

**CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT**  
**1350 South "E" Street**  
**San Bernardino, CA 92408**  
**P.O. Box 710, 92402**

**RULE AND REGULATION NO. 27**  
**WATER USE EFFICIENCY STANDARDS**

**1.0 PURPOSE AND IMPLEMENTATION**

The following Rules and Regulations are effective throughout the City of San Bernardino Municipal Water Department (SBMWD/Department) water service area and were established by resolution of the City of San Bernardino Water Board (Water Board). To preserve local water supplies, promote the efficient use of water, and to comply with State of California mandates, SBMWD shall implement the following procedure in response to drought or water supply shortage declarations or similar service interruptions in the delivery of water to its customers in accordance with the Department's state mandated Water Shortage Contingency Plan (WSCP). The full contents of the WSCP shall be made available on the Department's website SBMWD.org. During any drought, water shortage supply condition or State mandate described herein, the Department's General Manager may declare any one of six response stages with ratification by the Water Board at the soonest regular Water Board meeting.

A declaration of a non-permanent Water Shortage Contingency Stage may result from:

- A. Interruption of service through major plant failure.
- B. Interruption of water supply replenishment from various resources.
- C. A natural disaster or other emergency event.
- D. Regulations and/or emergency mandates imposed by the State Water Resources Control Board (SWRCB), the Department of Water Resources (DWR), and/or executive order(s) from the Governor's office.

All Rules and Regulations herein set forth are subject at all times to change or abolition by action of the Water Board as the respective and controlling authority of the Department. Copies of the Rules and Regulations in effect will be kept on file and up to date in the offices of the Department.

Consumers or others contemplating any expenditure or activities governed by these rules and regulations should assure themselves that they have the latest and correct information by contacting the Department.

## **2.0 EXCEPTIONS**

The water use efficiency standards outlined herein are not applicable to water usage necessary for public health and safety or for essential governmental services. The Department reserves the right to waive any water restriction penalty when, in its discretion, such consumption is required to maintain an adequate level of public health or safety.

The General Manager may grant exemptions for uses of water otherwise prohibited under the provisions of this Rule and Regulation if determined that these standards would cause an undue hardship to the water user, the public; or cause an emergency condition affecting the health, sanitation, fire protection, or safety of the water use to the public. Such exemptions may be granted only upon written request. Upon granting an exemption, the General Manager may impose conditions determined to be appropriate.

## **3.0 WATER SHORTAGE CONTINGENCY STAGES AND ACTIONS**

### **3.1 Stage 1 (Permanent Water Use Efficiency Standards)**

Due to continuous conservation efforts to preserve San Bernardino's water supply in the region's arid climate, Stage 1 will be maintained at all times. All water customers are advised to use water wisely, to prevent the waste or unreasonable use of water, and to reduce water consumption to that necessary for ordinary domestic and commercial purposes. The following actions shall be in effect at all times.

- A. Stage 1 water use efficiency standards:
- (1) Customers are encouraged to maintain spray irrigation between the hours of 6:00 p.m. and 10:00 a.m.
  - (2) Customers are encouraged to limit spray irrigation to four days per week.
  - (3) Watering and preservation of trees is encouraged.
  - (4) Customers are encouraged to utilize pool and/or spa covers when not in use to minimize water loss due to evaporation.

- (5) Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair are to be corrected in a timely manner.
- (6) The application of water for irrigation in a manner that causes excessive run off is prohibited. Water flowing from an irrigation system onto an adjacent property is considered excessive run off.
- (7) No water provided by the Department shall be used for the purposes of washing down impervious areas without the use of an automatic shut-off nozzle, except to maintain public health and safety standards.
- (8) Decorative water fountains or other decorative water features must recirculate water.
- (9) The application of water provided by the Department for irrigation of outdoor landscapes during or within 48 hours after one-quarter inch (1/4") of rainfall is prohibited.
- (10) All hotels/motels shall provide their guests with the option not to have towels and linens laundered daily. The hotel/motel must prominently display notice of the option in each room.
- (11) The serving of drinking water other than upon request is prohibited in eating or drinking establishments including but not limited to restaurants, hotels, cafes, cafeterias, bars or any other place where food or drink are served.
- (12) The Department will provide water use evaluations at no charge to customers upon request. The Department may provide historical water use data to commercial and industrial facilities for use in developing water use efficiency recommendations for these facilities.
- (13) The Department will encourage efficient outdoor water use and discourage daily irrigation to promote water use efficiency.
- (14) The Department will implement outreach and education programs encouraging indoor and outdoor water use efficiency.
- (15) The Department will implement indoor and outdoor rebate programs for customers for appliances, fixtures, irrigation, and other water reduction measures.

