RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS DECLARING A LEVEL 4 WATER SUPPLY SHORTAGE PURSUANT TO MUNICIPAL CODE SECTION 10-2.1107 AND ENACTING ADDITIONAL WATER CONSERVATION MEASURES PURSUANT TO MUNICIPAL CODE SECTION 10-2.1112

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety, and welfare of the people and economy of the southern California region; and

WHEREAS, careful water management that includes active water conservation measures in times of drought is essential to ensure a reliable minimum supply of water to meet current and future water supply needs; and

WHEREAS, Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, 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; and

WHEREAS, California Water Code section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies; and

WHEREAS, on November 16, 2021, City Council adopted a water conservation ordinance, codified in Article 11, Chapter 2, Title 10 of the Thousand Oaks Municipal Code, that became effective on January 1, 2022 and which sets forth six levels of water conservation measures; and

WHEREAS, Calleguas Municipal Water District (Calleguas) provides the water for the City of Thousand Oaks and is reliant upon deliveries of water imported by the Metropolitan Water District of Southern California (Metropolitan) from the California State Water Project (SWP), and is considered an SWP dependent agency within the Metropolitan service area; and

WHEREAS, the State of California has entered a third consecutive year of drought during which annual precipitation, snowpack, and resultant runoff levels have been markedly below that which is needed to both adequately replenish key reservoirs and meet current water demands; and
WHEREAS, on October 19, 2021, Governor Gavin Newsom proclaimed that a state of emergency exists in all California counties due to severe drought conditions, and called on all local and regional water suppliers to implement Water Shortage Contingency Plans (WSCP) that are responsive to local conditions; and

WHEREAS, on November 9, 2021, Metropolitan declared that specified drought emergency conditions exist within its service area and called on all member agencies to immediately implement conservation to reduce the use of SWP supplies; and

WHEREAS, on November 16, 2021, City Council declared a water supply shortage and urged residents and businesses to voluntarily reduce usage by 15 percent from 2020 usage to extend SWP storage reserves; and

WHEREAS, on March 18, 2022, the California Department of Water Resources (DWR) announced that it reduced the calendar year 2022 SWP allocation to Metropolitan to five percent, and current projections indicate that the final allocation will remain five percent; and

WHEREAS, DWR has a limited supply of water available for SWP contractors to utilize for Human Health and Safety (HH&S) but that access to HH&S water requires: the contractor to demonstrate robust conservation efforts with mandatory requirements; the repayment of all HH&S water in future years; and future investments to reduce reliance on the SWP to meet HH&S needs; and

WHEREAS, Metropolitan announced that, in light of the five percent SWP allocation, there are insufficient supplies to meet normal demands in SWP-dependent areas in calendar year 2022, and declared a water supply emergency at their April 26 Board meeting requiring all SWP-dependent water agencies to limit watering to one day per week equivalent, or meet volumetric requirements requiring a reduction of greater than 50 percent or face volumetric penalties of up to $2,000 per acre-foot effective June 1; and

WHEREAS, Calleguas, on April 27, 2022, passed Resolution 2042 declaring a Water Shortage Emergency Condition in the Calleguas service area mandating that water users within their service area restrict irrigation to one day per week (or equivalent) with enforcement or meet volumetric requirements requiring a reduction of greater than 50 percent by June 1; and

WHEREAS, Municipal Code Section 10-2.1107 provides for City Council to declare a Level 4 Water Supply Shortage upon a determination that a severe water supply shortage or threatened shortage exists and consumer demand reduction is necessary to appropriately respond to existing water conditions; and

WHEREAS, Municipal Code Section 10-2.1112 provides that City Council upon adoption of a resolution may implement water conservation measures in
addition to the prohibited uses of water identified in Sections 10-2.1104, 10-2.1105, 10-2.1106 10-2.1107 10-2.1108 and 10.2-1109.

