



Water Department

Water Commission Agenda
Regular Meeting
7:00 p.m. – Monday, April 6, 2015
Council Chambers
809 Center Street, Santa Cruz

Agenda

Call to Order

Roll Call

Presentation *Organized groups may make presentations to the Water Commission. Presentations that require more than three minutes should be scheduled in advance with Water Department staff.*

Statements of Disqualification *Section 607 of the City Charter states that “...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.”*

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that no person shall make or participate in a governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.

Oral Communications No action shall be taken on this item.

Announcements No action shall be taken on this item.

Consent Agenda (Pages 1-11)

Items on the consent agenda are considered to be routine in nature and will be acted upon in one motion. Specific items may be removed by members of the advisory body or public for separate consideration and discussion. Routine items that will be found on the consent agenda are City Council Items Affecting Water, Water Commission Minutes, Information Items, Documents for Future Meetings, and Items initiated by members for Future Agendas. If one of these categories is not listed on the Consent Agenda then those items are not available for action.

1. City Council Items Affecting Water ☆ (accept info) (Pages 1-2)
2. Approve the March 2, 2015 Water Commission Minutes ☆ (Pages 3-8)
3. Approve the March 3, 2015 Joint City Council / Water Commission Study Session Minutes (Pages 9-11)

Items Removed from the Consent Agenda

General Business (Pages 12-59)

Any document related to an agenda item for the General Business of this meeting distributed to the Water Commission less than 72 hours before this meeting is available for inspection at the Water Administration Office, 212 Locust Street, Suite A, Santa Cruz, California. These documents will also be available for review at the Water Commission meeting with the display copy at the rear of the Council Chambers.

1. Martha Lennihan - Water Rights 101 Presentation (handout to be distributed at meeting)

Recommendation: Receive Information

2. 2015 Water Supply Outlook ☆ (Pages 12-32)

Recommendation: That the Water Commission recommends City Council adopt a resolution declaring a Stage 3 Water Shortage Emergency for 2015.

3. Ordinance Amendments to Chapter 16.01 of the Santa Cruz Municipal Code Pertaining to Water Shortage Regulations and Restrictions ☆ (Pages 33-59)

Recommendation: That the Water Commission recommend that City Council adopt an ordinance amending Chapter 16.01 of the Santa Cruz Municipal Code.

Subcommittee/Advisory Body Oral Reports No items.

1. WSAC Update (Oral Report)

Director's Oral Report No action shall be taken on this item.

Adjournment The next meeting of the Water Commission is scheduled for May 4, 2015 at 7:00 p.m. in Council Chambers.

☆ Denotes written materials included in packet

APPEALS - Any person who believes that a final action of this advisory body has been taken in error may appeal that decision to the City Council. Appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk.

Other - Appeals must be received by the City Clerk within ten (10) calendar days following the date of the action from which such appeal is being taken. An appeal must be accompanied by a fifty dollar (\$50) filing fee.

The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities, please attend the meeting fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call Water Administration at 831-420-5200 at least five days in advance so that arrangement can be made. The Cal-Relay system number: 1-800-735-2922.

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WATER COMMISSION REPORT

DATE: March 31, 2015
TO: Water Commission
FROM: Rosemary Menard
Water Director
SUBJECT: City Council Items Affecting Water

City Council Study Session March 3, 2015:

Study Session on Water Rate Design (WT)

Discussion of water rate structures and pricing objectives and direct staff as needed.

City Council Meeting of March 10, 2015:

No Items.

City Council Meeting of March 24, 2015:

City's Classification and Compensation Plans and the FY 15 Budget Personnel Complement – Water Department (HR)

Resolution amending the Classification and Compensation Plans and the FY 15 Budget Personnel Complement by adding one limited term Administrative Assistant I/II position, reclassifying a vacant Assistant Engineer II position to an Engineering Associate position, reclassifying a vacant Utility Service Representative II position to a Utility Account Specialist position and increasing a part-time Laboratory Technician hours from 20 hours (.5 FTE) to 24 hours (.6 FTE).

City's Classification and Compensation Plans and the FY15 Budget Personnel Complement – Public Works Department and Water Department (HR)

Resolution amending the Classification and Compensation Plans and the FY15 Budget Personnel Complement by deleting one position of Associate Civil Engineer and adding a new classification and one position of Senior Civil Engineer to the Water Department; adding the same new classification and one position of Senior Civil Engineer to the Public Works Department.

Water Main Replacement Project on Soquel Avenue from San Lorenzo River Bridge to Morrissey Boulevard - Approval of Plans and Specifications and Authorization to Advertise for Bids and Award Contract (WT)

Motion to approve the Plans and Specifications for the Water Main Replacement Project on Soquel Avenue from San Lorenzo River Bridge to Morrissey Boulevard, and authorize staff to advertise for bids and award the contract. The City Manager is hereby authorized and directed to execute the contract as authorized by Resolution No. NS-27,563 in a form approved by the City Attorney.



Water Department

Water Commission
DRAFT
7:00 p.m. – Monday, March 2, 2015
Council Chambers
809 Center Street, Santa Cruz

Minutes of a Water Commission Meeting

Call to Order –Vice-Chair W. Wadlow called the meeting to order at 7:02 p.m. in the City Council Chambers.

Roll Call

Present: G. Mead, D. Schwarm, A. Schiffrin, D. Stearns, W. Wadlow, and L. Wilshusen.

Absent: D. Baskin (with notification)

Staff: R. Menard, Water Director; T. Goddard Administrative Services Manager; G. Rudometkin, Administrative Assistant III; I. Rivera, Associate Civil Engineer; D. Valby, Associate Civil Engineer; K. Crossley, Associate Civil; K. Dodd, Associate Civil Engineer and M. Zeman, Assistant Engineer.

Others: Approximately 1 member of the public.

Presentation –There were no presentations.

Statements of Disqualification –There were no statements of disqualification.

Oral Communications – S. McGilvray discussed his seminar regarding water supply that he held on Monday, March 9, 2015 and on Tuesday, March 10, 2015 at the Next Space Conference room located at 101 Copper Street.

Announcements –There were no announcements.

Consent Agenda

1. City Council Items Affecting Water
2. Approve the February 2, 2015 Water Commission Minutes
3. Future Items Calendar
4. Correspondence from R. Longinotti dated 2.17.15
5. City Council Item on the February 24, 2015 Agenda: Contract Amendment No.1/Task Order 3, Stratus Consulting –Multidisciplinary Work Effort: Economics, Policy, Environmental Sciences, Natural Resources - Budget Adjustment

Items Removed from the Consent Agenda

3. Future Items Calendar
5. City Council Item on the February 24, 2015 Agenda: Contract Amendment No.1/Task Order 3, Stratus Consulting –Multidisciplinary Work Effort: Economics, Policy, Environmental Sciences, Natural Resources - Budget Adjustment

Commissioner L. Wilshusen moved the Consent Agenda as amended. Commissioner G. Mead seconded.

VOICE VOTE: MOTION CARRIED

AYES: All.

NOES: None

ABSTAINED: A. Schiffrin abstained from item 2 due to absence from the February 2, 2015 meeting.

ABSENT: D. Baskin

Item 3: Future Items Calendar

Commission discussed the following:

- Recommendation was made regarding when capital projects are brought forth to the Commission that financial analysis be provided for evaluation and better understanding.

Commissioner A. Schiffrin moved the staff recommendation on item 3 with the recommended changes. Commissioner G. Mead seconded.

VOICE VOTE: MOTION CARRIED

AYES: All.

NOES: None

Item 5: City Council Item on the February 24, 2015 Agenda: Contract Amendment No.1/Task Order 3, Stratus Consulting –Multidisciplinary Work Effort: Economics, Policy, Environmental Sciences, Natural Resources - Budget Adjustment

Commission discussed the following:

- Concern that the ongoing role of the Water Commission has not been taken into account relative to the work of the Water Supply Advisory Committee (WSAC). The Stratus consultant contract deals with a number of items that the Water Commission is or should be involved in due to its ongoing role in and responsibility for advising the Santa Cruz City Council on water policy issues.
- What is the intention in terms of the various work this consultant is doing and how is it going to relate to what Water Commission is doing? Staff replied: The work mentioned in the contract will be going through WSAC and components of that work such as the Urban Water Management Plan will still come through to the Water Commission.

Commissioner A. Schiffrin moved the staff recommendation on Item 5. Commissioner D. Schwarm seconded.

VOICE VOTE: MOTION CARRIED

AYES: All.

NOES: None

Discussion:

- Work that the Water Commission is to be doing that was included in the issue matrix included in the staff report was brought to Commission's attention.

General Business

1. Major Projects Update 2015 (WT)

R. Menard, Water Director introduced I. Rivera, Associate Civil Engineer who provided the presentation and responded to Commission questions.

Commission Questions/Comments:

- Who participates in the risk optimization process? Staff Response: It involves staff from numerous sections of the Water Department such as Engineering, Customer Service, Production, and Distribution designed for multiple perspectives.

I. Rivera, Associate Civil Engineer presented on the Graham Hill Water Treatment Plant Rehabilitation and Upgrades

- Is filter to waste a requirement? Did we have a waiver for this? Staff Response: It is a requirement for new plants, if you are doing upgrades you can install a filter to waste system, if your facility allows you to and it is what the Department of Public Health prefers.
- Upgrades to the treatment plant have been a concern because it could take 20-40 million dollars to upgrade, is this upgrade going to take care of all the issues with the Treatment Plant? Staff Response: No, this only fixes the issues with the filters themselves; a few years ago the Department made a decision to phase the improvements of the Treatment plant, this phase is only addressing the issue with the filters themselves.
- If a customer asked how does this improvement benefit me how would you respond? Staff Response: This improvement addresses water reliability and quality.

D. Valby, Associate Civil Engineer presented on the Bay Street Reservoir Replacement Project and the Water Main Replacement Program

- What kind of tank is used at Bay Street? Staff Response: It is a pre-stressed concrete cylinder tank
- This project on track for completion in April of 2015
- The Bay Street Reservoir project improves the water quality of our stored drinking water. It also helps with smoothing out the production at the Treatment Plant which minimizes the potential for disruption there, the less you have to change water flows the better. There is also the added reliability of this emergency storage facility.

- Is redoubling the effort our intent in regards to replacing water mains at 3 miles a year? Staff Response: Yes, it depends on how much we can stretch our budget and what mains we are replacing.
- Customer benefit of the water main replacement project is the improvement to water quality and having a major main break is far more disruptive and damaging than replacing one in a thoughtful and careful way.
- What about the belief that water storage was wasted at Bay Street Reservoir? Since the decision was made to replace the reservoir there has been confusion as to why less storage at this facility is good, considering our need to store water for a drought. For treated, ready to serve water we have to strike a balance between storing enough to fight a big fire or serious emergency but not so much that under normal conditions, the water sits around for so long that it falls below water quality standards. Treated water is best fresh, because its quality only degrades with time and temperature. The old reservoir was originally constructed to store raw untreated water from our north coast sources and later converted to store treated water from the Graham Hill Water Treatment Plant. With ever increasing water quality standards, we rebuilt the facility at the right size and configuration to meet modern needs.

K. Crossley, Associate Civil Engineer presented on the North Coast Rehabilitation Program – Phase 3 and Beltz Well No. 12

- How does the water get through various diversions down to the North Coast pipeline? Staff Response: By gravity.
- The North Coast Rehabilitation Program is a significant project because it will cut down on the amount of water that is lost through leaks.
- Beltz Well No.12 is set to begin operating in April or May of this year and is planned to run over the summer.
- The Beltz well No.12 project is important to the customer because it is the third treatment plant in Santa Cruz; it is also a backup supply in case of an emergency. Also, this is an inland pumping plant so there is less potential for saltwater intrusion.
- This well is 650 feet deep, twice as deep as the other wells in the system. It taps into a deeper formation referred to as the T-U zone and goes through both the Santa Margarita and Purisima formations.
- What is the pumping capacity of this well? Staff Response: When the well is fully operational it produces 800,000 gallons, which is the maximum capacity.

K. Dodd, Associate Civil Engineer presented on the Beltz Groundwater Treatment Plant Reclaim Tank Replacement and U4 & U5 Tanks Investigation

- Clarification was made the U stands for University.
- The importance to the customer is replacement of old infrastructure improves system reliability.

M. Zeman, Assistant Engineer presented on the Steel Tank Rehabilitation

- Is there a possibility to put solar on University Tank 2? Staff Response: It is certainly possible, it is strong enough but there is much more solar potential at the Bay Street reservoir.
- Did any of the tanks have lead based paint? Staff Response: Yes, the DeLaveaga tanks and the University Tank 2 both had lead based exteriors.
- Is there any security at these tanks? Staff Response: Yes, there are various security provisions in place.

Commission comments/questions

- What is the advanced metering infrastructure project? Staff Response: Due to issues with batteries with our current drive by system we have found a solution in the advanced metering structure in which you get a continuous send that allows people to access information through a portal to check what their meter reading is.
- What is a Ranney collector? Staff Response: Basically they are horizontal wells that extend out in an alluvial formation next to the river and you can pump water out of them with the added benefit of a filtration component of the porous media in the riverbed that knocks out some of the sediment. However, there are issues with iron and manganese and the ground river water that mixes together which gives pause on its feasibility so it is something the Department wants to study further.
- It looks like there is 500,000 dollars dedicated to the Photovoltaic Systems Evaluation/Construction project is that what the department is anticipating on spending or is that just a placeholder? Staff Response: That is just a placeholder for a future fiscal year.
- The costs that are listed in this report are being dealt with by the rate increase that is already in place, correct? Staff Response: Yes, in last year's CIP there was the rate model that created that rate increase requirement.

Subcommittee/Advisory Body Oral Reports No items.

1. WSAC Update (Oral Report)
 - At the last meeting we had a baseline interim forecast that showed quite a bit of lower demand in the future relative to what was in the 2010 Urban Water Management Plan. The major factors affecting that are fundamentally a shift in user patterns and additional conservation based on the 2014 data.
 - There was a presentation on the confluence model that shed some clarity on how a change in demand forecast affects our ability to reliably meet supply in years where there is significant drought.
 - The next couple of meetings will explore on climate change scenarios along with fish flows which are two major drivers that we would look into a supply project in the future.
 - As a member of both advisory bodies we all really get to see the same work and I remember before the start of WSAC that there was the question of what the Water Commissions role will be but I have learned that there really is a need for both.
 - As part of an enrichment series we are planning on bringing in a couple of focused conversations on climate change and its potential impact on our system

here, as well as fundamentally the shifts in hydrology as the results of climate change. We are also looking to talk about the water transfer project that John Ricker, Kim Adamson, and Piret Harmon will be participating in. We will also be looking at the hydrogeology in the area for opportunities to store water underground. The goal being to shed some light on those topics as well as inform at least the basic backdrop of kinds of issues we are looking at.

