

**ORDINANCE NO. 98**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE MONTECITO WATER DISTRICT  
DECLARING A STAGE 1 WATER SHORTAGE CONDITION AND MODIFYING  
DEMAND REDUCTION MEASURES**

**WHEREAS**, the Montecito Water District (“District”) is a County Water District formed under and pursuant to Section 30000, et seq. of the California Water Code, located in and serving the unincorporated areas of Montecito and Summerland within the County of Santa Barbara; and

**WHEREAS**, the availability of the District’s water supplies are highly dependent upon hydrologic conditions, which are significantly impacted by climate change, with experts predicting increasingly fluctuating, and more severe, wet and dry periods; and

**WHEREAS**, for over a decade, the District has experienced erratic hydrologic conditions impacting water supply, including historic dry periods and resultant shortages, and historic wet period and resultant floods; and

**WHEREAS**, the erratic hydrologic conditions coupled with the District’s historical dependence on state, regional and local surface water supplies have presented ongoing water supply challenges; and

**WHEREAS**, in early 2017 the District adopted its 2015 Urban Water Management Plan (“UWMP”) update, pursuant to California Water Code §§10610-10657, which established a plan for the District to become less reliant on rainfall dependent water sources thereby lessening the future impact of erratic hydrologic conditions and ensuring long term water security for the community. A 2020 UWMP update, adopted in mid-2021, furthered this plan for water security and demonstrated full compliance with Senate Bill X7-7.

**WHEREAS**, since adoption of the 2015 UWMP, the District has taken significant actions to improve water supply reliability and those efforts are ongoing. These actions include securing a right to store surplus State Water Project supplies in the Semitropic Groundwater Banking and Exchange Program; participation in a 50-year water supply agreement with the City of Santa Barbara backed by the City’s desalination facility; initiation of the management of groundwater supplies in the Montecito Groundwater Basin; continued evaluation of water reuse opportunities; and heavy emphasis on voluntary conservation; and

**WHEREAS**, between 2014 and 2021, the District adopted various drought ordinances, and updates thereto pursuant to the Water Code and the District’s UWMP. Ordinance 92, adopted in 2014, declared a Stage 4 water shortage condition and implemented demand reduction measures pursuant to the District’s UWMP. Ordinance 94, also passed in 2014, instituted mandatory water use allocations and penalties for exceedance. Ordinance 95, adopted in 2017, declared a Stage 2 water shortage emergency in response to improved water supply conditions, and transitioned from a mandatory to a voluntary-based water conservation model. Ordinance 96, adopted in 2019, declared a Stage 1 water shortage condition and modified water use restrictions; and

**WHEREAS**, 2020 through 2022 were the three driest consecutive years on record statewide necessitating emergency declarations issued by the State of California and Santa Barbara County to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment; and

**WHEREAS**, on March 28, 2022, Governor Newsom signed Executive Order N-7-22 directing the State Water Resources Control Board (SWRCB) to consider adopting an emergency regulation aimed at reducing water demand and increasing water conservation through State mandated actions. Among other provisions, the Executive Order requested the SWRCB require that urban water suppliers implement those water use reduction measures included under a level 2 water shortage condition as provided in their Water Shortage Contingency Plans and to establish a ban on the irrigation of non-functional turf in the commercial, industrial, and institutional sectors; and

**WHEREAS**, on May 24, 2022 in accordance with Water Code §1058.5, the SWRCB adopted Resolution 2022-0018, an Emergency Regulation to reduce water demand and improve water conservation among urban water suppliers. The Resolution adopted California Code of Regulations, Title 23 §996 and mandated the implementation by urban water suppliers of Level 2 demand reduction actions identified in their Water Shortage Contingency irrespective of local water supply conditions. The Regulation remain in effect for one year unless the SWRCB renews the regulation due to continued drought conditions, or rescinds the regulation due to changed conditions; and

**WHEREAS**, while not locally necessary based on the District's 3-year water supply outlook, the District adopted Ordinance 97 in June 2022 to fully comply with the SWRCB Emergency Regulation mandating additional actions to reduce water demands and increase water conservation on a State-wide basis. As mandated by the State, Ordinance 97 declared a Stage 2 Water Shortage Emergency condition and instituted the enhanced demand reduction measures; and

**WHEREAS**, in December 2022, recognizing the importance of responsible water use, the District adopted its first Water Use Efficiency Plan, a long term water conservation plan targeting permanent reductions in customer water use achieved through various voluntary customer actions supported by District initiatives including automated metering infrastructure, water budgets, and rebates; and

**WHEREAS**, in late December 2022 and continuing through mid-January 2023, several atmospheric rivers brought record setting rainfall and snowpack across the State, including in Santa Barbara County. These storms filled local reservoirs providing supply to the District, including Jameson Lake and the Cachuma Project, and significantly improved the conditions of the State Water Project supplies. As a result, the District's 3-year water supply outlook indicates sufficient water supply to meet customer demand without projected water shortages, supplemental water purchases and use of drought reserves; and

