

# VENTURA RIVER WATER DISTRICT

## WATER WASTE AND CONSERVATION ORDINANCE 2016 – 1

### **AN ORDINANCE ESTABLISHING PROHIBITIONS AND RESTRICTIONS ON NONESSENTIAL OR UNAUTHORIZED WATER USE DURING THE EXISTENCE OF A WATER SHORTAGE EMERGENCY**

WHEREAS on January 17, 2014 the Governor declared a State of Emergency due to severe drought conditions in the state; and,

WHEREAS on July 15, 2014 the State Water Resources Control Board (SWRCB) adopted Resolution NO. 2014-0038 adopting Emergency Regulations mandating water waste restrictions which were codified in the California Code of Regulation, title 23, sections 863, 864 and 865 on July 28, 2014; and,

WHEREAS, on August 13, 2014, Casitas adopted modifications to the Water Waste Prohibition Ordinance and the Casitas Water Shortage Contingency Plan to comply with the directives of the State Water Resources Control Board Resolution No. 2014-0038; and

WHEREAS, on August 27, 2014, Ventura River Water District adopted Water Waste and Conservation Ordinance 2014-1; and

WHEREAS, on April 1, 2015, the Governor of California issued Executive Order B-29-15, ordering that the State Water Resources Control Board impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, to lead a statewide initiative to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes, impose restrictions to require that commercial, industrial, and institutional properties immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the statewide 25% reduction in water use, prohibit irrigation with potable water of ornamental turf on public street medians, and prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems, and direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions; and

WHEREAS, during the winter months of 2016 the Ventura River watershed continued to experience about 50% below normal rainfall that is a continuation of drought conditions that are likely to extend through the remainder of calendar year 2016, and possibly into future years; and

WHEREAS, on June 1, 2016 the storage level of water in Lake Casitas has declined to 41.5 percent and will continue to decline to less than 40 percent during the summer of 2016, until adequate rainfall and runoff reoccur in the local watersheds; and

WHEREAS, as the drought continues, groundwater sources will become depleted and the remaining Lake Casitas water supply will become a primary source of water to supplement Ventura River Water District customers water needs; and

WHEREAS, Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, that waste or unreasonable use or unreasonable method of use of water be prevented and that conservation of water be fully exercised with a view to the reasonable and beneficial use thereof; and

WHEREAS, California Water Code, Section 375, authorizes a water supplier to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve water supplies; and

WHEREAS, California Water Code Section 31026 authorizes the governing body of a county water district to restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and may prohibit the wastage of district water or the use of district water during such periods for any purpose other than household uses or such other restricted uses as the district determines to be necessary, and may prohibit use of district water during such periods for specific uses which it finds to be nonessential; and

WHEREAS, pursuant to Water Code section 31027 and Government Code section 6061, the [District] must publish in a newspaper of general circulation any ordinance setting forth the restrictions, prohibitions, and exclusions determined to be necessary under Water Code section 31027 within 10 days after its adoption; and

WHEREAS, Ventura River Water District Customers reduced water usage by 35% compared to 2013; and

WHEREAS, on April 27<sup>th</sup> the Casitas Municipal Water District declared that a Stage 3 water supply condition exists within the service area of the Casitas Municipal Water District.

NOW, THEREFORE, BE IT RESOLVED by of the Ventura River Water District as follows:

- I. Pursuant to Water Code section 31026, and for the reasons set forth herein, the Board continues with the determination of the existence or threat of a drought emergency or other water shortage condition; and
- II. The Board of Directors hereby directs staff to take the following actions that include:
  - a. Expand and intensify the public information campaign within Ventura River Water District that continued water use reductions are required.
  - b. Increase the current level of public outreach.
- III. PROHIBITIONS
  - a. No Ventura River Water District customer shall allow use of water for nonessential or unauthorized uses as defined herein:

- b. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
- c. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
- d. The application of potable water to driveways and sidewalks;
- e. The use of potable water in a fountain or other decorative water feature except where the water is part of a recirculating system.
- f. Effective September 1, 2016, restrict outdoor irrigation of ornamental landscapes or turf to one day a week of the customer's choosing and only between the hours of 6:00 P.M. and 9:00 A.M.
- g. Outdoor irrigation of ornamental landscapes or turf with potable water between the hours of 9:00 A.M. and 6:00 P.M. unless performed by a watering can, handheld hose or through a drip system. (Exceptions may be authorized by the General Manager where there is no ability to not water between 9:00 a.m. to 6:00 p.m.)

#### IV. EXEMPTED WATER USES

- V. All water use associated with the operation and maintenance of fire suppression equipment or employed by the District for water quality flushing and sanitation purposes shall be exempt from the provisions of this Ordinance.
- VI. Use of water supplied by gray water or rainwater collection system is also exempt; however, use of water from these systems is not exempt from the applicable regulations of the State and local jurisdictions governing the use of such water.
- VII. Supervised testing, adjusting, or repairing of irrigation systems is allowed any time for no more than five (5) minutes per station.

