

**NORTH MARIN WATER DISTRICT
REGULATION 15**

WATER CONSERVATION - NOVATO SERVICE AREA

a. Purpose

The purpose of this regulation is to assure that water resources available to the District are put to reasonable beneficial use, that the instream values of Novato Creek and the Russian River are preserved to the maximum possible extent and that the benefits of the District's water service extend to the largest number of persons.

b. Waste of Water Prohibited

- (1) Customers shall not permit any water furnished by the District for the following nonessential uses:
 - (i) The washing of sidewalks, walkways, driveways, parking lots and other hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;
 - (ii) The escape of water through breaks or leaks within the customers plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the District, is a reasonable time within which to correct such break or leak, or, as a minimum, to stop the flow of water from such break or leak;
 - (iii) Irrigation in a manner or to an extent which allows excessive run off of water or unreasonable over spray of the areas being watered. Every customer is deemed to have his water system under control at all times, to know the manner and extent of his water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
 - (iv) Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle;
 - (v) Water for non-recycling decorative water fountains;
 - (vi) Water for new non-recirculating conveyor car wash systems; and
 - (vii) Water for new non-recirculating industrial clothes wash systems.
 - (viii) Water for single pass coolant systems.
- (2) Exempt Water Uses. All water use associated with the operation and maintenance of fire suppression equipment or employed by the District for water quality flushing and sanitation purposes shall be exempt from the provisions of this section. Use of water supplied by a private well or from a reclaimed wastewater, grey water or rainwater utilization system is also exempt.
- (3) Variances. Any customer of the District may make written application for a variance. Said application shall describe in detail why applicant believes a variance is justified.

- (i) The General Manager of the District may grant variances for use of water otherwise prohibited by this section upon finding and determining that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public; or, cause an unnecessary and undue hardship on applicant or public, including but not limited to, adverse economic impacts, such as loss of production or jobs.
 - (ii) The decision of the General Manager of the District may be appealed to the Board of Directors by submitting a written appeal to the District within fifteen (15) calendar days of the day of the General Manager's decision. Upon granting any appeal, the Board of Directors may impose any conditions it determines to be just and proper. Variances granted by the Board of Directors shall be prepared in writing and the Board of Directors may require the variance be recorded at applicant's expense.
- (4) Enforcement. Depending on the extent of the water waste the District may, after written notification to customer and after a reasonable time to correct the violation as solely determined by the District, take some or all of the following actions:
- (i) Telephone the customer to inform of the water waste violation including a specified period of time to correct the violation;
 - (ii) Personal contact with the customer at the address of the water service. If personal contact is unsuccessful, written notice of the violation including a date that the violation is to be corrected may be left on the premises, with a copy of the notice sent by certified mail to the customer;
 - (iii) The District may install a flow-restricting device on the service line;
 - (iv) The District may cause termination of water service and the charge for same shall be billed to the customer. Except in cases of extreme emergency as solely determined by the General Manager of the District, service shall not be reinstated until verified by the District that the violation has been corrected and all outstanding charges have been paid.

c. Use of Water Saving Devices

Each customer of the District is urged to install devices to reduce the quantity of water to flush toilets and to reduce the flow rates of showers and interior faucets.

d. Water-Saving Kits

The District will make available without cost to program participants for use in each residence receiving water service from the District and constructed prior to January 1, 1992 a water-saving kit containing the following:

- (1) A device or devices for reducing shower flow rates;
- (2) A dye tablet or tablets for determining if a toilet tank leaks;
- (3) Other devices from time to time approved by the District;
- (4) Installation and other instructions and information pertinent to conservation of water.

e. Water-Saving Devices and Restrictions for New Development

- (1) Water service will not be furnished to any Applicant unless the water-saving devices hereinafter described are installed. Applicants for single service installations serving one dwelling unit (d.u.) or one d.u. and an accessory d.u. shall pay a \$500 deposit per d.u. to be refunded upon post inspection of the installation

of the water-saving devices and restrictions herein.