- (16) The Department will maintain tiered water rates for residential single-family properties to encourage efficient use of water.
- (17) The Department will monitor reports of water waste.
- (18) The Department reserves the right to implement Drought Surcharge Rates for all customers in the event of a local or state drought emergency mandate upon approval of the Water Board.
- (19) The Department reserves the right to impose emergency water conservation actions as directed by executive order, or local or state mandate.
- (20) The Department reserves the right to prohibit or limit outdoor irrigation at any time depending on the severity of a statewide or local water shortage emergency.

### **3.2 Stage 2 (Water Supply Alert)**

Stage 2 shall be in effect when the Department determines there is a potential water supply shortage condition of up to twenty percent (20%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare a Stage 2 water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures in addition to the permanent water conservation measures implemented in Stage 1.

- A. Stage 2 water use efficiency standards shall include all actions identified in Stage 1 in addition to:
  - (1) Spray irrigation shall only be permitted between the hours of 6:00 p.m. and 10:00 a.m. This standard does not apply to watering of landscapes by hand with the use of a hose fitted with an automatic shut-off nozzle.
  - (2) Spray irrigation shall be limited to four (4) days per week and fifteen (15) minute irrigation cycles per station per day.
  - (3) Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair must be corrected within five (5) business days of Department notification.
  - (4) Washing of vehicles is not permitted except with an automatic shut-off device, or at a commercial car washing facility designated for vehicle washing.

- (5) No water provided by the Department shall be used for the purposes of washing down impervious areas without the use of high-pressure wash equipment, except to maintain public health and safety standards.
- (6) The Department shall request the City Manager to direct Parks and Recreation and all City Facilities to limit irrigation to four days per week or reduce irrigation water use by twenty percent (20%) as compared to average usage from benchmark year of 2013. The continued irrigation of city trees and other non-turf plants is encouraged.
- (7) The Department shall request golf courses to limit irrigation to four days per week or reduce irrigation water use by twenty percent (20%) as compared to average usage from benchmark year of 2013. The continued irrigation of city trees and other non-turf plants is encouraged.
- (8) The Department shall expand its public information campaign on water supply conditions and encourage increased indoor and outdoor water use efficiency.

### **3.3 Stage 3 (Water Supply Warning)**

Stage 3 shall be in effect when the Department determines there is a potential water supply shortage condition of up to thirty percent (30%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare a water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures in addition to the permanent water Stage 1 conservation measures and water conservation measures implemented in Stage 2.

- A. Stage 3 water use efficiency standards shall include all actions identified in Stage 1 and 2 in addition to:
  - (1) Spray irrigation shall only be permitted between the hours of 6:00 p.m. and 8:00 a.m. This standard does not apply to watering of landscapes by hand with the use of a hose fitted with an automatic shut-off nozzle.
  - (2) Spray irrigation shall be limited to three (3) days per week on Mondays, Wednesdays, and Fridays.

- (3) Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair must be corrected within three (3) business days of Department notification.
- (4) The application of water provided by the Department for irrigation of outdoor landscapes during or within forty-eight (48) hours after one-eighth inch (1/8") of rainfall is prohibited.
- (5) Customers are encouraged to not empty, refill, or add water to decorative water features, including ponds, fountains, and artificial lakes.
- (6) Customers are encouraged to retrofit non-recirculating systems at car washes and commercial laundry facilities to recirculating systems.
- (7) Medians and bordering parkways located within the right-of-way are prohibited to use potable water to irrigate non-functional grass turf. Bordering parkways are considered the strips of non-functional ornamental turf adjacent to the street on non-residential properties. Continued watering of trees and other plants in medians and parkways is permitted.
- (8) The Department shall request the City Manager to direct Parks and Recreation and all City facilities to limit irrigation to three days per week or reduce irrigation water use by thirty percent (30%) as compared to average usage from benchmark year of 2013. The continued irrigation of city trees and other non-turf plants is encouraged.
- (9) The Department shall request golf courses to limit irrigation to three days per week or reduce irrigation water use by thirty percent (30%) as compared to average usage from benchmark year of 2013. The continued irrigation of city trees and other non-turf plants is encouraged.

#### **3.4 Stage 4 (Threatened Water Supply Condition)**

Stage 4 shall be in effect when the Department determines there is a potential water supply shortage condition of up to forty percent (40%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare a water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures in addition to the permanent water Stage 1

conservation measures and water conservation measures implemented in Stages 2-3.

- A. Stage 4 water use efficiency standards shall include all actions identified in Stage 1 through 3 in addition to:
- (1) Spray irrigation shall only be permitted between the hours of 8:00 p.m. and 8:00 a.m. This standard does not apply to watering of landscapes by hand with the use of a hose fitted with an automatic shut-off nozzle.
  - (2) Spray irrigation is limited to Mondays, Wednesdays and Fridays, and 10 minutes per station per day.
  - (3) Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair must be corrected within forty-eight (48) hours of Department notification.
  - (4) The application of water provided by the Department for irrigation of outdoor landscapes during or within seventy-two (72) hours after one-eighth inch (1/8") of rainfall is prohibited.
  - (5) Customers are encouraged to not empty, refill, or add water to recreational water features.
  - (6) Emptying, refilling, or adding water to decorative water features is prohibited. Exceptions may be made to sustain biological life, such as fish, or for municipally owned or operated ponds.
  - (7) Continued watering and additional precaution for the preservation of trees is highly encouraged.
  - (8) The Department shall expand targeted communications focusing on CII customers with highest water use and single-family residential customers with tier 3 usage to provide conservation resources and educational opportunities such as workshops, classes, and other public-facing community events.
  - (9) The Department will expand its indoor and outdoor rebate programs to assist customers with mandatory conservation efforts.
  - (10) The Department shall request the City Manager to direct Parks and Recreation and all City facilities to limit irrigation to three days per week or reduce irrigation water use by forty percent (40%) as compared to average usage from benchmark year of 2013.

- (11) The Department shall request golf courses to limit irrigation to three days per week or reduce irrigation water use by forty percent (40%) as compared to average usage from benchmark year of 2013.
- (12) The Department shall request the City Manager to direct Public Works to utilize pool covers for all City outdoor swimming pool facilities.
- (13) The Department shall request the City Manager to direct Public Works to pause operation of City splash pad facilities that do not recirculate water.

### **3.5 Stage 5 (Critical Water Supply Condition)**

Stage 5 shall be in effect when the Department determines there is a potential water supply shortage condition of up to fifty percent (50%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare a water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures in addition to the permanent water Stage 1 conservation measures and water conservation measures implemented in Stages 2-4.

- A. Stage 5 water use efficiency standards shall include all actions identified in Stage 1 through 4 in addition to:
  - (1) All irrigation including drip and hand watering shall only take place on Mondays and Fridays between the hours of 8:00 p.m. and 8:00 a.m.
  - (2) Customer leaks, improperly adjusted sprinklers, or other water fixtures that require repair must be corrected within twenty-four (24) hours of Department notification.
  - (3) The washing of cars, trucks or other vehicles is not permitted except at commercial vehicle washing facilities.
  - (4) Refilling, or adding water to recreational water features is prohibited.
  - (5) The Department shall request the City Manager to direct Parks and Recreation and all City facilities to limit irrigation to two days per week or reduce potable water provided by fifty percent (50%) as compared to average usage from benchmark year of 2013.
  - (6) The Department shall request golf courses to limit irrigation to two days per week or reduce

potable water provided by fifty percent (50%) as compared to average usage from benchmark year of 2013.

- (7) Upon direction of the General Manager, the use of potable water for construction site preparation purposes is prohibited, other than to maintain necessary fire and safety standards.

### **3.6 Stage 6 (Water Shortage Emergency)**

Stage 6 shall be in effect when the Department determines there is a potential water supply shortage condition of over fifty percent (50%), or if directed by an executive order or regulation. The Water Board may then, by resolution, declare a water supply condition to prevail, and authorize the General Manager to enact any or all of the following conservation measures in addition to the permanent water Stage 1 conservation measures and water conservation measures implemented in Stages 2-5.

- A. Stage 6 water use efficiency standards shall include all actions identified in Stage 1 through 5 in addition to:
  - (1) Upon direction of the General Manager, all potable landscape irrigation may be prohibited.
  - (2) No new construction meter permits shall be issued by the Department. All existing construction meters may be removed and/or locked.

## **4.0 ENFORCEMENT IN WATER SHORTAGE CONTINGENCY STAGES 1-4**

### **4.1 Step 1 (1<sup>st</sup> Violation):**

A warning letter shall be issued to the customer/owner describing the water waste issue and notice of potential fines for continuing water waste, providing a Department customer service contact for conservation information and assistance. Provides customer/owner seven (7) calendar days to remedy the water waste situation and comply with conservation restrictions.

