

## ORDINANCE NO. 43

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CASTAIC LAKE WATER AGENCY TO ESTABLISH WATER CONSERVATION AND WATER SUPPLY SHORTAGE RESTRICTIONS AND REGULATIONS FOR THE SANTA CLARITA WATER DIVISION

**WHEREAS**, the State of California is entering its fourth year of severe dry conditions with much of the state in a condition of extreme drought and such dry conditions may impact the long-term reliability of water supply in the Santa Clarita Valley; and

**WHEREAS**, on January 17, 2014, Governor Jerry Brown issued a statewide drought declaration and called upon local agencies to take aggressive, immediate action to reduce water consumption locally and statewide by 20 percent; and

**WHEREAS**, on July 15, 2014, the State Water Resources Control Board (State Board) approved an emergency regulation to ensure water agencies, their customers and state residents increase water conservation in urban settings or face possible fines or other enforcement measures; and

**WHEREAS**, despite these actions, voluntary conservation did not result in a 20 percent reduction in water demand; and

**WHEREAS**, on April 1, 2015, the Governor issued another drought declaration requiring an immediate reduction in overall potable urban water use statewide in response to continued dry conditions, which has resulted in water supplies that are drastically below normal, and called for a 25 percent statewide reduction in water use; and

**WHEREAS**, on May 5, 2015, the State Board approved an emergency regulation that places each urban water supplier into conservation tiers and mandates a certain percentage of water use reduction based upon tier placement to ensure compliance with the Governor's call for a 25 percent reduction; and

**WHEREAS**, the State Board placed the Santa Clarita Water Division (SCWD), which is a retail division within the Castaic Lake Water Agency (Agency), and is responsible for enforcing this Ordinance, in Tier 8, which requires a 32 percent water use reduction for the period of June 2015 through February 2016 compared to the same time period in 2013; and

**WHEREAS**, California Constitution article X, section 2 and California Water Code section 100 provide that because of conditions prevailing in the state of California (State), it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use or unreasonable method of use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

**WHEREAS**, in addition to Article X, Section 2, the Agency has the authority to adopt and enforce water conservation restrictions pursuant to Water Code sections 375 and 31026, and the Castaic Lake Water Agency Act section 103-15(k); and

**WHEREAS**, pursuant to California Water Code section 350, the Board of Directors is authorized to declare a water shortage emergency to prevail within its jurisdiction when it finds and determines that the Agency will not be able to or cannot satisfy the ordinary demands and requirements of water consumers without depleting the water supplies of the Santa Clarita Valley to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

**WHEREAS**, because of the prevailing conditions in the State, the current statewide drought, the mandatory water conservation requirements imposed by the State Board, and the declared policy of the State, the Agency hereby finds and determines that it is necessary and appropriate for SCWD to adopt, implement, and enforce a water conservation program with stages of water shortage restrictions, including an emergency stage, to reduce the quantity of water used by consumers within SCWD, to preserve water supplies, to prevent the waste or unreasonable use or unreasonable method of use of water, and to ensure that there is sufficient water for human consumption, sanitation, and fire protection.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

Section 1. Findings and Determinations. The Agency hereby finds and determines that the above recitals are true and correct and incorporated herein.

Section 2. Rescission of Ordinance No. 41. Ordinance No. 41 is hereby rescinding in its entirety and is replaced by this Ordinance.

Section 3. Outdoor Watering Restrictions.

a. To promote water conservation and prevent the waste, unreasonable use or unreasonable method of use of water, each of the following actions is prohibited at all times:

1. The application of potable water to outdoor lawns, turf and landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, and/or structures.
2. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with an automatic shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
3. The application of potable water to driveways, sidewalks, and other hardscape.
4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.
5. Irrigating outdoor lawns, turf, or vegetated area of landscape during and within 48 hours following measurable precipitation.
6. Irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

7. Watering or irrigating of outdoor lawns, turf, landscape or other vegetated area with potable water during the hours of 9:00 a.m. to 5:00 p.m. Pacific Standard Time on all days, except by use of a hand-held bucket or similar container or for very short periods of time for the purpose of adjusting or repairing an irrigation system.

8. Watering or irrigating outdoor lawns, turf, landscape, or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended for more than ten (10) minutes watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use low-flow drip type irrigation systems when no emitter produces more than two gallons of water per hour and weather based controllers or stream rotator sprinklers that meet a 70% efficiency standard.

9. The irrigation with potable water of turf on public street medians.

Section 4. Additional Water Use Restrictions. Additional water use restrictions include:

a. Restaurants and other food service establishments may not serve water to customers unless requested.

b. Operators of hotels and motels must provide customers with the option of not having towels and linen laundered daily and must prominently display notice of such.

c. All water system leaks must be repaired within 24 hours of detection or notification of such.

