

**ORDINANCE NO. 16-02  
(REPEALING AND REPLACING 13-02)**

**SOQUEL CREEK WATER DISTRICT,  
COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA  
ESTABLISHING INDOOR WATER CONSERVATION REGULATIONS**

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THIS ORDINANCE is adopted in light of the following facts and circumstances, which are hereby found and declared by the Soquel Creek Water District (“the District”) Board of Directors:

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

WHEREAS, the District is located in a semi-arid region and is solely dependent upon groundwater sources. Factors such as drought, groundwater overdraft, seawater intrusion, development, climate change, and environmental and regulatory concerns affect our region’s water reliability and make the region highly susceptible to water supply shortages; and

WHEREAS, the local groundwater basin that provides water to the District is in a serious state of overdraft whereby more water is being annually extracted than can be recharged naturally by precipitation; and

WHEREAS, on June 17, 2014, the Board of Directors adopted Resolution 14-22 declaring a Groundwater Emergency due to the long-term overdraft of the coastal aquifers and seawater intrusion; and

WHEREAS, careful water management requires active water conservation measures, not only in times of drought but at all times, to help ensure a reliable supply of water to meet current and future water supply needs; and

WHEREAS, Article X, Section 2 of the California Constitution and Section 100 of the California Water Code declare that the general welfare requires water resources be put to beneficial use, 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, the Board of Directors finds and determines that this Ordinance is consistent with the provisions requiring high efficiency water conserving fixtures and appliances and reductions in indoor water use in the 2013 California Plumbing Code and the 2013 California Green Building Standards Code, respectively, as such provisions will be implemented in the coming years. Implementation of this Ordinance is necessary to expedite the use of high efficiency water conserving

fixtures and appliances and assist Soquel Creek Water District in achieving water savings; and

WHEREAS, the State Legislature has identified urban water conservation as a cost-effective approach to addressing water supply needs and determined that there are many water conservation practices that produce significant energy and water resource savings that should be encouraged as a matter of state policy. Pursuant to this finding, the State Legislature passed Senate Bill 407 (Chapter 587, Stats. 2009), requiring all residential and commercial property owners to replace existing plumbing fixtures with water-conserving fixtures by 2017 and 2019, respectively, and to upgrade existing plumbing fixtures upon any remodel initiated after January, 1 2014. Senate Bill 407 further authorizes a city, county, or retail water supplier to enact local ordinances that promote compliant use of water efficient plumbing fixtures or which will result in a greater amount of water savings than those provided for in Senate Bill 407. Accordingly, the Board of Directors finds and determines that this Ordinance is consistent with the mandates of Senate Bill 407 and will result in water savings as provided for in Senate Bill 407; and

WHEREAS, the District has the power to perform all acts necessary to fully carry out the provisions of the County Water District Law (Water Code Section 31001), may establish rules and regulations for the distribution and use of water supplies (Water Code Section 31024), may adopt and enforce a comprehensive water conservation program to reduce potable water consumption and conserve supplies (Water Code Section 375), and may require as a condition of new service, that reasonable water-saving devices and water reclamation devices be installed to reduce water use (Water Code Section 31035); and

WHEREAS, the District has followed the procedures for notice, public participation and adoption set forth in Sections 375 and 31027 of the California Water Code; and

WHEREAS, the Board of Directors finds and determines that the more restrictive building standards for water conserving fixtures and appliances provided for in this Ordinance are reasonably necessary because of local hydrologic conditions; and

WHEREAS, the Board of Directors finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) ("CEQA") pursuant to Section 15307 (the activity assures the maintenance, restoration, enhancement, or protection of a natural resource) and Section 15378(b)(2) (the activity is not a project as it involves general policy and procedure making) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, since it makes and implements policies and procedures for ensuring that water resources are conserved by reducing water consumption through the use of water efficient indoor plumbing fixtures; and

WHEREAS, the adoption and enforcement of this Ordinance is necessary to manage the Soquel Creek Water District's potable water supply and to avoid or minimize the effects of groundwater overdraft, seawater intrusion, and drought within the District; and

WHEREAS, this Ordinance rescinds and replaces Soquel Creek Water District Ordinance No. 13-02, Establishing Indoor Water Conservation Regulations, as related to indoor water use; and

WHEREAS, as changes in indoor water efficiency technology occur over time and provide opportunities to conserve water, or hydrologic conditions or regulatory requirements change, or as deemed necessary, this Ordinance may be revised or modified by Resolution.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SOQUEL CREEK WATER DISTRICT DOES ORDAIN AS FOLLOWS:

**I. Title**

THIS ORDINANCE shall be known as the Soquel Creek Water District Indoor Water Use Efficiency Ordinance.

