

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF THOUSAND OAKS 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Title 10, Chapter 2, Article 11 of the Thousand Oaks Municipal Code entitled "Water Conservation" is repealed in its entirety.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. Established Conservation Measures and Definitions.**

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.

The following definitions apply to this Article.

#### **Chemical or liquid pool cover**

An alcohol-based chemical product designed to float on top of pool water and act as an evaporation suppressant.

#### **CII**

Commercial, Industrial, Institutional

#### **Climate-appropriate plants**

Climate-appropriate plants are native plants and others that have evolved to follow the typical seasonal rain pattern of this region, requiring little water in summer and relying on natural rainfall the rest of the year.

#### **Drip irrigation**

The application of irrigation water at low pressure through a system of tubing or lateral lines fitted with perforations or low-volume emitters that apply small volumes of water slowly at or near the root zone of plants.

#### **Functional turf**

Turf regularly used for recreational purposes, civic or community events

#### **HOA**

Homeowner Association, the body that makes and enforces rules for a subdivision, planned community, or condominium building and whose members are residents.

#### **Irrigation zone or station**

An irrigation zone is the landscaped area that is connected to the same irrigation valve. All landscape within a single zone will be on the same watering schedule (day, time, and duration).

**Low-volume or Low-flow irrigation**

An emission device intended to discharge water in the form of drops or continuous flow at rates less than 30 gallons per hour at the largest area of coverage available for the nozzle series when operated at 30 psi, except during flushing. Also known as micro-emission device.

**Low-volume or drip emitter**

A micro-irrigation emission device with a flow rate less than or equal to 6.3 gallons per hour when operated at 30 psi, designed to dissipate pressure, and discharge a small uniform flow or trickle of water at a constant discharge rate.

**Microspray**

Microspray is a micro-irrigation emission device with one or more orifices to convert irrigation water pressure to water discharge with a flow rate not to exceed 30 gallons per hour at the largest area of coverage available for the nozzle series when operated at 30 psi. Microspray devices include microbubblers, microspinners and microspray jets.

**Non-functional turf**

Turf that is ornamental and not regularly used for recreational purposes, civic or community events.

**Rotating or rotator sprinkler nozzles**

A sprinkler head that applies water in a pattern by means of one or more rotating streams to a defined landscape area in full or partial circles.

**Spray sprinkler or spray nozzle**

A sprinkler using a spray or pop-up head that continuously applies water in a pattern to a defined landscape area through overhead delivery.

**Sprinkler**

An emission device consisting of a sprinkler body with one or more orifices to convert irrigation water pressure to high velocity water discharge through the air, discharging a minimum of 0.5 gallons per minute at the largest area of coverage available for the nozzle series when operated at 30 psi or more with a full circle pattern.

**Turf or Lawn**

A ground cover surface of mowed grass

**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.

(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 etseq.

(c) Water Flow Restrictors: In addition to any fines or penalties, and notwithstanding fire suppression system considerations, the City or water purveyor may install a water flow restrictor device for repeated violations of mandatory water use restrictions set forth in this article.

(a) 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.

(b) 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.

### **Sec. 10-2.1104. Permanent and Level 1 Water Conservation Requirements**

**Permanent measures:** The following water conservation requirements are in effect

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 landscape and 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, or by use of 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, or for turf refurbishment on a public playing field.
- b) Limits on Watering Duration: Watering or irrigating landscape and vegetated areas with potable water using a sprinkler system that includes spray heads and/or bubblers or a watering device that is not continuously attended is limited to no more than ten (10) minutes of watering per day per station or irrigation zone. Drip irrigation systems (including subsurface) and water efficient devices such as rotator stream nozzles are permitted to operate for a longer period such that an equivalent volume of water is dispensed. In the absence of manufacturer specifications, rotator stream nozzles are permitted to run for twenty (20) minutes and drip systems for up to sixty (60) minutes provided that there is no water runoff.
- c) No Excessive Water Runoff: Runoff, overspray, or excessive water flow from a property from potable water use or from irrigation of any landscape or vegetated areas onto an adjoining property, sidewalk, driveway, street, alley, gutter or ditch is prohibited.
- d) Irrigation during and within the 48 hours following rainfall measuring 0.25 inches or more is prohibited. Rainfall data from the closest rain gauge operated by the Ventura County Watershed Protection District shall be used for this determination.
- e) 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, artificial turf, 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 or a hand-held hose equipped with a positive self-closing water shut-off device or 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.
- f) Laundry Systems: New industrial laundry systems must recirculate the water used in their operations.

