

PROPOSED ORDINANCE NO. 2022-01

AN ORDINANCE OF
THE COASTSIDE COUNTY WATER DISTRICT

An ordinance declaring a water shortage emergency and implementing mandatory water use restrictions and prohibitions under Stage 2 - Water Shortage Emergency Warning - of the District's Water Shortage Contingency Plan

Be it ordained by the Board of Directors of the Coastside County Water District (District) as follows:

SECTION I: FINDINGS AND DETERMINATIONS

This ordinance is adopted considering the following facts and circumstances, which are hereby found and declared by the Board of Directors.

WHEREAS, the District is an urban water supplier that has an Urban Water Management Plan that was adopted on June 8, 2021; and

WHEREAS, the District adopted an updated Water Shortage Contingency Plan on June 8, 2021; and

WHEREAS, In 2021, most of California experienced extreme or extraordinary drought conditions, including the watersheds the District relies on for water supplies; and

WHEREAS, the U. S. Department of Agriculture informed Governor Newsom in writing on March 5, 2021, that 50 California counties were being designated as primary disaster areas due to drought conditions and San Mateo County was listed as one of those counties; and

WHEREAS, the San Francisco Public Utilities Commission (SFPUC) requested 10 percent voluntary water use reduction in irrigation water use system-wide on April 15, 2021; and

WHEREAS, Governor Newsom declared a drought state of emergency on May 10, 2021, that included watersheds the District relies on for imported water; and

WHEREAS, the District implemented Stage 1 – Water Shortage Advisory of its Water Shortage Contingency Plan on May 11, 2021, with the Board of Directors

adopting Resolution 2021-02, informing the public of a possible water shortage and requesting voluntary water conservation; and

WHEREAS, on July 8, 2021, Governor Newsom issued an executive order (N-10-21) asking all Californians to voluntarily reduce their water use by 15 percent from their 2020 levels; and

WHEREAS, on July 8, 2021, Governor Newsom issued a Proclamation of a State of Emergency adding the County of San Mateo, among other counties, to the list of counties in a state of emergency due to drought; and

WHEREAS, on July 12, 2021, the SFPUC asked all their wholesale customers, including the District and all Bay Area Water Supply and Conservation Agency (BAWSCA) member agencies, to voluntarily reduce their water use by 15 percent; and

WHEREAS, on October 19, 2021, Governor Newsom issued a Proclamation of a State of Emergency encouraging Californians to re-double their efforts to voluntarily reduce their water use by 15 percent from their 2020 levels, directing local water suppliers to execute their Urban Water Shortage Contingency Plans at a level appropriate to local conditions that take into account the possibility of a third consecutive dry year, and authorizing the State Water Resources Control Board to adopt emergency regulations as it deems necessary to supplement voluntary conservation by prohibiting certain wasteful water practices;

WHEREAS, the Coastside has experienced two consecutive years of extreme drought conditions and there is a strong possibility of a third year of dry conditions; and

WHEREAS, the State Water Resources Control Board implemented curtailments on the Tuolumne River diversions that went into effect on August 20, 2021 and those curtailments impact SFPUC's available water supplies; and

WHEREAS, the SFPUC declared a water supply emergency on November 23, 2021, with a request for voluntary reductions in water purchases from its wholesale customers based on FYE 2020; and

WHEREAS, the Tier 1 and the Tier 2 Agreements between SFPUC and among BAWSCA member agencies, became effective once SFPUC declared a water shortage emergency; and

WHEREAS, the Tier 2 Agreement allocates the available water among BAWSCA agencies; and

WHEREAS, the District received their final allocation of water supply for calendar year 2022 (342 MG | 457,235 ccf | 0.9 MGD) on January 3, 2022, from SFPUC; and

WHEREAS, the District obtains a significant amount of its water supply from the SFPUC and the median amount the District purchases annually is about 1.65 MGD; and

WHEREAS, the District will maximize its use of local water sources to the greatest extent possible; and

WHEREAS, the District's average water demand in FYE June 30, 2021, was 1.82 MGD; and

WHEREAS, the State Water Resources Control Board adopted Resolution No. 2022-0002 on January 4, 2022, to adopt emergency regulations to supplement voluntary water conservation; and

WHEREAS, as of February 2022, most of California improved to severe drought conditions due to greater than normal precipitation in December 2021; and