Director's Oral Report No action shall be taken on this item.

1. Monthly Status of Water Supply (to be distributed at meeting)
 - We have used the Felton diversion more than 50 days since Christmas, it has been the perfect scenario to use that facility to pump water up to Loch Lomond, we are about 80% full but the rest of the winter does not look promising.
 - The mean monthly Stream flow is below for the month of February, at about 90 cubic feet per second.
 - Our reservoir storage was at 68% percent full last year and this year it is about 80% full.
 - Water demand is down from last year.
 - The drought is not ending, we can't tell you tonight what stage we are going to recommend but that information will come to you at the next meeting in April.

Adjournment **Meeting adjourned at 9:17.** The next regular meeting of the Water Commission is scheduled for April 6, 2015 at 7:00 p.m. in Council Chambers.

Respectfully submitted,

Gloria
Rudometkin

Digitally signed by Gloria Rudometkin
DN: cn=Gloria Rudometkin, o=City of
Santa Cruz, ou=Water,
email=grudometkin@cityofsantacruz.
ca, c=US
Date: 2014.02.10 09:12:05 -0800

Staff

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

City of Santa Cruz
809 Center Street
Santa Cruz, California 95060

MINUTES OF A JOINT CITY COUNCIL/WATER COMMISSION MEETING

March 3, 2015

7:30 P.M.

Call to Order - Mayor Lane called the meeting to order at 7:36 p.m. in the Council Chambers.

Roll Call

Present: Councilmembers Chase, Terrazas, Comstock, Posner, Noroyan; Vice Mayor Mathews (arrived at 8:15 p.m.); Mayor Lane.

Absent: None.

Present: Commissioners Mead, Schifrin, Wilshusen; Vice Chair Wadlow; Chair Baskin.

Absent: Commissioners Schwarm, Stearns.

Staff: City Manager M. Bernal, Director of Water R. Menard, Administrative Services Manager T. Goddard, Deputy City Clerk K. Santana, City Clerk Administrator B. Lehr.

General Business

1. Study Session on Water Rate Design (WT)

Director of Water R. Menard gave an oral report.

Greg Webber, Executive Director of the California Urban Water Conservation Council gave a PowerPoint presentation and responded to Council's questions.

Sanjay Garr, Raftelis consultant gave a PowerPoint presentation and responded to Council's questions.

Administrative Services Manager T. Goddard responded to Council's questions.

General Business (continued)

1. Study Session on Water Rate Design (WT) (continued)

SPEAKING FROM THE FLOOR EXPRESSING SUPPORT:

Rick Longinotti
John Laird
Mark Mesiti-Miller

SPEAKING FROM THE FLOOR EXPRESSING CONCERNS:

Bill Tyselling, Santa Cruz Chamber of Commerce Executive
Director
Dan Spelce
Ron Pomerantz
Barbara Riverwoman
Sid Slater, Santa Cruz County Business Council
Christie Kirbie

Water Commissioners Andy Schiffrin, George Mead, Linda Wilshusen, Walt Wadlow, and David Baskin commented on the presentation.

Councilmembers Comstock, Chase, Posner, Noroyan, Vice Mayor Mathews and Mayor Lane provided their feedback and commented on the presentation to provide direction to staff.

Director of Water R. Menard summarized the themes that Council requested from staff in moving forward with the water rate design including: exploring options in multi-family and commercial/industrial sector, thinking through the administrative complexities of any action taken, thinking creatively about capital needs for rehabilitation and replacement, contemplating the possibility of some rate structure issues to look at including some conservation portfolios coming out of the Water Supply Advisory Committee, equity and not making the situation for people with low income worse.

Adjournment

The City Council adjourned at 10:36 p.m. from the Joint City Council / Water Commission Study Session of March 3, 2015 to the next regular meeting of March 10, 2015 for a Closed Litigation Session in the Courtyard Conference Room followed by open sessions at the approximate hours of 2:30 p.m. and 7:00 p.m. in the Council Chambers.

Respectfully Submitted:

Kristina Santana
Deputy City Clerk

Attest:

Bren Lehr
City Clerk Administrator

Approved:

Don Lane
Mayor

Approved:

David Baskin
Chair

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**WATER DEPARTMENT
MEMORANDUM**

DATE: April 1, 2015
TO: Water Commission
FROM: Toby Goddard, Administrative Services Manager
SUBJECT: 2015 Water Supply Outlook

RECOMMENDATION: That the Water Commission recommend City Council adopt a resolution declaring a Stage 3 Water Shortage Emergency for 2015

BACKGROUND: On February 25, 2014, after three consecutive years of below normal rainfall and runoff, the City Council declared a Water Shortage Emergency. Water rationing and related restrictions on water use went into effect May 1 and remained in force through early December.

California is now entering a fourth year of drought. Despite an auspicious start to the 2015 water year, weather conditions turned warm and dry again in late December and have remained that way pretty much all winter long into early spring.

DISCUSSION: The following summarizes local water conditions for the period from October 1, 2014 through late March 2015.

Rainfall: The City of Santa Cruz has received a total of 20.3 inches of rain, or about 73 percent of normal for the season to date. Most of this rain fell in December or before, mimicking the pattern seen in 2013 (Attachment 1). The month of January was completely dry, and since then only three inches of rain has fallen. Rainfall at various locations in the Newell Creek watershed ranges from 28 to 30 inches, about 62 to 67 percent or average for the season to date.

Runoff: Except for the month of December, stream flow in the Santa Lorenzo River has remained well below average all winter long (Attachment 2). While the cumulative amount of runoff is higher than it was in 2014, the San Lorenzo River is running lower now than it was this time last year due to the pattern and timing of rainfall experienced this winter. The level of flow in the river now is only slightly better than the historic minimum recorded in 1977 and is projected to dwindle further over time close to levels experienced last year, perhaps even lower.

Reservoir Storage: The one bright spot in 2015 is the City's reservoir storage. Loch Lomond is currently 83 percent full, holding 2.3 billion gallons of water. There are three reasons that have

contributed to this condition: 1) better than expected carryover storage from last year due to the community's exemplary conservation efforts, 2) runoff captured from December storms added over 10 feet or more than 400 million gallons of storage, and 3) near-ideal conditions for operating Felton Diversion, which is used to pump water from the San Lorenzo River up to the reservoir, adding another 215 million gallons or four feet to storage. The lake level now is less than nine feet from its spillway elevation. Last year at this time, Loch Lomond Reservoir was at 68 percent of capacity, with the water level about 18 feet below the spillway.

Water Year Classification: Cumulative runoff from the San Lorenzo River from October 1, 2014 to date measures 26,544 acre-feet or about 36 percent of average runoff through March (Attachment 3). Accordingly, Water Year 2015 remains classified as "Critically Dry". The threshold to reach the "Dry" year designation is 29,000 acre-feet.

Drought Intensity: As of March 24, 2014, Santa Cruz County is designated as being in a condition of either "Severe Drought" or "Extreme Drought", according to the U.S. Drought Monitor (Attachment 4). For most of last year, the area was classified as being in "Exceptional Drought", but the local condition was upgraded after December's rainfall. The U.S. Drought Monitor, which is updated weekly, shows much of California remaining in this most severe classification. The National Weather Service Climate Prediction Center is calling for the drought conditions across much of the western United States to persist or intensify over the next three months.

Record Heat: Calendar year 2014 was marked not just by how dry it was but also by how hot. 2014 was California's warmest year on record, as it was in Santa Cruz, where the mean annual temperature, 61.3 degrees, measured 3.6 degrees above average, a significant departure from normal. The drought's impacts are worsened by record heat, which dries out soils and raises demand for irrigation. So far this trend is continuing into 2015, with average monthly temperatures running 3-4 degrees above normal.

2015 Water Supply Outlook

Overall, the City's water supply situation, while perhaps not quite as dire as last year, remains precarious. The December rains helped ease the situation temporarily, but record dry weather in January and low rainfall since then means drought conditions will continue unabated for at least one more year. The likelihood that any additional rainfall will improve conditions significantly from this point forward is extremely low.

The most difficult aspect of any drought is that no one can tell how long it will last. Just as no one could have predicted in 2012 that in 2015 the City would be confronted with a multi-year drought including two back-to-back critically dry years, no one can say at this point how much longer it might drag on.

Given the considerable uncertainty with respect to how future weather may unfold next year and beyond, staff is recommending that the City take a very conservative approach with its water supply by reinstating the same Stage 3 water shortage emergency regulations and restrictions that were in effect last year. These emergency regulations and restrictions resulted in an overall

24 percent reduction in system water use relative to the same period in 2012/13, and helped preserve valuable lake storage for just this type of contingency. Given the responsiveness and cooperation demonstrated by the community last year, constant media attention to the issue statewide, and high level of public perception, concern, and awareness here locally, the need to reinstitute restrictions on water use should not come as a surprise to most.

The three primary regulations associated with a Stage 3 Water Shortage, in addition to blanket regulations prohibiting water waste and eliminating non-essential uses, include: 1) water rationing for single family and multi-family residential accounts, 2) significantly scaled back water budgets for large irrigation accounts, and 3) mandatory water audits, conservation plans, and signage for large commercial accounts. Residential and irrigation customers will be held to the same allotments as they were last year. General business customers will be required to limit irrigation to one day per week, and post mandatory signage. All customers will be required to abide by various outdoor water restrictions. A draft summary of these regulations and restrictions is included as Attachment 5.

Projection of Water Supply Availability for 2015

The short-term forecast of supply and demand for the seven-month period from April through October is presented in Attachment 6. This spreadsheet model is used to predict end of season lake storage given best professional judgment about the monthly yield available from flowing sources, anticipated instream flow requirements, projected system demand, lake evaporation, and other factors.

The forecast, which includes a 20 percent reduction in overall system demand, indicates the reservoir storage will decline to 1.6 billion gallons or 58 percent, consistent with where the lake ended the dry season last year (Attachment 7). This forecast takes into account a second extension granted by the State Water Resources Control Board earlier this year allowing the City to reduce the amount of water it releases from Loch Lomond into Newell Creek for instream flow purposes. However, with more water in storage this year, staff is anticipating that state and federal fisheries agencies will require the Water Department to bypass significantly more flow this year compared to last year at the Tait Street Diversion to protect fishery habitat downstream. The net effect of this change will be a reduction in the amount of water available for diversion from the San Lorenzo River, and a corresponding increase in the amount needed from Loch Lomond Reservoir. Ending the season with carryover storage at 58 percent of capacity will provide an appropriate margin of safety in the event the dry weather pattern continues another year.

Monthly water production goals for 2015 are presented in Attachment 8. These goals are used to track and publicize conservation performance throughout the dry season, and for state reporting purposes. The production goals are set at 20 percent less than the actual amount produced in 2013, and expressed in millions of gallons per day (mgd). Calendar year 2013 is the same baseline period against which the state has been tracking the level of conservation achieved by all urban water suppliers since June 2014. It is worth qualifying that the City of Santa Cruz instituted a Stage 1 Water Shortage Alert in both 2012 and 2013, calling for a 5 percent across-the-board reduction in water use. Therefore, expecting another 20 percent reduction on top of

that is effectively the same as saying that the level of shortage this year, like last year, is 25 percent, which is consistent with upper end of the range of a Stage 3 Water Shortage Emergency described in the City's Water Shortage Contingency Plan.

Reducing Impacts of Water Rationing at Community Facilities

One of the lessons learned in last years' experience with water rationing, especially among the large landscape accounts that were held to just one-third of their normal landscape water budget, was the widespread impact seen at several community facilities. A number of school fields, athletic facilities, and recreation areas were closed or severely damaged by such drastic watering reductions. With more water in storage this year, the Water Department will consider increasing the monthly allotment to such sites on a case-by-case basis where undue economic impact or impact to public health and safety is adequately documented under the process for granting exceptions described in section 16.01.120 of the Municipal Code.

Emergency Regulations for Statewide Urban Water Conservation

On March 17, 2015, the State Water Resources Control Board adopted an expanded drought-related emergency regulation to ensure water suppliers, their customers, and state residents increase water conservation in urban settings (Attachment 9). For the most part, the City's emergency response measures either include or exceed the regulations adopted by the state. However, in a separate agenda item, one change is being made to the City's water shortage regulations and restrictions to ensure consistency with state rules. This new regulations will prohibit watering landscapes during or within 48 hours after measureable precipitation.

The Water Department will continue to report to the state its monthly production, estimated population served, percentage of water produced that is used for the residential sector, estimated gallons of water used per person per day by residential customers, and other related information as required by these regulations.

Fiscal Impact

The net effect on the water Fund from rationing water in 2014 was a financial loss on the order of about \$3.0 million in water sales revenue out of an approximately \$26 million annual operating budget. The extra costs associated with drought management, including temporary personnel services, professional and technical services, various supplies, services, and equipment amounted to another approximately \$800,000 spread over FY 2014 and 2015. These extra costs were largely compensated for by unanticipated excessive water use penalty revenues.

To help overcome the financial loss and stabilize the Water Fund, the City Council in September adopted a new Drought Cost Recovery Fee, beginning October 1, 2014. The current rate for a typical single family residential account with a 5/8 inch meter is \$7.37 per month. This fee was expected to drop to \$2.45 in FY 2016. Assuming that City Council adopts a resolution declaring a Stage 3 Water Shortage Emergency means that that the current Drought Cost Recovery Fee would be automatically extended for the duration of the shortage to help compensate for expected loss in water rate revenues.

Staff is in the process of developing a new drought response budget for FY 2015 and 2016, and may need to bring a separate budget adjustment to City Council for its consideration later this spring.