**II. Coordination with the 2013 California Plumbing Code and 2013 California Green Building Standards Code**

The District acknowledges that it is not legally empowered to adopt or enforce the code of rules and regulations published by the International Association of Plumbing and Mechanical Officials, under the title “California Plumbing Code, 2013 Edition,” and the appendices printed therein, and all supplements subsequently issued thereto, hereinafter collectively called the “Plumbing Code,” prescribing regulations for the installation of all plumbing fixtures, or the 2013 California Green Building Standards Code (Part 11 of the California Building Standards Code). However, the District intends to implement the measures provided for in this Ordinance in connection with an application for new or expanded water service.

**III. Definitions**

- A. “certified professional” means a licensed contractor, licensed architect or licensed professional engineer.
- B. “Energy Star Qualified” means that a given fixture meets the United States Environmental Protection Agency Energy Star Program standard for an energy efficient product.
- C. “expanded water service” means an additional water meter or larger capacity meter is required to serve the existing or proposed development, as determined by the Soquel Creek Water District.
- D. “gal/cycle” means gallons per cycle.
- E. “gpf” means gallons per flush.
- F. “gpm” means gallons per minute.
- G. “local agency” means a city, county, or water district that is responsible for adopting and implementing this Ordinance. The local agency is also responsible for the enforcement of this Ordinance, including but not limited to, in the case of a city or county, approval of

a permit and plan check or design review of a project; and in the case of a water district, approval of a new or expanded water service application.

- H. “LSI” means Langlier Saturation Index providing an indication of the degree of saturation of water with respect to calcium carbonate related to cooling tower efficiency.
- I. “local water purveyor” means any entity, including a public agency, city, county, or private water company that provides retail water service.
- J. “permit” means the document issued by local agencies in connection with new construction, remodels or renovations and which authorizes the lawful initiation of construction, improvements or repairs to a building or structure.
- K. “project applicant” means the individual or entity submitting a Indoor Water Use Efficiency Checklist as required under Section VII, and requesting a permit, plan check, design review, or new or expanded water service application from the local agency. A project applicant may be the property owner or his or her designee.
- L. “sq. ft.” means square feet.
- M. “WaterSense Qualified” means that a given fixture meets the United States Environmental Protection Agency WaterSense Program standard for a water efficient product.

#### **IV. Applicability**

- A. The provisions of this Ordinance shall apply to the following:
1. All new development, regardless of building classification, requiring new or expanded water service.
  2. Any existing development, regardless of building classification, requiring new or expanded water service.
  3. All kitchen and bathroom remodels requiring a building permit, plan check, design review, or new or expanded water service, except that the provisions of this Ordinance will only apply to the fixtures normally included in the kitchen or bathroom, as the case may be, to be remodeled. This provision only applies if this requirement is not already enforced by the local applicable land use planning agency.
- B. This provisions of this Ordinance shall not apply to:
1. Existing development not seeking a building permit, plan check, design review or new or expanded water service.
  2. Registered local, state or federal historical sites, if exempt by law.
  3. Remodels where, in the discretion of the appropriate building authority, the unique configuration of the building, its drainage system or portions of the public sewer, or both, are incompatible with efficiency standards listed in the Indoor Water Use Efficiency Table and require a greater quantity of water to flush the system in a manner that is consistent with public health.

#### **V. Minimum Indoor Fixture and Appliance Requirements**

1. All new and existing development subject to this Ordinance will have, at a minimum, fixtures and appliances that comply with the efficiency standards listed below (the “Indoor Water Use Efficiency Table”). If more stringent Plumbing Code or California Green Building Standards Code exists at the time of development, the project applicant must meet those efficiency standards.

## INDOOR WATER USE EFFICIENCY TABLE

<b>Fixture/Appliance</b>	<b>Residential</b>	<b>Non-Residential</b>
Toilets	≤ 1.28 gpf, or WaterSense Qualified	≤ 1.28 gpf, or WaterSense Qualified
Urinals	≤ 0.5 gpf, or WaterSense Qualified	≤ 0.5 gpf, or WaterSense Qualified
Showers	≤ 2.0 gpm, or WaterSense Qualified	≤ 2.0 gpm, or WaterSense Qualified
Bathroom faucets	≤ 1.5 gpm, or WaterSense Qualified	≤ 0.5 gpm ≤ 0.20 gal/cycle (for metering faucets)
Kitchen faucets	≤ 1.8 gpm	≤ 1.8 gpm
Clothes washers	Energy Star Qualified	Energy Star Qualified
Dishwashers	Energy Star Qualified	Energy Star Qualified
Cooling towers	--	≥ 5 - 10 cycles, or ≥ 2.5 LSI
Food steamers	--	Boiler less, or Self-contained
Ice machines	--	Energy Star Qualified
Pre-rinse spray valves	--	≤ 1.1 gpm
Automatic vehicle wash facilities	--	≥ 75% of water that is recycled on site
Commercial refrigeration	--	Closed loop, or Air-cooled
Meters	Individual meter for each unit	Individual meter for each unit

