

ORDINANCE NO. 2021-01

**AN AMENDED AND RESTATED ORDINANCE
ESTABLISHING RULES AND REGULATIONS
PROHIBITING WASTEFUL WATER USE AND
PROVIDING FOR ENFORCEMENT**

PURISSIMA HILLS WATER DISTRICT

WHEREAS, the Purissima Hills Water District ("District") obtains all of its water from the City and County of San Francisco, acting by the San Francisco Public Utilities Commission ("SFPUC") and is entirely dependent on the SFPUC source of supply for its water; and

WHEREAS, the District currently exceeds its water supply assurance by over 17%, and in the past has exceeded its water supply assurance by as much as 35%; and

WHEREAS, long-term weather forecasts for the winter rainy season, dire storage conditions of California's largest reservoirs, low moisture content in native vegetation, and parched soils, magnify the likelihood that drought impacts will continue in 2022 and beyond; and

WHEREAS, the increasing frequency of multiyear droughts presents a significant risk to California's ability to ensure adequate water supplies for communities, agriculture, and fish and wildlife; and

WHEREAS, it is necessary to expeditiously mitigate the effects of the drought conditions to ensure the protection of health, safety, and the environment; and

WHEREAS, the District has evaluated, and continues to evaluate, the augmentation of its water supply, including constructing wells and developing additional water service interconnections and additional sources of water supply; and

WHEREAS, in November of 2003, the District adopted Ordinance No. 2003-01 in order to prohibit the wasteful use of water, and in order to conserve the District's water supply for the greatest public benefit, and to reduce the quantity of water used by District customers; and

WHEREAS, in May of 2014, the District adopted Ordinance No. 2014-01 to amend and restate Ordinance No. 2003-01, providing additional prohibitions against the wasteful use of water; and

WHEREAS, on October 19, 2021, Governor Newsom proclaimed a statewide State of Emergency to exist in California due to drought conditions, which proclamation remains in effect; and

WHEREAS, Governor Newsom has called for a voluntary 15% reduction in water use for all wholesale and retail water customers; and

WHEREAS, on November 23, 2021, the SFPUC declared a Water Shortage Emergency by Resolution No. 21-0177, which requires a 32% water use reduction for the District; and

WHEREAS, as a result of the statewide drought emergency, the Governor's request for a 15% voluntary reduction in water usage, SFPUC's request for a systemwide voluntary reduction in water usage, and ongoing efforts by the District to conserve water resources in order to avoid a water shortage, the District now desires to amend and restate Ordinance 2014-01 to prohibit additional wasteful uses of water within the District's jurisdiction; and

WHEREAS, the District hereby seeks to add prohibitions on wasteful water use pursuant to Water Code Sections 31026, 31027, and 375.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE PURISSIMA HILLS WATER DISTRICT AS FOLLOWS:

Section 1. Findings and Declarations

It is hereby declared by the Board of Directors that, in order to conserve the District's water supply for the greatest public benefit and to reduce the quantity of water unnecessarily used by the District's customers, the wasteful use of water should be minimized and, if possible, eliminated.

Section 2. Water Use Prohibitions

The following uses of water are declared to be unreasonable and to constitute waste and are hereby prohibited:

A. Use of water through any broken or defective plumbing fixture, sprinkler watering or irrigation system on the customer's premises when the customer has been given written notice by the District to repair the leak and the customer has failed to effect such repairs within five calendar days after the District provides notice to the customer. Notwithstanding the foregoing, in circumstances when there is a water leak in the customer's plumbing or water distribution facilities that may cause property damage ("Major Leak"), the District, after consultation with the customer, may require that the customer repair the Major Leak promptly, and the District may shut off the water until the Major Leak is repaired.

B. Use of water which results in flooding or runoff in gutters or streets.

C. Use of potable water for private washing of cars, buses, boats, trailers or other vehicles, except with the use of a positive shutoff valve or other similar device to control the flow of water.

D. Use of water in landscape irrigation which results in runoff into the street or pooling due to super-saturation of the ground.

E. Use of potable water in non-recirculating decorative fountains.

F. Use of water to irrigate landscapes exterior to newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the Town of Los Altos Hills, as applicable.

G. Use of water to irrigate outdoor landscapes, including turf and ornamental landscapes, during and within 48 hours after measurable rainfall of at least 0.25 inches.