Attachments:

1. Monthly Rainfall, City of Santa Cruz
2. Mean Monthly Runoff, San Lorenzo River at Big Trees (Felton)
3. Cumulative Runoff and Water Year Classification
4. U.S. Drought Monitor, California
5. Summary of Stage 3 Water Shortage Regulations and Restrictions
6. 2015 Water Supply Forecast
7. 2015 Projected Reservoir Drawdown
8. 2015 Water Production Goals
9. State Water Resources Control Board Emergency Regulations for Statewide Urban Water Conservation

Figure 1. Monthly Rainfall, City of Santa Cruz, 03/27/2015

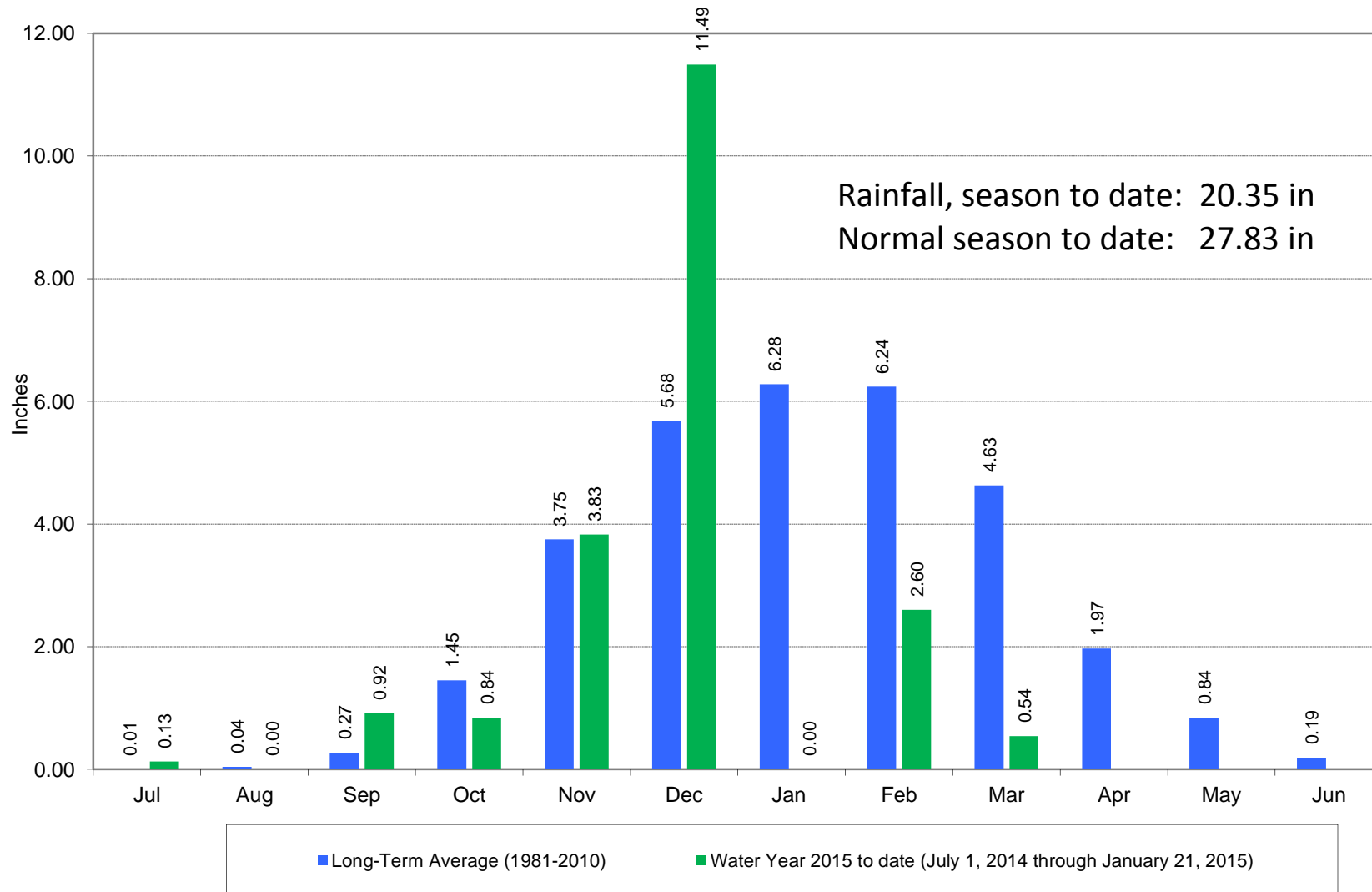


Figure 2. Mean Monthly Streamflow, San Lorenzo River at Big Trees, 03/27/2015 (cubic feet per second)

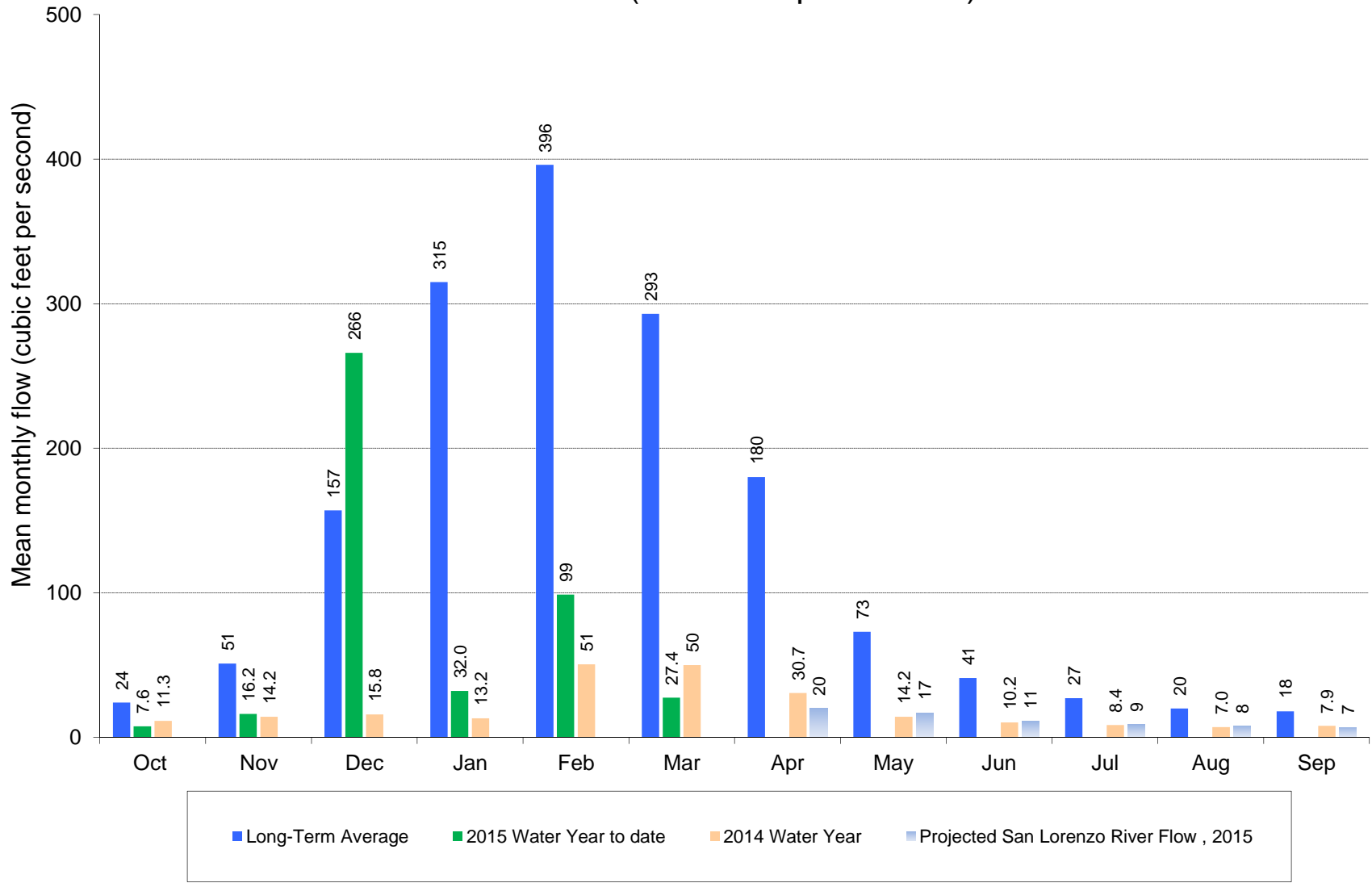
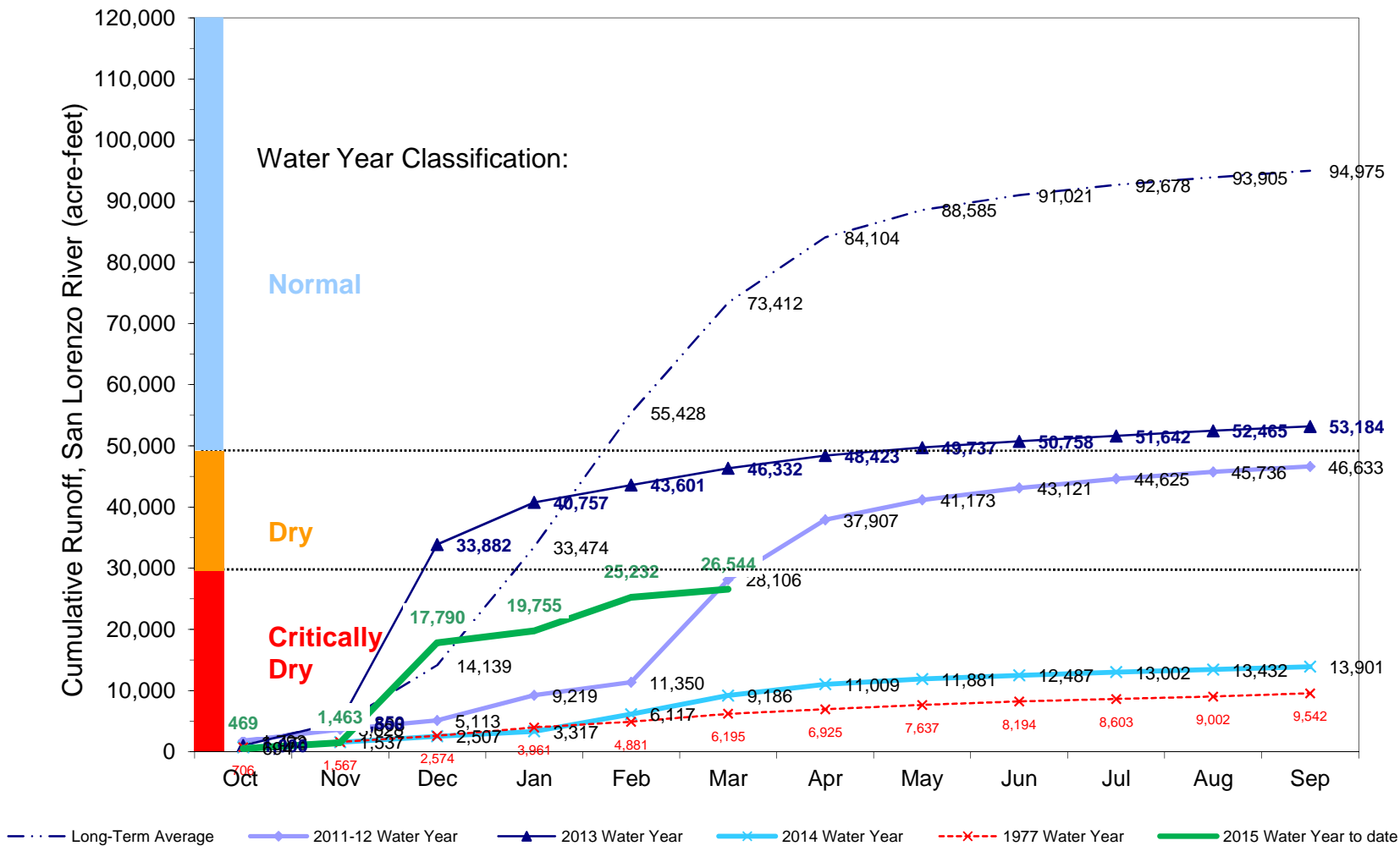


Figure 3. Cumulative Runoff and Water Year Classification, 03/27/2015
(acre-feet)



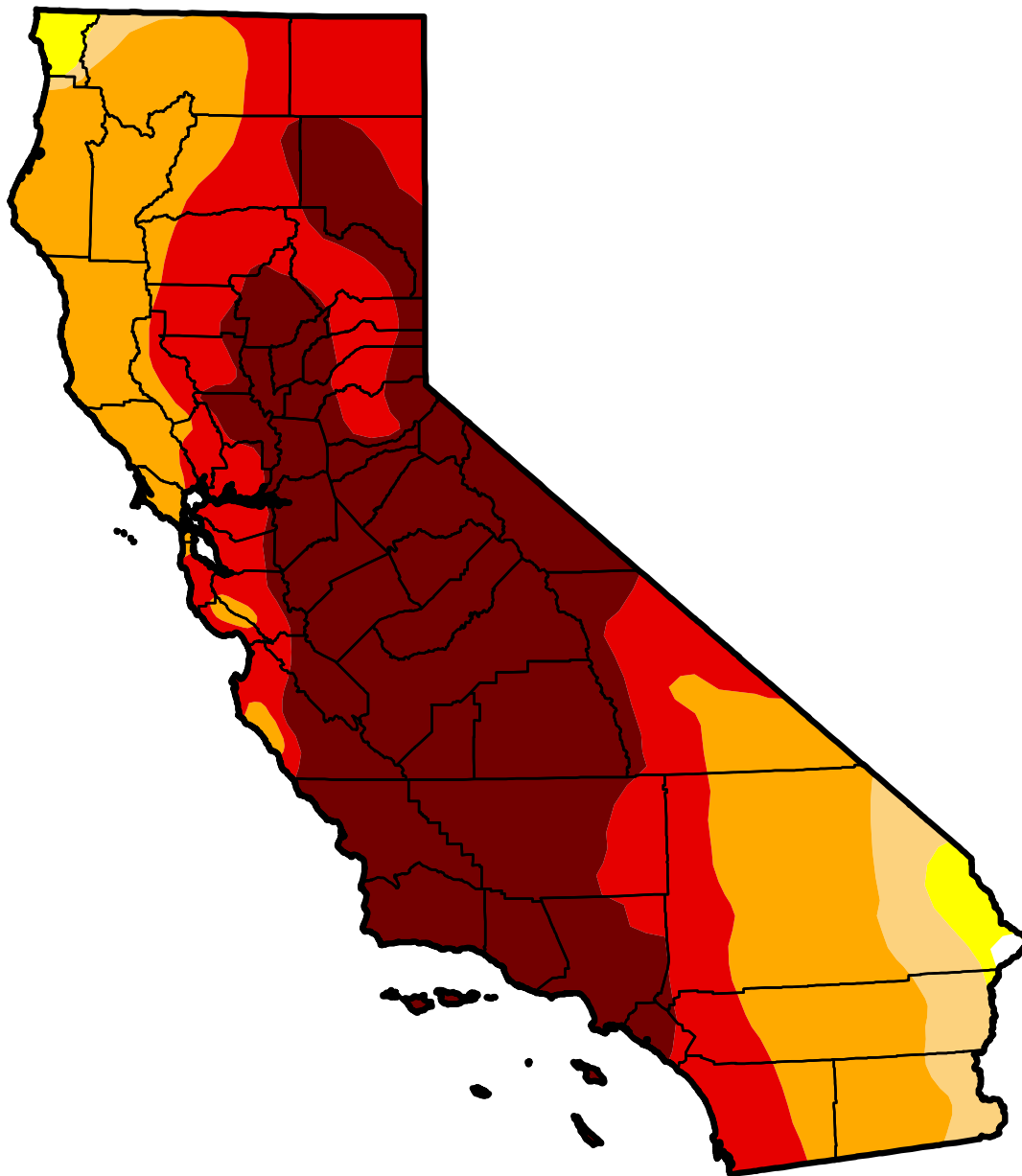
U.S. Drought Monitor California

March 24, 2015
(Released Thursday, Mar. 26, 2015)

Valid 7 a.m. EST

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.15	99.85	98.11	93.44	66.60	41.41
Last Week <i>3/17/2015</i>	0.16	99.84	98.11	93.44	67.46	39.92
3 Months Ago <i>12/23/2014</i>	0.00	100.00	98.41	94.42	77.94	32.21
Start of Calendar Year <i>12/30/2014</i>	0.00	100.00	98.12	94.34	77.94	32.21
Start of Water Year <i>9/30/2014</i>	0.00	100.00	100.00	95.04	81.92	58.41
One Year Ago <i>3/25/2014</i>	0.00	100.00	99.80	95.21	71.78	23.42



Intensity:

- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

Author:
Eric Luebehusen
U.S. Department of Agriculture





Stage 3 Water Shortage Emergency

2015 Update for Santa Cruz Municipal Utility Customers

Drought conditions continue to affect Santa Cruz and California in 2015. As a result, the Santa Cruz City Council has declared a Stage 3 Water Shortage Emergency. Effective **May 1, 2015**, all SCMU customers will be subject again to the regulations and restrictions on water that were in effect in 2014. All customers are urgently asked to make every effort to conserve water and abide by the following regulations and restrictions. Thank you for your cooperation.