#### VIII. ENFORCEMENT OF VIOLATION

- a. Complaints of water waste will be investigated and enforced by the District in the form of a Notice of Violation. The following officers and employees of the Ventura River Water District are hereby designated and authorized to issue citations for enforcement of this Ordinance:
  - i. General Manager
  - ii. Utility Workers
  - iii. Water employees designated by the General Manager

IX. NOTICE OF VIOLATION

- a. The notice to the District water customer of a violation of this Ordinance will be issued by either, mail, hand-delivery, or posting at the entrance of the violator's premises. The District will issue a written notice that states the time, place, and general description of the violation or repeat of violation, as well as a time frame in which the violation must be corrected. District staff may use discretion when determining the correction time.

X. CONSEQUENCE OF VIOLATION

- a. Administrative fines and water service actions may be levied and applied for each violation of a provision of this Ordinance as follows:
  - b. Penalties for failure to comply with any provision of the ordinance are as follows:
  - c. First Violation: The District will issue a written notice to the water customer describing the violation, required compliance date and attach a copy of this Ordinance.
  - d. Second Violation: If the first violation is not corrected within the time frame specified by the District, or if a second violation occurs within the following twelve (12) months after the first violation notice, a second notice of violation will be issued and an administrative fine of one hundred dollars (\$100) shall be levied for the second violation of this Ordinance.
  - e. Third Violation: A third violation within the following twelve (12) months after the date of issuance of the second notice of violation is punishable by an administrative fine of two hundred dollars (\$200).
  - f. Fourth and Subsequent Violations: Each day that a violation of this Ordinance occurs beyond the remedy allowance provided in the third notice of violation is subject to any or all of the following penalties:
    - i. Water service may be turned off or flow may be restricted. Where water service is turned off or flow restricted, it shall be tuned on or unrestricted upon correction of the violation and the payment of the reconnection charges, staff time, and District material purchases per the District's Rules and Regulations in effect at the time.
    - ii. A fine of not more than \$500 may be imposed per day of continued violation.

## XI. PAYMENT OF ADMINISTRATIVE FINES

- a. The water customer is responsible for the full payment of administrative fines. Each administrative fine shall be applied in the customer's regular water billing. Payment of the administrative fine will be the final responsibility of the individual named on the water account. Non-payment of fines will be subject to the same remedies as non-payment of basic water rates, in accordance with the Ventura River Water District Rules and Regulations. The above fines shall be included in the next monthly water bill and must be paid in accordance with normal bill paying processes or the water service will be subject to turn off and appropriate field charge to reconnect at the current re-connection charge. Failure to make corrections or pay a charge within the allotted time may also result in restriction of service.

## XII. APPEAL

- a. Any customer against whom an administrative fine or water service action is levied pursuant to this Ordinance shall have the right to appeal as follows:
- b. The appeal must be in writing, legible, and received by the General Manager within fifteen (15) calendar days of the issuance of the notice of violation to the customer. Any violation not timely appealed shall be deemed final. The written request for appeal consideration shall include:
  - i. A description of the issue,
  - ii. Evidence supporting the appeal, and
  - iii. A suggestion for resolution of the dispute, if any.
- c. The General Manager will review the material submitted and make an independent determination of the issue, which shall be mailed to the customer within fifteen (15) calendar days of receipt of the request for appeal.
- d. The General Manager's determination may be appealed in writing within fifteen (15) calendar days of the mailing of the notice of determination. The appeal of the General Manager's determination shall be heard and considered by the Board of directors at an upcoming regular meeting of the Board. Notice of the hearing shall be mailed to the customer at least fifteen (15) calendar days prior to the date of the appeal hearing. The Board may, in its discretion affirm, reverse, or modify the determination. The Board's determination is final.

- XIII. Ventura River Water District may order implementation of water conservation measures in addition to those set forth in this ordinance.
- a. Nothing in this Ordinance shall be construed to require the District to curtail the supply of water to any customer when such water is required by that customer to maintain an adequate level of public health and safety.
  - b. If any part of this Ordinance or the application thereof to any person or circumstance is for any reason held invalid by a Court of competent jurisdiction, the validity of the remainder of the Ordinance or the application of such provision to other persons or circumstances shall not be affected.
- XIV. The provisions of this Ordinance shall prevail in control in the event of any inconsistency between this Ordinance and any other rule, regulation, Ordinance, or Resolution of this District. Water Waste Ordinance 2014-1 is hereby rescinded.
- a. This Ordinance will remain in effect until the Board declares the water shortage emergency has terminated.

PASSED AND ADOPTED on 10<sup>th</sup> day of August, 2016 by the Board of Directors of the Ventura River Water District.



Ed Lee – President, Board of Directors  
Ventura River Water District

Attest:



Bert J. Rapp, Secretary