

ORDINANCE NO. 2021-01
Adopted by Callayomi County Water District
October 21, 2021

ADOPTING A WATER CONSERVATION PROGRAM

Preliminary Statement:

The purpose of this Ordinance is to prepare the Callayomi County Water District ("District") for emergency implementation of water conservation programs during periods of drought as mandated/defined by the County of Lake, the State of California, or otherwise as deemed necessary by the District due to water shortages affecting the supply of clean and safe water to our customers. It is the intention of the District to delay or avoid declaring a water shortage emergency for as long as possible through encouraging District and customer water conservation methods.

Implementation of each Level Drought Response (from no Level status to Level 1, to Level 2, to Level 3, to Level 4) requires a public meeting to address questions and concerns, followed by a resolution adopted by the District's Board of Directors.

It is not the intention of the District to be heavy handed in implementation of this Ordinance. The production and distribution of reliable, clean, safe drinking water to all District customers is our priority, and our goal is to ensure we have adequate water resources to serve the needs of all of our customers at all times.

WHEREAS article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare, and

WHEREAS conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare, and

WHEREAS regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water, and

WHEREAS California Water Code sections 375 et seq. empower any public entity which supplies water at retail or wholesale to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program, and

WHEREAS Water Code section 375, subdivision (b) allows an ordinance or resolution adopting a water conservation program to encourage water conservation through rate structure design, and

WHEREAS Water Code section 375, subdivision (c) defines "public entity" to include a city, county, special district, water authority, or any other municipal public corporation or district, and

WHEREAS pursuant to Water Code section 376 and Government Code 6061, the Callayomi County Water District must publish in a newspaper of general circulation any ordinance or resolution adopting a water conservation program within 10 days after its adoption, and

WHEREAS Water Code section 377 establishes that, from the publication of an ordinance or resolution pursuant to section 376 until the repeal of the ordinance or end of the emergency, it is a misdemeanor punishable by up to 30 days in county jail and/or a fine of up to \$1,000 for any person to violate a requirement of the water conservation program, and

WHEREAS the adoption and enforcement of a comprehensive water conservation program will allow the Callayomi County Water District to delay or avoid declaring a water shortage emergency pursuant to Water Code section 350, and

WHEREAS the state of California is experiencing severe drought conditions due to lack of rainfall.

NOW, THEREFORE, BE IT ORDAINED by the Callayomi County Water District as follows:

1. This ordinance is effective immediately upon adoption or as otherwise established by State law, and
2. Pursuant to Water Code section 376 and Government Code section 6061, the Callayomi County Water District shall publish in a newspaper of general circulation this ordinance adopting a water conservation program within 10 days after its adoption, and
3. This ordinance establishes regulations to be implemented during times of declared water shortages or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies, and
4. Pursuant to Water Code sections 351 and 352, Callayomi County Water District will hold a public meeting to discuss any declaration of Drought Response condition, the status of the District's water supply and further actions which need to be taken. Callayomi County Water District will publish in a newspaper of general circulation notice of the time and place of the public hearing at least seven days prior to the date of hearing, and
5. The four levels of drought response outlined in detail below (items 6-10) will be triggered by the following conditions to meet the specified goals as follows:

- Level 1:**
- a) Upon State and/or County declaration of drought emergency, or
 - b) The recorded annual rainfall is at or below 20", or
 - c) Unfavorable conditions related to reduced source, raw water quality, and/or treatment capacity are detected,
 - d) And Callayomi County Water District's Board of Directors has declared a Level 1 Drought Response condition.

GOAL: Voluntary measures to achieve 20% reduction in usage.

- Level 2:**
- a) Upon State and/or County mandate to reduce water up to 25%, or
 - b) When the District's combined well flows drop below 75% of the last 5 years average, or
 - c) Emergency conditions related to reduced source, raw water quality, and/or treatment capacity are detected,
 - d) And Callayomi County Water District's Board of Directors has declared a Level 2 Drought Response condition.
- GOAL:** Mandatory measures to achieve 25% reduction in usage

- Level 3:**
- a) Upon State and/or County mandate to reduce water 26% to 35%, or
 - b) When the District's combined well flows drop below 65% of the last 5 year average, or
 - c) Escalating emergency conditions related to reduced source, raw water quality, and/or treatment capacity are detected,
 - d) And Callayomi County Water District's Board of Directors has declared a Level 4 Drought Response condition.
- GOAL:** Mandatory measures to achieve 35% reduction in usage.

- Level 4:**
- a) Upon State and/or County mandate to reduce water 36% to 45%, or
 - b) When the District's combined well flows drop below 55% of the last 5 years average, or
 - c) Escalating emergency conditions related to severely reduced source, raw water quality, and/or treatment capacity are detected,
 - d) And Callayomi County Water District's Board of Directors has declared a Level 4 Drought Response condition.
- GOAL:** Connection moratorium and further mandatory measures to achieve 45% reduction in usage.

6. During a Level 1 Drought Response condition, Callayomi County Water District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following voluntary water conservation practices:
- a. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
 - b. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
 - c. Limit residential and commercial landscape irrigation to twenty (20) minutes per watering station, per day, between the hours of 6 p.m. and 10 a.m.
 - d. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
 - e. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.
 - f. Use re-circulated water to operate ornamental fountains.