Single Family Residential Accounts

Monthly Water Allotments will be the same as in 2014. You can find your allotment on your latest utility bill.

- Single family residential accounts are assigned a monthly water allotment of **10 CCF*** per month or 249 gallons per household per day.
- Households over four persons may visit www.cityofsantacruz.com/drought or contact the Water Department to apply for an additional allotment.
- Households granted an additional allotment in 2014 will automatically have the same allotment in 2015.

Excessive water use penalties will be charged for any water consumption that exceeds the monthly allotment. See back for information about penalties.

Outdoor Water Restrictions apply to all customers. See list on back.

Multi-Family Residential Accounts

Monthly Water Allotments will be the same as in 2014. You can find your allotment on your latest utility bill.

- Multi-family residential accounts are assigned a monthly water allotment based on the number of dwelling units on the account, as follows:

Number of Dwelling Units on Account	Monthly Allotment (CCF per Dwelling Unit)**
2-4	7
5-20	6
>20	5

** Subtract 1 CCF for properties that have a separate irrigation account

- Accounts granted additional allotments in 2014 will automatically have the same allotments in 2015.

Excessive water use penalties will be charged for any water consumption that exceeds the monthly allotment. See back for information about penalties.

Outdoor Water Restrictions apply to all customers. See list on back.

Business and Industrial Accounts

Large Water Users. Business and industrial accounts using over one million gallons of water a year (1,337 CCF/year) must continue to implement their water conservation plans developed in 2014.

Watering Days. Business and industrial accounts are limited to outdoor watering one day of the week only. The assigned day of the week for businesses located inside the Santa Cruz City limits is **Tuesday**. Outside City limits, the assigned day is **Thursday**. Automatic irrigation systems using sprinklers or spray irrigation may not be operated for more than 10 minutes per station on the assigned watering day.

Mandatory Signage. All commercial establishments must place and maintain signs at specified locations informing employees and customers of the need to save water and report leaks while the water shortage emergency is in effect.

Restaurants and Commercial Food Service Establishments. Drinking water must be served only upon request.

Commercial Lodging Establishments. Hotels and motels must provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel must prominently display notice of this option in each guestroom using clear and easily understood language.

Outdoor Water Restrictions apply to all customers. See list below.

Irrigation Accounts

Large Landscapes. Customers receiving Landscape Water Use Reports will be assigned an irrigation allotment equal to one-third of their normal monthly budget. Excessive water use penalties will be applied if the allotment is exceeded.

All Other Irrigation Accounts. Irrigation accounts without Landscape Water Use Reports are limited to watering one day per week only. The assigned day of the week for properties located inside Santa Cruz city limits is **Tuesday**. Outside City limits, the assigned day is **Thursday**. Automatic irrigation systems with sprinklers or spray irrigation may not operate for more than 10 minutes per station.

Outdoor Water Restrictions apply to all customers. See list below.

Outdoor Water Restrictions - For All Customers

1. **No Excessive Irrigation:** Irrigating in a manner that causes or allows potable water to run off property onto sidewalks, gutters, streets, ditches, or storm drains is prohibited.
2. **No Landscape Watering between 10 am and 5 pm.** Exceptions: Drip irrigation systems, soaker hoses and watering cans may be used any time of day. Professional gardeners may hand water where no other feasible alternative is available.
3. **No irrigation after rainfall:** Landscape irrigation is prohibited during and 48 hours after measurable rainfall.
4. **No Washing Down hard or Paved Surfaces.** Customers may not wash down sidewalks, walkways, driveways, parking lots, Patios, or other paved, surfaces, except to alleviate immediate safety or sanitation hazards or to prepare paved surfaces for sealing.
5. **Hose Nozzles Required.** All hoses must be equipped with a shut-off nozzle.
6. **Limited Washing of Exteriors.** Washing the exterior of dwellings, buildings or structures is prohibited, except to prepare a structure for painting or for sale. Washing windows is permitted.
7. **Swimming Pools.** Residential swimming pools may not be initially filled, or drained and refilled. Water level in existing pools may be maintained to ensure continued operation of recirculation equipment.
8. **Uncorrected Plumbing Leaks.** A reasonable effort must be made to repair, or make arrangements for fixing, a plumbing leak, whether indoors or outdoors, within 24 hours of finding it or being notified of a leak.
9. **Other:** The indiscriminant running of water that is wasteful and without reasonable purpose is strictly prohibited.

Penalties

Excessive Water Use Penalties: The following excessive water use penalties will be applied for single family, multi-family, and large landscape irrigation accounts that exceed their assigned monthly allotment:

- First 10 percent over monthly allotment will cost an additional **\$25.00 per CCF** used.
- More than 10 percent over monthly allotment will cost an additional **\$50.00 per CCF** used.

Penalties for Violating Outdoor Water Restrictions:

- First offense – written notice and opportunity to correct the violation
- Second offense - \$100 penalty
- Third offense - \$250 penalty
- Fourth offense - \$500 penalty and installation of a flow restrictor at customer's expense*

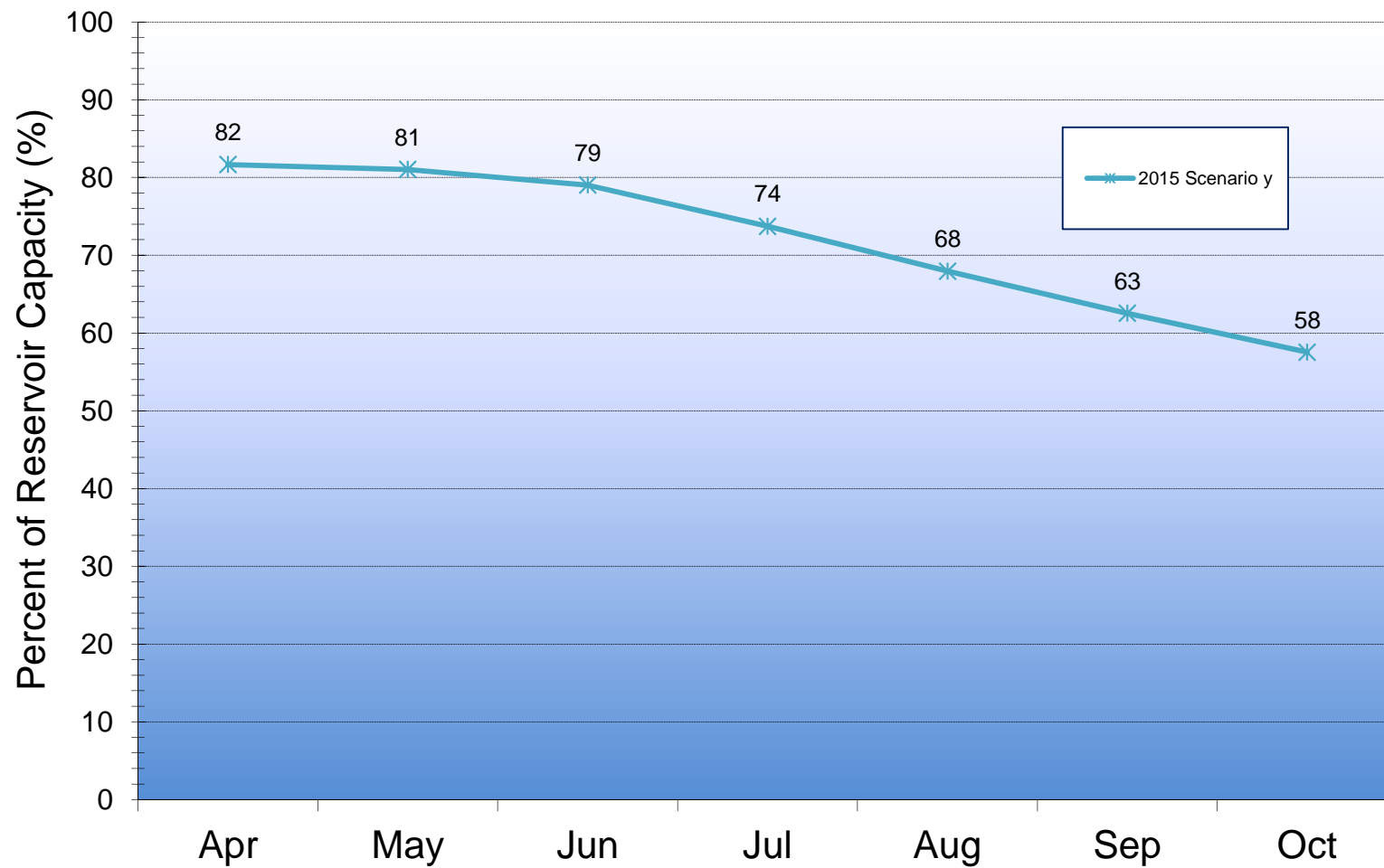
Fine amounts are tripled for customers using over one million gallons of water per year (1,337 CCF/yr).

For more information, visit www.cityofsantacruz.com/drought or call (831) 420-5220.

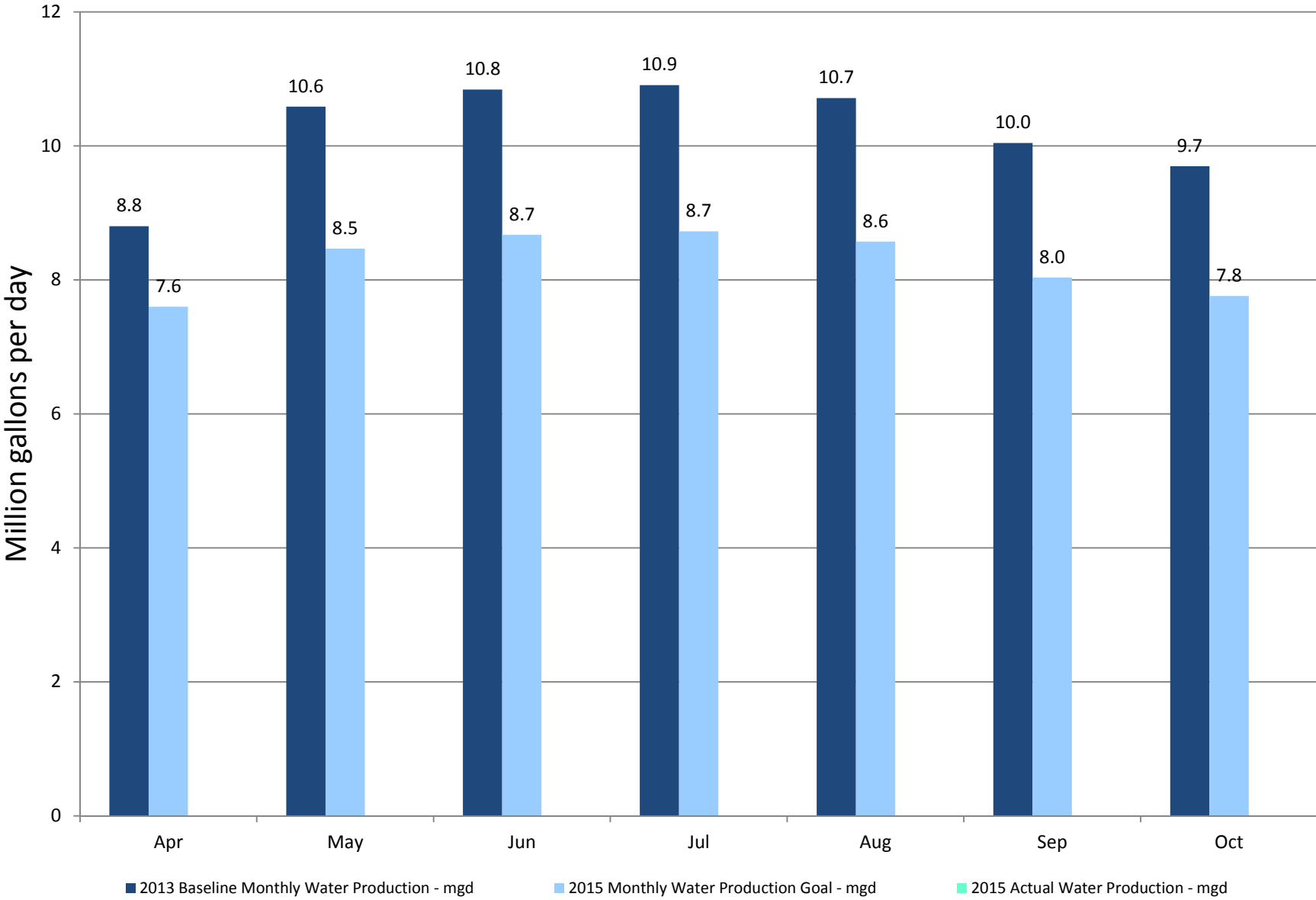
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2015 Projected Reservoir Drawdown

Reservoir Storage as of 03/15/15: 2,325 million gallons, 82%



2015 Water Production Goals



**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2015-0013**

TO ADOPT AN EMERGENCY REGULATIONS FOR
STATEWIDE URBAN WATER CONSERVATION

WHEREAS:

1. On April 25, 2014, Governor Edmund G. Brown Jr. issued an executive order (April 2014 Proclamation) 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. The April 2014 Proclamation finds that the continuous severe drought conditions present urgent challenges across the State, including water shortages in communities and for agricultural production, increased wildfires, degraded habitat for fish and wildlife, threat of saltwater contamination, and additional water scarcity, if drought conditions continue into 2015. The April 2014 Proclamation also suspends the environmental review required by the California Environmental Quality Act to allow the emergency regulation and other actions to take place as quickly as possible;
2. The April 2014 Proclamation refers to the [Governor's Proclamation No. 1-17-2014](#), issued on January 17, 2014, declaring a drought State of Emergency to exist in California due to severe drought conditions (January 2014 Proclamation). The January 2014 Proclamation finds that dry conditions and lack of precipitation present urgent problems to drinking water supplies and cultivation of crops, which put farmers' long-term investments at risk. The conditions also threaten the survival of animals and plants that rely on California's rivers, including many species in danger of extinction. The January 2014 Proclamation also calls on all Californians to reduce their water usage by 20 percent;
3. On December 22, 2014, in light of the continued lack of rain, Governor Brown issued [Executive Order B-28-14](#), which extends the California Environmental Quality Act suspension through May 31, 2016 for Water Code section 13247 and certain activities identified in the January 2014 and April 2014 proclamations;
4. Drought conditions are continuing. As of March 3, 2015, snow water equivalents for the Northern, Central, and Southern Sierra regions were at 16 percent, 20 percent, and 21 percent of normal for that date, respectively. Additionally, most reservoirs are less than 60 percent full and January 2015 was one of the driest months ever recorded in California history. Moreover, many communities face the prospect of needing emergency drinking water supplies;
5. The likelihood that any additional precipitation will significantly reduce the severity of drought conditions this year is extremely low;
6. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports";

7. On July 15, 2014, the State Water Board adopted an emergency regulation to support water conservation ([Resolution No. 2014-0038](#)), and that regulation became effective July 28, 2014 upon approval by the Office of Administrative Law (OAL);
8. The current emergency regulation will expire on April 25, 2015;
9. The current emergency regulation has supported Californians' water conservation efforts, with over 119 billion gallons saved from August 2014 through January 2015;
10. Many Californians have taken bold steps over the years and in this year to reduce water use; nevertheless, the dire nature of the current drought requires additional conservation actions from residents and businesses. Some severely-affected communities have implemented water rationing, limiting water use in some cases to only 50 gallons per person per day, foregoing showers, laundry, toilet flushing, and all outdoor watering;
11. Water conservation is the easiest, most efficient and most cost-effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved this summer is water available later in the season or next year, giving water suppliers the flexibility to manage their systems efficiently;
12. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water;
13. Most urban water suppliers have placed restrictions on outdoor watering, but the State Water Board has nevertheless received many reports of excessive water use;
14. Education and enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated;
15. Public information and awareness is critical to achieving conservation goals, and the Save Our Water campaign, run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response (<http://saveourwater.com>);
16. Other parts of the world have faced social and economic hardship due to severe drought. Californians must continue to make lifestyle changes, including landscape choices that conserve even more water;
17. On March 6, 2015, the State Water Board issued public notice that it would consider the adoption of the emergency regulation at the Board's regularly-scheduled March 17, 2015 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations;
18. As discussed above, the State Water Board is adopting the emergency regulation because of the continuing emergency drought conditions, the need for prompt action, and the need to act before the current emergency regulation expires on April 25, 2015; and

19. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain the enforcement discretion in enforcing the regulation to the extent authorized. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board re-adopts California Code of Regulations, title 23, sections 863, 864, and 865, as appended to this resolution as an emergency regulation;
2. State Water Board staff will submit the regulation to the OAL for final approval;
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes;
4. This regulation shall remain in effect for 270 days after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions, or unless the State Water Board renews the regulation due to continued drought conditions as described in Water Code section 1058.5;
5. The State Water Board directs staff to provide the Board with monthly updates on the implementation of the emergency regulation and its effect;
6. The State Water Board directs staff to condition funding upon compliance with the emergency regulation, to the extent feasible;
7. The State Water Board directs staff to work with the DWR and the Save Our Water campaign to disseminate information regarding the emergency regulations; and
8. The State Water Board directs staff to update the electronic reporting portal to include data fields for local agencies to report on compliance and enforcement activities.

THEREFORE BE IT FURTHER RESOLVED THAT:

9. The State Water Board commends Californians who heeded the call for conservation and have helped to save over 119 billion gallons from August 2014 through January 2015. The State Water Board calls upon Californians to redouble their conservation efforts in the face of a fourth year of severe drought. For homeowners and businesses that have delayed removing turf, planting drought-tolerant landscapes, or installing efficient irrigation systems, the time to act is now;

10. The State Water Board calls upon water suppliers to ensure that they have adequate personnel and financial resources to implement conservation requirements not only for 2015, but also for another year of drought should it occur. Water suppliers that face budget shortfalls due to reduced sales should take immediate steps to raise necessary revenues in a way that actively promotes continued conservation. In Resolution No. 2014-0038, the State Water Board called on all urban water suppliers to evaluate their rate structures and begin to implement needed changes as part of planning for another dry year. These efforts should be continued and redoubled;
11. Disadvantaged communities may require assistance in increasing water conservation and State agencies should look for opportunities to provide assistance in promoting water conservation;
12. The State Water Board calls upon all water suppliers to take further actions to increase water conservation, such as by:
 - a. providing customers with timely and easy-to-understand information on the average
 - b. number of gallons they use each month and each day within their billing period; accelerating the completion of projects that will conserve potable water by making use of non-potable supplies, such as recycled water and stormwater collection projects; and
 - c. accelerating projects to fix leaks, and to conduct a system-wide water loss audit as soon as possible;
13. The State Water Board calls upon the restaurant and hospitality industry to take further actions to increase water conservation, such as by utilizing water efficient pre-rinse spray valves for dish washing and training staff on the new regulation so that the minimum amount of water is used to wash towels and linens; and
14. The State Water Board directs staff to develop a statewide portal for reporting water waste.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 17, 2015.

AYE: Chair Felicia Marcus
 Vice Chair Frances Spivy-Weber
 Board Member Tam M. Doduc
 Board Member Steven Moore
 Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board

ADOPTED TEXT OF EMERGENCY REGULATION

Article 22.5. Drought Emergency Water Conservation

Sec. 863 Findings of Drought Emergency

(a) The State Water Resources Control Board finds as follows:

- (1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;
- (2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;
- (3) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;
- (4) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and
- (5) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to further promote conservation.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

Sec. 864 ~~Prohibited Activities~~ End-User Requirements in Promotion of Water Conservation

(a) To promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

- (1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
- (2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
- (3) The application of potable water to driveways and sidewalks; ~~and~~
- (4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system; (5) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall; and
- (6) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.

(b) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

~~(b)~~(c) The taking of any action prohibited in subdivision (a) or the failure to take any action required in subdivision (b) of this section, in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

Sec. 865 Mandatory Actions by Water Suppliers

(a) The term “urban water supplier,” when used in this section, refers to a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that ~~imposes~~includes mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed, or shall amend its water shortage contingency plan to include mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed and implement these restrictions within forty-five (45) days. Urban water suppliers with approved alternate plans as described in subdivision (b)(2) are exempted from this requirement.

~~(2) As an alternative to subdivision (b)(1) a~~An urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

(c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan that restricts the number of days that outdoor irrigation of ornamental landscapes and turf with potable water is allowed, or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, within ~~thirty-fourty-five (3045)~~ thirty-fourty-five (3045) days, limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week ~~or shall implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.~~

(d) In furtherance of the promotion of water conservation each urban water supplier shall:

(1) Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-users exclusive control.

(2) Prepare and submit to the State Water Resources Control Board by the 15th of each month a monitoring report on forms provided by the Board. The monitoring report

shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. ~~Beginning October 15, 2014, †~~The monitoring report shall specify the population served by the urban water supplier, the percentage of water produced that is used for the residential sector, descriptive statistics on water conservation compliance and enforcement efforts, and the number of days that outdoor irrigation is allowed. The monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves. ~~In its initial monitoring report, each urban water supplier shall state the number of persons it serves.~~

(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within ~~thirty~~forty-five (3045) days, take one or more of the following actions:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or

(2) Implement another mandatory conservation measure or measures intended to achieve a ~~comparable~~20 percent reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105; 350; 10617; 10632.

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WATER DEPARTMENT MEMORANDUM

DATE: March 23, 2015

TO: Water Commission

FROM: Toby Goddard, Administrative Services Manager

SUBJECT: Ordinance Amendments to Chapter 16.01 of the Santa Cruz Municipal Code
Pertaining to Water Shortage Regulations and Restrictions

RECOMMENDATION: That the Water Commission recommend that City Council adopt an ordinance amending Chapter 16.01 of the Santa Cruz Municipal Code.

BACKGROUND: In April 2009, the City Council adopted an updated water shortage ordinance that was developed in conjunction with the City's Water Shortage Contingency Plan. In 2010, the ordinance was amended to clarify when and how water shortage regulations go into effect, and then codified as Chapter 16.01 of the Santa Cruz Municipal Code. Over this time, the ordinance has been put into effect four separate times: twice as a Stage 1 Water Shortage Alert (2012 and 2013), once as a Stage 2 Water Shortage Warning (2009), and once as a Stage 3 Water Shortage Emergency (2014).

While managing water rationing last year, staff identified and kept track of different issues where language in the existing ordinance could be improved and clarified. The attached ordinance amendments were recently prepared by City Attorney's office at staff's request to fulfill this purpose.

DISCUSSION: The proposed changes to Chapter 16.01 are summarized below.

1. **Addition of Customer Classification Definitions (Section 16.01.055):** The Water Department has historically classified each of its 24,500 accounts into one of several standard categories for billing and reporting purposes. The existing water shortage ordinance does not define these fundamental categories, nor are they defined anywhere else in the City's Municipal Code. Under water rationing, the regulations, restrictions, and water allotments vary by customer classification, so it is important to be able to reference these definitions when staff is explaining how regulations apply to different customers. Home businesses and short-term vacation rentals are just two examples of instances where residential customers were inquiring, appealing, and requesting an exception to be treated as a business account. The proposed language adds clarity around this issue, as well as codifies what constitutes "residency" for the purpose of determining monthly water rationing allotments under Stages 3, 4, and 5 of the Chapter.

2. Changes to Stage 3 Water Shortage Restrictions (16.01.090): Staff is proposing to relax the prohibition against filling outdoor spas based on input received from a local business owner. Besides being unenforceable, that provision matters relatively little so long as the customer stays under their allotment.
3. A new prohibition against irrigating outdoor landscapes during or within two days of measureable rainfall is being added to comply with proposed new statewide emergency water conservation regulations.
4. Exceptions (16.01.120): The proposed ordinance reorganizes and clarifies which exceptions are applicable to different customer categories. No change is proposed to the exception language itself.
5. Appeals (16.01.130): The proposed ordinance formally changes the appeal procedure by deleting all references to an Appeals Board and substituting the use of an independent hearing officer, consistent with the process that was used by the Water Department in 2014, and with the process used by other City departments.
6. Administrative Enforcement (16.01.140): The proposed ordinance adds flexibility to establishing the dollar amount of the excessive water use penalties, as each event may evolve differently and require some adjustment based on water conditions.

Like other changes to the Municipal Code, the proposed ordinance amendments to Chapter 16.01 will need to undergo two readings by the City Council, once to pass it for publication and set the public hearing, and then again for final adoption after the public hearing. The ordinance amendments would take effect 30 days after final adoption.

Attachments:

1. Proposed Chapter 16.01 Amendments/Additions
2. Santa Cruz Municipal Code Chapter 16.01

ORDINANCE NO. 2015-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING SECTIONS 16.01.090, 16.01.120, 16.01.130 AND 16.01.140 OF, AND ADDING SECTION 16.01.055 TO, THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO WATER SHORTAGE REGULATIONS AND RESTRICTIONS

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1: Section 16.01.055 is hereby added to the Santa Cruz Municipal Code to read as follows:

“Section 16.01.055 Water Department Customer Classifications/Allocations. For determining a Water Department customer’s water allocation during a declared water shortage under this chapter and for all other purposes under this title, the following customer classification definitions shall apply based on the customer’s ownership or occupation of the following types of property served by the Water Department.

- (a) 1. Single Family Residential: Individually metered residential dwelling units (regardless of housing type). This classification shall apply whether or not the residential dwelling unit is being put to a use other than, or in addition to, residential use, and whether or not the residential use is permanent or transient in nature including use as a vacation rental unit. A residential dwelling unit is considered an occupant’s permanent residence when, on average, the occupant resides in the unit for at least twenty-one days within each monthly water service period.
- 2. Multiple Family Residential: Any residential account with more than one residential dwelling unit served by one water meter. This classification shall apply whether or not the residential dwelling units are being put to a use other than, or in addition to, residential use and whether or not the residential use is permanent or transient in nature including use a vacation rental unit. A residential dwelling unit is considered an occupant’s permanent residence when, on average, the occupant resides in the unit for at least twenty-one days within each monthly water service period.
- 3. Business: Commercial establishments including restaurants, hotel/motel, retail, medical, schools, offices, churches and mixed-used buildings. This category also includes county and state government accounts.

4. Industry/UCSC: This category is comprised of one primary customer, the University of California, Santa Cruz, and a small number of manufacturing businesses.

5. Municipal: This category is comprised of City-owned and operated facilities such as city offices, parks, police and fire stations, water and wastewater treatment plants, street medians, and parking lots.

6. Irrigation: Dedicated water services for landscape irrigation associated with large multiple residential complexes and homeowners associations, or with commercial, industrial, and institutional sites, including schools, churches, and parks.

7. Golf Irrigation: Accounts serving the two golf courses in the water service area.

8. Coast Irrigation: Agricultural accounts receiving untreated water on the north coast.

9. Miscellaneous: Other uses such as temporary construction accounts, hydrant meters, and bulk water sales.

(b) Residency. For the purpose of determining residential water rationing allotments under water shortage stages 3, 4 or 5 of this chapter, the number of persons in each household shall be determined by calculating the number of that household's permanent residents. A permanent resident is an occupant who resides in the subject residential dwelling unit, on average, for at least twenty-one days within each monthly water service period."

Section 2. Section 16.01.090 of the Santa Cruz Municipal Code is hereby amended to read as follows:

“16.01.090 Stage 3: Water Shortage Emergency.

- (a) The Director is empowered to declare a water shortage emergency and to enforce the water shortage restrictions in this section upon finding that the magnitude of an anticipated water shortage, per the criteria delineated in the city's adopted water shortage contingency plan, will be between fifteen percent and twenty-five percent and a significant consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water supply conditions. In a Stage 3 water shortage, the city will enforce the following water shortage restrictions with the objective of realizing a seasonal water demand reduction of up to six hundred twenty-five million gallons and an average daily water demand reduction of up to three million gallons.

