



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 2016-27**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY,  
A CALIFORNIA COMMUNITY SERVICES DISTRICT,  
DROUGHT REGULATION ORDINANCE  
AMENDING IN ITS ENTIRETY AND RE-NUMBERING ORDINANCE NO. 25**

Be it ordained by the Board of Directors of the Town of Discovery Bay Community Services District as follows:

**SECTION 1. Short Title**

This Ordinance shall be known and may be cited as Town of Discovery Bay Drought Regulation Ordinance ("Ordinance").

**SECTION 2. Purpose**

The purpose of this Ordinance is to protect the health, safety, and welfare of residents of the Town of Discovery Bay Community Services District ("District"); to continue to respond to the ongoing drought issues and to regulate water usage in the District for the purpose of conserving limited water resources.

**SECTION 3. Water Shortage Emergency Declaration and Response Authority**

The Board of Directors may declare a water shortage emergency by resolution upon finding that water use restrictions are necessary for the immediate protection of health and safety or as required by State law.

A water shortage emergency declaration is effective until the Board of Directors finds, and declares by resolution, that the water shortage emergency condition has abated, changed in degree, or no longer exists.

The Board of Directors has the authority to continue water conservation regulations to address water supply conditions within the District. The Board of Directors may also take additional action to prevent waste and unreasonable use of water and to further promote conservation.

**SECTION 4. Water Conservation Regulations**

While the District continues to be impacted by limited water supplies, the following activities are prohibited, except where necessary to address an immediate health and safety need:

1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

2. The use of a hose that dispenses potable water to wash a motor vehicle except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
3. The application of potable water to driveways and sidewalks;
4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;
5. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;
6. The irrigation of landscapes outside of newly constructed homes and buildings with potable water in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development;
7. The irrigation of ornamental turf on public street medians with potable water;
8. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served or purchased.

#### **SECTION 5. Enforcement**

The General Manager of the District shall administer, implement and enforce the provisions of this Ordinance. Any powers or duties granted to the General Manager may be delegated by the General Manager to persons acting in the beneficial interest of or in the employ of the District.

#### **SECTION 6. Violation**

The General Manager, or his/her designee, may issue a Notice of Violation to any person, business, association, or other party who fails to comply with any conditions of this Ordinance. Any person, business, association or other party violating this Ordinance after issuance of a Notice of Violation shall be assessed a fine of \$25 for a first violation, a fine of \$50 for a second violation in any 6-month period, and a fine of \$100 for each additional violation in any 6-month period. Fines assessed pursuant to this Ordinance may be included in the offending party's water service bill or, for unmetered accounts which do not receive a water service bill, with the water service charges collected on the county tax roll on behalf of the District. Non-payment of water service bills or water service charges collected on the county tax roll on behalf of the District, including the non-payment of any fine included therein, may result in termination of service and disconnection from the water system pursuant to District Ordinance. In addition to any other action taken by the District, the District may utilize an outside collection agency to recover unpaid fines.

Any use or activity in violation of the terms of this Ordinance is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction. The District Board, in addition to other remedies, may institute any appropriate action or proceedings to prevent, abate, or restrain the violation. All costs, fees and expenses in connection with such action shall be assessed as damages against the violation.

#### **SECTION 7. Appeals**

Any party subject to a Notice of Violation or fine issued pursuant this Ordinance may appeal for reconsideration. Appeals for reconsideration shall be processed as follows:

1. A party appealing for reconsideration a Notice of Violation or fine issued pursuant to this Ordinance shall do so in writing to the General Manager by either using forms provided by the District or by letter setting forth in detail the reasons for the appeal.
2. The General Manager shall review all appeals for consideration and shall within fifteen (15) days of receipt of the written appeal notify the appealing party of his or her decision to deny or sustain the appeal, or to modify the Notice of Violation or fine based on the evidence presented.
3. If the appealing party disagrees with the General Manager's decision, the decision may be appealed to the Board of Directors. An appeal to the Board of Directors shall be submitted in writing to the Clerk of the Board by either using forms provided by the District or by letter setting forth in detail the reasons for the appeal. Each appeal to the Board of Directors shall be accompanied by the payment of an appeal fee of \$25.00, or as set by resolution of the Board of Directors, to defray the costs of the appeal.
4. If an appeal to the Board of Directors is made, the appealing party shall be notified of a hearing date by mail. Such hearing shall be scheduled within thirty (30) days of receipt of the written appeal. A decision shall be forwarded to the appealing party within fifteen (15) days after completion of the hearing. Decisions by the Board of Directors are final.

#### **SECTION 8. Severability**

The various parts, paragraphs, section, and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

#### **SECTION 9. Adoption and Effective Date**


This Ordinance is hereby declared to have been adopted by the District Board of Directors at a meeting thereof duly called and held on the 6<sup>th</sup> day of July, 2016, and ordered to be given effect thirty (30) days after its first publication as mandated by statute.

#### **CERTIFICATION**

Passed and adopted at a regular meeting of the Board of Directors of the Town of Discovery Bay Community Services District held on July 6, 2016 by the following vote:

  
\_\_\_\_\_  
Bill Pease  
Board President

AYES: 5  
NOES: 4  
ABSENT: 0  
ABSTAIN: 0

  
\_\_\_\_\_  
Catherine Kutsuris  
Board Secretary