

ORDINANCE NO. 134

AN ORDINANCE PROHIBITING THE USE OF POTABLE WATER FOR NONFUNCTIONAL TURF IRRIGATION

MID-PENINSULA WATER DISTRICT

THIS ORDINANCE, which prohibits the use of potable water for the irrigation of nonfunctional turf on commercial, industrial, and institutional (CII) properties, homeowners' associations (HOAs), common interest developments (CIDs), and community service organizations, in compliance with Assembly Bill (AB) 1572 and California Water Code § 10608.14, is adopted in light of the following facts and circumstances, which are hereby found and declared by the Board of Directors:

WHEREAS, the State of California has determined that the use of potable water for the irrigation of nonfunctional turf contributes to inefficient water use and conflicts with long-term water sustainability goals; and

WHEREAS, AB 1572, signed into law on October 13, 2023, establishes a timeline for banning potable water irrigation of nonfunctional turf across CII and residential common areas; and

WHEREAS, public water suppliers are required to revise their ordinances, regulations, or policies by January 1, 2027, and communicate these changes to their customers to comply with the AB 1572 regulations; and

WHEREAS, under California Water Code Section 3758, Mid-Peninsula Water District has the authority to establish water conservation programs and prohibit wasteful uses of water; and

WHEREAS, Mid-Peninsula Water District seeks to align its water use policies with state conservation mandates, reduce dependence on potable water, and promote sustainable landscaping practices.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Mid-Peninsula Water District as follows:

I. Title

THIS ORDINANCE shall be known as the Mid-Peninsula Water District Potable Water Irrigation Ban on Nonfunctional Turf, Effective January 1, 2027.

II. Definitions

A. For the purposes of this ordinance, the following definitions apply:

- (a) "Commercial properties" are properties that are used to distribute a product or service.
- (b) "Common areas" means that portion of a common interest development or of a property owned or managed by an HOA or a community service organization or similar entity that is not assigned or allocated to the exclusive use of the occupants of an individual unit within the property.
- (c) "Common interest development" has the same meaning as set forth in California Civil Code section 4100 and includes:
 - 1. A community apartment project.
 - 2. A condominium project.
 - 3. A planned development.
 - 4. A stock cooperative.

This definition shall be construed in accordance with Civil Code section 4100, as amended.

- (d) "CII Properties" means commercial, industrial, and institutional properties. The term "CII" is used as a shorthand descriptor and does not create a separate or independent category of land use. For purposes of the Mid-Peninsula Water District's AB 1572 implementation, whether a property is subject to the ordinance depends on whether it falls within one or more of the commercial, industrial, or institutional property categories, as those terms are defined in the ordinance and in California Water Code section 10608.14.
- (e) "Community service organization or similar entity" means a nonprofit entity, other than an association, that is organized to provide services to residents of the common interest development or to the public in addition to the residents, to the extent

community common area or facilities are available to the public. "Community service organization or similar entity" does not include an entity that has been organized solely to raise moneys and contribute to other nonprofit organizations that are qualified as tax exempt under Section 501(c)(3) of the Internal Revenue Code and that provide housing or housing assistance.

- (f) "Community space" means an area designated by a property owner or a governmental agency to accommodate human foot traffic for civic, ceremonial, or other community events or social gatherings.
- (g) "Department of General Services" means the California Department of General Services.
- (h) "Disadvantaged community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.
- (i) "District" means Mid-Peninsula Water District, a county water district organized under Water Code Section 30000 *et seq.*
- (j) "Functional turf" means a ground cover surface of turf located in a recreational use area or community space. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly is not functional turf.
- (k) "Homeowners' association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- (l) "Industrial properties" means properties that are used primarily as a manufacturer or processor of materials as defined by the North American Industry Classification System code sectors 21 to 33, inclusive, or a property that is used primarily for research and development.
- (m) "Institutional properties" means properties that are dedicated to public service. This type of property includes, among other things, higher education institutions, schools, courts, churches, hospitals, government facilities, and nonprofit research institutions.
- (n) "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity.

- (o) "Nonfunctional turf" has the same meaning as set forth in California Water Code section 10608.14, and means any turf that is not functional turf, including, but not limited to, turf that is not located in a recreational use area or community space. Nonfunctional turf includes turf located within street rights-of-way and parking lots. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly shall be deemed nonfunctional turf. This definition shall be construed in accordance with Water Code section 10608.14 and any implementing regulations adopted by the State Water Resources Control Board, as amended.
- (p) "Potable water" means water that is suitable for human consumption.
- (q) "Recreational use area" means an area designated by a property owner or a governmental agency to accommodate human foot traffic for recreation, including, but not limited to: sports fields, golf courses, playgrounds, picnic grounds, or pet exercise areas. This recreation may be either formal or informal.
- (r) "Recycled turf material" means sheet mulched, composted, tilled in, or decomposed on site.
- (s) "State Water Board" means California State Water Resources Control Board.
- (t) "Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

- B. Where a term used in this Ordinance is expressly defined by reference to a provision of the California Water Code, Civil Code, or other state statute, such term shall be interpreted consistently with the referenced statute and any implementing regulations, as amended, unless the context clearly requires otherwise.

III. Irrigation Ban on Nonfunctional Turf Ordinance Requirements

- A. The below specified properties are prohibited from using potable water to irrigate nonfunctional turf as of the dates listed below:
1. All properties owned by the Department of General Services, beginning January 1, 2027.

- B. In addition, the District may adopt and implement a local process to allow for compliance deadline extensions that is consistent with the criteria and limitations set forth in Water Code section 10608.14(c), including, but not limited to, extensions based on economic hardship, critical business need, or potential impacts to human health or safety.