**WHEREAS**, as of the date of this Ordinance, the SWRCB has not rescinded the Emergency Regulation.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF DIRECTORS OF THE MONTECITO WATER DISTRICT AS FOLLOWS:**

On the basis of the historic drought that affected the entire State of California from 2012 to 2022, and a 2022/23 winter that significantly improved water supply conditions both locally and regionally but that did not result in full recovery of all District water supplies, the Board hereby declares a Stage 1 Water Shortage condition, pursuant to Water Code §350, Water Code §31026, and the District’s 2020 UWMP. Under this water shortage condition, restrictions on water use for all District customers are hereby modified as follows:

1. Effective Date. This Ordinance will be effective upon the termination of SWRCB Emergency Regulation CCR, Title 23 §996. The Emergency Regulation is scheduled to terminate on May 24, 2023, but may also be terminated prior to that time if the SWRCB determines that it is no longer necessary due to changed conditions. Until such time as the Emergency Regulation is terminated, Ordinance 97 will remain in force and effect. Upon the effective date of Ordinance 98, Ordinance 97 will be terminated in its entirety.
2. New Water Meters Service/Modification of Existing Water Meter Service. New water meters may be issued subject to compliance with all pertinent District ordinances and regulations.
3. Prohibition Against Waste of Water. It shall be unlawful for any District customer obtaining any water from and through the distribution facilities of the District to waste any of that water.
4. Customer Water Use Limitation. Water use within the District’s service area continues to be limited to that allowed under Ordinance 89, or any future amendments, modifications and/or revisions of Ordinance 89.
5. Mandated Water Use Restrictions. The following restrictions are incorporated into this Ordinance:
  - a. The washing of hard surfaces such as driveways, sidewalks, patios and parking lots is prohibited except where necessary to protect health and safety. Pressure washing for maintenance or repair is permitted.
  - b. Applying water to landscaping during and within 48 hours after measurable rainfall of at least one-quarter of one inch of rain is prohibited.
  - c. Applying water to outdoor landscaping in a manner that causes runoff such that water flows onto an adjacent property, non-irrigated areas, private and public walkway, parking lot or structure is prohibited.
  - d. Vehicles shall be washed only at commercial car washing facilities or by the use of a bucket or hose equipped with a hand-operated shut off nozzle.
  - e. Using potable water in an ornamental fountain or other decorative water feature is prohibited except where part of a recirculating system.

- f. Hotels, motels, etc., shall offer an option of not laundering towels and linens daily and shall display notice of this option.
- g. All restaurants and other eating establishments that provide table service shall refrain from serving water except upon specific request by a customer.
- h. Irrigating turf on public street medians or publicly owned or maintained landscaped areas between the street and sidewalk, except where the turf serves a community or neighborhood function or is watered incidentally w/ trees or is irrigated w/ recycled water is prohibited.
- i. Exterior irrigation, including but not limited to irrigation of turf, plants, lawns, shrubbery and ground cover, shall be permitted if irrigated between the hours of 6 p.m. and 10 a.m. On written application to the District, a property owner may request relief from these irrigation restrictions, at the discretion of the General Manager. This provision is applicable to all customer classifications excluding agriculture.
- j. Water for private swimming pools, spas, and hot tubs is considered a non-essential use. Property owners with private swimming pools, spas and hot tubs are permitted to maintain water levels, and to completely fill, and/or drain and refill only once every five years upon application and written authorization from the District. On written application to the District, property owners may request relief from these pool restrictions for the purposes of pool repairs, which relief is in the discretion of the General Manager. Water for ponds is considered a non-essential use. Property owners are permitted to maintain water levels for currently existing lined ponds only. Water for new ponds, or for maintaining water levels on unlined ponds, must be supplied by an alternative water source. On written application to the District property owners may request relief from these pond restrictions for the purposes of pond repairs, which relief is in the discretion of the General Manager.
- k. Breaks or leaks in any customer's plumbing must be immediately repaired upon discovery. If repairs cannot be immediately completed, water service to the property shall be temporarily turned off by the customer or customer's agent at the customer's shutoff valve, or by the District at the customer's water meter serving the property, to prevent water loss until such time as the repair has been completed.

