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Draft Water Waste Ordinance

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ORDINANCE NO. 75

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CHANNEL ISLANDS
BEACH COMMUNITY SERVICES DISTRICT ESTABLISHING A WATER
CONSERVATION AND WATER SUPPLY SHORTAGE PROGRAM AND
REGULATIONS**

Section I: Title.

This ordinance will be known as the “Channel Islands Beach Community Services District Water Conservation and Water Supply Shortage Program.”

Section II. Findings.

- a. A reliable minimum supply of potable water is essential to and benefits those persons served by the Channel Islands Beach Community Services District (“District”).
- b. The District and its service areas are located in southern California, a semi-arid region that is largely dependent upon imported water supplies to augment limited local ground water supplies. A growing population, climate change, environmental concerns, and other factors in other parts of the State and western United States, make the region highly susceptible to water supply reliability issues.
- c. Careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet the District’s current and future water supply needs.
- d. Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.
- e. California Government Code section 61600 identifies supplying the inhabitants of the District with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation as one of the main functions of a Community Service District. California Government Code section 61622 confers upon the District general powers to perform all acts necessary to carry out fully the provisions of the Community Services District Law.
- f. California Water Code sections 375 and 375.5 authorize any public entity, including a special district, which supplies water at retail or wholesale for the benefit of persons within the service area or area of jurisdiction of the public entity to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies.
- g. California Water Code section 350 et seq. authorizes water suppliers, including a special district, to declare a water shortage emergency and, upon declaration of that emergency, adopt regulations and restrictions on the delivery and consumption of water in order to conserve water resources during the period of the emergency and until the supply of water available for distribution by the supplier has been replenished or augmented.

- h. The adoption and enforcement of a water conservation and supply shortage program is necessary to manage the District's potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the District. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety, and welfare.
- i. Based upon the above findings, the District's legal counsel advises, and the Board finds, that actions taken pursuant to this ordinance are categorically exempt from CEQA according to 14 California Code of Regulations 15301 and 15307.

Section III. Declaration of Purpose and Intent.

- a. The purpose of this ordinance is to establish a water conservation and supply shortage program that will reduce water consumption within the District through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the District to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.
- b. This ordinance establishes permanent water conservation standards intended to alter behavior related to water use efficiency during non-shortage conditions, and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency. Each progressive level increases restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.

Section IV. Definitions.

- a. The following words and phrases whenever used in this chapter have the meaning defined in this section:
 - 1. **“Commercial Grower”** means a person who operates a licensed plant or tree farm or who cultivates crops or other vegetation for sale or intended sale to the general public in the ordinary course of that person's business.
 - 2. **“Commercial Nursery”** means a licensed plant or tree farm which plants, grows and cultivates plants or trees for the sale or intended sale of such plants and trees to the general public in the ordinary course of the licensee's business.
 - 3. **“District”** means those areas that lie within the boundaries of the Channel Islands Beach Community Services District, as well as any areas outside the District boundaries to which the District provides service."
 - 4. **“Excessive Water Flow or Runoff”** means any water which originates from a tap connected to the District's water delivery system that leaves the property of origin in a continuous flow of any dimension.
 - 5. **“Person”** means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water provided by the District.
 - 6. **“Landscape Irrigation System”** means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.

7. **“Large Landscape Areas”** means a lawn, landscape, or other vegetated area, or combination thereof, equal to or more than 2500 square feet irrigable land.
8. **“Single Pass Cooling Systems”** means equipment where water is circulated only once to cool equipment before being disposed.
9. **“Potable Water”** means water which is suitable for drinking.
10. **“Recycled Water”** means the reclamation and reuse of non-potable water for beneficial use.
11. **“Safety or Sanitary Hazard”** means any accumulation of unwholesome substance, including but not limited to pet or animal waste.
12. **“Billing Unit”** means the unit of water used to apply water rates for purposes of calculating water charges for a person’s water usage. A “billing unit” equals one hundred (100) cubic feet or seven hundred forty-eight (748) gallons of water.
13. **“Vehicle”** means any automobile, truck, van, bus, motorcycle, recreational vehicle, boat or trailer

Section V. Application

- a. The provisions of this ordinance apply to any person in the use of any potable water provided by the District.
- b. Compliance with the provisions of this ordinance shall be a condition of water service within the District and in all areas outside the District to which the District provides water service.
- c. The provisions of this ordinance do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services.
- d. The provisions of this ordinance do not apply to the use of recycled water, with the exception of Section VI(a).
- e. The provisions of this ordinance do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.
- f. This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

Section VI: Permanent Water Conservation Requirements – Prohibition Against Waste

The following water conservation requirements are effective at all times and are permanent. Violations of this section will be considered waste and an unreasonable use of water.

