

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN
STATE OF CALIFORNIA

ORDINANCE NO. 4450

ORDINANCE AMENDING THE ORDINANCE
CODE OF SAN JOAQUIN COUNTY
PERTAINING TO WATER CONSERVATION

The Board of Supervisors of the County of San Joaquin, State of California, do ordain as follows:

SECTION 1: Chapter 4, titled "Water Conservation", of Division 3 of Title 5 of the Ordinance Code of San Joaquin County is hereby amended in its entirety as follows:

5-3400 DEFINITIONS

5-3401 APPLICATION OF CHAPTER

5-3402 CONSERVATION OF WATER

5-3403 Repealed by Ord. 3598

5-3404 FAILURE TO CORRECT VIOLATION OF WATER CONSERVATION
REQUIREMENTS

5-3405 VIOLATION AND INFRACTION

5-3406 POWERS AND DUTIES OF THE DIRECTOR

5-3407 SEVERABILITY

5-3408 REMEDIES CUMULATIVE

5-3409 EMERGENCY CONSERVATION

5-3410 NOTIFICATION OF EMERGENCY

5-3411 STAGE I EMERGENCY WATER CONSERVATION MEASURES

5-3412 STAGE II EMERGENCY WATER CONSERVATION MEASURES

5-3413 STAGE III EMERGENCY WATER CONSERVATION MEASURES

5-3414 STAGE IV EMERGENCY WATER CONSERVATION MEASURES

5-3400 DEFINITIONS

The following words when used in any provision of this chapter shall be construed to have the following meanings:

(a) "Director" means the Director of Public Works of San Joaquin County or his designee.

(b) "Person(s)" means any individual, firm, organization, partnership, association, trust, company, business, corporation, public entity, political entity, or any agent thereof.

(c) "Water" means any water used in any County Maintenance District, County Service Area, or other water works provided under the control of the Board of Supervisors.

(d) "Reclaimed" and "Reclaimed Water" refer to the process of reusing the soap/water solution and to that portion of the soap/water solution which is recaptured,

processed, and reused at a non-self-service commercial car wash facility.

(e) "Recycled Water" means water from a local Wastewater Control Facility supplied from designated hydrants under permit from the State Regional Water Quality Control Board.

(f) "Water emergency" means an event, time or situation, declared by Board action, that requires extraordinary management or restrictions on water use as a result of natural events or other circumstances affecting the ability to meet the water quality or quantity demand for all or a portion of a local water system.

(g) "Water District" means any County Service Area, Maintenance District, or Water Works that provides water and is under the control of the Board of Supervisors.

(h) "Board" means the Board of Supervisors of San Joaquin County.

5-3401 APPLICATION OF CHAPTER

The provisions of this chapter shall apply to all persons using water within the boundaries of any Water District under the control of the Board, regardless of whether any person using the water shall have a contract for water service with the Water District. (Ord. 3544; 3598)

5-3402 CONSERVATION OF WATER

It shall at all times be unlawful for any person within the boundaries of any Water District to use water for any of the following:

(a) For exterior landscape, garden, or pasture irrigation including, but not limited to, public, private and commercial locations as follows:

(1) Irrigation shall be prohibited between the hours of 11:00 a.m. to 6:00 p.m.

(2) Exceptions to the above regulations:

(i) Drip and/or mist irrigation systems.

(ii) Other users which cannot reasonably comply with the above regulations due to normal hours of use or type of use of the area to be irrigated may be excepted upon approval by the Director of a water conservation plan which meets the goals of reduction and conservation.

(b) Fail to repair water leaks, breaks or malfunctions within the water user's plumbing or distribution system for any period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four (24) hours after the water user discovers such break, leak or malfunction, or receives notice from the County, any water provider or enforcement authority of such condition, whichever occurs first, is a reasonable time within which to correct such condition or to make arrangements for correction.

(c) To use water for washing vehicles or boats, or cleaning buildings or mobile home exteriors without an automatic shut-off nozzle on the hose.

(d) The operation of any automated commercial car wash unless at least 20 percent of the soap/water for such use is reclaimed. For existing automated commercial car washes, if a reclaimed water system cannot be installed, the car wash operator shall submit a plan satisfactory to the Director to modify operation of the facility to reduce its usage of water by at least 20 percent of its usage during the same month of the prior year for comparable business volume. If there is no history of prior use, the

operator shall provide to the Director data comparable to such history to establish its base monthly usage.

(e) Serving water to restaurant customers except upon request.

(f) Repealed by Ord. 3833.

