

**ORDINANCE NO. 22-01
(Rescinding Ordinance No. 14-01)**

**AN ORDINANCE OF THE SOQUEL CREEK WATER DISTRICT RESCINDING AND
REPLACING PRIOR ORDINANCE PROHIBITING CERTAIN USES OF WATER AND
ESTABLISHING A POLICY TO MINIMIZE WATER WASTE**

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

WHEREAS, Article X, Section 2 of the California Constitution and Section 100 of the California Water Code declare that the general welfare requires water resources be put to beneficial use, therefore, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof; and

WHEREAS, the adoption and enforcement of this Ordinance is necessary to help manage the Soquel Creek Water District’s potable water supply and to avoid or minimize the effects of groundwater overdraft, seawater intrusion, and drought within the District; and

WHEREAS, the District has the power to perform all acts necessary to fully carry out the provisions of this Ordinance consistent with Section 375 and Sections 31001-31029 of the California Water Code; and

WHEREAS, as changes are deemed prudent, this Ordinance may be revised or modified by Resolution; and

WHEREAS, state policies and regulations, including State Water Resources Control Board Resolution No. 2022-0002, imposes restrictions on wasteful and unreasonable water uses, and authorizes local agencies to adopt more stringent conservation measures; and

WHEREAS, the District recognizes that the State Water Resources Control Board and Department of Water Resources may impose additional conservation and water use regulations and restrictions at any time, and the District hereby reserves its statutory authority to enforce such regulations and restrictions as required, including a situation in which such statewide regulations conflict with or supersede the specific prohibitions and exceptions set forth in this Ordinance; and

WHEREAS, Ordinance No. 22-01 rescinds and replaces Soquel Creek Water District Ordinance No. 14-01, Prohibiting Certain Uses of Water and Establishing a Policy to Minimize Water Waste.

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NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SOQUEL CREEK WATER DISTRICT DOES ORDAIN AS FOLLOWS:

1. Ordinance 14-01 Rescinded

Ordinance 14-01 is hereby rescinded.

2. Title

THIS ORDINANCE, 22-01, shall be known as the Soquel Creek Water District Water Waste Prohibition Ordinance.

3. Applicability

The provisions of this Ordinance shall apply to all persons, corporations, public or private entities, governmental agencies or institutions, property owners, or any other users of water within the District's system.

4. Prohibited Uses

The following uses of water are prohibited year-round:

- A. **General Waste:** Indiscriminate running of water or washing with water which is wasteful and without reasonable purpose.
- B. **Washing of Exterior Surfaces:** The washing of hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, except when necessary to alleviate safety or sanitary hazards or when a broom or other waterless device will not suffice. If necessary, washing may only be done with a bucket or similar container, a hose equipped with a positive shut-off nozzle, a pressure washer, a low-volume, high-pressure water efficient water broom, or a cleaning machine equipped to recycle the water used.
- C. **Cleaning of Structures and Vehicles:** The washing of building exteriors, mobile homes, cars, boats or recreational vehicles without the use of a positive shut-off nozzle on the hose or a pressure washer.
- D. **Watering/Irrigation:** The watering of grass, lawn, groundcover, shrubbery, open ground, crops and trees, including agricultural irrigation, in a manner or to an extent which allows water to run off the area being watered. Every water user is deemed to have under their control, at all times, their water distribution lines and facilities, and to know the manner and extent of their water use and run off.
- E. **Watering/Irrigation Hours:** The use of overhead spray irrigation between the hours of 10:00 a.m. and 8:00 p.m.
- F. **Watering During Rainfall:** The application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of one fourth of one inch of rain based on records of the National Weather Service or any other reliable source of rainfall data available to the District.
- G. **Curtailment Restrictions:** Watering during a publicly declared curtailment period in a manner that is not compliant with applicable restrictions.

