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ORDINANCE NO. 26-1

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CARPINTERIA VALLEY WATER DISTRICT RESCINDING ORDINANCE 24-1, CONTINUING WATER WASTE PROHIBITIONS, AND INCORPORATING REQUIREMENTS OF ASSEMBLY BILL 1572 PROHIBITING THE IRRIGATION OF NONFUNCTIONAL TURF WITH POTABLE WATER

WHEREAS, the Board of Directors of the Carpinteria Valley Water District ("District") adopted Ordinance 22-1 on November 10, 2022, declaring the District was in a Stage 3 Drought Condition;

WHEREAS, the Board of Directors subsequently adopted Ordinance 23-1 on April 26, 2023, declaring the District was in a Stage 1 Drought Condition;

WHEREAS, on April 10, 2024, the Board of Directors adopted Ordinance 24-1, declaring the District was in a Stage 0 Drought Condition and rescinding Ordinance 23-1;

WHEREAS, Ordinance 24-1 provides that specified water waste prohibitions and conservation practices remain in effect during the Stage 0 period and Ordinance 24-1 remains in effect until rescinded by a vote of the Board of Directors;

WHEREAS, Article X, Section 2 of the California Constitution and Section 100 of the California Water Code declare that the general welfare requires water resources be put to beneficial use, therefore, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.

WHEREAS, the District has an ongoing responsibility to promote the reasonable and efficient use of its water supplies, prevent unnecessary or wasteful water use, conserve available water resources, and support the long-term reliability and sustainability of the District's water supply during both normal water supply conditions and periods of drought or water shortage;

WHEREAS, the District desires to continue previously adopted water waste prohibitions and conservation practices notwithstanding the absence of a declared drought condition;

WHEREAS, the California Legislature enacted Assembly Bill 1572 (Stats. 2023, Ch. 849), adding Chapter 2.5 to Part 2.55 of Division 6 of the California Water Code, including Section 10608.14, which establishes statewide requirements prohibiting the use of potable water for irrigation of nonfunctional turf on specified properties;

WHEREAS, California Water Code Section 10608.14 requires public water systems, no later than January 1, 2027, to revise their regulations, ordinances, or policies governing water

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service to include the requirements of the statute and to communicate those requirements to their customers;

WHEREAS, the Board of Directors desires to incorporate the requirements of California Water Code Section 10608.14 into the District's water conservation requirements and to provide customers with clear notice of the applicable requirements and compliance dates;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CARPINTERIA VALLEY WATER DISTRICT AS FOLLOWS:

SECTION 1. RESCISSION OF ORDINANCE 24-1

Ordinance 24-1 is hereby rescinded in its entirety upon the effective date of this Ordinance.

The rescission of Ordinance 24-1 shall not be construed to repeal or eliminate the water waste prohibitions and conservation requirements continued by this Ordinance.

SECTION 2. CONTINUATION OF WATER WASTE PROHIBITIONS

Pursuant to California Water Code sections 31024, 31026, and other applicable law, the following water waste prohibitions and conservation practices shall remain in effect for District customers during normal water supply conditions and shall apply regardless of whether the District is operating under a declared drought or water shortage stage:

A. Water Conservation.
Customers are encouraged to continue efficient water use, particularly efficient landscape irrigation, and to take advantage of water conservation programs and opportunities offered by the District.

B. Irrigation Following Rainfall.
Watering or irrigating any outdoor landscapes with potable water during and up to forty-eight (48) hours after one quarter inch (¼") rainfall measured within a twenty-four (24) hour period is prohibited.

C. Free-Flowing Hoses.
Free-flowing hoses shall not be used for any purpose where an automatic shut-off valve or shut-off nozzle is reasonably available. Automatic shut-off valves or nozzles shall be attached to hoses when using water for cleaning, washing, or other activities where continuous flow is not necessary.

D. Commercial Lodging Establishments.
Operators of hotels, motels, and other commercial lodging establishments located within the District are encouraged to provide guests with water conservation information and notices regarding the option to decline daily laundering of sheets and towels.