(g) Use of water in publicly displayed ornamental fountains in public and commercial establishments, except for recycled or recirculated water.

(h) Use of water to wash driveways, sidewalks, patios, parking lots, aprons and other similar exterior surfaces is prohibited except for sanitation, public health and safety, and fire protection purposes.

(i) The refilling of all existing swimming pools and the filling of new swimming pools, whether public, private or commercial within a Water District, or area that has a nonmetered water system, unless payment of a water use fee equivalent to the current cost to produce water in the Water District (as determined by the Director) for the estimated swimming pool capacity is paid, prior to the refilling or filling of pools, to the District or to the area in which the swimming pool is located.

(j) The indiscriminate running of water or washing with water not otherwise prohibited above which is without reasonable purpose and which is evidenced by the runoff of water off the property or into drainage facilities for more than ten (10) minutes.

(k) Use of water from fire hydrants without permission from the governing agency or purveyor of water or fire protection agency which has jurisdiction over the hydrant.

(l) Use of water for dust control purposes except for recycled, or other nonpotable water, except for health or safety purposes.

(Ord. 3544; 3563; 3598; 3610; 3726; Ord. 3833 §§ 1, 2, 1995)

5-3403 Repealed by Ord. 3598.

5-3404 FAILURE TO CORRECT VIOLATION OF WATER CONSERVATION REQUIREMENTS

(a) When the County becomes aware of a person violating, causing or permitting a violation of the provisions of this chapter, a written notice stating the nature of the violation shall be delivered to the person at the premises by personal service, by first class mail, or by posting in a conspicuous location at the premises. A copy of the notice shall be mailed to the person who is regularly billed for use of water at the premises. Any such notices also may be given to any other person known to the County who is responsible for the violation or the correction thereof, including a property owner of record where the premises are rented by the owner. The notice shall describe the nature of the violation and order that the violation be corrected, cured or abated immediately or within such specified period as the County believes is reasonable under the circumstances. The warning shall include a statement that upon a subsequent violation a flow restrictor may be installed on the water line to the premises, or service may be disconnected, in addition to any fines or other penalties.

(b) Upon occurrence of a second violation or failure to immediately correct, cure or abate a violation, a second notice shall be served, as provided above. The notice shall:

- (1) order the immediate correction, cure or abatement of the violation,
- (2) state that a flow restrictor will be installed on the water line to the

(2) state that a flow restrictor will be installed on the water line to the premises for at least a forty-eight (48) hour time period, and

(3) impose a charge of two hundred dollars (\$200) to cover the cost of installing and removal of the restrictor. The charge shall be paid prior to removal of the restrictor.

(c) In the event that there is a third or subsequent violation for which notice is served as provided above, the County shall have the option to install a flow restrictor in the water line to the premises, or to disconnect service to the premises. The flow restrictor will not be removed by County until fourteen (14) calendar days have elapsed from the date of installation and the charge which is provided for in this section has been paid. If service is disconnected, it will not be reconnected until the County has been paid for the estimated cost to terminate and re-establish water service, not to exceed one thousand dollars (\$1,000).

(d) In the event that a flow restrictor installed by County is bypassed or removed by other persons than the County, then the County will install a new flow restrictor on the water line to the premises. In addition, County has the option to disconnect water service to the premises. Resident and owner of the premises will be jointly and severally responsible for the payment of two hundred dollars (\$200) per flow restrictor which is installed by County, and for the actual cost to disconnect and reestablish water service, not to exceed one thousand dollars (\$1,000.00).

(e) Before disconnection of service, notice shall be given as set out under 5-3404(a). Water service shall not be disconnected until at least three (3) calendar days after such notice. The decision to disconnect water service may be appealed, within three (3) calendar days of service of the notice, to the Director. The appeal must contain information as to appellant's address for the purpose of service of the decision of the Director. Service of the decision will be considered complete upon personal service of appellant or upon leaving a copy of the decision at the address supplied by appellant and mailing the same to that address. The Director will review the matter and issue a written decision concerning:

- (1) the disconnection of water service,
- (2) installation of flow restrictors,
- (3) payment of charges and installation costs.

The decision shall be made and served on appellant within three (3) calendar days of receipt of appellant's written appeal. Water service shall not be disconnected nor shall there be installation of flow restrictors during the time the Director is reviewing the matter and until three (3) calendar days after the written decision is served on the appellant. The decision of the Director concerning the installation of flow restrictors, disconnection of water services, and payment of charges and installation costs shall be the final administrative decision.

