

## EXHIBIT B

### *REDLINE REVISION*

## ARTICLE 17. - DROUGHT RESPONSE POLICIES AND PROCEDURES

### SEC. 17.1 DECLARATION OF POLICIES

Article 10, section 2 of the California Constitution declares that the water resources of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare. 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.

Regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water. California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program.

Adoption and enforcement of Drought Response Policies and Procedures will allow the Santa Fe Irrigation District to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.

San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County.

The San Diego County Water Authority has adopted an Urban Water Management Plan (UWMP) that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's 24 member public agencies, including the Santa Fe Irrigation District. The Water Authority's UWMP also includes a contingency analysis of actions to be taken in response to water supply shortages. These Policies and Procedures are consistent with the San Diego County Water Authority's UWMP.

As anticipated by its UWMP, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Drought Management Plan (DMP), which establishes a progressive program for responding to water supply limitations resulting from drought conditions. These Policies and Procedures are intended to be consistent with and to implement the San Diego County Water Authority's DMP.

The San Diego County Water Authority's DMP has three stages containing regional actions to be taken to lessen or avoid supply shortages. These Policies and Procedures contain drought

response levels that correspond with the DMP stages.

The Santa Fe Irrigation District, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. The Santa Fe Irrigation District has adopted an UWMP that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. The Santa Fe Irrigation District UWMP also includes a contingency analysis of actions to be taken in response to water supply shortages. These Policies and Procedures are consistent with the UWMP adopted by the Santa Fe Irrigation District.

The water conservation measures and progressive restrictions on water use and method of use identified by these Policies and Procedures provide certainty to water users and enable Santa Fe Irrigation District to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public.

## **SEC. 17.2 DECLARATION OF NECESSITY AND INTENT**

The Santa Fe Irrigation District in this Declaration of Necessity and Intent finds and determines the following:

### **Sec. 17.2.1.**

These Policies and Procedures establish water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the Santa Fe Irrigation District in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

### **Sec. 17.2.2**

These Policies and Procedures establish regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.

### **Sec. 17.2.3**

Level 1 condition drought response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by Santa Fe Irrigation District. During drought response condition Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals.

#### **Sec. 17.2.4**

During a Drought Response Level 2 condition or higher, the water conservation measures and water use restrictions established by these Policies and Procedures are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies specified in these Policies and Procedures.

### **SEC. 17.3 DEFINITIONS**

The following words and phrases whenever used in these Policies and Procedures shall have the meaning defined in this section:

#### **Sec. 17.3.1**

“Grower” refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural, or floricultural products, and produce: (1) for human consumption or for the market; or (2) for the feeding of fowl or livestock produced for human consumption or for the market; or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. “Grower” does not refer to customers who purchase water subject to the Metropolitan Interim Agricultural Water Program or the San Diego County Water Authority Special Agricultural Rate programs.

#### **Sec. 17.3.2**

“Water Authority” means the San Diego County Water Authority.

#### **Sec. 17.3.3**

“DMP” means the Water Authority’s Drought Management Plan in existence on the effective date of these Policies and Procedures and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

#### **Sec. 17.3.4**

“General Manager” means the Santa Fe Irrigation District’s General Manager or the general manager’s designee.

#### **Sec. 17.3.5**

“Metropolitan” means the Metropolitan Water District of Southern California.

#### **Sec. 17.3.6**

“Person” means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the Santa Fe Irrigation District.

#### **Sec. 17.3.7**

“Water shortage emergency” means a condition existing within the District in which the ordinary water demands and requirements of persons within the District 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. A water shortage emergency includes both an immediate emergency, in which the District is unable to meet current water needs of persons within the District, as well as a threatened water shortage, in which the District determines that its supply cannot meet an increased future demand.

## **SEC. 17.4 APPLICATION**

### **Sec. 17.4.1**

The provisions of these Policies and Procedures apply to any person in the use of any water provided by the Santa Fe Irrigation District.

### **Sec. 17.4.2**

These Policies and Procedures are intended solely to further the conservation of water. It is not intended to implement any provision of federal, state, or local statutes, resolutions, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater resolutions and stormwater management plans.

### **Sec. 17.4.3**

Nothing in these Policies and Procedures is intended to affect or limit the ability of the Santa Fe Irrigation District to declare and respond to an emergency, including an emergency that affects the ability of the Santa Fe Irrigation District to supply water.

