

ORDINANCE NO. 195

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE VALLECITOS WATER DISTRICT
ADOPTING EMERGENCY DROUGHT
CONSERVATION MEASURES**

BE IT ORDAINED by the Board of Directors of the Vallecitos Water District ("District") as follows:

STATE OF CALIFORNIA DECLARATION OF WATER EMERGENCY

Whereas, on January 17, 2014, Governor Brown issued Proclamation No. 1-17-2014, declaring a state of emergency throughout the State of California due to severe drought conditions; and

Whereas, on April 1, 2015, Governor Brown issued Executive Order No. B-29-15, ("Executive Order"), directing that the State Water Resources Control Board ("Control Board") develop and impose restrictions on urban water users to achieve a statewide 25% reduction in potable urban water use; and

Whereas, the Executive Order was effective immediately upon its issuance, through February 28, 2016, and includes additional water conservation measures and mandated water conservation amounts; and

Whereas, on May 5, 2015, the Control Board adopted new regulations, to ensure compliance with the Executive Order; and

Whereas, the Control Board has mandated a 24% reduction in potable water use for the District, from 2013 demands, which includes Residential, Commercial, Industrial and Institutional potable water demands; and

Whereas, on April 14, 2015, the Metropolitan Water District of Southern California ("Metropolitan") adopted a 15% supply reduction effective July 1, 2015, to June 30, 2016, with the requirement to re-evaluate the allocation level in December 2015; and

Whereas, on February 13, 2014, the San Diego County Water Authority ("Water Authority") adopted a Level 1 – "Drought Watch" condition that included additional voluntary water conservation measures; and

Whereas, on July 24, 2014, the Water Authority adopted a Level 2 – "Drought Alert" condition that included mandatory water use restrictions, but did not define supply allocations or a potable water use reduction goal; and

Whereas, on May 14, 2015, the Water Authority adopted Level 2 – "Drought Alert" supply allocations to Municipal and Industrial (M & I) and Transitional Special

Agricultural Water Rate (TSAWR) supply allocations, for each member agency, based upon the Metropolitan supply reduction in water deliveries, effective July 1, 2015 to June 30, 2016; and

Whereas, the District has an existing Drought Response Conservation Program adopted by the Board of Directors on May 6, 2009, as Ordinance No. 162; and

Whereas, on February 19, 2014, the District followed the action of the Water Authority and declared a Level 1 "Drought Watch" which included increased public outreach and volunteer conservation practices; and

Whereas, on August 6, 2014, the District followed the action of the Water Authority and declared a Level 2 "Drought Alert" which included increased public outreach, required additional conservation practices and authorized fines for non-compliance.

Based on the foregoing, and to prevent the waste and unreasonable use of water and to promote water conservation, the Board of Directors of the District hereby finds and determines that the following emergency measures must be taken:

SECTION 1: The provisions of *Ordinance No. 162, Drought Response Level 2 – Drought Alert Section (a) Level 2 Mandatory Conservation Practices* shall remain in full force and effect and shall apply to this Emergency Declaration.

SECTION 2: Each of the following additional actions are prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(a) The use of potable water for irrigation of ornamental turf within public street rights of ways including adjacent landscape strips.

(b) The use of potable water outside of newly constructed homes and buildings inconsistent with regulations established by the California Building Standards Commission.

(c) The application of potable water to outdoor landscaping during and after 48 hours of a measurable rain event.

(d) All leaks shall be repaired within forty-eight hours of notification by the District unless other arrangements are made with the District General Manager.

SECTION 3: To obtain the required 24% District-wide reduction in water demands, the following limitations shall apply to all outdoor irrigation, excluding qualified agriculture and commercial growers:

(a) Residential and commercial landscape irrigation will be limited to two assigned days per week between June and October on a schedule established by the District General Manager. Agriculture and commercial growers shall remain exempt.

(b) Irrigation, using sprinklers, will be limited to no more than 8 minutes per watering station per assigned day. Systems using water-efficient devices, including but not limited to, weather based controllers with drip/micro-irrigation systems and stream rotors are excluded.

SECTION 4: The reductions in demands associated with watering 2 days per week may not meet the 24% reduction requirements of the Executive Order and after July 1, 2015, the District may reduce outside irrigation use to 1 day per week as follows:

(a) Residential and commercial landscape irrigation will be limited to one assigned day per week between June and October on a schedule established by the General Manager. Nurseries and commercial growers shall remain exempt.

(b) Irrigation, using sprinklers, will be limited to no more than 8 minutes per watering station per assigned day. Systems using water-efficient devices, including but not limited to, weather based controllers with drip/micro-irrigation systems and stream rotors are excluded.

SECTION 5: VIOLATIONS AND PENALTIES

In addition to any other remedies which the District may have for the enforcement of this Ordinance pursuant to Water Code Section 31029, any person who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein. Each day that a violation of this ordinance occurs is a separate offense. Administrative fines may be levied for each violation of a provision of this ordinance as follows:

(a) FINES

(i) One hundred dollars (\$100.00) for a first violation.

(ii) Two hundred dollars (\$200.00) for a second violation of any provision of this ordinance within one year of the prior violation.

(iii) Five hundred dollars (\$500.00) for each additional violation of this ordinance within one year of the prior violation.

(iv) Violation of a provision of this ordinance is subject to enforcement through installation of a flow-restricting device in the meter.

(b) Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by a fine not exceeding \$1,000.00 or by both as provided in Water Code Section 377.

(c) Willful violations of the mandatory conservation measures and water use restrictions as set forth during Drought Emergency conditions may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code Section 346.


(d) All remedies provided for herein shall be cumulative and not exclusive.

SECTION 6: EFFECTIVE DATE

This ordinance is effective immediately upon adoption or as otherwise established by State law for the Vallecitos Water District.


PASSED, APPROVED AND ADOPTED on this 20th day of May, 2015, by the following roll call vote:

AYES: ELITHARP, HERNANDEZ, MARTIN, EVANS
NOES: SANNELLA
ABSTAIN:
ABSENT:



Betty D. Evans, President
Board of Directors
Vallecitos Water District

ATTEST:



Dennis O. Lamb, Secretary
Board of Directors
Vallecitos Water District