Section 5. Exemptions.

a. The restrictions in this Ordinance do not apply to the following:

1. The use of water where necessary to address an immediate health and safety need or for essential government services, such as police, fire or other similar emergency services.

2. The use of water where necessary to comply with a term or condition in a permit issued by a state or federal agency or to comply with fire mitigation requirements of a government agency.

3. The maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container.

4. The use of water to maintain existing landscape for soil erosion control if required or approved by a local agency.

b. Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, and school grounds may be exempt from the watering days restrictions in Sections 7, 8 and 9, but only if a written request is submitted to SCWD for a variance that sets forth the reasons for the requested exemption and such variance is granted by SCWD.

c. Customers who have participated in the removal of turf or high water use plants and have installed drought tolerant landscaping, including through the Santa Clarita Valley's rebate program, may not have to comply with the restrictions on watering days in Sections 6, 7 and 8 if SCWD determines that additional watering is required to plant and maintain new drought resistant landscaping for a limited amount of time. If such a determination is made, SCWD will provide the customer with an allowable watering schedule, including when such exception will expire. Any violation of the schedule will be punishable as described in this Ordinance.

#### Section 6. Level 1 Water Shortage

a. A Level 1 Water Shortage condition exists when the Agency determines in its sole discretion that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Level 1 Water Shortage condition is 25%. Upon declaration by the Agency of a Level 1 Water Shortage condition, the following water conservation restrictions go into effect.

b. Additional Water Conservation Measures. In addition to the prohibited uses of water in Sections 3 and 4, including the limit of watering times and duration in Sections 3(a)(7) and (8), the following water conservation requirements apply during a declared Level 1 Water Shortage condition:

1. Limits on Watering Days: During the months of April, May, June, July, August, September and October, outdoor irrigation of ornamental landscapes or turf with potable water is restricted to three (3) days per week. Customers with street addresses ending in an odd number (1,3,5,7,9) may only water on Monday, Wednesday and Friday. Customers with street addresses ending in an even number (0,2,4,6,8) may only water Tuesday, Thursday and Sunday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Saturdays.

2. Limits on Water Days: During the months of November, December, January, February and March, outdoor irrigation of ornamental landscapes or turf with potable water is restricted to two (2) days per week. Customers with street addresses ending in an odd number (1,3,5,7,9) may only water on Monday and Thursday. Customers with street addresses ending in an even number (0,2,4,6,8) may only water Tuesday and Friday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Wednesdays, Saturdays, and Sundays.

#### Section 7. Level 2 Water Shortage

a. A Level 2 Water Shortage exists when the Agency determines in its sole discretion that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Level 2 Water Shortage condition is 32%. Upon declaration by the Agency of a Level 2 Water Shortage condition, the following water conservation restrictions go into effect.

b. Additional Water Conservation Measures. In addition to the prohibited uses of water in Sections 3 and 4, including the limit of watering times and duration in Sections 3(a)(7) and

(8), the following water conservation requirements apply during a declared Level 2 Water Shortage:

1. Limits on Watering Days: Outdoor irrigation of ornamental landscapes or turf with potable water is restricted to two (2) days per week. Customers with street addresses ending in an odd number (1,3,5,7,9) may only water on Monday and Thursday. Customers with street addresses ending in an even number (0,2,4,6,8) may only water Tuesday and Friday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Wednesdays, Saturdays, and Sundays.

#### Section 8. Level 3 Water Shortage

a. A Level 3 Water Shortage exists when the Agency determines in its sole discretion that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Level 3 Water Shortage condition is 40%. Upon declaration by the Agency of a Level 3 Water Shortage condition, the following water conservation restrictions go into effect.

b. Additional Water Conservation Measures. In addition to the prohibited uses of water in Sections 3 and 4, including the limit of watering times and duration in Sections 3(a)(7) and (8), the following water conservation requirements apply during a declared Level 3 Water Shortage:

1. Limits on Watering Days: Outdoor irrigation of ornamental landscapes or turf with potable water is restricted to one (1) day per week. Customers with street addresses ending in an odd number (1,3,5,7,9) may only water on Monday. Customers with street addresses ending in an even number (0,2,4,6,8) may only water Thursday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Tuesdays, Wednesdays, Fridays, Saturdays, and Sundays.