- g) **Commercial Car Wash Systems:** All commercial car wash systems must have installed and utilize operational recirculating water systems unless otherwise exempt under state law and holding a current waiver of this requirement from the City.
- h) **Drinking Water:** Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, 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.
- i) **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.
- j) **Single-Pass Cooling Systems:** Installation of single-pass cooling systems is prohibited in buildings where new water service is requested.
- k) **Dish Wash Spray Valves:** Food preparation establishments such as restaurants must use water conserving dish wash spray valves.
- l) **Non-functional turf:** Irrigation of non-functional grass on CII properties is prohibited. Designation of turf as functional on CII properties in order to irrigate requires application and approval of a waiver by the water purveyor. Areas designated as turf on CII landscape plans filed with the City may be replaced with alternative climate-appropriate landscaping including mulch, or other permeable ground cover.
- m) **HOAs shall not enforce architectural or landscaping guidelines or policies that prohibit the use of low water-using plants as a replacement of existing turf, or that prohibit, or have the effect of prohibiting, compliance with the City's water-efficient landscaping requirements. HOAs shall not issue a fine or assessment on a homeowner for reducing or eliminating the watering of vegetation or lawns during a state or locally-declared drought, and shall not fine or require a homeowner to reverse or remove water-efficient landscaping measures upon the conclusion of a water shortage declaration.**

**Level 1 measures:** The following water conservation requirements are in effect at all times in the absence of a declared Water Supply Shortage at Level 2 or higher.

- (a) **Limits on Watering Days:** Watering or irrigating landscape and vegetated areas with potable water is limited to three days per week. These days may be

designated by City Council through Resolution.

(b) **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, irrigation, or distribution system for any period 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.

(c) **Recirculating Water Required for Water Fountains and Running-water Features:** Operating a water fountain or other running-water feature that does not recirculate water is prohibited.

(d) **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.

#### **Sec. 10-2.1105. Level 2 Water Supply Shortage Conservation Requirements.**

(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. Upon the declaration by the City Council of a Level 2 Supply Shortage, the City will implement the mandatory conservation measures identified in this section.

(b) In addition to the permanent conservation requirements identified in **Sec. 10-2.1104**, the following water conservation requirements shall apply during a declared Level 2 Water Supply Shortage:

(1) **Limits on Watering Days:** Watering or irrigating landscape and 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, which day(s) may be designated by City Council through Resolution, with the following **exceptions**:

(i) Short periods of time for the express purpose of adjusting or repairing an irrigation system;

(ii) Irrigation of playing fields for field refurbishment only when necessary for public health and safety;

(iii) 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;

- (iv) Irrigation of newly installed or significantly rehabilitated landscape for the first 60 days after the first planting. Turf, flowers, and annuals do not qualify as landscape for the purposes of this section;
- (v) Use of reasonable amounts of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs and other vegetation intended for commercial sale.
- (vi) Irrigation of habitat restoration sites as required to meet permit conditions of regulatory agencies;

(2) **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, irrigation, 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 seventy-two (72) hours of receiving notice from the City, is prohibited

(3) **Recirculating Water Required for Water Fountains and Running-water Features:** Operating a water fountain or other running-water feature that does not recirculate water is prohibited.

(4) **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.

### **Sec. 10-2.1106. Level 3 Water Supply Shortage. Water Conservation Measures.**

(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. 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 the permanent conservation requirements identified in **Sec. 10-2.1104**, the following water conservation requirements shall apply during a declared Level 3 Water Supply Shortage:

- 1) **Limits on Watering Days:** Watering or irrigating landscape and 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, which day(s) may be designated by City Council through Resolution, with the following **exceptions:**



- (i) Short periods of time for the express purpose of adjusting or repairing an irrigation system;
- (ii) Irrigation of playing fields for field refurbishment only when necessary for public health and safety;
- (iii) 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;
- (iv) Irrigation of newly installed or significantly rehabilitated landscape for the first 60 days after the first planting. Turf, flowers, and annuals do not qualify as landscape for the purposes of this section;
- (v) Use of reasonable amounts of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs and other vegetation intended for commercial sale.
- (vi) Irrigation of habitat restoration sites as required to meet permit conditions of regulatory agencies;
- (vii) Hand-watering of trees and shrubs using a hand-held bucket or similar container, or hand-held hose equipped with a positive self-closing water shut-off nozzle or device, as necessary and sufficient to keep them alive;