### **Sec. 17.4.4**

The provisions of these Policies and Procedures do not apply to the use of water from private wells or recycled water.

### **Sec. 17.4.5**

Nothing in these Policies and Procedures shall apply to use of water that is subject to a special supply program, such as the Metropolitan Interim Agricultural Water program or the Water Authority Special Agricultural Rate programs. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by the Santa Fe Irrigation District is subject to these Policies and Procedures in the use of the other water.

## **SEC. 17.5 DROUGHT RESPONSE LEVEL 1**

### **Sec. 17.5.1**

A Drought Response Level 1 condition may apply when the Water Authority notifies its member agencies that due to drought or other water supply reductions, there is a reasonable probability there will be water supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that water sufficient supplies will be available to meet anticipated demands. The General Manager shall declare the existence of a Drought Response Level 1 and take action to implement the Level 1 water conservation measures identified in these Policies and Procedures.

During a Level 1 condition, Santa Fe Irrigation District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation measures:

- a) Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
- b) Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- c) Irrigate residential and commercial landscape before 8 a.m. and after 6 p.m. only.
- ~~d) Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.~~
- d) Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
- e) Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.
- ~~f) Use re-circulated water to operate ornamental fountains.~~
- gf) Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.
- hg) Serve and refill water in restaurants and other food service establishments only upon request.
- ih) Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.
- ji) Repair all water leaks within five (5) days of notification by the Santa Fe Irrigation District unless other arrangements are made with the General Manager.
- kj) Use recycled or non-potable water for construction purposes when available.

## Sec. 17.5.2

During a Drought Response Level 2 condition or higher, all persons shall be required to implement the water conservation measures established in a Drought Response Level 1 condition.

## Sec. 17.6 DROUGHT RESPONSE LEVEL 2

### Sec. 17.6.1

A Drought Response Level 2 condition may apply when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in water supplies, a consumer demand reduction of up to 20 percent is required in order to have sufficient water supplies available to meet anticipated demands. The Santa Fe Irrigation District Board of Directors shall declare the existence of a Drought Response Level 2 condition and implement the mandatory Level 2 water conservation measures identified in these Policies and Procedures.

### Sec. 17.6.2

All persons using Santa Fe Irrigation District water shall comply with Level 1 water conservation measures during a Drought Response Level 2 condition, and shall also comply with the following additional conservation measures:

- a) ~~a) — During the months of June through October, limit residential and commercial landscape irrigation to no more than three (3) assigned days per week on a schedule established by the General Manager and posted by the Santa Fe Irrigation District. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the Santa Fe Irrigation District. This section shall not apply to commercial growers or nurseries.~~

~~Limit residential and commercial landscape irrigation to assigned days per week on a schedule established by the General Manager and posted by the District.~~

- b) ~~Limit lawn watering and landscape irrigation, using sprinklers to no more than ten (10) minutes per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems, and stream rotor sprinklers.~~

~~Limit lawn watering and landscape irrigation using sprinklers to time limits per watering station per assigned day as established by the General Manager and posted by the District. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.~~

- c) Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 17.6.2.a, on the same schedule set forth in section 17.6.2.a by using a bucket, hand-held hose with positive shut-off nozzle, or ~~low volume non-spray irrigation~~ a drip/micro-irrigation system/equipment.
- d) Repair all leaks within seventy-two (72) hours of notification by the Santa Fe Irrigation District unless other arrangements are made with the General Manager.
- e) ~~Stop operating ornamental fountains or similar decorative water features unless recycled water is used.~~

### **Sec. 17.6.3**

If the District Board of Directors declares a water shortage emergency during a Drought Response Level 2 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall 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) shall be issued, except under the following circumstances:

- a) A valid, unexpired building permit has been issued for the project; or
- b) The project is necessary to protect the public's health, safety, and welfare; or
- c) The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of Santa Fe Irrigation District.

This Section 17.6.3 shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

## **SEC. 17.7 DROUGHT RESPONSE LEVEL 3**

### **Sec. 17.7.1**

A Drought Response Level 3 condition may apply when the Water Authority notifies its member agencies that, due to increasing cutbacks caused by drought or other reduction of water supplies, a consumer demand reduction of up to 40 percent is required in order to have sufficient supplies available to meet anticipated water demands. The Santa Fe Irrigation District Board of Directors shall declare the existence of a Drought Response Level 3 condition, and shall declare a water shortage emergency, upon adopting findings supporting a water shortage emergency, pursuant to California Water Code section 350 et seq., and shall implement the Level 3 water conservation measures identified in these Policies and Procedures.

