

## **ORDINANCE 2015-03**

### **AN ORDINANCE OF CALAVERAS COUNTY WATER DISTRICT**

#### **ESTABLISHING STAGE 2.5 MANDATORY CONSERVATION MEASURES**

**WHEREAS**, California is experiencing a fourth consecutive year of drought and many areas of the state are facing water shortages; and

**WHEREAS**, California Governor Edmund G. Brown declared a drought state of emergency on January 17, 2014, and called on all Californians to do their part to voluntarily reduce their water use by 20%; and

**WHEREAS**, Governor Brown issued Executive Order B-29-15 on April 1, 2015, ordering the first ever mandatory water use reductions in California to achieve a statewide reduction of 25% of potable urban water use through February 28, 2016 as compared to the amount used in 2013; and

**WHEREAS**, Executive Order B-29-15 also includes other conservation requirements such as prohibition of the use of potable water to irrigate ornamental turf on public street medians and application of the mandatory conservation requirements on use of potable water to commercial, industrial and institutional service connections as well as municipal customers; and

**WHEREAS**, at its meeting of May 5-6, 2015, the State Water Resources Control Board (State Water Board) adopted regulations to achieve the Governor's conservation order, which, based on its per capita residential water use as of July – September 2014, would have required Calaveras County Water District (CCWD) achieve water conservation savings of 32% through February 28, 2016; and

**WHEREAS**, after initially being given a 32% water conservation standard, CCWD staff worked with the State Board to reduce that standard to 16% in June 2015; and

**WHEREAS**, though local water supply conditions vary around the state, California is nevertheless in the fourth year of ongoing severe drought, and it is critical that all residents do their part to continue using water wisely to maximize the preservation of water supplies in case next year is dry as well; and

**WHEREAS**, CCWD's 2010 Urban Water Management Program (UWMP) contains a Water Shortage Contingency Plan (WSCP) with an Emergency Demand Reduction Program (EDRP) outlining measures to be taken in the event of a water shortage; and

**WHEREAS**, in response to the ongoing drought and the Governor's call for voluntary conservation, CCWD adopted Ordinance 2014-01 on June 11, 2014, enacting mandatory conservation measures, which through the support of the community, led to potable water savings of approximately 20% last year; and

**WHEREAS**, in response to the ongoing drought and the Governor's executive order for mandatory conservation, CCWD adopted Ordinance 2015-01 on May 13, 2015, enacting mandatory conservation measures, which through the support of the community, led to potable water savings of 37.5% between May and August 2015; and

**WHEREAS**, through great sacrifice and dedication by CCWD customers, the District has met and exceeded the 16% mandatory water conservation requirements set by the State in the critical summer months between May and August 2015; and

**WHEREAS** as winter approaches, weather becomes cooler and days shorter, and in light of the incredible conservation achievements over the summer, it is appropriate to provide CCWD customers with additional flexibility with water conservation restrictions; and

**WHEREAS**, CCWD has the power to perform all acts necessary, to carry out the Water Code provisions applicable to county water districts, including the ability to enact, enforce, and correct violations of any emergency conservation ordinance (Water Code §31001, 31016, 31026 and 31027); and

**WHEREAS**, Government Code § 53069.4 authorizes local agencies to impose fines for ordinance violations and enables those agencies to directly collect the fines pursuant to procedures that the agencies have adopted by ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the CALAVERAS COUNTY WATER DISTRICT do hereby declare this Ordinance to be necessary and in accordance with the authorities prescribed by California Water Code Section 31026 and 31027.

**BE IT FURTHER RESOLVED**, that conservation measures and enforcement actions enumerated under **STAGE 2.5 MANDATORY WATER CONSERVATION MEASURES** of the above referenced EDRP, attached hereto and made a part hereof, shall formally become effective December 12, 2015, and shall remain in effect until rescinded.

**FURTHER RESOLVED**, that the provisions of this Ordinance shall prevail and control in the event of inconsistency between this Ordinance and any other rules and regulations of CCWD.

**FURTHER RESOLVED**, that the General Manager of the CCWD is directed to take appropriate steps to enforce this Ordinance, including but not limited to designating staff

to investigate alleged violations of the Ordinance and to issue Notices of Violation and fines under the Ordinance.

**FURTHER RESOLVED**, that the Secretary of the Board of Directors is hereby directed to publish this Ordinance for the period and in the manner required by Water Code Section 31027.