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- H. **Plumbing Leaks:** The escape of water through leaks, breaks, or malfunctions within the water user's plumbing or distribution system, for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It is presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the District, is a reasonable time within which to correct such break or leak or, at a minimum, to stop the flow of water from such break or leak. Based on the estimated severity of the leak, District staff reserves the right to shut-off water until the leak has been corrected.
- I. **Fountains and Commercial Car Washes:** The operation of any ornamental fountain or automated carwash using water from the District's domestic water system unless water for such use is re-circulated.
- J. **Cooling:** The use of water in mechanical equipment purchased and installed after December 7, 2010 that utilizes a single pass cooling system. Water used for all cooling purposes shall be re-circulated.
- K. **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, clubs or other public places where food or drinks are sold or served, are prohibited from providing drinking water to customers unless expressly requested. Affected establishments must prominently display notice informing their customers of this requirement using clear and easily understood language.
- L. **Providing Option to Not Launder Linen and Towels Daily:** Hotels, motels, vacation rentals 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 bathroom using clear and easily understood language.
- M. **Irrigation of Ornamental Turf on Public Street Medians:** The use of potable water for irrigation of ornamental turf on public street medians or publicly owned or maintained landscaped areas between the street and sidewalk.

5. **Exempt Water Uses**

All water use associated with the operation and maintenance of fire suppression equipment or employed by the District for water quality flushing and sanitation purposes shall be exempt from the provisions of this Ordinance. Use of water supplied by a reclaimed wastewater, gray water or rainwater collection system is also exempt; however, use of water from these systems is not exempt from applicable County of Santa Cruz and/or City of Capitola regulations.

6. **Consequence of Violation**

Complaints of water waste will be investigated. Failure to comply with this Ordinance will result in the following violation notices issued by email, US postal mail, hand-delivery, or posting at the entrance of the violator's premises:

- A. **First Violation:** The District may issue a written notice which shall state the time, place, and general description of the violation, as well as a time frame in

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which the violation must be corrected. District staff may use discretion when determining the correction time, which may range from immediate correction for violations such as allowing irrigation runoff, watering outside of the allowable irrigation times, etc., to up to 72 hours for correcting plumbing leaks.

B. Second Violation: If the first violation is not corrected within the time frame specified by staff, a second notice will be issued. If the second violation is not corrected within 48 hours, the District may impose any or all of the following penalties:

1. Water service may be discontinued, or flow may be restricted. Where water service is discontinued or restricted, it shall be reconnected or unrestricted upon correction of the violation and the payment of the reestablishment of service charge per the District's Schedule of Rates & Charges in effect at the time.
2. A fine of up to \$600 for each day in which the violation occurs, may be imposed upon conviction under Section 31029 of the California Water Code, or fines/penalties as defined and allowable under Sections 53069.4 and 36900(a) of the Government Code may be imposed accordingly: (1) A fine not exceeding one hundred dollars (\$100) for a first violation. (2) A fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year. (3) A fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year. Fines are assessed for each day the condition continues uncorrected.

Non payment of fines will be subject to the same remedies as non payment of basic water rates. Any fine imposed pursuant to Water Code Section 31029 or Government Code Section 36900(a) is in addition to, and does not supersede or limit, any other remedies, whether civil or criminal.

Additionally, any repeat violations of the same type and location within a year (12 months) of the first or second violation will be considered cumulative violations and violators may be fined as such in accordance with Water Code Section 31029 upon conviction, or Government Code Sections 53069.4 and 36900(a)(3).

7. Appeals

The decisions of the District may be appealed to the Board of Directors by submitting a written appeal to the District within fifteen (15) calendar days of the date of the decision. Upon granting any appeal, the Board of Directors may impose any conditions it determines to be just and proper.

8. 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 persons 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.

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9. Effective Date

This Ordinance shall become effective upon its adoption and shall be published as required by Water Code section 31027.

ADOPTED this 15th Day of March, 2022, by the Board of Directors of the Soquel Creek Water District by the following vote:

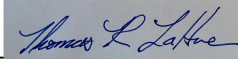
AYES: Directors LaHue, Christensen, Daniels, Jaffe, and Lather

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED:



Dr. Thomas R. LaHue
President of the Board of Directors

ATTEST:



Emma Olin
Clerk of the Board of Directors