

## RESOLUTION NO 2317

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER ADOPTING ADDITIONAL MANDATORY WATER USE RESTRICTIONS AND PENALTIES FOR VIOLATIONS OF THOSE ADDITIONAL RESTRICTIONS**

WHEREAS, on January 17, 2014, the Governor of the State of California proclaimed a State of Emergency to exist throughout the state of California due to severe drought conditions; and

WHEREAS, on April 25, 2014, the Governor proclaimed a Continued State of Emergency to exist throughout the State due to the ongoing drought; and

WHEREAS, on April 1, 2015, the Governor issued Executive Order B-29-15, which directed the State Water Resources Control Board (Water Board), to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016; and

WHEREAS, these restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013; and

WHEREAS, the City of Fowler is a small water supplier serving less than 3000 connections; and

WHEREAS, on April 7, 2015, the Water Board issued a Draft Regulatory Framework, which if adopted will require Fowler to restrict outdoor watering days to two (2) days per week or reduce water usage by 25%; and

WHEREAS, the final Water Board regulations will be adopted in early May 2015, to be effective June 1, 2015.

WHEREAS, in anticipation of the final Water Board regulations, the City Council desires to adopt additional water restrictions and penalties for violations of those restrictions.

NOW, THEREFORE, the City Council of the City of Fowler resolves as follows:

1. Notwithstanding the provisions of Fowler Municipal Code section 6-4.1107, which sets forth the City's current outdoor watering schedule, effective May 6, 2015, the following Watering Schedule shall apply:

(1) Spring/Summer Watering Schedule. Between March 1 and November 30, no watering shall occur on Mondays, Thursdays, or Fridays or between the hours of 6:00 a.m. and 7:00 p.m. on any day.

(i) Customers with odd-numbered street addresses, ending in 1, 3, 5, 7, or 9, are allowed to water on Tuesdays and Saturdays.

(ii) Customers with even-numbered street addresses, ending in 0, 2, 4, 6, or 8, are allowed to water on Wednesdays and Sundays.

(2) Winter Watering Schedule. Between December 1 and the last day of February, watering is allowed anytime of the day on the allowed watering day.

(i) Customers with odd-numbered street addresses, ending in 1, 3, 5, 7, or 9, are allowed to water on Saturdays only.

(ii) Customers with even-numbered street addresses, ending in 0, 2, 4, 6, or 8, are allowed to water on Sundays only.

2. Notwithstanding the City's Policy for Issuance of Administrative Citations Pertaining to Violations of the City's Water Conservation Rules, as adopted by Resolution No. 2290 on February 18, 2014, the following penalties shall apply to violations of the City's Water Conservation Rules, including those amended by this Resolution:

(1) First violation: Twenty Five Dollars (\$25.00)

(2) Second and subsequent violation: Fifty Dollars (\$50.00)

Third and subsequent penalties shall be added to the customer's account. In addition, a violation of the usage limits shall be deemed a violation of the Municipal Code as authorized by Fowler Municipal Code ("FMC") section 6-4.1109.

4. The additional restrictions and penalties set forth in this Resolution shall remain in place through February 29, 2016, or such time as the Governor and Water Board may extend the requirements of Executive Order B-29-15.

5. A customer that receives a penalty may file an appeal of the basis for the penalty in accordance with the procedures set forth in FMC Title 1, Chapter 8, pertaining to Administrative Citations, except that for third and subsequent penalties that are added to the customer's account the appeal shall be filed and received by the City Clerk no later than the billing due date of the customer's bill on which the penalty is imposed.

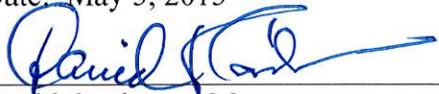
6. The City Manager and Public Works Director are hereby authorized to take such other action and make such other determinations as is necessary to carry out the intent and purposes of this Resolution.

7. Nothing in this Resolution is intended to preclude the City from enforcing other City requirements relating to water conservation and waste.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Fowler held on May 5, 2015, by the following vote, to wit:

AYES: Cardenas, Parra, Hammer, Monis  
NOES: None  
ABSENT: Simonian  
ABSTAIN: None

Date: May 5, 2015

  
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David Cardenas, Mayor

Attest:

  
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Jeannie Davis, City Clerk