- (b) During Stage 3, it shall be unlawful for any person, firm, partnership, association, corporation, political body (including the city) or other Water Department customer:
1. To water or irrigate lawn, landscape, or other vegetated area between the hours of 10:00 a.m. and 5:00 p.m., except when performed with a bucket or watering can, or by use of a drip irrigation system or similar low volume, nonspray irrigation equipment, or for very short periods of time for the express purpose of allowing landscape contractors to adjust or repair an irrigation system;
 2. To use a hose that is not equipped with a shutoff nozzle;
 3. To use potable water to wash down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking lots, tennis courts, patios, or other paved surfaces, except when it is necessary to alleviate safety or sanitation hazards or to prepare paved surfaces for sealing;
 4. ~~To initially fill or to drain and refill swimming pools; To initially fill or to drain and refill any swimming pools, outdoor spas, wading pools, and ornamental water features;~~
 5. To serve water in a restaurant or other commercial food service establishment except upon the request of a patron;
 6. To operate a hotel, motel or other commercial lodging establishment without offering patrons the option to forego the daily laundering of towels, sheets and linens;
 7. To water or irrigate lawn, landscape, or other vegetated area on days of the week other than the specified day(s) of the week authorized and publicized by the Director, except when performed with a bucket or watering can, or by use of a drip irrigation system or similar low volume, nonspray irrigation equipment, or for very short periods of time for the express purpose of allowing landscape contractors to adjust or repair an irrigation system. Hourly restrictions set forth in subsection (b)(1) continue to apply on authorized watering days. This provision shall not apply to commercial growers/nurseries or to residential vegetable gardens/edible plantings watered with a hose equipped with a shutoff nozzle;
 8. To water or irrigate lawn, landscape, or other vegetated area using an automatic irrigation system for more than ten minutes per watering station per assigned day. This provision shall not apply to automatic irrigation systems exclusively using low output sprinkler equipment, including rotors, stream rotors, or micro-spray systems;

9. To apply potable water to outdoor landscapes during and within 48 hours after measureable rainfall;

10. To wash the exterior of dwellings, buildings or structures (with the exception of window washing and preparation of property for painting or for sale);
11. To irrigate or water landscapes in a manner that conflicts with a customer's landscape irrigation water budget when such a budget is required by the Director per the criteria delineated in the city's adopted water shortage contingency plan;
12. To disobey Water Department direction to large commercial, industrial or irrigation customers using one thousand three hundred thirty-seven or more billing units (one million gallons) per year to conduct water use audits, to prepare water conservation plans and to submit progress reports, or to immediately repair water system leaks, including leaks attributable to faulty pipes or fixtures;
13. To violate residential customer water rationing regulations, including regulations intended to preclude excessive water usage and specifying maximum water usage limitations, issued by the Director in accordance with guidelines set forth in the city's adopted water shortage contingency plan; and/or
14. To disobey Water Department directives issued to commercial customers requiring the prominent placement of "Save Water" signage at specified locations at the customer's premises."

Section 3. Section 16.01.120 of the Santa Cruz Municipal Code is hereby amended to read as follows:

"16.01.120 Exceptions.

- (a) The Director, upon application made in writing by a customer on a form promulgated by the Water Department and accompanied by supporting documentation, shall be authorized to issue an exception from the strict application of any restriction, regulation or prohibition enforced pursuant to this chapter, upon the customer's production of substantial evidence demonstrating the existence of one or more of the following circumstances that are particular to that customer and which are not generally shared by other Water Department customers:

1. Exceptions applicable to all Water Department customers:

- ~~1.~~ A. Failure to approve the requested exception would cause a condition having an adverse effect on the health, sanitation, fire protection, or safety of the customer or members of the public served by the customer;

~~2.—Strict application of the subject restriction, regulation or prohibition would impose a severe or undue hardship on a particular business customer or render it infeasible for a particular business customer or class of business customers to remain in operation;~~

~~3.—B.~~ Alternative restrictions to which the customer is willing to adhere are available that would achieve the same level of demand reduction as the restriction for which an exception is being sought and such alternative restrictions are enforceable by the Water Department;

~~4.—C.~~ Circumstances concerning the customer’s property or business have changed since the implementation of the subject restriction warranting a change in the customer’s water usage allocation;

2. Exceptions applicable only to Water Department non-residential customers. For purposes of this subsection a residential dwelling unit which is used as a vacation rental shall not be classified as a business.

A. Strict application of the subject restriction, regulation or prohibition would impose a severe or undue hardship on a particular business customer or render it infeasible for a particular business customer or class of business customers to remain in operation;

~~5.—B.~~ A hospital or health care facility customer using industry best management practices is eligible for an exception upon demonstrating that the subject restriction, regulation or prohibition is interfering with or preventing it from providing health care service to its customers in accordance with industry hygiene, sanitation and health care standards; or

~~6.—C.~~ A business customer has already implemented environmental sustainability measures that have reduced water consumption to the maximum extent feasible. As used in this subsection the term “environmental sustainability measures” refers to installation of high efficiency plumbing fixtures, devices, equipment, and appliances, recycled water systems, and landscaping consisting exclusively of low-water-using plant materials using drip or similar high efficiency, nonspray irrigation systems, or to buildings that are designed, built, and continuously operated according to Leadership in Energy and Environmental Design (LEED) certification standards.

(b) In order to qualify for an exception, a customer must first complete a self water audit pursuant to standards and procedures promulgated by the Water Department. This audit shall be made part of the customer’s exception application and water conservation measures indicated by the audit may be incorporated as conditions of approval to an exception in addition to any other conditions of approval imposed by the Director in connection with the Director’s approval of the customer’s exception application.”

Section 4. Section 16.01.130 of the Santa Cruz Municipal Code is hereby amended to read as follows:

“16.01.130 Water Shortage Appeals ~~Board~~.

(a) A water shortage appeal ~~board procedure~~ is hereby established ~~which shall apply to convene~~ upon the director’s issuance of any water shortage declaration and the implementation of water shortage restrictions pursuant to Sections 16.01.070 through 16.01.110. Thereafter during the declared water shortage ~~appeal board will remain available to convene for as long as the water shortage remains in effect.~~ an independent hearing officers retained by the City who are not City employees shall be available to hear and rule upon water shortage appeals filed in accordance with this section.

~~(b) Under water shortage Stages 1 and 2, the water shortage appeal board will be comprised of members of the city water commission. Under water shortage Stages 3, 4, and 5, the water shortage appeal board will be appointed by city council and will be comprised of one member of the water commission, one business customer, one landscape industry customer, one residential customer, and two at large members who reside within the city’s water service area.~~

~~(be)~~ Any customer who considers an action taken by the Director or an enforcement official under the provisions of this chapter, including actions on exception applications and the assessment of administrative penalties, to have been erroneously taken or issued may appeal that action or penalty ~~to the water shortage appeal board~~ in the following manner:

1. The appeal shall be made in writing, shall state the nature of the appeal specifying the action or penalty that is being appealed and the basis upon which the action or penalty is alleged to be in error. Penalty appeals shall include a copy of the notice of violation;

2. An appeal, to be effective, must be received by the Director not later than ten business days following the date of the notice of violation or the date that the Director took the action which is the subject of the appeal;

(A) A water service area resident who is not an account customer may notify the Water Department of his or her intention to file a petition to force the resident’s account customer to appeal an excess water use penalty within ten business days following the penalty;

(B) If the Water Department has been given a notice of intention to file a petition per subsection ~~(be)~~(2)(A) by a water service area resident who is not an account customer, the appeal from the account customer must be received within fifteen business days after the account customer has been petitioned by the resident;

3. The Director shall schedule the appeal for consideration by the ~~water shortage appeal board at a water shortage appeal board meeting independent hearing officer~~. The ~~water shortage appeal board independent hearing officer~~ shall hear the appeal within ninety days of the date of the appeal and issue his or her its decision within thirty days of the date of the hearing;
4. The decision of the ~~water shortage appeal board independent hearing officer~~ shall be final. In ruling on appeals, the ~~water shortage appeal board independent hearing officer~~ shall strictly apply the provisions of this chapter, and shall not impose or grant terms and conditions not authorized by this chapter.

~~(d) —The chair of the water shortage appeal board shall have the discretion to divide the board into two three member hearing panels. Each hearing panel shall have the same authority to hear and rule upon appeals as the entire water shortage appeal board. A hearing panel shall have no more than one at large appointee as a member. The decision of any hearing panel shall be final.”~~

Section 5. Section 16.01.140 of the Santa Cruz Municipal Code is hereby amended to read as follows:

“16.01.140 Administrative Enforcement.

- (a) Any person, firm, partnership, association, corporation, political entity or other Water Department customer violating any provision of this chapter may be assessed an administrative penalty.
- (b) Each and every day a violation of this chapter exists constitutes a separate and distinct offense for which an administrative penalty may be assessed.
- (c) Penalties. The purpose of the administrative penalties assessed pursuant to this section is to assure future chapter compliance by the cited customer through the imposition of increasingly significant penalties so as to create a meaningful disincentive to commit future chapter violations. In acknowledgment of the fact that the city’s water is a scarce and irreplaceable commodity and that this chapter is intended to equitably distribute that commodity among Water Department customers and to assure that, to the extent feasible, city water is conserved and used only for purposes deemed necessary for public health and safety, the penalty schedule herein prescribed is not to be construed as creating a “water pricing” structure pursuant to which customers may elect to pay for additional water at significantly higher rates. To this end, a customer’s repeated violation of this chapter shall result in either the installation of a flow restriction device or disconnection of the customer’s property from the city’s water service system at the customer’s cost.

- (d) Administrative penalties for failure to comply with water waste prohibitions requirements in Section 16.01.060 or mandatory water use restrictions and regulations commencing with Stage 1 in Section 16.01.070 are as follows:
1. First Offense. Written notice of violation and opportunity to correct violation.
 2. Second Offense. A second violation within the preceding twelve calendar months is punishable by a fine not to exceed one hundred dollars.
 3. Third Offense. A third violation within the preceding twelve calendar months is punishable by a fine not to exceed two hundred fifty dollars.
 4. Fourth Offense. A fourth violation within the preceding twelve calendar months is punishable by a fine not to exceed five hundred dollars. In addition to any fines, the Director may order a water flow restrictor device be installed.
 5. Large Customers. Administrative penalties for customers that use an average of one thousand three hundred thirty-seven billing units (one million gallons) or more per calendar year shall be triple the amounts listed above.
 6. Discontinuing Service. In addition to any fines and the installation of a water flow restrictor, the Director may disconnect a customer's water service for willful violations of mandatory restrictions and regulations in this chapter. Upon disconnection of water service, a written notice shall be served upon the customer which shall state the time, place, and general description of the prohibited or restricted activity and the method by which reconnection can be made.
- (e) Excessive Water Use Penalties. An excessive use penalty shall be assessed where the customer, during any given billing cycle, uses more than the customer's water allotment per the Director's water rationing regulations issued pursuant to this chapter commencing with Stage 3 in Section 16.01.090. Excess use penalties shall be in addition to ordinary water consumption charges, as follows:
1. One percent to ten percent over customer rationing allotment: not to exceed twenty-five dollars/CCF.
 2. More than ten percent over customer rationing allotment: not to exceed fifty dollars/CCF.
 3. In addition to any excess use penalties, the Director may order a water flow restrictor device be installed and/or may disconnect a customer's water service for willful violations of the water rationing regulations in this chapter. Upon disconnection of water service, a written notice shall be served upon the customer which shall state the time, place, and general description of the

prohibited or restricted activity and the method by which reconnection can be made.

- (f) Cost of Flow Restrictor and Disconnecting Service. A person or entity that violates this chapter is responsible for payment of charges for installing and/or removing any flow-restricting device and for disconnecting and/or reconnecting service in accordance with the city’s miscellaneous water service fee resolution then in effect. The charge for installing and/or removing any flow restricting device must be paid before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.
- (g) Notice and Hearing. The Director will issue a notice of violation by mail or personal delivery at least ten business days before taking any enforcement action described in subsection (d). Such notice must describe the violation and the date by which corrective action must be taken. A customer may appeal the notice of violation by filing a written notice of appeal with the city no later than the close of the business day before the date scheduled for enforcement action, accompanied by a twenty-five dollar appeal fee. 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 city will mail written notice of the hearing date to the customer at least ten days before the date of the hearing. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the Director may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violation and the current declared water shortage condition.”

Section 6. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this ____th day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____

Mayor

ATTEST: _____

City Clerk Administrator

PASSED FOR FINAL ADOPTION this _____ day of _____, 2015
by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____

Mayor

ATTEST: _____

City Clerk Administrator

This is to certify that the above
and foregoing document is the
original of Ordinance No. 2014-_____
and that it has been published or
posted in accordance with the
Charter of the City of Santa Cruz.

City Clerk Administrator

Chapter 16.01 WATER SHORTAGE REGULATIONS AND RESTRICTIONS

Sections:

- [16.01.010](#) Findings.
- [16.01.020](#) Declaration of water shortage.
- [16.01.030](#) Application of regulations.
- [16.01.040](#) Precedence of regulations.
- [16.01.050](#) Definitions.
- [16.01.060](#) Water waste prohibitions.
- [16.01.070](#) Stage 1: Water shortage alert.
- [16.01.080](#) Stage 2: Water shortage warning.
- [16.01.090](#) Stage 3: Water shortage emergency.
- [16.01.100](#) Stage 4: Severe water shortage emergency.
- [16.01.110](#) Stage 5: Critical water shortage emergency.
- [16.01.120](#) Exceptions.
- [16.01.130](#) Water shortage appeal board.
- [16.01.140](#) Administrative enforcement.
- [16.01.150](#) Additional enforcement authority.
- [16.01.160](#) Severability.

16.01.010 FINDINGS.

Whereas, the city of Santa Cruz water system draws almost exclusively on local surface water sources, whose yield varies from year to year depending on the amount of rainfall received and runoff generated during the winter season; and

Whereas, the city water system is susceptible to water shortages in dry and critically dry years or in periods of prolonged regional drought when water conditions characterized by low surface flows in the north coast streams and San Lorenzo River sources, depleted storage in Newell Creek Reservoir, or both, reduce the available supply to a level that cannot support seasonal water demand; and

Whereas, on March 10, 2009, the city council of the city of Santa Cruz adopted an updated water shortage contingency plan that describes how the city will respond to future water shortages and lists the various actions the city would take to reduce water demand under different water shortage scenarios ranging from five percent or less up to and including a fifty percent seasonal water supply deficiency; and

Whereas California Water Code Sections [350](#) et seq. authorize water suppliers, after holding a properly noticed public hearing and after making certain findings, to declare a water shortage (emergency) and to adopt such regulations and restrictions to conserve the water supply for the greatest public benefit with particular regard for domestic use, sanitation, and fire protection; and

Whereas, the voluntary and mandatory water conservation measures and progressive restrictions on water use and method of use set forth herein provide an effective and immediately available means of conserving water which is essential during periods of water shortage to ensure a reliable and

sustainable minimum supply of water for the public health, safety, and welfare and to preserve valuable limited reservoir storage, avoid depleting water storage to an unacceptably low level, and thereby lessen the possibility of experiencing more critical shortages if dry conditions continue or worsen; and

Whereas, the usage allotments hereinafter established will equitably spread the burden of restricted and prohibited usage in a manner prescribed by the city's water shortage contingency plan over all city water department customers and other consumers of city water; and

Whereas, the purposes of this chapter are to conserve the water supply of the city of Santa Cruz for the greatest public benefit, to mitigate the effects of a water supply shortage on public health and safety and economic activity, and to budget water use so that a reliable and sustainable minimum supply of water will be available for the most essential purposes for the entire duration of the water shortage.

