

## ORDINANCE NO. 44

### 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 fifth 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**, on February 2, 2016 the State Board adopted and approved an extension of the revised emergency regulations to October 2016; 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 28 percent water use reduction for the period of March 2016 through October 2016 compared to the same time period in 2013; and

**WHEREAS**, on May 18, 2016, the State Board adopted a new approach which will go into effect through January 2017 that replaces the prior percentage conservation standard with a local "stress test" approach that mandates urban water suppliers self-certify to ensure at least a three year supply of water to their customers under drought conditions; 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. 43  
Ordinance No. 43 is hereby rescinding in its entirety and is replaced by this Ordinance.

Section 3.      Watering Restrictions  
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:

- a. Allowing runoff onto non-irrigated areas when irrigating with potable water.
- b. Using hoses with no shutoff nozzles to wash cars.
- c. Using potable water to wash sidewalks, driveways, and hardscapes.
- d. Using potable water in decorative water features that do not recirculate the water.
- e. Irrigating outdoors during and within 48 hours following measurable precipitation (quarter-inch or more).
- f. 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, including the Model Water Efficient Landscape Ordinance updated by the State as required

by AB 1881 and Executive Order B-29-15 issued by Governor Jerry Brown on April 1, 2015.

- g. The irrigation with potable water of ornamental turf on public street medians.
- h. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.

#### Section 4. General Water Use Efficiency Recommendations

The following steps are voluntary recommendations to conserve water. Since more severe effects of a water shortage are often brought about due to wasteful water use habits carried over from times of sufficient supply, certain voluntary water-use practices are encouraged at all times.

#### Section 4.1 Outdoor Water Use Efficiency Recommendations

- a. Irrigation systems should be checked for breaks and adjusted so that overspray, runoff, and water waste is avoided.
- b. All water system leaks should be repaired within 24 hours of detection or notification of such.
- c. Drip irrigation and high efficiency nozzles should be considered where appropriate.
- d. Mulch should be used in landscaped areas to help soil retain moisture.
- e. Turf should be core aerated annually.
- f. Replace turf with drought tolerant plants.
- g. Pool covers should be used to reduce evaporation.
- h. Try to limit irrigation for each station to the following cumulative weekly run times: 120 minutes for drip, 20 minutes for regular spray heads, 90 minutes for rotors, and 60 minutes for high efficiency nozzle irrigation zones. Reduce water times whenever possible.

#### Section 4.2 Indoor Water Use Efficiency Recommendations

- a. All leaks to faucets, toilets, and indoor pipes should be repaired immediately.
- b. Low flow devices for plumbing faucets, toilets, and showers should be used.
- c. Install 1.0 gallon per flush ultra-low-flow toilets or dual-flush toilets.
- d. Water-efficient Energy Star® appliances such as clothes washers and dishwashers should be used.
- e. Clothes washers and dishwashers should be run using full loads to maximize water efficiency.
- f. Showers should be limited to 10 minutes.
- g. To promote water conservation, operators of hotels and motels should provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel should prominently display notice of this option in each guestroom in a clear and easily understood manner.

Section 5.     Exemptions

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

- a.     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.
- b.     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.
- c.     The use of water to maintain existing landscape for soil erosion control if required or approved by a local agency such as the fire department, or building and safety department.
- d.     The use of water for trees and gardens grown for personal food.

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 10-20%. 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 Section 3 and the water use efficiency recommendations in Section 4, the following water conservation requirements apply during a declared Level 1 Water Shortage condition:

- 1.     Limits on Watering Days

- 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. Customers with multiple accounts on the same property must select either an even or odd address watering schedule for their property.

- 2.     Limits on Watering Station Run Time

- Outdoor irrigation of ornamental landscapes or turf with potable water should be limited to no more than 10 minutes per watering station, and should occur during the following timeframes:

- November through April – 6PM to 10AM

- May through October – 8PM to 9AM

- c.     The watering time limitations in subsection (b) do not apply to landscape irrigation zones that use drip irrigation.

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 20-30%. 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 Section 3 and the water use efficiency recommendations in Section 4, the following water conservation requirements apply during a declared Level 2 Water Shortage:

1. Limits on Watering Days

- i. 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. Customers with multiple accounts on the same property must select either an even or odd address watering schedule for their property.
- ii. 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 on Tuesday and Friday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Wednesdays, Saturdays, and Sundays

2. Limits on Watering Station Run Time

Outdoor irrigation of ornamental landscapes or turf with potable water should be limited to no more than 10 minutes per watering station, and should occur during the following timeframes:

November through April – 6PM to 10AM

May through October – 8PM to 9AM

- c. The watering time limitations in subsection (b) do not apply to landscape irrigation zones that use drip irrigation.

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 30-40%. 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 Section 3 and the water use efficiency recommendations in Section 4, 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 two (2) days per week. Customers with street addresses ending in an odd number (1,3,5,7,9) may water on Monday and Thursday. Customers with street addresses ending in an even number (0,2,4,6,8) may water Tuesday and Friday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Wednesdays, Saturdays, and Sundays. Customers with multiple accounts on the same property must select either an even or odd address watering schedule for their property.

2. Limits on Watering Station Run Time

Outdoor irrigation of ornamental landscapes or turf with potable water should be limited to no more than 10 minutes per watering station, and should occur during the following timeframes:

November through April – 6PM to 10AM

May through October – 8PM to 9AM

- c. The watering time limitations in subsection (b) do not apply to landscape irrigation zones that use drip irrigation.

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 in order to maintain sufficient water supplies for public health and safety. The water use reduction goal during a Level 4 Water Shortage Emergency is 40-50%. 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 Section 3 and the water use efficiency recommendations in Section 4, the following water conservation requirements apply during a declared Level 4 Water Shortage Emergency:

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 on Thursday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Tuesdays, Wednesdays, Fridays, Saturdays, and Sundays. Customers with multiple accounts on the same property must select either an even or odd address watering schedule for their property.

2. Limits on Watering Station Run Time

Outdoor irrigation of ornamental landscapes or turf with potable water should be limited to no more than 10 minutes per watering station, and should occur during the following timeframes, except for landscape irrigation zones that use drip irrigation:

November through April – 6PM to 10AM

May through October – 8PM to 9AM

3. No potable water may be used for new landscaping installed after the declaration of a Level 4 Water Shortage Emergency except for drought-tolerant plants requiring less than typical water requirements.
4. No potable water may be used for any lawn, whether by seed or sod, established after the declaration of a Level 4 Water Shortage Emergency.
5. No pools or spas may be filled with potable water, however water levels may be maintained.

6. 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.

7. Potable water may not be used for grading.
8. Potable water may not be used to wash vehicles, except at commercial facilities that recycle water.
9. Street cleaning with potable water is prohibited.

Section 10. Level 5 Water Shortage Emergency

- a. A Level 5 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 in order to maintain sufficient water supplies for public health and safety. The water use reduction goal during a Level 5 Water Shortage Emergency is more than 50%. Upon declaration by the Agency of a Level 5 Water Shortage Emergency condition, the following restrictions go into effect.
- b. Additional Water Conservation Measures  
In addition to the prohibited uses of water in Section 3, Section 9 (b)(5), (6), (7), (8), and (9), and the water use efficiency recommendations in Section 4, the following water conservation requirements apply during a declared Level 5 Water Shortage Emergency
  1. No Watering or Irrigating  
Watering or irrigating of outdoor lawns, landscape, or other vegetated area with potable water is prohibited.

Section 11. Penalties

- a. 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 twenty (20) 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 12. Waivers

- 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. Establishment Waiver  
Customers installing or renovating landscaped areas may qualify for a waiver if SCWD determines that additional watering is required to plant and maintain those landscaped areas 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. Approval of establishment waivers will be based on current conservation targets and SCWD's ability to meet those targets.
- c. Application  
A person wishing to receive a waiver pursuant to this section must submit a written application to SCWD, which should include a statement describing the reasons for the request, a detailed watering schedule, duration of waiver, and any other relevant information to support the request, including but not limited to any photographs, drawings, or maps.
- d. 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.

e. 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 13. 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 14. 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 15. 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, July 13, 2016, the foregoing Ordinance No. 44 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: July 13, 2016

  
April Jacobs, Secretary