

DRAFT ORDINANCE NO. 21-1 DRAFT****
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE CARPINTERIA VALLEY WATER DISTRICT DECLARING A
STAGE TWO DROUGHT CONDITION AND IMPLEMENT WATER USE
RESTRICTIONS TO BE EFFECTIVE DURING A STAGE TWO DROUGHT
CONDITION

WHEREAS, the Board of Directors on June, 2019 approved Ordinance 19-2 moving the District into a Stage One Drought Condition after rainfall in 2019 restored Cachuma levels above 100,000 AF; and

WHEREAS, In July 2021 the Governor declared the County of Santa Barbara to be in a drought emergency; and

WHEREAS, the Governor has declared 50 out of 59 Counties in the State to be in a Drought Emergency; and

WHEREAS, because of the extreme drought conditions, the Governor called for 15% voluntary reduction (conservation) from 2020 use as the State is experiencing extreme drought and extended dry conditions; and

WHEREAS, the County of Santa Barbara Board of Supervisors adopted a Resolution on July 13, 2021 declaring a Local Drought Emergency; and

WHEREAS, the Carpinteria Valley Water District, demand for water in WY2021 has climbed by 9% from WY 2020; and

WHEREAS, the State Water Project (SWP) 2021 Allocation is 5% and SWP Allocation for 2022 are expected to be similarly low; and

WHEREAS, the Cachuma Project Allocation for WY22 is expected to be below 100%; and

WHEREAS, there currently exists the possibility of shortages within the District's service area over 20% of average annual demand within the coming years; 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 Resolution 1097 provides that when the District determines that the water supply for the current or impending water years is anticipated to be approximately 10-20% less than projected normal demand a Stage 2 shall be implemented; 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) Landscape irrigation by Residential, Commercial, Public Authority and Industrial customers shall be limited to no more than three (3) days a 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 October 14, 2021 and terminate on October 1, 2022, if not before.

Vote on Ordinance No. 21-1 by roll call resulted as follows:

AYES:
NOES:
ABSENT:
ABSTAIN:

PASSED AND ADOPTED by the Board of Directors of the Carpinteria Valley Water District, this 13 day of October, 2021.

APPROVED:

Matthew Roberts, President

ATTEST:

Robert McDonald, Secretary