

ORDINANCE 394

AN ORDINANCE OF THE WESTERN MUNICIPAL
WATER DISTRICT OF RIVERSIDE COUNTY
ESTABLISHING AN UPDATED RETAIL
CUSTOMER WATER SUPPLY SHORTAGE
CONTINGENCY RESPONSE PROGRAM

WHEREAS, California Constitution article X, section 2 and California Water Code section 100 provide that because of conditions prevailing in the State of California, it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, pursuant to California Water Code section 375, a District may adopt and enforce a water conservation program to reduce the quantity of water used by persons within its jurisdiction for the purpose of conserving the water supplies of the city; and

WHEREAS, pursuant to California Water Code section 71610.5, a District may undertake a water conservation program to reduce water use and may require, as a condition of new service, that reasonable water-saving devices and water reclamation devices be installed to reduce water use; and

WHEREAS, pursuant to California Water Code section 71640, a District may restrict the use of District water during any emergency caused by drought, or other threatened or existing water shortage, and may prohibit the waste of District water or the use of District water during such periods for any purpose other than those that the District determines to be necessary. A District may also prohibit use of District water during such periods for specific uses which it finds to be nonessential. Pursuant to Water Code section 71641, a District may prescribe and define by ordinance the restrictions, prohibitions, and exclusions referred to in section 71640; and

WHEREAS Western Municipal Water District's (Western) Board of Directors recognizes continued long-term challenges to the region and the state. Western's service area's Mediterranean climate typically exhibits hot, dry summers and mild, wet winters. Annual precipitation totals vary substantially from year to year, averaging 10.24 to 12.06 inches depending on the region. Climate change impacts are predicted to increase the uncertainty of water supplies. Additionally, regulatory restrictions on pumping from the Bay-Delta region affecting State Water Project (SWP) deliveries will continue to impact Western's supply reliability. Western relies heavily on imported water supplies, obtaining approximately up to 60 percent of its total supply from Metropolitan Water District of Southern California (MWD); and

WHEREAS, because of the prevailing conditions in the state and the declared policy of the State that Western manage its water resources for the general welfare to ensure their beneficial use to the fullest extent of which they are capable, Western hereby finds and determines that it is necessary and appropriate to adopt, implement, and enforce a Water Supply Shortage Contingency Response Program (the Program) to reduce the quantity of water used by consumers within Western's retail service area to ensure

that there is sufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, pursuant to California Water Code section 350, Western's Board of Directors is authorized to declare a Water Shortage Emergency to prevail within its jurisdiction when it finds and determines that Western will not be able to or cannot satisfy the ordinary demands and requirements of water consumers without depleting Western's water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection, and as more fully set forth in this Ordinance; and

WHEREAS, the Board of Directors hereby finds and determines that in the event Western determines that it is necessary to declare that a Water Shortage Emergency exists, Western will be authorized pursuant to this Ordinance to implement supply shortage response measures to regulate water consumption activities within the retail service area and ensure that the water delivered is put to beneficial use for the greatest public benefit, with particular regard to domestic use, including human consumption, sanitation, and fire protection, and that the waste or unreasonable use of water is prevented; and

WHEREAS, the Board of Directors is authorized and hereby finds and determines that it is necessary to prescribe and define by ordinance restrictions, prohibitions, and exclusions for the use of water during a threatened or existing water shortage and adopt and enforce a water supply shortage contingency response program to: (i) prohibit the waste of Western water or the use of Western water during such period; (ii) prohibit use of water during such periods for specific uses which Western may from time to time find nonessential; and (iii) reduce and restrict the quantity of water used by Persons within Western; and

WHEREAS, the Board of Directors hereby finds and determines that Western shall: (i) implement water supply shortage response

measures; (ii) regulate the water consumption activities of Persons within Western for the purposes of conserving and protecting Western's water supplies, reducing the quantity of water consumed, and deterring and preventing the waste or unreasonable use or unreasonable method of use of valuable water resources; and (iii) establish and impose fines and/or penalties as set forth herein to accomplish these purposes, discourage water or unreasonable use of water during a declared water shortage, and pay for Western's water conservation and regulatory program; and

WHEREAS, the Board of Directors hereby finds that Western's Tiered water budget-based rate structure is an effective method of managing demand through price signals and eliminating inefficient usage while maintaining revenue stability and proportionately allocate the costs of service to those who place the greatest demands on Western's water system and limited water supplies; and

WHEREAS, the Board of Directors hereby finds and determines that it is desirable to adopt the Program in order to codify the rules and regulations governing its actions, and the actions of Persons using and consuming water within Western, particularly during declared water shortages and water shortage emergencies, to protect the general welfare and Western's water supplies, and to reduce water consumption all in accordance with the declared policies and laws of the State; and

WHEREAS, the Board of Directors hereby further finds and determines that this Ordinance and the Program set forth herein are in the public interest and serve the public purpose of Western; and

WHEREAS, the California Urban Water Management Planning Act, Water Code Section 10610 et seq. (the Act) mandates that every urban supplier of water providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually, prepare and adopt, in accordance with prescribed

requirements, a Water Shortage Contingency Plan (WSCP) as part of its Urban Water Management Plan; and

WHEREAS, in accordance with the Act, Western adopted its WSCP, a detailed plan for how Western intends to act or respond to water shortage conditions on June 16, 2021 and adopted a revised WSCP on January 19, 2022; and

WHEREAS, this Program is one legal authority that enables Western to implement its WSCP; and

WHEREAS, in accordance with applicable law, a Notice of a Public Hearing regarding Western's Program was published within the jurisdiction of Western on December 15 and 22, 2021 for English language and on December 17 and 24, 2021 for Spanish language; and

WHEREAS, in accordance with applicable law, a public hearing was held on January 19, 2022 at 9:30 a.m., or soon thereafter, in the boardroom of the offices of the Western Municipal Water District of Riverside County, 14205 Meridian Parkway, Riverside, California 92518 in order to provide members of the public and other interested entities with the opportunity to be heard in connection with proposed adoption of the Program and issues related thereto; and

WHEREAS, at the Hearing held on January 19, 2022, the Board heard and considered all oral testimony, written materials, and written protests concerning the proposed Program, and at the close of the Hearing, Western did not receive written protests against the establishment of and imposition of the proposed Water Shortage Contingency Response Program and associated Drought Fines; and

WHEREAS, due to the fiscal impacts referenced above, the Board of Directors has determined that it is in the best interests of Western to adopt the proposed Water Supply Shortage Contingency

Response Program identified herein and as more particularly described and set forth herein; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Western Municipal Water District of Riverside County as follows:

Section 1. Recitals

The Board of Directors hereby finds and determines that the above recitals are true and correct and incorporated herein.

Section 2. Findings and intent

(A) The Board of Directors finds and determines that because of the prevailing conditions in the state, it is necessary and appropriate for Western to adopt, implement, and enforce this Program to reduce the quantity of water used by Persons within Western to ensure that there is sufficient water for human consumption, sanitation, and fire protection. Western further finds and determines that during periods of drought, water shortages, and water shortage emergencies the general welfare requires that Western maximize the beneficial use of its available water resources to the extent that it is capable, and that the waste or unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people of Western and for the public health, safety, and welfare.

(B) This Ordinance adopts the Program which establishes water waste restrictions, supply shortage response measures, regulations, Drought Fines, and administrative fines and/or penalties to be implemented during declared water supply shortage stages.

(C) This Ordinance adopts the Program which establishes six (6) water supply shortage stages and supply shortage response measures to be implemented by Western, with increasing

restrictions on water use for water waste in response to decreasing water supplies and/or worsening drought conditions, and administrative fines and drought penalties for violating this Ordinance and the Program in relation thereto and as described herein.