## **VI. Compliance with Ordinance**

### **A. The District shall:**

1. Provide the project applicant with the Indoor Water Use Efficiency Checklist requirements when it provides applicant with the procedures for new or expanded water service applications.
2. Review the Indoor Water Use Efficiency Checklist submitted by the project applicant.
3. Approve or deny the project applicant's Indoor Water Use Efficiency Checklist submittal.
4. Only upon approval of the Indoor Water Use Efficiency Checklist, approve the new, expanded or continued water service for the project applicant.
5. At its discretion, inspect the installation of the water efficient fixtures and appliances to verify that they have been installed and are performing at the required use levels.

### **B. The project applicant shall:**

1. Meet the minimum water use efficiency standards for indoor fixtures and appliances provided for in the Indoor Water Use Efficiency Table and Checklist. If more stringent Plumbing Code or California Green Building Standards Code exists at the time of development, the project applicant must meet those efficiency standards.
2. Prior to construction, submit a completed Indoor Water Use Efficiency Checklist to the District for verification.
3. Consider voluntary installation of additional water-conserving features such as dual plumbing for graywater or hot water recirculation.

## **VII. Components of the Indoor Water Use Efficiency Checklist**

The Indoor Water Use Efficiency Checklist shall require, at a minimum:

- A. Project Information;
- B. Quantity and unit water use factors of all indoor fixtures and appliances relative to the standards listed in the Indoor Water Use Efficiency Table and Checklist;
- C. Contain the following statement to be completed by the project applicant: “I certify that the subject project meets the specified requirements of the Indoor Water Use Efficiency Ordinance”; and
- D. Bear the signature of the project applicant, or that of a certified professional.

### **VIII. Enforcement and Penalties**

#### **A. Enforcement**

If an applicant for new, expanded or continued water service fails to comply with the provisions of this Ordinance, the District may require the applicant to resubmit a revised Indoor Water Use Efficiency Checklist for approval, and may withhold approval of the submittal and deny, limit or discontinue water service until the applicant complies with the terms of this Ordinance.

#### **B. Violation and Notice of Correction**

It is unlawful for any person, firm, partnership, association, or corporation subject to the requirements of this Ordinance to fail to comply with the provisions of the Ordinance, or to alter or replace components and/or practices required by this Ordinance with other noncompliant components and/or practices after completion of new construction or new or expanded water service connection.

- 1. Whenever the Soquel Creek Water District determines that a violation of this Ordinance has occurred, the District may serve a notice of correction on the owner(s) of the property on which the violation is situated. The owner(s) of record shall have ninety (90) calendar days to take corrective action. If the violation is not corrected within ninety days, the District may pursue any of the following options:
  - a. The District may discontinue or limit water service, or upon conviction thereof, the person shall be punished by imprisonment in the county jail for not more than 30 days or by fine of not more than six hundred dollars (\$600), or by both the fine and imprisonment.

**IX. Public Education**

The District shall provide information to all applicants regarding the installation and use of water efficient fixtures and appliances.

**X. Variances**

As technology changes and more information is available regarding plumbing fixtures, appliances, equipment and other practices that enhance water conservation, the District may allow the substitution of well-designed conservation alternatives or innovations which, at a minimum, equally reduce water consumption and meet the intent of this Ordinance.

**XI. Severability**

If any section, subsection, provision or part of this Ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this Ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

**XII. Effective Date**

This Ordinance shall become effective on March 16, 2016.

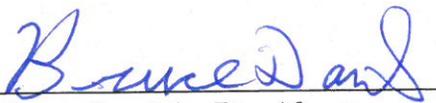
**PASSED AND ADOPTED** by the Soquel Creek Water District Board of Directors at its regular meeting held on March 15, 2016, by the following vote:

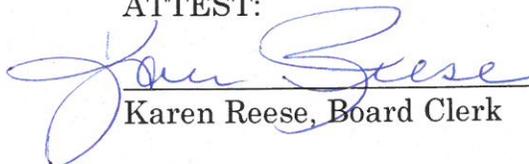
AYES: Directors LaHue, Daniels, Jaffe, Christensen, Lather

NOES: None

ABSENT: None

ABSTAIN: None

  
Bruce Daniels, President

ATTEST:  
  
Karen Reese, Board Clerk

This is to certify that the above and foregoing document is the original of Soquel Creek Water District Ordinance No. 16-02 and that it has been published in the Santa Cruz Sentinel, a newspaper of general circulation in accordance with California Government Code Section 36933 (a).

  
Soquel Creek Water District  
Secretary of Said Board