

ORDINANCE NO. 99

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTECITO WATER DISTRICT ESTABLISHING WATER USE EFFICIENCY POLICIES AND RECOMMENDATIONS

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 mission of Montecito Water District is to provide an adequate and reliable supply of high quality water to the residents of Montecito and Summerland, at the most reasonable cost. In carrying out this mission, the District emphasizes providing outstanding customer service, conducting its operations in an environmentally sensitive manner, and working cooperatively with other agencies.

WHEREAS, the District has a diverse water supply portfolio comprised of both rainfall dependent and rainfall independent sources including local and regional surface water, groundwater, and ocean desalination supplies; and

WHEREAS, the District may do any act necessary to furnish sufficient water in the District for any present or future beneficial use [Water Code §31020]; and

WHEREAS, consistent with its Urban Water Management Plan (“UWMP”), the District has taken extraordinary actions since 2017 to become less reliant on rainfall dependent water sources and improve water supply reliability. These actions include: securing a right to store surplus water supplies in the Semitropic Groundwater Banking and Exchange Program for future use; participating in a 50-year water supply agreement with the City of Santa Barbara backed by the City’s desalination facility; electing to manage groundwater supplies in the Montecito Groundwater Basin through the formation of a Groundwater Sustainability Agency in accordance with the Sustainable Groundwater Management Act; evaluating water reuse; and strongly encouraging voluntary reductions in water use and efficient water use; and

WHEREAS, in 2022, the District adopted a 5-year Strategic Plan, building on the UWMP and outlining actions for achieving the goal of water supply reliability, which actions include managing customer demands and establishing community partnerships for efficient water use; and

WHEREAS, declared State and local drought emergencies over the past decade illustrate the impacts of climate change including increasingly erratic hydrologic conditions, which impact the potential availability of the District’s water supplies and foster water supply challenges; and

WHEREAS, the District may establish rules and regulations for the sale, distribution and use of water [Water Code §31024] and to restrict the use and prohibit the wastage of water [Water Code §§31026 – 31029]; and

WHEREAS, over the last decade, the District has adopted various ordinances in response to State and local drought emergencies which include provisions declaring water shortage conditions, implementing mandatory and voluntary water use reduction measures, and

recommending water use efficiency measures. Ordinance 98 is the District's latest ordinance addressing water use, and was adopted in early 2023 following an above average 2022/23 winter bringing drought reprieve statewide, thereby lessening water use restrictions and resulting in the downgrade of the declared water shortage emergency to a Stage 1 condition, and

WHEREAS, the District's reactive responses to changing hydrologic conditions, coupled with extraordinary proactive measures to shore up water supply reliability since 2017, have fostered community awareness to the ongoing water supply challenges and the importance of using water wisely and efficiently as evidenced by District customers having reduced overall water use over the past decade by over 40% consistently; and

WHEREAS, in 2022, recognizing the importance of efficient water use, the District adopted its first Water Use Efficiency Plan (WUEP), a long-term plan targeting permanent reductions in customer water use achieved through various voluntary customer actions supported by District initiatives; and

WHEREAS, supported by the WUEP, the District provides effective customer tools focusing on water use efficiency. These tools include: the installation of smart water meters and the implementation of the Watersmart user interface which work in concert to provide real-time water use monitoring and leak detection; data-driven evaluations and determinations of unique and efficient water use needs for every property; Smart Rebates targeting property improvements that result in a reduction in long-term water use; onsite water use audits to identify inefficient uses of water; and extensive public outreach providing real-time water use notices and educational materials; and

WHEREAS, despite current conditions and a favorable water supply outlook resulting from recent consecutive winters that have produced above average rainfall statewide filling surface water reservoirs and replenishing the groundwater basin, water use efficiency remains a top District initiative and is mandated by the State through its Urban Water Use Objective regulations. Water use efficiency helps extend the availability of the District's limited water resources and enhances long-term water reliability and security.

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

On the basis of the District's favorable water supply outlook and the importance of ongoing water use efficiency irrespective of hydrologic conditions, the Board of Directors maintains a prohibition on water waste and encourages all customers to adhere to recommended water use best practices as follows:

1. **Water Use Efficiencies and Best Practices.** The following measures are widely publicized, encouraged and/or recommended by the State and/or the District to further enhance water use efficiency and to reduce water waste:
 - a. Use District-provided smart water meters and the customer interface, WaterSmart to monitor real-time water use and to identify potential leaks.