(D) The water supply shortage stages may be caused by, but are not limited to, any or all of the following circumstances or events:

- (1) A regional water supply shortage exists;
- (2) Delivery infrastructure such as storage reservoirs, pipes, pumps, filtration devices or groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination);
- (3) Alternative water supplies are limited or unavailable;
- (4) Groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the California Department of Water Resources, the Regional Water Quality Control Board, Riverside County, or some other regulatory body;
- (5) MWD's Water Shortage Contingency Plan stages, and the Water Surplus and Drought Management Plan stages and the MWD Water Supply Allocation Plan stages and corresponding actions have been implemented; or
- (6) a statewide drought declaration.

Section 3. Purpose and scope

(A) The purposes of the provisions of this Ordinance and Program are to assure the highest beneficial use of Western water supplies and to provide sufficient water supplies to meet

the basic needs of human consumption, sanitation, and fire protection within the District's direct retail service area.

(B) This Ordinance is not intended to repeal, abrogate, annul, impair or in any way interfere with the free use of property by covenant, deed, or other private agreement or with restrictive covenants running with the land to which Western provides water services.

(C) The provisions of this Ordinance shall apply to all Persons within Western's direct retail service area and all property served in a retail capacity wherever situated.

(D) Nothing in this Ordinance is intended to affect or limit the ability of Western to respond to an emergency, including an emergency that affects the ability of Western to supply water.

Section 4. Definitions

For the purposes of this Ordinance, the following words, terms, and phrases shall have the following meanings:

"Appellant" means the Person appealing a decision of the Approving Authority, General Manager or other Western official.

"Approving Authority" means the General Manager of Western, or his or her designee, charged with approving or denying written applications for Relief.

"Base Period" means a period of time similar to a Customer's Billing Period in both fiscal year 2019-2020 and fiscal year 2020-2021. For the purposes of determining historical water use for a Billing Period, the average is calculated using the similar Billing Period from both fiscal year 2019-2020 and fiscal year 2020-2021.

"Billing Period" means the billing period in which a Customer's water use is measured for purposes of calculating the amount of the water service fees that shall be collected for the water service provided.

"Billing Tier" or "Tier" means the volume of water within a defined and adopted rate.

"Board of Directors" means the Board of Directors of Western Municipal Water District.

"District" means the Western Municipal Water District.

"Drought Fine" means an administrative fine and/or penalty for violation of this Ordinance and the Program, as described in more detail below in Section 15 herein.

"Enforcement Officer" means any individual employed or otherwise charged by Western to inspect or enforce codes, ordinances, mandates, regulations, resolutions, rules or other laws adopted by the Board of Directors or other regulatory bodies.

"General Manager" means the General Manager of Western or his or her authorized designee.

"Immediate Emergency" means a breakage or failure of a dam, pump, pipeline or conduit, a disaster or other disruption of Western's water supply.

"Medical Adjustment" means an adjustment to the residential indoor water allocation based on medical needs. Medical adjustments must be approved by Western and are not subject to mandatory residential indoor water allocation reductions in any stage. Western will consider a request for medical adjustment at any time and at any stage. The adjustment shall be removed with any changes to the account holder.

"MWD" means the Metropolitan Water District of Southern California.

"Non-Potable Water" means water that is not of drinking water quality, but which may still be used for purposes other than for human consumption.

"Person" means any natural person, firm, joint venture, joint stock company, partnership, public or private association, club, company, corporation, business trust, organization, public

or private agency, government agency or institution, school district, college, university, any other user of water provided by the District, or the manager, lessee, agent, servant, officer or employee of any of them or any other entity which is recognized by law as the subject of rights or duties.

"Program" means the Water Supply Shortage Contingency Response Program adopted pursuant to this Ordinance.

"Property Owner" means the owner of a parcel whose name and address appears on the last Riverside County equalized secured property tax assessment roll, or in the case of any public entity, the State of California, or the United States, means the representative of that public entity at the address of that entity known to Western.

"Recycled Water" means municipal wastewater that has been treated to meet all applicable Federal, State and local standards for use in approved applications, including, but not limited to, agricultural and landscape irrigation.

"Relief" means excuse from compliance with the regulations and restrictions on water use contained in this Ordinance.

"State" means the State of California.

"Water Budget" means a Customer's total water billing allocation for indoor and outdoor water use. The specific indoor and outdoor allocation of water depends on the type of Customer (Customer sector) and the specific characteristics of the Customer's site.

"Water Customer" or "Customer" means a Person who, according to Western's records, receives water service to a parcel of property.

"Water Shortage Emergency" means a condition existing within Western in which the ordinary water demands and requirements of Persons within Western cannot be satisfied without depleting

Western's water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. A Water Shortage Emergency includes both an Immediate Emergency, in which Western is unable to meet current water needs of Persons within Western, as well as a threatened water shortage, in which Western determines that its supply cannot meet an increased future demand.

"Water Shortage Contingency Plan" or "WSCP" means the Plan developed by MWD as a guide for MWD's intended actions during water shortage conditions. It is meant to improve preparedness for droughts and other impacts on water supplies by describing the process used to address varying degrees of water shortages. The WSAP and WSDM Plans are referenced in MWD's WSCP.

"Water Supply Allocation Plan" or "WSAP" means the Plan developed by MWD to calculate member agencies' supply allocations should a shortage be declared.

"Water Surplus and Drought Management" Plan or "WSDM" means the 1999 Plan that MWD uses to direct its resource operations to ensure that shortage allocations of imported water supplies are not required.

"Western" means the Western Municipal Water District.

Section 5. Stage Implementation

(A) The General Manager shall monitor the projected supply of and demand for water within the retail water service area of Western during periods of a water shortage or supply shortage and shall recommend to the Board of Directors the extent of the demand reduction required through the implementation and/or termination of particular water supply shortage stages to prudently plan and supply water to water Customers. Thereafter, the Board of Directors may order the implementation or termination of the appropriate stage.

(B) The declaration of any stage beyond Stage 1 shall be made by resolution of the Board of Directors. Within ten (10) calendar days of the adoption of the resolution declaring the applicable stage, Western shall make a public announcement and provide notice of the applicable water supply shortage stage. Such declaration and notice shall provide the extent, terms, and conditions as well as the associated Drought Fines and other administrative fines respecting the use and consumption of water in accordance with the applicable water supply shortage stage as provided in this Ordinance. Upon such declaration and publication of such notice, due and proper notice shall be deemed to have been given to each and every Person supplied water within the District.

(C) The water supply shortage stage designated shall become effective immediately upon announcement.

(D) Except in the event of an Immediate Emergency, the declaration of a Water Shortage Emergency during any water supply shortage stage shall be made in accordance with California Water Code sections 350 *et seq.*

(E) Notwithstanding any other provision of this Ordinance, if an Immediate Emergency occurs and the Board of Directors cannot meet in time to act to protect the public interest, the General Manager is hereby authorized and directed to implement any necessary rules and regulations upon his or her written determination that Western cannot adequately supply water to meet the ordinary demands of water consumers, and that such implementation is necessary to protect the public health and safety.

(1) The General Manager's written determination of an Immediate Emergency shall be:

(a) filed with Western Board of Director's Secretary;

(b) posted on Western's website;

(c) delivered to the Board of Directors; and
(d) subsequently considered by the Board of Directors at a general or special meeting for review, revocation, or ratification.

(2) The implementation of any rules and regulations during an Immediate Emergency shall take effect immediately upon making a posting of the determination of the Immediate Emergency on Western's website.

(3) The Board of Directors' meeting shall be held on the earliest date that a quorum of the Board of Directors is available. At the Board of Directors meeting, the General Manager shall update the Board of Directors on the severity and length of the Immediate Emergency.

