

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE
CITY OF SANTA BARBARA AMENDING
CHAPTER 14.20 OF THE MUNICIPAL CODE
WITH RESPECT TO UNLAWFUL WATER USE
AND REGULATIONS DURING WATER SHORTAGE
CONDITIONS.

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN
AS FOLLOWS:

SECTION 1. Section 14.20.130 of Chapter 14.20 of Title 14
of the Santa Barbara Municipal Code is added to read as follows:

14.20.130 Unlawful Use of Water and Meter Removal.

It shall be unlawful:

(a) for a person or entity that is not an Account Holder to
use water through a Meter, unless such person or entity is
authorized by agreement with the Account holder to use such
water through such Meter;

(b) for a person or entity to use water from a fire hydrant,
except as authorized by a permit issued by the Public Works
Director;

(c) for a person or entity to use water from a dedicated
fireline except in response to a fire or in the minimum amount
needed to perform maintenance of such fireline, or as authorized
by the Public Works Director;

(d) for a person or entity to use water from a Connection that does not have a Meter, except as expressly authorized by the Public Works Director;

(e) for a person or entity to use water from a Meter for which there is no active Account Holder; and

(f) for any person or entity to remove a Meter from a Water Service, except as authorized by the Public Works Director.

SECTION 2. Section 14.20.215 of Chapter 14.20 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

14.20.215 Water Use Regulations During Water Shortage ~~Drought~~

Conditions.

A. WATER SHORTAGE CONDITIONS. A Stage One Water Shortage Condition, a Stage Two Water Shortage Condition and a Stage Three Water Shortage Condition are defined as short-term conditions declared by resolution of the City Council upon being advised by staff that projected water supply conditions warrant response measures consistent with those associated with corresponding stages in the City's adopted Water Shortage Contingency Plan. The Council resolution may identify and refer to such short-term conditions in terms or titles specific to the current water shortage.

B. REGULATIONS DURING WATER SHORTAGE ~~STAGE TWO DROUGHT~~

CONDITIONS. Upon adoption by the City Council of a resolution declaring a Stage One Water Shortage Condition, a Stage Two Water Shortage ~~Drought~~ Condition or a Stage Three Water Shortage Condition, or such other titles as may be selected by Council pursuant to subsection A, the City Council may adopt a resolution containing such rules and regulations as necessary to restrict and regulate use of water from the ~~and for as long as that condition exists, the following water use regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the~~ City's water supply system in order to protect the public health and safety. Failure of any person or entity to comply with such rules and regulations as adopted by resolution of the City Council is a violation of this Code subject to the remedies and penalties provided herein and as provided by Chapter 1.28 and as otherwise provided by law.

~~1. The use of running water from a hose, pipe, or faucet for the purpose of cleaning buildings and paved, tile, wood, plastic or other surfaces shall be prohibited, except in the event the Director determines that such use is the only feasible means of~~

~~correcting a potential threat to health and safety.~~

~~2. All restaurants that provide table service shall post, in a conspicuous place, a Notice of Drought Condition as approved by the Director and shall refrain from serving water except upon specific request by a customer.~~

~~3. The operation of and introduction of water into ornamental fountains and bodies of water shall be prohibited.~~

~~4. Operators of hotels, motels, and other commercial establishments offering lodgings shall post in each room a Notice of Drought Condition as approved by the Director.~~

~~5. Any use of water that causes runoff to occur beyond the immediate vicinity of use shall be prohibited.~~

~~6. The use of potable water for cleaning, irrigation and construction purposes, including but not limited to dust control, settling of backfill, flushing of plumbing lines, and washing of equipment, buildings and vehicles, shall be prohibited in all cases where the Director has determined that use of reclaimed wastewater is a feasible alternative.~~

~~7. Irrigation at any time from 8:00 a.m. to 6:00 p.m. of any yard, orchard, park, recreational area, or other area containing vegetation shall be prohibited.~~

