

## **REGULATION NO. 9**

### **DROUGHT EMERGENCY REGULATION**

#### **Section 1. Authority and Effective Period.**

The District's Water Shortage Contingency Plan and Regulation Number 9 are amended and adopted pursuant to the California Governor's Executive Order B-29-15 and expanded emergency regulation adopted by the California State Water Resources Control Board, on May 5, 2015, which added new sections to Title 23 of California Code of Regulations ordering Diablo Water District and Other Urban Water Suppliers in the same tier category to reduce consumption by 28 percent of 2013 use and to implement conservation measures to prohibit outdoor water wasting, provide monthly data on water production, add new prohibitions affecting commercial businesses, and to place limitations on outdoor irrigation. Pursuant to the authority contained in the California Water Code §350 et seq., §375 et seq., §31021 et seq., § 31024 et seq., and §31026 et seq., drought conditions exist that can affect the water supply and quality available to the District. The provisions of the Water Shortage Contingency Plan and Regulation Number 9 shall take effect on May 15, 2015, and shall remain in effect until such time that the drought emergency is declared to be over or until such time as this Water Shortage Contingency Plan and Regulation Number 9 are modified based upon changes to and any subsequent clarifications of Executive Order B-29-15 or other applicable laws and regulations.

## **Section 2. Reduction of Water Use.**

To conserve the water supply for the greatest public benefit with particular regard to health, sanitation, and fire protection during the current drought emergency conditions; the District is calling upon each of its customers to take the following actions:

First, reduce outdoor irrigation from 2013 use so as not to cause excessive run off.

Second, eliminate unnecessary uses of water.

Third, take immediate action to prevent any water from being wasted.

## **Section 3. Prohibited Uses of Water**

(a) To promote water conservation, each of the following uses of potable water is prohibited; except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

1) The application of water to outdoor landscapes in a manner that causes excessive runoff such that water flows onto adjacent property, non-irrigated area, private and public walkways, roadways, parking lots, or structures;

2) The use of a hose to wash an automobile, boat or trailer; except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

3) The application of water to any hard surface; including but not limited to driveways, sidewalks, and asphalt, unless failure to do so would create a hazard to the public health and safety of any individual or the public;

4) The use of potable water in a fountain or decorative water feature, unless the water is part of a recirculating system or unless it is part of a public

recreational interactive water feature;

5) Watering outdoor landscapes during and up to 48 hours after measurable precipitation;

6) The serving of drinking water to customers unless upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;

7) The irrigation with potable water of ornamental turf on public street medians;

8) The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with the regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development;

9) The service of daily laundered towels and linens at hotels and motels unless upon request of the guest. A notice of this provision shall be prominently displayed in each bathroom; and

10) Excessive water use in any one day.

**Section 4. Exception and Waivers.**

Written applications for exceptions to, or waivers of, any provision of these regulations shall be received and may be granted by the General Manager, in his sole discretion, in any case where the restriction might create a hazard to the health and safety of any individual or public, or would cause an undue and unavoidable hardship.

**Section 5. Water Conservation.**

This Regulation supplements the provisions of Regulation No. 8, Water Conservation and where a conflict between the two may exist, this Regulation shall take precedence.

**Section 6. Violations.**

If the District finds that any of the prohibited uses of water contained in Section 3 of this regulation is not being complied with, it shall notify the customer at whose premises the breach occurs. If the customer fails to take prompt and reasonable action to halt the breach; the District may, at the discretion of the General Manager or his designee, suspend delivery of water to the premises, and/or install a device to restrict the flow of water to the customer until the District determines that there will be no further breach of the District's regulations; and/or the District may fine the customer \$50 per day after an initial warning; \$100 per day for any second violation; \$200 per day for any third violation; and \$500 per day for any subsequent violations. The costs, as determined by the General Manager, of disconnecting the service, installing a flow restrictor, and reconnecting the service shall be charged to and paid by the customer.

**Section 7. Disclosure to New Home Buyers.**

Sellers of new homes shall perform the following:

(a) Review the content of this Regulation with new home buyers and provide them with a copy.

(b) Educate new home buyers in the use, adjustment, and setting of their irrigation timer with an emphasis on not over watering their landscaping.