Section 6. Stage 1 - Water Supply Watch - Water Use Efficiency is a Way of Life

(A) Stage 1 is also referred to as a "Water Supply Watch - Water Use Efficiency is a Way of Life" and applies during periods when Western is able to meet all of the water demands of its customers or when supplies are reduced by 10%. Stage 1 and the permanent prohibitions set forth herein shall be in effect at all times unless the Board of Directors otherwise declares that another stage is in effect pursuant to this Ordinance and such stage establishes more stringent prohibitions on the use of water during the particular stage.

Under Stage 1, customers are encouraged to use water efficiently and take advantage of Western's water use efficiency programs. Stage 1 also mandates the implementation of several permanent water waste prohibitions, even when there is no foreseeable threat of a water shortage. Water waste is in violation of California Law at any stage. California's water law and policy, Article X, Section 2 of the California Constitution, requires that all uses of the State's water be both reasonable and beneficial

and places a significant limitation on water rights by prohibiting the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water. The permanent prohibitions shall be continually in effect at all levels of water shortage declarations in addition to the requirements specific to each level. All of Western's water efficiency programs and water conservation regulations will be in full force and effect during Stage 1.

The permanent shortage response measures include:

(1) All plumbing leaks, improperly adjusted sprinklers, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of Western within 96 hours of customer notification by Western.

(2) When installing plumbing fixtures, use low-flow devices, except for those that require high-flow fixtures for health and/or sanitary reasons.

Outdoor Water Use

(3) All outdoor irrigation shall be maintained and adjusted to prevent water waste.

(4) All irrigators shall ensure automatic irrigation timers are adjusted according to changes in the weather.

(5) Watering of lawns and/or groundcovers and irrigating landscaping is permitted only between the hours of 8 p.m. and 8 a.m.

(6) Watering outdoor landscaped areas shall be avoided during measurable rain events and two days thereafter. A measurable rainfall event is determined to be precipitation that measures greater than 0.25 inches as recorded at the California Irrigation Management Information System (CIMIS) Station Number 44 for customers in or near the Riverside service area and CIMIS Station 62 for customers in or near the Murrieta and Rainbow service area. Measurement

information is available online at CIMIS website (www.cimis.water.ca.gov).

(7) Watering outdoor landscaped areas shall be avoided during significant wind events.

(8) No customer shall allow water to leave his or her property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks.

(9) When installing new landscaping, refer to the Water Use Classification of Landscape Species (WUCOLS). Plant low-water California Friendly® Landscapes. Non-functional turf areas are not recommended.

(10) All open hoses shall be equipped with automatic, positive shut-off nozzles.

(11) All swimming pools, spas, ponds, and fountains shall be equipped with re-circulating pumps.

(12) Where possible, install pool and spa covers to minimize water loss due to evaporation during non-operating days.

(13) Draining and refilling of private swimming pools is discouraged, unless necessary for health and safety or leak repair.

(14) The non-commercial washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment shall be done with a hand-held bucket or a hand-held hose equipped with an automatic, positive shut-off nozzle.

(15) No customer shall use water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved or hard surface areas, except to alleviate immediate fire or sanitation hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped

with an automatic, positive self-closing shut-off device, or a low-volume, high-pressure cleaning machine.

Construction

(16) Construction operations receiving water from a construction meter, hydrant meter, or water truck shall not use water for any purpose other than those required by regulatory agencies.

(17) Where possible, construction operations should utilize non-potable and recycled water for their purposes.

Commercial

(18) It is prohibited to install single-pass cooling systems in buildings requesting new water service. Single pass cooling equipment should either be modified to recirculate water or, if possible, should be eliminated.

(19) New commercial conveyor car washes and new commercial laundry systems should install recirculating water systems.

(20) Eating or drinking establishments, or other public places where food or drinks are sold, served, or offered for sale, should only provide drinking water upon specific request and are encouraged to use low-flow certified pre-rinse spray valves.

(21) Commercial lodging establishments shall provide an option not to launder linens daily. Commercial lodging establishments shall prominently display notice of this option in each guestroom using clear and easily understood language.

(22) Developers of commercial properties are urged to eliminate or not install non-functional turf and to install water-wise landscaping using native or drought-tolerant plants.

(23) No commercial property shall allow water to leave the property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks.

Homeowner Associations (HOAs)

(24) Homeowner Associations (HOAs), community service organizations, or similar entities are strongly discouraged from enforcing provisions of their rules and regulations that prohibit reducing or eliminating the watering of vegetation or lawns during a declared drought emergency.

(25) Western strongly encourages counties, cities, HOAs, and other enforcement agencies to suspend code enforcement and fines for brown turf areas and to otherwise comply with new state laws regarding limitations on such enforcement.

(26) HOAs shall eliminate irrigation runoff from residential and HOA common area landscapes. HOAs are strongly encouraged to adopt and enforce water use restrictions in their rules and regulations.

Section 7. Stage 2 - Water Supply Alert

(A) Stage 2 is also referred to as a "Water Supply Alert" and applies during periods when there is up to a 20% reduction in Western supplies. This may correlate to MWD's WSCP Stage 2.

(B) The objective of Stage 2 is to achieve a moderate reduction in water use through additional voluntary actions, enhanced outreach, and customer support programs, and may be adjusted depending on supply conditions via a Board-approved resolution.

(C) Voluntary conservation measures will be called upon during this stage. Western shall develop a public information campaign to provide customers with options for achieving the Stage

2 demand reduction goal. Western shall explore increased customer incentives for conservation measures.

The Stage 2 shortage response measures include:

(1) All plumbing leaks, improperly adjusted sprinklers, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of the Western within 72 hours of customer notification by Western.

Outdoor Water Use

(2) All irrigators should install a self-adjusting, weather-based, irrigation controller. Ensure the controller has a manual mode that will allow compliance with higher stages of this Program.

(3) All irrigators should tune-up irrigation systems by checking for and repairing leaks and damaged sprinklers.

(4) New development landscaping plans shall eliminate the installation of non-functional turf grass and shall use efficient irrigation devices where possible.

Indoor Water Use

(5) Customers should wash only full loads of laundry and/or dishes.

(6) Customers should install low-flow certified showerheads and shorten shower times.

(7) Customers should consider replacing older inefficient appliances with certified low-flow appliances.

Commercial

(8) Commercial customers will be encouraged to develop a Water Management Plan that mirrors the stages and reduction targets described in the Program.

(9) Commercial, institutional, industrial, and landscape customers, including but not limited to, parks, school grounds, highway medians, commercial landscaping, and golf courses are restricted to irrigation applications

between 8 p.m. and 6 a.m. These irrigators are advised to adjust automatic irrigation timers according to changing weather patterns and landscape requirements.

(10) Customers irrigating with recycled water need to provide signage on the site that conforms with recycled water use requirements and is clearly visible. Customers irrigating with recycled water are encouraged to develop a Water Management Plan that describes how water waste will be eliminated.

Section 8. Stage 3 - Water Supply Reduction - Targeting Unsustainable Use

(A) Stage 3 is also referred to as a "Water Supply Reduction - Targeting Unsustainable Use" stage. The intent of Stage 3 is to target and eliminate excessive water waste and water use in Western's "Unsustainable Use" category. Stage 3 applies during periods when Western supplies are reduced up to 30%. This may correlate to MWD's WSCP Stage 3.

(B) The objective of the measures undertaken in Stage 3 is to achieve a mandatory reduction of water system consumption by 10 percent.

(C) Potable water customers in areas directly served by Western that do not have Water Budgets shall reduce their water use by 10% from the Base Period.

(D) In Stage 3, Western seeks to eliminate Unsustainable water use (Tier 4). Customers with Unsustainable water use might be subject to enforcement under Section 15 of the Ordinance.

(E) Customers with dedicated landscape meters will be required to reduce by 15 percent.

(F) Commercial customers will be required to implement their respective stage in their Water Management Plan.

(G) The permanent prohibitions described in Stage 1 and 2 shall be continually in effect at this level of water shortage declaration in addition to the requirements specific to each level.

