

ORDINANCE NO. 105

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE TWENTYNINE PALMS WATER DISTRICT IMPLEMENTING CALIFORNIA ASSEMBLY BILL 1572 PROHIBITING THE USE OF POTABLE WATER FOR THE IRRIGATION OF NONFUNCTIONAL TURF

WHEREAS, Water Code section 31027 authorizes the District to adopt ordinance regarding the restrictions, prohibitions, and exclusions of water use;

WHEREAS, California Assembly Bill 1572 (AB 1572), as codified in the California Water Code sections 110 and 10608.14, declares the use of potable water to irrigate non-functional turf as wasteful and prohibits its use for the irrigation of nonfunctional turf at commercial, industrial, and institutional properties, other than a cemetery, and on properties of homeowners' associations, common interest developments, and community service organizations or similar entities, with certain limited exceptions;

WHEREAS, AB 1572 requires the District revise or adopt an ordinance to enforce the state-mandated prohibitions under Water Code section 10608.14;

WHEREAS, San Bernardino County is subject to recurring drought conditions and limited imported water supplies, making long-term water use efficiency critical to the health, safety, and welfare of the District's customers; and

WHEREAS, implementing AB 1572 locally ensures compliance with State law, conserves water, and provides clear guidance for District customers.

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE TWENTYNINE PALMS
WATER DISTRICT:**

SECTION 1. INCORPORATION OF RECITALS

The Recitals set forth above are incorporated herein, are made findings and determination of the Board of Directors, and are an operative part of this Ordinance.

SECTION 2. DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply:

"Common area" means that portion of a common interest development or of a property owned or managed by a 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 dwelling unit within the property.

"Commercial property" means any real property, or portion of real property, that is used or occupied primarily for commercial purposes, including the provision or distribution of a product or service, whether for profit or not for profit, and whether or not open to the general public.

“Common interest development” means a community apartment project, condominium project, a planned development or stock cooperative.

“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. It 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.

“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.

“Disadvantaged community” means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.

“Functional turf” means a ground cover surface of turf located in a recreational use area or community space.

“Homeowners’ association” or **“HOA”** means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

“Industrial Property” means any real property, or portion of real property, that is used or occupied primarily by a manufacturer or processor of materials within North American Industry Classification System (NAICS) sectors 31 to 33, inclusive; or an entity primarily engaged in research and development.

“Institutional Property” means any real property, or portion of real property, that is used or occupied primarily for public service purposes, including, without limitation, higher education institutions, schools, courts, churches, hospitals, government facilities, and nonprofit research institutions.

“Nonfunctional turf” means any turf that is not functional turf.

“Potable water” means water suitable for human consumption..

“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.

“Turf” means a living ground cover surface of mowed grass. This includes but is not limited to cool, warm-season, hybrid or crossover varieties, and those engineered to be drought resilient.

SECTION 3. RESPONSIBILITY

The customer of the District whose name is on the account shall be responsible for compliance with the provisions of this Ordinance.

SECTION 4. EXISTING RULES AND REGULATIONS

This Ordinance is supplemental to and does not repeal or replace any other current District rule or regulation concerning water conservation or restrictions, unless explicitly stated. The requirements herein do not affect any other limits on watering hours, responsibilities to fix leaks or breaks, or any other activities in which water may be used within the District.

SECTION 5. PROHIBITION

- A. The use of potable water for the irrigation of nonfunctional turf located on commercial, industrial, and institutional properties, other than a cemetery, and on properties of homeowners' associations, common interest developments, and community service organizations or similar entities is prohibited as follows:
 - 1. All properties owned by the Department of General Services, beginning January 1, 2027;
 - 2. All properties owned by local governments, local or regional public agencies, and public water systems, except those specified in paragraph (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 homeowners' associations, common interest developments, and community service organizations or similar entities, beginning January 1, 2029; and
 - 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 includes, but is not limited to, the following:
 - 1. Turf located within street rights-of-way and parking lots;
 - 2. Turf on narrow strips (10 ft wide or less) next to sidewalks, fences, or buildings;
 - 3. Turf that is purely ornamental;
 - 4. Turf at entries, signage areas, or gateways;
 - 5. Turf on steep slopes at a 25% grade or more;
 - 6. Common areas of homeowners' associations, common interest developments, and community service organizations or similar entities that are not otherwise designated as a recreational use area or community space;
 - 7. Turf which is enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly.

SECTION 6. EXCEPTIONS AND EXCLUSIONS

The restrictions on potable water use in the section above do not apply to:

- A. Residential properties; residential customers may continue to irrigate turf subject to the District's water conservation ordinance;
- B. Cemeteries;
- C. Community spaces;
- D. Recreational use areas; and
- E. Irrigation necessary to ensure the health of trees and other perennial nonturf vegetation, or to the extent necessary to address an immediate health and safety need.
- F. The State Water Resources Control Board has the authority to postpone compliance deadlines for certain persons, institutions, or businesses (e.g., due to hardship, critical business need, or health/safety concerns.)

SECTION 7. CERTIFICATION FOR LARGE COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL PROPERTIES

- A. Pursuant to Water Code section 10608.14(e)(1), customers with more than 5,000 square feet of irrigated area in commercial, industrial, or institutional property shall certify their compliance to the State Water Resources Control Board, commencing June 30, 2030, and every three years thereafter through 2039.
- B. Pursuant to Water Code section 10608.14(e)(2), customers with more than 5,000 square feet of irrigated common area that is a homeowners' association, common interest development, or community service organization or similar entity shall certify their compliance to the State Water Resources Control Board, commencing June 30, 2031, and every three years thereafter through 2040.
- C. Proof of certification shall be provided to the District in a manner prescribed by the General Manager, or designee.

SECTION 8. ENFORCEMENT

- A. The General Manager, or designee, shall administer and enforce this Ordinance.
- B. Enforcement actions are cumulative and may include one or more of the following:
 - 1. Written notice of non-compliance or Notice of Violation;
 - 2. Installation of a flow-restricting device in the meter at customer's expense; or
 - 3. Pursuant to the District's authority under Water Code § 377, fines:
 - a. One hundred dollars (\$100.00) for a first violation;

- b. Two hundred dollars (\$200.00) for a second violation of any provision of this ordinance within one year of the prior violation; and
- c. Five hundred dollars (\$500.00) for each additional violation of this ordinance within one year of the prior violation.

SECTION 9. APPEALS

Any customer subject to enforcement action under this Ordinance may file an appeal with the District within thirty (30) days of receiving a Notice of Violation. Appeals shall be considered by the Board of Directors, whose decision shall be final.

SECTION 10. CEQA COMPLIANCE

Based upon the whole of the administrative record before it, the Board of Directors hereby finds that adoption of this Ordinance is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5).

SECTION 11. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

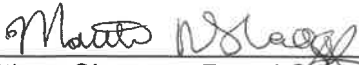
SECTION 12. EFFECTIVE DATE

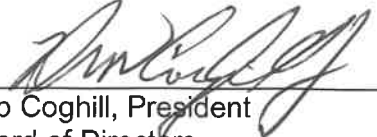
This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Board of Directors of the Twentynine Palms Water District on this 15th day of July, 2026, by the following vote:

Ayes: Directors Arthur, Bowden, Leazer, Woods, and Coghill
Noes: None
Abstain: None
Absent: None

Attest:


Matthew Shragge, Board Secretary
Twentynine Palms Water District


Bob Coghill, President
Board of Directors