(f) In the event that flow restrictor is to be installed or service is to be disconnected pursuant to this chapter, County shall be granted access to the water lines for installation and maintenance of the flow restrictor. County will not be responsible for the costs of landscaping, sheds, sidewalks or other alterations to the property of resident which are required to gain access to water lines in order to perform the installation and maintenance. (Ord. 3544; 3598)

5-3405 VIOLATION AND INFRACTION

Any person violating any of the provisions of this chapter shall be subject to punishment pursuant to Title 1, Code Sections 1-2000 et seq, and /or the installation of a flow restrictor and/or the disconnection of water service. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 3544)

5-3406 POWERS AND DUTIES OF THE DIRECTOR

The Director is hereby authorized to and may perform all the provisions of this chapter. As to the Lincoln Village and Colonial Heights Maintenance Districts, the Director may coordinate with the City of Stockton so that, insofar as is possible, the provisions may be enforced consistent with this code and with the enforcement of water conservation within the Metropolitan Stockton area. (Ord. 3544)

5-3407 SEVERABILITY

If any provisions of this chapter are held to be unconstitutional, that portion or part thereof will be severed from the remainder and the remainder will be given full force and effect. (Ord. 3544)

5-3408 REMEDIES CUMULATIVE

The remedies and penalties provided for in this chapter shall be cumulative and shall be in addition to any or all other remedies available to the Director and Board. (Ord. 3544)

5-3409 EMERGENCY CONSERVATION

During water emergencies, additional conservation measures are necessary and proper to protect and conserve the water supply for human consumption, sanitation, and fire protection.

(a) The Board may adopt a resolution declaring a water emergency due to existence of a situation that requires extraordinary management or restrictions on water use as a result of natural events or other circumstances affecting the ability to meet the water quality or quantity demand for all or a portion of a Water District. The Board will state that Stage I, Stage II, Stage III, or Stage IV water conservation measures are in effect for the affected area. The Board may adopt a resolution to change the Stage of water conservation measures. The water emergency will remain in effect until terminated by Board action.

(b) In his or her discretion, the Chairman of the Board of Supervisors may declare that a water emergency exists for all or a portion of a Water District, and impose the appropriate stage of conservation restrictions. Such emergency action shall be confirmed, by Resolution, by the Board at their next regular meeting, and the emergency and associated restrictions will terminate immediately if not confirmed by majority vote of the Board.

(c) The Board of Supervisors may declare a water emergency when one or more of the following conditions exist:

- (1) The average local groundwater table reaches historic elevations as identified in the year of 1992 as determined by the Director by means of monthly groundwater soundings at the water production wells;
- (2) A drought or water emergency is declared by the Governor of California covering the water sources used by the County;
- (3) A decrease in the ability to draw ground water due to well contamination, well failure or other equipment or system failure, and no alternative source of water is reasonably available;
- (4) Contamination of the water system;
- (5) Natural disasters affecting water deliveries;
- (6) During times of floods which could affect water quality;
- (7) Sabotage or threats of sabotage against the water system;
- (8) Shortage of funding to operate and maintain the water system;
- (9) Any unusual situation or circumstance which affects the quantity or quality of the water supply.

5-3410 NOTIFICATION OF EMERGENCY

The Director or his/her designee shall notify affected customers and/or the general public of the existence of a water emergency, and the additional conservation measures, by publication in a newspaper of general circulation in the County, notice on the utility bill, by written notification mailed to the billing address on record with the County, by written notification delivered to the affected service address, or posting on the County's website.

5-3411 STAGE I EMERGENCY WATER CONSERVATION MEASURES

During Stage I of a water supply shortage, the shortage is minor, and a 10 percent or greater reduction in water usage is the goal.

(a) All requirements of 5-3402 apply, and in addition, landscape, garden, and pasture irrigation shall be limited to a maximum of three days per week, when necessary, and shall be based on the following odd-even schedule:

- (1) Customers with street addresses ending with an even number may irrigate only on Wednesday and/or Friday and/or Sunday;
- (2) Customers with street addresses ending with an odd number may irrigate only on Tuesday and/or Thursday and/or Saturday;
- (3) No irrigation will be permitted on Mondays.
- (4) Watering of landscapes at times and on days other than those specified in this section or during high winds that cause water to blow away from the landscapes being watered is prohibited.

(b) Draining and refilling of pools, spas and ponds shall be allowed for health, maintenance or structural considerations, after approval by the Public Works Director. Customer requests for approval must be in writing to the Director.

