



FEB 14 1990 AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
SUNNYSLOPE COUNTY WATER DISTRICT DECLARING A WATER
SUPPLY EMERGENCY PROHIBITING WATER WASTE AND
ESTABLISHING WATER RATIONING RULES
DENISE R. THOME
DEPUTY CLERK

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

SECTION I
PURPOSE, FINDINGS, AND AUTHORITY

A. Statement of Purpose and Findings: The Sunnyslope County Water District enacts this ordinance to restrict water waste and unnecessary use of water by reason of a present urgency situation caused by drought and threatened water supply shortage. The overall objective is to reduce water usage by 20% district wide.

B. Authority: This ordinance is enacted pursuant to the provisions of Section 31026, et seq. of the California Water Code, which authorizes county water districts to restrict the use of water during any emergency caused by drought or other threatened or existing water shortages and to prohibit the wastage of district water or the use of district water during such periods.

C. Findings:

(1) The lack of rain for the previous three years together with an abnormally low water table has created a water shortage in the Sunnyslope County Water District. A water table study has been performed by the district and is available at the district office.

(2) Greater per capita water consumption increases the entire district's vulnerability to a severe drought.

(3) Water hook-ups and water consumption has steadily increased over the previous three drought years and continues to increase into the present potential drought year. Water district records indicate that from July, 1985 to June, 1989, water connections have increased by 34%.

(4) Water conservation has proven to be a successful mechanism to reduce water consumption. Conservation efforts will provide an interim water supply, reduce drought vulnerability, reduce sewer flows, and ease the impact of the previous drought years, all of which is required to meet the health, safety, and welfare of the residents of the Sunnyslope County Water District.

SECTION II
DEFINITIONS

A. Definition of Water Waste: "Water waste" is deemed to be the indiscriminate, unreasonable, or excessive running or dissipation of potable water. Water waste is prohibited by the terms of this ordinance.

B. Definition of Non-essential Water Use: "Non-essential water use" is the indiscriminate or excessive dissipation of potable water which is unproductive or does not reasonably sustain economic benefits or life forms given the present shortage of potable water. Non-essential water use is prohibited by the terms of this ordinance.

SECTION III
RESTRICTIONS ON WATER WASTE

A. Prohibition: All residential and non-residential customers including individuals, commercial enterprises, and governmental entities receiving water from the Sunnyslope County Water District shall cease and desist from wasteful and non-essential uses of water within the district boundaries. The district shall impose and enforce mandatory prohibitions

against water waste. Water waste and non-essential uses shall include those uses defined in Section II-A and B above and shall further include the following:

- (1) Indiscriminate or excessive water use which allows excess to run to waste.
 - (2) Individual washing of cars, buildings, or exterior surfaces without use of quick acting, positive shut-off nozzles.
 - (3) Use of potable water to irrigate turf, lawns, gardens, or ornamental landscaping between 9:00 a.m. and 5:00 p.m. by means other than drip irrigation or hand watering without quick acting, positive shut-off nozzles.
 - (4) Use of potable water to wash sidewalks or roadways where airblowers or sweeping provides a reasonable alternative.
 - (5) Water waste caused by easily correctable leaks, breaks, or malfunctions after a reasonable time within which to correct. Exceptions may be made by the Sunnyslope County Water District Manager for corrections which are not feasible or practical.
 - (6) Operation of decorative fountains even if they use a recirculating system.
 - (7) Use of water for construction purposes, such as consolidation of backfill unless no other source of water or method can be used.
 - (8) Restaurant water service unless upon request.
 - (9) Hydrant flushing except where required for public health and safety.
 - (10) Refilling existing private pools except to maintain water levels.
- B. The prohibitions contained herein shall not apply to the district water allocated to the City of Hollister.

SECTION IV ADMINISTRATION

A. Implementation: The district's manager shall be charged with implementation of this ordinance. The manager shall report to the board all factors which affect the implementation of this ordinance and shall maintain a separate file of any requests for variances from the prohibition set forth in this ordinance.

B. Alternative If Purpose of Ordinance is Not Met: In the event that the rationing measures set forth in this ordinance are not sufficient to meet the district's overall intent of reducing water usage by 20%, the district shall consider the adoption of a mandatory water rationing ordinance. Such ordinance which shall impose a use/penalty fee upon the water user, calculated at the rate of (\$.30 per gallon), and shall apply to all water users who use water in excess of the maximum ration set forth in said succeeding ordinance.

SECTION V VIOLATIONS

A. Notice of Violation: Should any individual or entity fail or refuse to comply with the provisions of this ordinance, the district's manager or his agent shall provide that person or entity with written notice of the violation and an opportunity to correct the noncompliance. This notice shall be in writing and shall:

- (1) Be posted at the site of the noncompliance.
- (2) State the time, date, and place of violation.
- (3) State a general description of the violation.
- (4) State the means to correct the violation.

- (5) State a date by which correction is required.
(6) A copy of the written notice shall further be mailed to the site of the violation.

B. Should an individual or entity fail or refuse to correct the violation within the time specified in the written notice, said refusal shall be referred to the appropriate law enforcement agency for prosecution as a misdemeanor, which shall be punished by being imprisoned in the county jail for not more than 30 days or by a fine of not more than \$600.00 or by both such fine and imprisonment. The district shall be entitled to pursue any other remedy available at law or equity to abate the nuisance.

SECTION VI
RATIONING VARIANCE

The prohibition set forth in this ordinance may be modified in writing by the district manager upon written request without formal application or hearing when the modification is consistent with the district rationing or water conservation goals and where the strict application of the requirements of this ordinance would cause health or safety problems or cause extreme hardship. In the event that a variance applicant is not satisfied with the decision of the district manager, the applicant may seek further relief before the district board of directors by filing a request for a variance within ten days from the date of receiving the decision from the district's general manager.

SECTION VII
TERMINATION OF WATER USE RESTRICTIONS

The provisions of this ordinance declaring a water supply emergency and imposing present water use restrictions shall have no force and effect on or after February 14, 1991, except, however, that this date may be extended from time to time by resolution of the board of directors upon findings that the present water supply emergency has not ended.

SECTION VIII
INVALIDITY

Should any provision of this ordinance be found by a court of law to be unconstitutional, unlawful, or invalid, such court decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION IX
PUBLICATION

This ordinance shall be published once in full in a newspaper of general circulation printed in the district within ten days after adoption.

SECTION X
URGENCY EFFECT

The provisions of this ordinance shall have urgency effect and shall become effective on 12:01 a.m. Feb. 14, 1990.

On motion of director Anderson, and seconded by director Hailstone, the foregoing ordinance is adopted this 13 day of February, 1990, by the following vote.

AYES: DIRECTORS: Nelson, Hailstone, Williams & Anderson


NOES: DIRECTORS:

ABSENT: DIRECTORS: Churchill


President

I, BRYAN YAMAOKA, Secretary to the Board of Directors of the Sunnyslope County Water District, hereby certify the foregoing is a full, true, and correct copy of an ordinance duly adopted this 13 day of February, 1990.

Witness my hand and seal of the Board of Directors this 13 day of February, 1990.

 (SEAL)
Bryan M Yamaoka
Secretary

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BRYAN YAMAOKA, Secretary