NOW, THEREFORE, the City Council of the City of Thousand Oaks resolves as follows:

A severe water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to appropriately respond to existing water conditions; and

BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that a Level 4 Water Supply Shortage is hereby declared, to become effective on May 25, 2022; and

BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that outdoor irrigation be limited to one day per week and may only occur on assigned irrigation day(s), except for necessary hand watering of trees and shrubs sufficient to keep them alive; and

BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that low volume (also known as low flow) irrigation systems as referenced in the water conservation measures refers to the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers, and specifically designed to apply small volumes of water slowly at or near the root zone of plants; and

BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that Fuel Modification Zones as required in development conditions of approval for fire protection are allowed an extra day of irrigation to mitigate fire risks and are not required to use low volume irrigation systems unless otherwise conditioned or required by law or agreement; and

BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that the use of low volume irrigation systems is not mandated for engineered slopes except where specifically conditioned or otherwise required by law or agreement; and

BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that golf course fairways are allowed one extra day of irrigation because they are designated as “functional turf”; and

BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that limited active shared recreational areas for use by residents of multifamily complexes or businesses may be afforded the same consideration as active playing fields in public parks but must apply through the waiver process for such consideration; and
BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that the extra watering days for specified purposes and exceptions for weather based irrigation controllers and rotator sprinklers provided for in TOMC Sections 10-2.1107(b)(2),(ii) and 10-2.1107(b)(3)(v) are hereby suspended; and

BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that dust suppression for fugitive dust that is subject to Ventura County Air Pollution Control District Rule 55 shall not employ potable water during the drought except via an approved waiver; and

BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that the California State Model Water Efficient Landscaping Ordinance (MWELO) definitions are to be used if a specific definition is not provided in the Thousand Oaks Municipal Code; and

BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that a stay on code enforcement actions against brown or dead lawns will be in effect for the duration of the drought, not exempting the requirements for the removal of vegetation presenting a fire hazard and weed removal; and

BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that re-landscaping of dead or brown lawns, and landscaping required under development permit conditions but delayed as a result of the drought, shall be granted a grace period of six months after the drought is declared over to install landscaping; and

BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that a 60-day grace period be provided for residents and businesses to transition from traditional sprinklers to low volume systems in order to meet the ordinance requirements, and that during the grace period, traditional sprinklers will be subject to the one day per week watering restriction with a limit of 15-minutes of watering per irrigation station; and

BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that the remainder of the month of May will be used for notification and education about the new rules and enforcement will start June 1, 2022; and

BE IT FURTHER RESOLVED by the City Council of the City of Thousand Oaks that the first violation will be a warning, the second through fourth violations will follow the City’s administrative procedure, and notwithstanding fire suppression system requirements, the fifth violation will result in the installation of a flow restrictor for a minimum of 30 days in addition to the administrative fine, and the sixth violation will result in the installation of a flow restrictor for the duration of the declared SWP drought emergency.

PASSED AND ADOPTED this 24th day of May, by the following vote:

Ayes:
Noes:
Absent:

_________________________________
Bob Engler, Mayor
City of Thousand Oaks, California

ATTEST/CERTIFY:

__________________________
Cynthia M. Rodriguez, City Clerk
Date Attested: ____________________

APPROVED AS TO FORM:
Office of the City Attorney

_________________________________
Tracy Friedl, Assistant City Attorney

APPROVED AS TO ADMINISTRATION:

_________________________________
Andrew P. Powers, City Manager

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the City of Thousand Oaks City Council on the date cited above.
ORDINANCE NO. 1690-NS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS AMENDING THE THOUSAND OAKS MUNICIPAL CODE REPEALING IN ITS ENTIRETY CHAPTER 2, ARTICLE 11 OF TITLE 10 AND ADDING CHAPTER 2, ARTICLE 11 OF TITLE 10 ADOPTING REGULATIONS FOR WATER CONSERVATION

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety, and welfare of the people and economy of the Southern California region; and

WHEREAS, Southern California is a semi-arid region and is largely dependent upon imported water supplies and climate change will make droughts more frequent and severe; and