(c) Washing of vehicles, boats, equipment, etc. shall be accomplished under the following restrictions:

- (1) Water buckets shall be utilized;
- (2) Water hoses with automatic shutoff devices may be used for rinsing for duration not to exceed three minutes.
- (d) Restrictions in this stage do not apply to recycled water, or water delivered to a site from a source other than a Water District.

5-3412 STAGE II EMERGENCY WATER CONSERVATION MEASURES

During Stage II of a water supply shortage, the shortage is moderate, and a 20 percent or greater reduction in water usage is the goal.

- (a) All requirements of 5-3402 and 5-3411 apply, except that:
 - (1) landscape, garden, and pasture irrigation will be limited to two days per week with street addresses ending in an even number watering on Wednesdays and/or Sundays and street addresses ending in an odd number watering on Tuesdays and/or Saturdays.
 - (b) The addition of water above the minimum level necessary to comply with the health requirements for pool, hot tub or jacuzzi circulation, public or private (that is, adding water to bring the level to the top, where splash-out occurs) is prohibited.
 - (c) Restaurants shall post at every table and in restrooms notice of water emergency conditions and water restrictions. Acceptable methods of notification to patrons include notices or table tents placed on the tables or in the menus and in restrooms in a form approved or provided by the Director.
 - (d) The owner and/or manager of every hotel, motel, inn, guest house, and every other short- term commercial lodging shall post notice of water emergency condition information in every guest room, in a form approved or provided by the Director .
 - (e) Restrictions in this stage do not apply to recycled water, or water delivered to a site from a source other than a Water District.

5-3413 STAGE III EMERGENCY WATER CONSERVATION MEASURES

During Stage III of a water supply shortage, the shortage is severe, and a 35 percent or greater reduction in water usage is the goal.

- (a) All requirements of 5-3402, 5-3411 and 5-3412 apply except that:
 - (1) Landscaping, garden, and pasture irrigation with potable water is prohibited;
 - (2) The washing of vehicles, boats, equipment, etc. is prohibited except at a commercial establishment that utilizes recycled or partially recycled water.
 - (3) No potable water from the County's system shall be used to fill or refill any pools, spas or ponds, etc. Use of ornamental fountains is prohibited.
 - (4) No potable water from the County's system shall be used for construction purposes without approval by the Director of a plan for enforcing conservation and minimizing the use of potable water.
- (b) The washing of sidewalks, streets, driveways, parking lots, structures, or similar uses is prohibited except as authorized in writing by the Director.
- (c) Flushing of sewers or fire hydrants shall be limited to essential operations for the benefit of public health or welfare;
- (d) On any construction site no water shall be used for the cleaning of vehicles or fixed works.

(e) Restrictions in this stage do not apply to recycled water, or water delivered to a site from a source other than a Water District.

5-3414 STAGE IV EMERGENCY WATER CONSERVATION MEASURES

During Stage IV of a water supply shortage, the shortage is severe, and a 50 percent or greater reduction in water usage is the goal. All requirements of 5-3402, 5-3411, 5-3412, and 5-3413 apply except that:

(a) No potable water from the water system shall be used for construction purposes such as dust control, compaction, or trench jetting.

(b) Large industrial users, for example canneries and other food manufacturers, may be required to cease operations unless they develop a water conservation plan acceptable to the Director, showing at least 35 percent reduction in water from baseline non-emergency use, or that their normal procedures conserve water to such extent that further reduction is not feasible.

(c) Restrictions in this stage do not apply to recycled water, or water delivered to a site from a source other than a Water District.

SECTION 2: This Ordinance shall take effect immediately in accordance with Government Code Section 25123(d). The County of San Joaquin is currently experiencing a drought which requires immediate action to conserve water for public health and safety.

SECTION 3: The Clerk of the Board shall cause this ordinance to be published in accordance with California Government Code Section 25124.

PASSED AND ADOPTED on this 12th day of August, 2014, by the following vote of the Board of Supervisors, to wit:

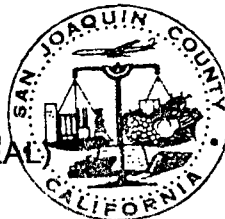
AYES: VILLAPUDUA, BESTOLARIDES, RUHSTALLER, VOGEL, ELLIOTT

NOES: NONE

ABSENT: NONE

ATTEST: MIMI DUZENSKI
Clerk of the Board of Supervisors
County of San Joaquin,
State of California

By Mimi Duzenski
Clerk



Robert V. Elliott 8/18/2014
ROBERT V. ELLIOTT
Chairman, Board of Supervisors
San Joaquin County,
State of California