### **4.2 Step 2 (2<sup>nd</sup> Violation):**

The Department may conduct a customer/owner site visit or phone call to discuss nature of the water waste and potential solutions. A second Notice of Violation letter may be issued allowing seven (7) calendar days to remedy the water waste situation and comply with conservation restrictions.

**4.3 Step 3 (3<sup>rd</sup> Violation):**

A third Notice of Violation letter informing customer/owner of financial penalty and allowing seven (7) calendar days to remedy water waste situation and comply with conservation restrictions. A one hundred-dollar (\$100.00) penalty may be assessed.

**4.4 Step 4 (Subsequent Violations):**

Additional penalties may be assessed increasing incrementally by one hundred dollars (\$100.00) per occurrence, up to a limit of five hundred dollars (\$500.00) per incident. Customer/owner shall receive a separate notice per each subsequent violation and will have seven (7) calendar days after each notification to remedy the water waste situation and comply with conservation restrictions.

**4.5 Step 5 (Other Enforcement Measures):**

The provisions of this section shall be applied in addition to any other penalties provided in this rule and shall be applied at the discretion of the General Manager. The Department maintains authority in all water shortage stages to expedite the issuance of the maximum daily penalties and/or to restrict or discontinue water supplied to a service for failure to comply with the conservation standards, depending on the severity of the water waste.

**5.0 ENFORCEMENT IN WATER SHORTAGE CONTINGENCY STAGES 5-6**

**5.1 Step 1 (1<sup>st</sup> Violation):**

A warning letter shall be issued to the customer/owner describing the water waste issue and notice of potential fines for continuing water waste, providing a Department customer service contact for conservation information and assistance. Provides customer/owner three (3) calendar days to remedy the water waste situation and comply with conservation restrictions.

**5.2 Step 2 (2<sup>nd</sup> Violation):**

The Department may conduct a customer/owner site visit or phone call to discuss nature of the water waste and potential solutions. A second Notice of Violation letter may be issued allowing three (3) calendar days to remedy the water waste situation and comply with conservation restrictions.

**5.3 Step 3 (3<sup>rd</sup> Violation):**

A third Notice of Violation letter informing customer/owner of financial penalty and allowing three (3) calendar days to remedy water waste situation and comply with conservation restrictions. A three hundred-dollar (\$300.00) penalty may be assessed.

**5.4 Step 4 (Subsequent Violations):**

Additional penalties may be assessed increasing incrementally by one hundred dollars (\$100.00) per occurrence, up to a limit of five hundred dollars (\$500.00) per incident. Customer/owner shall receive a separate notice per each subsequent violation and will have three (3) calendar days after each notification to remedy the water waste situation and comply with conservation restrictions.

**5.5 Step 5 (Other Enforcement Measures):**

The provisions of this section shall be applied in addition to any other penalties provided in this rule and shall be applied at the discretion of the General Manager. The Department maintains authority in all water shortage stages to expedite the issuance of the maximum daily penalties and/or to restrict or discontinue water supplied to a service for failure to comply with the conservation standards, depending on the severity of the water waste.

**6.0 PAYMENT OF PENALTIES**

All penalties imposed under this Rule and Regulation shall be added to the customer water bill or as a lien on the owner's property and become payable at the same time and in the same manner as such bills or by such other method of collection and payment as established by the Department.

**7.0 RIGHT TO HEARING**

Any customer/owner shall have a right to a hearing with the General Manager of the Department, or their designee, on a notice of violation, the assessment of a surcharge or penalty, or the denial and/or lock out of a construction meter, upon written request to the Department. Customer/owner's written request for a hearing must be received by the Department within ten (10) calendar days from the date of notice of violation, or customer/owner's right to a hearing shall be deemed waived.

Customer/owner shall be deemed notified of a violation, penalty, or denial and/or lockout of a meter upon

- (1) the personal delivery of the notice to customer or
- (2) the date of lock out and/or denial of construction meter. If personal delivery is not given, the date on which the notice is placed in the regular mail shall be deemed the date of notification.

Customer/owner's timely written request for a hearing shall automatically stay the imposition of a penalty until the General Manager or their designee renders a decision; except that denial of a construction meter request or lock out of an existing construction meter shall remain in effect until the General Manager or their designee renders a decision.

The decision of the General Manager or their designee may be appealed to the Water Board, provided that the customer files a written notice of appeal with the Department within seven (7) calendar days of notification of the decision.

Approved by the Water Board: November 22, 2022

Effective Date: November 22, 2022

Supersedes: