

**STINSON BEACH COUNTY WATER DISTRICT
ORDINANCE NO. GB-2014-03**

**AN ORDINANCE IMPLEMENTING
STATE WATER RESOURCES CONTROL BOARD
DROUGHT EMERGENCY REGULATION**

WHEREAS, on July 15, 2014, the State Water Resources Control Board ("SWRCB") approved Resolution No. 2014-0038 adopting an emergency regulation for statewide urban water conservation. The SWRCB resolution became effective on July 28, 2014 when it was approved by the Office of Administrative Law.

WHEREAS, the SWRCB resolution added Sections 863, 864 and 865 to Title 23 of the California Code of Regulations.

WHEREAS, the SWRCB emergency regulation, specifically Section 865, establishes mandatory actions required by water suppliers. The District is not an "urban water supplier" as defined in Section 865(a) because it has fewer than 3,000 service connections. However, the District is a distributor of a public water supply under Water Code Section 350 and therefore is subject to Section 865(e).

WHEREAS, Section 865(e) requires that the District, to promote water conservation, take one of the following actions: "(1) limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or (2) implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013."

WHEREAS, the District has been in a Stage I Water Conservation Alert since September 2012, and in a Stage II Water Conservation Alert since April 2013. The severity of the water shortage has continued to escalate due to warm weather and insufficient rainfall.

WHEREAS, on February 15, 2014, after consideration of the water supply situation for several months, including the introduction of an ordinance on January 18, 2014, the Board, pursuant to California Water Code Sections 350 and 31026, adopted an Ordinance Declaring a Water Shortage Emergency and Establishing Regulations and Restrictions for Water Rationing During a Water Shortage Emergency ("Water Rationing Ordinance"). The Water Rationing Ordinance was adopted because the ordinary demands and requirements of the District's water service customers could not be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

WHEREAS, the Water Rationing Ordinance included an effective date of March 1, 2014. However, the District has delayed its effective date in order to evaluate and develop regulations for the implementation of the Water Rationing Ordinance, to further involve and communicate with the District's customers, and to allow for additional time for the District's customers to plan and prepare for the water use restrictions. Moreover, the precipitation in March helped enable the District to delay the implementation of the Water Rationing Ordinance.

WHEREAS, on June 21, 2014, at a properly noticed Board meeting, the Board considered modifying the water use restrictions and the enforcement mechanisms in the Water Rationing Ordinance, including the potential adoption of a drought excess water use charge, and scheduled a public hearing on August 16, 2014 on these issues to provide property owners and customers in the District an opportunity to be heard, to present their needs, and to protest the drought excess water use charge.

WHEREAS, the drought excess water use charge is necessary to satisfy the following purposes: (1) to conserve and preserve the limited water supply in the water shortage emergency; (2) to generate revenues as a result of selling less water in order for the District to continue to operate and maintain its water system facilities; (3) to

cover the costs of monitoring and enforcing the water use restrictions and implementing the procedures set forth in this Amended and Restated Ordinance; (4) to pay for the increase in resources needed for water conservation and drought education and community outreach; and (5) to replenish reserves that are used during the water shortage emergency.

WHEREAS, in addition, the District proposed increasing the fines for exceeding the water use restrictions set forth in the Ordinance. These fines are penalties for violating the water use restrictions, and are intended to prevent such violations. These fines are not related to the provision of water service.

WHEREAS, on August 16, 2014, after holding the public hearing, the District adopted Ordinance No. GB-2014-02, an Amended and Restated Water Rationing Ordinance that establishes allotments of water for all residential customers based on the number of full time residents occupying the residence and imposes both fines and a drought excess use charge for customers who exceed their allotment of water. The Amended and Restated Water Rationing Ordinance is effective immediately; the fines and drought excess use charges will be implemented upon the occurrence of a triggering point, which is defined as the seventh day in a row during which the average of all storage tanks have failed to refill to 70% of their capacity.

WHEREAS, since the adoption of the Water Rationing Ordinance in February 2014, the District has achieved a 15% reduction in water use on a monthly average basis from water used in 2013.

WHEREAS, this Ordinance is also being considered and adopted to further the purposes and goals of the Water Rationing Ordinance in this District declared water shortage emergency.

NOW, THEREFORE, BE IT ORDAINED that the Board of Directors of the Stinson Beach County Water District, in order to comply with the SWRCB emergency regulation, hereby adopts the following regulation:

A. Mandatory Restriction on Outdoor Irrigation of Ornamental Landscapes or Turf with Potable Water. The District limits outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week – Wednesdays and Sundays.

B. Exceptions. The mandatory restriction on outdoor irrigation of ornamental landscapes or turf do not apply when such irrigation is necessary (1) to address an immediate health and safety need; or (2) to comply with a term or condition in a permit issued by a state or federal agency.

C. Enforcement

1. Written Notice. If the District believes that water has been or is being used in violation of the mandatory restriction on outdoor irrigation of ornamental landscapes or turf with potable water, the District will send a written notice to the customer specifying the nature of the violation and the date and time of occurrence, and will request that the customer cease the violation and take remedial action. The District will provide the customer with a copy of this Ordinance and inform the customer that failure to comply may result in temporary termination of water service.
2. On-Site Notification. In the event that a further violation(s) is observed by District, after the original written notice, the District will make reasonable efforts to notify the customer of the violation and post a notice on the front door or other point of entry onto the property requiring the customer to cease the violation and take remedial action within 48 hours of the on-site notification. Failure to comply after the on-site notification may result in the temporary termination of water service.
3. Termination of Water Service. In the event that a further violation(s) is observed by District personnel 48 or more hours after the on-site notification, it will be deemed a willful violation of the mandatory restrictions on water use and the District may proceed to temporarily terminate water service.

4. District Costs. The customer shall be responsible for paying the District's costs incurred in enforcing this Ordinance, including providing the on-site notification and temporarily terminating and restoring water service, on a time and material basis.
5. Restoration of Water Service. The customer shall pay all District costs, and the customer's account must be in good standing, in order for the District to proceed with the reconnection of water service after it has been temporarily terminated.

D. Appeal. Any customer who disputes a staff determination of a violation of the above restrictions may appeal in writing to the General Manager. The decision of the General Manager shall be final.

1. Written Appeal. The written appeal must be addressed to the General Manager and include: (1) the customer's name; (2) the mailing address and site address, if different; (3) the water account number; (4) a description of the violation(s); (5) the enforcement action taken; and (6) a detailed explanation of the basis of the appeal.

Stinson Beach County Water District
Attn: General Manager
3785 Shoreline Highway
P.O. Box 245
Stinson Beach, CA 94970

2. Criteria for Appeal. The General Manager will evaluate each written appeal based on the following criteria: (1) public health; (2) public safety; and (3) regulatory requirements of a state or federal agency.

BE IT FURTHER ORDAINED that this regulation implementing a limitation on outdoor irrigation of ornamental landscapes or turf will be effective commencing on September 1, 2014.

BE IT FURTHER ORDAINED that staff is directed to publish this Ordinance in a newspaper of general circulation throughout the District and to post this Ordinance at three conspicuous places throughout the District and on the District's website.

ADOPTED this 16th day of August 2014 at a duly held Board of Directors Meeting, by the following vote:

AYES: Baskin, Boucke, Cross, Nelsen

NOES:

ABSENT: Zell

ABSTAIN:

Barbara Boucke, Board of Directors President
Stinson Beach County Water District

Attest:

(Seal)

Ed Schmidt, Secretary to the Board/General Manager
Stinson Beach County Water District