

ORDINANCE NO. 44

**AN ORDINANCE OF THE SAN BENITO COUNTY WATER DISTRICT
DECLARING A WATER SHORTAGE EMERGENCY CONDITION FOR
THE HARMONY HILLS WATER SYSTEM (SBCWD ZONE 103) AND
ESTABLISHING REGULATIONS AND RESTRICTIONS ON THE
DELIVERY AND CONSUMPTION OF WATER WITHIN THE HARMONY
HILLS WATER SYSTEM**

WHEREAS, California Water Code Section 350 et seq. provides for the declaration of a water shortage emergency condition whenever the governing body of a distributor of a public water supply finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, the San Benito County Water District Board of Directors adopted a Resolution establishing Zone 103 and undertaking a project therein and owns, operates and maintains the Harmony Hills Water System; and

WHEREAS, evidence presented at the Public Hearing held on May 23, 2007 and made a part of the record of that hearing demonstrates that the water supply of the Harmony Hills Water System does not satisfy the ordinary demands of the system without the risk of insufficient water for human consumption, sanitation and fire protection.

NOW, BE IT ORDAINED by the Board of Directors of the San Benito County Water District as follows:

I. DECLARATION.

A water shortage emergency condition is declared for the Harmony Hills Water System

II. WATER WASTE PROHIBITIONS

No customer of the Harmony Hills Water System shall use or permit the use of water from the Harmony Hills Water System for the following nonessential uses:

1. The washing of exterior hard surfaces (sidewalks, driveways, walkways, decks, etc) by direct hosing except as may be necessary for health and safety.
2. Fill or refill a swimming pool, decorative pool or private storage tank except as required for County Fire Department approved fire protection storage.
3. Wash any car, pickup truck, SUV, boat, trailer or other vehicles and machinery directly with a hose not equipped with a shut-off nozzle.
4. Water or irrigate any landscaping. An exception will be made for controlled watering and irrigation of established plants excluding lawns, shrubs and trees with an irrigation plan utilizing appropriate water conservation practices and equipment approved by the District Manager and delivered through a metered service as provided in paragraph V.
5. The escape of water through breaks or leaks within the customer's plumbing or private distribution system for any period of time within which the break or leak should reasonably have been discovered and corrected.
6. Water for dust control.

III. WATER CONSERVATION

Customers are requested to be familiar with, and practice, standard water conservation measures indoors and outdoors, consider replacing water guzzling fixtures and appliances with water efficient models and to participate in water conservation and rebate programs that are or may become available.

IV. SUPPLEMENTAL WATER

The District will make reasonable efforts to make supplemental water available to Harmony Hills Water System customers for uses approved by the District Manager. If, and as available, such supplemental water must be purchased in advance and delivered through a metered service. Supplemental water will be sold at District cost including administrative costs.

V. WATER METERS

The District Manager is directed to install or reinstall meters on the water service of the Harmony Hills Water System.

VI. VIOLATION – ENFORCEMENT

Should a customer fail to comply with the terms of this Ordinance, the District Manager or his agent shall provide to the customer written notice of the violation and opportunity to correct the noncompliance. The notice shall be posted at and mailed to the site of the noncompliance describing the violation and the date for correction.

If the violation is not corrected by the date provided in the notice, the violation shall be referred to the County Sheriff for prosecution as a misdemeanor pursuant to Section 70-11.5 of the Water Code Appendix.

The District may also pursue any other remedy at law or in equity to enforce this Ordinance.

VII. INVALIDITY

In the event that any portion of this Ordinance shall be determined by a court of law to be invalid or unconstitutional, such a finding shall not affect the validity of the remaining provisions of this Ordinance, which shall remain in full force and effect.

VIII. TERM OF ORDINANCE

This Ordinance shall take effect immediately upon its passage and shall remain in effect during the period of the emergency and until the supply of water available for distribution within the Zone has been replenished or augmented, as determined by the Board of Directors.

VIII. DECLARATION OF URGENCY

This Ordinance is declared to be an urgency Ordinance to take effect immediately, and is for the immediate preservation of the public peace, health, safety and welfare. It has been determined by the District that the ordinary demands of the water consumers in Zone 103 cannot be satisfied without depleting the water supply of the District to

the extent that there would be insufficient water for human consumption, sanitation and fire protection.

VIII. PUBLICATION

Within 15 days after its passage, this Ordinance shall be published once in a newspaper of general circulation in the County of San Benito, State of California, together with the names of the members of the Board of Directors voting for and against same.

PASSED AND ADOPTED this 23rd day of May 2007, by the San Benito County Board of Directors by the following vote:

AYES: DIRECTORS: Tobias, Perry and Flores
NOES: DIRECTORS: None
ABSENT: DIRECTORS: Swanson and Bettencourt

/s/John Tobias
John Tobias
Director

ATTEST: /s/Shelley Giancola
Shelley Giancola
District Secretary