ORDINANCE NO. 1126

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMARILLO, CALIFORNIA, AMENDING AND RESTATING CHAPTER 14.12 (WATER CONSERVATION MEASURES) OF THE CITY OF CAMARILLO MUNICIPAL CODE PERTAINING TO THE CITY'S TEMPORARY AND PERMANENT WATER CONSERVATION MEASURES

The City Council of the City of Camarillo ordains as follows:

SECTION 1. Findings.

A. A reliable and sufficient supply of potable water is essential to the public health, safety, and welfare of the people and economy of the City of Camarillo ("City").

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

C. The City owns, and through its water division operates, a water system that supplies water at retail to customers within the City's service area, which covers approximately 9100 acres. The City currently provides water service to over 45,000 residents and maintains over 13,000 customer accounts.

D. The City's primary sources of water for its customers are groundwater pumped from wells within the Fox Canyon Aquifer and imported water that originates from the State Water Project and is supplied by the Calleguas Municipal Water District, which is a member of the Metropolitan Water District of Southern California.

E. Article XI, Section 7 of the California Constitution provides that the City may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws of the State.

F. California Water Code section 375 provides that a public entity that supplies water at retail for the benefit of persons within the service area of the public entity may, by ordinance or resolution adopted by a majority of the members of the governing body after holding a public hearing upon notice and making appropriate findings of necessity for the adoption of a water conservation program, adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving the water supplies of the public entity.

G. In 2009, the City Council adopted Ordinance No. 1040 establishing a water conservation program (also sometimes referred to as the City's "Water Shortage Contingency Plan"), which was codified as Chapter 14.12 of the Camarillo Municipal Code ("CMC").

H. In 2009, the City Council declared a Stage 1 water supply condition under Chapter 14.12 pursuant to Resolution No. 2009-118.

I. On January 17, 2014, Governor Brown issued Governor's Proclamation No. 1-17-2014, declaring a State of Emergency in California due to severe drought conditions. The Proclamation called on all Californians to reduce their water usage by 20 percent.

J. On April 11, 2014, the Fox Canyon Groundwater Management Agency (FCGMA) approved Ordinance E, which required groundwater pumping reductions by all well owners in the area managed by the FCGMA. Prior to Ordinance E, the City's historic water allocation was 4,500 acre-feet/year. After the adoption of Ordinance E, the City has been required to reduce groundwater pumping to approximately 3,200 acre-feet/year, which equates to approximately a 30% reduction over the City's 2014 allocation.

K. On April 25, 2014, Governor Brown issued an executive order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water.

L. On June 25, 2014, the City Council adopted Resolution No. 2014-71, which declared the existence of a Stage 2 water supply condition and imposed the additional water conservation measures under CMC Section 14.12.040(B) in order to reduce customer demand in response to existing water supply conditions.

M. On July 2, 2014, the Calleguas Municipal Water District adopted Resolution No. 1845, which made findings that unprecedented drought conditions existed, and that area retail water purveyors such as the City should fully implement drought response plans and conservation ordinances in order to avoid triggering severe, mandatory delivery cutbacks.

N. On July 15, 2014, the State Water Resources Control Board adopted Resolution No. 2014-0038, which found that emergency drought conditions existed that warranted the need for emergency regulations to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, and to promote water recycling and water conservation throughout the state.

O. The State Water Resources Control Board's resolution added a new Article 22.5, including Sections 863, 864, and 865 to Title 23 of the California Code of Regulations ("CCR"), which established certain emergency water conservation regulations (collectively, "Emergency Regulations").

P. On April 1, 2015, Governor Brown issued Executive Order B-29-15, which, among other things, directed the State Water Resources Control Board to impose additional water conservation measures to achieve an overall 25 percent reduction in potable urban water usage as compared to amounts used in 2013.

Q. On May 5, 2015, the State Water Resources Control Board adopted Resolution No. 2015-0032, which approved revisions to the Emergency Regulations in order to implement Governor Brown's Executive Order B-29-15.

R. Under the revised Emergency Regulations, the City was required to reduce its

total potable water production by 20 percent in comparison to the amount produced and used during the same period in 2013.

S. In order to meet the conservation mandates imposed under the revised Emergency Regulations and to avoid or lessen the threats to the public health, safety and welfare, the City Council adopted Ordinance No. 1116 on October 28, 2015, which amended CMC Chapter 14.12 to include additional conservation measures under the City's Stages 2, 3 and 4 water supply conditions, including the addition of a "Water Demand Offset" ("WDO") requirement.