- (2) All interior plumbing and appliances in new buildings shall meet the following requirements:
 - (i) Toilets and associated flush valves shall be rated at not more than 1.0 gallons per flush, or be a dual flush model approved by the District.
 - (ii) Urinals and associated flush valves shall be rated at not more than 1.0 gallons per flush,
 - (iii) Shower heads shall have a rated flow of 2.0 gallons per minute or less,
 - (iv) Lavatory faucets shall have aerators or laminar flow devices together with flow control inserts, valves, devices or orifices that restrict flow to a maximum of approximately 1.5 gallons per minute.
 - (v) Laundry facility washing machines shall be front loading /horizontal axis models with an Energy Star rating and a modified water factor of 5.5 or less
 - (vi) Dishwashers shall be high efficiency models with an Energy Star rating that use no more than 5 gallons per cycle.

- (3) (i) The total area of turf shall not exceed the following:

<u>Type of d.u.</u>	<u>Maximum Amount of Turf</u>
SF	800 square feet
THC	400 square feet
APT	130 square feet
SC	95 square feet
COMM'L	0 square feet

- (ii) Turf may be allowed in new Commercial, Industrial and Institutional developments provided the Applicant removes 150% of the new turf area from regularly irrigated turf at existing development within the Novato Service Area and replaces same with new non-turf landscape and irrigation equipment pursuant to these regulations and as approved by the District.
 - (iii) Applicants must disclose to new customers/homeowners these turf limitations and how much turf they are allowed to install in the backyard and other landscape areas not landscaped by the Applicant; or turf shall not be allowed in residential developments.
- (4) Turf areas shall be served by an automatic inground irrigation system, and designed by a landscape architect or other competent person, capable of distributing water with a high degree of uniformity, be pressure regulated if necessary and operate as efficiently as possible with each valve to have a matched precipitation rate. The controller shall support a minimum of three start times per irrigation day per valve (station), shall permit programming each valve with individual run times and a percentage reduction feature. The system shall include an automatic rain shutoff. The designer shall include an Irrigation Schedule Guide on the irrigation system plan drawing(s) consisting of a table containing the following information for each valve which is designed to automatically control water to a set of sprinklers which irrigate turf:
 - (i) Combined flow rate of sprinkler heads downstream of valve (in gallons per minute) and operating pressure of valve (in pounds per square inch);

- (ii) Area of turf served by valve (in square feet);
 - (iii) Precipitation rate (in inches per hour);
 - (iv) Recommended irrigation schedule for each month of the irrigation season (April - October) including recommended irrigation days per week, number of start times (cycles) per irrigation day, minutes of "on-time" or run time per cycle, and estimated "off-time" between cycles. This schedule shall be based upon the assumption that the turf has reached maturity. Users of the schedule shall be advised to irrigate in early morning periods (before 7 a.m.) and be warned by a note adjacent to the schedule that more water may be required when the turf is new.
- (5) Prior to installing turf, the soil supporting same shall be thoroughly tilled and amended with at least ten cubic yards of organic material per 1,000 square feet and other soil amendments in a quantity and type approved by a competent expert approved by District.
 - (6) All non-turf landscape areas shall be irrigated with a pressure regulated drip irrigation system designed by a landscape architect or other competent person and capable of distributing water as efficiently as possible.
 - (7) In non-turf landscaped areas, a surface layer of organic mulch, or other suitable material, shall be installed to inhibit water loss. The layer shall be a minimum of three inches deep.
 - (8) General Criteria (be considered by landscape designer):
 - (i) In planned unit developments, turf areas shall be designed to be efficient as possible with an automated inground irrigation system.
 - (ii) Water conserving plants, shrubs and ground covers shall predominate landscaped areas where turf is not used.
 - (9) Applicant shall submit sufficient information and a copy of the proposed landscape plan together with any calculations necessary to demonstrate that each of the provisions of this in subsection will be met.
 - (10) Model homes shall be landscaped exclusively with low water use plant materials and an efficient subsurface irrigation system. No turf shall be allowed in model homes.
 - (11) All new development must be equipped with a District approved Weather Based Irrigation Controller.
 - (12) All new irrigation-only services must agree to use recycled water should recycled water become available to that service.
 - (13) Applications for water service will be exempt from the provisions of subsection e.(3) if recycled water or private water source is used to irrigate the landscape.
- f. Overhead Irrigation for Narrow Turf Strips Prohibited
- (1) An application for service to unimproved land for which a landscape plan is required by a city or county as a condition of land use approval shall be processed only if the turf area dimension is at least 8 feet at its narrowest point.
 - (2) Applications for water service will be exempt from the provisions of this subsection f. if recycled water or private water source is used to irrigate the landscape.
- g. Rebate for Energy Star Washing Machines in Residences