VI. State Law Certification

- A. Owners of certain commercial, industrial, and institutional properties, and owners of certain common areas of homeowners' associations and common interest developments, may be required to certify compliance with the potable water irrigation restrictions for nonfunctional turf to the California State Water Resources Control Board pursuant to California Water Code section 10608.14(e).
- B. District enforcement of this Ordinance is independent of, and in addition to, any certification, reporting, or compliance obligations imposed by state law. Compliance with State Water Resources Control Board certification requirements does not preclude District enforcement actions for violations of this Ordinance, nor does District enforcement relieve any person or entity of obligations imposed by state law.

VII. Enforcement and Penalties

- A. Any violation of this Ordinance occurring on separate calendar days shall constitute a separate and distinct violation, regardless of whether such violations arise from the same or related acts, omissions, or conditions, including the continued irrigation of nonfunctional turf.
- B. The following penalties are imposed for violation of any of the provisions of this code. Any violations occurring on separate calendar days are separate violations.
1. Education/Written Notice. If the District believes that water has been or is being used in violation of the above restrictions, the District will first devote efforts to educating the customer(s) in question by contacting them and informing them about the violation.

If the violation occurs again, the District will send a written notice to the customer specifying the nature of the violation and the date and time of occurrence and request that the customer cease the violation and take prompt remedial action. The District will provide the customer with a copy of this Ordinance and inform the customer that failure to comply may result in temporary suspension of water service.

2. All properties owned by local governments, local or regional public agencies, and public water systems, except those specified in Section III(A)(5), beginning January 1, 2027.
 3. All other institutional properties and all commercial and industrial properties, beginning January 1, 2028.
 4. All common areas of properties of HOAs, common interest developments, and community service organizations or similar entities, beginning January 1, 2029.
 5. All properties owned by local governments, local public agencies, and public water systems in a disadvantaged community, beginning January 1, 2031, or the date upon which a state funding source is made available to fund conversion of nonfunctional turf on these properties to climate-appropriate landscapes, whichever is later.
- B. Nonfunctional turf shall not be installed at any new or existing CII properties, including HOA properties and common interest development properties.
- C. Nonfunctional turf that is recycled or removed from CII properties and common areas of HOAs shall be replaced within two years with living trees and climate-appropriate nonturf plants that:
1. Cover a minimum of 50% of the landscape area.
 2. Are designed, installed, and managed in accordance with criteria consistent with Mid-Peninsula Water District's Water Efficient Landscape Ordinance (Ordinance Number 115), where that ordinance applies, or otherwise in accordance with District-approved climate-appropriate landscaping guidance.

IV. Exemptions

- A. The following uses of potable water shall be exempt from this prohibition:
1. Irrigation necessary to sustain trees and perennial non-turf plants.
 2. Potable water use required for health and safety concerns, such as fire suppression or erosion control.
 3. Cemeteries and public spaces intended for community assembly to the extent turf qualifies as functional turf (e.g., parks, recreational areas, and sports fields).
 4. Agricultural irrigation.

V. Hardship or Compliance Extensions

- A. The District may recognize and give effect to compliance deadline extensions granted by the California State Water Resources Control Board pursuant to California Water Code section 10608.14(c).

2. On-Site Notification. In the event that a further violation(s) is observed by the District after the written notice sent pursuant to section V.A.1. above, the District will make reasonable efforts to notify the customer of the violation and post a notice on the front door or other point of entry onto the property requiring the customer to cease the violation and take remedial action within 48 hours of the on-site notification. Failure to comply after the on-site notification may result in (1) the temporary suspension of water service; and (2) civil liability and penalties of up to \$1,000 per day, as authorized by California Water Code Section 1846.
3. Suspension of Water Service/Flow Restrictors. In the event that a further violation(s) is observed by District personnel 48 or more hours after the on-site notification, it will be deemed a willful violation of the mandatory restrictions on water use and the District may, but is not required to, temporarily suspend water service or install a flow restrictor.

The customer shall be responsible for paying the District's costs incurred in enforcing this Ordinance, including providing the on-site notification, installing a flow restrictor, and temporarily suspending and restoring water service, on a time and material basis.

The customer shall take and implement appropriate remedial actions to come into full compliance with this Ordinance, pay all fees and charges described in V.A.2. above, and bring the customer's water account to good standing before the District proceeds with the reconnection of water service after it has been temporarily suspended.
4. Appeal. Any customer who disputes a staff determination of a violation(s) of the above restrictions may appeal the suspension of water service or installation of a flow restrictor in writing to the General Manager. The written appeal must be addressed to the General Manager and include: (1) the customer's name; (2) address; (3) account number; (4) a description of the violation(s); (5) the enforcement action taken; and (6) a detailed explanation of the basis of the appeal. The General Manager will evaluate each written appeal and shall issue a written decision that may be appealed to the Board of Directors within 7 days from the date of issuance. The decision of the Board of Directors shall be final.

VIII. Severability

- A. If any section, subsection, or provision of this ordinance is held to be invalid, the remainder shall remain in full force and effect.

IX. Effective Date

- A. This ordinance shall take effect immediately upon adoption and shall be enforced in accordance with the compliance deadlines specified herein.

REGULARLY PASSED AND ADOPTED at a meeting of the Board of Directors of the Mid-Peninsula Water District duly held on 28th day of May 2026 by the following vote.

AYES: 5

NOES: 0

ABSTENTIONS: 0

ABSENCES: 0


Board President

ATTEST:


District Secretary