

**ORDINANCE NO. 389**

**AN URGENCY ORDINANCE OF THE JURUPA  
COMMUNITY SERVICES DISTRICT REPEALING  
ORDINANCE NO. 387 AND REPLACING THE  
DISTRICT'S MANDATORY WATER  
CONSERVATION PROGRAM**

**WHEREAS**, Jurupa Community Services District (“District”) serves more than 3,000 customers, is an “urban water supplier” as defined in Water Code section 10617, and is subject to the Urban Water Management Planning Act; and

**WHEREAS**, pursuant to the Urban Water Management Planning Act, the District has prepared an Urban Water Management Plan (“UWMP”), which includes the District’s Drought Contingency Plan; and

**WHEREAS**, California is currently in the fourth year of a significant drought resulting in severe impacts to California’s water supplies and its ability to meet all of the demands for water in the state; and

**WHEREAS**, Governor Edmund G. Brown, Jr. declared a state of emergency on January 17, 2014, and due to continuing dry conditions, a continued state of emergency was declared on April 1, 2015; and

**WHEREAS**, Water Code section 1058.5 grants the State Water Resources Control Board (“SWRCB”) the authority to adopt emergency regulations in years when the Governor has declared an emergency based upon drought conditions; and

**WHEREAS**, on July 15, 2014, the SWRCB formally adopted emergency rulemaking to enact emergency regulations for urban water suppliers; and

**WHEREAS**, in response to the emergency regulations adopted by the SWRCB on August 11, 2014, the Board of Directors adopted Ordinance No. 387 as an urgency ordinance to implement the regulations adopted by the SWRCB; and

**WHEREAS**, on March 17, 2015, and May 5, 2015, the SWRCB formally adopted additional emergency regulations for urban water suppliers due to continuing drought conditions; and

**WHEREAS**, the three sets of emergency regulations adopted by the SWRCB prohibit certain types of potable water use, order all urban water suppliers to implement mandatory conservation measures, and order water suppliers with 3,000 or more service connections to provide monthly data on water production; and

**WHEREAS**, the additional emergency regulations adopted by the SWRCB make it necessary to adopt a new ordinance to replace Ordinance No. 387 to implement the additional regulations; and

**WHEREAS**, the District may adopt an urgency ordinance where it is specifically required by law to take immediate effect; and

**WHEREAS**, pursuant to Water Code section 376, an ordinance adopting a water conservation program pursuant to Water Code section 375 takes effect immediately; and

**WHEREAS**, additional water conservation measures and restrictions, in addition to those set forth in this ordinance, may be required by the State of California or other agencies with jurisdiction over this District's service area.

**NOW, THEREFORE, BE IT ORDAINED** that the Board of Directors of Jurupa Community Services District does hereby adopt a water conservation program as follows:

**ARTICLE 1.0 Declaration of Necessity and Intent.**

A. The general welfare requires the District's water supplies to be put to their maximum beneficial use. Water conservation is required even in the best of times, and wasteful or unreasonable uses must be prevented. Water conservation must be practiced so that adequate water supplies will be available to serve the District and its customers, and for the public welfare.

B. This ordinance will apply during any type of water shortage including, but not limited to, drought and other natural disasters, water supply contamination, water system infrastructure failures or as ordered by other governmental agencies that have authority over the District.

C. This ordinance establishes the following five (5) Drought Response Levels to be implemented in response to worsening drought conditions or decreasing water supplies:

Level 1 – Drought Watch. Use restrictions are voluntary with a conservation target of up to 10%.

Level 2 – Drought Caution. Use restrictions are mandatory with a conservation target of up to 20%.

Level 3 – Drought Alert. Use restrictions are mandatory with a conservation target of up to 30%.

Level 4 – Drought Critical. Use restrictions are mandatory with a conservation target of up to 40%.

Level 5 – Drought Emergency. Use restrictions are mandatory with a conservation target of more than 40%.

D. During Drought Response Levels 2 – 5, violations of the water use restrictions cited and/or Water Allocation Targets established by this ordinance are subject to Penalties as provided in Article 10.0.

