RESOLUTION NO. 15-036

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING WATER USE REGULATIONS AND DEVELOPMENT RESTRICTIONS TO BE EFFECTIVE DURING A STAGE THREE DROUGHT EMERGENCY

WHEREAS, the City of Santa Barbara, along with the rest of the State of California, has experienced the driest four-year period on record and such conditions have resulted in the depletion of surface water resources that are the City's primary water supply;

WHEREAS, the City's 2010 Urban Water Management Plan sets forth the City's Water Shortage Contingency Plan;

WHEREAS, pursuant to the Water Shortage Contingency Plan, a Stage One Drought Condition was declared by Resolution No. 14-009 on February 11, 2014, and a Stage Two Drought Condition was declared by Resolution No. 14-027 on May 20, 2014;

WHEREAS, since the 2014 declarations, there has been a continuing lack of rainfall sufficient to make a substantial improvement to the water supply situation, which has exacerbated the current drought, thereby making it increasingly desirable and necessary to conserve existing water supplies to protect the public health, safety and welfare if the current drought continues;

WHEREAS, the Water Shortage Contingency Plan provides that, when the City determines that the water supply for the current or impending water year is projected to be more than 10 percent below projected normal demand, a Stage Three Water Shortage Emergency shall be declared, and such conditions now exist;

WHEREAS, Santa Barbara Municipal Code Section 14.20.215 provides for the establishment, by resolution of the City Council, of water use rules and regulations necessary to restrict and regulate the use of water provided by the City's water distribution system during drought, and provides for exemptions to such regulations;

WHEREAS, it is the intent of the City Council to minimize inequities resulting from the implementation of water use regulations;

WHEREAS, on April 1, 2015 the Governor issued Executive Order B-29-15, calling for mandatory reductions in potable water use by urban water suppliers and additional water regulations affecting end users, and the State Water Resources Control Board has proposed draft regulations to implement said Executive Order, which regulations are scheduled to be adopted on or about May 5, 2015; and

WHEREAS, on May 5, 2015, the City Council considered a draft resolution that would have established recommended water use regulations and development restrictions to be applicable under a Stage 3 Drought Emergency, provided direction to staff on changes, declared a Stage 3 Drought Emergency, and established a required water use reduction of 25 percent.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. As of May 5, 2015, there has existed within the City of Santa Barbara a Stage Three Drought Emergency and a 25 percent required reduction from normal citywide water use, based on the City's projected water supply.

SECTION 2. For the protection of public health and safety, the following drought water use regulations regarding use of potable water from the City's water system are hereby established and shall remain in effect for the duration of the Stage Three Drought Emergency, unless repealed or modified by resolution of the City Council:

a. Any outdoor use of potable water through a hose, pipe, or outdoor faucet not otherwise addressed by these regulations is prohibited unless the water is delivered by use of a self-closing valve that requires operator pressure to activate the flow of water. Use of a sprinkler device attached to a movable hose is allowed, subject to applicable restrictions on time of irrigation and prohibition of runoff.

b. The outdoor use of potable water from a hose, pipe, or faucet for the purpose of cleaning buildings, pavement, driveways, sidewalks, tile, wood, plastic, or other hard surfaces is prohibited.

Exceptions: The following exceptions are allowed, provided that potable water is applied only by use of a pressure washer, mop, bucket, brush, and/or other tools to limit the use of running water to the minimum necessary. A pressure washer is defined herein to be equipment that boosts incoming water pressure for the purpose of enhancing cleaning capability and minimizing the amount of water used:

i. Such use is allowed when it is the only feasible means of correcting an immediate threat to health and safety.
ii. Such use is allowed as a part of preparation for painting or sealing, provided that such washing occurs immediately prior to such painting or sealing.
iii. Such use is allowed for dust control, including as a part of street sweeping operations, provided the use of water is the minimum necessary to accomplish the intended control of dust.

c. Outdoor irrigation of any grass, shrub, plant, tree, groundcover, or other vegetation by use of an automatically controlled irrigation system is allowed only between the hours of 6:00 p.m. and 8:00 a.m. of the following day. If manually operated, such

irrigation is allowed only between the hours of 4:00 p.m. and 10:30 a.m. of the following day. Irrigation by hand-held hose is subject to the self-closing valve provision of Section 2.a.

