

ORDINANCE NO. 02

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE SANTA CLARITA VALLEY WATER AGENCY TO ESTABLISH WATER
CONSERVATION AND WATER SUPPLY SHORTAGE
RESTRICTIONS AND REGULATIONS**

WHEREAS, the Santa Clarita Valley Water Agency (Agency or SCV Water) was created on January 1, 2018 by the Santa Clarita Valley Water Agency Act (SB 634, Chapter 833, 2017) and is the successor entity to the Castaic Lake Water Agency and Newhall County Water District, which were merged into SCV Water through SB 634; and

WHEREAS, pursuant to SB 634, Valencia Water Company, a former private retail water provider in the Santa Clarita Valley, was dissolved and its assets were transferred to the Agency in January 2018; and

WHEREAS Castaic Lake Water Agency, Newhall County Water District, and Valencia Water Company each had water conservation regulations in place and the Agency now desires to adopt one conservation ordinance to apply throughout its service area; and

WHEREAS, this Ordinance has six escalating stages of water shortage regulations and is consistent with new requirements in the Water Code for Urban Water Management Plans; and

WHEREAS, California Constitution Article X, Section 2 and California Water Code Section 100 provide that because of conditions prevailing in the state of California (State), it is declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste of water or unreasonable use of or unreasonable method of use of water shall be prevented, and 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 the public welfare; and

WHEREAS, in addition to Article X, Section 2, the Agency has the authority to adopt and enforce water conservation restrictions pursuant to Water Code sections 375 and 31026, and the Santa Clarita Valley Water Agency Act, (SB 634, Chapter 833 2017 Section 17); and

WHEREAS, pursuant to California Water Code Section 350, the Board of Directors is authorized to declare a water shortage emergency to prevail within its jurisdiction when it finds and determines that the Agency will not be able to or cannot satisfy the ordinary demands and requirements of water consumers without depleting supplies of the Santa Clarita Valley to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, because of persistent unpredictable water conditions in the State, statutory requirements for water planning, and the declared policy of the State, the Agency hereby finds and determines that it is necessary and appropriate for SCV Water to adopt, implement, and enforce a water conservation program with stages of water shortage restrictions, including

emergency stages, to reduce the quantity of water used by consumers within SCV Water, to preserve water supplies, to prevent the waste or unreasonable use or unreasonable method of use of water, and to ensure that there is sufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, this Ordinance is intended to encourage responsible water use, conserve our water resources and protect the Agency's customers, especially during times of drought and water shortages. While enforcement is a necessary component of this Ordinance, the Agency is focused on outreach, communication, and education first, and then enforcement as necessary. The Agency is also committed to verifying complaints prior to taking enforcement actions.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Findings and Determinations. The Agency hereby finds and determines that the above recitals are true and correct and incorporated herein.

Section 2. Rescission of Previous Regulations. Castaic Lake Water Agency Ordinance No. 44, Newhall County Water District Ordinance No. 117, and Valencia Water Company Rule 14.1 are hereby repealed and replaced by this Ordinance.

Section 3. General Water Use Efficiency Recommendations. The following recommendations are smart management practices for indoor and outdoor water use. Since more severe effects of a water shortage are often brought about due to wasteful water use habits carried over from times of sufficient supply, these certain water-use practices are encouraged at all times.

3.1 Outdoor Water Use Efficiency Recommendations

- a. Irrigation systems should be checked monthly for breaks and adjusted so that overspray, runoff and water waste are avoided.
- b. Repair all water system leaks within 24 hours of detection or before next scheduled watering cycle.
- c. Drip irrigation for plantings and high efficiency nozzles for turf should be considered where appropriate.
- d. Shredded bark mulch, spread at a minimum 3" depth, should cover all bare earth and landscape planting areas to help soil retain moisture and keep weeds from growing.
- e. Turf should be core aerated annually.
- f. Replace underutilized turf areas with low water use plants and mulch.
- g. Pool covers should be used to reduce evaporation.
- h. The following watering schedule should be maintained throughout the year during average rainfall years: December-January (1x/week), February, March and November (1-2x/week), April and October (2x/week), May and September (2-3x/week), June, July and August (3x/week). Irregularities in average temperatures could cause the actual scheduling to be adjusted either more or less.
- i. Due to mostly clay soils in the Santa Clarita Valley, where clay soils have slow absorption rates (~1/5 (.2) inches/hour), irrigation runtimes should

incorporate a cycle-and-soak schedule to allow maximum absorption of applied water and to greatly reduce/eliminate runoff. Runtimes for each cycle should not exceed the amount of time it takes for runoff to occur (example – if runoff occurs after 6 minutes, each cycle should be set to run no more than 5 minutes).