WHEREAS, careful water management that includes active water conservation measures in times of drought is essential to ensure a reliable minimum supply of water to meet current and future water supply needs; and

WHEREAS, Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, 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; and

WHEREAS, California Water Code section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies; and

WHEREAS, adoption and enforcement of a water conservation and supply shortage program is necessary to manage the City’s potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the City. Such programs are essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

NOW, THEREFORE, the City Council of Thousand Oaks does hereby ordain as follows:

PART 1

Title 10, Chapter 2, Article 11 of the Thousand Oaks Municipal Code entitled “Water Conservation” is repealed in its entirety.
PART 2

Title 10, Chapter 2, Article 11 of the Thousand Oaks Municipal Code entitled “Water Conservation” is hereby added and reads in its entirety as follows:

ARTICLE 11. WATER CONSERVATION

Sec. 10-2.1101. Conservation Measures Established.

Mandatory water conservation measures are hereby established as set forth in this article and correspond to the six levels mandated by state law. Each level is based on available and forecast water supplies or emergency interruptions of service.

Sec. 10-2.1102. Application.

(a) To the extent authorized by law, this article shall apply to all customers and property within the City and the City’s water service area, with no distinction as to whether service is provided by the City or a private water purveyor of potable water that operates water service systems within the City.

(b) The provisions of this article do not apply to uses of water necessary to protect public health and safety or for essential health care or government services such as police, fire, and other similar emergency services.

Sec. 10-2.1103. General Prohibition: Enforcement, Penalties.

(a) No customer of the City water system or of a water purveyor serving customers within the City shall make, cause, use, or permit the use of potable water in a manner contrary to any provision of this article. Any violation of the use restrictions set forth in this article shall be enforced by the water purveyor serving that customer but upon failure of the water purveyor to act, shall be enforced by City. Each customer shall be guilty of a separate offense for each day during which such unauthorized use occurred, continued, or was permitted.

(b) Any violation of the water use restrictions set forth in this article shall be subject to prosecution and fines and penalties as set forth in Title 1, Chapter 2, Articles 1 and 2 of this code. Furthermore, any violation of the water use restrictions set forth in this article is a public nuisance under TOMC Section 1-6.01 et seq.

(c) Water Flow Restrictors: In addition to any fines or penalties, the City or water purveyor may install a water flow restrictor device for willful violations of mandatory water use restrictions set forth in this article.
(d) Disconnecting Service: In addition to any fines and the installation of a water flow restrictor, the City or water purveyor may disconnect a customer's water service for continued willful violations of mandatory water use restrictions set forth in this article.

(e) Cost of Flow Restrictor and Disconnecting Service: A person or entity that violates this ordinance is responsible for payment of charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the City's or water purveyor's schedule of charges then in effect. All charges must be paid before the flow restricting device is removed or the water service is reconnected. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.


The following water conservation requirements are effective at all times and are permanent. Violations of this section shall be considered waste and an unreasonable use of water.

(a) Limits on Watering Hours: Watering or irrigating of turf, landscape, or other vegetated areas with potable water is prohibited between the hours of 8:00 a.m. and 6:00 p.m. on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, for short periods for the express purpose of adjusting or repairing an irrigation system, or for turf refurbishment on a public playing field.

(b) Limit on Watering Duration: Watering or irrigating of turf, landscape, or other vegetated areas with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes of watering per day per station. This subsection does not apply to landscape irrigation systems that use highly efficient components such as low volume drip type irrigation, stream rotator sprinklers, and/or soil moisture-based or weather-based controllers.

(c) No Excessive Water Runoff or Overspray: Runoff from a property from potable water use or irrigation of any turf, landscape, or other vegetated areas in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.

(d) No Washing Down Hard or Paved Surfaces: Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios, or alleys, is prohibited except when necessary for safety or sanitary purposes, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any
water used, or a low-volume high-pressure water broom. The discharge of pollutants to the storm drain system is prohibited pursuant to Section 7-8.201 of this code.