#### Section 9. Level 4 Water Shortage Emergency

a. A Level 4 Water Shortage Emergency exists when the Agency determines in its sole discretion that due to drought, state regulations, or other water supply conditions, an emergency situation exists that requires a significant reduction in water use is necessary to maintain sufficient water supplies for public health and safety. The water use reduction goal during a Level 4 Water Shortage Emergency is more than 50%. Upon declaration by the Agency of a Level 4 Water Shortage Emergency condition, the following restrictions go into effect.

b. Additional Water Conservation Measures. In addition to the prohibited uses of water in Sections 3 and 4, the following water conservation requirements apply during a declared Level 4 Water Shortage Emergency:

1. No Watering or Irrigating: Watering or irrigating of outdoor lawns, landscape, or other vegetated area with potable water is prohibited. This prohibition does not apply to the following categories of use, unless the Agency has determined that recycled water is available and may be applied to the use:

2. No New Potable Water Service: Upon declaration of a Level 4 Water Shortage Emergency condition, no new potable water service will be provided, no new temporary meters or permanent meters will be provided, and no statements of immediate ability to serve or provide potable water service will be issued, except under the following circumstances:

- i. A valid, unexpired building permit has been issued for the project; or
- ii. The project is necessary to protect the public health, safety, and welfare; or
- iii. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of SCWD.

This subsection (b)(2) does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less.

#### Section 10. Penalties.

a. Penalties. Penalties for failure to comply with any provision of this Ordinance are as follows:

1. First Violation. A written notice provided to the customer by mail or personal delivery.
2. Second Violation. For a second violation within twelve (12) calendar months of the first violation, a written notice of non-compliance and a fine of \$50 per violation.
3. Third and Subsequent Violations. For a third violation within twelve (12) calendar months of the first violation, a written notice of non-compliance, a fine of \$100 per violation and an increase of \$100 for each subsequent violation up to a maximum of \$500 per day. At the third violation and beyond, a flow restrictor may be installed and fire flow requirements are the sole responsibility of the customer. If a flow restrictor is installed pursuant to this Section 10, the cost of installation and removal of any such flow restrictor is the responsibility of the violating customer and SCWD may collect such costs from customer. SCWD is under no obligation to provide sufficient fire flow requirements after the third notice of violation.

b. Additional Penalties. In addition to any fines and the installation of a water flow restrictor imposed pursuant to this Section, SCWD may shut off a customer's water service for willful violations of mandatory restrictions in this Ordinance.

c. Leak Shut Off – Irrigation Meters. In instances where a leak is observed on the customer's side of a dedicated irrigation system or water meter, SCWD may immediately shut off such system and/or meter and may issue a notice of violation as provided for in this Ordinance. Water service will not be reinstated until such leak is repaired.

- d. Separate Violations. Each violation of this Ordinance is a separate offense.
- e. Appeals. SCWD will issue a Notice of Violation by mail or personal delivery. Customers may appeal a Notice of Violation by filing a written appeal with SCWD within ten (10) days of the date of the Notice of Violation. Any Notice of Violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and SCWD will mail written notice of the hearing date to the customer at least ten (10) days before the date of the hearing. The Retail Manager of SCWD, or a person designated by such, shall serve as the hearing officer and make any and all decisions regarding any appeals. SCWD shall promptly send written notification of any decision and all decisions are final.

#### Section 11. Hardship Waiver.

- a. Undue and Disproportionate Hardship. If, due to unique circumstances, a specific requirement of this Ordinance would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section.
- b. Application. A person wishing to receive a hardship waiver pursuant to this section must submit a written application to SCWD, which should include a statement describing the reasons for the request and any other relevant information to support the request, including but not limited to any photographs, drawings, or maps.
- c. Written Finding. The waiver may be granted or conditionally granted only upon a written finding of the existence of unique circumstances and facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property. The findings must also include a determination that, based on the information in the application and any other relevant information, a waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses.
- d. Approval Authority. The Retail Manager of SCWD must act on any completed application no later than ten (10) business days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver must be promptly notified in writing of any action taken. The decision of the Retail Manager will be final.

Section 12. CEQA Exemption. The adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA"). The adoption of this Ordinance does not commit the Agency to any action that may have a significant effect on the environment because the water conservation that would result from the implementation of the Ordinance's provisions would not result in any significant environmental effects. As a result, these actions do not constitute a project subject to the requirements of CEQA. See State CEQA Guidelines, § 15378. Also, there are no circumstances concerning the project that would result in a significant adverse impact on the environment because the project would actually result in the conservation of water, a limited and currently scarce natural resource, and would, therefore, have a beneficial effect on the environment. On this basis and the information contained in the whole of the administrative record, the adoption of this

Ordinance is exempt from CEQA and no further analysis is required. State CEQA /Guidelines, § 15061(b)(3).

Section 13. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The Board hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

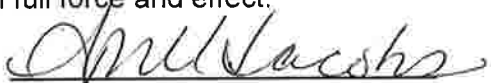
Section 14. Effective Date. This Ordinance shall become effective immediately upon adoption.

  
Board Secretary

  
President of the Board

I, the undersigned, hereby certify: That I am the duly appointed and acting Secretary of the Castaic Lake Water Agency, and that at a regular meeting of the Board of Directors of said Agency held on Wednesday, June 10, 2015, the foregoing Ordinance No. 43 was duly and regularly adopted by said Board, and that said ordinance has not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

DATED: June 10, 2015

  
April Jacobs, Secretary