**ARTICLE 1.1 Application.**

This ordinance shall apply to all customers, water users, and premises receiving water service from the District, wherever situated, and shall also apply to all premises and facilities owned, maintained, operated, or under the jurisdiction of the District.

**ARTICLE 2.0 Definitions.**

The following words and phrases whenever used in this ordinance shall have the meaning hereinafter set forth:

A. “Applicant” means the person, association, corporation, developer, entity or governmental agency applying for water service.

B. “Billing unit” equals 748 gallons of water and is the unit amount of water used to calculate commodity charges for a customer’s water usage.

C. “Board” means the Board of Directors of Jurupa Community Services District.

D. “Commercial and Industrial” means any business facility that receives water service from the District and that is not a single-family residence, multi-family residence, institutional user or dedicated irrigation meter account.

E. “Customer” means water customer or water user.

F. “District” means the Jurupa Community Services District, including its staff.

G. "Flow restricting device" or "flow restrictor" means a fitting inserted into the service connection to reduce flow capacity.

H. "Functional landscape" means landscape at a park, school, public recreation area or privately-operated common area that is utilized for recreational/leisure activities by more than a single residence.

I. "General Manager" means the General Manager of the District.

J. "Institutional" means schools, federal, state, and local governmental entities.

K. "Measurable rain" means ¼ inch within 24 hours.

L. "Non-potable water" means water that is not suitable for human consumption in conformance with federal, state, and local drinking water standards, and is not treated by the District to make it suitable for human consumption.

M. "Ornamental landscape" means all landscape not included in the definition of "functional landscape."

N. "Person" means any person, firm, partnership, association, corporation, company, organization, or other entity.

O. "Potable water" means water which conforms to the federal, state, and local drinking water standards then in effect, or which will be treated to conform to those standards.

P. "Premises" means the integral property or area, including improvements thereon, to which water service is provided, or for which an application for service is filed.

Q. "Public Health and Safety Threshold" means eleven (11) billing units of water allotted to an account for essential indoor use during any monthly billing period.

R. "Public median" means any landscaped area bounded on both sides by roads used for travel, whether publicly or privately owned.

S. "Recycled water" means water available from the District's recycled water facilities, which may include a combination of treated wastewater, intercepted surface and subsurface flows, untreated groundwater, and other waters.

T. "Service connection" means the pipe or tubing, fittings, and valves necessary to transport water from the distribution main to and through the meter.

U. "Variance" means an adjusted Water Allocation Target approved by the Board of Directors during a Level 4 or Level 5 declaration.

V. "Water Allocation Target" means the amount of water permitted to be used for each account per monthly billing period that is not subject to a civil penalty.

W. "Water user" means any user of water, including a water customer.

**Article 3.0 Water Conservation and Unreasonable Uses of Water.**

A. It shall be unlawful for any Person to make, cause, use or permit the use of water from the District for residential, commercial, industrial, institutional, agricultural, irrigation, governmental, or any other purpose in a manner contrary to any mandatory provision of this ordinance, or in an amount that exceeds the amount permitted by the Drought Response Levels which are in effect pursuant to this ordinance. The water conservation measures set forth in this Article 3.0 shall be in effect at all times and shall be subject to the penalties hereafter set forth.

B. It shall be unlawful for any Person to waste water or to use it unreasonably. Unreasonable uses of water shall include, but are not limited to, the following practices:

1. Allowing water to flow from a Person's property onto adjacent properties, or onto public or private roadways or streets, due to excessive irrigation and/or leaks;

2. Failing to repair a water leak;

3. Using water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate safety or sanitation hazards;

4. Watering lawns and/or groundcovers and irrigating landscaping between the hours of 8:00 a.m. and 8:00 p.m.

C. A Drought Response Level may be declared by the Board of Directors in accordance with the provisions of this Water Conservation Program. A Drought Response Level shall remain in full force and effect until discontinued by resolution of the Board of Directors.

D. The District may declare a Drought Emergency (Level 5) at any time, without regard to the Drought Response Level previously in effect.

