "rainbird" type sprinklers is not recommended between the hours of 6:00 a.m. and 6:00 p.m.

(i) The use of water for any purpose shall not result in flooding or runoff onto gutters, driveways, streets or adjacent lands.

(j) All new construction, including residential, commercial and industrial, shall be equipped with low flow toilets with a maximum tank size or flush capacity of 3 gallons, and showerheads with a maximum flow capacity of 2 gallons per minute.

(k) All new model homes and commercial and industrial development, when landscaped, shall include low water use, drought-tolerant or native plant material, and matched precipitation rate, low-gallage sprinkler heads, bubblers, drip irrigation and timing devices. Timing devices should include soil moisture sensors. Before any permit may be issued for new construction, the applicant shall submit a landscape plan for review and approval by the Director of San Bernardino County's Department of Land Management.

(l) Water used for cooling systems must be recycled to the extent possible.

(m) Evaporation resistant covers are required for all new swimming pools and hot tubs and are encouraged for existing pools. Safety covers required by this ordinance shall, at the time of purchase, installation and all subsequent maintenance, meet or exceed current standards and specifications for swimming pool, spa and hot tub covers adopted by the American Society for Testing and Materials (ASTM).

(n) Hotels/motels are required to post notices urging guests to conserve water.

(o) All current water customers are encouraged to install flow reducers and faucet aerators.

(p) Parks, golf courses, cemeteries, and school grounds which use water provided by the Districts, shall irrigate between the hours of 9:00 p.m. and 3:00 a.m.

SECTION 3. The following provisions shall pertain to the enforcement of this ordinance, violations of the measures established herein and the penalties for such violations:

(a) Violations unlawful. It is unlawful for any person within the District to violate the water conservation measures and provisions established in this ordinance and such violation shall be subject to the penalties hereinafter set forth and as may be otherwise provided by law.

(b) Violations. Any person found to be violating any provision of this ordinance or any rule or regulation of the District shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the correction thereof. Such notice may be personally served or may be given by certified mail. The person shall, within the time limit stated in the notice, cease all violations.

(c) Civil Enforcement. For second violations or continuing violations, as additional methods of civil enforcement of this ordinance, the District may install a flow restrictor device at the user's water meter or may disconnect the user from the District's water system, following notice of intent to disconnect. All costs of installing/removing the flow restrictor or of disconnection/reconnection shall be paid by the owner of the property.

(d) Suspension or Modification. When any person, by reason of special circumstances, believes that a suspension or modification of a provision of this ordinance is necessary to avoid substantial detriment to the person's property or facilities, that person may file a written application with the District Manager and with the Special Districts Department, stating the special circumstances, citing the provision involved and requesting suspension or modification of that provision. The Director of the Special Districts Department may suspend or modify the provision for a specified period of time or during the period of the special circumstances upon finding that the enforcement of the provision will cause substantial detriment to the person and that the suspension or modification of the provision will not unreasonably jeopardize the District's water supply.

(e) General Penalty. Pursuant to Water Code Section 377, any person violating any of the provisions of this ordinance and failing to correct such violation within the time provided shall be guilty of a misdemeanor. Such misdemeanor shall be punishable in accordance with the provisions of State law.

SECTION 4. This ordinance and the various parts, sentences, paragraphs, sections and clauses are hereby declared to be severable. If any such part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected. The Board hereby declares that it would have passed the ordinance and each part thereof regardless of the fact that one or more parts might be declared unconstitutional or invalid.

SECTION 5. Ordinance No. 90-7 is hereby repealed.

SECTION 6. Pursuant to Water Code Section 376, this ordinance is effective upon adoption.