- a. **Limits on Watering Hours:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 9:00 a.m. and 4:00 p.m. Pacific Standard Time on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
- b. **Limit on Watering Duration:** Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than ten (10) minutes watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard.
- c. **Large Landscape Areas – Rain Sensors:** Large landscape areas, such as parks, cemeteries, golf courses, school grounds, and playing fields, that use landscape irrigation systems to water or irrigate, must use landscape irrigation systems with rain sensors that automatically shut off such systems during periods of rain or irrigation timers which automatically use information such as evapotranspiration sensors to set an efficient water use schedule. **Retrofitting and monitoring of existing landscape** areas shall be done in accordance with guidelines set forth in the State of California, Department of Water Resources Model Water Efficient Landscape Ordinance then in effect.. It shall be the responsibility of each land owner, lessee, or agency to perform the required audits and submit a copy of the completed audit to the District to be kept on file at the District.
- d. **No Excessive Water Flow or Runoff:** Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited. Every person is deemed to have under his/her control at all times his/her water distribution lines and facilities, and to know the manner and extent of his/her water use and runoff.
- e. **No Washing Down Hard or Paved Surfaces:** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, docks, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, water broom, or a low-volume, high-pressure cleaning machine.
- f. **Obligation to Fix Leaks, Breaks or Malfunctions:** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user’s plumbing, distribution, or irrigation system for any period of time after such escape of water should have reasonably been discovered and corrected, and in no event more than 10 days of receiving notice from the District, is prohibited.
- g. **Re-circulating Water Required for Water Fountains and Decorative Water Features:** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.
- h. **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, by high pressure/low volume wash systems or at a commercial vehicle washing facility that utilizes a re-circulating water system to capture or reuse water.

- i. **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, club or other public place where food or drinks are sold, served, or offered for sale, shall not serve water to customers except upon request of the customer.
- j. **Commercial Lodging Establishments Must Provide Option to Not Launder Linen Daily:** Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.
- k. **No Installation of Single Pass Cooling Systems:** Installation of single pass cooling systems is prohibited in buildings requesting new water service.
- l. **No Installation of Non-re-circulating in Laundry Systems:** Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.
- m. **Restaurants Required to Use Water Conserving Dish Wash Spray Valves:** Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving pre rinse dish wash spray valves. Existing restaurants will be required to upgrade or install water conserving pre rinse dish wash spray valves when remodeling, rehabilitation, or renovation occurs requiring a building, plan check, or design review permit.

Levels of Water Supply Shortage:

Section VII: Level 1 Water Supply Shortage

- a. A Level 1 Water Supply Shortage exists when the District determines, in its sole discretion, that due to drought or other water supply reductions, a water supply shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the District of a Level 1 Water Supply Shortage condition, the District will implement the mandatory Level 1 conservation measures identified in this section. The type of event that may prompt the District to declare a Level 1 Water Supply Shortage may include, among other factors, a finding that its wholesale water provider calls for extraordinary water conservation.
- b. **Additional Water Conservation Measures:** In addition to the prohibited uses of water identified in Section VI, the following water conservation requirements apply during a declared Level 1 Water Supply Shortage:
 - 1. **Limits on Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to three days per week on a schedule established and posted by the District. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the District. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing

water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system must be repaired within seventy-two (72) hours of notification by the District unless other arrangements are made with the District.
3. **Other Prohibited Uses:** In compliance with applicable law, the District may implement other prohibited water uses as determined by the District, after proper notice to customers.