- (1) District customers in the Novato Service area are eligible for rebate as available from time to time for front loading / horizontal axis, Energy Star washing machines in existing residences. New residential construction in the District's Novato service area are required to be equipped with washing machines in accordance with Section e. (2) (v) of this regulation. District rebates are not available for Energy Star Washing Machines in new residential construction.

h. Rebate for Removing Irrigated Turf from Residential Properties

- (1) The owner of property containing a formal lawn area or areas shall be eligible for a cash rebate from the District if said owner removes all or part of the formal lawn area(s) and replaces same with eligible plant materials and meets the qualification requirements. "Formal lawn area" means an existing lawn in good condition which is irrigated regularly, by an automatic inground irrigation system, with water furnished by the District and mowed regularly.
- (2) Qualification requirements:
 - (i) Application for rebate must be made on District's form prior to removing the formal lawn area(s). All applicable information requested must be supplied.
 - (ii) Application for rebate must include a landscape plan or sketch showing the size, in square feet, and location of all formal lawn area(s) on the Applicant's parcel and the location of formal lawn area(s) that will be removed and replaced.
 - (iii) The Applicant must utilize only eligible replacement materials for the formal lawn area(s) removed which are to be considered in calculating the rebate. Eligible replacement materials are District approved water-conserving plants or low water use California native plants.
 - (iv) If the automatic inground irrigation system will continue to serve some remaining formal lawn area(s), Applicant must modify the system so that water is not served to the proposed replacement area.
 - (v) Formal lawn area(s) removed and replanted with eligible replacement materials shall be mulched with material suitably thick to prevent weed growth (minimum three inches) and reduce water loss. Areas shall not be irrigated. except for limited supplemental hand-watering or temporary drip irrigation to establish the plant material.
 - (vi) The owner of the property must sign a statement promising not to reinstall lawn in formal lawn area(s) where lawn has been removed as long as the owner holds property. The owner may be relieved of this promise at any time by returning the full amount of the District's rebate.
 - (vii) The General Manager may at any time halt or suspend acceptance of applications for rebate if the District's funds appropriated for this purpose become exhausted.
- (3) After reviewing the information supplied by the Applicant and making at least one site inspection to assure that qualification conditions have been met, District shall mail a rebate check.
- (4) The amount of the rebate shall be calculated by the District at the rate of \$50 per 100 square feet of formal lawn area(s) removed and replaced with eligible replacement plant materials but shall not exceed the values shown below:

	Type of dwelling unit (d.u.)	Water Conservation credit per d.u.
SF	Single family detached residences and duplexes, each d.u.	\$400
THC	Townhouses, condominiums, triplexes and fourplexes, each d.u.	100
APT	Apartments (5 units or more), each d.u.	100
SC	Senior citizen unit or second unit with kitchen, each unit....	80

Rebates may be available for non-residential property or for hotels, motels, hospitals, government housing or a senior citizen complex on a parcel which is separately owned and assessed. Maximum rebate amount for a non-residential property shall be determined by General Manager on a case-by-case basis.

