

## ORDINANCE 2015-19

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA TO ADD SECTION 6-4-116 TO THE CITY'S MUNICIPAL CODE FOR REGULATIONS AND RESTRICTIONS IN TIMES OF WATER SHORTAGE

#### THE CITY COUNCIL ORDAINS AS FOLLOWS:

**SECTION 1:** The City Council finds and determines the following:

- A. Whereas, the City of San Juan Bautista is a public water system that draws exclusively on local groundwater sources, and whose aquifer level varies from year to year depending on the amount of rainfall received and aquifer recharge achieved during the winter season; and
- B. Whereas, on March 17, 2015, the State Water Resources Control Board adopted an expanded emergency regulation to safeguard the state's remaining water supplies, which included restrictions on outdoor water use and authorization of fines up to \$500 per day for regulation violations; and
- C. Whereas, on April 1, 2015, Governor Jerry Brown 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
- D. Whereas, California Water Code Sections 350 et seq. authorize water suppliers, after holding a properly noticed public hearing and after making certain findings, to declare a water shortage (emergency) and to adopt such regulations and restrictions to conserve the water supply for the greatest public benefit with particular regard for domestic use, sanitation, and fire protection; and
- E. Whereas, the City of San Juan Bautista adopted an Declaration of Water Shortage on May 15, 2014; and
- F. Whereas, the mandatory water conservation measures and progressive restrictions on water use and method of use set forth herein provide an effective and immediately available means of conserving water which is essential during periods of drought: to ensure a reliable and sustainable minimum supply of water for the public health, safety, and welfare; to preserve valuable limited ground water supplies and lessen the possibility

of experiencing critical shortages if dry conditions continue or worsen; and to meet the water conservation requirements set forth in Executive Order B-29-15; and

- G. Whereas, the usage allotments hereinafter established will equitably spread the burden of restricted and prohibited usage over all City water department customers and other consumers of city water; and
- H. Whereas, the purposes of this chapter are: to conserve the water supply of the City of San Juan Bautista for the greatest public benefit, to budget water use so that a reliable and sustainable minimum supply of water will be available for the most essential purposes for the entire duration of the water shortage, and to meet the water conservation requirements set forth in Executive Order B-29-15.
- I. Whereas, violations of the City's emergency water conservation regulations are enforceable under chapter 2-7 of the City's Municipal Code.
- J. Whereas, review is not required under the California Environmental Quality Act (CEQA) Under CEQA Guidelines Section 15378, the proposed amendments are not a project under CEQA because they will not cause a "direct physical change on the environment" and will not authorize any specific development activity and, if there were a project, it would be categorically exempt from CEQA under CEQA Guidelines 15307, as an action by a regulatory agency for the protection of natural resources.

**SECTION 2:** Section 6-4-116 is hereby added to the San Juan Bautista Municipal Code is hereby to read as follows:

**"6-4-116 Water shortage regulations and restrictions**

(A) DECLARATION OF EMERGENCY AND IMPOSITION OF WATER CONSERVATION REGULATIONS.

The provisions of this chapter shall take effect whenever the City Council declares by resolution that a State of Emergency due to drought exists in the State of California or the City of San Juan Bautista, and they shall remain in effect for the duration of the State of Emergency set forth in the resolution or that the water sources are inadequate to meet at least ninety percent of projected demands of the City of San Juan Bautista. The Declaration shall be based upon the legally required findings including that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply. Persons shall be informed that the City Council made a Declaration of Emergency and therefore there will be an Imposition of Water Conservation Regulations by a posting on the City's Internet website, and in the following public places: San Juan Bautista City Hall, 311 Second Street, San Juan Bautista; City Library, 801 Second Street, San Juan Bautista; and the Post Office, 301

The Alameda, San Juan Bautista. The City Manager or his or her designee shall take such steps as are necessary to inform the public, which may include the mailing of a Notice of Imposition of Water Conservation Regulations to persons in the City's water service area. Imposition of Water Conservation Regulations shall not be enforced until such time as the public has received notice, as set forth herein.

(B) APPLICATION OF REGULATIONS.

The provisions of this chapter shall apply to all persons using or consuming water both inside and outside the city and within the city water service area, and regardless of whether any person using water shall have a contract for water service with the city.

(C) PRECEDENCE OF REGULATIONS.

Where other provisions of the municipal code, whether enacted prior or subsequent to this section, are inconsistent with the provisions of this section, the provisions of this section shall supersede and control for the duration of the State of Emergency set forth in the resolution of the City Council.

(D) WATER WASTE PROHIBITIONS.

It shall be unlawful, when a Declaration of Emergency has been declared and emergency regulations are in effect, for any person, firm, partnership, association, corporation, political entity (including the City) or any other water department customer to use water for any of the following:

- (a) Landscape watering on any day other than Monday and Thursday, or between the hours of 9 a.m. and 5 p.m. on any day.
- (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) Irrigating turf or ornamental landscapes during and 48 hours following measurable precipitation.
- (g) Serving water to customers in restaurants or other food service establishments, other than by request.
- (h) Laundering towels and linens daily in hotels and motels without offering the option of choosing not to have them laundered, or not prominently displaying notice of this option.

(E) PENALTIES

While nothing in this Chapter is intended to limit or otherwise restrict the potential application of all available civil and criminal penalties for violations of the state and local water use restrictions, there is value in an education-based approach in encouraging water conservation, therefore staff will first attempt to achieve compliance by providing customers with reasonable notice of the alleged violation and an opportunity to correct the problem, before issuing fines for willful and repeated violations. Fines after a warning for violation of water restrictions are as follows:

(a) First offense – \$50 penalty

(b) Second offense – \$100 penalty

(c) Three or more offenses – Penalties will increase by \$100 for each additional violation, up to a maximum of \$500 per day

(F) EXCEPTIONS

Any request for an exception to the provisions of this Chapter shall be made in writing to the City Manager and shall document the reasons why there is no other alternative to the Water Waste Restrictions and the damages resulting from adherence to the Restrictions. The City Manager shall issue an exception, in writing, or deny the exception request, in which case, his or her decision shall be final.

**SECTION 3: Effective Date.** This Ordinance shall take effect 30 days after its adoption by the City Council.

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the 21<sup>st</sup> day of April, 2015, and was adopted at a regular meeting of the San Juan Bautista City Council on the 19<sup>th</sup> day of May, 2015 by the following vote:

**AYES: Lund, Boch, Edge, West, Martorana**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

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**Robert L. Lund, Mayor**

**ATTEST:**

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**Connie Schobert, City Clerk**