(e) Limits on Watering Days: Watering or irrigating turf, landscape, or other vegetated areas with potable water is limited to four days per week from April 1 through October 31 and three days per week from November 1 through March 31. This provision does not apply to watering or irrigating using a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for short periods for the express purpose of adjusting or repairing an irrigation system.

(f) Obligation to Fix Leaks, Breaks, or Malfunctions: Excessive use, loss, or release of water through breaks, leaks, or other malfunctions in the water user's plumbing or distribution system for any period of time after such release of water should have reasonably been discovered and corrected and, in no event more than seven (7) days of receiving notice from the City, is prohibited.

(g) Irrigation during and within 48 hours after rainfall measuring 0.25 inches or more is prohibited.

(h) Recirculating Water Required for Decorative Water Fountains and Running-Water Features: Operating a water fountain or other decorative water feature that does not use recirculated water is prohibited.

(i) Limits on Washing Vehicles: Using potable water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat, or trailer, whether motorized or not, is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.

(j) Drinking Water Served Upon Request Only: Eating or drinking establishments, including but not limited to a restaurant, hotel, café, cafeteria, bar, or other public places where food or drinks are sold, served, or offered for sale, shall only provide drinking water to any person upon request.

(k) Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services: Hotels, motels, and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.

(m) No Installation of Non-Recirculating Commercial Car Wash and Laundry Systems: Installation of non-recirculating water systems is prohibited in new commercial car wash and new industrial laundry systems.

(n) Restaurants Required to Use Water Conserving Dish Wash Spray Valves: Food preparation establishments such as restaurants must use water conserving dish wash spray valves.

(o) Commercial Car Wash Systems: All commercial car wash systems must have installed operational recirculating water systems unless otherwise exempt under state law and holding a current waiver of this requirement from the City. Commercial Car Wash Waivers are valid for a maximum of five years and may be revoked during a Water Supply Shortage or other emergency.

(p) Any other non-irrigation use that results in excessive water runoff from a property onto adjacent properties or city streets is prohibited.


(a) A Level 2 Water Supply Shortage shall exist when the City Council declares that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists which necessitates a consumer demand reduction between 11 and 20 percent to appropriately respond to existing water conditions. Upon the declaration by the City Council of a Level 2 Shortage, the City will implement the mandatory conservation measures identified in this section.

(b) Level 2 Conservation Measures: In addition to the conservation requirements identified in Level 1, the following water conservation requirements shall apply during a declared Level 2 Water Supply Shortage:

1) Limits on Watering Days: Watering or irrigating of turf, landscape or other vegetated areas with potable water is limited to three days per week from April 1 through October 31, and two days per week from November 1 through March 31. These restrictions do not apply to the following categories of use:

(i) Irrigation of trees and shrubs that are watered using a hand-held bucket or similar container, or hand-held hose equipped with a positive self-closing water shut-off nozzle or device;
(ii) Short periods of time for the express purpose of adjusting or repairing an irrigation system;
(iii) Irrigation of playing fields for field refurbishment necessary for public health and safety;
(iv) Use of water in a community garden providing garden plots to the public, or to home fruit and vegetable gardens less than 300 square feet;
(v) Irrigating a newly installed or significantly rehabilitated landscape for the first 60 days after the first plant or tree is placed in the ground. For the
purposes of this section, a significantly rehabilitated landscape is a landscape in which 25 percent or more of a property's landscape is replaced. Turf and grasses do not qualify as landscape or plants for the purposes of this section, including determining the amount of rehabilitated landscape; or
(vi) Use of reasonable amounts of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs and other vegetation intended for commercial sale.

(2) The following categories of use are allowed one additional day of watering:
(i) Irrigation of existing landscape for soil erosion control;
(ii) Irrigation of plant materials identified to be rare or essential to the well-being of protected species;
(iii) Irrigation of playing fields in active public parks, daycare centers, golf course greens, and school grounds;
(iv) Actively irrigated environmental mitigation projects;
(v) Irrigation of landscaping installed to mitigate the effects of stormwater pollution.