- (5) Synthetic turf replacements of formal lawn area may be eligible for a higher rebate level to be determined by the General Manager on a case-by-case basis.

i. Landscape Rebate Alternatives

- (1) The District will consider, and may approve, requests to substitute for any of the requirements in subsection e. and f., well-designed alternatives or innovations that will effect similar significant and continuing reductions of water requirements.
- (2) The District will rebate \$50 for landscape installation in existing dwellings meeting the standards listed in Section j and over 500 square feet in area if the customer has:
 - (i) Removed or killed the lawn area prior to making application for rebate, and
 - (ii) Replaced the lawn with landscape no more than one month before alerting the District; or
 - (iii) Re-landscaping a lawn area that was not regularly mowed and irrigated turf.

Determination of eligibility shall be at the sole discretion of the General Manager or Designee.

j. High Efficiency Toilet Replacement Program(s)

- (1) A High Efficiency Toilet (HET) is defined as any toilet that is rated at 20% or less water use on average than a standard 1.6 gallon per flush toilet. This includes District approved 1.0 gallons per flush pressure assist toilets or dual flush models.
- (2) Any qualifying customer of the District who removes and recycles all toilets rated to use more than 1.6 gallons per flush and replaces same with a District approved HET may request and receive a cash rebate in an amount established by the Board of Directors from time to time for each such toilet removed, recycled and replaced.
- (3) To qualify for a rebate(s) hereunder, application shall be made on a form available from the District and person signing application shall:
 - (i) Request District make a brief inspection of customer's structure at a time and date approved in advance by customer to identify water conservation measures appropriate and effective for the customer to implement. Should customer refuse access for an inspection, District shall not be under any obligation to make a rebate. Inspection requirements are subject to available staff time.

- (ii) Be a customer of the District and the customer's structure in which the replaced toilet(s) is located shall be served water in the District's Novato Service Area; and
 - (iii) Provide District with bill of sale or original receipt of sale within the current fiscal year and made out to said customer by person or vendor selling customer the HET or, in lieu thereof, provide District with letter addressed to said customer signed by a licensed plumber or contractor stating that a HET(s) has been installed by said plumber or contractor at the customer's address; and
 - (iv) Recycle toilets at a predetermined District site with all internal mechanisms, toilet seat and all other wood, metal and plastic removed, if recycling outlet is available.
- (4) If the customer is renting the structure, a rebate will be made provided customer includes with the application a letter from the owner of the property consenting to District making rebate payment to customer for the replacement of a non-water conserving toilet(s).
 - (5) Rebates are not available for toilets installed in buildings constructed after January 1, 1992 or for replacement of toilets rated to use 1.6 gallons per flush.
 - (6) Free or subsidized HET giveaways may be available to customers from time to time. Eligibility requirements listed in j (3) (i) to (iv) apply to this program should it become available.

k. Large Landscape Water Efficiency Rebate

- (1) "Large Landscape Customer" is defined as any commercial account that has irrigated landscape.
- (2) Large landscape customers may be eligible for landscape irrigation efficiency upgrade rebates. Amounts will be determined by staff and approved by the General Manager on a case-by-case basis.

l. Rebates for District Approved Swimming Pool Covers

District customers are eligible for rebates as available from time to time for purchasing District approved swimming pool covers. Eligible pool covers must be a solar or safety cover with non-netted type material, at least 12 mil in thickness, and at least 450 square feet.

m. Requirement for Installation of Water Conserving Plumbing Fixtures Upon Change of Property Ownership

- (1) Definitions.
 - (i) "Water-Conserving Plumbing Fixtures" means any toilet rated at 1.6 gallons of water per flush or less, urinals that are rated at 1.0 gallons of water per flush, showerheads with a flow rated at 2.0 gallons of water per minute or lavatory faucets that can emit no more than 1.5 gallons of water per minute.
 - (ii) "Change in Property Ownership" means a transfer of present interest of real property, or a transfer of the right to beneficial use thereof, the value of which is substantially equal to the proportion of ownership interest transferred. The person, persons or entity making such a transfer is the "Transferor." "Transferor" may also be referenced as "Seller."
 - (iii) "Retrofit" means replacing "Existing Plumbing Fixtures" with "Water-Conserving Plumbing Fixtures."

Conserving Plumbing Fixtures."