T. As a result of these water conservation measures, and other efforts by the City and its water users, the City was able to reduce its total urban potable water demand through May of 2016 by 21.7 percent in comparison to the amount used during the same period in 2013.

U. On May 9, 2016, Governor Brown issued a new Executive Order (B-37-16) that found that drought conditions continued to exist, will exist for the foreseeable future, and that additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary. This Executive Order builds on the Emergency Regulations to establish longer-term water conservation measures, including permanent monthly water use reporting, new permanent water use standards in California communities and bans on wasteful practices.

V. The May 9, 2016 Executive Order directed the Department of Water Resources (DWR) and the State Water Resources Control Board to work with urban water suppliers, including local governments to develop new water use efficiency targets as part of a long-term conservation framework for urban water agencies..

W. Drought conditions continue to persist in California; due to limited rainfall, low snowpack in the Sierra Nevada mountains this past winter, continued reduced water levels in California's reservoirs, reduced flows in the state's rivers, and shrinking supplies in underground water basins. The area within and surrounding the City has also continued to experience below normal rainfall over the past few years and is subject to the same or similar drought conditions experienced throughout the state. The National Weather Service has classified the Camarillo area as an area with extreme drought conditions, which is its most severe drought category.

X. Existing water supply restrictions and limitations, including the FCMGA's Ordinance E, the May 9, 2016 Executive Order, and the State Water Resources Control Board's revisions to the Emergency Regulations, demonstrate how extreme drought conditions, restrictions on pumping groundwater, and anticipated cutbacks continue to create uncertainty concerning the City's water supplies and threaten the City's ability to maintain and provide water supplies to adequately address current and projected demand for water within the City.

Y. As a result, the City seeks to amend and restate Chapter 14.12 to revise the City's water conservation measures to, among other things, make certain previous temporary conservation measures permanent conservation measures, including those that are part of the State's Emergency Regulations.

Z. The City Council held a duly noticed public hearing on this ordinance at regular meetings held on July 13 and July 27, 2016.

AA. This ordinance is being adopted under Water Code sections 375 and 376 to ensure that the City has water conservation regulations in place that are consistent with and will help fulfill the water conservation obligations imposed by the State under the Emergency Regulations and that address the City's existing and anticipated water supply conditions.

BB. It is necessary for the proper functioning of the City and therefore necessary for the protection and preservation of the public peace, health, safety, and general welfare that this ordinance take effect immediately upon its adoption as provided in Water Code section 376.

SECTION 2. Environmental Findings. The City Council exercises its independent judgment and finds that the enactment of this ordinance is exempt from the California Environmental Quality Act ("CEQA") under the CEQA Guidelines (Chapter 3 of Title 14 of the California Code of Regulations beginning at Section 15000), specifically, Section 15307, which exempts "action taken by regulatory agencies ... to assure the maintenance, restoration, and enhancement of a natural resource," because the action taken in adopting this ordinance will help maintain water resources; Section 15061(b)(3), because the adoption of this ordinance will implement a regulatory process that will not foreseeably result in construction or other physical activities, either directly or indirectly, and that therefore the enactment of this ordinance does not have the potential to result in any significant effects on the environment; and Section 15269(c), as an action necessary to mitigate the State's drought emergency.

SECTION 3. Amendment and Restatement of Municipal Code Chapter 14.12. Chapter 14.12 (Water Conservation Measures) of the Camarillo Municipal Code is amended and restated as set forth in the attached Exhibit A.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance is enacted under California Water Code section 375 and is effective upon adoption by a majority vote of the City Council under Water Code section 376.

SECTION 6. Publication. The City Clerk is directed to cause this ordinance to be published in the manner required by Water Code section 376.

PASSED, APPROVED, AND ADOPTED July 27, 2016.

Mike Morgan

Mayor

Attested to on 7/28/16

jamadland
City Clerk

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Ordinance No. 1126 was introduced by the City Council at a meeting held July 13, 2016, and subsequently passed and adopted by the City Council at a regular meeting held July 27, 2016, by the following vote:

AYES:	Councilmembers:	Craven, Kildee, McDonald, Mayor Morgan
NOES:	Councilmembers:	Little
ABSENT:	Councilmembers:	None

jamadland
City Clerk

CITY OF CAMARILLO
INCORPORATED
OCTOBER 22, 1964
CALIFORNIA

EXHIBIT A

Chapter 14.12 - WATER CONSERVATION MEASURES

Sections:

14.12.010 Definitions.

The following words and phrases whenever used in this chapter have the meaning defined in this section:

"GSP" means the current Groundwater Sustainability Plan adopted by the Fox Canyon Groundwater Management Agency in accordance with the State's Sustainable Groundwater Management Act.