**Extra irrigation day for specific uses:** The following specific uses are permitted one additional day of watering per week:

- (viii) Irrigation as necessary to sustain existing ground cover or other non-turf vegetation planted and essential to maintain slope stability on slopes of at least 6 feet in height and exceeding 20% grade or City Engineer's and water purveyor's approval;
  - (ix) Irrigation of active playing fields, active recreation areas in public parks, licensed daycare centers and schools, golf course greens and fairways;
  - (x) Irrigation of fuel modification zones as necessary to sustain vegetation required as part of original development conditions by the City;
  - (xi) Irrigation of landscaping installed to mitigate the effects of stormwater pollution as required to meet permit conditions.
- 2) **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, irrigation, 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 forty-eight (48) hours of receiving notice from the City, is prohibited
- 3) **No potable water use in Ornamental Lakes, Ponds, or Running-water Features:** Running-water features using potable water must be turned off. Topping up, filling or re-filling of ornamental 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 Water Supply Shortage under this article. During the declared shortage, additional aquatic animals may not be

added to the water feature.

- 4) **Limits on Washing Vehicles:** Using potable water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, or trailer, whether motorized or not, is prohibited for home, mobile, and community events. Only commercial car washes recycling their wash water and those with a Commercial Car Wash waiver issued by the City within the previous five years may operate. An exception is allowed for rinsing watercraft after use in the ocean and for incidental cleaning necessary for repair or detailing work.
- 5) **Swimming Pools and Spas:** Outdoor swimming pools and spas shall be covered when not in use to prevent water waste through evaporation. HOAs, gyms and other businesses and institutions must cover their pools and spas when the pool/spa is closed. Chemical or liquid pool “covers” are acceptable if documented and applied regularly per manufacturer instructions. Draining and refilling pools and spas is prohibited except upon water purveyor approval for leak repair.
- 6) **Water Mistlers:** Use of water mistlers is prohibited.

**Sec. 10-2.1107. Level 4 Water Supply Shortage. Water Conservation Measures.**

(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. 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 permanent conservation requirements identified in **Sec. 10-2.1104**, the following water conservation requirements shall apply during a declared Level 4 Water Supply Shortage:

- 1) **Limits on Watering Days:** Watering or irrigating landscape and vegetated areas with potable water is limited to one day per week, which day may be designated by City Council through Resolution, with the following **exceptions:**
  - (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) Use of reasonable amounts of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs and other vegetation intended for commercial sale;
  - (iii) Hand-watering of trees and shrubs using a hand-held bucket or similar

container, or hand-held hose equipped with a positive self-closing water shut-off nozzle or device, as necessary and sufficient to keep them alive.

**Extra irrigation day for specific uses:** The following specific uses are permitted one additional day of watering per week:

- (iv) Irrigation as necessary to sustain existing ground cover or other non-turf vegetation planted and essential to maintain slope stability on slopes of at least 6 feet in height and exceeding 20% grade or by City Engineer's and water purveyor's approval;
- (v) Irrigation of active playing fields, active recreation areas in public parks, licensed daycare centers and schools, golf course greens and fairways;
- (vi) Irrigation of fuel modification zones as necessary to sustain vegetation required as part of original development conditions by the City;
- (vii) Irrigation of landscaping installed to mitigate the effects of stormwater pollution as required to meet permit conditions.

2) **Irrigation system:** The use of spray sprinklers for irrigating landscape and vegetated areas is prohibited. Only drip irrigation systems may be employed with the following exceptions:

- (i) Bubblers may be used to irrigate trees and shrubs provided that there is no runoff;
- (ii) Irrigation of active playing fields, active recreation areas in public parks, licensed daycare centers and schools, golf course greens and fairways;
- (iii) Irrigation of existing ground cover or other non-turf vegetation in steep or inaccessible areas where installation of a drip irrigation system is impractical due to accessibility, steepness or density of existing vegetation;
- (iv) Irrigation of existing non-turf, climate-appropriate ground cover where drip irrigation is unsuitable due to the density of existing vegetative cover provided that water efficient heads such as rotator stream nozzles are used;
- (v) Irrigation of trees within existing CII turf areas where an existing sprinkler system is in place, spray heads serving turf are capped, and those spray heads irrigating trees are replaced with water efficient heads such as rotator stream nozzles;
- (vi) Irrigation of CII non-turf landscaping where drip irrigation presents an unreasonable maintenance challenge due to excessive vandalism, destruction by wildlife, or breakage as a result of pedestrian or vehicular traffic.