- (iv) "Existing Plumbing Fixtures" means any toilet using more than 1.6 gallons of water per flush, urinals using more than 1.0 gallons of water or more per flush, showerheads with a flow rated more than 2.0 gallons of water per minute or lavatory faucets that emit more than 1.5 gallons of water per minute.
- (v) "Existing Structure" means any structure built and available for use or occupancy on or before January 1, 1992, which is equipped with a toilet using more than 1.6 gallons of water per flush or a urinal using more than 1.0 gallons of water per flush.

(2) Retrofit Upon Change of Property Ownership.

All existing plumbing fixtures in existing structures receiving water from the District's water system shall, at the time of Change of Ownership, be Retrofitted, if not already done, exclusively with Water-Conserving Plumbing Fixtures as defined in Section (m) 1 of this regulation.

(3) Compliance and Penalties

Compliance shall be by the honor system. It shall be the Transferor's responsibility to obtain, in addition to any normal permits required by agencies other than the District, from the District a Certificate of Compliance acknowledging that the Transferor or title holder has stated that the Retrofit installation required by this Regulation has been completed. If the District later determines or finds that the work was not done or was not completed or that Water Conserving Plumbing Fixtures are no longer present, the District may assess an annual fee of 20% of the estimated annual water bill as determined by the District until the owner of the property demonstrates that the required Retrofit work has in fact been done. A site inspection shall be required in such cases and the owner shall be charged \$35 for each such site inspection as an added fee on the owner's water bill.

(4) Alternative Compliance Procedure for Transfers of Residential Property

At Transferor's option, Transferor shall pay the District \$315 per bathroom that does not fully comply with Regulation 15 m. Half bathrooms shall count as one bathroom. The District shall thereupon immediately provide a Certificate of Compliance to Transferor. Buyer shall then be responsible for installation of the Water Conserving Plumbing Fixtures and Transferor shall provide Buyer with a copy of District Regulation 15 m. and shall notify Buyer of this requirement in writing before close of escrow. Buyer shall have one year from the date of close of escrow to install such fixtures. Upon being notified that said fixtures have been installed and making a brief inspection confirming installation, the District shall pay the Buyer an amount equal to the payment made to District by Transferor. If after one year, the Water Conserving Plumbing Fixtures have not been installed, the District shall use this money for any other Board approved water conservation program and shall be under no obligation to pay said money to Buyer.

n. Weather Based Irrigation Controller Installation Program

- (1) A Weather Based Irrigation Controller is defined as any irrigation controller using weather data to create the actual irrigation schedule and which schedule is automatically adjusted by the controller to meet the applied water demand based on actual weather data. Weather Based Irrigation Controllers may either receive "real time" weather data or generate their weather data using an integrated solar radiation sensor.

- (2) District customers using more than an average of 1,000 gallons per day are eligible for rebates or vouchers as available from time to time for purchasing District approved Weather Based Irrigation Controllers. Directly installed Weather Based Irrigation Controllers may be available from time to time. Customers receiving Weather Based Irrigation Controller rebates or vouchers may be subject to a pre and post installation inspection.

o. Exemptions from Provisions Set Forth in Regulation 15 (a. through n.)

(1) Retrofit Exemptions

The District's General Manager may grant an exemption from subsection m. in the following instances:

- (i) Unavailability of Water-Conserving Plumbing Fixtures to either match a well-defined historic architectural style fitted with authentic plumbing fixtures or accommodate existing house plumbing without Bathroom Alteration;
- (ii) Special health circumstances upon submittal of reasonable evidence that demonstrates that specific plumbing fixtures are required by the user that may not meet the Water Conserving Plumbing Fixture criteria defined by this regulation.
- (iii) Faucets at kitchen sinks or antique faucets which do not have standard threaded openings for aerators.

(2) Other Exemptions

The District's General Manager may grant exemptions from subsection a. through n. for purposes of health, safety and sanitation or if applicant demonstrates an "at least as effective as" water efficiency alternative. The District's General Manager shall have the sole decision of determining whether Applicant has demonstrated an "at least as effective as" water efficiency alternative.