

ORDINANCE NO. 46

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
CARLSBAD MUNICIPAL WATER DISTRICT AMENDING
ORDINANCE NO. 44. TO AUTHORIZE THE GENERAL
MANAGER TO SET WATERING SCHEDULES

WHEREAS, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, adoption and enforcement of a comprehensive water conservation program will allow the Carlsbad Municipal Water District (CMWD) to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the

1 Water Authority's 24 member public agencies, including the CMWD. The Water Authority's
2 Urban Water Management Plan also includes a contingency analysis of actions to be taken in
3 response to water supply shortages. This ordinance is consistent with the Water Authority's
4 Urban Water Management Plan; and

5 WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County
6 Water Authority, in cooperation and consultation with its member public agencies, has adopted
7 a Drought Management Plan, which establishes a progressive program for responding to water
8 supply limitations resulting from drought conditions. This ordinance is intended to be consistent
9 with and to implement the Water Authority's Drought Management Plan; and

10 WHEREAS, the Water Authority's Drought Management Plan contains three stages
11 containing regional actions to be taken to lessen or avoid supply shortages. This ordinance
12 contains drought response levels that correspond with the Drought Management Plan stages;
13 and

14 WHEREAS, the CMWD, due to the geographic and climatic conditions within its territory
15 and its dependence upon water imported and provided by the San Diego County Water
16 Authority, may experience shortages due to drought conditions, regulatory restrictions enacted
17 upon imported supplies and other factors. The Board of Directors of CMWD has adopted an
18 Urban Water Management Plan that includes water conservation as a necessary and effective
19 component of its programs to provide a reliable supply of water to meet the needs of the public
20 within its service territory. The CMWD's Urban Water Management Plan also includes a
21 contingency analysis of actions to be taken in response to water supply shortages. This
22 ordinance is consistent with the Urban Water Management Plan adopted by the Board of
23 Directors of CMWD; and

24 WHEREAS the water conservation measures and progressive restrictions on water use
25 and method of use identified by this ordinance provide certainty to water users and enable
26 CMWD to control water use, provide water supplies, and plan and implement water
27 management measures in a fair and orderly manner for the benefit of the public;

28 NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Carlsbad

1 Municipal Water District of the City of Carlsbad, California, as follows:

- 2 1. That the above recitations are true and correct.
- 3 2. The Board of Directors of the Carlsbad Municipal Water District of the City of
- 4 Carlsbad, California, hereby ordains as follows:

5 **SECTION 7.0 DROUGHT RESPONSE LEVEL 2 – DROUGHT ALERT CONDITION**

6 (a) A Drought Response Level 2 condition is also referred to as a “Drought Alert” condition. A

7 Level 2 condition may apply when the Water Authority notifies its member agencies that due to

8 cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up

9 to 20 percent is required in order to have sufficient supplies available to meet anticipated

10 demands. The CMWD Board of Directors shall declare the existence of a Drought Response

11 Level 2 condition and implement the mandatory Level 2 conservation measures identified in this

12 ordinance.

13 (b) All persons using CMWD water shall comply with Level 1 Drought Watch water conservation

14 practices during a Level 2 Drought Alert, and shall also comply with the following additional

15 conservation measures:

- 16 1. Limit residential and commercial landscape irrigation to assigned days per week on a
- 17 schedule established by the General Manager. Within five (5) days following the declaration
- 18 of the response level, the CMWD shall publish a notice of the assigned days in one or more
- 19 newspapers, including a newspaper of general circulation within the CMWD. The CMWD
- 20 may also post notice of the condition on its website. This section shall not apply to
- 21 commercial growers and nurseries.
- 22 2. Limit lawn watering and landscape irrigation using sprinklers to time limits per watering
- 23 station per assigned day as established by the General Manager. Within five (5) days
- 24 following the declaration of the response level, the CMWD shall publish a notice of the
- 25 assigned time limits in one or more newspapers, including a newspaper of general
- 26 circulation within the CMWD. The CMWD may also post notice of the condition on its
- 27 website. This provision does not apply to landscape irrigation systems using water efficient
- 28 devices, including but not limited to: weather based controllers, drip/micro-irrigation systems
- and stream rotor sprinklers.
3. Water landscaped areas, including trees and shrubs located on residential and
- commercial properties, and not irrigated by a landscape irrigation system governed by
- section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-
- held hose with positive shut-off nozzle, or low-volume non-spray irrigation.
4. Repair all leaks within seventy-two (72) hours of notification by the CMWD unless other
- arrangements are made with the General Manager or Designee.
5. Stop operating ornamental fountains or similar decorative water features unless recycled
- water is used.

