

## **APPENDIX G. SAMPLE WATER CONSERVATION ORDINANCE AND RESOLUTION**

**RESOLUTION NO. 20-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, DECLARING A STAGE \_\_\_\_ WATER SHORTAGE EMERGENCY IN ACCORDANCE WITH CALIFORNIA WATER CODE SECTION 350 AND CITY OF GROVER BEACH MUNICIPAL CODE SECTION 7202.**

**WHEREAS**, on April 6, 2020 the City Council of the City of Grover Beach adopted Resolution No. 20-\_\_\_\_ approving the 2015 Urban Water Management Plan and associated Water Shortage Contingency Plan; and

**WHEREAS**, the Water Code Section 350, et seq. and the City of Grover Beach Municipal Code Section 7202 give the City authority to declare a water shortage emergency in response to anticipated shortages in water supply and to implement measures to reduce water demand and to implement penalties for failing to meet water use reduction requirements; and

**WHEREAS**, the water resources of the City of Grover Beach consisting of surface water from the Lopez Lake Reservoir and Groundwater pumped from the Northern Cities Management Area of the Santa Maria Groundwater Basin are determined to be in a shortage condition as defined by one or more triggering conditions observed by City staff; and

**WHEREAS**, Water Code Section 353 provides that when a water shortage emergency has been declared by the governing body, it shall adopt necessary regulations and restrictions on the delivery and consumption of water; and

**WHEREAS**, the City Public Works Director has determined that certain triggering conditions identified in the adopted Water Shortage Contingency Plan exist to recommend declaration of a Stage \_\_ water shortage emergency consistent with a \_\_\_\_% reduction in supply; and/or

Based on Certification by the Public Works Director that the requisite Triggering Conditions no longer exists or based on a determination by the City Council that these additional water use regulations and restrictions are no longer necessary to protect the public's health, safety and welfare.

**WHEREAS**, the City Council has determined that a water shortage emergency condition prevails within the area served by the City of Grover Beach and finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the City to the extent that there would be insufficient water for human consumption, sanitation, and fire protection and therefore has determined that it is necessary to adopt certain restrictions, mandatory consumption reductions and penalties; and

**WHEREAS**, the City Council, pursuant to Water Code Section 351 and excepting in event of a breakage or failure of a dam, pump, pipe line or conduit causing an immediate emergency, has made this declaration after a public hearing at which consumers of the City of Grover Beach water supply have had an opportunity to be heard to protest against the declaration and to present their respective needs to the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Grover Beach, California, does hereby resolve, declare, determine and order as follows:

## **SECTION 1. WATER USE RESTRICTIONS**

All residential customers are hereby assigned a monthly baseline amount of water, based upon the amount of water used during the same billing period of the previous year prior to the adoption of this Resolution.

In order to provide for the protection of the public's health, safety and welfare, all residential customers shall reduce water usage by \_\_\_\_\_ percent, which percentages may be modified or amended by the City Council as deemed necessary and appropriate and the Public Works Director is ordered to post the Certification of the existence of Triggering Conditions on the City Website and to make additional notifications to alert the public that the additional Water Shortage Stage restrictions are being implemented.

As a result of the declaration of a Stage \_\_\_ water shortage emergency all residential customers are hereby allocated the minimum units of water deemed necessary for an average household size (1 unit of water is equal to 100 cubic feet or 748 gallons) which based on existing average usage documented in the City, is determined to be 12 units of water per two-month billing period per household (which is equivalent to 150 gallons per household per day). Households with over 5 people will be allowed 20 units of water per two-month billing period (250 gallons per day). Households with over 7 people will be allowed 28 units of water per two-month billing period (350 gallons per day). The allocations recommended herein may be adjusted by the City Council by resolution.

Irrigation of City-owned non-sports field turf areas shall be reduced by \_\_\_\_\_ percent or completely eliminated.

Water system flushing and construction activities requiring substantial amounts of water such as compaction, demolition and rough grading are hereby restricted.

## **SECTION 2. ADJUSTMENTS IN WATER CONSUMPTION REDUCTION AMOUNTS, AND OTHER EXCEPTIONS**

During a declared Water Shortage Emergency the Public Works Director, upon application made in writing by a customer on a form promulgated by the water department and accompanied by supporting documentation, shall be authorized to modify the percentage of water consumption reduction that is required by the customer, upon the customer's production of substantial evidence demonstrating the existence of unusual circumstances, including but not limited to the household having been vacant during a portion of the comparison year billing period or substantial changes in the number of persons residing in the residence.

The percentage of reduction in water consumption may also be adjusted if the existence of one or more of the following circumstances are shown and that are particular to that customer and which are not generally shared by other water department customers:

- a. Failure to approve the requested exception would cause a condition having an adverse effect on the health, sanitation, fire protection, or safety of the customer.
- b. Alternative restrictions to which the customer is willing to adhere are available that would achieve the same level of demand reduction as the restriction for which an exception is being sought and such alternative restrictions are enforceable by the

- water department.
- c. Circumstances concerning the customer's property have changed since the implementation of the subject restriction warranting a change in the customer's water usage allocation or required percentage of reduction in consumption.

In order to qualify for an exception, a customer may be required at the Public Works Director's determination, to first complete a self-water audit pursuant to standards and procedures promulgated by the water department. This audit shall be made part of the customer's exception application and water conservation measures indicated by the audit may be incorporated as conditions of approval to an exception in addition to any other conditions of approval imposed by the Director in connection with the Director's approval of the customer's exception application.

### **SECTION 3. WATER SHORTAGE APPEALS**

Upon adoption of a resolution declaring a Water Shortage Stage, the Public Works Director and Administrative Services Director (Appeals Board) are empowered to act on Water Shortage Appeals.

Any customer who considers an action taken by the Public Works Director under the provisions of this Chapter to have been erroneously taken or issued may appeal that action or penalty in the manner described in the City Municipal Code Chapter 4, Section 1400 (F).

### **SECTION 4. MANDATORY PROHIBITIONS ON WATER WASTING**

The following water waste prohibitions are voluntary \_ mandatory and will remain in effect at all times:

1. All use of water which results in excessive gutter runoff.
2. Use of water for cleaning driveways, patios, parking lots, sidewalks, streets, or other such uses except as necessary to protect public health or safety.
3. Outdoor water use for washing vehicles shall be attended and hoses shall be equipped with a shut-off nozzle.
4. Outdoor irrigation between the hours of 10 AM and 4 PM or within 48 hours after measurable precipitation.
5. Use of potable water for compaction or dust control purposes in construction activities unless no other source of water is available or upon approval by the Public Works Director.
6. Hotel, motel or other commercial lodging establishment shall offer their patrons the option to forego the daily laundering of towels, sheets and linens.
7. Emptying and refilling of swimming pools and commercial spas is prohibited except to prevent structural damage and/or to protect public health or safety.
8. Restaurants or other commercial food service establishments shall not serve water except upon the request of a patron.
9. Using non-recirculated water in a fountain or other decorative water feature.

### **SECTION 5. EXCESSIVE USE PENALTIES**

The following penalties for violations of mandatory prohibitions on water wasting and/or water use reduction requirements are hereby enacted:

Any person violating mandatory prohibitions on water wasting or water use reduction

requirements adopted by Council Resolution will be issued a Warning Notice for the first violation.

Second and subsequent violations will be considered the first and subsequent violations subject to administrative citation and penalty in accordance with Section 1400 of the City's Municipal Code as follows: (Penalties amounts are as set forth in the Master Fee Schedule or may be reduced by Council Resolution establishing the water shortage condition and penalty provisions)

1. First violation within a rolling twelve-month period, in the amount designated in the Master Fee Schedule\_\_\_in the amount of \$\_\_\_\_\_;
2. Second occurrence of the same violation within a rolling twelve-month period, two and one-half (2 ½) times the amount designated in the Master Fee Schedule for a first violation\_\_in the amount of \$\_\_\_\_\_;
3. Third or subsequent occurrence of the same violation within a rolling twelve-month period, five times the amount designated in the Master Fee Schedule for a first violation\_\_in the amount of \$\_\_\_\_\_;
4. A fourth or subsequent violation of the same provision within one year of the date of the first violation may result in subsequent administrative citations and penalties or as identified in Section 1400 of the City's Municipal Code;
5. Subsequent administrative citations and penalties may be issued for the same violation(s) or the City may institute any other applicable actions permissible under the City Municipal Code to gain compliance. The amount of the penalty for each subsequent violation of the same Code provision shall increase at a rate of \_\_\_\_\_ per violation;

Additional actions may include the installation of a flow restriction device or disconnection of the customer's property from the City's water service system at the customer's cost.

A person or entity that as a result of violations of mandatory prohibitions on water wasting or water use reduction requirements adopted by Council has a flow restrictor installed or water service disconnected is responsible for payment of charges for installing and/or removing the flow-restricting device and for disconnecting and/or reconnecting service in accordance with the City's fee schedule then in effect. The charge for installing and/or removing any flow restricting device must be paid before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates to the extent allowable by State law.

**SECTION 6.** The adoption of this Resolution is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to 15307 of the State CEQA Guidelines (Actions by Regulatory Agencies for Protection of Natural Resources.)

**SECTION 7.** If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid, such determination shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this Resolution and each and every section, subsection, sentence, clause, or phrase not declared invalid without regard to whether any portion of the Resolution would be subsequently declared invalid or unconstitutional.

**SECTION 8.** The restrictions and regulations adopted by this Resolution shall remain in effect for the duration of the Stage \_\_\_ Water Shortage Emergency, and until rescinded or modified by the City Council. This Resolution shall be effective immediately upon its adoption.

On motion by Council Member, seconded by Council Member, and on the following roll-call vote, to wit:

AYES: Council Members –  
NOES: Council Members –  
ABSENT: Council Members –  
ABSTAIN: Council Members –

the foregoing Resolution was **PASSED, APPROVED**, and **ADOPTED** at a meeting of the City Council of the City of Grover Beach, California this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
JEFF LEE, MAYOR

Attest:

\_\_\_\_\_  
WENDI SIMS, CITY CLERK