(H) Additional conservation measures will be called upon during this stage. Western shall develop a public information campaign to provide customers with options for achieving the Stage 3 demand reduction goal and complying with their applicable water allocation.

(I) Western shall explore enhanced customer incentives for conservation measures. These measures include but are not limited to landscape audits, weather-based irrigation controllers, toilets, washers, and turf replacement.

The Stage 3 shortage response measures include:

(1) All plumbing leaks, improperly adjusted sprinklers, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of Western within 48 hours of customer notification by the Western.

Outdoor Water Use

(2) Customers shall conduct a self-audit of their irrigation systems and eliminate overspray, leaks and breaks.

(3) Customers shall cut back irrigation runtimes by 15% using the Percent Adjust feature on their irrigation controller or limit lawn irrigation to no more than three days per week (during April through September) and no more than two days per week (during October through March). Customers with functional or recreational turf areas such as athletic fields, schools, and parks should attempt to reduce water use while still maintaining the health of their landscapes.

(4) Filling, refilling, or replenishing residential swimming pools, spas, ponds, streams, and artificial lakes is prohibited.

(5) Operation of any ornamental fountain or water feature, is prohibited. No water for decorative fountains or water features may be used, even if it has a recirculating system.

(6) Use of water for cooling mists is prohibited.

(7) Washing of personal vehicles at home (including autos, trucks, trailers, motor homes, boats or others) is prohibited.

Commercial

(8) Customers receiving water from Western who are engaged in commercial agricultural practices, whether for the purpose of crop production or growing of ornamental plants shall provide, maintain and use irrigation equipment and practices which are the most efficient possible. Upon the request of Western's General Manager, these persons may be required to prepare a plan describing their irrigation practices and equipment, including but not limited to, an estimate of the efficiency of the use of water on their properties.

(9) Customers are required to conduct a self-audit of their irrigation systems.

(10) Non-agricultural irrigation is limited as follows:

(a) Properties may be irrigated only between the hours of 10 p.m. to 6 a.m.

(b) Properties may not be irrigated more than 3 times per week during the months of April through October and no more than 2 times per week during the months of November through March. Landscaped area of properties that are irrigated by drip irrigation or micro-spray irrigation shall be exempt from these irrigation restrictions.

(c) All automatic irrigation timers shall be adjusted according to changing weather patterns and to eliminate run-off.

(11) Draining and refilling swimming pools, spas, ponds, streams, and artificial lakes is prohibited.

(12) Operation of any decorative fountain, pond, or similar structure is prohibited. No water for decorative fountains may be used, even if it has a recirculating system. No water for decorative fountains may be used even if recycled water is utilized.

(13) Use of water for cooling mists is prohibited.

Section 9. Stage 4 - Water Supply Reduction - Targeting Inefficient Use

(A) Stage 4 is also referred to as a "Water Supply Reduction - Targeting Inefficient Use" stage. The intent of Stage 4 is to target and eliminate excessive water waste and water use in Western's Inefficient Use Category (Tier 3). Stage 4 applies during periods when Western supplies are reduced up to 40%. This may correlate to MWD's WSCP Stage 4.

(B) The objective of the measures undertaken in Stage 4 is a mandatory reduction in water system consumption by 20%.

(C) Potable water customers in areas directly served by Western that do not have Water Budgets shall reduce their water use by 20% from the Base Period.

(D) Water use is prohibited in the "Inefficient Use" category (Tier 3) and is subject to enforcement under Section 15 of the Ordinance.

(E) Customers with dedicated landscape meters will be required to reduce by 25%.

(F) Commercial customers will be required to implement their respective stage in their Water Management Plan.

(G) Western shall develop a public information campaign to provide customers with options for achieving the Stage 4 demand reduction goal and complying with their applicable water allocation.

(H) The permanent prohibitions described in Stage 1 through 3 shall be continually in effect at this level of water shortage declaration in addition to the requirements specific to each level.

(I) Western shall explore enhanced customer incentives for conservation measures. These measures include but are not limited to landscape audits, weather-based irrigation controllers, toilets, washers, and turf replacement.

The Stage 4 shortage response measures include:

(1) All plumbing leaks, improperly adjusted sprinklers, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of the Western within 36 hours of customer notification by the Western.

(2) Use of water from fire hydrants shall be limited to firefighting related activities, or other activities necessary to maintain the health, safety, and welfare of the public.

(3) Potable water may not be used for construction purposes. Non-potable and/or recycled water must be used.

Outdoor Water Use

(4) Commercial, Non-agricultural, irrigation is limited as follows:

(a) Properties may be irrigated only between the hours of 10 p.m. to 6 a.m.

(b) Customers shall reduce their outdoor water use by 20% using the "Percent Adjust" feature on their irrigation controller or they may not irrigate more than

2 times per week during the months of April through September and no more than 1 time per week during the months of October through March.

(5) Installation of new landscapes shall be prohibited unless irrigated with recycled water. Exceptions may be provided for projects with prior approval by the appropriate jurisdiction.

Section 10. Stage 5 - Water Supply Reduction - Targeting Outdoor Use

(A) Stage 5 is also referred to as a "Water Supply Reduction - Targeting Outdoor Use" stage. The intent of Stage 5 is to target and eliminate outdoor water use. Stage 5 applies during periods when Western supplies are reduced up to 50%. This may correlate to MWD's WSCP Stage 5.

(B) The objective of the measures undertaken in Stage 5 is a mandatory reduction in water system consumption within Western by 35%.

(C) Potable water Customers in areas directly served by Western that do not have Water Budgets shall reduce their water use by 35% from the Base Period.

(D) Water use is prohibited in the "Outdoor Water Use" category (Tier 2) and is subject to enforcement under Section 15 of the Ordinance.

(E) All landscape and non-essential outdoor water use for all customers in all areas of Western's retail water service area shall be prohibited.

(F) Commercial customers will be required to implement their respective stage in their Water Management Plan.

(G) Western shall develop a public information campaign to provide customers with options for achieving the Stage 5 demand

reduction goal and complying with their applicable water allocation.

(H) The permanent prohibitions described in Stages 1 through 4 shall be continually in effect at this level of water shortage declaration in addition to the requirements specific to each level.

(I) Western shall explore enhanced customer incentives for conservation measures. These measures include but are not limited to landscape audits, weather-based irrigation controllers, toilets, washers, and turf replacement.

The Stage 5 shortage response measures include:

(1) All plumbing leaks, improperly adjusted sprinklers, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of the Western within 24 hours of customer notification by Western.

(2) At the discretion of the Board of Directors, no new potable water service connections shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as will serve letters, certificates, or letters of availability) shall be issued.

(3) Western will suspend consideration of annexations to its service area, unless the annexation increases the water supply available to the Western by more than the anticipated demands of the property to be annexed.

(4) No planting of new landscaping (seed, sod, or other plant materials).

(5) No irrigation of lawns, landscapes and/or ornamental gardens. Hand-watering of trees once a week

is allowed. Vegetable gardens under 5,000 square feet in area grown for personal consumption are exempt.

Section 11. Stage 6 - Catastrophic Water Supply Loss - Targeting Indoor Use

(A) Stage 6 is also referred to as a "Catastrophic Water Supply Loss - Targeting Indoor Use" stage. The intent of this stage is to substantially reduce the demand for water through indoor conservation actions. Stage 6 applies during periods when Western supplies are reduced by more than 50%, including catastrophic emergencies. This may correlate to MWD's WSCP Stage 6. Stage 6 may be declared during an Immediate Emergency. A Stage 6 declaration may also be accompanied by a Board Resolution declaring a Water Shortage Emergency under California Water Code sections 350 *et seq.*

(B) The objective of the measures undertaken in Stage 6 is to significantly reduce water consumption within Western's retail water service area to protect public health, safety, and fire flow.

(C) Except as otherwise provided in this Section 10, all water supply shortage response measures of Stages 1 through 5 shall be in full force and effect during Stage 6.