E. During Drought Response Levels 2-5, the water conservation and supply shortage response measures hereinafter set forth are mandatory, and violations are subject to administrative, civil, and criminal penalties and remedies, cumulatively, as specified in this ordinance and by State law.

**ARTICLE 4.0 Drought Response Level 1 – Drought Watch Condition.**

A. A Drought Response Level 1 condition is also referred to as a “Drought Watch” condition. A Level 1 condition applies when the Board of Directors requests all water users to voluntarily reduce their water use up to ten (10) percent to ensure that sufficient supplies will be available to meet anticipated demands. The Board of Directors may declare the existence of a Drought Response Level 1 by the adoption of a resolution, and upon such declaration, the District shall implement the Level 1 conservation measures identified in this ordinance.

B. During a Level 1 Drought Watch condition, the District will increase its public education and outreach efforts to enhance awareness of the need to implement the following water conservation practices:

1. Do not use water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate safety or sanitation hazards.

2. Adjust sprinklers and irrigation systems to avoid overspray, runoff, and waste. Customers should also avoid watering on windy days.

3. Irrigate all landscapes before dawn, if possible, but never between 8:00 a.m. and 8:00 p.m. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas that are not irrigated by a landscape irrigation system.

4. Irrigation is prohibited during and for 48 hours after measurable rain as defined in Article 2.0.

5. Agricultural users are requested to reduce water usage and to consult with the local Resource Conservation District as needed or industry associations in their area for appropriate water conservation measures and to implement them as soon as possible.

6. Residents are urged to design and install water-wise landscaping utilizing native and other drought-tolerant plant materials, and to minimize turf areas for permanent water conservation.

7. Developers of Commercial, Industrial and Institutional properties are urged to design and install water-wise landscaping utilizing native and other drought-tolerant plant materials, and to minimize turf areas for permanent water conservation, as required by city/county landscape ordinances.

8. Install water-saving devices in indoor plumbing.

9. Check faucets, toilets, and pipes, both indoors and outdoors, for leaks and repair them immediately.

10. Use re-circulated water to operate decorative fountains, ponds, lakes or other similar aesthetic structures.

11. Wash motor vehicles, trailers, boats, and all other mobile equipment using a bucket or a hand-held hose with a positive shut-off nozzle, mobile high-pressure/low-volume wash system, or at a commercial site that re-circulates (reclaims) water onsite. Avoid washing during hot conditions when additional water is required due to evaporation.

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

13. Operators of hotels and motels must provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

**ARTICLE 5.0 Drought Response Level 2 – Drought Caution Condition.**

A. A Drought Response Level 2 condition is also referred to as a “Drought Caution” condition. A Level 2 condition applies when the Board of Directors mandates all water users to reduce their water use more than ten (10) percent and up to twenty (20) percent to ensure that sufficient supplies will be available to meet anticipated demands. The Board of Directors shall declare the existence of a Drought Response Level 2 by the adoption of a resolution, and upon such declaration, the District shall implement the Level 2 conservation measures identified in this ordinance.

B. All persons using water from the District shall comply with Level 1 “Drought Watch” water conservation practices during a Level 2 drought and shall also comply with the following additional mandatory conservation measures:

1. Whether irrigated with potable or non-potable water, limit all outdoor irrigation to four (4) days per week for no more than ten (10) minutes per station per day. This provision does not apply to functional landscape, which shall be limited to five (5) days per week as approved by the District.

2. Ornamental landscapes, including trees that utilize properly operating water-efficient devices which include, but are not limited to, drip irrigation systems, stream rotor sprinklers, and are operated by a functional irrigation controller, upon verification by JCSD or its representative, may be irrigated on the following schedule:

- a. Drip irrigation – thirty (30) minutes per station on the days authorized for landscape irrigation.
- b. Stream rotors – twenty (20) minutes per station on the days authorized for landscape irrigation.

3. All leaks must be repaired or otherwise stopped within seventy-two (72) hours of notification by the District unless other arrangements are approved by the General Manager or designee.

C. During Drought Response Level 2, violation of the mandatory water conservation measures shall be subject to the civil penalties specified in Article 10.0, in addition to all other criminal and civil sanctions available under State law.