3) **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, irrigation, 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 forty-eight (48) hours of receiving notice from the City, is prohibited

- 4) **No potable water use in Ornamental Lakes, Ponds, or Running-water Features:** Running-water features using potable water must be turned off. Topping up, filling or re-filling of ornamental 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 Water Supply Shortage under this article. During the declared shortage, additional aquatic animals may not be added to the water feature.
- 5) **Limits on Washing Vehicles:** Using potable water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, or trailer, whether motorized or not, is prohibited for home, mobile, and community events. Only commercial car washes recycling their wash water may operate. An exception is allowed for incidental cleaning necessary for vehicle sale, repair or detailing work.
- 6) **Swimming Pools and Spas:** Outdoor swimming pools and spas shall be covered when not in use to prevent water waste through evaporation. HOAs and CII entities must cover their pools and spas when the pool/spa is closed. Chemical pool “covers” are acceptable if documented and applied regularly per manufacturer instructions. Topping up with more than one and a half inches of potable water per week is prohibited. Draining and refilling pools and spas is prohibited except upon water purveyor approval for leak repair.
- 7) **Dust suppression:** 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.
- 8) **Water Mistlers:** Use of water mistlers is prohibited.
- 9) **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 are fitted with showerheads that do not exceed a flow rate of 1.8 gpm 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;
  - (ii) Inspection by city staff (fees may apply);
  - (iii) Permit data showing the facility was constructed or remodeled to the

standards set forth in the 2019 Title 24, Part 11, California Green Building Standards Code.

- (c) A stay on code enforcement actions against brown or dead lawns will be in effect for the duration of the Level 4 Water Supply Shortage, not exempting the requirements for the removal of vegetation presenting a fire hazard and weed removal.
- (d) Re-landscaping of dead or brown lawns including those in HOA properties, 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 Level 4 Water Supply Shortage is declared over to install landscaping.

**Sec. 10-2.1108. Level 5 Water Supply Shortage. Water Conservation Measures.**

(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. 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 permanent conservation requirements identified in **Sec. 10-2.1104**, the following water conservation requirements apply during a declared Level 5 Water Supply Shortage:

- (1) **Limits on Watering Days: Outside watering** with potable water is prohibited, with the following **exceptions**:
  - (i) Drip irrigation systems, bubblers and rotator stream nozzles may be employed on one day per week on residential properties and up to two days per week on CII properties, which day(s) may be designated by City Council through Resolution, to water trees only as necessary and sufficient to keep them alive.
  - (ii) Hand-watering of trees using a hand-held bucket or similar container, or hand-held hose equipped with a positive self-closing water shut-off nozzle or device, only as necessary and sufficient to keep them alive.
  - (iii) Irrigation of active playing fields, active recreation areas in public parks, licensed daycare centers and schools, golf course greens and fairways may occur on up to two days per week, which days may be designated by City Council through Resolution, as necessary to preserve their ability to function for public use.
  - (iv) Use of reasonable amounts of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs and other vegetation intended for commercial sale.