3.2 Indoor Water Use Efficiency Recommendations

- a. All leaks to faucets, toilets, and indoor pipes should be repaired immediately.
- b. WaterSense Certified devices for plumbing faucets, toilets, and showers should be used.
- c. Install 1.0 gallon per flush ultra-low-flow toilets or dual-flush toilets.
- d. Water-efficient Energy Star® appliances such as clothes washer and dishwashers should be used.
- e. Showers should be limited to 5 minutes.
- f. To promote water conservation, operators of hotels and motels should provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel should prominently display notice of this option in each guestroom in a clear and easily understood manner.
- g. Eating or drinking establishments, including but not limited to restaurants, hotels, cafés, cafeterias, bars, or other public places where food or drink are served and/or purchased, should only serve drinking water upon request.

Section 4. Watering Restrictions. To promote water conservation and prevent the waste, unreasonable use or unreasonable method of use of water, each of the following actions are discouraged at all times:

- a. Allowing runoff onto non-irrigated areas when irrigating with potable water.
- b. Using hoses with no shutoff nozzles to wash cars.
- c. Using potable water to wash sidewalks, driveways, and hardscapes.
- d. Using potable water in decorative water features that do not recirculate the water.
- e. Irrigating outdoors during and within 48 hours following measurable precipitation (quarter-inch or more).
- f. Irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development, including the Model Water Efficient Landscape Ordinance updated by the State as required by AB 1881 and Executive Order B-29-15 issued by Governor Jerry Brown on April 1, 2015.
- g. The irrigation with potable water of ornamental turf on public street medians.

Section 5. Certain Exemptions.

- a. The watering day and time limitations in Stages 1, 2, 3 and 4 do not apply to landscape irrigation zones that use drip irrigation and/or low precipitation rated High-Efficiency rotary nozzles (equal to or less than 1 inch per hour).
- b. The hand watering of established trees is not prohibited and is exempt from the requirements of this Ordinance.
- c. The hand watering of plants that are used for the production of fruits and/or vegetables for human consumption is not prohibited and is exempt from the requirements of this Ordinance.
- d. Notwithstanding anything to the contrary in this Section, the SCV Water Board of Directors may prohibit the exempted activities in subsections b and c if it determines that such activities impede its ability to achieve the water use reduction requirements of this Ordinance.

Section 6. Stage 1 Water Shortage.

A Stage 1 Water Shortage condition exists when the Agency determines in its sole discretion that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Stage 1 Water Shortage condition is up to 10%. Upon declaration by the Agency of a Stage 1 Water Shortage condition, the following water conservation restrictions go into effect:

- a. The actions described in Section 4 above are prohibited.

Section 7. Stage 2 Moderate Water Shortage

A Stage 2 Moderate Water Shortage condition exists when the Agency determines in its sole discretion that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulator conditions. The water use reduction goal during a Stage 2 Moderate Water Shortage condition is 10-20%.

- 6.1 **Additional Measures.** Upon declaration by the Agency of a Stage 2 Moderate Water Shortage condition, in addition to the requirements for a Stage 1 Water Shortage, the following water conservation restrictions shall be in effect:
 - a. **Limits on Watering Days**
Outdoor irrigation of ornamental landscapes or turf with potable water is restricted to three (3) days per week. Customers with street addresses ending in an odd number (1,2,5,7,9) may only water on Monday, Wednesday, and Friday. Customers with street addresses ending in an even number (0,2,4,6,8) may only water Tuesday, Thursday, and Sunday.

Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Saturdays. Customers with multiple accounts on the same property must select either an even or odd address watering schedule for their property.

- b. **Limits on Watering Station Run Time (Duration)**
Outdoor irrigation of ornamental landscapes or turf with potable water is limited to no more than Two 5-minute cycles (10 Minutes Max.) per watering station (recommend Cycle & Soak Schedule See 3.1.i).
- c. **Watering Times (Time of Day)**
Outdoor irrigation of ornamental landscapes or turf with potable water must occur during the following timeframes:

November through April – 6 PM to 10 AM

May through October – 8 PM to 9 AM

Section 8. Stage 3 Significant Water Shortage

A Stage 3 Significant Water Shortage exists when the Agency determines in its sole discretion that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Stage 3 Significant Water Shortage condition is 20-30%.

- 8.1 **Additional Measures.** Upon declaration by the Agency of a Stage 3 Significant Water Shortage condition, in addition to the requirements for a Stage 1 and Stage 2 Water Shortage, the following water conservation restrictions shall be in effect. If there is a conflict between the restrictions in certain stages, the restrictions in the higher level stage will apply.