~~8. Boats and vehicles shall be washed only at commercial car~~

~~washing facilities equipped with water recycling equipment or by use of a bucket and hose equipped with a self-closing valve that requires operator pressure to activate the flow of water.~~

~~B. STAGE THREE DROUGHT CONDITION. Upon adoption by the City Council of a resolution declaring a Stage Three Drought Condition and for as long as that condition exists, the following water use regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water, other than reclaimed wastewater, that is provided by the City water supply system.~~

~~1. Each of the Stage Two water use regulations set forth in Subsections A.1 through A.6 of this Section shall be applicable.~~

~~2. The introduction of water into swimming pools and spas shall be prohibited.~~

~~3. The use of water through a meter that is restricted to irrigation uses shall be prohibited, and the City shall have the right to shut off water service to any such meter without notice to the account holder or any other person.~~

~~4. Irrigation of any yard, orchard, park, recreational area, or other area containing vegetation shall be prohibited, except by means of a hand-held bucket.~~

~~5. Boats and vehicles shall be washed only by use of a hand-~~

~~held bucket or at commercial car washing facilities equipped with water recycling equipment.~~

C. EXEMPTIONS. Exemptions to the water use regulations set forth by City Council resolution during a declared Stage One, Stage Two or Stage Three Water Shortage Condition,~~in this Section~~ may be granted by the Public Works Director for specific uses of water, on the basis of factually demonstrated need or undue hardship and in accordance with ~~such~~ guidelines for exemptions as may be determined by the Public Works Director.~~the City Council may adopt.~~ If the Public Works Director denies a request for an exemption for a specific water use, a written request for reconsideration may be made to the Board of Water Commissioners. The decision of the Water Commission shall be final.~~may be A denial of a request for an exemption may be appealed to a review committee consisting of the Director, the Parks Director or his designated representative, one member of the Board of Water Commissioners appointed by the Board, and such other persons, if any, as the City Council may appoint. The decision of the review committee shall be final.~~

D. Upon the declaration of and during a ~~Stage Three~~ Water Shortage Drought Condition, the failure of a mobilehome park

owner to introduce water into a swimming pool or spa located in a mobilehome park, in accordance with the ~~requiredment~~ City Council resolution ~~of Paragraph B.7 of this Section~~, shall not be considered an increase in "rent" for purposes of Municipal Code Section 26.08.030.N.

SECTION 3. Section 14.20.225 of Chapter 20 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

14.20.225 Violations.

A. Any failure to comply with a provision of this Chapter shall constitute a violation of this Code, regardless of whether the failure to comply is caused by an ~~A~~ account ~~H~~holder, a ~~C~~onsumer or any other person or entity.

B. Where the failure to comply with this Chapter is continuing and reasonably preventable by the person or entity failing to ~~comply~~ ~~intentional~~, each successive hour of such failure to comply shall be a separate and distinct violation.

SECTION 4. Section 14.20.226 of Chapter 20 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

14.20.226 Penalties and Charges.

A. In addition to the penalties and other methods of enforcement provided in Santa Barbara Municipal Code Chapter 1.28, ~~T~~the following penalties may also be ~~shall~~ applied to any violation of any provision of this Chapter:

1. For the first violation within the preceding twelve (12) calendar months, the Director shall issue a written notice of the fact of such violation.

2. For a second violation within the preceding twelve (12) calendar months, the Director shall impose a penalty on the bill of ~~surcharge against~~ the aAccount ~~h~~Holder for the property where the violation occurred or is occurring, in an amount not to exceed two-hundred and fifty dollars (\$250.00).

3. For a third violation within the preceding twelve (12) calendar months, the Director:

a. Shall impose a penalty on the bill of ~~surcharge against~~ the aAccount ~~h~~Holder for the property where the violation occurred or is occurring, in an amount not to exceed

two-hundred and fifty dollars (\$250.00); and

b. May install a flow restricter on the service where the violation occurred or is occurring, for a period to be determined by the Director.

4. For a fourth and any subsequent violation within the preceding twelve (12) calendar months, the Director:

a. Shall impose a penalty on the bill of surcharge ~~against~~ the aAccount hHolder for the property where the violation occurred or is occurring, in an amount not to exceed two-hundred and fifty dollars (\$250.00); and

b. May install a flow restricter on or shut off water service to the property where the violation occurred or is occurring, for a period to be determined by the Director.

B. If a flow restricter is installed or water service shut off pursuant to Ssubsection A of this Ssection, prior to restoration of normal water service the aAccount hHolder whose service is affected shall be required to reimburse the City for all ~~whatever~~ costs it has incurred and will incur in installing and removing a flow restricter and in shutting off and turning on water service.

C. Any penalty ~~surcharge~~ imposed pursuant to this sSection shall be added to the account of the aAccount hHolder for the

property where the violation occurred or is occurring and shall be due and payable on the same terms and subject to the same conditions as any other charge for regular water service. ~~The maximum amount of surcharges which an account holder may be required to pay during any twelve-month period shall be one thousand dollars (\$1,000.00).~~

~~D. Nothing in this Chapter shall limit or be construed to limit the right of an aAccount hHolder to seek reimbursement of a surcharge from a tenant or other consumer.~~

SECTION 5. Section 14.20.227 of Chapter 20 of Title 14 of the Santa Barbara Municipal Code is amended to read as follows:

14.20.227 Notice of Violation - Hearing.

A. For each violation of this Chapter, the Director shall give notice as follows:

1. By sending written notice through the U.S. mail to the aAccount hHolder for the property where the violation occurred or is occurring, at the current billing address shown in the City's water billing records; and

2. By personally giving written notice thereof to the person who committed the violation or by leaving written notice with some person of suitable age and discretion at the property where

the violation occurred or is occurring; or

3. If neither the person who committed the violation nor a person of suitable age and discretion can be found, then by affixing written notice in a conspicuous place on the property where the violation occurred or is occurring.

B. Any written notice given under this Section shall contain a statement of:

1. The time, place and nature of the violation;
2. The person(s) committing the violation, if known;
3. The provision(s) of this Chapter violated;
4. The possible penalties for each violation;
5. The aAccount hHolder's right to request a hearing on the violation and the time within which such a request must be made; and

6. The aAccount hHolder's loss of the right to a hearing in the event the aAccount hHolder fails to request a hearing within the time required.

C. Any aAccount hHolder provided a notice of violation in accordance with the provisions of this Chapter shall have the right to request a hearing. The request must be made in writing and must be received by the Director within ten (10) calendar days of the date of the notice of violation. The Director shall

conduct the hearing, at which both written and oral evidence may be presented, and shall decide whether a violation occurred and the appropriate penalty. In determining the appropriate penalty, the Director shall consider whether the aAccount hHolder knew of the violation at the time it occurred and whether he or she took reasonable action to correct the violation upon notification of it. In addition, the Director shall exercise his or her discretion in accordance with such guidelines as the City Council may adopt by resolution.

1. For a first, ~~or~~ second or third violation within a twelve (12) month period, the decision of the Director shall be final.

2. For a fourth ~~third~~ or subsequent violation within a twelve (12) month period, the aAccount hHolder shall have the right to appeal the decision of the Director by requesting a hearing before the Board of Water Commissioners ("Board"). The request for hearing before the Board shall be in writing and shall be delivered to the Director not later than seven (7) calendar days after the date of the decision of the Director. At the hearing, the Board may receive and hear both written and oral evidence and shall have the authority to affirm, reverse, or modify the decision of the Director. The decision of the

Board shall be final.

D. If an ~~a~~Account ~~h~~Holder fails to request a hearing before the Director or the Board within the period(s) provided in this Section, the action of the Director ~~Department~~ shall be deemed final.

E. ~~There shall be no installation of a flow restricter or shut off of~~ wWater service shall not be shut off until a notice of violation has become final or there is a final decision of the Director or the Board ordering the ~~installation of a flow restricter or~~ shut-off of water service.