(3) Obligation to Fix Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two (72) hours of notification by the City unless other arrangements are made with the City.


(a) A Level 3 Water Supply Shortage shall exist when the City Council determines that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists which necessitates a consumer demand reduction between 21 and 30 percent to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City Council of a Level 3 Water Supply Shortage condition, the City will implement mandatory Level 3 conservation measures identified in this section.

(b) Level 3 Conservation Measures: In addition to conservation measures identified in Levels 1 and 2, the following additional water conservation requirements shall apply during a declared Level 3 Water Supply Shortage:

(1) Limits on Watering Days: Watering or irrigating turf, landscape, or other vegetated areas with potable water is limited to two days per week from April 1 through October 31, and one day per week from November 1 through March 31. This restriction does not apply to the following categories of use:
(i) Irrigation of trees and shrubs that are watered using a hand-held bucket or similar container, or hand-held hose equipped with a positive self-closing water shut-off nozzle or device;
(ii) Short periods of time for the express purpose of adjusting or repairing an irrigation system;
(iii) Irrigation of playing fields for field refurbishment necessary for public health and safety;
(iv) Use of water in a community garden providing garden plots to the public, or to home fruit and vegetable gardens less than 300 square feet;
(v) Irrigating a newly installed or significantly rehabilitated landscape for the first 60 days after the first plant or tree is placed in the ground. For the purposes of this section, a significantly rehabilitated landscape is a landscape in which 25 percent or more of a property’s landscape is replaced. Turf and grasses do not qualify as landscape or plants for the purposes of this section, including determining the amount of rehabilitated landscape; or
(vi) Use of reasonable amounts of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs and other vegetation intended for commercial sale.

(2) The following categories of use are allowed one additional day of watering:
   (i) Irrigation of existing landscape for soil erosion control;
   (ii) Irrigation of plant materials identified to be rare or essential to the well-being of protected species;
   (iii) Irrigation of playing fields in active public parks, licensed daycare centers, golf course greens, and school grounds;
   (iv) Actively irrigated environmental mitigation projects; or
   (v) Irrigation of landscaping installed to mitigate the effects of stormwater pollution.

(3) Obligation to Fix Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the water user’s plumbing or distribution system must be repaired within forty-eight (48) hours of notification by the City unless other arrangements are made with the City.

(4) Limits on Filling Ornamental Lakes, Ponds, or Running-water Features: Filling or re-filling ornamental lakes, ponds, or running-water features with potable water is prohibited, 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 the declaration of a supply shortage level under this article. During the declared shortage, additional aquatic animals may not be added to the water feature.

(5) Limits on Filling Residential Swimming Pools and Spas: Draining and re-filling of more than one foot with potable water is prohibited.
(6) Swimming Pool Covers: Outdoor swimming pools shall be covered when not in use, and the forecast high temperature for the day exceeds 74 degrees Fahrenheit.

(7) Water Misters: Use of water misters is prohibited.

(8) Vehicle Wash Limitations: Use of potable water for home, mobile, and community event vehicle washes is prohibited. An exception applicable in Level 3, but not Levels 4-6, is allowed for rinsing watercraft after use in the ocean.


(a) A Level 4 Water Supply Shortage shall exist when the City Council determines that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists which necessitates a consumer demand reduction between 31 and 40 percent to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City Council of a Level 4 Water-Supply Shortage condition, the City will implement mandatory Level 4 conservation measures identified in this section.

(b) Level 4 Conservation Measures: In addition to the water conservation requirements identified in Levels 1-3 the following additional water conservation requirements apply during a declared Level 4 Water Supply Shortage:

(1) Irrigating turf with other than low volume systems is prohibited except for irrigation of playing fields in public parks active playing fields, licensed daycare centers, golf course greens, and school grounds.