- a. **Limits on Irrigation Watering Days**
During the months of April, May, June, July, August, September, and October, outdoor irrigation of ornamental landscapes or turf with potable water is restricted to three (3) days per week. Customers with street addresses ending in an odd number (1,3,5,7,9) may only water on Monday, Wednesday and Friday. Customers with street addresses ending in an even number (0,2,4,6,8) may only water Tuesday, Thursday and Sunday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Saturdays. Customers with multiple accounts on the same property must select either an even or odd address watering schedule for their property.
- b. **During the months of November, December, January, February and March, outdoor irrigation of ornamental landscapes or turf with potable water is restricted to two (2) days per week. Customers with street addresses ending in an odd number (1,3,5,7,9) may only water on**

Monday and Thursday. Customers with street addresses ending in an even number (0,2,4,6,8) may only water on Tuesday and Friday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Wednesdays, Saturdays and Sundays

- c. **Limits on Watering Station Run Times (Duration)**
Outdoor irrigation of ornamental landscapes or turf with potable water is limited to no more than Two 5-minute cycles (10 Minutes Max.) per watering station (recommend Cycle & Soak Schedule See 3.1.i).
- d. **Watering Times (Time of Day)**
Outdoor irrigation of ornamental landscapes or turf with potable water must occur during the following timeframes:

November through April – 6 PM to 10 AM

May through October – 8 PM to 9 AM

Section 9. Stage 4 Critical Water Shortage

A Stage 4 Critical Water Shortage exists when the Agency determines in its sole discretion that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Stage 4 Critical Water Shortage condition is 30-40%.

9.1 **Additional Measures.** Upon declaration by the Agency of a Stage 4 Critical Water Shortage condition, in addition to the requirements for a Stage 1, Stage 2, and Stage 3 Water Shortage, the following water conservation restrictions shall be in effect. If there is a conflict between the restrictions in certain stages, the restrictions in the higher level stage will apply.

- a. **Limits on Irrigation Water Days**
Outdoor irrigation of ornamental landscapes or turf with potable water is restricted to two (2) days per week at all times. Customers with street addresses ending in an odd number (1,3,5,7,9) may only water on Monday and Thursday. Customers with street addresses ending in an even number (0,2,4,6,8) may only water on Tuesday and Friday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Wednesdays, Saturdays and Sundays. Customers with multiple accounts on the same property must select either an even or odd address watering schedule for their property.
- b. **Irrigation Watering Times (Duration)**
Outdoor irrigation of ornamental landscapes or turf with potable water is limited to no more than Two 5-minute cycles (10 Minutes Max.) per watering station (recommend Cycle & Soak Schedule See 3.1.i).

- c. Irrigation Watering Times (Time of Day) Outdoor irrigation of ornamental landscapes or turf with potable water must occur during the following timeframes:

November through April – 6 PM to 10 AM
May through October – 8 PM to 9 AM

- d. If existing pools or spas are drained, they may not be re-filled with potable water. Existing water levels may however be maintained.

Section 10. Stage 5 Emergency Water Shortage

A Stage 5 Emergency Water Shortage exists when the Agency determines in its sole discretion that due to drought, state regulations, or other water supply conditions, an emergency situation exists that requires a significant reduction in water use in order to maintain sufficient water supplies for public health and safety. The water use reduction goal during a Stage 5 Emergency Water Shortage is 40-50%.

- 10.1 **Additional Measures.** Upon declaration by the Agency of a Stage 5 Emergency Water Shortage condition, in addition to the requirements for a Stage 1, Stage 2, Stage 3, and Stage 4 Water Shortage, the following water conservation restrictions shall be in effect. If there is a conflict between the restrictions in certain stages, the restrictions in the higher level stage will apply.

- a. The recommendations in Section 3.2(f) and 3.2(g) above are mandatory.
- b. **Limits on Irrigation Water Days**
Outdoor irrigation of ornamental landscapes or turf with potable water is restricted to one (1) day per week. Customers with street addresses ending in an odd number (1,3,5,7,9) may only water on Monday. Customers with street addresses ending in an even number (0,2,4,6,8) may only water on Thursday. Outdoor irrigation of ornamental landscapes or turf with potable water is prohibited on Tuesdays, Wednesdays, Fridays, Saturdays and Sundays. Customers with multiple accounts on the same property must select either an even or odd address watering schedule for their property.
- c. **Irrigation Watering Times (Duration)**
Outdoor irrigation of ornamental landscapes or turf with potable water is limited to no more than Two 5-minute cycles (10 Minutes Max.) per watering station (recommend Cycle & Soak Schedule See 3.1.i).
- d. **Irrigation Watering Times (Time of Day)**
Outdoor irrigation of ornamental landscapes or turf with potable water must occur during the following timeframes:

November through April – 6 PM to 10 AM

May through October – 8 PM to 9 AM

- e. No potable water may be used for new landscaping installed after the declaration of a Stage 5 Emergency Water Shortage except for drought tolerant plants requiring less than typical water requirements.
- f. No potable water may be used for any lawn, whether by seed or sod, established after the declaration of a Stage 5 Emergency Water Shortage.
- g. No pools or spas, whether existing or subsequently constructed, may be filled with potable water, but existing water levels may be maintained.
- h. **No New Potable Water Service.**
Upon declaration of a Stage 5 Emergency Water Shortage condition, no new potable water service 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 (“will-serve letters”) will be issued, except under the following circumstances:
 - A valid, unexpired building permit has been issued for the project; or
 - The project is necessary to protect the public health, safety, and welfare; or
 - The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the Agency.

This Section 10.1(h) does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less.

- i. Potable water may not be used for grading.
- j. Potable water may not be used to wash vehicles, except at commercial facilities that recycle water.
- k. Street cleaning with potable water is prohibited.

Section 11. Stage 6 Catastrophic Water Shortage

A Stage 6 Catastrophic Water Shortage exists when the Agency determines in its sole discretion that due to drought, state regulations, or other water supply conditions, a catastrophic situation exists that requires a significant reduction in water use in order to maintain sufficient water supplies for public health and safety. The water use reduction goal during a Stage 6 Catastrophic Water Shortage is more than 50%.

11.1 Additional Measures. Upon declaration by the Agency of a Stage 6 Catastrophic Water Shortage condition, in addition to the requirements for a Stage 1, Stage 2, Stage 3, Stage 4, and Stage 5 Water Shortage, the following water conservation restrictions shall be in effect. If there is a conflict between the restrictions in certain stages, the restrictions in the higher level stage will apply.

- a. **No Irrigation Watering**
Water or irrigating of outdoor lawns, landscape, or other vegetated area with potable water is prohibited.

Section 12. Penalties & Enforcement

The General Manager and other authorized Agency representatives have the duty to enforce the provisions of this Ordinance consistent with this Section. The Agency's intent and goal in implementing the contents of this Section is to conserve water resources and generate the greatest benefit for the Agency customers during times of drought and water shortages. The Agency is committed to verifying complaints of excessive water use prior to deeming a customer is in violation and prior to taking enforcement actions. The Agency is focused on communication and education and enforcement as necessary.

12.1. Penalties for failure to comply with any provision of this Ordinance are as follows:

- a. **First Violation:** A written warning will be provided to the customer by mail or personal delivery.
- b. **Second Violation:** For a second violation within twelve (12) calendar months of the first violation, a written notice of non-compliance will be provided to the customer by mail and/or personal delivery and a fine of \$50 per violation will be imposed.
- c. **Third and Subsequent Violations:** For a third violation within twelve (12) calendar months of the first violation, a written notice of non-compliance will be provided to the customer by mail and/or personal delivery and a fine of \$100 per violation and an increase of \$100 for each subsequent violation up to a maximum of \$500 per day will be imposed.
- d. **After a third violation within twelve (12) calendar months of the first violation, the Agency may install a flow restrictor after written notice. It is the customer's responsibility to pay for the installation and removal of any such flow restrictor and the Agency may collect such costs from the customer. The Agency is under no obligation to provide sufficient fire flow to the customer after the third notice of violation within twelve (12) calendar months of the first violation. This requirement is the sole responsibility of the customer.**

12.2 Additional Penalties

- a. In addition to any fines and the installation of a water flow restrictor imposed pursuant to this Section, the Agency may shut off a customer's water service for willful violations of mandatory restrictions in this Ordinance.
- b. **Leak Shut Off – Irrigation Meters**
In instances where a leak is observed on the customer's side of a dedicated irrigation system or water meter, the Agency may immediately shut off such system and/or meter and may issue a notice of violation as provided for in this Ordinance. Water service will not be reinstated until such leak is repaired.

12.3 Separate Violations:

Each violation of this Ordinance is a separate offense. However, for the limited purpose of calculating the number of violations to determine the escalating penalties in subsections 12.1(b),(c), and (d) above, lack of compliance with multiple measures of this Ordinance on the same day will only count as one violation.