- g. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that recirculates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.
 - h. Serve and refill water in restaurants and other food service establishments only upon request.
 - i. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.
 - j. Repair all water leaks within five (5) days of notification by the Callayomi County Water District unless other arrangements are made in writing with District Staff.
 - k. Use recycled or non-potable water for construction purposes when available.
7. During a Level 2 Drought Response condition, all persons using Callayomi County Water District's water shall comply with the following additional mandatory conservation measures, along with a revised rate structure to financially discourage non-essential water use:
- a. All Level 1 Drought Response water conservation practices are now mandatory.
 - b. Further limit residential and commercial landscape irrigation to fifteen (15) minutes per watering station, per day, between the hours of 8 p.m. and 8 a.m., no more than three days per week during the months of June through October, or one day per week during the months of November through May, on a schedule established and posted by Callayomi County Water District, except if using water-efficient devices, including but not limited to weather-based controllers and drip/micro-irrigation systems. This section shall not apply to commercial growers or nurseries.
 - c. Use a hand-held hose equipped with positive shut-off nozzle, or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
 - d. Repair all leaks within seventy-two (72) hours of notification by Callayomi County Water District unless other arrangements are made in writing with District Staff.
 - e. Stop operating ornamental fountains or similar decorative water features unless recycled water is used.
8. During a Level 3 Drought Response condition, all persons using Callayomi County Water District's water shall comply with Level 2 Drought Response measures and shall also comply with the following additional mandatory conservation measures, along with a revised rate structure to financially discourage non-essential water use:
- a. Further limit residential and commercial landscape irrigation to ten (10) minutes per watering station, per day, between the hours of 8 p.m. and 8 a.m., no more than two days per week during the months of June through October, or one day per week during the months of November through May, on a schedule established and posted by Callayomi County Water District. This section shall not apply to commercial growers or nurseries.
 - b. Use a hand-held hose equipped with a positive shut-off nozzle, or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by low-volume non-spray irrigation.
 - c. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

- d. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.
- e. Repair all leaks within forty-eight (48) hours of notification by Callayomi County Water District unless other arrangements are made in writing with District Staff.
- f. Additionally, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates or letters of availability) shall be issued, except under the following circumstances:
 - i. A valid, unexpired building permit has been issued for the project, or
 - ii. The project is necessary to protect the public's health, safety and welfare, or
 - iii. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of Callayomi County Water District.
 This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

- 9. During a Level 4 Drought Response condition, all persons using Callayomi County Water District's water shall comply with Level 3 Drought Response measures and shall also comply with the following additional mandatory conservation measures, along with a revised rate structure to financially discourage non-essential water use:
 - a. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall apply to the following categories of use unless Callayomi County Water District has determined that recycled water is available and may be lawfully applied to the use:
 - i. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 8 (a) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;
 - ii. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;
 - iii. Maintenance of existing landscaping for erosion control;
 - iv. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;
 - v. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 8 (a);
 - vi. Watering of livestock;
 - vii. Public works projects and actively irrigated environmental mitigation projects.
 - b. Repair all water leaks within twenty-four (24) hours of notification by Callayomi County Water District unless other arrangements are made in writing with District Staff.

10. Water Code section 377 establishes that, from the publication of an ordinance or resolution pursuant to section 376 until the repeal of the ordinance or end of the emergency, a violation of a requirement of the water conservation program is a misdemeanor punishable by up to 30 days in county jail and/or a fine of up to \$1,000, and a court or public entity may hold a person civilly liable in an amount not of exceed \$10,000.

Callayomi County Water District hereby defines a violation of this ordinance as both of the following:

- a. Non-compliance with mandatory measures described in Drought Response Levels 2, 3 or 4, whichever is applicable at the time, and
- b. Excessive water use, determined by historical comparison or, if adequate historical data is unavailable, by comparable dwellings.

Once a violation is identified, the Board of Directors of Callayomi County Water District will consider all remedies available under Water Code 377 only after the following:

- a. Written notice has been delivered to responsible person at the service address, and
- b. Written notice has been sent to any non-resident owner of responsible person's service address, and
- c. No correction, plan of correction, or "Public Complaint" (as described in Policy 1030) is received by Callayomi County Water District within the time stated on the required written notice, and
- d. Consideration is added to the agenda of a meeting of the Board of Directors and posted as required by Policy 5020.


Attest:

I certify that the above Ordinance 2021-01 was duly passed and adopted by the Callayomi County Water District Board of Directors at the October 21st, 2021 Regular Meeting by the following vote:

Ayes: Vice President Giacomini, Director Dessel, Director Hopkins

Nays: Director Thurber, President Cordova

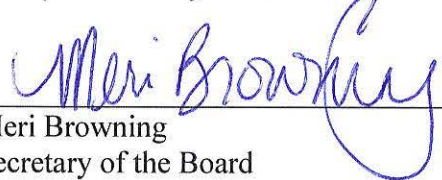
Abstentions: None



Rosemary Cordova
Board President
Callayomi County Water District

11/9/21

Date



Meri Browning
Secretary of the Board
Callayomi County Water District

11/5/21

Date