(2) Limits on Watering Days: Watering or irrigating of turf, landscape, or other vegetated areas with potable water is limited to one day per week and is limited to hand watering only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or low volume irrigation systems. These restrictions do not apply to the following categories of use:

(i) Use of water in a community garden providing garden plots to the public, or to home fruit and vegetable gardens less than 300 square feet;
(ii) Irrigating a newly installed or significantly rehabilitated landscape for the first 60 days after the first plant or tree is placed in the ground. For the purposes of this section, a significantly rehabilitated landscape is a landscape in which 25 percent or more of a property’s landscape is replaced. Turf does not qualify as landscape or plants for the purposes of this section including determining the amount of rehabilitated landscape; or
(iii) Use of reasonable amounts of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, and other vegetation intended for commercial sale.

(3) The following categories of use are allowed one additional day of watering:

(i) Irrigation of existing landscape for soil erosion control;
(ii) Irrigation of plant materials identified to be rare or essential to the well-being of protected species;
(iii) Irrigation of playing fields in active public parks daycare centers, golf course greens, and school grounds;
(iv) Actively irrigated environmental mitigation projects;
(v) Irrigation of landscaping installed to mitigate the effects of stormwater pollution.

(4) Obligation to Fix Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight (48) hours of notification by the City unless other arrangements are made with the City.

(5) Showering at gyms and athletic facilities: Showers shall be closed with a physical barrier and sign informing members that showering is prohibited unless the facility provides proof to the City that all showers have showerheads that do not exceed 1.8 Gallons Per Minute at 80 PSI. Acceptable proof includes:

(i) Invoices or receipts from a licensed plumber or contractor documenting the installation of devices that meet the standard and include documentation that the showers are set at 80 PSI or lower;
(ii) Inspection by city staff (fees may apply);
(iii) the facility was constructed or remodeled to the standards set forth in the July 1, 2021 supplement to the 2019 Title 24, Part 11, California Green Building Standards Code.


(a) A Level 5 Water Supply Shortage shall exist when the City Council determines that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists which necessitates a consumer demand reduction between 41 and 50 percent to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City Council of a Level 5 Water-Supply Shortage condition, the City will implement mandatory Level 5 conservation measures identified in this section.
(b) Level 5 Conservation Measures: In addition to the water conservation requirements identified in Levels 1-4 the following additional water conservation requirements apply during a declared Level 5 Water Supply Shortage:

1. Irrigating all turf is prohibited.

2. Limits on Watering Days:
   
   (i) Commercial and Multifamily residences with shared water meters: Watering or irrigating non-turf landscape with potable water is limited to one day per week using a low volume irrigation system; or
   
   (ii) Residential: Watering or irrigating of landscape, or other vegetated areas with potable water is limited to hand watering only by use of a hand-held bucket or similar container, or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device.

3. Obligation to Fix Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within twenty-four (24) hours of notification by the City unless other arrangements are made with the City.

4. Vehicle Washing: All vehicle washing is prohibited.

5. Showering at gyms and athletic facilities: Showers at gyms and athletic facilities shall be closed with a barricade and sign informing members that showering is prohibited.

6. Pool Permits: No pool permits will be issued, and filling of pools, ponds, or water features is prohibited.

7. No New Potable Water Service: Except for the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for one year or less, no new potable water service will be provided, no new temporary meters or permanent meters will be provided, and no statements of immediate ability to serve or provide potable water service (such as will-sell letters, certificates, or letters of availability) will be issued, except under the following circumstances:

   (i) The project is necessary to protect the public health, safety, and welfare; or
   
   (ii) The applicant provides substantial evidence of an enforceable commitment that future water demands for the project will be offset (i.e., net zero water use)

Sec. 10-2.1109. Level 6 Water Supply Shortage. Water Conservation Measures.

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(a) A Level 6 Water Supply Shortage condition is also referred to as an "Emergency" condition. A Level 6 condition shall exist when the City Council declares a critical water shortage emergency and notifies its residents and businesses that a 50 percent or greater reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon the declaration of a Level 6 Water Supply Shortage condition, the City will implement mandatory Level 6 conservation measures identified in this section.

