

**ORDINANCE NO. 15-2**  
**AN ORDINANCE OF THE BOARD OF THE DIRECTORS**  
**OF THE CARPINTERIA VALLEY WATER DISTRICT AMENDING AND**  
**SUPERSEDING ORDINANCE 15-1 AND DECLARING A STAGE TWO**  
**DROUGHT CONDITION AND ESTABLISHING WATER USE REGULATIONS**  
**TO BE EFFECTIVE DURING A STAGE TWO DROUGHT CONDITION**

**WHEREAS**, the Board of Directors on January 31, 1990 approved Ordinance 90-1 Pertaining to Drought Regulations and Water Conservation Standards; and

**WHEREAS**, the Board of Directors on February 12, 2014 approved Resolution No. 972 Declaring a Stage One Drought Emergency; and

**WHEREAS**, the Board of Directors on August 13, 2014 approved Resolution No. 980 Implementing the State Water Resources Control Board's Drought Emergency Water Conservation Regulation; and

**WHEREAS**, the Board of Directors on October 8, 2014 adopted Ordinance No. 14-1 Consolidating Mandatory Water Conservation Requirements set forth in Ordinance No. 90-1, Resolutions No. 972 and 980, and Adding New Requirements and Establishing Enforcement Measures to Address a Drought Emergency; and

**WHEREAS**, the Board of Directors on January 14, 2015 adopted Ordinance No. 15-1 Consolidating Mandatory Water Conservation Requirements set forth in Ordinance 14-1, Ordinance No. 90-1, Resolutions No. 972 and 980, and Deleting the Suspension of District Rule No. 15a (Sections 4 and 5); and

**WHEREAS**, the State of California Office of Administrative Law on March 27, 2015 approved the emergency regulatory action approved by the State Water Resources Control Board on March 17, 2015 adopting expanded emergency regulations to safeguard the state's remaining water supplies; and

**WHEREAS**, Governor Edmond G. Brown, on April 1, 2015 issued Executive Order B-29-15 proclaiming a State of Emergency, amending and extending orders and provisions contained in Executive Orders B-26-14 and B-28-14 due to the ongoing drought, California's severely depleted water supplies and the possibility that the current drought will stretch into a fifth straight year in 2016 and beyond; and

**WHEREAS**, continued drought conditions have reduced local and state-wide water resources over 15% of average annual demand; and

**WHEREAS**, there currently exists the possibility of shortages within the District's service area over 15% of average annual demand within the next 12 - 18 months; and

**WHEREAS**, the District is committed to achieving the Governor's April 1, 2015 Executive Order B-29-15 for a statewide 25 % reduction in urban potable water use through February of 2016; and

**WHEREAS**, the District is committed to achieving the District's assigned conservation standard of 20% as required for Tier 5 urban water suppliers by the State Water Resources Control Board for each month as compared to the amount used in the same month in 2013, to prevent a possible reduction in District water supply such that there would be insufficient water for human consumption, sanitation and fire protection; and

**WHEREAS**, the District is required to implement the imposition of mandatory restrictions on outdoor irrigation pursuant to emergency regulations, Cal. Code Regs. Title 23 Sections 863, 846 and 865 adopted by the State Water Board on July 15, 2014; and amended on March 17, 2015; and

**WHEREAS**, California Water Code Section 31026 also authorizes the District to restrict use of water during any emergency caused by drought, and to prohibit the waste of water during such periods; and

**WHEREAS**, the District's Water Shortage Contingency Plan provides that when the District determines that the water supply for the current or impending water year is anticipated to be approximately 15-30% less than projected normal demand a Stage Two shall be declared and such conditions now exist; and

**WHEREAS**, it is in the best interests of the customers of the District for the District to have regulations in place for the timely implementation of any future Water Shortage Emergency; and

**WHEREAS**, as the Board adopts this Ordinance, and finds that the restrictions set forth herein are necessary and proper to protect the water supply for human consumption, sanitation, and fire protection during Water Shortage emergencies, the Board also finds that the uses of water that are prohibited below are nonessential.

**NOW THEREFORE BE IT ORDAINED**, pursuant to Section 31026 of the Water Code, the Carpinteria Valley Water District prohibits the following:

a) running water from a hose, pipe, or any other device for the purpose of cleaning buildings and driveways or sidewalks except in the event the General Manager or designee determines that such use is the only feasible means of addressing a potential threat to health and safety;

b) washing of driveways and sidewalks except in the event the General Manager or designee determines that such use is the only feasible means of addressing a potential threat to health and safety;

c) irrigation of outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property such as patios, decks or driveways, private and public walkways, roadways, parking lots, or structures;

d) use of a fountain or other decorative water feature except if a recirculating system is in place;

e) manual irrigation by hose or moveable sprinkler at any time from 10:00 a.m. to 4:00 p.m. of any yard, park, recreation area, or other area containing landscape vegetation;

f) outdoor irrigation through fixed irrigation systems, either manually or by timer controller at any time from 8:00 a.m. to 6:00 p.m., of any yard, park, recreation area, or other area containing landscape vegetation, except for testing system or repairing leaks;

g) irrigation of turf or ornamental landscapes during and forty-eight (48) hours following measurable rainfall;

h) irrigation of landscapes outside newly constructed homes and buildings that is not delivered by drip or micro-spray systems;

i) irrigation of ornamental turf on public street medians

j) free-flowing hoses for all uses. Automatic shut-off devices shall be attached on any hose or filling apparatus in use.