### **Sec. 17.7.2**

All persons using Santa Fe Irrigation District water shall comply with Drought Response Level

1 and Level 2 water conservation measures during a Drought Response Level 3 condition and shall also comply with the following additional mandatory conservation measures:

- a) ~~During the months of June through October, limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by the Santa Fe Irrigation District. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by the Santa Fe Irrigation District. This section shall not apply to commercial growers or nurseries.~~

Limit residential and commercial landscape irrigation to assigned days per week on a schedule established by the General Manager and posted by the District.

- b) Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by Section 17.7.2.a, on the same schedule set forth in Section 17.7.2.a, by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

- c) ~~Stop filling or re-filling ornamental lakes or ponds, 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 declaration of a drought response level under these Policies and Procedures.~~

Stop operating ornamental fountains or decorative water features which discharge into the air a spray, mist, jet or stream of water. These type of fountains and water features may be operated on a limited basis for maintenance purposes only. All water features that have flowing or cascading water, whether decorative or otherwise, shall be maintained so as to prevent leaking and may only be refilled to replace normal evaporation. Fountains and water features that do not use re-circulated water are prohibited.

- d) Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.
- e) Repair all leaks within forty-eight (48) hours of notification by the Santa Fe Irrigation District unless other arrangements are made with the General Manager.

### **Sec. 17.7.3**

Upon the declaration of a Drought Response Level 3 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall 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) shall be issued, except under the following circumstances:

- a) A valid, unexpired building permit has been issued for the project; or

- b) The project is necessary to protect the public's health, safety, and welfare; or
- c) The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of Santa Fe Irrigation District.

This Section 17.7.3 shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

#### **Sec. 17.7.4**

Upon the declaration of a Drought Response Level 3 condition, Santa Fe Irrigation District will suspend consideration of annexations to its service area.

#### **Sec. 17.7.5**

The Santa Fe Irrigation District may establish a water allocation for property served by the Santa Fe Irrigation District using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If the Santa Fe Irrigation District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the Santa Fe Irrigation District, any person that uses water in excess of the allocation shall be subject to a penalty for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of these Policies and Procedures. The Santa Fe Irrigation District Board of Directors, by resolution, shall establish the amount of the penalty in accordance with applicable law.

### **SEC. 17.8 DROUGHT RESPONSE LEVEL 4**

#### **Sec. 17.8.1**

A Drought Response Level 4 condition may apply when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 et seq. and notifies its member agencies that Level 4 requires a demand reduction of more than 40 percent in order for the Santa Fe Irrigation District to have maximum water supplies available to meet anticipated water demands. The Santa Fe Irrigation District Board of Directors shall declare a water shortage emergency, upon adopting findings supporting a water shortage emergency, pursuant to California Water Code section 350 et seq., and shall implement the Level 4 water conservation measures identified in these Policies and Procedures.

#### **Sec. 17.8.2**

All persons using Santa Fe Irrigation District water shall comply with conservation measures required during Drought Response Level 1, Level 2, and Level 3 conditions and shall also comply with the following additional mandatory water conservation measures:

### ***Sec. 17.8.2.1***

Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the Santa Fe Irrigation District has determined that recycled water is available and may be lawfully applied to the use.

- a) Maintenance of trees and shrubs that are watered on the same schedule set forth in section 17.7.2.a, by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.
- b) Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated.
- c) Maintenance of existing landscaping for erosion control.
- d) Maintenance of plant materials identified to be rare or essential to the well being of rare animals.
- e) Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under Section 17.7.2.a.
- f) Watering of livestock.
- g) Public works projects and actively irrigated environmental mitigation projects.

### ***Sec. 17.8.2.2***

Repair all water leaks within twenty-four (24) hours of notification by the Santa Fe Irrigation District unless other arrangements are made with the General Manager.

### **Sec. 17.8.3**

The Santa Fe Irrigation District may establish a water allocation for property served by the Santa Fe Irrigation District using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If the Santa Fe Irrigation District establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service. Following the effective date of the water allocation as established by the Santa Fe Irrigation District, any person that uses water in excess of the allocation shall be subject to a penalty for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of these Policies and Procedures. The Santa Fe Irrigation District Board of Directors, by resolution, shall establish the amount of the penalty in accordance with applicable law.