12.4 Appeals:

The Agency will issue a Notice of Violation by mail and/or personal delivery. Customers may appeal a Notice of Violation by filing a written appeal with the Agency within fourteen(14) days of the date of the Notice of Violation. Any Notice of Violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and the Agency will mail and/or personally deliver written notice of the hearing date to the customer at least fourteen(14) days before the date of the hearing. The Agency's General Manager, or authorized delegate, shall serve as the hearing officer and make any and all decisions regarding any appeals. The Agency shall promptly send written notification of any decision and all decisions are final.

Section 13. Waivers

- a. **Undue or Disproportional Hardship:**
If, due to unique circumstances, a specific requirement of this Ordinance would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to the water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section.

- b. **Establishment Waiver**
Customers installing or renovating landscaped areas may qualify for a waiver if the Agency determines that additional watering is required to plant and maintain those landscaped areas for a limited amount of time. If such a determination is made, the Agency will provide the customer with an allowable watering schedule, which will include an allocated increase in water use, and when such watering schedule exception will expire. Any violation of the schedule will be punishable as described in this Ordinance. Approval of establishment waivers will be based on current conservation targets and the Agency's ability to meet those targets.

- c. **Alternative Performance Compliance Waiver**
Customers with more than ten (10) active master-controlled smart weather-based irrigation controllers may qualify for the Alternative Performance Compliance Waiver. An Alternative Performance Compliance Waiver would relieve qualifying and approved customers from having to comply with the Limits on Watering Days, Limits on Watering Times (Duration), and Irrigation Watering Times (Time of Day) in Water Shortage Stages 2-5. In order to qualify, customers with more than ten (10) active master-controlled smart weather-based irrigation controllers must agree to reduce their water use by the water use reduction goal percentage in each declared Stage of Water Shortage. Failure to comply with the applicable water use reduction goal percentage in the applicable declared Stage of Water Shortage will result in expiration of the waiver and such violations will be punishable as described in this Ordinance.

- d. **Application:**
A person wishing to receive a waiver pursuant to this section must submit a written request/application to the Agency, which should include a statement describing the reasons for the request, a detailed watering schedule, duration of waiver, and any other relevant information to support the request, including but not limited to any photographs, drawings, or maps.

- e. **Written Finding:**
The waiver may be granted or conditionally granted only upon a written finding of the existence of unique circumstances and facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property. The findings must also include a determination that, based on the information in the request/application and any other relevant information, a waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses.

f. **Approval Authority**

The General Manager or authorized delegate of the Agency must act on any completed application no later than ten (10) business days after submittal. The Agency may request a site visit, if needed, to verify or collect any missing information needed to make the final decision. The General Manager or authorized delegate may approve, conditionally approve, or deny the waiver request. The applicant requesting the waiver must be promptly notified in writing of any action taken. The decision of the General Manager or authorized delegate is final.

Section 14. CEQA Exemption

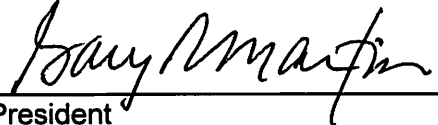
The adoption of this ordinance is not subject to the requirements of the California Environmental Quality Act ("CEQA"), or, alternatively, is exempt from CEQA. As only water conservation would result from the implementation of the Ordinance's provisions, the Ordinance would not commit the Agency to any action that would result in any significant environmental effects. As a result, per State CEQA Guidelines §15378, the Ordinance does not constitute a project subject to requirements of CEQA. Alternatively, the adoption of this Ordinance is exempt from CEQA under State CEQA Guidelines, §15061 (b)(3) and §15308 because CEQA only applies to projects that have the potential for causing a significant effect on the environment and it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment, and because the Ordinance would result in the conservation of water, a limited and currently scarce resource, and would, therefore, have a beneficial effect on the environment. On this basis, and the on the basis of the information contained in the whole of the administrative record, the adoption of this Ordinance requires no further analysis under CEQA.

Section 15. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without invalid provision or application, and to this end the provisions of this ordinance are severable. The Board hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 16. Effective Date

This Ordinance shall become effective immediately upon adoption.



President

I, the undersigned, hereby certify: That I am the duly appointed and acting Secretary of the Santa Clarita Valley Water Agency, and that at a special meeting of the Board of Directors of said Agency held on June 16, 2021, the foregoing Ordinance No. 02 was duly and regularly adopted by said Board, and that said ordinance has not been rescinded or amended since the date of its adoption, and that it is now in full force and effect.

DATED: June 16, 2021


Secretary