(D) Customers will be required to reduce use in the "Indoor Water Use" category (Tier 1) by 10% or more and is subject to enforcement under Section 15 of the Ordinance.

(E) The use of non-potable or recycled water is permitted pursuant to the specific rules and regulations that govern their use and availability.

(F) All landscape and non-essential outdoor water use for all customers in all areas of Western's retail water service area shall be prohibited.

(G) Except as to property for which a building permit has been heretofore issued, no new water meter(s) shall be provided, except in the following circumstances:

(1) for projects necessary to protect the public's health, safety, and welfare; or

(2) when using recycled water.

(H) Commercial customers will be required to further enact their conservation plan.

(I) Potable water customers in areas directly served by Western that do not have Water Budgets shall reduce their indoor water use by 10%.

(J) The use of water for commercial, manufacturing, or processing purposes may be further reduced in volume than is indicated in this section if it is determined to be in the best interest of the health, sanitation, and fire flow protection in the communities served by Western. This determination may be made by the Board of Directors, the General Manager or his or her authorized designee as provided for in Section 5(E).

(K) All dedicated irrigation meters will be locked off by Western personnel.

(L) Customers with a Western authorized Medical Adjustment to their Tier 1 allocation will be permitted 100% of their Tier 1 Water Budget.

(M) Western shall develop a public information campaign to provide customers with options for achieving the Stage 6 demand reduction goals and complying with their allocation.

(N) Customers are encouraged to participate in customer incentive programs for conservation measures, specifically related to indoor water saving devices like toilets and washers.

Section 12. Violations and remedies

(A) Criminal Violation. It shall be unlawful for any Person to willfully violate the provisions of this Ordinance. Any violation of the provisions of this Ordinance shall be a misdemeanor, unless made an infraction by the prosecutor, subject to imprisonment in the county jail for not more than thirty (30) days or by fine not to exceed \$1,000, or by both as provided in California Water Code section 377.

(B) Cease and Desist Order. The General Manager may issue a cease and desist order directing the Property Owner, or occupant, or other Person in charge of day-to-day operations of any property, and/or any other Person responsible for a violation of this Ordinance to:

(1) immediately discontinue any prohibited use of water pursuant to this Ordinance; and

(2) immediately cease any activity not in compliance with the terms, conditions, and requirements of this Ordinance.

(C) Civil Action. In addition to any other remedies provided in this Ordinance, any violation of this Ordinance may be enforced by civil action brought by the District and the imposition of administrative fines and/or penalties. In any such action, the District may seek, and the court may grant, as appropriate, any or all of the following remedies:

(1) a temporary and/or permanent injunction;

(2) assessment of the violator for the costs of enforcement of the violation and for the reasonable costs of preparing and bringing legal action under this Ordinance; and

(3) assessments under this subsection shall be paid to Western to be used exclusively for costs associated with implementing or enforcing the water supply shortage and regulatory provisions of this Ordinance.

(D) Cumulative. All remedies provided herein shall be cumulative and not exclusive.

(E) On-going. A Person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this Ordinance is committed, continued, or permitted.

Section 13. Notices

(A) Any notice, notice of violation, cease and desist order, and administrative compliance order shall be served pursuant to the requirements of this Ordinance and shall:

(1) identify the provision(s) of this Ordinance and any State law, if applicable, alleged to have been violated; and

(2) state that continued noncompliance may result in civil, criminal, or administrative enforcement actions against the Person who committed the violation, or the Property Owner and/or occupant of the property where the violation occurred; and

(3) state a compliance date that must be met by the Person who committed the violation, or the Property Owner and/or occupant of the property where the violation occurred; and

(4) order remediation work, where applicable, that must be taken by the Property Owner and/or occupant of the property; and

(5) state that the recipient has a right to appeal the matter as set forth in this Ordinance; and

(6) include the address of the affected property and be addressed to the Property Owner as shown on the most recently issued equalized assessment roll or as may otherwise appear in the current records of the District. If the order applies to a responsible party who is not the Property Owner, or if the event is not related to a specific property, the notice may be sent to the last known address of the responsible party; and

(7) be deemed served ten (10) business days after posting on the property, if the Property Owner or occupant of the affected property cannot be located after the reasonable efforts of the General Manager or his or her authorized designee.

(B) Any notice, notice of violation, cease and desist order, and administrative compliance order may be sent by regular mail. Service by regular mail is effective on the date of mailing.

(C) The notice of violation may include, where deemed applicable by the General Manager or his or her authorized designee, the following terms and conditions:

(1) specific steps or actions and time schedules for compliance as reasonably necessary to prevent future violations of this Ordinance; and

(2) any other terms, conditions, or requirements reasonably calculated to prevent continued or threatened future violations of this Ordinance, including, but not limited to, discontinuing or limiting water service with the installation of a flow-restricting device.

(D) In addition to or in conjunction with the notice of violation, for a first violation of any provision of this Ordinance, within two (2) weeks of the violation:

(1) the District may provide notice to the Property Owner or occupant of the property where the violation occurred to advise such Person of:

(a) the water supply shortage stage then in effect and the provisions of this Ordinance relating thereto;

(b) water supply shortage response measures that are required and may be implemented pursuant to this Ordinance;

(c) possible consequences and actions which may be taken by Western for future violations of this Ordinance, including discontinuance of water service; and

(d) administrative fines and/or penalties that may be imposed for the specific violation and any future violations of this Ordinance;

(2) if the General Manager or his or her authorized designee deem it to be appropriate, the District may order the installation of a flow-restricting device on the service line for any Person who violates any term or provision of this Ordinance.

(E) In addition to or in conjunction with the notice of violation, for a second or any subsequent violation of this Ordinance, within two (2) weeks of the violation:

(1) the District may provide notice to the property where the violation occurred to notify the Property Owner or occupant of the property where the violation occurred to advise such Person of:

(a) the water supply shortage stage then in effect and the provisions of this Ordinance relating thereto;

(b) the water supply shortage response measures that are required and may be implemented by such Person; and

(c) possible consequences which may occur in the event of any future violations of this Ordinance;

(2) if the General Manager or his or her authorized designee deem it to be appropriate, the District may order the installation of a flow-restricting device on the service line for any Person who violates any term or provision of this Ordinance;

(3) if the General Manager or his or her authorized designee deem it to be appropriate, the District may discontinue water service at the location where the violation occurred.

(F) The District may, after one (1) written notice of violation, order that a special meter reading or readings be made in order to ascertain whether wasteful or unreasonable use of water is occurring. The District may impose a meter reading fee for each meter reading it conducts pursuant to this Ordinance.

Section 14. Administrative compliance order and fines

(A) Separate from, in addition to, or in combination with a notice of violation or cease and desist order, the General Manager or his or her authorized designee may issue an administrative compliance order against the Property Owner and/or occupant of the property where a violation of this Ordinance occurred and/or any other Person responsible for a violation of this Ordinance who violates any provision of this Ordinance. Issuance of a notice of violation or a cease and desist order is not a prerequisite to the issuance of an administrative compliance order. The administrative compliance order shall allege the act(s) or failure(s) to act that constitute violations of this Ordinance and shall set forth the penalty for the violation(s).

(B) The General Manager may impose the following administrative fines and/or penalties, in addition to other appropriate action requirements and measures:

(1) For water meters one inch and smaller (1") in size:

(a) For the first violation during any water supply shortage stage by any Person of any provision of this Ordinance, the District may issue a written notice to the Person which sets forth the facts surrounding the violation and additional information such as the required compliance and potential administrative fines and/or penalties for noncompliance;

(b) For a second violation during any water supply shortage stage by any Person of any provision of this Ordinance within the preceding twelve (12) calendar months,

Western may issue a written notice to the Person which sets forth a complete copy of this Ordinance or summary document of Western's Water Supply Shortage Contingency Response Program as well as additional information such as the required compliance and potential administrative fines and/or penalties for noncompliance.