## **SEC. 17.9 CORRELATION BETWEEN DROUGHT MANAGEMENT PLAN AND DROUGHT RESPONSE LEVELS**

### **Sec. 17.9.1**

The correlation between the Water Authority’s DMP stages and the Santa Fe Irrigation District’s drought response levels identified in these Policies and Procedures is described herein. Under DMP Stage 1, the Santa Fe Irrigation District will implement Drought Response Level 1 actions. Under DMP Stage 2, the Santa Fe Irrigation District will implement Drought Response Level 1 or Level 2 actions. Under DMP Stage 3, the Santa Fe Irrigation District will implement Drought Response Level 2, Level 3, or Level 4 actions.

### **Sec. 17.9.2**

The drought response levels identified in these Policies and Procedures correspond with the Water Authority DMP as identified in the following table:

| <b>Drought Response Levels</b> | <b>Conservation Measures</b> | <b>Conservation Target</b> | <b>Water Allocations</b> | <b>DMP Stage</b> |
|--------------------------------|------------------------------|----------------------------|--------------------------|------------------|
| 1                              | Voluntary                    | Up to 10%                  | No                       | Stage 1 or 2     |
| 2                              | Mandatory                    | Up to 20%                  | No                       | Stage 2 or 3     |
| 3                              | Mandatory                    | Up to 40%                  | Possible                 | Stage 3          |
| 4                              | Mandatory                    | Above 40%                  | Yes                      | Stage 3          |

## **SECTION 17.10 PROCEDURES FOR DETERMINATION AND NOTIFICATION OF DROUGHT RESPONSE LEVEL**

### **Sec. 17.10.1**

The existence of a Drought Response Level 1 condition may be declared by the General Manager upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Clerk or Secretary of the Santa Fe Irrigation District and provided to the Santa Fe Irrigation District Board of Directors. The General Manager may publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the Santa Fe Irrigation District. The Santa Fe Irrigation District may also post notice of the condition on their website.

### **Sec. 17.10.2**

The existence of Drought Response Level 2 conditions may be declared by a resolution of the Santa Fe Irrigation District Board of Directors, adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Drought Response Level 2 conditions shall take effect on the tenth (10) business day after the date the response level is declared. Within five (5) business days following the declaration of the response level, the Santa Fe Irrigation District shall publish a copy of the resolution in a

newspaper used for publication of official notices.

### **Sec. 17.10.3**

The existence of a Drought Response Level 3 or Level 4 condition may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable to Drought Response Level 3 or Level 4 conditions shall take effect on the tenth business day after the date the response level is declared. Within five (5) business days following the declaration of the response level, the Santa Fe Irrigation District shall publish a copy of the resolution in a newspaper used for publication of official notices. If the Santa Fe Irrigation District establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the Santa Fe Irrigation District customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall be effective on the fifth business day following the date of mailing or at such later date as specified in the notice.

### **Sec. 17.10.4**

Notwithstanding anything herein to the contrary, the District, or the General Manager as authorized herein, may declare any Drought Response Level as set forth in Article 17 when it determines under the then existing facts and circumstances that it is necessary to implement the specific water conservation measures of such Drought Response Level in order to protect the water supplies of the District.

### **Sec. 17.10.5**

The Santa Fe Irrigation District Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

## **SECTION 17.11 HARDSHIP VARIANCE**

### **Sec. 17.11.1**

If, due to unique circumstances, a specific requirement of these Policies and Procedures would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to Santa Fe Irrigation District water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

### **Sec. 17.11.2**

The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to Santa Fe Irrigation District 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.

### **Sec. 17.11.3**

Application. Application for a variance shall be a form prescribed by Santa Fe Irrigation District and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the Santa Fe Irrigation District Board of Directors.

### **Sec. 17.11.4**

Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

### **Sec. 17.11.5**

Required Findings for Variance. An application for a variance shall be denied unless the approving authority 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 the records of the Santa Fe Irrigation District, all of the following:

- a) That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other Santa Fe Irrigation District customers.
- b) That because of special circumstances applicable to the property or its use, the strict application of these Policies and Procedures would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.
- c) That the authorization of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the Santa Fe Irrigation District to effectuate the purpose of these Policies and Procedures and will not be detrimental to the public interest.
- d) That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.
- e) That because the subject property had been destroyed by a natural disaster, either entirely, or partially.

### **Sec. 17.11.6**

Approval Authority. The General Manager shall exercise approval authority and act upon any completed application no later than ten (10) business days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response level then in effect.