(Ord. 2010-12 § 2 (part), 2010).

16.01.020 DECLARATION OF WATER SHORTAGE.

The provisions of this chapter shall take effect whenever the director, upon engineering analysis of city water supplies, finds and determines that a water shortage exists or is imminent within the city of Santa Cruz water service area and a declaration of a water shortage is made by a resolution of the city council, and they shall remain in effect for the duration of the water shortage set forth in the resolution.

(Ord. 2010-12 § 2 (part), 2010).

16.01.030 APPLICATION OF REGULATIONS.

The provisions of this chapter shall apply to all persons using or consuming water both inside and outside the city and within the city water service area, and regardless of whether any person using water shall have a contract for water service with the city.

(Ord. 2010-12 § 2 (part), 2010).

16.01.040 PRECEDENCE OF REGULATIONS.

Where other provisions of the municipal code, whether enacted prior or subsequent to this chapter, are inconsistent with the provisions of this chapter, the provisions of this chapter shall supersede and control for the duration of the water shortage set forth in the resolution of the city council.

(Ord. 2010-12 § 2 (part), 2010).

16.01.050 DEFINITIONS.

- (a) "Director" refers to the director of the city of Santa Cruz water department.
- (b) "Water" refers to water produced and served by the city of Santa Cruz water department.
- (c) "City" refers to the city of Santa Cruz.

- (d) "Water department" refers to the city of Santa Cruz water department.
- (e) "Seasonal water demand" refers to the demand, measured in gallons, placed by customers on the city water supply between April 1st and October 31st each calendar year.
- (f) Issue/Declare. Whenever this chapter references the director's issuance or declaration of an alert, warning, emergency, or regulation, said alert, warning, emergency or regulation shall be put into effect by the placement of a legal advertisement in a newspaper of general circulation, by a posting on the city's Internet website and by a posting in the following public places: Santa Cruz City Hall, 809 Center Street, Santa Cruz; Santa Cruz Water Department Office, 212 Locust Street, Santa Cruz; Capitola City Hall, 420 Capitola Avenue, Capitola; and the Santa Cruz County Governmental Center, 701 Ocean Street, Santa Cruz. Any such alert, warning, emergency or regulation shall take effect upon the date of its publication in the Santa Cruz Sentinel.
- (g) "Customer" shall refer to any account customer of the city of Santa Cruz water department as well as to any consumer of city water who may not be a city of Santa Cruz water department account customer.
- (h) "Dry year" refers to the type of water year under the city's water year classification system, which begins October 1st and ends September 30th, in which the total annual discharge of the San Lorenzo River at Felton measures between twenty-nine thousand and forty-nine thousand acre-feet.
- (i) "Critically dry year" refers to the type of water year under the city's water year classification system, which begins October 1st and ends September 30th, in which the total annual discharge of the San Lorenzo River at Felton measures less than twenty-nine thousand acre-feet.

(Ord. 2010-12 § 2 (part), 2010).

16.01.060 WATER WASTE PROHIBITIONS.

It shall be unlawful during any water shortage stage for any person, firm, partnership, association, corporation, political entity (including the city) or any other water department customer to use water for any of the following:

- (a) Fire Hydrants. Use of water from any fire hydrant unless specifically authorized by permit from the city, except by regularly constituted fire protection agencies for fire suppression purposes, or for other authorized uses, including distribution system flushing, fire flow testing, and filling of approved vehicles for sewer system flushing, storm drain maintenance, and street sweeping purposes.
- (b) Watering/Irrigation. The watering of grass, lawn, groundcover, shrubbery, open ground, crops and trees, including agricultural irrigation, in a manner or to an extent that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, gutter or ditch.
- (c) Plumbing Leaks. The escape of water through leaks, breaks, or other malfunctions within the water user's plumbing or distribution system for any period of time after such break or leak should have reasonably been discovered and corrected. It shall be presumed that a period of twenty-four hours after the water user discovers such break, leak or malfunction, or receives notice from the city

of such condition, whichever occurs first, is a reasonable time within which to correct such condition or to make arrangements for correction.

(d) **Washing of Exterior Surfaces.** The washing of sidewalks, walkways, driveways, parking lots, patios, or other exterior surfaces unless the hose is equipped with an automatic shutoff nozzle.

(e) **Cleaning of Structures and Vehicles.** The cleaning of building exteriors, mobile homes, cars, boats, and recreational vehicles unless the hose is equipped with an automatic shutoff nozzle.

(f) **Fountains and Decorative Water Features.** The operation of a water fountain or other decorative water feature that does not use re-circulated water.

(g) **Commercial Car Washes.** The washing of vehicles at a commercial car wash unless the facility utilizes water recycling equipment, or operates on a timer for a limited time period and shuts off automatically at the expiration of the time period.

(h) **Construction.** The use of potable water for dust control or soil compaction purposes in construction activities where there is a reasonably available source of reclaimed water appropriate for such use.

(i) The indiscriminate running of water or washing with water, not otherwise prohibited in this section which is wasteful and without reasonable purpose.

(Ord. 2010-12 § 2 (part), 2010).

16.01.070 STAGE 1: WATER SHORTAGE ALERT.

(a) The director is empowered to issue a water shortage alert and to enforce the water shortage restrictions in this section upon finding that the magnitude of an anticipated water shortage, per the criteria delineated in the city's adopted water shortage contingency plan, will be five percent and a minimal consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water supply conditions. In a Stage 1 water shortage, the city will enforce the following water shortage restrictions with the objective of realizing a seasonal water demand reduction of one hundred twenty-five million gallons or an average daily water demand reduction of six hundred thousand gallons.

(b) During Stage 1, it shall be unlawful for any person, firm, partnership, association, corporation, political entity (including the city) or any other water department customer:

1. To water or irrigate lawn, landscape, or other vegetated area between the hours of 10:00 a.m. and 5:00 p.m., except when performed with a bucket or watering can, or by use of a drip irrigation system or similar low volume, nonspray irrigation equipment, or for very short periods of time for the express purpose of allowing landscape contractors to adjust or repair an irrigation system;
2. To use a hose that is not equipped with a shutoff nozzle;
3. To use potable water to wash down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking lots, tennis courts, patios, or other paved surfaces,

except when it is necessary to alleviate safety or sanitation hazards or to prepare paved surfaces for sealing;

4. To initially fill or to drain and refill residential swimming pools;
5. To serve water in a restaurant or other commercial food service establishment except upon the request of a patron; and/or
6. To operate a hotel, motel or other commercial lodging establishment without offering patrons the option to forego the daily laundering of towels, sheets and linens.

(Ord. 2010-12 § 2 (part), 2010).

16.01.080 STAGE 2: WATER SHORTAGE WARNING.

(a) The director is empowered to issue a water shortage warning and to enforce the water shortage restrictions in this section upon finding that the magnitude of an anticipated water shortage, per the criteria delineated in the city's adopted water shortage contingency plan, will be between five percent and fifteen percent and a moderate consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water supply conditions. In a Stage 2 water shortage, the city will enforce the following water shortage restrictions with the objective of realizing a seasonal water demand reduction of up to three hundred seventy-five million gallons and an average daily water demand reduction of up to one million eight hundred thousand gallons.

(b) During Stage 2, it shall be unlawful for any person, firm, partnership, association, corporation, political body (including the city) or other water department customer:

1. To water or irrigate lawn, landscape, or other vegetated area between the hours of 10:00 a.m. and 5:00 p.m., except when performed with a bucket or watering can, or by use of a drip irrigation system or similar low volume, nonspray irrigation equipment, or for very short periods of time for the express purpose of allowing landscape contractors to adjust or repair an irrigation system;
2. To use a hose that is not equipped with a shutoff nozzle;
3. To use potable water to wash down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking lots, tennis courts, patios, or other paved surfaces, except when it is necessary to alleviate safety or sanitation hazards or to prepare paved surfaces for sealing;
4. To initially fill or to drain and refill residential swimming pools;
5. To serve water in a restaurant or other commercial food service establishment except upon the request of a patron;
6. To operate a hotel, motel or other commercial lodging establishment without offering patrons the option to forego the daily laundering of towels, sheets and linens;
7. To water or irrigate lawn, landscape, or other vegetated area on days of the week other than the two days of the week authorized and publicized by the director, except when performed with

a bucket or watering can, or by use of a drip irrigation system or similar low volume, nonspray irrigation equipment, or for very short periods of time for the express purpose of allowing landscape contractors to adjust or repair an irrigation system. Hourly restrictions set forth in subsection (b)(1) continue to apply on authorized watering days. This provision shall not apply to commercial growers/nurseries or to residential vegetable gardens/edible plantings watered with a hose equipped with a shutoff nozzle;

8. To water or irrigate lawn, landscape, or other vegetated area using an automatic irrigation system for more than fifteen minutes per watering station per assigned day. This provision shall not apply to automatic irrigation systems exclusively using low output sprinkler equipment, including rotors, stream rotors, or micro-spray systems;

9. To wash the exterior of dwellings, buildings or structures (with the exception of window washing and preparation of property for painting or for sale);

10. To irrigate or water landscapes in a manner that conflicts with a customer's landscape irrigation water budget when such a budget is required by the director per the criteria delineated in the city's adopted water shortage contingency plan; and/or

11. To disobey water department direction to large commercial, industrial or irrigation customers using one thousand three hundred thirty-seven or more billing units (one million gallons) per year to conduct water use audits, to prepare water conservation plans and to submit progress reports, or to immediately repair water system leaks, including leaks attributable to faulty pipes or fixtures.

(Ord. 2010-12 § 2 (part), 2010).

16.01.090 STAGE 3: WATER SHORTAGE EMERGENCY.

(a) The director is empowered to declare a water shortage emergency and to enforce the water shortage restrictions in this section upon finding that the magnitude of an anticipated water shortage, per the criteria delineated in the city's adopted water shortage contingency plan, will be between fifteen percent and twenty-five percent and a significant consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water supply conditions. In a Stage 3 water shortage, the city will enforce the following water shortage restrictions with the objective of realizing a seasonal water demand reduction of up to six hundred twenty-five million gallons and an average daily water demand reduction of up to three million gallons.

(b) During Stage 3, it shall be unlawful for any person, firm, partnership, association, corporation, political body (including the city) or other water department customer:

1. To water or irrigate lawn, landscape, or other vegetated area between the hours of 10:00 a.m. and 5:00 p.m., except when performed with a bucket or watering can, or by use of a drip irrigation system or similar low volume, nonspray irrigation equipment, or for very short periods of time for the express purpose of allowing landscape contractors to adjust or repair an irrigation system;

2. To use a hose that is not equipped with a shutoff nozzle;

3. To use potable water to wash down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking lots, tennis courts, patios, or other paved surfaces, except when it is necessary to alleviate safety or sanitation hazards or to prepare paved surfaces for sealing;
4. To initially fill or to drain and refill any swimming pools, outdoor spas, wading pools, and ornamental water features;
5. To serve water in a restaurant or other commercial food service establishment except upon the request of a patron;
6. To operate a hotel, motel or other commercial lodging establishment without offering patrons the option to forego the daily laundering of towels, sheets and linens;
7. To water or irrigate lawn, landscape, or other vegetated area on days of the week other than the specified day(s) of the week authorized and publicized by the director, except when performed with a bucket or watering can, or by use of a drip irrigation system or similar low volume, nonspray irrigation equipment, or for very short periods of time for the express purpose of allowing landscape contractors to adjust or repair an irrigation system. Hourly restrictions set forth in subsection (b)(1) continue to apply on authorized watering days. This provision shall not apply to commercial growers/nurseries or to residential vegetable gardens/edible plantings watered with a hose equipped with a shutoff nozzle;
8. To water or irrigate lawn, landscape, or other vegetated area using an automatic irrigation system for more than ten minutes per watering station per assigned day. This provision shall not apply to automatic irrigation systems exclusively using low output sprinkler equipment, including rotors, stream rotors, or micro-spray systems;
9. To wash the exterior of dwellings, buildings or structures (with the exception of window washing and preparation of property for painting or for sale);
10. To irrigate or water landscapes in a manner that conflicts with a customer's landscape irrigation water budget when such a budget is required by the director per the criteria delineated in the city's adopted water shortage contingency plan;
11. To disobey water department direction to large commercial, industrial or irrigation customers using one thousand three hundred thirty-seven or more billing units (one million gallons) per year to conduct water use audits, to prepare water conservation plans and to submit progress reports, or to immediately repair water system leaks, including leaks attributable to faulty pipes or fixtures;
12. To violate residential customer water rationing regulations, including regulations intended to preclude excessive water usage and specifying maximum water usage limitations, issued by the director in accordance with guidelines set forth in the city's adopted water shortage contingency plan; and/or
13. To disobey water department directives issued to commercial customers requiring the prominent placement of "Save Water" signage at specified locations at the customer's premises.

(Ord. 2010-12 § 2 (part), 2010).

16.01.100 STAGE 4: SEVERE WATER SHORTAGE EMERGENCY.

(a) The director is empowered to declare a severe water shortage emergency and to enforce the water shortage restrictions in this section upon finding that the magnitude of an anticipated water shortage, per the criteria delineated in the city's adopted water shortage contingency plan, will be between twenty-five percent and thirty-five percent and an extraordinary consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water supply conditions. In a Stage 4 water shortage, the city will enforce the following water shortage restrictions with the objective of realizing a seasonal water demand reduction of up to eight hundred seventy-five million gallons and an average daily water demand reduction of up to four million two hundred thousand gallons.