(b) Level 6 Conservation Measures: In addition to the prohibited uses of water identified in levels 1-5, the following water conservation requirements apply during a declared Level 6 Water Supply Shortage Emergency:

1) No Watering or Irrigating: Watering or irrigating turf, landscape, or other vegetated areas with potable water is prohibited.

2) Obligation to Fix Leaks, Breaks, or Malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within twenty-four (24) hours of notification by the City unless other arrangements are made with the City.

3) The Public Works Director may recall previously issued temporary construction meters.


Declaration and Notification of Water Supply Shortage: The existence of Level 2, Level 3, Level 4, Level 5, or Level 6 Water Supply Shortage conditions shall be declared by resolution of the City Council adopted at a regular or special public meeting held in accordance with State law.

Sec. 10-2.1111. Hardship Waiver.

(a) Undue and Disproportionate Hardship: If, due to unique circumstances, a specific requirement of this chapter would result in undue hardship to a person or business using water or to the property upon which water is used that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person or business may apply for a waiver to the requirements as provided in this section.
(b) Written Finding: The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person or business using water or to the property upon which water is used that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

(1) Application: Application for a waiver must be on a form prescribed by the City and accompanied by a non-refundable processing fee in an amount set by City Council resolution.

(2) Supporting Documentation: The application should include photographs, maps, drawings, and all other relevant information, including a written statement of the applicant.

(3) Required Findings for Waiver: An application for a waiver will be denied unless the City finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by water use records, all of the following:

(i) That the waiver would not constitute a grant of special privilege over other residents and businesses; and
(ii) That because of special circumstances applicable to the property or its use, the strict application of this chapter would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally; and
(iii) That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City to effectuate the purpose of this chapter and will not be detrimental to the public interest.

(4) Approval Authority: The Public Works Director must act upon any completed application no later than fourteen (14) days after submittal and may approve, conditionally approve, or deny the waiver. The applicant will be promptly notified in writing of any action taken. Unless specified otherwise, at the time a waiver is approved, the waiver will apply to the subject property during the period of the mandatory water supply shortage condition. The waiver may be revoked or modified upon written notice from the Public Works Director.
(5) Applicants may file an appeal with the City Manager’s office within fourteen (14) days of receipt of the decision of the Public Works Director on the waiver application. The appeal must include an additional processing fee in the amount set for the initial waiver. The additional fee will be refunded if the appeal is successful. The City Manager or his/her designee must act upon the appeal within fourteen (14) days and this decision is final.

Sec. 10-2.1112. Additional Water Conservation Measures.

The City Council, upon adoption of a resolution, may implement additional water conservation measures in addition to those identified in Sections 10-2.1104, 10-2.1105, 10-2.1106, 10-2.1107, 10-2.1108, and 10-2.1109.

PART 3
Continuation
(Uncodified)

Repeal of any provision of Chapter 2, Article 11 (Water Conservation), of Title 10 of the Municipal Code herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this ordinance.

PART 4
Severability
(Uncodified)

If any section, sentence, clauses, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council hereby declares that it would have passed this ordinance, and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.
PART 5
Effective Date
(Uncodified)

This ordinance shall take effect on the thirty-first (31st) day following its final passage and adoption.

PASSED AND ADOPTED this 30th day of November, 2021, by the following vote:

Ayes: Councilmembers Adam, Jones, McNamee, Engler, and Mayor Bill-de la Peña
Noes: None
Absent: None

Claudia Bill-de la Peña, Mayor
City of Thousand Oaks, CA

Cynthia M. Rodriguez, City Clerk

DATE ATTESTED: 12/3/2021

Tracy M. Noonan, City Attorney

Andrew P. Powers, City Manager

Introduced: November 16, 2021
Published: November 23, 2021 and December 8, 2021
Ordinance No.: 1690-NS

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the City of Thousand Oaks City Council on the date cited above.

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