"Irrigation system" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.

"Potable water" means water that is suitable for drinking.

"Recycled water" means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations.

"Significant new development project" means a project that proposes five or more new residential units or 10,000 or more square feet of new commercial or industrial space.

"Single pass cooling systems" means equipment where water is circulated only once to cool equipment before being disposed.

"Water conservation administrator" means the person designated by the city manager to administer the provisions of this chapter or the administrator's designee.

14.12.020 Applicability.

The provisions of this chapter apply to any person in the use of water provided by the city.

14.12.030 Permanent water conservation measures.

The following water conservation measures are in effect at all times:

A. Watering Hours and Duration. Except for testing an irrigation system for a reasonable period of time, watering is prohibited between the hours of 8:00 a.m. and 6:00 p.m., and irrigation systems are limited to no more than 15 minutes of watering per day per station. These restrictions do not apply to the use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, an irrigation system that uses stream rotor sprinklers that meet a 70% efficiency standard, to very low-flow drip type irrigation systems where no emitter produces more than two gallons of water per hour, or to commercial nurseries and growers. In addition, irrigation for the purpose of installing and germinating new lawns or landscaping is exempt from these restrictions for a period not to exceed

three weeks, unless the water conservation administrator gives written permission to a water user for an extension beyond three weeks due to a longer installation and germination period.

B. Excessive Water Flow or Runoff. Watering in a manner that results in overspray or excessive runoff onto paved or hardscaped areas is prohibited.

C. Washing Hard or Paved Surfaces. Washing of hard or paved surfaces, including sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards or as surface preparation for the application of any architectural coating or painting. All such permitted washing must be done by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine, or a low-volume high-pressure water broom.

D. Obligation to Fix Leaks. Leaks in distribution, irrigation, or plumbing systems must be promptly corrected after discovery, and in no event more than 72 hours after receiving notice from the city.

E. Water Fountains and Decorative Water Features. Water fountains and decorative water features must have a water recirculation system.

F. Limits on Washing Vehicles. Washing any automobile, truck, van, bus, motorcycle, boat or any other vehicle is restricted to the use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This provision does not apply to a commercial car washing facility.

G. Drinking Water Served Upon Request. Eating or drinking establishments, including restaurants, hotels, cafés, cafeterias, bars, or other public places where food or drinks are sold are prohibited from providing drinking water to any customer unless expressly requested.

H. Commercial Lodging Establishment Daily Linen Services. Hotels, motels, and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each guest room.

I. Single Pass Cooling Systems. The installation of single pass cooling systems is prohibited in buildings requesting new water service.

J. Restaurants Required to Use Water Conserving Spray Valves. Food service establishments, such as restaurants and cafés, must utilize water conserving nozzles on pre-rinse spray valves.

K. Commercial Car Wash Facilities. Commercial car was facilities may not use or permit the use of any water to wash any car, truck, boat, trailer, bus, recreation vehicle, camper, or any other vehicle, or any portion thereof, except by the following methods:

1. Use of mechanical automatic car wash facilities utilizing water recycling equipment; or

2. Use of a bucket and hand washing; or

3. Use of a hose equipped with an automatic positive self-closing valve that requires the person using the hose to apply and maintain pressure at the outlet end of the hose to activate and maintain the flow of water

L. Watering During or Immediately After Measurable Rainfall. The application of potable water to outdoor landscapes is prohibited during and within 48 hours after measurable rainfall. As used in this section, "measurable rainfall" means at least on-quarter inch of rain in the city within a 24-hour period as measured by the California Irrigation Management Information System (CIMIS) Weather Station #152 located in Camarillo (http://ipm.ucanr.edu/calludt.cgi/WXDESCRIPTION?STN=CAMARILLO.A) or such other weather station as may subsequently be identified by the City and the information posted on the city's website.

M. Watering of Turf on Public Street Medians. The irrigation with potable water of ornamental turf on public and private street medians is prohibited.

N. Compliance with Water Efficient Landscape Ordinance. The irrigation with potable water of landscapes outside of homes and buildings must be done in a manner consistent with the applicable regulations or other requirements established under the city's water efficient landscape ordinance as set forth in Chapter 14.14 of this code.