(b) During Stage 4, it shall be unlawful for any person, firm, partnership, association, corporation, political body (including the city) or other water department customer:

1. To water or irrigate landscape or other vegetated area between the hours of 10:00 a.m. and 5:00 p.m., except when performed with a bucket or watering can, or by use of a drip irrigation system or similar low volume, nonspray irrigation equipment, or for very short periods of time for the express purpose of allowing landscape contractors to adjust or repair an irrigation system;
2. To use a hose that is not equipped with a shutoff nozzle;
3. To use potable water to wash down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking lots, tennis courts, patios, or other paved surfaces, except when it is necessary to alleviate safety or sanitation hazards or to prepare paved surfaces for sealing;
4. To fill or to top off any swimming pools, outdoor spas, wading pools, and ornamental water features;
5. To serve water in a restaurant or other commercial food service establishment except upon the request of a patron;
6. To operate a hotel, motel or other commercial lodging establishment without offering patrons the option to forego the daily laundering of towels, sheets and linens;
7. To water or irrigate landscape or other vegetated area on days of the week other than the specified day(s) of the week authorized and publicized by the director, except when performed with a bucket or watering can, or by use of a drip irrigation system or similar low volume, nonspray irrigation equipment, or for very short periods of time for the express purpose of allowing landscape contractors to adjust or repair an irrigation system. Hourly restrictions set forth in subsection (b)(1) continue to apply on authorized watering days. This provision shall not apply to commercial growers/nurseries or to residential vegetable gardens/edible plantings watered with a hose equipped with a shutoff nozzle;

8. To water landscapes using automatic irrigation systems for more than ten minutes per watering station per assigned day. This provision does not apply to automatic irrigation systems using water-efficient devices, including but not limited to weather-based controllers, drip/micro-irrigation systems and stream rotor sprinklers;
9. To wash the exterior of dwellings, buildings or structures (with the exception of window washing and preparation of property for painting or for sale);
10. To irrigate or water landscapes in a manner that conflicts with a customer's landscape irrigation water budget when such a budget is required by the director per the criteria delineated in the city's adopted water shortage contingency plan;
11. To disobey water department direction to large commercial, industrial or irrigation customers using one thousand three hundred thirty-seven or more billing units (one million gallons) per year to conduct water use audits, to prepare water conservation plans and to submit progress reports, or to immediately repair water system leaks, including leaks attributable to faulty pipes or fixtures;
12. To violate residential customer water rationing regulations, including regulations intended to preclude excessive water usage and specifying maximum water usage limitations, issued by the director in accordance with guidelines set forth in the city's adopted water shortage contingency plan;
13. To disobey water department directives issued to commercial customers requiring the prominent placement of "Save Water" signage at specified locations at the customer's premises;
14. To violate commercial customer water rationing regulations, including regulations intended to preclude excessive water usage and specifying maximum water usage limitations, issued by the director in accordance with guidelines set forth in the city's adopted water shortage contingency plan;
15. To disobey a water department order to customers identified as "dedicated irrigation accounts" directing those customers to further limit their landscape irrigation and watering activity so as to preserve only the customers' most valuable trees and plants;
16. To water lawns or turf, unless such watering is authorized by the director in accordance with a landscape irrigation water budget and is consistent with the guidelines set forth in the city's adopted water shortage contingency plan;
17. To install new landscaping which requires any irrigation or watering;
18. To wash or clean vehicles, including but not limited to automobiles, trucks, vans, buses, motorcycles, boats, or trailers, including the washing of fleet vehicles and the washing of vehicles on dealer lots. This restriction will not apply to commercial car wash businesses which use recycled water; and/or
19. To exercise any rights conferred by hydrant and bulk water permits that were issued prior to the severe water shortage emergency declaration absent special permission granted by the

director. Said special permission may be granted only for projects necessary to protect the public health, safety and welfare where no alternative to potable water exists and for emergency response purposes.

(Ord. 2010-12 § 2 (part), 2010).

16.01.110 STAGE 5: CRITICAL WATER SHORTAGE EMERGENCY.

(a) The director is empowered to declare a critical water shortage emergency and to enforce the water shortage restrictions in this section upon finding that the magnitude of an anticipated water shortage, per the criteria delineated in the city's adopted water shortage contingency plan, shall be between thirty-five percent and fifty percent and an extreme consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water supply conditions. In a Stage 5 water shortage, the city will enforce the following water shortage restrictions with the objective of realizing a seasonal water demand reduction of up to one billion two hundred fifty million gallons and an average daily water demand reduction of up to six million gallons.

(b) During Stage 5, it is unlawful for any person, firm, partnership, association, corporation, political body (including the city) or other water department customer:

1. To water or irrigate any outdoor landscaping, unless such watering is authorized by the director and is consistent with the guidelines set forth in the city's adopted water shortage contingency plan;
2. To use a hose that is not equipped with a shutoff nozzle;
3. To use water for any outdoor washing purpose including commercial car washing, window washing, and paint preparation;
4. To fill or to top off any swimming pools, outdoor spas, wading pools, and ornamental water features;
5. To serve water in a restaurant or other commercial food service establishment except upon the request of a patron;
6. To operate a hotel, motel or other commercial lodging establishment without offering patrons the option to forego the daily laundering of towels, sheets and linens;
7. To use water for recreational purposes;
8. To operate public swimming pools;
9. To operate public showers;
10. To disobey water department direction to large commercial, industrial or irrigation customers using one thousand three hundred thirty-seven or more billing units (one million gallons) per year to conduct water use audits, to prepare water conservation plans and to submit progress reports, or to immediately repair water system leaks, including leaks attributable to faulty pipes or fixtures;

11. To violate residential customer water rationing regulations, including regulations intended to preclude excessive water usage and specifying maximum water usage limitations, issued by the director in accordance with guidelines set forth in the city's adopted water shortage contingency plan;
12. To violate commercial customer water rationing regulations, including regulations intended to preclude excessive water usage and specifying maximum water usage limitations, issued by the director in accordance with guidelines set forth in the city's December 2008 water shortage contingency plan;
13. To disobey water department directives issued to commercial customers requiring the prominent placement of "Save Water" signage at specified locations at the customer's premises;
14. To install new landscaping which requires any irrigation or watering; and/or
15. To exercise any rights conferred by hydrant and bulk water permits that were issued prior to the critical water shortage emergency declaration absent special permission granted by the director. Said special permission may be granted only for projects necessary to protect the public health, safety and welfare where no alternative to potable water exists and for emergency response purposes.

(Ord. 2010-12 § 2 (part), 2010).

16.01.120 EXCEPTIONS.

(a) The director, upon application made in writing by a customer on a form promulgated by the water department and accompanied by supporting documentation, shall be authorized to issue an exception from the strict application of any restriction, regulation or prohibition enforced pursuant to this chapter, upon the customer's production of substantial evidence demonstrating the existence of one or more of the following circumstances that are particular to that customer and which are not generally shared by other water department customers:

1. Failure to approve the requested exception would cause a condition having an adverse effect on the health, sanitation, fire protection, or safety of the customer or members of the public served by the customer;
2. Strict application of the subject restriction, regulation or prohibition would impose a severe or undue hardship on a particular business customer or render it infeasible for a particular business customer or class of business customers to remain in operation;
3. Alternative restrictions to which the customer is willing to adhere are available that would achieve the same level of demand reduction as the restriction for which an exception is being sought and such alternative restrictions are enforceable by the water department;
4. Circumstances concerning the customer's property or business have changed since the implementation of the subject restriction warranting a change in the customer's water usage allocation;

5. A hospital or health care facility customer using industry best management practices is eligible for an exception upon demonstrating that the subject restriction, regulation or prohibition is interfering with or preventing it from providing health care service to its customers in accordance with industry hygiene, sanitation and health care standards; or

6. A business customer has already implemented environmental sustainability measures that have reduced water consumption to the maximum extent feasible. As used in this subsection the term “environmental sustainability measures” refers to installation of high efficiency plumbing fixtures, devices, equipment, and appliances, recycled water systems, and landscaping consisting exclusively of low-water-using plant materials using drip or similar high efficiency, nonspray irrigation systems, or to buildings that are designed, built, and continuously operated according to Leadership in Energy and Environmental Design (LEED) certification standards.

(b) In order to qualify for an exception, a customer must first complete a self water audit pursuant to standards and procedures promulgated by the water department. This audit shall be made part of the customer’s exception application and water conservation measures indicated by the audit may be incorporated as conditions of approval to an exception in addition to any other conditions of approval imposed by the director in connection with the director’s approval of the customer’s exception application.

(Ord. 2010-12 § 2 (part), 2010).

16.01.130 WATER SHORTAGE APPEAL BOARD.

(a) A water shortage appeal board is hereby established and shall be eligible to convene upon the director’s issuance of any water shortage declaration and the implementation of water shortage restrictions pursuant to Sections [16.01.070](#) through [16.01.110](#). Thereafter the water shortage appeal board will remain available to convene for as long as the water shortage remains in effect.

(b) Under water shortage Stages 1 and 2, the water shortage appeal board will be comprised of members of the city water commission. Under water shortage Stages 3, 4, and 5, the water shortage appeal board will be appointed by city council and will be comprised of one member of the water commission, one business customer, one landscape industry customer, one residential customer, and two at large members who reside within the city’s water service area.

(c) Any customer who considers an action taken by the director or an enforcement official under the provisions of this chapter, including actions on exception applications and the assessment of administrative penalties, to have been erroneously taken or issued may appeal that action or penalty to the water shortage appeal board in the following manner:

1. The appeal shall be made in writing, shall state the nature of the appeal specifying the action or penalty that is being appealed and the basis upon which the action or penalty is alleged to be in error. Penalty appeals shall include a copy of the notice of violation;

2. An appeal, to be effective, must be received by the director not later than ten business days following the date of the notice of violation or the date that the director took the action which is the subject of the appeal;

(A) A water service resident who is not an account customer may notify the water department of his or her intention to file a petition to force the resident's account customer to appeal an excess water use penalty within ten business days following the penalty;

(B) If the water department has been given a notice of intention to file a petition per subsection (c)(2)(A) by a water service area resident who is not an account customer, the appeal from the account customer must be received within fifteen business days after the account customer has been petitioned by the resident;

3. The director shall schedule the appeal for consideration by the water shortage appeal board at a water shortage appeal board meeting. The water shortage appeal board shall hear the appeal within ninety days of the date of the appeal and issue its decision within thirty days of the date of the hearing;

4. The decision of the water shortage appeal board shall be final. In ruling on appeals, the water shortage appeal board shall strictly apply the provisions of this chapter, and shall not impose or grant terms and conditions not authorized by this chapter.

(d) The chair of the water shortage appeal board shall have the discretion to divide the board into two three-member hearing panels. Each hearing panel shall have the same authority to hear and rule upon appeals as the entire water shortage appeal board. A hearing panel shall have no more than one at large appointee as a member. The decision of any hearing panel shall be final.

(Ord. 2010-12 § 2 (part), 2010).

16.01.140 ADMINISTRATIVE ENFORCEMENT.

(a) Any person, firm, partnership, association, corporation, political entity or other water department customer violating any provision of this chapter may be assessed an administrative penalty.

(b) Each and every day a violation of this chapter exists constitutes a separate and distinct offense for which an administrative penalty may be assessed.

(c) Penalties. The purpose of the administrative penalties assessed pursuant to this section is to assure future chapter compliance by the cited customer through the imposition of increasingly significant penalties so as to create a meaningful disincentive to commit future chapter violations. In acknowledgment of the fact that the city's water is a scarce and irreplaceable commodity and that this chapter is intended to equitably distribute that commodity among water department customers and to assure that, to the extent feasible, city water is conserved and used only for purposes deemed necessary for public health and safety, the penalty schedule herein prescribed is not to be construed as creating a "water pricing" structure pursuant to which customers may elect to pay for additional water at significantly higher rates. To this end, a customer's repeated violation of this chapter shall result in either the installation of a flow restriction device or disconnection of the customer's property from the city's water service system at the customer's cost.

(d) Administrative penalties for failure to comply with water waste prohibitions requirements in Section [16.01.060](#) or mandatory water use restrictions and regulations commencing with Stage 1 in Section [16.01.070](#) are as follows:

1. First Offense. Written notice of violation and opportunity to correct violation.
2. Second Offense. A second violation within the preceding twelve calendar months is punishable by a fine not to exceed one hundred dollars.
3. Third Offense. A third violation within the preceding twelve calendar months is punishable by a fine not to exceed two hundred fifty dollars.
4. Fourth Offense. A fourth violation within the preceding twelve calendar months is punishable by a fine not to exceed five hundred dollars. In addition to any fines, the director may order a water flow restrictor device be installed.
5. Large Customers. Administrative penalties for customers that use an average of one thousand three hundred thirty-seven billing units (one million gallons) or more per calendar year shall be triple the amounts listed above.
6. Discontinuing Service. In addition to any fines and the installation of a water flow restrictor, the director may disconnect a customer's water service for willful violations of mandatory restrictions and regulations in this chapter. Upon disconnection of water service, a written notice shall be served upon the customer which shall state the time, place, and general description of the prohibited or restricted activity and the method by which reconnection can be made.

(e) Excessive Water Use Penalties. An excessive use penalty shall be assessed where the customer, during any given billing cycle, uses more than the customer's water allotment per the director's water rationing regulations issued pursuant to this chapter commencing with Stage 3 in Section [16.01.090](#). Excess use penalties shall be in addition to ordinary water consumption charges, as follows:

1. One percent to ten percent over customer rationing allotment: twenty-five dollars/CCF.
2. More than ten percent over customer rationing allotment: fifty dollars/CCF.
3. In addition to any excess use penalties, the director may order a water flow restrictor device be installed and/or may disconnect a customer's water service for willful violations of the water rationing regulations in this chapter. Upon disconnection of water service, a written notice shall be served upon the customer which shall state the time, place, and general description of the prohibited or restricted activity and the method by which reconnection can be made.

(f) Cost of Flow Restrictor and Disconnecting Service. A person or entity that violates this chapter is responsible for payment of charges for installing and/or removing any flow-restricting device and for disconnecting and/or reconnecting service in accordance with the city's miscellaneous water service fee resolution then in effect. The charge for installing and/or removing any flow restricting device must be paid before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.

(g) Notice and Hearing. The director will issue a notice of violation by mail or personal delivery at least ten business days before taking any enforcement action described in subsection (d). Such notice must describe the violation and the date by which corrective action must be taken. A customer

may appeal the notice of violation by filing a written notice of appeal with the city no later than the close of the business day before the date scheduled for enforcement action, accompanied by a twenty-five dollar appeal fee. 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 city will mail written notice of the hearing date to the customer at least ten days before the date of the hearing. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the director may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violation and the current declared water shortage condition.

(Ord. 2010-12 § 2 (part), 2010).

16.01.150 ADDITIONAL ENFORCEMENT AUTHORITY.

In addition to the remedies referenced above, the director is empowered to pursue any additional remedies necessary, including criminal, civil and administrative remedies listed in Title 4 of the Santa Cruz Municipal Code, to correct a violation of this chapter.

(Ord. 2010-12 § 2 (part), 2010).

16.01.160 SEVERABILITY.

If any portion of this chapter is held to be unconstitutional, it is the intent of the city council that such portion of the chapter be severable from the remainder and that the remainder be given full force and effect.

(Ord. 2010-12 § 2 (part), 2010).

The Santa Cruz Municipal Code is current through Ordinance 2015-03, passed February 10, 2015.

Disclaimer: The City Clerk's Office has the official version of the Santa Cruz Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.
