

**ORDINANCE NO. 124**

**IMPLEMENTING LEVEL 2 WATER SHORTAGE RESPONSE OF WATER SHORTAGE  
CONTINGENCY PLAN REGARDING MANDATORY RESTRICTIONS ON OUTDOOR WATER USE**

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**MID-PENINSULA WATER DISTRICT**

**WHEREAS**, over the past year, Governor Newsom has taken unprecedented actions to target reduction or water use within the state; and

**WHEREAS**, on March 28, 2022, Governor Newsom issued an Executive Order directing the California State Water Resources Control Board (SWRCB) and local water agencies to enact shortage response actions consistent with local drought contingency plans; and

**WHEREAS**, on May 24, 2022, the SWRCB adopted emergency regulations for each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources (DWR) to implement, at a minimum, the shortage response actions adopted under Section 10632 of the California Water Code for a shortage level of up to twenty percent (Level 2) by June 10, 2022; and

**WHEREAS**, the Mid-Peninsula Water District (District) is an urban water supplier and is required to comply with SWRCB drought regulations that apply to urban water suppliers; and

**WHEREAS**, the District's 2020 Urban Water Management Plan, which contains the District's Water Shortage Contingency Plan and describes Level 2 demand reduction actions was adopted pursuant to Board Resolution No. 2021-24 on September 23, 2021; and

**WHEREAS**, actions taken hereinafter are exempt from the provisions of Section 21000 et seq. of the Public Resources Code as said actions constitute a project undertaken as immediate action necessary to prevent or mitigate an emergency pursuant to Title 14, California Code of Regulations Section 15269 and a project undertaken to assure the maintenance, restoration or enhancement of a natural resource pursuant to Title 14, California Code of Regulations Section 15307.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Mid-Peninsula Water District hereby takes the following actions and makes the following findings:

1. The District, based on the directive from the SWRCB, implements Level 2 of its Water Shortage Contingency Plan, which seeks consumer demand reduction of up to 20% to respond to existing water conditions from demand reduction measures identified in the District's 2020 Water Shortage Contingency Plan such as:
  - a. Fix leaks or faulty sprinklers with 5 days.
  - b. Limiting landscape turf irrigation to 3 days per week when using potable water. Plant containers, trees, shrubs and vegetable gardens may be watered additional days using only drip irrigation or hand watering.
  - c. Filling or refilling ornamental lakes or ponds is prohibited unless the lake or pond sustains aquatic life of significant value and were actively managed prior to the declaration.
  - d. District can apply drought rates and surcharges.
  - e. Improve customer billing report information to include more detail on water use.
  - f. Decrease water system flushing without impacting water quality.
  - g. Pools and spas require covers to minimize evaporation.
  - h. Filling pools is only allowed when an appropriate cover is in place.
  - i. District may implement other prohibited water uses as determined by the District, after notice to customers.
  - j. District may reduce water allocations in all categories to meet available water supply.
2. In addition to implementation of Level 2 demand reductions, the following demand reduction actions from Level 0 and 1 are important to note:
  - a. Decorative water features must recirculate water or secure a waiver from the District.
  - b. Washing or hosing down vehicles is prohibited except by use of a handheld container, hose with an automatic shut off device, or at a commercial car wash.

- c. Washing down hard or paved surfaces is prohibited except to alleviate safety or sanitary conditions using a handheld container, hose with automatic shut off device, or low-volume high pressure cleaning machine that recycles used water.
  - d. New planting should be performed with drought tolerant plants.
  - e. Outdoor watering or irrigation is prohibited between 9 am and 6 pm except by use of a handheld device, hose with automatic shutoff device, or for adjusting or repairing an irrigation system for short periods of time.
  - f. District to expand public information outreach and messaging and expand/enhance rebate programs.
  - g. All non-essential water use for public entities, commercial and industrial should cease.
3. The SWRCB emergency regulation includes a drought response action prohibiting the use of potable water for the irrigation of “non-functional turf” at large commercial, industrial, and institutional sites. “Non-functional turf” is defined as turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events. Exceptions to this rule include residential lawns, parks, and irrigation necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.
4. If the District believes that water has been or is being used in violation of the above restrictions, the District will first devote efforts to educating the customer(s) in question by contacting them and informing them about the violation. If the violation occurs again, the District will send a written notice to the customer specifying the nature of the violation and the date and time of occurrence and request that the customer cease the violation and take prompt 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.

5. 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, but is not required to, temporarily terminate water service or install a flow restrictor. The customer shall be responsible for paying the District's costs incurred in enforcing this Ordinance, including providing the on-site notification, installing a flow restrictor, and temporarily terminating and restoring water service, on a time and material basis. The customer shall take and implement appropriate remedial actions to come into full compliance with this Ordinance, pay all fees and charges described in the preceding sentence, and bring the customer's water account to good standing before the District proceeds with the reconnection of water service after it has been temporarily terminated.
6. Any customer who disputes a staff determination of a violation(s) of the above restrictions may appeal the termination of water service or installation of a flow restrictor in writing to the General Manager. The written appeal must be addressed to the General Manager and include (1) customer's name; (2) address; (3) 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. 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, federal or local agency. The General Manager shall issue a written decision that may be appealed to the Board of Directors within seven days from the date of issuance. The decision of the Board of Directors shall be final.
7. All provisions of this Ordinance shall become effective after the publication of this Ordinance and remain in effect until the District takes action to rescind the implementation of Level 2 of the District's Water Shortage Contingency Plan.
8. The District shall publish this Ordinance within 15 days of enactment in a newspaper of general circulation in the District and shall post it on the District's website.

**REGULARLY PASSED AND ADOPTED** this 23<sup>rd</sup> day of June 2022 by the following vote.

AYES: Vella, Schmidt, Wheeler

NOES: None

ABSTENTIONS: None

ABSENCES: Zucca, Jordan

DocuSigned by:

*Kirk Wheeler*

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Board President

ATTEST:

DocuSigned by:

*Monique Madrid*

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District Secretary