**ARTICLE 6.0 Drought Response Level 3 – Drought Alert Condition.**

A. A Drought Response Level 3 condition is also referred to as a “Drought Alert” condition. A Level 3 condition applies when the Board of Directors mandates all water users to reduce their water use more than twenty (20) percent and up to thirty (30) percent to ensure that sufficient supplies will be available to meet anticipated demands. The Board of Directors shall declare the existence of a Drought Response Level 3 by the adoption of a resolution, and upon such declaration the District shall implement the Level 3 conservation measures identified in this ordinance.

B. All persons using water from the District shall comply with Level 1 “Drought Watch” and Level 2 “Drought Caution” conservation practices during a Level 3 “Drought Alert” condition and shall also comply with the following additional mandatory conservation measures:

1. Whether irrigated with potable or non-potable water, limit outdoor irrigation to three (3) days per week for no more than ten (10) minutes per station per day. This provision does not apply to functional landscape which shall be limited to four (4) days per week as approved by the District.

2. Ornamental landscapes, including trees that utilize properly operating water-efficient devices which include, but are not limited to, drip irrigation systems, stream rotor sprinklers, and are operated by a functional irrigation controller, upon verification by JCSD or its representative, may be irrigated on the following schedule:

- a. Drip irrigation – thirty (30) minutes per station on the days authorized for landscape irrigation.
- b. Stream rotors – twenty (20) minutes per station on the days authorized for landscape irrigation.

3. The following irrigation schedule will be implemented and enforced: odd-numbered addresses (the last digit is an odd number) must commence and complete irrigation cycles on Mondays, Wednesdays and Fridays. Even-numbered addresses (the last digit is an even number) must commence and complete irrigation cycles on Tuesdays, Thursdays and Saturdays. There will be no authorized landscape irrigation on Sunday.

4. There will be no irrigation of turf on public medians.

5. Irrigation with potable water outside of newly-constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development is prohibited.

6. Use of potable water for dust control and grading of construction sites must be minimized. Each developer must submit a proposed Water Conservation Plan that includes projected water use and ongoing conservation efforts for review and approval by the District. Use of water for dust control and grading shall only be permitted as set forth in a Water Conservation Plan approved by the District.

7. Upon the declaration of a Drought Response Level 3 “Drought Alert” condition, issuance of new service availability letters shall be allowed provided that the applicant provides substantial evidence to the satisfaction of the District of an enforceable commitment that water demands for the project will be offset by one hundred percent (100%) prior to the provision of a new water meter(s). This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

8. All leaks must be repaired or otherwise stopped within forty-eight (48) hours of notification by the District unless other arrangements are approved by the General Manager.

C. During Drought Response Level 3, violation of the mandatory water conservation measures shall be subject to the civil penalties specified in Article 10.0, in addition to all other criminal and civil sanctions available under State law.

**ARTICLE 7.0 Drought Response Level 4 – Drought Critical Condition.**

A. A Drought Response Level 4 condition is also referred to as a “Drought Critical” condition. A Level 4 condition applies when the Board of Directors mandates all water users reduce their water use more than thirty (30) percent and up to forty (40) percent to ensure that sufficient supplies will be available to meet anticipated demands. The Board of Directors shall declare the existence of a Drought Response Level 4 by the adoption of a resolution, and upon such declaration, the District shall implement the Level 4 conservation measures identified in this ordinance.

B. All persons using District water shall comply with Level 1 “Drought Watch,” Level 2 “Drought Caution,” and Level 3 “Drought Alert” conservation practices during a Level 4 “Drought Critical” condition and shall also comply with the following additional mandatory conservation measures:

1. Whether irrigated with potable or non-potable water, limit all outdoor irrigation to two (2) days per week for no more than ten (10) minutes per station per day. This provision does not apply to functional landscape, which shall be limited to three (3) days per week as approved by the District. Additional exemptions shall include:

- a. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated. If fire protection landscaping is not sustainable by irrigation two (2) days per week, irrigation may be increased to not more than three (3) days per week;
- b. Maintenance of existing landscaping for erosion control may be irrigated up to three (3) days per week;
- c. Watering of livestock and other animals;
- d. Public works projects that support public health and safety; and
- e. Actively irrigated environmental mitigation projects.