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E. Irrigation Runoff.
Water used for landscape irrigation shall not be allowed to run off onto adjacent property, patios, decks, driveways, private or public walkways, roadways, parking lots, or structures.

F. Decorative Water Features.
Decorative water features using potable water shall be equipped with a recirculating pump.

G. Leaks and Water Line Breaks.
Leaks and breaks in plumbing or water lines shall be repaired within a reasonable period after discovery or notification.

A violation of the prohibition of water waste shall be subject to the enforcement provisions and penalties set forth in Section 6 of this Ordinance.

SECTION 3. DEFINITIONS

For purposes of Section 4 of this Ordinance, the terms used in this Ordinance shall have the same meanings as provided in California Water Code Sections 10608.12 and 10608.14, as amended from time to time.

Without limiting the foregoing:

A. "Common Area" means the portion of a common interest development or property owned or managed by a homeowners' association or community service organization or similar entity that is not assigned or allocated to the exclusive use of the occupants of an individual dwelling unit.

B. "Community Service Organization or Similar Entity" means a nonprofit entity, other than an association, organized to provide services to residents of a common interest development or to the public, to the extent community common areas or facilities are available to the public, as further defined by California Water Code Section 10608.12.

C. "Functional Turf" means a ground-cover surface of turf located in a recreational use area or community space.

D. "Homeowners' Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

E. "Nonfunctional Turf" means turf that is not functional turf, including turf located within street rights-of-way and parking lots.

F. "Potable Water" means water that is suitable for human consumption.

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G. "Recreational Use Area" means an area designated by a property owner or governmental agency to accommodate human foot traffic for recreation, including, but not limited to, sports fields, golf courses, playgrounds, picnic grounds, or pet exercise areas.

H. "Community Space" means an area designated by a property owner or governmental agency to accommodate human foot traffic for civic, ceremonial, or other community events or social gatherings.

I. "Disadvantaged Community" means a community with an annual median household income that is less than eighty percent (80%) of the statewide annual median household income.

SECTION 4. NONFUNCTIONAL TURF – ASSEMBLY BILL 1572

A. Prohibition

Consistent with California Water Code Section 10608.14, as amended from time to time, the use of potable water for irrigation of nonfunctional turf is prohibited on the following properties according to the dates established by state law:

1. **January 1, 2027:** Properties owned by the California Department of General Services.
2. **January 1, 2027:** Properties owned by local governments, local or regional public agencies, and public water systems, except properties located in a disadvantaged community that are subject to paragraph 5 below.
3. **January 1, 2028:** All other institutional properties and all commercial and industrial properties, except cemeteries.
4. **January 1, 2029:** All common areas of properties of homeowners' associations, common interest developments, and community service organizations or similar entities.
5. **January 1, 2031,** or the date upon which a state funding source is made available to fund conversion of nonfunctional turf on those properties to climate-appropriate landscapes, whichever is later: Properties owned by local governments, local public agencies, and public water systems that are located in a disadvantaged community.

The foregoing dates and requirements shall be interpreted and administered consistent with California Water Code Section 10608.14, as amended.

A violation of the prohibition against the use of potable water to irrigate nonfunctional turf shall be subject to the enforcement provisions and penalties set forth in Section 6 of this Ordinance.

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B. Exceptions

Notwithstanding Section 4.A., the use of potable water for irrigation of nonfunctional turf is not prohibited to the extent necessary:

1. To ensure the health of trees and other perennial non-turf plantings; or
2. To address an immediate health and safety need.

Nothing in this Ordinance shall be construed to prohibit the use of water where otherwise authorized by applicable law for purposes unrelated to irrigation of nonfunctional turf.

C. Postponement of Compliance Deadline

To the extent authorized by California Water Code Section 10608.14, the State Water Resources Control Board may, upon a showing of good cause, including economic hardship, critical business need, or potential impacts to human health or safety, postpone a compliance deadline for up to three (3) years for certain persons, institutions, or businesses.