### **Sec. 17.11.7**

Appeals to Santa Fe Irrigation District Board of Directors. An applicant may appeal a decision

or condition of the General Manager on a variance application to the Santa Fe Irrigation District Board of Directors. Any such appeal must be submitted in writing within ten (10) business days of the General Manager's decision. The written request shall state the grounds for the appeal. At a public meeting, the Santa Fe Irrigation District Board of Directors shall act as the approval authority and review the appeal. The decision of the Santa Fe Irrigation District Board of Directors is final.

## **SECTION 17.12 VIOLATIONS AND PENALTIES**

### **Sec. 17.12.1**

Any person, who uses, causes to be used, or permits the use of water in violation of these Policies and Procedures is guilty of an offense punishable as provided herein.

### **Sec. 17.12.2**

Each day that a violation of these Policies and Procedures occurs is a separate offense.

### **Sec. 17.12.3**

A first violation of the water conservation measures set forth in these Policies and Procedures, and reported to the District, will result in a letter generated by the Customer Services department, notifying the customer of the violation with a copy of the Santa Fe Irrigation District Drought Response Policies and Procedures. The violation and notification will be recorded on that customer account.

### **Sec. 17.12.4**

Administrative fines may be levied for each violation of a provision of these Policies and Procedures and as follows:

- a) One hundred dollars for a second violation.
- b) Two hundred dollars for a third violation of any provision of these Policies and Procedures within one year.
- c) Five hundred dollars for each additional violation of these Policies and Procedures within one year.

### **Sec. 17.12.5**

Violation of a provision of these Policies and Procedures is subject to enforcement through installation of a flow-restricting device in the meter.

### **Sec. 17.12.6**

Each violation of these Policies and Procedures may be prosecuted as a misdemeanor, punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding \$1,000, or by both as provided in California Water Code section 377.

### **Sec. 17.12.7**

Willful violations of the mandatory conservation measures and water use restrictions as set forth in the Drought Response Policies and Procedures may be enforced by discontinuing service to the property at which the violation occurs as provided by California Water Code section 356.

### **Sec. 17.12.8**

All remedies provided for herein shall be cumulative and not exclusive.

## **SECTION 17.13 NOTICES**

### **Sec. 17.13.1**

Any notice or notice of violation shall be served pursuant to the requirements of these Policies and Procedures and shall:

- a) identify the provision(s) of these Policies and Procedures and any State law, if applicable, alleged to have been violated; and
- b) state that continued noncompliance may result in civil, criminal, or administrative enforcement actions against the person who committed the violation, or the property owner and/or occupant of the property where the violation occurred; and
- c) state a compliance date that must be met by the person who committed the violation, or the property owner and/or occupant of the property where the violation occurred; and
- d) order remediation work, where applicable, that must be taken by the property owner and/or occupant of the property; and
- e) state that the recipient has a right to appeal the matter as set forth in these Policies and Procedures; and
- f) include the address of the affected property and be addressed to the property owner as shown on the most recently issued equalized assessment roll or as may otherwise appear in the current records of the Santa Fe Irrigation District. If the order applies to a responsible party who is not the property owner, or if the event is not related to a specific property, the notice may be sent to the last known address of the responsible party; and
- g) be deemed served ten (10) business days after posting on the property, if the property owner or occupant of the affected property cannot be located after the reasonable efforts of the General Manager.

### **Sec. 17.13.2**

Any notice or notice of violation may be sent by regular mail. Service by regular mail is

effective on the date of mailing.

The notice of violation may include, where deemed applicable by the General Manager, the following terms and conditions:

- a) specific steps or actions and time schedules for compliance as reasonably necessary to prevent future violations of these Policies and Procedures; and
- b) any other terms, conditions, or requirements reasonably calculated to prevent continued or threatened future violations of these Policies and Procedures, including, but not limited to, discontinuing or limiting water service with the installation of a flow restricting device.

### **Sec. 17.13.3**

In addition to or in conjunction with the notice of violation, for a first violation of any provision of these Policies and Procedures, within two (2) weeks of the violation:

- a) the Santa Fe Irrigation District may provide notice to the property owner or occupant of the property where the violation occurred to advise such person of:
  - 1. the drought response level then in effect and the provisions of these Policies and Procedures relating thereto;
  - 2. water conservation and drought response measures that are required and may be implemented pursuant to these Policies and Procedures;
  - 3. possible consequences and actions which may be taken by the Santa Fe Irrigation District for future violations of these Policies and Procedures, including discontinuance of water service;
  - 4. penalties that may be imposed for the specific violation and any future violations of these Policies and Procedures; and
- b) if the General Manager deems it to be appropriate, the Santa Fe Irrigation District may order the installation of a flow-restricting device on the service line for any person who violates any term or provision of these Policies and Procedures.