2. Ornamental landscapes, including trees that utilize properly operating water-efficient devices which include, but are not limited to, drip irrigation systems and are operated by a functional irrigation controller, upon verification by JCSD or its representative, may be irrigated on the following schedule:

- a. Drip irrigation – thirty (30) minutes per station on the days authorized for landscape irrigation.
- b. Stream rotors – twenty (20) minutes per station on the days authorized for landscape irrigation.

3. The following irrigation schedule will be implemented and enforced: odd-numbered addresses (the last digit is an odd number) must commence and complete irrigation cycles on Mondays and Thursdays. Even-numbered addresses (the last digit is an even number) must commence and complete irrigation cycles on Tuesdays and Fridays. There will be no authorized landscape irrigation on Wednesdays, Saturdays, and Sundays.

4. Vehicles may only be washed at commercial carwashes that re-circulate water or by high-pressure/low-volume wash devices.

C. Upon the declaration of a Drought Response Level 4 “Drought Critical” condition, issuance of new service availability letters shall be suspended, but new connections shall be allowed pursuant to service availability letters then in effect provided that the applicant provides substantial evidence to the satisfaction of the District of an enforceable commitment that water demands for the project will be offset by one hundred twenty-five percent (125%) prior to the provision of a new water meter(s). This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less. In addition, new connections shall be permitted if necessary to protect the public’s health, safety and welfare as determined by the Board of Directors; and temporary construction meters shall be permitted as necessary to service development for which permanent connections are authorized.

D. Upon the declaration of a Drought Response Level 4 condition, the District will suspend consideration of annexations to its service area, unless the annexation increases the water supply available to the District by more than the anticipated demands of the property to be annexed.

E. To increase conservation, the District may establish a water allocation for property served. The following method will be utilized which accounts for general public health and safety.

#### Residential and Multi-family Customers

1. The Board of Directors will determine the Water Allocation Target percentage in the resolution adopting a Level 4 “Drought Critical” Response.

2. This calculation will only be applied to consumption in excess of the Public Health and Safety Threshold of eleven (11) units per monthly billing period. A residential Water Allocation Target will be calculated for each account by comparing usage in the current billing period to the same period identified in the resolution.

3. If the residential account uses more water than the Water Allocation Target amount, excess consumption shall constitute violations subject to the civil penalties set forth in Article 10.0.

#### All Other Accounts

4. The Board of Directors will determine the Water Allocation Target percentage in the resolution adopting a Level 4 “Drought Critical” Response. A Public Health and Safety Threshold shall not apply.

5. A Water Allocation Target will be calculated for each account by comparing usage in the current billing period to the same period identified in the resolution.

6. If an account uses more water than the Water Allocation Target amount, excess consumption shall constitute violations subject to the civil penalties set forth in Article 10.0.

F. An application may be made to the Board of Directors for a variance from the Water Allocation Target.

G. During Drought Response Level 4, violation of the mandatory water conservation measures shall also be subject to all other criminal and civil sanctions available under State law, in addition to the civil penalties set forth in Article 10.0.

### **ARTICLE 8.0 Drought Response Level 5 – Drought Emergency Condition.**

A. A Drought Response Level 5 condition is also referred to as a “Drought Emergency” condition. In the event of a water shortage of more than forty (40) percent, or at any other time that the Board of Directors deems it necessary or appropriate, the Board may consider declaring a Level 5 Drought Emergency condition pursuant to California Water Code section 350, et seq.

B. Upon declaration of a Level 5 Drought Emergency condition, the Board of Directors may consider a moratorium on new service connections, regardless of the existence of water availability letters for such connections. In addition, all persons using water from the District shall comply with conservation measures required during Level 1 “Drought Watch,” Level 2 “Drought Caution,”

Level 3 “Drought Alert,” and Level 4 “Drought Critical” conditions and shall also comply with the following additional mandatory conservation measure.