WHEREAS, the District's goal is to achieve an overall 17 percent reduction in water (consumption) use from FYE 2020 by targeting outdoor water use; and

WHEREAS, Stage 2 – Water Shortage Emergency Warning of the District's Water Shortage Contingency Plan describes a menu of options including mandatory restrictions and prohibitions on outdoor water use; and

WHEREAS, the District's Board of Directors may declare a water shortage emergency pursuant to California Water Code sections 350, et seq, and 31026, et seq; and

WHEREAS, Article X Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use to the fullest extent of which they are capable and that waste, unreasonable use or unreasonable method of use of water be prevented, and that conservation of

such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to Water Code section 353, when the District's Board of Directors declares a water shortage emergency within its service area, it shall adopt such regulations and restrictions on the delivery of water and the consumption within said area of water supplied for public use as will in the sound discretion of such governing body conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation and fire protection; and

WHEREAS, pursuant to Water Code sections 365 et seq., during periods when the Governor has issued a proclamation of a state of emergency based on statewide drought conditions and local drought conditions, urban water retail providers like the District shall establish a method to discourage excessive water use, which can include establishing an excessive use ordinance; and

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

SECTION II: DEFINITIONS

Account: Water service assigned to a property and a customer.

Customer: Any person, whether within or without the geographical boundaries of the District, who uses water supplied by the District.

Decorative Water Feature: Above ground or below-grade outdoor structure that contains water and is used for decoration or noise abatement.

District: Coastside County Water District.

General Manager: The General Manager of Coastside County Water District or the General Manager's designee.

Incidental Runoff: Any unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design or system design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

Low volume irrigation systems: Any irrigation system that applies irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip, driplines, microspray and bubblers with a very low flow rate (<2 gallons per hour [gph]) measured in gallons per hour, and that is designed to apply small volumes of water very slowly at or near the root zone of the plants. This includes but is not limited to properly functioning and designed drip irrigation systems, subsurface drip irrigation, and soaker hoses.

Measurable rainfall: Climatological conditions that result in ≥ 0.25 (greater than or equal to one quarter of one inch) inches of precipitation in any continuous 4 (four) hour period.

Ornamental landscape: Any landscaping where the primary function is maintaining aesthetic or decorative value. An ornamental landscape may serve other purposes but the primary purpose is decorative.

Person: Any customer, tenant, property owner, governmental entity, firm, association, organization, company, or business using water.

Pool: Any structure intended for swimming, exercise, or recreational bathing that contains water over 18 inches deep. Pools include in-ground and above ground structures, and includes but is not limited to hot tubs, spas, and nonportable wading pools.

Special Landscapes: Any landscape that can be shown to provide food, such as a community garden, or has a primary benefit other than decorative, and includes landscapes that serves a purpose related to public recreation for the community, such as (sports) playing fields and golf courses.

SFPUC: The San Francisco Public Utilities Commission and San Francisco Water

Turf: Grasses grown for ornamental or recreational use which are mowed regularly. It is also referred to as lawn.

Water: Any water delivered by or originating from Coastside County Water District's transmission and distribution system.

SECTION III: DECLARATION OF WATER SHORTAGE EMERGENCY

Pursuant to Water Code sections 350 et seq., 365 et seq., and 31026 et seq, the District hereby declares a water shortage emergency to exist within the District because the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. The purpose of this ordinance is to conserve the water supply of the District for the greatest public benefit with particular regard to public health, fire protection, and domestic use, and to conserve water by reducing and restricting nonessential water use that if continued would constitute waste.

In addition, the District hereby implements Stage 2 of the District’s Water Shortage Contingency Plan.

SECTION IV: REQUIREMENTS, PROHIBITIONS, AND RESTRICTED ACTIVITIES IN PROMOTION OF WATER CONSERVATION AND TO PREVENT THE UNREASONABLE USE OF WATER

- A: To promote water conservation, each of the following actions is prohibited for all customers, 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 (Title 23, Division 3, Chapter 3.5, Article 2, Section 995):
1. The application of water to outdoor landscapes in a manner that causes more than incidental runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
 2. The use of a hose that dispenses 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 immediately when not in use;
 3. The use of water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard surfaced areas;
 4. The use of water for street cleaning or construction site preparation purposes unless no other method can be used or as needed to protect the health and safety of the public;
 5. The use of water for decorative (decorative water feature) fountains or the filling or topping-off of decorative lakes or ponds, with exceptions for those decorative fountains, lakes, or ponds that use pumps to

recirculate water and only require refilling to replace evaporative losses:

6. The application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain. In determining whether measurable rainfall of at least one fourth of one inch of rain occurred in a given area, enforcement may be based on records of the National Weather Service, the closest CIMIS station to the parcel, or any other reliable source of rainfall data available to the District.
 7. The use of water for irrigation of ornamental turf on public street medians.
- B: To prevent the waste and unreasonable use of water and to further promote water conservation, each of the following actions is prohibited for all customers:
1. The use of water that causes flooding or pooling due to super-saturation of the ground or soil.
 2. The use of water when the customer has been given written notice by the District to repair broken or defective plumbing, equipment, appliances, sprinklers, watering, or irrigation systems, and has failed to complete such repairs within 24 hours after delivery of the notice.
 3. The indiscriminate running of water or washing with water that causes runoff.
 4. The use of water for single pass through cooling systems. The use of potable water ice making machines and other mechanical equipment that utilizes a single-pass cooling system to remove and discharge heat to the sewer, including swamp coolers. Water used for all cooling purposes shall be recycled or re-circulated.
 5. Filling pools and replacing evaporated water in pools, except when a cover is being used when the pool is not in use, to limit water loss through evaporation.
- C. Specific end-user requirements and prohibitions in promotion of water conservation
1. Portable Meters: The use of water from any fire hydrant unless specifically authorized in writing by the District except for the following:

- a. regularly constituted fire protection agencies (e.g., Coastside Fire Protection District) for fire suppression purposes; or
 - b. other uses specifically authorized by the District, including water distribution system flushing, District capital improvement projects, fire flow testing, and filling of District approved vehicles for sewer system flushing and street sweeping purposes.
2. The serving of drinking water other than upon request in eating or drinking or other public places where food or drink are served or purchased.
 3. The operators of hotels, motels, inns, and bed and breakfast establishments shall provide guests with the option of choosing not to have towels and linens laundered daily. The operator shall prominently display notice of this option in each guestroom using clear and easily understood language.
 4. All residential customers shall make every effort to voluntarily achieve a maximum of 50 gallons per day per person or 2 billing units of water, per person, per month. This includes all indoor and outdoor water uses.
- D. Mandatory restrictions on outdoor Irrigation of ornamental landscapes, turf, and special landscapes to achieve a 50 percent reduction in Irrigation in promotion of water conservation. This section does not apply to agriculture or floriculture operations.
1. No person shall use or cause to be used any water for irrigation between the hours of 8:00 a.m. and 5:00 pm. Properly functioning low volume irrigation systems are exempt from this restriction.
 2. No person shall use or cause to be used any water for irrigation that exceeds 10 minutes per irrigation station (valve) during the designated day and times allowed for irrigation. Properly functioning low volume irrigation systems are exempt from the 10 minutes per irrigation station restriction.
 3. Days of the week restrictions. No person shall use or cause to be used any water for irrigation on Friday, Saturday, and Sunday.
 4. Irrigation is allowed only on the following days:
 - a. odd address and no address:

1. October through February
 - i. Thursday
 - ii. irrigation should be avoided except for extended dry periods.
 2. March through September
 - i. Tuesday and Thursday
- b. even address:
1. October through February
 - i. Monday
 - ii. irrigation should be avoided except for extended dry periods.
 2. March through September
 - i. Monday and Wednesday
- c. The address used to determine irrigation days is as it appears under "service address" in the utility billing database under account information.
- d. Section IV.D.1,2,3,4a,4b, and c. shall not apply to the following categories of water used for irrigation:
1. The use of a hand-held bucket or similar container
 2. The use of a hand-held hose with a positive shut-off valve or similar device
 3. The use of a properly functioning low volume irrigation system
 4. The use of bubblers for trees
 5. The use, for very short periods of time (<5 minutes), for the express purpose of adjusting or repairing an irrigation system
 6. The use of a legal greywater system
- e. Golf Course Greens

1. Days of week, length of time, and time of day restrictions (Section IV.D.1,2,3, 4a,4b, and c.) do not apply to golf course greens because of the large amount of area irrigated and the use of water impoundments.
2. Days of the week, length of time, and time of day restrictions do apply to ornamental landscape around the greens on a golf course.
3. Golf courses shall make every effort to voluntarily decrease their use of irrigation water purchased from the District by at least 50 percent from FYE 2020.

f. Untreated Water Customer

Days of week, length of time, and time of day restrictions do not apply to the untreated water customer because of the large amount of area irrigated and the use of water impoundments.