**BE IT FURTHER ORDAINED** that pursuant to Section 31026 of the Water Code, the Carpinteria Valley Water District restricts use of District water as follows:

a) All restaurants located within the Carpinteria Valley Water District that provide table and/or counter service shall post, in a conspicuous place, a Notice of Drought Condition as approved by the General Manager and shall refrain from serving water except upon specific request by a customer;

b) Boats and vehicles shall be washed only at commercial car washing facilities or by use of a bucket and/or hose equipped with a self-closing valve that requires operator pressure to activate the flow of water;

c) Breaks or leaks in any customer's plumbing shall be immediately repaired upon discovery. If repairs cannot be completed within seventy-two (72) hours of detection or within seventy-two (72) hours of notification by the District, water service to the property may be turned off by District staff to prevent water loss until such time the repair has been completed;

d) Operators of hotels, motels and other commercial lodging establishments located within the Carpinteria Valley Water District shall post in each room a notice of

drought conditions containing water conservation information and a separate notice with language similar to the following:

"This area is suffering a Drought emergency. If you wish to have your sheets changed while you are staying, please leave this notice on your pillow. If you would like your towels changed, please leave them on the floor. Housekeeping will be pleased to accommodate you."

e) Operators of pools, exercise facilities and other similar establishments providing showering facilities shall promote limitation of showering time and post a Notice of Drought Condition;

f) Draining and refilling up to one third of the volume of a pool per year is allowed as necessary to maintain suitable pool water quality. Draining and refilling in excess of one third per year is prohibited, except in the event the General Manager or designee determines that such further draining is required to make needed repairs, or to prevent equipment damage or voiding of warranties;

g) Commercial, Industrial, and Public Authority properties, such as campuses, golf courses, driving ranges, and cemeteries, immediately implement water efficiency measures to reduce potable water usage by 25% for each month as compared to the amount used in the same month in 2013.

h) Landscape irrigation by Residential, Commercial, Public Authority and Industrial customers shall be limited to no more than two (2) days a week.

**BE IT FURTHER ORDAINED** that pursuant to Governor Brown's Executive Order B-29-15, the Carpinteria Valley Water District restricts the following uses of non-District water:

Commercial, Industrial, and Public Authority facilities with an independent non-District source of water supply shall limit outdoor irrigation to no more than two days per week.

**BE IT FURTHER ORDAINED** that increasingly significant administrative penalties to create a disincentive to commit future violations of the aforementioned District potable water and non-District water use prohibitions and restrictions, shall be:

a) a letter to the District customer of record indicating a violation of one or more of the aforementioned water use prohibitions or restrictions; and

b) a letter to the District customer of record indicating a second violation of one or more of the aforementioned water use prohibitions or restrictions and a fine of twenty-five dollars (\$25.00) added to the customer's next bill for the second offense;

c) a letter to the District customer of record indicating a third violation of one or more of the aforementioned water use prohibitions or restrictions and a fine of one hundred dollars (\$100.00) added to the customer's next bill for the third; and

d) a letter to the District customer of record indicating additional incidences of violation of one or more of the aforementioned water use prohibitions or restrictions and further fines with a limit up to five hundred dollars (\$500.00) for each day a violation occurs at the discretion of the Board of Directors.

**BE IT FURTHER ORDAINED** that a customer, in accordance with District Rules and Regulations may appeal the imposition of a monetary penalty by submitting a letter to the District within seven (7) days of the District's mailing of a notice of violation; and

**BE IT FURTHER ORDAINED** that a customer, in accordance with District Rules and Regulations, may appeal the General Manager's or Assistant General Manager's rejection of the appeal by submitting a letter to the Board of Directors within seven (7) days of the General Manager's or Assistant General Manager's rejection of said appeal.

**BE IT FURTHER ORDAINED** that to the extent that the terms and provisions of this Ordinance are inconsistent or in conflict with the terms and provisions of any prior District ordinance, resolution, rule or regulation, the terms of this Ordinance shall prevail, and inconsistent and conflicting provisions of prior ordinances, resolutions, rules and regulations shall be suspended during the effective period of this Ordinance.

**BE IT FURTHER ORDAINED** that in the event the State adopts mandatory water conservation measures requiring implementation by the District during a water shortage emergency, and such State mandate measures require additional water conservation actions beyond the District's currently enforceable conservation measures, such State-mandated measures shall automatically be deemed to be fully incorporated and part of this Ordinance and enforceable by the District.

**BE IT FURTHER ORDAINED** that if any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be unconstitutional or invalid.

**BE IT FURTHER ORDAINED** that this Ordinance is an urgency ordinance. It is necessary that the restrictions set forth in this Ordinance be adopted as set forth herein in order to protect the supply of water for human consumption, sanitation and fire protection.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect on May 13, 2015 and terminate on July 1, 2016.

Vote on Ordinance No. 15-2 by roll call resulted as follows:

AYES: Forde, Holcombe, Orozco, Roberts, Van Wingerden

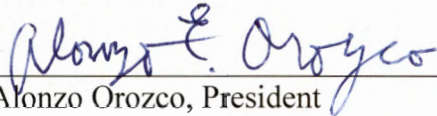
NOES: none

ABSENT: none

ABSTAIN: none

**PASSED AND ADOPTED** by the Board of Directors of the Carpinteria Valley Water District, this 13th day of May, 2015.

APPROVED:

  
Alonzo Orozco, President

ATTEST:

  
Charles B. Hamilton, Secretary