C. To increase conservation, the District may establish a water allocation for the property served. The following method will be utilized which accounts for general public health and safety.

#### Residential and Multi-family Customers

1. The Board will determine the Water Allocation Target percentage in the resolution adopting a Level 5 “Drought Emergency” Response. This calculation will only be applied to consumption in excess of the Public Health and Safety Threshold of eleven (11) units per monthly billing period. A residential Water Allocation Target will be calculated for each account by comparing usage in the current billing period to the same period identified in the resolution.

2. If the residential account uses more water than the Water Allocation Target amount, excess consumption shall constitute violations subject to the civil penalties set forth in Article 10.0, or as otherwise provided in the resolution declaring the Level 5 Drought Emergency condition.

#### All Other Accounts

3. The Board of Directors will determine the Water Allocation Target percentage in the resolution adopting a Level 5 “Drought Emergency” Response. A Public Health and Safety Threshold shall not apply.

4. A Water Allocation Target will be calculated for each account by comparing usage in the current billing period to the same period identified in the resolution.

5. If an account uses more water than the Water Allocation Target amount, a penalty will be applied.

D. An application may be made to the Board of Directors for a variance from the Water Allocation Target.

E. During Drought Response Level 5, violation of the mandatory water conservation measures shall also be subject to all other criminal and civil sanctions available under State law, in addition to the civil penalties set forth in Article 10.0.

**ARTICLE 9.0        Procedures for Determination and Notification of Drought Response Level.**

A.        General Manager shall monitor drought conditions and regulations, as well as evaluate the supply and demand for water by its customers, and shall recommend the Drought Response Level to be declared by the Board of Directors.

B.        The existence of a Drought Response Level 1 “Watch” condition may be declared by the Board of Directors. The General Manager shall publish a notice of the determination in one or more newspapers, including a newspaper of general circulation within the District. The District shall also post notice of the condition on its website.

C.        The existence of Drought Response Level 2 “Drought Caution,” Level 3 “Drought Alert,” or Level 4 “Drought Critical,” or Level 5 “Drought Emergency” condition may be declared by resolution of the Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Drought Response Levels 2, 3, 4 or 5 conditions shall take effect immediately or as otherwise provided by State law. Within ten (10) days following the declaration of the response level, the District shall publish a copy of the resolution in a newspaper used for publication of official notices. If the District establishes a water allocation in response to a Drought Response Level 4 or Level 5 condition, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for ongoing water service. Water allocation shall be effective on the fifth (5th) day following the date of mailing or at such later date as specified in the notice.

D.        The District’s Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

**ARTICLE 10.0        Violations and Penalties.**

A.        Any person, who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein.

B.        The District will make a reasonable effort to assist customers with compliance. Reasonable efforts include, but are not limited to, personal contact, door hanger, letter, email or via telephone whenever possible to notify customers of any violation.

C. Each day that a violation of this ordinance occurs is a separate offense.

D. Civil penalties may be levied for each violation of the water-use restrictions specifically cited in this ordinance in Drought Levels 2-5 as follows:

1. Twenty-five dollars (\$25.00) for a first violation of any provision of this ordinance.

2. Fifty dollars (\$50.00) for a second violation of any provision of this ordinance within one year of the date of the first violation.

3. One hundred dollars (\$100.00) for a third violation of this ordinance within one year of the date of the first violation.

4. Two hundred dollars (\$200.00) for a fourth violation of this ordinance within one year of the first violation.

5. Five hundred dollars (\$500.00) for a fifth violation of this ordinance within one year of the first violation.

E. When a Water Allocation Target is established for a water account during a Drought Response Level 4 – Drought Critical Condition or during a Drought Response Level 5 – Drought Emergency Condition, water use in excess of the assigned Water Allocation Target during any monthly billing period shall also constitute one or more violations of this ordinance, for which civil penalties shall be imposed, as follows:

1. Water use in excess of the Water Allocation Target per Equivalent Dwelling Unit in any monthly billing period shall constitute a first violation resulting in written notification.

