RESOLUTION NO. 16-173

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING A REVISED WATER USE REGULATION TARGET AND UPDATED WATER USE REGULATIONS EFFECTIVE DURING A STAGE THREE DROUGHT EMERGENCY, AND REPEALING RESOLUTION NOS. 14-009, 14-027, 15-036, AND 16-023

WHEREAS, the City of Santa Barbara, along with the rest of the State of California, has experienced the driest five-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, which was updated in 2015, sets forth the City's Water Shortage Contingency Plan;

WHEREAS, pursuant to the Water Shortage Contingency Plan, on February 11, 2014, the City Council adopted resolution No. 14-009 declaring a Stage One Drought Condition and on May 20, 2014, the City Council adopted Resolution No. 14-027 declaring a Stage Two Drought Condition and imposing water use regulations;

WHEREAS, due to the continued lack of sufficient rainfall, on May 12, 2015, the City Council adopted Resolution No. 15-036 declaring a Stage Three Drought Condition, updating and augmenting water use regulations, and requiring a twenty-five percent (25%) reduction from calendar year 2013 normal citywide water use;

WHEREAS, on April 26, 2016, the City Council adopted Resolution No. 16-023 to increase the required citywide reduction from normal citywide water use to thirty-five percent (35%);

WHEREAS, 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 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 continue to 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 May 9, 2016, the Governor issued Executive Order B-37-16, Making Water Conservation a California Way of Life in California permanently prohibiting practices that waste potable water and extending emergency water conservation regulations through the end of January 2017; and

WHEREAS, the City Council desires to preserve the substantial long-term investment in the community's trees and shrubs and to reserve the remaining amount of available irrigation water for use on trees and shrubs.

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

SECTION 1. Since February 11, 2014, there has existed within the City of Santa Barbara a continually worsening Drought Condition and a forty percent (40%) water use reduction from normal citywide calendar year 2013 water use is now required, 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. Except as otherwise prohibited by these regulations, any outdoor use of potable water through a hose, pipe, or faucet is permitted only if the water is delivered by use of a self-closing valve that requires operator pressure to activate the flow of water.

b. The outdoor use of potable water from a hose, pipe, or faucet (even if delivered by use of a self-closing valve as provided in Section 2 a) for the purpose of cleaning buildings, pavement, driveways, sidewalks, tile, wood, plastic, or other hard surfaces is prohibited.

Exceptions:

i. When such use is the only feasible means of correcting an immediate threat to health and safety.
ii. In preparation for painting or sealing, provided that such washing occurs immediately prior to such painting or sealing.

Water used pursuant to the above exceptions shall be 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;

c. Effective January 1, 2017, irrigation of lawns (by any means) is prohibited. For purposes of this paragraph, a lawn shall mean any area that is planted in warm season or cool season turfgrasses.

Exceptions:

i. Irrigation using non-potable water;
ii. Irrigation of playing fields used primarily for active recreation at schools, State licensed child care centers, and similar locations as determined by the Public Works Director;
iii. Irrigation of parks and recreational non-residential open spaces that are publicly owned and operated;
iv. Irrigation of greens and tee areas at golf courses;
v. Irrigation of a lawn area, the use of which is directly related to a business activity, subject to prior authorization by the Public Works Director, and documentation of ongoing compliance with the City's targeted reduction in water use;
vi. Irrigation in areas planted entirely with turfgrasses that are included on a list of low water use grasses approved by the Public Works Director and posted on the City's internet site, subject to prior authorization by the Public Works Director.

d. Outdoor irrigation of vegetation, other than lawns, including any shrub, plant, tree, or groundcover, is prohibited, except between the hours of 6:00 p.m. and 8:00 a.m. of the following day if automatically controlled and between the hours of 4:00 p.m. and 10:30 a.m. of the following day if manually controlled. 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;
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.

e. 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.

f. 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.

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

h. The issuance of permits for use of potable water from fire hydrants is suspended. Applicants shall be directed to apply for a permit to use recycled water.

i. Washing of vehicles and boats is prohibited except 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.

j. Use of water in any fountain or other decorative water feature is prohibited.

Exceptions: Fountains or other decorative water features that are equipped with a recirculation system are permitted under any of the following circumstances:

i. At indoor locations;
ii. On residential properties;
iii. When total water surface area is less than or equal to twenty five (25) square feet;
iv. Where, since the May 20, 2014 adoption of Stage Two regulations, aquatic life has existed in the fountain or decorative water feature.

k. Swimming pools and spas must 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.

l. Draining and refilling a pool in excess of one third of the volume 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.

m. 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.

n. 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.

o. 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. Resolution Numbers 14-009, 14-027, 15-036 and 16-023 are hereby repealed in their entirety and of no further force and effect.

RESOLUTION NO. 16-173

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 December 6, 2016, by the following roll call vote:

AYES:	Councilmembers Jason Dominguez, 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 December 7, 2016.

Deborah L. Applegate
Deputy City Clerk

I HEREBY APPROVE the foregoing resolution on December 7, 2016.

Helene Schneider
Mayor