

ORDINANCE NO. 2019-5-1

AN ORDINANCE OF THE CUCAMONGA VALLEY WATER DISTRICT, SAN BERNARDINO COUNTY, CALIFORNIA, REVISING THE WATER SUPPLY SHORTAGE CONTINGENCY PLAN TO COMPLY WITH STATE WATER CODE

WHEREAS, the Cucamonga Valley Water District (the “District”) has adopted a Water Supply Shortage Contingency Plan (the “Plan”), as codified in the District Code Book Chapter 4.24, as required by State Water Code; and

WHEREAS, on May 31, 2018, Senate Bill 606 was signed into law establishing new water use efficiency standards that requires specific water shortage levels; and

WHEREAS, the District’s existing Plan must be revised to incorporate three new shortage levels as required by State Water Code Section 10632. The three new shortage levels are: 30%, 40% and greater than 50%; and

WHEREAS, in accordance with Water Code Section 31027(b)(1), at least 5 days before the Board meeting, a summary of this Ordinance was published in the Inland Valley Daily Bulletin, a newspaper of general circulation, and a certified copy of the full text of this Ordinance was posted in the District’s offices; and

WHEREAS, the Board conducted a public meeting on May 14, 2019, during which staff presented the new shortage levels required by State Water Code.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE CUCAMONGA VALLEY WATER DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

Section 1 All of the foregoing Recitals are true and correct and the Board so finds and determines. The Recitals set forth above are incorporated herein, are made findings and determinations of the Board, and are made an operative part of this Ordinance.

Section 2 The District hereby adopts language revising Title 4, Chapter 4, Section 4.24.040, as follows:

Normal Conditions – outlines water use efficiency practices as outlined in Chapter 4.20 and is in effect at all times.

Stage I (10%) – A Stage I shortage may be declared when the Board of Directors determines that it is likely that the District will require customers to reduce their water usage by ten (10) percent from a time period determined by the District. In addition to the water use efficiency practices listed in Chapter 4.20, hours of watering are limited to 4:00 p.m. through 9:00 a.m., and are enacted by Resolution of the Board. Penalties for violating any of the above provisions will be assessed according to Section 4.24.050.

ORDINANCE NO. 2019-5-1

Stage 2 (15%) – A Stage 2 shortage may be declared when the Board of Directors determines that it is likely that the District will require customers to reduce their water usage by fifteen (15) percent from a time period determined by the District. In addition to the water use efficiency practices listed in Chapter 4.20, hours of watering are limited to 4:00 p.m. through 9:00 a.m., and are enacted by Resolution of the Board. Penalties for violating any of the above provisions will be assessed according to Section 4.24.050.

Stage 3 (20%) – A Stage 3 shortage may be declared when the Board of Directors determines that it is likely that the District will require customers to reduce their water usage by twenty (20) percent from a time period determined by the District. In addition to the water use efficiency practices listed in Chapter 4.20, hours of watering are limited to 4:00 p.m. through 9:00 a.m. and limits may be applied to the number of days, frequency, and duration of outdoor potable watering as determined by the District and enacted by Board Resolution. Penalties for violating any of the above provisions will be assessed according to Section 4.24.050.

Stage 4 (25%) – A Stage 4 shortage may be declared when the Board of Directors determines that it is likely that the District will require customers to reduce their water usage by twenty-five (25) percent from a time period determined by the District. In addition to the water use efficiency practices listed in Chapter 4.20, hours of watering are limited to 4:00 p.m. through 9:00 a.m. and limits may be applied to the number of days, frequency, and duration of outdoor potable watering as determined by the District and enacted by Board Resolution. Penalties for violating any of the above provisions will be assessed according to Section 4.24.050.

Stage 5 (30%) – A Stage 5 shortage may be declared when the Board of Directors determines that it is likely that the District will require customers to reduce their water usage by thirty (30) percent from a time period determined by the District. In addition to the water use efficiency practices listed in Chapter 4.20, hours of watering are limited to 4:00 p.m. through 9:00 a.m. and limits may be applied to the number of days, frequency, and duration of outdoor potable watering as determined by the District and enacted by Board Resolution. Penalties for violating any of the above provisions will be assessed according to Section 4.24.050.

Stage 6 (35%) – A Stage 6 shortage may be declared when the Board of Directors determines that it is likely that the District will require customers to reduce their water usage by thirty-five (35) percent from a time period determined by the District. In addition to the water use efficiency practices listed in Chapter 4.20, hours of watering are limited to 4:00 p.m. through 9:00 a.m. and limits may be applied to the number of days, frequency, and duration of outdoor potable watering as determined by the District. In addition, the following end-user prohibitions are also in effect: (a) irrigation with potable water on ornamental turf areas on public street medians, and (b) irrigation with potable water of landscapes outside newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission. These limits must be enacted by Board Resolution. Penalties for violating any of the above provisions will be assessed according to Section 4.24.050.

ORDINANCE NO. 2019-5-1

Stage 7 (40%) – A Stage 7 shortage may be declared when the Board of Directors determines that it is likely that the District will require customers to reduce their water usage by forty (40) percent from a time period determined by the District. In addition to the water use efficiency practices listed in Chapter 4.20, hours of watering are limited to 4:00 p.m. through 9:00 a.m. and limits may be applied to the number of days, frequency, and duration of outdoor potable watering as determined by the District. In addition, the following end-user prohibitions are also in effect: (a) irrigation with potable water on ornamental turf areas on public street medians, and (b) irrigation with potable water of landscapes outside newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission. These limits must be enacted by Board Resolution. Penalties for violating any of the above provisions will be assessed according to Section 4.24.050.

Stage 8 (50%) – A Stage 8 shortage may be declared when the Board of Directors determines that it is likely that the District will require customers to reduce their water usage by fifty (50) percent from a time period determined by the District. In addition to Stage 7 measures, all non-essential outdoor watering may be prohibited as determined by the District and enacted by Resolution. Additionally, the use of potable water for construction and grading purposes shall be curtailed during this stage with the exception that recycled water may be used for such purposes. Penalties for violating any of the above provisions will be assessed according to Section 4.24.050.

Stage 9 (>50%) – A Stage 9 shortage may be declared when the Board of Directors determines that it is likely that the District will require customers to reduce their water usage by greater than fifty (>50) percent from a time period determined by the District. Stage 8 measures remain in effect and will be enacted by Resolution. Penalties for violating any of the above provisions will be assessed according to Section 4.24.050.

Section 8 All ordinances, resolutions, or administrative actions by the Board of Directors, or parts thereof that are inconsistent with any provision of this Ordinance are hereby superseded only to the extent of such inconsistency. Except as otherwise specifically set forth herein, all provisions Title 4 of the District Code, including but not limited to Chapters 4.20 and 4.24, shall remain in full force and effect.

Section 9 The President of the Board of Directors shall sign this Ordinance and the Secretary of the Board of Directors shall attest thereto, and this Ordinance shall be in full force and effect immediately upon adoption. Within 15 days after adoption of this Ordinance, a summary of the Ordinance shall be published with the names of those directors voting for and against this Ordinance and a certified copy of the full text of this Ordinance, along with the names of those Directors voting for and against this Ordinance, shall be posted in the District offices.

Section 10 If any section, subsection, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby. The Board hereby declares that it would have passed this Ordinance and each section, subsection,

ORDINANCE NO. 2019-5-1

sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

Section 11 In accordance with Water Code Section 31027(b)(1), within 15 days after adoption, the District Secretary shall (i) prepare a summary of this Ordinance, which shall be published in the Inland Valley Daily Bulletin, a newspaper of general circulation, with the names of those directors voting for and against it; and (ii) post in the Board's office a certified copy of the full text of this Ordinance, along with the names of those directors voting for and against it.

Section 12 This Ordinance shall take effect immediately upon adoption.

ADOPTED this 14th day of May, 2019, by the Board of Directors of the Cucamonga Valley Water District.

CUCAMONGA VALLEY WATER DISTRICT



James V. Curatalo, President
Board of Directors

ATTEST:



John A. Bosler,
Secretary of the Board of Directors

ORDINANCE NO. 2019-5-1

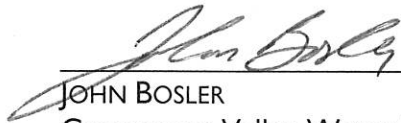
STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.

I, **JOHN BOSLER**, Secretary of the Board of Directors of Cucamonga Valley Water District, do hereby certify that the foregoing **Ordinance No. 2019-5-1** was adopted by the Board of Directors of said District at a regular board meeting held on May 14, 2019. A recorded vote of the Board is as follows:

AYES: Curatalo, Cetina, Gonzalez, Reed

NOES: _____

ABSENT: Tiegs



JOHN BOSLER
Cucamonga Valley Water District
and the Board of Directors thereof