

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

ORDINANCE NO. 24-

**AN ORDINANCE OF SANTA CLARA VALLEY WATER DISTRICT ESTABLISHING
PROHIBITIONS WITHIN WATER RESOURCES PROTECTION ZONES**

- WHEREAS, the Santa Clara Valley Water District Act (District Act) authorizes Valley Water to provide comprehensive water management for all beneficial uses and protection from flooding within Santa Clara County, in order to provide a reliable supply of healthy and clean water; reduce the potential for flood damage; protect, and when appropriate, enhance and restore natural resources of streams and watersheds; and
- WHEREAS, trampling, excavation, vegetation and tree removal, and increased fire frequency associated with encampments have damaged and destroyed required habitat mitigation on lands that Valley Water holds in fee and easement. Encampments and associated uses can degrade water quality, obstruct fish passage, and damage and destroy habitats that these species depend on; and
- WHEREAS, there has been an increase in the number of security incidents and fire-related occurrences encountered by Valley Water staff that were related to unsheltered people; and
- WHEREAS, this ordinance is intended to protect water resources, endangered species and other ecological resources, as well as to support and improve the safety of Valley Water's field operations staff.

The Board of Directors of Santa Clara Valley Water District does ORDAIN as follows:

SECTION 1: PURPOSE AND INTENT

- 1.1 The purpose of the Water Resources Protection Zones Ordinance (Ordinance) is to establish water resources protection zones (WRPZ) to better enable the Santa Clara Valley Water District (Valley Water) to continue providing Silicon Valley safe, clean water for a healthy life, environment, and economy.
- 1.2 The Ordinance is intended to address the impacts of encampments near waterways and water supply facilities owned by Valley Water in order to improve water quality and to protect the riparian habitat of creeks and waterways.
- 1.3 The Ordinance aims to reduce encampments and prevent re-encampment along creeks, waterways and water supply facilities. It is intended to protect water resources, endangered species and other ecological resources, as well as to support and improve safety for Valley Water staff.
- 1.4 Valley Water adopts the Ordinance pursuant to the authorities granted to it by the Santa Clara Valley Water District Act (California Water Code Appendix, Chapter 60, Section 9(b)).

SECTION 2: DEFINITIONS

- 2.1 “Water Resources Protection Zone” is defined as all lands where Valley Water owns property in fee title, has an easement, or has maintenance obligations pursuant to effective licenses and agreements.

Valley Water’s property rights in fee and easement can be viewed using the following link: <https://gis.valleywater.org/FeeEasement/>

- 2.2 “Camping” is defined as unauthorized sleeping, erecting a shelter of any type, storing, using, maintaining, or placing personal property.
- 2.3 “Encampments” is defined as one (1) or more structures occupied by an individual or family that is located illegally on Valley Water or other public property. An area where there are no structures, but where personal property is stored is also considered an encampment.
- 2.4 “Habitat” is defined as a place in which the physical, chemical, and/or biological factors which support the survival and/or reproduction of a particular species or biological community is present, including places in which these factors are naturally occurring, places in which these factors have been established by human action, and places in which these factors are actively and intentionally being developed for the purpose of supporting the species or biological community.

SECTION 3: PROHIBITIONS WITHIN WATER RESOURCES PROTECTION ZONES

- 3.1 Camping is prohibited within the WRPZ to protect the adjacent waterways, water supply facilities, water quality, and riparian corridors.
- 3.2 The following activities are prohibited in the WRPZ:
- (a) Unauthorized establishment of encampments.
 - (b) Any unauthorized presence in the WRPZ after sunset.
 - (c) Possession or use of unauthorized firearms or other weapons.
 - (d) Possession or use of explosives, including fireworks, or other toxic or hazardous materials or substances.
 - (e) Keeping and/or maintaining animals.
 - (f) Any unlawful activities.
 - (g) Any activities that could create a hazard or potential hazard to Valley Water employees or the public, or that could interfere with, obstruct, or prevent the safe operation of Valley Water facilities, including but not limited to buildings or habitat, or its activities associated with water quality, environmental stewardship, or flood risk reduction.

- (h) Any activity or nuisance that unreasonably disturbs the occupants of neighboring properties, including but not limited to, use of any loudspeakers; public address systems, sound amplifiers, radio or broadcast within the WRPZ in such manner that sounds are unreasonably loud or directed beyond the immediate area of the listener, except to the extent appropriate permits are obtained in accordance with any applicable municipal code section.
- (i) Depositing trash, debris, and/or hazardous pollutants.

SECTION 4: ENFORCEMENT/REGULATION OF WATER RESOURCES PROTECTION ZONES

- 4.1 It is a misdemeanor for any person to violate any Valley Water ordinance adopted pursuant to Section 9(b) of the District Act after the effective date of the ordinance. Any violation of this Ordinance is punishable by a fine not exceeding five hundred dollars (\$500), or imprisonment in the county jail not to exceed 30 days, or both that fine and that imprisonment. Any violation or threatened violation may also be enjoined by civil action. The prosecutor may in his or her discretion specify that the offense is an infraction.

SECTION 5: SEVERABILITY

If any section or provision of this Ordinance is held to be unconstitutional or invalid, that finding will not affect the validity of the Ordinance as a whole nor any part thereof, other than the part held to be unconstitutional or invalid.

SECTION 6: EFFECTIVE DATE

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on [Month/Date], 2024, and effective 30 days after adoption pursuant to Section 9 of the District Act:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

By: _____
NAI HSUEH
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk, Board of Directors