(c) For a third violation during Stages 1 and 2 by any Person of any of the provisions of this Ordinance within the preceding twelve (12) calendar months, Western may impose an administrative fine and/or penalty in the amount of fifty dollars (\$50.00) per day for each day a Person violates any provision of this Ordinance. During Stages 3 through 6, Western may impose an administrative fine and/or penalty in the amount of one hundred dollars (\$100.00) per day for each day a Person violates any provision of this Ordinance.

(d) For a fourth violation during Stages 1 and 2 by any Person of any of the provisions of this Ordinance within the preceding twelve (12) calendar months, Western may impose an administrative fine and/or penalty in the amount of one hundred dollars (\$100.00) per day for each day a Person violates any provision of this Ordinance. During Stages 3 through 6, Western may impose an administrative fine and/or penalty in the amount of two hundred dollars (\$200.00) per day for each day a Person violates any provision of this Ordinance.

(e) For a fifth and any subsequent violation, Western may install a flow-restricting device of two and one-half gallons per minute (2.5 GPM) capacity for services up to one-inch (1") size and comparatively sized restrictors for larger services or terminate a Person's service in accordance with the District's applicable rules and regulations. These measures are in addition to any an administrative fines and/or penalties provided for herein.

(f) Any such restricted or terminated service may be restored in accordance with Western's applicable rules and regulations and only upon a showing that the Person is in compliance with this Ordinance. Prior to any restoration of service, the customer shall pay all Western charges for any restriction or termination of service and its restoration as provided for in Western rules governing water service, including, but not limited to payment of all past due bills and administrative fines and/or penalties and any other amounts which may be due and owing under this Ordinance.

(2) For water meters larger than one inch (1") and larger:

(a) For the first violation during any water supply shortage stage by any Person of any provision of this Ordinance, the Western may issue a written notice to the Person which sets forth the facts surrounding the violation and additional information such as the required compliance and potential administrative fines and/or penalties for noncompliance.

(b) For a second violation during any water supply shortage stage by any Person of any provision of this Ordinance within the preceding twelve (12) calendar months, Western may issue a written notice to the Person which sets forth a complete copy of this Ordinance or summary document of Western's Water Shortage Contingency Response Program as well as additional information such as the required compliance and potential administrative fines and/or penalties for noncompliance.

(c) For a third violation during water supply shortage Stages 1 and 2 by any Person of any of the provisions of this Ordinance within the preceding twelve (12) calendar months, Western may impose an administrative fine and/or penalty in the amount of fifty dollars (\$50.00) per day for each day a Person violates any provision of this Ordinance. During Stages 3 through

6, Western may impose an administrative fine and/or penalty in the amount of one hundred and fifty dollars (\$150.00) per day for each day a Person violates any provision of this Ordinance.

(d) For a fourth violation during water supply shortage Stages 1 and 2 by any Person of any of the provisions of this Ordinance within the preceding twelve (12) calendar months, Western may impose an administrative fine and/or penalty in the amount of one hundred and fifty dollars (\$150.00) per day for each day a Person violates any provision of this Ordinance. During Stages 3 through 6, Western may impose an administrative fine and/or penalty in the amount of three hundred dollars (\$300.00) per day for each day a Person violates any provision of this Ordinance.

(e) For a fifth and any subsequent violation, Western may install a flow restricting device or terminate a Person's service in accordance with the Western's applicable rules and regulations, in addition to the administrative fines and/or penalties provided for herein.

(f) Any such restricted or terminated service may be restored in accordance with Western's applicable rules and regulations and only upon a showing that the Person is in compliance with this Ordinance. Prior to any restoration of service, the Customer shall pay all Western charges for any restriction or termination of service and its restoration as provided for in the District rules governing water service, including, but not limited to, payment of all past due bills and administrative fines and/or penalties and any other amounts which may be due and owing under this Ordinance.

(3) An amount that shall not exceed one thousand dollars (\$1,000.00) per day for each day on which a Person violates any provision of this Ordinance. Unless timely appealed, an

administrative compliance order shall be effective and final as of the date it is issued by the General Manager.

(C) The amount of any administrative fines and/or penalties imposed pursuant to this Section 14 may be collected by including said amount on the customer's water bill. The amount of any administrative fines and/or penalties imposed pursuant to this Section 14 which have remained delinquent for a period of sixty (60) calendar days shall constitute a lien against the real property of the Person violating this Ordinance. The lien provided herein shall have no force and effect until recorded with the Riverside County Recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of sections 683.110 to 683.220, inclusive, of the California Code of Civil Procedure.

(D) All moneys collected under this Section 14 shall be deposited in a special account of Western and shall be made available for enforcement of this Ordinance and enhanced water conservation incentive programs.

(E) Western may, at its option, elect to petition the Superior Court to confirm any order establishing administrative fines and/or penalties and enter judgment in conformity therewith in accordance with the provisions of sections 1285 to 1287.6, inclusive, of the California Code of Civil Procedure.

Section 15. Drought Fine

(A) Pursuant to California Water Code section 377, Western may enforce water use limitation established by an ordinance or resolution by a volumetric penalty in an established amount.

(B) In accordance with such authority, and separate from, in addition to, or in combination with a notice of violation

or cease and desist order or the administrative compliance order and any administrative fines and/or penalties imposed pursuant thereto, the General Manager or his or her authorized designee may issue a Drought Fine against the Property Owner and/or occupant of the property in order to enforce water use limitations required as a part of this Ordinance and the Program. Issuance of a notice of violation or a cease and desist order or an administrative compliance order is not a prerequisite to the issuance of a Drought Fine. The Drought Fine shall allege the act(s) or failure(s) to act that constitute violations of this Ordinance and shall set forth the penalty for the violation(s).

(C) The General Manager may impose the following Drought Fines:

(1) For water meters once inch (1") and smaller in size:

(a) For violating the targeted reductions described in Sections 8 through 11, subsection D of this Ordinance, Western will issue an incremental Drought Fine based on volumetric usage for noncompliance, as provided below.

(b) For a violation occurring during Stage 3 by any customer of provision 8 (D) of this Ordinance, which is described as water use prohibited in the "Unsustainable Use" Category (defined as Tier 4), Western will impose a Drought Fine in the amounts of zero dollars (\$0.00) for usage occurring zero to fifteen percent (0-15%) above budgeted amount for Tiers 1-3, ten dollars (\$10.00) for usage occurring sixteen to twenty-five percent (16-25%) above budgeted amount for Tiers 1-3, twenty dollars (\$20.00) for usage occurring twenty-six to fifty percent (26-50%) above budgeted amount for Tiers 1-3, and thirty dollars (\$30.00) for usage occurring fifty percent (50%) and more above the budgeted amount for Tiers 1-3.

(i) For example, Western had declared a Stage 3 shortage stage (as defined in this Ordinance). As defined in provision 8 (D) of this Ordinance, which is described as water use prohibited in the "Unsustainable Use" Category (defined as Tier 4). In this example, a Customer, with a meter size of 1-inch, uses 30 billing units and 5 billing units occurs in the Unsustainable Use category (Tier 4). The budgeted amount for Tiers 1-3, also representing the non-restricted water use, is 25 billing units (30 total billing units minus 5 billing units in Tier 4). The percentage determined would be $5/25 = 20\%$, so a fine would be given. The amount of the fine would be looked up by the corresponding percentage usage, meter size, and the relative stage. In this example, their fine of \$10 is added to the Customer's bill (Stage 3, 16-25% restricted category).

