

**ORDINANCE No. 64**

**PROHIBITING WASTEFUL WATER USE WITHIN THE DISTRICT**

**WESTBOROUGH WATER DISTRICT**

**THIS ORDINANCE** is adopted in light of the following facts and circumstances, which are hereby found and declared by the Board of Directors of the Westborough Water District (“District”):

**WHEREAS**, the District is a County Water District organized pursuant to the County Water District Law (Water Code Section 30001 et seq.), which provides potable water service within its jurisdiction, which is located in the City of South San Francisco, California; and

**WHEREAS**, California Water Code Section 375 et seq. authorizes the adoption of a water conservation ordinance after notice and a public hearing; and

**WHEREAS**, California Water Code Section 31026 et seq. authorizes the District to restrict the use of District water during any emergency caused by drought, or other threatened or existing water shortage and to prescribe and define by ordinance, the restrictions and prohibitions on water use; and

**WHEREAS**, the 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**, on January 17, 2014, California Governor Jerry Brown issued a proclamation that a State of Emergency exists in California due to severe drought conditions, as evidenced by water supply and snowpack at levels alarmingly below their normal averages; and

**WHEREAS**, on January 31, 2014, and due to a dearth of precipitation, the SFPUC officially asked all customers to voluntarily reduce their usage by 10%; and

**WHEREAS**, on July 15, 2014, the State Water Resources Control Board adopted Resolution No. 2014-0038, adopting an emergency regulation for statewide urban water conservation, mandating certain actions by urban waters suppliers; and

**WHEREAS**, wasteful water use practices constitute a potential threat to, and an unacceptable diminution of, the District’s water supplies and its ability to meet water conservation goals, particularly in times of drought; and

**WHEREAS**, 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 current and future water supply needs; and

**WHEREAS**, Best Management Practice (DMM #13 of Urban Water Management Plan) calls for the District to enact and enforce certain prohibitions against wasteful use on a year-round and on-going basis, i.e. during drought and non-drought periods.

**WHEREAS**, the Board of Directors finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) (“CEQA”) pursuant to Section 15307 (the activity assures the maintenance, restoration, enhancement, or protection of a natural resource) and Section 15378(b)(2) (the activity is not a project as it involves general policy and procedure making) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3; and

**WHEREAS**, the adoption and enforcement of this Ordinance is necessary to manage the District’s water system, particularly during times of water shortage; and

**WHEREAS**, the District published notice of, and provided an opportunity for public input at a public hearing prior to adopting the Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the Westborough Water District as follows:

**Section 1: Prohibition of Wasteful Water Use**

A. The following uses of District water listed in this section 1 are hereby determined to be unreasonable and constitute a waste and therefore are prohibited on a permanent, year-round basis:

1. The use of water through a commercial meter when the customer has been given a 7-day notice to repair broken or defective plumbing or sprinkler system.
2. Use of potable water which results in excessive flooding or runoff in gutters, sidewalk, driveway or street.

3. Use of potable water for washing any automobiles, motorcycles, RV's trucks, trailers, and boats without shut-off nozzle or device attached that causes it to cease dispensing water immediately when not in use.
4. The service of drinking water in restaurants and cafes except upon request.
5. The use of water for city street sweepers/washers, except when approved by the District.
6. The use of water in non-recirculating water fountains and decorative water features.

## **Section 2: Non-Essential Water Uses During Drought or Water Shortage Conditions**

A. The following uses of District water listed in this section 2 are hereby determined to be non-essential activities during any drought, water shortage emergency or voluntary water conservation period that has been officially proclaimed by the District and therefore are prohibited, except where necessary to address an immediate health or safety need or to comply with a term or condition of a permit issued by a state or federal agency:

1. Use of potable water for washing sidewalks, walkways, driveways, patios, parking lots, tennis courts, or other hard-surface areas.
2. Use of potable water to clean, fill or maintain levels in fountains, including recirculating fountains.
3. Use of water for recreation toys and equipment.
4. Use of water through a hose or pressure washer to clean the exterior of any building, home, or driveway, except prior to painting or if required for health or safety purposes.
5. Limiting watering duration to 15 minutes watering 2 days a week maximum. Watering or irrigating of lawn or landscape is also prohibited between the hours of 8:00 a.m. and 7:00 p.m.
6. 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.

## **Section 3: Violations, Notices and Remedies**

A. Violations of section 1 or 2 will be considered waste and an unreasonable use of water and subject to penalties listed in this section 3.

B. 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.

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

D. The District may also seek to enforce this Ordinance as a criminal misdemeanor by coordinating with the District Attorney.

#### **Section 4: Appeals**

A. Any person appealing a notice of noncompliance shall within fifteen days (15) days of receipt thereof, request for hearing by the Board of Directors. Request for hearing shall be made to the General Manager of the District. The General Manager shall provide the person with the date and time of the next available public hearing. The person is required to submit an explanation for appeal or attend the meeting to discuss this matter.

B. Decision and Appeal. The final decision of the hearing shall be issued within thirty (30) days of the conclusion of the hearing and shall be delivered by first-class mail.

#### **Section 5: 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 the Ordinance to the General Manager for consideration. A customer may appeal the decision of the General

Manager to the Board of Directors. To do so, he or she must submit a written statement of the reason for the appeal, together with evidence in support of it.

**Section 6: Severability**

If any section, subsection, provision or part of this Ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this Ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

**Section 7: Effective Date**

This Ordinance shall become effective upon adoption.

**Section 8: Notice of Exemption**

The General Manager hereby is authorized and directed to file a Notice of Exemption with the County Clerk to record the bases for which the actions taken by this Ordinance are exempt from the California Environmental Quality Act.

**Section 9: Summary**

The District Secretary shall publish a summary of the contents of this Ordinance in a newspaper of general circulation within 15 days of adoption, indicating the names of the directors who voted for and against the ordinance.

Passed and adopted this 14 th day of August, 2014, by the following vote of the Board:

AYES: Chambers, Medina, Bautista, Irwin

NOES: None

ABSENT: Lopez

/s/ Thomas Chambers  
President of the Board of Directors  
Westborough Water District

ATTEST:

Darryl A. Barrow  
Secretary of the Board