**FURTHER RESOLVED**, that CCWD Ordinance 2015-01, adopted May 13, 2015, is hereby rescinded on December 12, 2015.

**PASSED AND ADOPTED** this 14th day of October, 2015 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

CALAVERAS COUNTY WATER DISTRICT

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Bertha Underhill, President  
Board of Directors

**ATTEST:**

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Mona Walker  
Clerk to the Board

## **CALAVERAS COUNTY WATER DISTRICT**

### **STAGE 2.5 MANDATORY WATER CONSERVATION MEASURES**

1. Continue Water Conservation Program efforts through public outreach, education, conservation incentives and partnering with local agencies to heighten awareness of the drought, inform the public of measures residential and commercial customers can take to reduce indoor and outdoor water use and curtail wasteful water use.
2. Districtwide mandate of 20 percent reduction in potable water use when compared to the same time period in 2013.
3. The District asks customers to water outdoors only three days per week and avoid outdoor irrigation between the hours of 10 a.m. to 2 p.m.
4. Water leaks in customer-owned plumbing must be stopped or repaired by customers as soon as possible after being notified by CCWD staff.
5. Excessive irrigation that allows water to flow or spray onto adjacent properties, streets or other right-of-ways is prohibited and considered a waste.
6. Washing down sidewalks, driveways, parking areas, building exteriors, tennis courts, patios or other hard surface areas is prohibited, except to alleviate immediate safety or sanitation hazards.
7. Irrigating outdoors during, and within 48 hours after, measurable rainfall is prohibited.
8. Watering of ornamental turf on public street medians is prohibited.
9. Using a hose without an automatic shut-off valve to wash vehicles, boats or trailers is prohibited.
10. Use of potable water in decorative fountains and recreational ponds is prohibited unless the water is recirculated.
11. Restaurants and other food establishments shall only serve and refill water for patrons upon request. Restaurant owners are encouraged to use table cards to help convey the conservation message.
12. Hotels and motels must offer their guests the option to not have their linens and towels laundered daily and must prominently display this option in each guest room.

13. Golf courses must maximize their use of available recycled water and reduce their use of potable water by 20 percent compared to 2013 usage.
14. Line flushing will not be performed, except when necessary to comply with state and federal public health and safety requirements for operation of permitted potable water systems.
15. CCWD customers must adhere to all other applicable water conservation requirements mandated by the State of California, including the Governor, the State Water Resources Control Board and the State Legislature.
16. CCWD staff are authorized to investigate alleged violations of this Ordinance, to make determinations as to whether a violation has occurred, and to issue warning notices and administrative fines under this Ordinance.

End of Document

## CALAVERAS COUNTY WATER DISTRICT

### STAGE 2.5 WATER CONSERVATION ENFORCEMENT MEASURES

Under the mandatory conservation programs and in addition to, and/or exercise of, any and all lawful remedies, the Calaveras County Water District (CCWD or District) Board hereby adopts the following course of enforcement actions to apply to violations of Stage 2.5 irrigation and outdoor water use restrictions.

1. Upon a determination by CCWD staff that a violation of this Ordinance has occurred, CCWD will issue an initial Notice of Violation, which shall include written warning that further violation will result in possible restriction of water service. The Notice of Violation shall provide 72 hours for the person responsible for the violation to correct or cure the violation, except in the case of emergency, as determined by CCWD staff.
2. If a Customer fails to correct or cure the violation following the issuance of a Notice of Violation, the Customer's water service may be restricted by a flow-restricting device for a period of at least 30 days, and the Customer may also be subject to a fine not to exceed \$100 per violation, or both. If a flow-restricting device is installed, it shall remain in place until the Board of Directors repeals the state of emergency or threat of emergency or shortage and upon payment of all fines accrued to date and a \$72 fee for administrative, installation and removal costs.
3. In the event of additional or continuing violations, the Customer's water service may be restricted by a flow-restricting device installed by the District and the Customer may also be subject to a fine not to exceed \$200 for the second violation within the preceding 12 months, or both. In the event of continuing violations, the Customer may be subject to fines not to exceed \$500 per violation for each additional violation within the preceding 12 months. If a flow-restricting device is installed, it shall remain in place until the Board of Directors repeals the state of emergency or threat of emergency or shortage and upon payment of all fines accrued to date and a \$72 fee for administrative, installation and removal costs.
4. All fines and fees shall be added directly to the Customer's water bill, and each additional violation shall be accompanied by a Notice of Violation. A Customer may appeal an administrative fine to the Board of Directors within 30 days of the Notice of Violation. Fines that have not been appealed within the 30-day time period are presumed by the Board to be uncontested and correctly levied. Any legal challenge to the imposition of administrative fines under this section must be brought within 20 days of the expiration of the time for appeal before the Board, or within 20 days of the Board's ultimate determination on appeal, whichever is later pursuant to Government Code § 53069.4.

5. The violation of a District ordinance is a misdemeanor. CCWD retains the ability to pursue any and all other remedies available to it under the law, including the referral of alleged violations to local law enforcement, civil and criminal prosecution, and termination of water service. In particular, the District may pursue a violation of conservation restriction under Water Code Section 31029 which states in part, "...it is a misdemeanor for any person to use or apply water received from the district contrary to or in violation of the restriction or prohibition, until the ordinance has been repealed or threatened emergency case ceased, and upon conviction thereof, that person shall be punished by imprisonment in the county jail for not more than 30 days or by fine of not more than six hundred dollars (\$600) or by both the fine and imprisonment."

Adopted October 14, 2015, by Ordinance 2015-03