- (v) Irrigation using drip irrigation systems, bubblers and rotator stream nozzles one day per week, which day may be designated by City Council through Resolution, to sustain existing ground cover or other non-turf vegetation planted and essential to maintain slope stability on slopes of at least 6 feet in height and exceeding 20% grade or by City Engineer's and water purveyor's approval;
  - (vi) Irrigation of fuel modification zones using drip irrigation systems, bubblers and rotator stream nozzles one day per week, which day may be designated by City Council through Resolution, to sustain vegetation required as part of original development conditions by the City;
- (2) **Turf/Lawn:** Irrigation of turf, except for active public recreation areas as listed in exceptions above, is prohibited. Waivers previously granted for irrigation of functional turf on CII properties may be rescinded by the Public Works Director.
- (3) **Irrigation system:** The use of spray sprinklers is prohibited.
- (4) **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, irrigation, 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 twenty-four (24) hours of receiving notice from the City, is prohibited.
- (5) **No potable water use in Ornamental Lakes, Ponds, or Running-water Features:** Running-water features using potable water must be turned off. Topping up, filling or re-filling of ornamental 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 Water Supply Shortage under this article. During the declared shortage, additional aquatic animals may not be added to the water feature.
- (6) **Limits on Washing Vehicles:** Using potable water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, or trailer, whether motorized or not, is prohibited for home, mobile, and community events. Only commercial car washes recycling their wash water may operate. An exception is allowed for incidental cleaning necessary for vehicle sale, repair or detailing work.
- (7) **Swimming Pools and Spas:** Outdoor swimming pools and spas shall be covered when not in use to prevent water waste through evaporation. HOAs and CII entities must cover their pools and spas when the pool/spa is closed. Chemical pool "covers" are acceptable if documented and applied regularly per manufacturer instructions. Topping up with more than one and a half inches of potable water per week is prohibited. Draining and refilling pools and spas is prohibited except upon water purveyor approval for leak repair.
- (8) **Dust suppression:** 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.

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

(10) **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 are fitted with showerheads that do not exceed a flow rate of 1.8 gpm 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;

(ii) Inspection by city staff (fees may apply);

(iii) Permit data showing the facility was constructed or remodeled to the standards set forth in the 2019 Title 24, Part 11, California Green Building Standards Code.

(c) A stay on code enforcement actions against brown or dead lawns will be in effect for the duration of the Level 5 Water Supply Shortage, not exempting the requirements for the removal of vegetation presenting a fire hazard and weed removal.

(d) Re-landscaping of dead or brown lawns including those in HOA properties, 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 Level 5 Water Supply Shortage is declared over to install landscaping.

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

(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. Upon the declaration by the City Council 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 permanent conservation requirements identified in **Sec. 10-2.1104**, the following water conservation requirements shall apply during a declared Level 6 Water Supply Shortage:

(1) **Limits on Watering Days.** Outside watering with potable water is prohibited.

(2) **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, irrigation, 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 twenty-four (24) hours of receiving notice from the City, is prohibited

- (3) **No potable water use in Ornamental Lakes, Ponds, or Running-water Features:** Running-water features using potable water must be turned off. Topping up, filling or re-filling of ornamental water features with potable water is prohibited.
- (4) **Limits on Washing Vehicles:** All vehicle washing is prohibited.
- (5) **Swimming Pools and Spas:** No pool permits will be issued, and filling of pools, ponds, or water features is prohibited.
- (6) **Dust suppression:** 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.
- (7) **Water Mistlers:** Use of water misters is prohibited.
- (8) **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.
- (9) **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-serve letters, certificates, or letters of availability) will be issued, except under the following circumstances:
  - The project is necessary to protect the public health, safety, and welfare; or
  - 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).
- (10) **Construction meters.** The Public Works Director may recall previously issued temporary construction meters.

(c) A stay on code enforcement actions against brown or dead lawns will be in effect for the duration of the Level 6 Water Supply Shortage, not exempting the requirements for the removal of vegetation presenting a fire hazard and weed removal.

(d) Re-landscaping of dead or brown lawns including those in HOA properties, 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 Level 6 Water Supply Shortage is declared over to install landscaping.

### **Sec. 10-2.1110. Procedures for Determination: Notification of Water Supply**



## **Shortage.**

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. 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) Unique Circumstances: If, due to unique circumstances, specific requirement(s) of this chapter would present an impractical barrier to the customer's operations, but that customer is still able to meet the water conservation goals of the declared water supply shortage through an alternative conservation plan, then the entity may apply for a waiver to the requirements as provided in this section and submit an alternative plan to achieve the required conservation.

(c) Disability: If, due to physical limitations, impairment or disability, residents may apply for a waiver to substitute the hand-watering allowances herein with automated watering.

(d) Written Finding: The waiver may be granted or conditionally granted only upon a written finding of the existence of facts supporting the undue hardship, unique circumstances or disability limitation as presented through the following:

(1) Application: Application for a waiver must be on a form prescribed by the City and accompanied by a 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 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 (31<sup>st</sup>) day following its final passage and adoption.