- b. Redesign landscape to replace some or all vegetation with drought-tolerant or native plants.
- c. Water lawns and outdoor areas only when needed. Most landscapes do not need to be watered daily and excess watering not only wastes water but can cause harm to the landscape.
- d. Improve irrigation management with the installation of a soil moisture sensor for measuring soil moisture and determining when irrigation is needed.
- e. Replace or upgrade old irrigation systems with state-of-the-art efficient drip or spray systems.
- f. Place 3” to 4” of mulch around trees and plants to retain moisture in the soil.
- g. Set lawn mower blades at 3" to 4" to keep lawn longer and retain moisture in the soil.
- h. Install water harvesting and diversion features, such as rain gutters, rain barrels, in-ground storage, and rain gardens to capture runoff from roofs and pavement for use on the property and/or groundwater recharge.
- i. Install or replace plumbing fixtures with water-conserving plumbing fixtures such as high-efficiency toilets, showerheads, and faucets.
- j. Reduce the length of showers or the amount of water used for baths.
- k. Turn off the water while brushing your teeth or shaving.
- l. Install high efficiency appliances including washing machines and dishwashers.
- m. Only wash laundry and dishes with full loads.
- n. If on a septic system, install a “laundry-to-landscape” graywater system.
- o. For pre-cleaning dishes, use a filled sink instead of running water.
- p. Consider installing an instant water heater on sinks that are located far from the main water heater and/or hot water recirculating system.
- q. 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. Alternatively use a commercial car washing facility.
- r. Report broken, poorly timed or misaligned sprinklers around the community.
- s. After a power outage, irrigation timers often reset to default. Check irrigation timers often.
- t. Replace batteries in irrigation timers annually.
- u. Cover swimming pools, spas, and hot tubs to reduce water loss due to evaporation.

- v. Hotels, motels, etc., offer an option of not laundering towels and linens daily and displaying a notice of this option.
- w. Implement additional, available property specific efficiencies as appropriate.

For any measure set forth above that requires compliance with a permit or regulation for implementation, such compliance is the responsibility of the individual(s) and/or owner(s) pursuing implementation, not the District.

2. Prohibition Against Waste of Water. It shall be unlawful for any District customer obtaining any water from the District to waste any of that water. Examples of water waste include:

- a. Washing of hard surfaces such as driveways, sidewalks, patios and parking lots except where necessary to protect health and safety. Pressure washing for maintenance or repair is not considered water waste.
- b. Applying water to landscaping during, and within 48 hours after, measurable rainfall of at least one-quarter inch of rain.
- c. Applying water to outdoor landscaping in a manner that causes significant runoff such that water flows onto an adjacent property, non-irrigated areas, private and public walkways, parking lots or structures.
- d. Washing a vehicle without the use of a bucket and/or hose equipped with a hand-operated shut off nozzle.
- e. Using potable water in ornamental fountains or other decorative water features that do not use a water recirculating system.
- f. Irrigating turf on public street medians or publicly owned or maintained landscaped areas between the street and sidewalk where the turf does not serve a community or neighborhood function such as for picnicking, sports, pet walking, etc.
- g. Irrigating outdoor landscaping during the warmest part of the day when evaporation is the greatest. Irrigation is most efficient between evening and mid-morning, such as between the hours of 6 p.m. and 10 a.m.
- h. Draining and refilling a swimming pool, spa or hot tub more than once every five years.
- i. Using potable water to fill new ponds and maintaining the water level for unlined ponds.
- j. Allowing an identified water line break or leak to continue without immediately making the necessary repairs or turning off the water service to the property temporarily to prevent water loss until such time as the repair has been completed.

3. Fines for Water Waste.

- a. Fines for water waste under this Ordinance are authorized pursuant to Water Code §§ 375- 378 et seq and will fund conservation initiatives and targeted conservation

outreach toward those who fail to avoid wasteful water use practices or conserve water; increased costs required to manage water waste; and the purchase, if necessary, of additional water supplies to offset wasteful consumption and protect the health and safety of all customers. The Board finds that the 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 the first identified incident of water waste. The District will impose a fine in the amount of \$250 for the second identified incident of water waste, and doubling with each subsequent identified incident, up to a maximum of \$1,000 for any single identified incident. Upon a fourth incident, or upon an earlier incident, if the General Manager determines the violations create 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. The Board will be informed of flow restrictor orders 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.

4. 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. 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 of Directors.
- 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 in writing 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 of Directors' decision expressly provides otherwise. Judicial review of final decisions shall be available pursuant to the California Code of Civil Procedure section 1094.5.

- 5. **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.
- 6. **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.
- 7. **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 thereto.
- 8. **Effective Date.** This Ordinance shall become effective upon adoption, and hereby rescinds Ordinance 98 in its entirety.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Montecito Water District this ____ day of June 2024.

AYES:
NAYS:
ABSENT:
ABSTAIN:

APPROVED:

Kenneth Coates, Board President

ATTEST:

Nick Turner, Board Secretary