

RESOLUTION NO. 14-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUELLTON, CALIFORNIA, DECLARING A STAGE TWO WATER CONSERVATION REQUIREMENT PURSUANT TO THE STATE WATER RESOURCE CONTROL BOARD REGULATIONS ON THE DELIVERY AND CONSUMPTION OF WATER FOR PUBLIC USE

WHEREAS, the City of Buellton ("City") provides water service to residents and businesses both within the corporate boundaries of the City and, by contract, to areas immediately adjacent to the corporate boundaries; and

WHEREAS, article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use and that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, on January 17, 2014, Governor Edmund G. Brown Jr. issued Proclamation January 17, 2014 declaring a State of Emergency to exist in California due to severe drought conditions; and

WHEREAS, on April 25, 2014, Governor Edmund G. Brown Jr. further issued an executive order to strengthen the State's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water; and

WHEREAS, Water Code section 1058.5 grants the State Water Resources Control Board ("SWRCB"), the authority to adopt emergency regulations in certain drought years in order to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation;" and

WHEREAS, on July 15, 2014 the SWRCB adopted findings regarding the existing statewide drought conditions and that such conditions will likely continue for the foreseeable future, and adopted emergency water conservation regulations prohibiting all individuals from engaging in certain water use practices and would require mandatory conservation-related actions of public water suppliers during the current drought emergency. Violations of the adopted regulations were declared to be punished as an infraction; and

WHEREAS, the City is required to comply with State law, including regulations adopted by the SWRCB codified at Title 23 of the California Code of Regulations, and is authorized pursuant thereto to implement its requirements; and

WHEREAS, Chapter 13.68 of the Buellton Municipal Code contains the adopted "Water Conservation Standards" for the City of Buellton during periods of water shortage; and

WHEREAS, Section 13.68.050 B of the Buellton Municipal Code provides that the City Council, by resolution, may declare that a Stage Two water conservation conditions exists and that the water use regulations and restrictions shall apply to all use of water provided by or through the water distribution facilities of the City; and

WHEREAS, all legal prerequisites have occurred prior to the adoption of this Resolution.

NOW, THEREFORE, THE CITY COUNCIL DOES RESOLVE, DECLARE, DETERMINE, AND REQUEST AS FOLLOWS:

SECTION 1. The City Council hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.

SECTION 2. The City Council, in accordance with the foregoing findings, hereby determines and declares that a Stage Two water conservation condition exists and that the restrictions on delivery and consumption of water within the Buellton service area, as hereinafter set forth, are necessary and in the sound discretion of the City's Council to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection. The City Council hereby authorizes the city manager and public works director to take specific steps to implement the required water use restrictions as hereinafter set forth.

SECTION 3. Pursuant to the provisions of Section 13.68.050 B of the Buellton Municipal Code, the following mandatory water conservation regulations, unless exempted pursuant to the provisions of Section 13.68.080, shall be enforced during the duration of the Stage Two condition:

1. The watering of crops, grass, ground cover, lawns, open ground, shrubbery, trees, including greenbelt, golf courses, parks, recreation areas, agricultural, or any other area containing vegetation shall be prohibited between the hours of eight a.m. and six p.m.

2. The use of water described in subsection (1), above, shall be in a manner and to the extent which does not allow excess water to run off the area being watered. Every water user is considered to have his or her water system under his or her control and is accountable for the knowledge of and the manner and extent of excess water runoff.

3. The washing of driveways, sidewalks, parking lots, buildings or any other hard surface on which water will run off except for the washing of surfaces necessary for preventing a potential threat to health and safety as determined by the public works director, shall be prohibited.

4. The washing of any vehicle, camper, trailer, or boat, except at a commercial car washing facility or by use of a bucket and/or hose equipped with a self-closing valve that requires operator pressure to activate the flow of water, shall be prohibited.

5. The escape of water through leaks or breaks within any water user's distribution or plumbing system for an unreasonable time shall be prohibited. Unreasonable time shall be twelve (12) hours after the discovery or the notification of such leak or break from the city to correct or implement the correction of such leak or break, whichever occurs first.

6. All restaurants that provide table service shall post in a conspicuous place a notice of drought conditions in a form approved by the public works director.

7. All hotel/motel operations shall post in each room in a conspicuous place a notice of drought conditions in a form approved by the public works director.

8. All recreational/travel trailer parks shall provide to each registered user of said park at the time of registration, a notice of drought conditions in a form approved by the public works director.

9. The use of city water for the flushing of water lines and mains, storm drains, sewer mains, and fire department training exercises except by the prior written approval of the public works director shall be prohibited.

10. The use of potable water cleaning and construction purposes, including, but not limited to, dust control and soil compaction shall be prohibited.

SECTION 4. The regulations, restrictions, and actions set forth herein shall take full force and effect immediately upon the City Council adoption of this resolution and shall remain in full force and effect for 270 days or until otherwise directed by the SWRCB.

SECTION 5. Violations of the regulations and restrictions shall be enforced as an infraction as set forth in Chapter 1.28 of the Buellton Municipal Code or by Administrative Citation pursuant to Chapter 1.30 of the Buellton Municipal Code.

SECTION 6. The City Council finds that the provisions of this Resolution are exempt from the provisions of the California Environmental Quality Act as an action to mitigate emergency conditions pursuant to Public Resources Code §21080(b)(4).

SECTION 7. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 14th day of August, 2014.

John Connolly
Mayor

ATTEST:

Linda Reid
City Clerk



I, Linda Reid, City Clerk of the City of Buellton, do hereby certify that the foregoing Resolution No. 14-19 was duly adopted by the City Council of the City of Buellton at the regular meeting held on the 14th day of August 2014 by the following vote of the Council:

AYES: 5 Council Members Andrisek, Dale, Sierra, Vice-Mayor Elovitz, and Mayor Connolly

NOES: 0

ABSENT: 0

ABSTAIN: 0



Linda Reid
City Clerk