Any postponement granted pursuant to state law shall be recognized by the District for purposes of enforcement of this Ordinance.

D. Compliance Certification

The District hereby provides notice that California Water Code Section 10608.14 requires certain property owners to certify compliance directly to the State Water Resources Control Board.

Beginning June 30, 2030, and every three years thereafter through 2039, an owner of commercial, industrial, or institutional property with more than 5,000 square feet of irrigated area, other than a cemetery, must certify to the State Water Resources Control Board that the property is in compliance with the requirements of California Water Code Section 10608.14.

Beginning June 30, 2031, and every three years thereafter through 2040, an owner of a property with more than 5,000 square feet of irrigated common area that is a homeowners' association, common interest development, community service organization, or similar entity must certify to the State Water Resources Control Board that the property is in compliance with the requirements of California Water Code Section 10608.14.

Property owners shall comply with any forms, procedures, or additional requirements established by the State Water Resources Control Board for such certifications.

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SECTION 5. EXEMPTED WATER USES

The following uses shall be exempt from the water waste prohibitions established by this Ordinance:

A. Fire Suppression and District Operations.
Water use associated with the operation and maintenance of fire suppression equipment, or water used by the District for water quality flushing, sanitation, testing, or other operational purposes, shall be exempt.

B. Recycled Water, Graywater, and Rainwater.
Use of water supplied by a graywater or rainwater collection system shall not be subject to the potable-water restrictions of this Ordinance; provided, however, that use of such water remains subject to all applicable state and local laws and regulations.

C. Irrigation Systems Repair and Testing.

Supervised testing, adjusting, or repairing of Irrigation systems is allowed anytime for no more than five (5) minutes per station.

SECTION 6. ENFORCEMENT, VIOLATIONS, APPEALS AND PENALTIES

A. Violation.
Any person who uses, causes to be used, or permits the use of water in violation of any provision of this Ordinance is subject to the enforcement provisions and penalties set forth herein and in applicable law.

B. Enforcement of Violations.
Complaints of water waste and violations of this Ordinance shall be investigated and enforced by the District. The General Manager, or employees designated by the General Manager, are authorized to investigate alleged violations and issue notices of violation and citations pursuant to this Ordinance and applicable law.

C. Notice of Violation.
A notice of violation may be provided to the District water customer or property owner by telephone, mail, electronic communication, hand delivery, posting at the entrance of the property, or by any other reasonable means.

The District shall provide written notice describing the time, place, and general nature of the violation and, where appropriate, the time period within which the violation must be corrected. District staff may establish a reasonable correction period based upon the nature and severity of the violation, the circumstances giving rise to the violation, and the need to protect water supplies.

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D. Consequences of Violation.

Administrative fines and water service actions may be imposed for violations of this Ordinance as follows:

1. **First Violation.** The District shall issue a written notice of violation to the water customer or property owner and may provide a copy of this Ordinance or the applicable water conservation requirements. No administrative fine shall be imposed for a first violation.

2. **Second Violation.** If the first violation is not corrected within the time period specified by the District, or if a second violation occurs within twelve (12) months following the date of the first notice of violation, the District may issue a second notice of violation and impose an administrative fine of one hundred dollars ($100.00).

3. **Third Violation.** If a third violation occurs within twelve (12) months following the date of the second notice of violation, the District may impose an administrative fine of two hundred fifty dollars ($250.00**)**.

4. **Fourth and Subsequent Violations.** Each day that a violation continues beyond the correction period specified in the third notice of violation, or each subsequent violation occurring within twelve (12) months thereafter, may constitute a separate offense and may be subject to one or more of the following:

   a. **Water Service Restriction or Discontinuation.** The District may restrict or discontinue water service to the property, consistent with applicable law and the District's Rules and Regulations for Water Service. Where service is restricted or discontinued, service shall be restored following correction of the violation and payment of any applicable re-establishment charges, District staff time, and material costs authorized under the District's Rules and Regulations for Water Service.

   b. **Administrative Fine.** The District may impose an administrative fine of up to five hundred dollars ($500.00) for a violation, to the extent authorized by applicable law.

   c. **Other Legal Remedies.** The District may pursue any other remedy available under applicable law, including civil or criminal enforcement where authorized by law.

