

ORDINANCE NO. 15- 1
SANTA LUCIA COMMUNITY SERVICES DISTRICT
ORDINANCE OF THE BOARD OF DIRECTORS OF THE
SANTA LUCIA COMMUNITY SERVICES DISTRICT
ADOPTING WATER USE RESTRICTIONS, PROHIBITIONS
AND PENALTIES FOR FAILURE TO COMPLY
(Water Code §71641)

WHEREAS, the Santa Lucia Community Services District (“District”) is granted authority to restrict use of water during drought, per Government Code sections 61000 et seq., which references and applies the Municipal Water District Law of 1911, Water Code sections 71000 et seq. (Water Code section 71640); and

WHEREAS, the District’s dependence upon ground water supplies and the adverse effects of unpredictable and unreliable rain have been the primary reasons for historical water shortages. Rainfall for the last three consecutive years has been well below the historical average; 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, In January 2014 the Governor declared California to be in a state of emergency and since that time has issued three additional Executive Orders directing actions to prepare for water shortages; and

WHEREAS, on March 17, 2015, the State Water Resources Control Board adopted an expanded emergency regulation pursuant to Water Code Section 1058.5 to safeguard the state’s remaining water supplies, which required limitations on irrigation and included restrictions on outdoor water use and other wasteful practices and authorized fines for regulation violations; and

WHEREAS, on April 1, 2015, the Governor issued Executive Order B-29-15, proclaiming a Continued State of Emergency in the State of California due to severe ongoing drought conditions, and ordered water providers to save water and increase enforcement against water waste; and

WHEREAS, pursuant to Water Code section 71640, municipal water districts may restrict the use of district water during a drought emergency or other water shortage condition and may prohibit the wastage of district water or the nonessential use of district water during such periods for any purpose other than household uses or other restricted uses as the District determines to be necessary; and

WHEREAS, Water Code section 31026 similarly permits the District to restrict use of water during any emergency caused by drought, and to prohibit the wastage of water during such periods; and

WHEREAS, Water Code section 71644 establishes that, from the publication of an ordinance pursuant to section 71641 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 \$600 for any person to use or apply water from the District contrary to or in violation of any restriction or prohibition; and

WHEREAS, the adoption and enforcement of a comprehensive water conservation program will allow the District to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, ON April 27, 2015, by Resolution No. 15-02 the District found the existence a local drought emergency or water shortage; and

WHEREAS, review is not required under the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15378, because the Ordinance is not a project under CEQA because it will not cause a “direct physical change in the environment” and will not authorize any specific development activity and, if there were a project, it would be categorically except from CEQA under CEQA

Guidelines section 15307, as an action by a regulatory agency for the protection of natural resources.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Santa Lucia Community Services District as follows:

1. Water Use Restrictions & Prohibitions. Pursuant to Water Code section 71644, it shall be unlawful and a violation of this Ordinance whenever the Board declares by resolution that a drought emergency exists for any person firm, partnership, association, corporation, political entity (including the District) or any other water department customer, regardless of whether any person using water shall have a contract for water service with the District, to use potable water for any of the following:
 - (a) Exterior irrigation within the District, or areas served by the District, other than those governed by regulations on commercial, industrial or institutional uses, including but not limited to irrigation on turf, plants, lawns, shrubbery and ground cover, more than two times in any seven-day period.
 - (b) Washing down sidewalks and driveways.
 - (c) Watering outdoor landscapes in a manner that causes excess runoff.
 - (d) Washing a motor vehicle with a hose, unless the hose is fitted with a shut-off nozzle.
 - (e) Operating a fountain or decorative water feature, unless the water is part of a recirculating system.
 - (f) Applying water to outdoor landscapes during and within 48 hours after measurable rainfall.
 - (g) Serving water to customers other than by request in food service establishments including restaurants or bars or other public places where food or drink are served and/or purchased.

(h) Laundering towels and linens daily in a lodging establishment without offering the option of choosing not to have them laundered, or not prominently displaying notice of this option.

2. Goal. All customers are encouraged to practice water conservation with a goal of a minimum twenty-five percent reduction in District-wide water use.
3. Penalty. From and after posting of this Ordinance until the Ordinance is repealed or the emergency or threatened emergency has ceased, pursuant to Water Code section 71644 it is a misdemeanor for any person to use or apply water received from the District contrary to or in violation of any restriction or prohibition specified in this Ordinance. A written warning will be issued for a first violation. As a penalty for the second violation, and any subsequent violation, of restrictions set forth herein, upon conviction such person shall be punished by a fine not exceeding six hundred dollars or imprisonment in the county jail for not more than 30 days or by both.
4. Exceptions & Appeals. Any customer may request an exception to the provisions of this Ordinance by a written request for relief directed to the General Manager and shall document the reasons why there is no other alternative to the water use restrictions and prohibitions and the damages resulting from adherence to the restrictions and prohibitions. The General Manager shall issue an exception in writing or deny the exception request, in which case his decision shall be final.
5. Effective Dates. This Ordinance shall become effective upon adoption and shall remain in effect until the State declares emergency water regulations no longer in effect.
6. Publication. The General Manager is directed to post this Ordinance in its entirety in three public places within the District within 10 days after its adoption.

7. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional, ineffective, invalid, or in any manner in conflict with the laws of the United States or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The District Board hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective or invalid, or in any manner in conflict with the laws of the United States or the State of California.

It is hereby certified that the foregoing Ordinance No. 15-1 was duly introduced at a regular meeting of the Santa Lucia Community Services District on the 27th day of April, 2015, and adopted at a regular meeting of the Santa Lucia Community Services District on the 4th day of May, 2015.