O. New Potable Water Service Impact Study. Applicants for new potable water service for a significant new development project must cause to be prepared a water impact study to the satisfaction of the public works director demonstrating the project's total water demand at build out.

P. Water Demand Offset Requirement. In order for an application for new potable water service to be approved and a will-serve letter issued for a significant new development project, the applicant must demonstrate that the proposed project will not create additional demand on the city's water system. To satisfy this requirement an applicant for a significant new development project must provide, to the satisfaction of the city and in accordance with the city's water demand offset program or water demand credit program, as applicable, substantial evidence of an enforceable commitment that the water demand for the project will be offset prior to the provision of a potable water will-serve letter. The applicant may satisfy this requirement through any one or a combination of the following methods: (i) modifications to the project to provide non-required water savings features, (ii) agreements with existing city water users to retrofit existing improvements and facilities with water savings features in accordance with the city's water demand offset program, (iii) by transferring groundwater pumping rights or allocations that comply with GSP strategies adopted by the Fox Canyon Groundwater Management Agency and are immediately available for use by the city; or (iv) by credit for historic water use by a municipal or industrial customer served water prior January 1, 2014..

14.12.040 Additional water conservation measures.

The following additional water conservation measures apply upon the effective date of the city council's establishment of the relevant water supply condition stage.

A. Stage 1 (Water Supply Condition - 10% Reduction Goal). The following additional water conservation requirements apply during a declared stage 1 water supply condition:

1. Watering Days. Watering is limited to four days per week and is restricted to Monday, Wednesday, Friday, and Sunday. (The exemptions set forth in Section 14.12.030(A) also apply to this provision.)

B. Stage 2 (Water Supply Condition - 20% Reduction Goal). In addition to the restricted uses of water in subsection (A), the following water conservation requirements apply during a declared stage 2 water supply condition:

1. Watering Days. Watering is limited to three days per week. Watering days will be determined by the last number of the account address. Addresses ending with an even number will be permitted to water on Tuesday, Thursday and Saturday only. Addresses ending with an odd number will be permitted to water on Monday, Wednesday and Friday only. (The exemptions set forth in Section 14.12.030(A) also apply to this provision.)

2. Obligation to Fix Leaks. Leaks in distribution, irrigation, or plumbing systems must be promptly corrected after discovery, and in no event more than 48 hours after receiving notice from the city unless other arrangements are made with the city.

3. Limits on Filling Ornamental Lakes or Ponds. Filling or refilling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such aquatic life is of significant value and have been actively managed within the water feature prior to declaration of the stage 2 water supply condition.

4. Agricultural Irrigation: Agricultural water deliveries will be reduced to three days per week. Irrigation days will be on Monday, Wednesday and Friday only.

5. Construction Water. Recycled water must be used if available.

C. Stage 3 (Water Supply Condition- 30% Reduction Goal). In addition to the restricted uses of water in subsections (A) and (B), the following water conservation requirements apply during a declared stage 3 water supply condition:

1. Watering. Watering is limited to two days per week. Watering days will be determined by the last number of the account address. Addresses ending with an even number will be permitted to water on Tuesday and Friday only. Addresses ending with an odd number will be permitted to water on Monday and Thursday only. (The exemptions set forth in Section 14.12.040(A) also apply to this provision.)

Agricultural Irrigation. Irrigation for commercial nurseries and growers is not permitted unless the city determines that recycled water is available and can be applied to the use.

D. Stage 4 (Water Supply Condition - 40% to 50% Reduction Goal). In addition to the restricted uses of water under subsections (A) through (C), the following additional water conservation requirements apply during a declared stage 4 water supply condition:

1. Watering. Watering with potable water is prohibited. If the city determines that recycled water is available, it may be applied for the following uses:

(a) Maintenance of vegetation, including trees and shrubs (but excluding turf), that is watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device.

(b) Maintenance of existing landscape necessary for fire protection.

(c) Maintenance of existing landscape for soil erosion control.

(d) Maintenance of plant materials identified to be rare or essential to the well-being of protected species.

(e) Maintenance of landscaped areas within active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed two days per week according to the schedule and times established in Section 14.12.030(A).

(f) Actively irrigated environmental mitigation projects.

2. Obligation to Fix Leaks. Leaks in distribution, irrigation, or plumbing systems must be promptly corrected after discovery, and in no event more than 24 hours after receiving notice from the city unless other arrangements are made with the city.

3. Limits on Washing Vehicles. Washing any automobile, truck, van, bus, motorcycle, boat, or any other vehicle is prohibited except by use of a commercial car wash facility.

