ORDINANCE NO. 60
Mariposa Public Utility District

An Ordinance of the Board of Directors of the Mariposa Public Utility District Prohibiting Potable Water From Being Used to Irrigate Certain Areas of Non-Functional Turf

WHEREAS, the Mariposa Public Utility District (District) supplies potable water to the town of Mariposa, a disadvantaged community, using groundwater wells and treated surface water within its service area; and

WHEREAS, pursuant to Water Code Section 31026 et seq. and Water Code Sections 350-375, the District is authorized to adopt and empowered to enact and enforce restrictions on water use and water conservation programs to conserve its water supplies and prevent water waste; and

WHEREAS, in 2023 the Legislature adopted AB 1572, which prohibits the use of potable water to irrigate non-functional turf at all times on certain non-residential properties, and requires the District to update its regulations to enforce the state-mandated prohibitions; and

WHEREAS, this ordinance is in addition to and does not repeal or replace any other current District ordinance, including Ordinance 52 Prohibition of Nonessential Water Use, concerning water conservation or restrictions, unless explicitly stated.

NOW THEREFORE, be it ordained by the Board of Directors of the Mariposa Public Utility District as follows:

Section 1. Definitions

Unless otherwise stated, the terms in this ordinance shall have the same meanings as defined in Water Code Section 10608.12

Section 2. Prohibition on Use of Potable Water to Irrigate Non-Functional Turf

The use of potable water for the irrigation of non-functional 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. This ordinance shall take effect as follows:

1. All properties owned by the Department of General Services must stop watering non-functional turf with potable water beginning January 1, 2027.
2. All commercial, industrial, and institutional properties must stop watering non-functional turf with potable water beginning January 1, 2028.
3. All common areas of properties of homeowners' associations, common interest developments, and community service organizations of similar entities must stop watering non-functional turf with potable water beginning January 1, 2029.
4. All properties owned by local governments or local or regional public agencies in a disadvantaged community must stop watering non-functional turf with potable water 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.

Section 3. Functional Turf Examples

Examples of Functional Turf landscaping that are not subject to the District's ordinance, and therefore may be irrigated with potable water include, but are not limited to:

a. Government Functional Turf: Turf areas on government properties that offer a public gathering benefit to the community, provide a dedicated function as a recreational use area that improves the quality of life for the public, or have a

justifiable operational requirement. Specific examples include public parks, recreational use areas, and sports fields.

b. Commercial, Industrial and Institutional Functional Turf: Turf areas on commercial properties which have an exclusive use, and are inherently required to sustain an essential function, service, or operation. Some examples include daycare centers and regularly programmed events in areas with temporary occupancy.

c. Common Interest Development/HOA Common Area Functional Turf: Turf areas in a Homeowners Association's Common Area, or a similar entity, if it has a history (past, present and future) of programmed community events such as charity drives, weddings, concerts: or recreational use areas with specific functions such as a children's playground, sports field, or dedicated pet areas.

d. The restrictions set forth in this ordinance shall not apply to private residential properties, and residential customers may continue to irrigate turf.

Section 4. Non-Functional Turf Examples

Turf areas with no functional purpose other than being aesthetic, ornamental, or passive landscaping are Non-Functional Turf. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly is Non-Functional Turf.

Any turf on an affected water customer's property that does not meet the criteria for Functional Turf including, but not limited to areas such as frontages, street rights-of-way, center medians, roundabouts, parking lots, HOA Common Areas, and Turf which is not assigned or allocated to the exclusive use of the occupants of an individual dwelling unit within the property, is classified as Non-Functional Turf.

Notwithstanding the above, the use of potable water is allowed to the extent necessary to address an immediate health and safety need or to ensure the health of trees and other perennial non-turf plantings. Where water is delivered to trees or other perennial non-turf plantings and Non-Functional Turf using a single irrigation valve, the water to the trees shall be delivered efficiently using drip, bubbler, or subterranean irrigation.

Section 5. Requirements for Agency Customers

An owner of commercial, industrial, or institutional property with more than 5,000 square feet of irrigated area other than a cemetery shall certify to the State Water Resources Control Board, commencing June 30, 2030, and every three years thereafter through 2039, that their property is in compliance with the requirements of Water Code Section 10608.14(e).2

Section 6. Enforcement and Inspections

The District shall monitor the status of Non-Functional Turf areas that continue to be irrigated with potable water after the applicable compliance dates as indicated in Section 2.

The District may conduct site inspections to verify compliance with the provisions of this ordinance and the validity of an affected water customer's self-certification. Affected water customers must cooperate with inspections and provide access to their properties, as needed. Refusal to allow or permit proper access in accordance with this subsection may result in a violation and penalties as described in Section 7.

Section 7. Penalties and Violations

If an affected water customer is found to be in violation of this ordinance, the District shall issue a notice of violation, specifying the nature of the violation, the required corrective actions, and the deadline for correcting the violation. If a violation is verified, the following penalty schedule will apply:

a. First violation: Written warning, allowing thirty (30) calendar days for a response with corrections.
b. Second violation: If, after thirty (30) calendar days, a second violation is verified or if there is a failure to commence corrective action for the first violation, a penalty in the amount of $125.00 will be added to the customer's water service account or bill.
c. Third violation: If a third violation is verified at least fifteen (15) calendar days after the second violation notice, a penalty in the amount of $250.00 will be added to the customer's water service account or bill.
d. Beyond third violation: additional penalties in the amount of $500 per verified violation can be imposed for each violation.

Dispute process: Water customers who receive notice of violation may dispute the decision to District staff in writing. Once a dispute is filed with the District, the penalty timeline will be placed on hold until a determination to the dispute has been issued. Any customer who is not satisfied with the outcome of the dispute determination may, within ten (10) business days of the District staff's decision, appeal the matter to the Board of Directors.

Section 8. Effective Date

This ordinance shall take effect thirty (30) days from the date of its adoption. Before the expiration of fifteen (15) days after its adoption, this ordinance shall be published in the Mariposa Gazette, a newspaper of general circulation, printed and published in Mariposa, California.

The foregoing ordinance was duly passed and adopted at a meeting of the Mariposa Public Utility District of Directors held on November 3, 2026, by the following vote:

AYES: Directors Bondshu, Cleary, Mock and Wichmann
ABSENT: Director Dulcich
NOES: None

Gordon Dulcich
Chairman, Board of Directors
Mariposa Public Utility District

ATTEST:

Susan A. Wages
Clerk, ex-officio, Secretary