### **Sec. 17.13.4**

In addition to or in conjunction with the notice of violation, for a second or any subsequent violation of these Policies and Procedures, within two (2) weeks of the violation:

- a) the Santa Fe Irrigation District may provide notice to the property where the violation occurred to notify the property owner or occupant of the property where the violation occurred to advise such person of:
  - 1. the drought response level then in effect and the provisions of these Policies and Procedures relating thereto;
  - 2. the water conservation and drought response measures that are required and may be implemented by such person;

3. possible consequences which may occur in the event of any future violations of these Policies and Procedures; and
- b) if the General Manager deems it to be appropriate, the Santa Fe Irrigation District may order the installation of a flow-restricting device on the service line for any person who violates any term or provision of these Policies and Procedures; and
- c) if the General Manager deems it to be appropriate, the Santa Fe Irrigation District may discontinue water service at the location where the violation occurred.

### **Sec. 17.13.5**

Santa Fe Irrigation District may, after one (1) written notice of violation, order that a special meter reading or readings be made in order to ascertain whether wasteful or unreasonable use of water is occurring. The District may impose a meter reading fee for each meter reading it conducts pursuant to these Policies and Procedures.

## **SECTION 17.14 RECOVERY OF COSTS**

### **Sec. 17.14.1**

The General Manager shall serve an invoice for costs upon the property owner and/or occupant of any property, or any other responsible person who is subject to a notice of violation. An invoice for costs shall be immediately due and payable to the Santa Fe Irrigation District. If any property owner or person fails to either pay the invoice for costs or appeal successfully the invoice for costs in accordance with these Policies and Procedures, then the Santa Fe Irrigation District may institute collection proceedings. The invoice for costs may include reasonable attorneys' fees.

- a) The Santa Fe Irrigation District may impose any other penalties or regulatory fees, as fixed from time to time by the Board of Directors, for a violation or enforcement of these Policies and Procedures.
  1. In order to recover the costs of the water conservation regulatory program set forth in these Policies and Procedures, the Board of Directors may, from time to time, fix and impose fees and charges. The Santa Fe Irrigation District fees and charges may include, but are not limited to fees and charges for:
    - a. any visits of a enforcement officer or other Santa Fe Irrigation District staff for time incurred for meter reading, follow-up visits, or the installation or removal of a flow-restricting device;
    - b. monitoring, inspection, and surveillance procedures pertaining to enforcement of these Policies and Procedures;
    - c. enforcing compliance with any term or provision of these Policies and Procedures;
    - d. reinitiating service at a property where service has been discontinued

pursuant to these Policies and Procedures;

- e. processing any fees necessary to carry out the provisions of these Policies and Procedures.

## **SECTION 17.15 APPEALS**

Any person subject to a notice of violation, or notice of allocation of water, may file an appeal of such order or allocation designation with the Board of Directors within fifteen (15) calendar days of the date of service of the notice. The Board of Directors shall hold a hearing to consider the appeal at the next available District meeting. A notice of the hearing shall be mailed to the appellant at least ten (10) calendar days before the date fixed for the hearing. The Board of Directors shall review the appeal. The determination of the Board of Directors shall be conclusive and shall constitute a final order. Notice of the determination by the Board of Directors shall be mailed to the appellant within ten (10) calendar days of such determination and shall indicate whether the appeal has been granted in whole or in part and set forth the terms and conditions of the decision, if any. If the appeal is denied, the appellant shall comply with all terms and conditions of the order or notice.

## **SECTION 17.16 SEVERABILITY**

If any provision, section, subsection, sentence, clause or phrase or sections of these Policies and Procedures, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the invalidity of the remaining portions of sections of this ordinance shall not be affected, it being the intent of the Board of Directors in adopting these Policies and Procedures that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of these Policies and Procedures are declared to be severable for that purpose.

## **SECTION 17.17 EFFECTIVE DATE**

These Policies and Procedures are effective immediately upon adoption or as otherwise established by state law for the Santa Fe Irrigation District.