(c) For a violation occurring during Stage 4 by any customer of provision 9 (D) of this Ordinance, which is described as water use prohibited in the "Inefficient Use" Category (defined as Tier 3), Western will impose a Drought Fine in the amounts of zero dollars (\$0.00) for usage occurring zero to fifteen percent (0-15%) above budgeted amount for Tier 3, twenty dollars (\$20.00) for usage occurring sixteen to twenty-five percent (16-25%) above budgeted amount for Tier 3, thirty dollars (\$30.00) for usage occurring twenty-six to fifty percent (26-50%) above budgeted amount for Tier 3, and forty dollars (\$40.00) for usage occurring fifty percent (50%) and more above the budgeted amount for Tier 3.

(i) For example, Western had declared a Stage 4 shortage stage (as defined in this Ordinance). As defined in provision 9 (D) of this Ordinance, which is described as water use prohibited in the "Inefficient Use" Category (defined as Tier 3). In this example, a Customer, with a meter size of 1-inch, uses 20 billing units and 6 billing units occurs in water

use in the Inefficient water use category. The non-restricted water use is 14 billing units (20 total billing units minus 6 billing units in Tier 3 or higher). The percentage determined would be $6/14 = 42\%$, so a fine would be given. The amount of the fine would be looked up by the corresponding percentage usage, meter size, and the relative stage. In this example, their fine of \$30 is added to the Customer's bill (Stage 4, 26-50% restricted category).

(d) For a violation occurring during Stage 5 by any customer of provision 10 (D) of this Ordinance, which is described as water use prohibited in the "Outdoor Water Use" Category (defined as Tier 2), Western will impose a Drought Fine in the amounts of zero dollars (\$0.00) for usage occurring zero to fifteen percent (0-15%) above budgeted amount for Tier 2, thirty dollars (\$30.00) for usage occurring sixteen to twenty-five percent (16-25%) above budgeted amount for Tier 2, forty dollars (\$40.00) for usage occurring twenty-six to fifty percent (26-50%) above budgeted amount for Tier 2, and forty-five dollars (\$45.00) for usage occurring fifty percent (50%) and more above the budgeted amount for Tier 2.

(e) For a violation occurring during Stage 6 by any customer of provision 11 (D) of this Ordinance, which is described as requiring indoor reductions by 10% or more (defined as Tier 1), Western will impose a Drought Fine in the amounts of zero dollars (\$0.00) for usage occurring zero to fifteen percent (0-15%) above reduced amount for Tier 1, forty-five dollars (\$45.00) for usage occurring sixteen to twenty-five percent (16-25%) above reduced amount for Tier 1, fifty-five dollars (\$55.00) for usage occurring twenty-six to fifty percent (26-50%) above reduced amount for Tier 1, and sixty-five dollars (\$65.00) for usage occurring fifty percent (50%) and more above the reduced amount for Tier 1.

For water meters larger than one inch (1"):

(a) For violating the targeted reductions described in Sections 8 through 11, subsection E of this Ordinance, Western will issue an incremental fine based on volumetric usage for noncompliance.

(b) For a violation occurring during Stage 3 by any customer of provision 8 (D) of this Ordinance, which is described as water use prohibited in the "Unsustainable Use" Category (defined as Tier 4), Western will impose a Drought Fine in the amounts of zero dollars (\$0.00) for usage occurring zero to fifteen percent (0-15%) above budgeted amount for Tiers 1-3, thirty dollars (\$30.00) for usage occurring sixteen to twenty-five percent (16-25%) above budgeted amount for Tiers 1-3, fifty-five dollars (\$55.00) for usage occurring twenty-six to fifty percent (26-50%) above budgeted amount for Tiers 1-3, and eighty dollars (\$80.00) for usage occurring fifty percent (50%) and more above the budgeted amount for Tiers 1-3.

(c) For a violation occurring during Stage 4 by any customer of provision 9 (D) of this Ordinance, which is described as water use prohibited in the "Inefficient Use" Category (defined as Tier 3), Western will impose a Drought Fine in the amounts of zero dollars (\$0.00) for usage occurring zero to fifteen percent (0-15%) above budgeted amount for Tier 3, fifty-five dollars (\$55.00) for usage occurring sixteen to twenty-five percent (16-25%) above budgeted amount for Tier 3, eighty dollars (\$80.00) for usage occurring twenty-six to fifty percent (26-50%) above budgeted amount for Tier 3, and one hundred dollars (\$100.00) for usage occurring fifty percent (50%) and more above the budgeted amount for Tier 3.

(d) For a violation occurring during Stage 5 by any customer of provision 10 (D) of this Ordinance, which is described as water use prohibited in the "Outdoor Water Use" Category (defined as Tier 2), Western will impose a Drought Fine

in the amounts of zero dollars (\$0.00) for usage occurring zero to fifteen percent (0-15%) above budgeted amount for Tier 2, eighty dollars (\$80.00) for usage occurring sixteen to twenty-five percent (16-25%) above budgeted amount for Tier 2, one hundred dollars (\$100.00) for usage occurring twenty-six to fifty percent (26-50%) above budgeted amount for Tier 2, and one hundred and thirty dollars (\$130.00) for usage occurring fifty percent (50%) and more above the budgeted amount for Tier 2.

(e) For a violation occurring during Stage 6 by any customer of provision 11 (D) of this Ordinance, which is described as requiring indoor reductions by 10% or more (defined as Tier 1), Western will impose a Drought Fine in the amounts of zero dollars (\$0.00) for usage occurring zero to fifteen percent (0-15%) above reduced amount for Tier 1, one hundred and thirty dollars (\$130.00) for usage occurring sixteen to twenty-five percent (16-25%) above reduced amount for Tier 1, one hundred and fifty-five dollars (\$155.00) for usage occurring twenty-six to fifty percent (26-50%) above reduced amount for Tier 1, and one hundred and eighty-five dollars (\$185.00) for usage occurring fifty percent (50%) and more above the reduced amount for Tier 1.

(D) The amount of any Drought Fines imposed pursuant to this Section 15 may be collected by including said amount on the customer's water bill.

(E) All moneys collected under this Section 15 shall be deposited in a special account of Western and shall be made available for enforcement of this Ordinance and water conservation programs.

1. Conservation Penalty Account:

(a) Enhanced conservation programs designed to reduce water demands;

(b) Outreach and Education Programs designed to reduce water demands, decrease water waste, or generally raise water awareness;

(c) Enforcement of any provision of this Ordinance;

Section 16. Recovery of costs

(A) The General Manager shall serve an invoice for costs upon the Property Owner and/or occupant of any property, or any other responsible Person who is subject to a notice of violation, a cease and desist order, or an administrative compliance order. An invoice for costs shall be immediately due and payable to Western. If any Property Owner or Person in charge of day-to-day operations, Customer, or responsible party, or any other Person fails to either pay the invoice for costs or appeal successfully the invoice for costs in accordance with this Ordinance, then Western may institute collection proceedings. The invoice for costs may include reasonable attorneys' fees.

(B) Western shall impose any other fines and/or penalties or regulatory fees, as fixed from time to time by the Board of Directors, for a violation or enforcement of this Ordinance.

(C) In order to recover the costs of the water supply shortage program set forth in this Ordinance, the Board of Directors may, from time to time, fix and impose fees and charges. Western fees and charges may include, but are not limited to fees and charges for:

(1) any visits of an Enforcement Officer or other District staff for time incurred for meter reading, follow-up visits, or the installation or removal of a flow-restricting device;

(2) monitoring, inspection, and surveillance procedures pertaining to enforcement of this Ordinance;

(3) enforcing compliance with any term or provision of this Ordinance;

(4) re-initiating service at a property where service has been discontinued pursuant to this Ordinance;

(5) processing any fees necessary to carry out the provisions of this Ordinance.

Section 17. Appeals

Any Person subject to a notice of violation, cease and desist order, administrative compliance order, or drought fine may file a written appeal of such order or notice to the General Manager within thirty (30) calendar days of the date of service of the order or notice. An appeal shall be made in accordance with the following procedures:

(1) The Appellant shall complete and submit in writing a form provided by Western for such purpose and shall state in such form the grounds for his or her appeal. All appeals shall be submitted to Western's Board Secretary within thirty (30) calendar days of the date of the notice of violation, cease and desist order, administrative compliance order, or Drought Fine.