6. Fines for Violating Mandated Water Use Restriction.

- a. Fines for violation of mandated water use restrictions will fund general and targeted conservation outreach toward those who fail to avoid wasteful water use practices or conserve water; increased costs required to implement the mandated water use restrictions; and the purchase, if necessary, of additional water supplies to offset wasteful consumption and protect the health and safety of all customers. Because these costs are necessary to perform outreach and provide water service under continued drought conditions, the Board finds that the rates for water service, including fines established under this section:

- i. Are not expected to exceed the funds required to provide water service.
      - ii. Will not be used for any purpose other than to provide water service.
      - iii. Will not exceed the proportional cost of water service attributable to any parcel.
      - iv. Are imposed only where water service is actually used by, or immediately available to, a parcel.
    - b. A written warning will be issued for a first violation of a mandated water use restriction. The District will impose a fine in the amount of \$250 for the second violation, and doubling with each subsequent violation, up to a maximum of \$1,000 for any single violation. Upon a fourth violation, or upon an earlier violation, if the General Manager determines these violations are creating a significant threat to the goals of this Ordinance, the General Manager may issue a written order for the installation of a flow restrictor on the service line or lines in question. Orders shall be provided to the Board when issued and any appeal shall be heard as quickly as possible to allow a flow restrictor to be removed promptly should the Board grant the appeal.
7. Water Use Efficiencies and Best Practices. The following water use conservation measures are recommended to further reduce wasteful water use and conserve this essential and limited resource:
- a. Redesign landscape to replace some or all vegetation with drought-tolerant or native plants.
  - b. Water lawns and outdoor areas only when needed. Most landscapes do not need to be watered every day and excess watering not only wastes water but can cause harm to the landscape. Improve irrigation management with the installation of a soil moisture sensor for measuring soil moisture and determining when irrigation is needed.
  - c. Replace or upgrade old irrigation systems with state-of-the-art efficient drip or spray systems.
  - d. Use mulch around trees and plants to retain moisture in the soil.
  - e. Set lawn mower blades at 3" to 4" to keep lawn longer and retain moisture in the soil.
  - f. Install water harvesting and diversion features, such as rain gutters, rain barrels and in-ground storage, to capture rainfall runoff from roofs and pavement.
  - g. Install or replace plumbing fixtures with water-conserving plumbing fixtures such as high-efficiency toilets, showerheads, and faucets.
  - h. Reduce the length of showers or the amount of water used for baths.

- i. While pre-heating shower, collect unused water in a bucket and save it to irrigate landscaping.
- j. Turn off the water while brushing your teeth or shaving.
- k. Install high efficiency washing machines, dishwashers, and toilets.
- l. Only wash laundry and dishes with full loads.
- m. Install a “laundry-to-landscape” graywater system.
- n. For pre-cleaning dishes, use a filled sink instead of running water.
- o. Consider installing an instant water heater on sinks that are located far from the main water heater.
- p. Wash vehicles using a waterless car wash product. A waterless car wash is an eco-friendly and efficient car wash that uses little or no water.
- q. Watch for and report broken, poorly timed or misaligned sprinklers around the community.
- r. After a power outage, irrigation timers often reset to default. Check irrigation timers often.
- s. Use covers for private swimming pools, spas, and hot tubs to reduce water loss due to evaporation.

8. Appeals and Exceptions.

- a. Any customer may appeal any decision made or fine imposed under this Ordinance to the Board of Directors by filing a written appeal with the District within 30 days of written notice of the decision or fine. Such an appeal shall be accompanied by an appeal fee in an amount established from time to time by resolution of the Board of Directors and refundable should the appeal be granted. A Committee of the Board will hear the appellant and make a recommendation to the Board of Directors. The Board of Directors shall consider the recommendations of the Committee. The District shall give the appellant written notice of the meetings at which the appeal will be considered by the Committee and the Board.
- b. The Board of Directors may, in its discretion, continue a hearing, affirm, reverse, or modify the Committee’s recommendation and make any adjustments and impose any conditions it deems just and proper, if it finds one or more of the following: (1) the restrictions of this Ordinance would cause an undue hardship; (2) the granting of the appeal will not significantly adversely affect the goals of this Ordinance; (3) due to peculiar facts and circumstances, none of the provisions of this Ordinance are applicable to the situation under consideration; or (4) error in the application of this Ordinance or other applicable rules or law.

- c. The Board’s decision shall be written and provided to the appellant and any other person who requests notice of the decision in writing. Such decisions are final as to the District and not subject to further appeal unless the Board’s decision expressly provides otherwise. Judicial review of final decisions shall be available pursuant to California Code of Civil Procedure section 1094.5.
9. Suspension of Conflicting Ordinances and Rules and Regulations. To the extent that the terms and provisions of this Ordinance are inconsistent, or in conflict with the terms and provisions of any prior District Ordinances, Resolutions, Rules, or Regulations, the terms of this Ordinance shall prevail, and inconsistent and conflicting provisions of prior Ordinances, Resolutions, Rules, or Regulations shall be suspended during the effective period of this Ordinance.
10. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, that invalidity shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be invalid.

**PASSED, APPROVED AND ADOPTED** by the Board of Directors of the Montecito Water District this 28<sup>th</sup> day of February 2023.

AYES: Coates, Goebel, Hayman, Plough, Wicks

NAYS: none

ABSENT: none

APPROVED:

  
Tobe Plough, President

ATTEST:

  
Nick Turner, Secretary