

**DRAFT
ORDINANCE**

**AN URGENCY ORDINANCE OF THE TOWN OF LOS GATOS
DECLARING THE EXISTENCE OF A CONDITION OF WATER SHORTAGE
AND PROVIDING FOR MANDATORY REDUCTIONS IN AND SPECIFIED PROHIBITIONS OF
WATER USE**

WHEREAS, on June 9, 2021 Valley Water passed a resolution declaring a water shortage emergency condition calling for water restrictions; and

WHEREAS, Valley Water set a target of fifteen percent reduction in water use from 2019 levels; and

WHEREAS, on July 8, 2021, Governor Newsom signed a proclamation expanding the regional drought state of emergency to include Santa Clara County; and

WHEREAS, the drought has had a substantial impact on Town residents and their property, and these impacts may worsen if water consumption is not reduced substantially; and

WHEREAS, the Town's future water allocation is likely to be reduced significantly if water consumption is not reduced now.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS FINDS AND ORDAINS:

SECTION I

The Council finds and declares that the State of California and the Town of Los Gatos are continuing to experience severe drought conditions that require immediate and decisive action for the preservation of public peace, health and safety. The Council further finds that delay in adopting an ordinance to further reduce water waste will further exacerbate the drought conditions. The Council further finds that urgent action is needed to comply with the requirements that Valley Water and the State of California recommend. Accordingly, the Council finds that an urgency ordinance is warranted to address these conditions.

SECTION II

The Council finds and determines that a state of drought and water shortage exists throughout the Santa Clara Valley. Water conservation measures are necessary and water consumption must be reduced by fifteen percent. Failure to reduce water consumption would contribute to the existing water shortage. The following measure is necessary to preserve the health and safety of the people of Los Gatos.

SECTION III

- A. The following uses of water are classified as "nonessential or unauthorized" and are prohibited:
- (1) Watering of ornamental landscapes or lawns with potable water beyond maximum level of three days a week and watering before 9:00 A.M. or after 5:00 p.m.
 - (2) Excessive use of water: when a utility has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to affect such repairs within five business days, the utility may install a flow restriction device.
 - (3) Use of potable water that results in flooding or runoff in gutters or streets.
 - (4) Individual private washing of cars with a hose except with the use of a positive action shut-off nozzle. Use of potable water for washing commercial aircraft, cars, buses, boats, trailers, or other commercial vehicles at any time, except at commercial or fleet vehicle or boat washing facilities operated at a fixed location where equipment using water is properly maintained to avoid wasteful use.
 - (5) Use of potable water for washing buildings, structures, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas, except in the cases where health and safety are at risk.
 - (6) Use of potable water for construction purposes unless no other source of water or other method can be used.
 - (7) Use of potable water for decorative fountains or the filling or topping off of decorative lakes or ponds. Exceptions are made for those decorative fountains, lakes, or ponds which utilize recycled water.
 - (8) Use of potable water for the filling or refilling of swimming pools.
 - (9) Service of water by any restaurant except upon the request of a patron.
- B. The taking of any action in violation of this ordinance shall be subject to an administrative penalty of up to \$500 for each day in which the violation occurs. Citations for violations may be issued by any member of the Police Department, the Town's Code Enforcement Officer, and any other personnel designated by the City Manager, based on observation of the violation or resulting conditions, such as wet areas outside the allowable irrigation areas. Citations shall be issued to the person or persons named on the Water Department account for that property. If the resident is not present to receive it, a citation may be served by mail or posted on a prominent location on the property. The administrative penalty shall be payable within 10 days to the Town Water Department and, if not paid within 10 days, shall be added to the water user's bill.
- C. Any person desiring to contest a citation may file an appeal. As a condition to the filing of the appeal, all outstanding penalties must be paid in full. If the appeal is upheld, the penalty will be refunded.

SECTION IV

The Council finds and declares that the adoption of the water waste reduction measures herein is categorically exempt from CEQA pursuant to CEQA Guideline 15307 (Actions By Regulatory Agencies For Protection of Natural Resources).

SECTION V

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be unconstitutional or otherwise invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the Town of Los Gatos hereby declares that it would have adopted the remainder of this ordinance, including each section, subsection, sentence, clause, phrase, or portion irrespective of the invalidity of any other article, section, subsection, sentence, clause, phrase, or portion.

SECTION VI

The Council hereby declares that the foregoing is an urgency ordinance necessary for the immediate preservation of the public peace, health and safety of the Town of Los Gatos and its residents and shall take effect immediately upon passage by a four-fifths majority of the City Council

SECTION VII

This ordinance shall be printed and posted upon the three (3) official bulletin boards of the Town of Los Gatos.

This Ordinance was passed and adopted at a regular meeting of the Town Council of the Town of Los Gatos on August 3, 2021.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA