

ORDINANCE NO. 111

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

MID-PENINSULA WATER DISTRICT

WHEREAS, California is experiencing one of the most severe droughts on record; and

WHEREAS, on January 17, 2014, Governor Brown declared a drought state of emergency and called on all Californians to do their part to reduce their water use; and

WHEREAS, on January 31, 2014, the wholesale water provider for the District's water supply, the San Francisco Public Utilities Commission, requested 10 percent voluntary water use reduction system-wide; and

WHEREAS, on April 25, 2014, Governor Brown issued a proclamation of a continued state of emergency to mitigate the effects of drought conditions upon the people and property of California, and called on residents to refrain from wasting water; and

WHEREAS, on July 15, 2014, the State Water Resources Control Board (SWRCB) adopted drought emergency regulations (Resolution No. 2014-0038) that impose mandatory actions by urban water suppliers, which became effective July 28, 2014; and

WHEREAS, the Mid-Peninsula Water District (District) is an urban water supplier, as defined in the SWRCB emergency regulations, that has an adopted Water Shortage Contingency Plan considered sufficient by the California Department of Water Resources by review of the District's Urban Water Management Plan; and

WHEREAS, the District is required to comply with the SWRCB drought emergency regulations that apply to an urban water supplier, and one of the mandatory actions requires the District to implement all requirements and actions of the stage of its Water Shortage Contingency Plan that impose mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water; and

WHEREAS, since February 2014, the District has undertaken a substantial public outreach effort to encourage its customers to reduce water use and conserve water during this state-wide water shortage emergency; and

WHEREAS, Stage 2 of the District's Water Shortage Contingency Plan provides for water rationing programs that may include prohibitions on the wasteful use of water including any use that results in run off to gutters or streets, the use of water to clean hard surfaces such as sidewalks and streets, and restrictions on certain outdoor irrigation; and

WHEREAS, as required by the SWRCB emergency regulations, the District will implement Stage 2 of its Water Shortage Contingency Plan; and

WHEREAS, the actions taken hereinafter are exempt from the provisions of Section 21000 *et seq.* of the Public Resources Code as they 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 ORDAINED that the Board of Directors of the Mid-Peninsula Water District hereby takes the following actions:

1. The District, based on the directive in the SWRCB emergency regulations, implements Stage 2 of its Water Shortage Contingency Plan.
2. The District, to promote water conservation, prohibits each of the following actions except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:
 - A. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
 - B. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water when immediately not in use.

- C. The application of potable water to driveways and sidewalks.
- D. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.
- E. The irrigation of outdoor ornamental landscapes or turf with potable water between the hours of 10 a.m. and 6 p.m.
- F. The use of potable water for outdoor irrigation in an amount that exceeds 80% of the customer's use of water for that purpose in calendar year 2013.

3. The mandatory restrictions on the irrigation of outdoor ornamental landscapes or turf do not apply to the following categories or manner of use:

- A. Watering or irrigating by use of a hand-held bucket or similar container.
- B. Watering or irrigating by a hand-held hose with a positive shut-off valve or similar device.
- C. Properly functioning low volume irrigation system.
- D. Watering for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
- E. Graywater system.
- F. Recycled water.

4. Enforcement

A. Education/Written Notice. 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.

B. On-Site Notification. In the event that a further violation(s) is observed by the District after the written notice sent pursuant to 4.A. above, 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 and, pursuant to the mandate in the SWRCB Drought Emergency Regulations, a fine of up to \$500.

C. Termination of Water Service/Flow Restrictors

1. 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.

2. 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.

3. The customer shall take and implement appropriate remedial actions to come into full compliance with this Ordinance, pay all fees and charges described in 4.C.2. above, 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.

5. Appeal. 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) the 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 7 days from the date of issuance. The decision of the Board of Directors shall be final.

6. Effective Date. All provisions of this Ordinance shall become effective after the publication of this Ordinance and remain in effect until the District takes action to cancel the implementation of Stage 2 of the District's Water Shortage Contingency Plan.

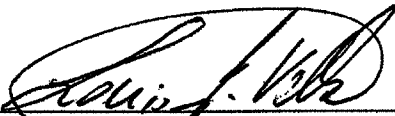
7. Publication. The District shall publish this Ordinance within 15 days of enactment in a newspaper of general circulation in the District and shall post it on the District's website.

PASSED AND ADOPTED this 25th day of September, 2014, by the following vote:

AYES: Stuebing, Linvill, Zucca, Vella, and Warden

NOES: 0

ABSENT: 0



President of the Board of Directors
Mid-Peninsula Water District

ATTEST:


Secretary of the Board