SECTION 8.0 DROUGHT RESPONSE LEVEL 3 – DROUGHT CRITICAL CONDITION

(a) A Drought Response Level 3 condition is also referred to as a “Drought Critical” condition. A

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1 Level 3 condition may apply when the Water Authority notifies its member agencies that due to
2 increasing cutbacks caused by drought or other reduction of supplies, a consumer demand
3 reduction of up to 40 percent is required in order to have sufficient supplies available to meet
4 anticipated demands. The CMWD Board of Directors shall declare the existence of a Drought
5 Response Level 3 condition and implement the Level 3 conservation measures identified in this
6 ordinance.

(b) All persons using CMWD water shall comply with Level 1 Drought Watch and Level 2
Drought Alert water conservation practices during a Level 3 Drought Critical condition and shall
also comply with the following additional mandatory conservation measures:

1. Limit lawn watering and landscape irrigation using sprinklers to time limits per
watering station per assigned day as established by the General Manager. Within five
(5) days following the declaration of the response level, the CMWD shall publish a notice
of the assigned days in one or more newspapers, including a newspaper of general
circulation within the CMWD. The CMWD may also post notice of the condition on its
website. This section shall not apply to commercial growers or nurseries.

2. Water landscaped areas, including trees and shrubs located on residential and
commercial properties, and not irrigated by a landscape irrigation system governed by
section 6 (b) (1), on the same schedule set forth in section 6 (b) (1) by using a bucket,
hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

3. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to
sustain aquatic life, provided that such animals are of significant value and have been
actively managed within the water feature prior to declaration of a drought response
level under this ordinance.

4. Stop washing vehicles except at commercial carwashes that re-circulate water, or by
high pressure/low volume wash systems.

5. Repair all leaks within forty-eight (48) hours of notification by the CMWD unless other
arrangements are made with the General Manager or Designee.

(c) Upon the declaration of a Drought Response Level 3 condition, no new potable water service
shall be provided, no new temporary meters or permanent meters shall be provided, and no
statements of immediate ability to serve or provide potable water service (such as, will serve
letters, certificates, or letters of availability) shall be issued, except under the following
circumstances:

1. A valid, unexpired building permit has been issued for the project; or

2. The project is necessary to protect the public's health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable commitment that water
demands for the project will be offset prior to the provision of a new water meter(s).

This provision shall not be construed to preclude the resetting or turn-on of meters to provide
continuation of water service or to restore service that has been interrupted for a period of one
year or less.

(d) Upon the declaration of a Drought Response Level 3 condition, the Board of Directors of
CMWD will suspend consideration of annexations to its service area.

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(e) The Board of Directors of CMWD may establish a water allocation for property served by the CMWD taking into consideration a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If the Board of Directors of CMWD establishes a water allocation notice of the allocation shall be provided by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the CMWD customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the Board of Directors of CMWD, any person that uses water in excess of the allocation shall be subject to a penalty in the amount equal to the penalty rate established by the Metropolitan Water District for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption; and the Secretary shall certify the adoption of this ordinance and cause it to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

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INTRODUCED AND FIRST READ at a Special Meeting of the Carlsbad Municipal Water District Board of Directors on the 10th day of November 2009, and thereafter;

PASSED, APPROVED AND ADOPTED at a Special Meeting of the Board of Directors of the Carlsbad Municipal Water District on the 1st day of December 2009 by the following vote to

wit:

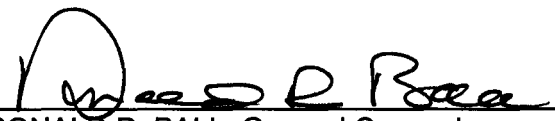
AYES: Board Members Lewis, Kulchin, Hall, Packard and Blackburn.

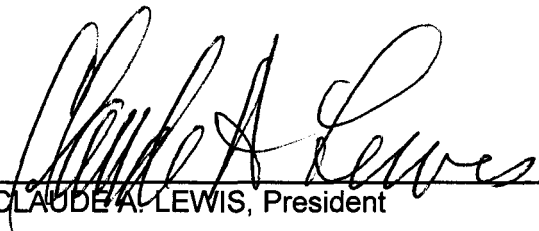
NOES: None.

ABSENT: None.

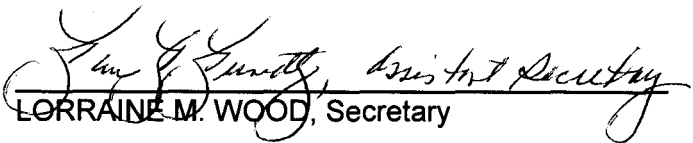
ABSTAIN: None.

APPROVED AS TO FORM AND LEGALITY


RONALD R. BALL, General Counsel
12/21/2009.


CLAUDE A. LEWIS, President

ATTEST:


LORRAINE M. WOOD, Secretary

(SEAL)

