

ORDINANCE NO. _____
Adopted by the [AGENCY]
[DATE]

ADOPTING A WATER CONSERVATION PROGRAM

WHEREAS, article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. empower any public entity which supplies water at retail or wholesale to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code section 375, subdivision (c) defines “public entity” to include a city, county, special district, water authority, or any other municipal public corporation or district; and

WHEREAS, pursuant to Water Code section 376 and Government Code 6061, the [Agency] must publish in a newspaper of general circulation any ordinance or resolution adopting a water conservation program within 10 days after its adoption; and

WHEREAS, Water Code section 377 establishes that, from the publication of an ordinance or resolution pursuant to section 376 until the repeal of the ordinance or end of the emergency, it is a misdemeanor punishable by up to 30 days in county jail and/or a fine of up to \$1,000 for any person to violate a requirement of the water conservation program; and

WHEREAS, the adoption and enforcement of a comprehensive water conservation program will allow the [Agency] to delay or avoid declaring a water shortage emergency pursuant to Water Code section 350; and

WHEREAS, on [date resolution proclaiming or declaring a drought emergency was adopted], the [Agency] [“proclaimed” or “declared”] the existence of a local drought emergency; and

WHEREAS, on [date hearing was held], the [Agency] held a public hearing and made appropriate findings of necessity for the adoption of a water conservation program; and

[INSERT clauses speaking to locally relevant conditions and concerns as needed or desired]

NOW, THEREFORE, BE IT ORDAINED by the [Agency], as follows:

1. This ordinance is effective immediately upon adoption or as otherwise established by State law; and
2. Pursuant to Water Code section 376 and Government Code section 6061, the [Agency] shall publish in a newspaper of general circulation this ordinance adopting a water conservation program within 10 days after its adoption; and
3. This ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies; and
[If the four levels of drought response action are not appropriate for your agency, generally consider adopting a water conservation program with any of the following: tiered rate structures that promote conservation; restrictions on the hours of outdoor watering; prohibitions on landscape irrigation runoff; provisions for water efficient landscapes in new construction and landscape retrofits; hotlines or other mechanisms for the public to report inefficient or prohibited water use; restrictions on use of potable water for street cleaning; new or enhanced rebate programs for water saving devices; new or enhanced incentives to maximize the use of recycled water.]
4. *[Establish procedures for how the level of drought response action will be determined and published to provide notice, including: who makes the determination, how and where to publish notification, when mandatory conservation measures would take effect (e.g., within 5 days after declaration of the response level), and any required notice that must be included in regular billing statements.]*
5. During a Level 1 Drought Response condition, [Agency] will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following voluntary water conservation practices:
 - a. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
 - b. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
 - c. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.

- d. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
 - e. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.
 - f. Use re-circulated water to operate ornamental fountains.
 - g. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.
 - h. Serve and refill water in restaurants and other food service establishments only upon request.
 - i. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.
 - j. Repair all water leaks within five (5) days of notification by the [Agency] unless other arrangements are made with the General Manager.
 - k. Use recycled or non-potable water for construction purposes when available.
6. During a Level 2 Drought Response condition, all persons using [Agency] water shall comply with Level 1 Drought Response water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional mandatory conservation measures:
- a. Limit residential and commercial landscape irrigation to no more than three assigned days per week on a schedule established by [Agency]. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the [Agency]. This section shall not apply to commercial growers or nurseries.
 - b. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.
 - c. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.
 - d. Repair all leaks within seventy-two (72) hours of notification by the [Agency] unless other arrangements are made with the General Manager.
 - e. Stop operating ornamental fountains or similar decorative water features unless recycled water is used.

7. During a Level 3 Drought Response condition, all persons using [Agency] water shall comply with Level 1 and Level 2 Drought Response conditions and shall also comply with the following additional mandatory conservation measures:
- a. Limit residential and commercial landscape irrigation to no more than two assigned days per week on a schedule established by the General Manager and posted by the [Agency]. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the [Agency]. This section shall not apply to commercial growers or nurseries.
 - b. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 6 (b) (1), on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.
 - c. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.
 - d. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.
 - e. Repair all leaks within forty-eight (48) hours of notification by the [Agency] unless other arrangements are made with the General Manager.
 - f. Additionally, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates or letters of availability) shall 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's 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 [Agency].

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.
8. During a Level 4 Drought Response condition, all persons using [Agency] water shall comply with Level 1, Level 2, and Level 3 Drought Response conditions and shall also comply with the following additional mandatory conservation measures:
- a. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the [Agency] has determined that recycled water is available and may be lawfully applied to the use.

- i. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;
 - ii. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;
 - iii. Maintenance of existing landscaping for erosion control;
 - iv. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;
 - v. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 6 (b) (1);
 - vi. Watering of livestock; and
 - vii. Public works projects and actively irrigated environmental mitigation projects.
 - b. Repair all water leaks within twenty-four (24) hours of notification by the [Agency] unless other arrangements are made with the General Manager.
- 9. Violation of the requirements of the Water Conservation Program shall constitute a misdemeanor, subject to the following penalties:
 - a. Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding \$1,000, or by both as provided in Water Code section 377.
 - b. Each day that a violation of this ordinance occurs is a separate offense.
 - c. Administrative penalties may be levied for each violation of a provision of this ordinance in accordance with Water Code section 71590.

Passed and adopted this ____ day of _____ 2014, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____