(2) The General Manager or his or her authorized designee shall review the appeal and any related information provided, and, if necessary, cause an investigation and report to be made concerning the request for Relief. The General Manager or his or her authorized designee shall have fifteen (15) calendar days from the submission of the appeal to render a decision on whether to grant the appeal and mail notice thereof to the Appellant. If the General Manager or his or her authorized designee grants the appeal, then within fifteen (15) calendar days of such

determination the General Manager or his or her authorized designee shall give written notice thereof to the Appellant.

(3) The decision of the General Manager or his or her authorized designee may be appealed by the Appellant to the Board of Directors. Such appeal must be submitted in writing and filed with the District Secretary within fifteen (15) calendar days of the date of decision of the General Manager or his or her authorized designee. The Board of Directors shall conduct a hearing on such appeal at its next regularly scheduled Board of Directors meeting; provided, however, the Board of Directors shall have received the notice of appeal at least fifteen (15) calendar days prior to such meeting. If the appeal is not submitted within at least fifteen (15) calendar days prior to a regularly scheduled Board of Directors meeting, then the Hearing shall be held at the following regularly scheduled meeting of the Board of Directors. A notice of the Hearing shall be mailed to the Appellant at least ten (10) calendar days before the date fixed for the Hearing. The Board of Directors shall review the appeal de novo. The determination of the Board of Directors shall be conclusive and shall constitute a final order. Notice of the determination by the Board of Directors shall be mailed to the Appellant within ten (10) calendar days of such determination and shall indicate whether the appeal has been granted in whole or in part and set forth the terms and conditions of the appeal, if any, granted to the Appellant. If the appeal is denied, the Appellant shall comply with all terms and conditions of this Ordinance and the applicable stage then in effect.

(4) Until the conclusion of the appeal process, all provisions and decisions under appeal shall remain in full force and effect until the conclusion of the appeal process.

Section 17. Relief from compliance

Consideration of written applications for Relief from compliance regarding the regulations and restrictions on water use set forth in this Ordinance may be made.

(A) Written applications for Relief shall be accepted, and may be granted or denied, by the Approving Authority, at his or her sole discretion, or by his or her designee at his or her sole discretion. The application shall be in a form prescribed by Western and shall be accompanied by a non-refundable processing fee in an amount as determined by the Board of Directors for the purpose of defraying the costs incidental to the proceedings.

(B) The grounds for granting or conditionally granting Relief are:

(1) due to unique circumstances, a specific requirement of this Ordinance would result in undue hardship to a Person using Western water or to property upon which Western water is used, that is disproportionate to the impacts to other Western water users generally or to similar property or classes of water users; or

(2) failure to grant Relief would adversely affect the health, sanitation, fire protection, or safety of the applicant or the public.

(C) The application for Relief shall be accompanied, as appropriate, with photographs, maps, drawings, and other information substantiating the applicant's request, including a statement of the applicant.

(D) An application for Relief shall be denied unless the Approving Authority finds, based on the information provided in the application, supporting documentation, or such other additional information as may be requested, and on water use information for the property as shown by the records of Western, all of the following:

(1) That the Relief does not constitute a grant of special privilege inconsistent with the limitations upon other Western customers;

(2) That because of special circumstances applicable to the property or its use, the strict application of this Ordinance would have a disproportionate impact on: (a) the property or use that exceeds customers generally; or (b) the applicant's health that exceeds customers generally;

(3) That the authorization of such Relief will not be of substantial detriment to adjacent properties, will not materially affect the ability of Western to effectuate the purposes of this Ordinance, and will not be detrimental to the public interest; and

(4) That the condition or situation of: (a) the subject property or the intended use of the property for which the Relief is sought is not common, recurrent, or general in nature; or (b) the applicant's health or safety is not common, recurrent, or general in nature.

(E) The denial or grant of a Relief shall be acted upon within fifteen (15) business days of the submittal of the complete application, including any photographs, maps, drawings, and other information substantiating the applicant's request and the statement of the applicant. The application may be approved, conditionally approved, or denied. The decision of the Approving Authority shall be prepared in writing, include terms and conditions, if any, and promptly sent to the applicant.

(F) The denial of a request for Relief may be appealed in writing to the General Manager. An appeal shall be made in accordance with the following procedures:

(1) The Appellant shall complete and submit in writing a form provided by the District for such purpose and shall

state in such form the grounds for his or her appeal. All appeals shall be submitted to Western's Board Secretary within thirty (30) calendar days of the date of the notice of the denial of the request for Relief.

(2) The General Manager or his or her authorized designee shall review the appeal and any related information provided, and, if necessary, cause an investigation and report to be made concerning the request for Relief. The General Manager or his or her authorized designee shall have fifteen (15) calendar days from the submission of the appeal to render a decision on whether to grant the appeal and mail notice thereof to the Appellant. If the General Manager or his or her authorized designee grants the appeal and determines that the request for Relief shall be granted, then within fifteen (15) calendar days of such determination the General Manager or his or her authorized designee shall give written notice thereof to the Appellant.

(3) The decision of the General Manager or his or her authorized designee may be appealed by the Appellant to the Board of Directors. Such appeal must be submitted in writing and filed with the District Secretary within fifteen (15) calendar days of the date of decision of the General Manager or his or her authorized designee. The Board of Directors shall conduct a hearing on such appeal at its next regularly scheduled Board of Directors meeting; provided, however, the Board of Directors shall have received the notice of appeal at least fifteen (15) calendar days prior to such meeting. If the appeal is not submitted within at least fifteen (15) calendar days prior to a regularly scheduled Board of Directors meeting, then the Hearing shall be held at the following regularly scheduled meeting of the Board of Directors. A notice of the Hearing shall be mailed to the Appellant at least ten (10) calendar days before the date fixed for the Hearing. The

Board of Directors shall review the appeal de novo. The determination of the Board of Directors shall be conclusive and shall constitute a final order. Notice of the determination by the Board of Directors shall be mailed to the Appellant within ten (10) calendar days of such determination and shall indicate whether the appeal has been granted in whole or in part and set forth the terms and conditions of the Relief, if any, granted to the Appellant. If the appeal is denied, the Appellant shall comply with all terms and conditions of this Ordinance and the applicable stage then in effect.

(4) Until the conclusion of the appeal process, all provisions and decisions under appeal shall remain in full force and effect until the conclusion of the appeal process.

Section 19. Conflicting Provisions

If provisions of this Ordinance are in conflict with each other, other rules and regulations of Western, any other resolution or ordinance of Western, or any State law or regulation, the more restrictive provisions shall apply.

Section 20. Severability

If any provision, section, subsection, sentence, clause or phrase or sections of this Ordinance, or the application of same to any Person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the invalidity of the remaining portions of sections of this Ordinance shall not be affected, it being the intent of the Board of Directors in adopting this Ordinance that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof and all provisions of this Ordinance are declared to be severable for that purpose.

Section 21. Effective Date and Publication

This Ordinance shall be effective upon adoption. Within ten (10) days after its adoption, Western's Board Secretary shall cause this Ordinance to be published once pursuant to California Government Code section 6061 in full in a newspaper of general circulation which is printed, published, and circulated in the District. If there is no such newspaper, the Ordinance shall be posted within Western after its adoption in three public places.

ADOPTED AND APPROVED this 19th day of January 2022 by the Board of Directors of the Western Municipal Water District.

Brenda Dennstedt
President

January 19, 2022

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance 394 adopted by the Board of Directors of the Western Municipal Water District of Riverside County at the scheduled Public Hearing held January 19, 2022.

Mike Gardner
Secretary-Treasurer