

VENTURA RIVER WATER DISTRICT

WATER WASTE AND CONSERVATION ORDINANCE 2022 – 1

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

WHEREAS, Governor Newsom signed a proclamation that a state of emergency exists state wide due to severe drought conditions on October 19, 2021; and

WHEREAS, in February, 2022 the storage level of water in Lake Casitas has declined to 35% percent and is projected to be less than 30 percent during the summer of 2022, until adequate rainfall and runoff reoccur in the local watersheds; and

WHEREAS, the Casitas Municipal Water District has declared that a Stage 3 water supply condition continues to exist within the service area of the Casitas Municipal Water District and is continuing to require 30% conservation compared to 2013; and

WHEREAS, many VRWD customers have taken bold steps and invested significant monies to reduce water use; nevertheless the severity of the drought requires additional conservation actions; and

WHEREAS, water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water usage and extend water supplies. The more water that is conserved now, the less likely it is that the community will experience dire circumstances or that water rationing will be required; and

WHEREAS, for most of VRWD customers much more water is used outdoors than indoors. Outdoor water use is discretionary and is mostly used for lawns and landscaping. Well-chosen landscape plants will not suffer greatly from receiving a decreased amount of water; and

WHEREAS, Ventura River Water District customers, in last 12 months, have reduced water usage by 34% compared to 2013.

WHEREAS, Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign (SaveOurWater.com), run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response; 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

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. PROHIBITIONS
No Ventura River Water District customer shall allow use of water for nonessential or unauthorized uses as defined herein:
 - a. **General Waste:** Indiscriminate running of water or washing with water which is wasteful and without reason or purpose.
 - b. **Watering/Irrigation Runoff Control:** 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. **Cleaning of Structures and Vehicles:** The washing of building exteriors, mobile homes, cars, boats or recreational vehicles without the use of a positive shut-off nozzle on either the hose or pressure washer that causes it to cease dispensing water immediately when not in use.
 - d. **Washing of Exterior Surfaces:** The washing of hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, except when necessary to alleviate safety or sanitary hazards or when broom or other waterless device will not suffice. If necessary, washing may only be done with a bucket or similar container, a hose equipped with a positive shut-off nozzle, a pressure washer, a low-volume high pressure water efficient water broom, or a cleaning machine equipped to recycle the water used.
 - e. **Watering and Rainfall:** The watering of grass, lawn, groundcover, shrubbery, open ground, crops and trees, at any time while it is raining and within 48 hours after measurable rainfall of at least one fourth of one inch of rain. In determining whether measurable rainfall of at least one fourth of an inch of rain occurred in a given area, enforcement may be based on records of the National Weather Service, the closest CIMIS station to the parcel, or any other reliable source of rainfall data available to VRWD.
 - f. **Plumbing Leaks:** The escape of water through leaks, breaks, or malfunctions within the water user's plumbing or distribution system, for

a substantial period of time within which such break or leak should reasonably have been discovered and corrected.

- g. **Cooling:** Water used for all cooling purposes shall be re-circulated. Single pass cooling systems shall be modified or taken out of service within 6 months of written notification from the District.
- h. **Restaurant Dish Wash Spray Valves:** Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.
- i. **Continuously Running Water Fixtures in businesses:** any fixture in a business that provides continuously running water shall be modified to stop flowing when not in use unless otherwise mandated by the Ventura County Health Department.
- j. **Street Cleaning & Construction Sites:** The use of potable water for street cleaning or construction site preparation purposes, unless no other method can be used or as needed to protect the health and safety of the public.
- k. **Homeowners Association or Community Service Organization:** To prevent the unreasonable use of water and to promote water conservation, any homeowners' association or community service organization or similar entity is prohibited from:
 - i. Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivisions (a) and (b) of the Civil Code;
 - ii. Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil Code; or
 - iii. Requiring an owner of a separate interest upon which water-efficient landscaping measures have been installed in response to a declared drought emergency, as described in section 4735, subdivisions (c) and (d) of the Civil Code, to reverse or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.
- l. **Fountains and Decorative Water Features:** The use of potable water in a fountain or other decorative water feature except where the water is part of a recirculating system.

- m. **Irrigation Days:** Restrict outdoor irrigation of ornamental landscapes or turf to a maximum of two days a week of the customer's choosing and only between the hours of 6:00 P.M. and 10:00 A.M.
- n. **Irrigation Hours:** The watering or irrigating of outdoor ornamental landscapes and turf areas between the hours of 10:00 a.m. and 6:00 p.m. Pacific Standard Time on any day. (Does not apply to irrigation systems that use drip-irrigation and weather-based controllers or stream rotor sprinklers that meet a 70% efficiency standard. Exceptions may be authorized by the General Manager where there is no ability to not water between 10:00 a.m. to 6:00 p.m.).

III. EXEMPTED WATER USES

- a. 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.
- b. 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.
- c. Supervised testing, adjusting, or repairing of irrigation systems is allowed any time for no more than five (5) minutes per station.

IV. 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

V. 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.

VI. 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 turned 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.

VII. 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.

VIII. 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.

IX. 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

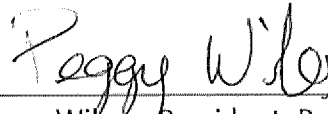
application of such provision to other persons or circumstances shall not be affected.

- X. 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 2016-1 is hereby rescinded.
 - a. This Ordinance will remain in effect until the Board declares the water shortage emergency has terminated.

PASSED AND ADOPTED on 16th day of March 2022 by the Board of Directors of the Ventura River Water District.

Vote on Ordinance 2022-1:

Director Ed Lee: Yes
Director Bruce Kuebler: Yes
Director Jack Curtis: Yes
Director Nathan Rosser: Yes
Director Peggy Wiles: Yes



Peggy Wiles – President, Board of Directors
Ventura River Water District

Attest:



Bert J. Rapp, Secretary