During this water shortage emergency, the District does not have enough surplus water to meet the irrigation demand of the District's single untreated water customer. The untreated water customer shall be limited to 50 percent of its FYE 2020 total water demand until a determination has been made that there is surplus water supplies or water supply conditions worsen.

- E. Specific prohibitions for any homeowners' association, any community service organization, or any similar entity to prevent the unreasonable use of water and to promote water conservation (Title 23, Division 3, Chapter 3.5, Article 2, Section 995)
1. Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivisions (a) and (b) of the civil code;
 2. Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the water of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil code; or
 3. Requiring an owner of a separate interest upon which water-efficient landscaping measures have been installed in response to a declared

drought emergency, as described in section 4735, subdivisions (c) and (d) of the Civil code, to reserve or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.

SECTION V: ENFORCEMENT

A. Written Notice

If the District believes that water has been or is being used in violation of the above restrictions, 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 remedial action. The District will provide the customer with a copy of the ordinance and inform the customer that failure to comply may result in termination of water service and payment of costs to enforce this ordinance.

B. On-Site Notification

If a further violation(s) is observed by District, after the original written notice, 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.

C. Termination of Water Service

1. If 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 temporarily discontinue water service.
2. The customer shall pay all outstanding fees, charges and costs incurred by the District to enforce this ordinance, including issuing notices and terminating and restoring water service. The customer's account must be in good standing, for the District to proceed with the reconnection of water service after it has been temporarily terminated under this ordinance.

- D. Misdemeanor – Pursuant to Water Code section 31029, after the publication and posting of this ordinance as set forth below, willful violation of this ordinance is a misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by fine of not more than \$600, or by both imprisonment and fine.

- E. Violations of prohibited actions under Title 23, Division 3, Chapter 3.5, Article 2, Section 995 (Sections IV.A and IV.E of this Ordinance) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

SECTION VI: APPEALS

Any customer, who disputes a staff determination of a violation of the above restrictions, may appeal in writing to the General Manager. The decision of the General Manager shall be final.

A. Written Appeal

The written appeal must be addressed to the General Manager and include: (1) the customer's name; (2) the mailing address and site address, if different; (3) the water 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.

Coastside County Water District
Attn: General Manager
766 Main Street
Half Moon Bay, CA 94019

B. Criteria for 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 or federal agency.

SECTION VII: EFFECTIVE DATE

Pursuant to California Water Code 31027, this ordinance shall be effective on the day of its adoption. Within ten (10) days of its adoption, this ordinance, or a summary hereof, shall be published in the Half Moon Bay Review and posted at the District and on the District's website

All provisions of this ordinance shall remain in effect until the District cancels implementation of Stage 2 – Water Shortage Emergency Warning of the District's Water Shortage Contingency Plan.

SECTION VIII: 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 IX: PUBLICATION

The public hearing was noticed at least 7 days prior to the public hearing in a newspaper (Half Moon Bay Review) of general circulation in the District's service area. [3/16/2022 and 3/23/2022]

The public hearing notice was posted on the District's website at least 7 days prior to the public hearing (www.coastsidewater.org). [3/11/2022]

The public hearing notice was posted at the District's headquarters at least 14 days prior to the public hearing. [3/10/2022]

The full text of the draft ordinance was published in a newspaper (Half Moon Bay Review) of general circulation in the District's service area at least 5 days prior to the public hearing. [3/16/2022 and 3/23/2022]

The full text of the draft ordinance was posted on the District's website (www.coastsidewater.org) at least 5 days prior to the public hearing. [3/16/2022]

The secretary is hereby directed to arrange for the final adopted and signed ordinance to be published in a newspaper (Half Moon Bay Review) of general circulation in the District's service area and to be posted on the District's website (www.coastsidewater.org) within 10 days of adoption. [3/30/2022]

PASSED AND ADOPTED at a special meeting of the Board of Directors of the Coastside County Water District held on this 24th day of March 2022 by the following vote:

AYES:

NOES:

ABSENT:

Robert Feldman, President
Board of Directors

ATTEST:

Mary Rogren, General Manager
Secretary of the District