E. Payment of Administrative Fines.

The water customer shall be responsible for payment of administrative fines imposed pursuant to this Ordinance. Administrative fines may be added to the customer's regular water bill and collected in the same manner as other charges owed to the District, to the extent permitted by law.

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Payment of an administrative fine shall be the responsibility of the person named on the District water service account, without limiting the District's ability to pursue enforcement against a property owner or other person responsible for the violation as authorized by law.

Nonpayment of administrative fines shall be subject to the District's applicable collection procedures and any other remedies available under law.

F. Appeal.

Any customer against whom a penalty is levied pursuant to this Ordinance shall have the right to appeal as follows:

a. The customer request for an appeal consideration must be in writing, legible, and received by the General Manager within ten (10) calendar days of the issuance of the notice of violation to the customer. Any determination not timely appealed shall be deemed final. The written request for appeal consideration shall include:

i. A description of the issue,
ii. Evidence supporting the appeal, and
iii. A request for resolution of the dispute.

b. The General Manager will review the material submitted and make an independent determination of the issue, which shall be mailed to the customer within fifteen (15) calendar days of receipt of the request for appeal.

c. The General Manager’s determination may be appealed in writing within ten (10) calendar days of the mailing of the notice of determination. The appeal of the General Manager’s determination shall be heard and considered by the Board of Directors at an upcoming regular meeting of the Board. The Board may, in its discretion, affirm, reverse, or modify the determination. The Board’s determination is final.

G. State Law.

Nothing in this Section shall limit or restrict any enforcement authority, penalty, remedy, or procedure available to the District under the California Water Code, Government Code, or other applicable law. Where state law establishes a different penalty, procedure, or enforcement requirement applicable to a particular violation, the requirements of state law shall control.

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SECTION 7. STATE-MANDATED WATER CONSERVATION REQUIREMENTS

In the event the State of California adopts mandatory water conservation measures applicable to the District or its customers, and such measures require additional water conservation actions beyond the requirements contained in this Ordinance, such requirements shall be implemented by the District to the extent required by law.

Nothing in this section shall be construed to expand or modify a state mandate beyond its actual legal requirements.

SECTION 8. CONFLICT WITH PRIOR ORDINANCES, RESOLUTIONS, RULES, OR REGULATIONS

To the extent the terms and provisions of this Ordinance are inconsistent or in conflict with the terms and provisions of any prior District ordinance, resolution, rule, or regulation; the terms of this Ordinance shall prevail.

Except as expressly rescinded by this Ordinance, existing District ordinances, resolutions, rules, regulations, and policies shall remain in full force and effect.

SECTION 9. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

The Board of Directors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared unconstitutional, invalid, or unenforceable.

SECTION 10. EFFECTIVE DATE

This Ordinance becomes effective this 28th day of October, 2026.

Upon the effective date of this Ordinance, Ordinance 24-1 is rescinded in its entirety, and the water waste prohibitions and conservation requirements established by this Ordinance shall remain in effect until amended or rescinded by the Board of Directors or superseded by applicable law.

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PASSED AND ADOPTED

PASSED AND ADOPTED by the Board of Directors of the Carpinteria Valley Water District at a regular meeting held on October 28, 2026, by the following vote:

AYES: O'Connor, Holcombe, Balch, Roberts and Van Wingerden

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Signed by:
Case Van Wingerden
FFD900690DA6143B...

Case Van Wingerden, Board President
Carpinteria Valley Water District

ATTEST:

Signed by:
Lisa Silva
85A31CCE7A9B4C3...

Lisa Silva, Board Secretary
Carpinteria Valley Water District