Exceptions:

i. Irrigation accomplished by use of a water truck that delivers water by injection probe below mulch or below the soil surface is exempt from such scheduling limitations.

ii. Irrigation devices such as tree watering bags and other similar devices that release water at a slow rate for the purpose of watering trees are exempt from such scheduling limitations.

d. Irrigation with potable water that causes runoff onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or parking structures is prohibited.

e. Irrigation with potable water during and within 48 hours after measurable rainfall is prohibited. Measurable rainfall is defined as a ¼ of an inch or more of precipitation in a 24-hour period.

f. Irrigation with potable water of turf on public street medians is prohibited.

g. Vehicles and boats shall be washed only at commercial car washing facilities equipped with water recycling equipment, or by use of a hose, subject to the self-closing valve provision of Section 2.a. Operators of commercial car washing facilities shall post a notice in a conspicuous place advising the public as to whether their operations conform to water recycling requirements.

h. No use of water shall be allowed in any fountain or other decorative water feature that is not equipped with a recirculation system. The use of water in ornamental water features and fountains is prohibited, even when equipped with a recirculation system, except that such prohibition shall not apply to ornamental water features and fountains that:

i. Are located indoors; or on residential properties

ii. Have a total water surface area less than or equal to twenty five square feet; or

iii. As of the adoption date of this resolution, are home to aquatic life, provided that water shall be used and circulated only to the extent needed to maintain suitable living conditions for such aquatic life.

i. Swimming pools and spas shall have a cover that conforms to the size and shape of the pool or spa and acts as an effective barrier to evaporation. The cover shall be in place during periods when use of the pool is not reasonably expected to occur.

j. Draining and refilling up to one third of the volume of a pool per year is allowed as necessary to maintain suitable pool water quality. Draining and refilling in

excess of such one third per year is prohibited, except as authorized by the Public Works Director based on evidence from qualified maintenance personnel that such further draining is required to make needed repairs, or to prevent equipment damage or voiding of warranties.

k. All restaurants and other eating and drinking establishments shall post, in a conspicuous place, a Notice of Drought Condition as approved by the Public Works Director and shall not serve water except upon specific request by a customer.

l. Operators of hotels, motels and other commercial establishments offering lodging shall post in each room a Notice of Drought Condition as approved by the Public Works Director. 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.

m. Operators of pools, exercise facilities, and other similar commercial establishments providing showering facilities shall promote limitation of showering time and post a Notice of Drought Condition as approved by the Public Works Director in a conspicuous place.

SECTION 3. Violation of any regulation in Section 2 of this resolution is subject to the penalties and charges set forth in Santa Barbara Municipal Code Section 14.20.226.

SECTION 4. For the protection of public health and safety, the following drought-related development restriction is hereby established and shall remain in effect for the duration of the Stage Three Drought Emergency, unless repealed or modified by resolution of the City Council:

a. Irrigation with potable water of landscapes outside of newly constructed homes and buildings must be accomplished in a manner consistent with regulations and other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

b. Exemptions:

i. Projects with an application submitted for a building permit prior to adoption of this Resolution are exempt from item 4.a above.

ii. Exemptions to the development restrictions identified above may be granted by the Community Development Director, in consultation with the Public Works Director, for specific uses of water on the basis of factually demonstrated need or undue hardship and in accordance with guidelines for exemptions as may be determined by the

Community Development Director. If the Community Development Director denies a request for an exemption for a specific water use, a written request for reconsideration may be made to the Planning Commission. The decision of the Planning Commission shall be final.

c. Administrative Guidelines for implementation of item 4.a. shall be prepared by the Community Development Director.

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STATE OF CALIFORNIA	)	
	)	
COUNTY OF SANTA BARBARA	)	ss.
	)	
CITY OF SANTA BARBARA	)	

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on May 12, 2015, by the following roll call vote:

AYES:	Councilmembers Dale Francisco, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White; Mayor Helene Schneider
NOES:	None
ABSENT:	None
ABSTENTIONS:	None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on May 12, 2015.

Gwen Peirce, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on May 12, 2015.

Helene Schneider
Mayor