H. Use of potable water to irrigate ornamental turf on public street medians.

I. Use of potable water outdoors, or for any irrigation purpose, if outdoor or irrigation use is not separately measured from indoor use by a dedicated water service meter, by any new residential or institutional account connected to the District's system for water service after January 1, 2023.

J. Use of potable water by an accessory dwelling unit (ADU), if use is not separately measured by a dedicated water service meter, by any new ADU connected to the District's system for water service after January 1, 2023.

K. Use of, opening or attempting to draw water from, or damaging or tampering with fire hydrants within the jurisdiction of the District without written authorization from the District or the Los Altos Hills County Fire District.

Section 3. Exceptions

A. Any customer who believes that the application of this Ordinance would create an undue hardship or would cause a substantial risk to the health or safety of the customer may submit a written request for an exception to the requirements of this Ordinance to the District's General Manager.

B. The General Manager will review the written request and, if the customer will suffer an undue hardship or substantial risk to their health and safety, the General Manager may grant an exception to this Ordinance.

Section 4. Investigation

The District will promptly investigate all reports of uses of water that are prohibited by this Ordinance. This investigation will include at a minimum discussing the circumstance with the person making the report and with the customer alleged to have violated this Ordinance, if these people are available, and visually inspecting the property where the water is being used. The District may determine that further investigation is necessary to evaluate if this Ordinance has been violated and may conduct a further investigation if determined necessary.

Section 5. Enforcement of Water Use Prohibition 2.A-2.J

The following enforcement provisions apply to the water use prohibitions set forth above

in Sections 2.A through 2.J, but not to 2.K.

A. If the District believes that a customer has been or is using water in violation of this Ordinance, the General Manager will send a written notice to the customer that includes the following: (1) specifying the nature of the waste and the time of occurrence, to the extent known by the District; (2) requesting that the customer cease such use; (3) informing the customer of the process to seek an exception based on undue hardship or substantial risk to the health and safety of the customer; and (4) informing the customer that failure to comply with this Ordinance may result in the termination of water service, fine and imprisonment ("Violation Notice"). The District will make a reasonable, good faith effort to contact an adult person residing at the premises by telephone or in person to provide the customer with the Violation Notice.

B. If the customer does not correct the violation within 72 hours of receiving the Violation Notice and the customer does not request an exception to the application of this Ordinance, the General Manager will post the Violation Notice on the property where the violation is occurring. If the customer does not correct the violation within 48 hours of the posting of the Violation Notice, the District may seek to enforce this Ordinance by terminating the customer's water service. In addition, if a customer has received multiple Violation Notices for violating this Ordinance, the District may seek to enforce this Ordinance pursuant to California Water Code Section 31029, which states that a violation of this Ordinance is a misdemeanor, punishable by a fine of not more than \$600, by coordinating with the District Attorney's Office in Santa Clara County.

C. The customer shall be responsible for paying the District's costs incurred in enforcing this Ordinance, including terminating and restoring water service.

D. In unusual situations when circumstances beyond the customer's control prevents the customer from correcting or remedying a violation of this Ordinance, the General Manager may extend the time period for enforcing this Ordinance until the circumstances that prevent the customer from correcting or remedying the violation ceases.

Section 6. Enforcement of Water Use Prohibition 2.K

Pursuant to Water Code Section 31029, a violation of the prohibition against unauthorized use of fire hydrants in 2.K, shall both be a misdemeanor, and upon conviction shall be punishable by imprisonment in the county jail for not more than 30 days or by fine of not more than \$600, or by both the fine and imprisonment.

Section 7. Severability

If any provision of this Ordinance is held to be invalid, or unenforceable in particular circumstances, such invalidity shall not affect the remainder of the Ordinance which shall continue to be in full force and effect, and the Board declares this Ordinance to be severable for that purpose.

Section 8. Publication

Pursuant to Water Code Section 31027, the Secretary is hereby directed to arrange for a summary of this Ordinance to be published once in a newspaper of general circulation in the District within 15 days after this Ordinance is adopted by the District.

Adopted this 8th day of December, 2021, by the following vote of the Board:

AYES: Directors Holtz, Jordan, Stone, Glassman, and Ranganathan

NOES:

ABSENT:

Signed: Steve Jordan, Board President
Purissima Hills Water District

Signed: Samantha Vu, Board Secretary
Purissima Hills Water District