2. Water use in excess of the Water Allocation Target per Equivalent Dwelling Unit in any monthly billing period within one year of the first violation shall constitute a second violation resulting in a second written notification and a twenty dollar (\$20.00) civil penalty.

3. Water use in excess of the Water Allocation Target per Equivalent Dwelling Unit in any monthly billing period within one year of the first and second violations shall constitute a third violation resulting in a fifty dollar (\$50.00) civil penalty. Such penalty shall be waived upon successful completion of authorized Water Conservation class/workshop.

4. Water use in excess of the Water Allocation Target per Equivalent Dwelling Unit in any monthly billing period within one year of the first, second, and third violations shall constitute a fourth violation resulting in a one hundred dollar (\$100.00) civil penalty.

5. Water use in excess of the Water Allocation Target per Equivalent Dwelling Unit in any monthly billing period within one year of the first, second, third, and fourth violations shall constitute a fifth violation resulting in a two hundred fifty dollar (\$250.00) civil penalty.

6. Water use in excess of the Water Allocation Target per Equivalent Dwelling Unit in any monthly billing period within one year of the first, second, third, fourth, and fifth violations shall constitute a sixth violation resulting in a five hundred dollar (\$500.00) civil penalty.

Civil penalties for water use in excess of an assigned Water Allocation Target shall be due and payable, as penalties, in addition to the District's charge for the water delivered to the account according to the District's water rate schedule then in effect. Penalty amounts may be separately itemized on the District's monthly bill for water service, and shall be due and payable at the same time, and in the same manner, as charges for water service. Subject to the hearing and appeal procedure hereinafter set forth, nonpayment of such penalties, when due, shall be cause for termination of water service, and the District may secure payment thereof by recording a lien on the property that received water service in the manner allowed by law.

F. When a civil penalty is to be imposed, the customer will be given written notice of the penalty to be imposed. Within seven (7) days after delivery of such notice, the customer may submit a written request to the District requesting a hearing by the General Manager or designee and an opportunity to present evidence that a violation has not occurred. The hearing shall be scheduled no later than fourteen (14) days after the District's receipt of such written request. Within fourteen (14) business days after the hearing, the General Manager or designee shall render a decision in writing to the customer that requested the hearing. Upon receipt of the written decision, the customer shall have fourteen (14) days to appeal the decision to the Board of Directors. The Board of Directors shall then schedule the matter for consideration at a regular or special meeting of the Board and render its decision, which shall be a final decision.

G. Penalties collected shall be utilized solely to implement and enforce water conservation measures.

H. Violation of a provision of this ordinance is subject to enforcement through installation of a flow-restricting device at the meter.

I. Pursuant to Water Code section 377, each violation of this ordinance may also be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding one thousand dollars (\$1,000.00) or by both.

J. Willful violations of this ordinance shall also constitute cause for termination of service to the property at which the violation occurs. In the event of termination of service, such service shall not be resumed until such time as the Board of Directors receives satisfactory assurances that violations will not recur. The customer shall be responsible for the District's standard fees and charges for termination and resumption of service.

**ARTICLE 11.0 Revocation of Prior Ordinances.**

Ordinance No. 387, establishing a water conservation program, is hereby repealed. This ordinance provides the only water conservation plan applicable to the District.

**ARTICLE 12.0 Effective Date.**

This ordinance shall become effective immediately as an urgency ordinance in accordance with Water Code section 376.

**ADOPTED** this 26th day of May 2015.

/s/ Jane F. Anderson  
President of the Board of Directors

**ATTEST:**

/s/ Julie B. Saba  
Secretary of the Board of Directors

**CERTIFICATION**

I, Julie B. Saba, Secretary of the Board of Directors of Jurupa Community Services District, certify that the foregoing urgency ordinance was introduced and adopted by the Board of Directors at a regular meeting held on the 26<sup>th</sup> day of May 2015, by the following vote of the Directors:

**AYES:** J. Anderson, McLaughlin, Craig, B. Anderson

**NOES:** None

**ABSENT:** Blais

**ABSTAINED:** None

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of Jurupa Community Services District this 26th day of May 2015.

/s/ Julie B. Saba  
Secretary of the Board of Directors