4. Limits on Filling Residential Swimming Pools and Spas. Refilling of more than one foot and initial filling of residential swimming pools or outdoor spas with potable water is prohibited.

5. No New Potable Water Service Connections: No new potable water service connections will be provided, no new temporary meters or permanent meters will be provided, and no statements of immediate ability to serve or provide potable water service (such as will-serve letters or letters of water verification) will be issued, except under any of the following circumstances:

(a) A valid, will-serve letter has been issued;

(b) A valid, unexpired building permit has been issued for the project;

(c) The project is city capital project;

(d) The project is necessary to protect the public health, safety, and welfare; and

(e) The project is a temporary use that will not cumulatively use more than one-quarter acre foot of water.

6. No New Annexations. The city will suspend consideration of annexations to its service area. This provision does not apply to boundary corrections and annexations that will not result in any increased use of water.

14.12.050 Penalties.

A. Penalties. In addition to any other penalties or remedies provided by this code, the following civil fines and penalties may be assessed for any violation of this chapter and made payable as part of the applicable customer's water bill.

1. First Violation. The city will issue a written warning for a first violation and provide a copy of this chapter by mail.

2. Second Violation. A second violation within the 12 calendar months following the first violation is punishable by a fine not to exceed $100.

3. Third Violation. A third violation within the 12 calendar months following the first violation is punishable by a fine not to exceed $500.

4. Fourth and Subsequent Violations. A fourth and any subsequent violation need not be within the 12 calendar months following the first violation is punishable by a fine not to exceed $1,000.

5. Water Flow Restrictor. In addition to the fines for the fourth and subsequent violations, the city will install a flow restriction device of 1 GPM capacity for services, for a period of at least 48 hours, up to one and one-half inch size, and comparatively sized restrictions for larger services, on the service of the customer at the premises at which the violation occurred. A charge for installing and removing such flow restricting device will be assessed based on the actual cost.

6. Termination of Service.

(a) The city may disconnect a customer's water service for willful violations of this chapter.

(b) When water service is disconnected, it will only be reconnected upon:

1. Proof of correction of the condition or activity; and

2. Payment of the estimated reconnection charge, including the cost of any inspection fees or staff time.

B. Notice. The city will provide notice of each violation to both the customer's billing address and the service address by regular mail. For purposes of this section, notice will be deemed served 72 hours after deposit in the United States mail. All notices will contain, in addition to the facts of the violation, a statement of the possible penalties for each violation, a statement of the right to appeal the penalty, a brief summary of the appeal process, and if the penalty is termination of service, the date and time termination will occur.

14.12.060 Administrative review and appeals of penalties.

A. Administrative Review Procedure.

1. Persons may request an administrative review of any penalty imposed under this chapter within 10 days of the issuance of the notice of violation. This request must be made in writing to the city clerk and set forth with particularity the reasons the person believes a violation did not occur or that the person was not responsible for the violation and contain the address to which the conclusions of the city's review should be mailed. A request for an administrative review is a mandatory prerequisite to a request for an administrative hearing. Penalties, including termination of water service, will be stayed until such review is conducted and a written decision is made by the water conservation administrator.

2. Upon receiving a request for an administrative review, the water conservation administrator will review the request and within 10 business days provide the person with a written determination as to whether the penalty was properly assessed.

3. The administrator must mail a copy of the notification to the person at the address on the request for administrative review along with notice establishing the penalty date and the procedure for requesting an appeal hearing.

B. Appeal Hearing Procedure.

1. Any person dissatisfied with the conclusion of the initial administrative review may contest the penalty by requesting an administrative appeal hearing. A person must file a request for an administrative appeal hearing with the city clerk within 10 days after the date the city served the person with notice of the administrative review decision. The request must be accompanied by the appeal hearing fee, if any, established by city council resolution. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the city may take appropriate steps to prevent any further unauthorized use of water as appropriate to the nature and extent of the alleged violations and the current declared water supply condition.

2. The appeal hearing will be scheduled to occur within a reasonable period of time following the receipt of the request for a hearing not to exceed 15 business days unless consented to by the appellant.

3. The appellant may present any evidence that would tend to show that the alleged violation did not occur. Formal rules of evidence will not apply and all relevant evidence will be admissible, unless a sound objection warrants its exclusion by the city hearing officer designated by the city manager. The decision of the hearing officer will be final and conveyed in writing to the appellant within five business days of the hearing.