Section VIII. Level 2 Water Supply Shortage

- a. A Level 2 Water Supply Shortage exists when the District determines, in its sole discretion, that due to drought or other supply reductions, a water supply shortage exists and a consumer demand reduction is necessary to make more efficient use of water and respond to existing water conditions. Upon the declaration by the District of a Level 2 Water Supply Shortage condition, the District will implement the mandatory Level 2 conservation measures identified in this section.
- b. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Section VI and VII, the following additional water conservation requirements apply during a declared Level 2 Water Supply Shortage:
 1. **Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two days per week on a schedule established and posted by the District. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the District. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
 2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing, distribution, or irrigation system must be repaired within forty-eight (48) hours of notification by the District unless other arrangements are made with the District.
 3. **Limits on Filling Ornamental Lakes or Ponds.** Filling or re-filling ornamental lakes or ponds is prohibited except to the extent needed to sustain aquatic life, provided that such animals have been actively managed within the water feature prior to declaration of a supply shortage level under this ordinance.
 4. **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to, any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, by high

pressure/low volume wash systems, or at a commercial vehicle washing facility that utilizes a re-circulating water system to capture or reuse water.

5. **Limits on Filling Residential Swimming Pools & Spas:** Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with potable water is prohibited.
6. **Other Prohibited Uses:** In compliance with applicable law, the District may implement other prohibited water uses as determined by the District, after proper notice to customers.

Section IX. Level 3 Water Supply Shortage – Emergency Condition

- a. A Level 3 Water Supply Shortage condition is also referred to as an “Emergency” condition. A Level 3 condition exists when the District declares a water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to make more efficient use of water and respond to existing water conditions. Upon the declaration of a Level 3 Water Supply Shortage Emergency condition, the District will implement the mandatory Level 3 conservation measures identified in this section.
- b. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Section VI, VII, and VIII, the following water conservation requirements apply during a declared Level 3 Water Supply Shortage Emergency:
 1. **No Watering or Irrigating:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited. This restriction does not apply to the following categories of use:
 - i. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or a very low-flow drip type irrigation system when no emitter produces more than two (2) gallons of water per hour subject to the hour restrictions in Section VI(a);
 - ii. Maintenance of existing landscape necessary for fire protection;
 - iii. Maintenance of existing landscape for soil erosion control;
 - iv. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;
 - v. Maintenance of landscape 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 in Section VIII(b)(1) and time restrictions in Section VI(a) and (b)(1);
 - vi. Public works projects and actively irrigated environmental mitigation projects.
 2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user’s plumbing, distribution or irrigation system must be

repaired within twenty-four (24) hours of notification by the District unless other arrangements are made with the District.

3. **No New Potable Water Service:** Upon declaration of a Level 3 Water Supply 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 (such as, will serve letters, certificates, or letters of availability) will be issued, except under the following circumstances:
 1. A valid, unexpired building permit has been issued for the project; or
 2. The project is necessary to protect the public's health, safety, and welfare; or
 3. 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 the District.

This provision 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.

4. **Discontinue Service:** The District, in its sole discretion, may discontinue service to consumers who willfully violate provisions of this ordinance.
5. **Other Prohibited Uses:** In compliance with applicable law, the District may implement other prohibited water uses as determined by the District, after proper notice to customers.

Section X. Procedures for Determination / Notification of Water Supply Shortage

- a. **Declaration and Notification of Level 1 & 2 Water Supply Shortage:** The existence of Level 1 and Level 2 Water Supply Shortage conditions may be declared by resolution of the District adopted at a regular or special public meeting held in accordance with state law. The mandatory conservation requirements applicable to Level 1 or Level 2 conditions will take effect on the tenth (10th) day after the date the shortage level is declared. Within five (5) days following the declaration of the shortage level, the District must publish a copy of the resolution in a newspaper of general circulation for the period of time, number of times, and in the manner required by applicable law. If the District establishes a water allocation, it must provide notice of the allocation by including it in the regular billing statement or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. A water allocation will be effective on the fifth day following the date of mailing or at such later date as specified in the notice.
- b. **Declaration and Notification of Level 3 Water Supply Shortage:** The existence of a Level 3 Water Supply Shortage Emergency condition may be declared in accordance with the procedures specified in Water Code Sections 351 and 352. The mandatory conservation requirements applicable to the Level 3 conditions will take effect on the tenth (10th) day after the date the shortage level is declared. Within five (5) days following the declaration of the shortage level, the District must publish a copy of the resolution in a newspaper of general circulation for the period of time, number of times, and in the manner required by applicable law. If the District establishes a water allocation, it will provide notice of the allocation by including it in the regular billing statement or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. A water allocation will be

effective on the fifth day following the date of mailing or at such later date as specified in the notice.

Section XI. Other Provisions

- a. **Reporting Mechanism -:** The District will establish a water waste reporting link on the District's website (<http://www.channelislandsbeachcsd.com/>) for residents to report violations of this ordinance.
- b. **Adoption of California Water Efficient Landscape Ordinance-** The District hereby incorporates by reference and adopts the California Water Efficient Landscape Ordinance as set forth in the California Code of Regulations Title 23, Sections 490- 495.

Section XII. Penalties and Violations

- a. **Misdemeanor:** Any 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 one thousand dollars (\$1,000), or by both.
- b. **Civil Penalties:** Civil penalties for failure to comply with any provisions of the ordinance are as follows:
 1. **First Violation:** The District will issue a written warning and deliver a copy of this ordinance by mail.
 2. **Second Violation:** A second violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed seventy-five dollars (\$75).
 3. **Third Violation:** A third violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed two hundred and fifty (\$250).
 4. **Fourth and Subsequent Violations:** A fourth and any subsequent violation is punishable by a fine not to exceed five hundred dollars (\$500).
 - i. **Water Flow Restrictor:** In addition to any fines, the District may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and comparatively sized restrictors for larger services after written notice of intent to install a flow restrictor for a minimum of forty eight (48) hours.
 - ii. **Termination of Service:** In addition to any fines and the installation of a water flow restrictor, the District may disconnect and/or terminate a customer's water service.
- c. **Cost of Flow Restrictor and Disconnecting Service:** A person or entity that violates this ordinance is responsible for payment of the District's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the District's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device must be paid to the District before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.

- d. **Separate Offenses:** Each day that a violation of this ordinance occurs is a separate offense.
- e. **Notice and Hearing:**
 - 1. The District will issue a Notice of Violation by mail or personal delivery at least ten (10) days before taking enforcement action. Such notice must describe the violation and the date by which corrective action must be taken. A customer may appeal the Notice of Violation by filing a written notice of appeal with the District no later than the close of business on the day before the date scheduled for enforcement action. 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 the District will mail written notice of the hearing date to the customer at least ten (10) days before the date of the hearing.
 - 2. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the District may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violations and the current declared water Level condition.

Section XIII. Severability

If any section, subsection, sentence, clause or phrase in this chapter is for any reason held invalid, the validity of the remainder of the ordinance will not be affected. The Channel Islands Beach Community Services District hereby declares it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid.

APPENDIX:

WATER CONSERVATION ORDINANCE TABLE

Permanent	Level 1	Level 2	Level 3 – Emergency
<i>Permanent</i>	<i>Up to 10% Anticipated Shortage</i>	<i>Up to 20%</i>	<i>More than 20%</i>
Restrictions	Same as Permanent +	Same as Permanent & Level 1 +	Same as Permanent, Level 1 & Level 2 +
<ul style="list-style-type: none"> ○ No Watering: 9am-6pm, except by hand ○ Irrigation system limit of 15 minutes ○ No excessive water flow or runoff ○ No washing down hard or paved surfaces ○ Fix leaks within reasonable time (within ___ days of notice) ○ Fountains only with re-circulating water ○ Restaurants only serve water on request ○ Wash vehicles only with bucket or shut-off nozzle 	<ul style="list-style-type: none"> ○ Watering limited to 3 days a week ○ Fix leaks within 72 hours 	<ul style="list-style-type: none"> ○ Watering limited to 2 days a week ○ Fix leaks within 48 hours ○ No filling or re-filling ornamental lakes or ponds ○ Wash vehicles only at car wash with re-circulating system ○ No filling residential pools or outdoor spas 	<ul style="list-style-type: none"> ○ No watering or irrigating with certain exceptions ○ Fix leaks within 24 hours ○ No new potable water service

<ul style="list-style-type: none"> ○ Hotels must provide guests option to not launder linen daily ○ No installation of single-pass cooling systems ○ No installation of non re- circulating car wash systems ○ Restaurants must use conserving nozzles 			
<p style="text-align: center;"><u>Administration & Penalties</u></p> <ul style="list-style-type: none"> ○ Administrative penalties ○ Civil fines, flow restrictor or disconnect service after 4th violation ○ Misdemeanor ○ Reporting mechanism 	Same as Permanent	○	○

* **Bold Items required for certain Metropolitan funding of conservation and local projects.**