

ORDINANCE NO. 83

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA REGARDING WATER USE EFFICIENCY AND WATER CONSERVATION

RECITALS

- A. California Constitution Article X, Section 2 and California Water Code Section 100 provide that, because of conditions prevailing in the state of California, it is declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste of water or unreasonable use of or unreasonable method of use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare.
- B. In addition to Article X, Section 2, the District has the authority to adopt and enforce water conservation restrictions pursuant to Water Code sections 375 and Water Code Section 71640, which is incorporated by Government Code Section 61100(a) into the Community Services District Law.
- C. The District is further authorized by California Water Code Section 350 to declare a water shortage emergency to prevail within its jurisdiction when it finds and determines that the Agency will not be able to or cannot satisfy the ordinary demands and requirements of water consumers without depleting supplies to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.
- D. On January 13, 2006, the State Water Resources Control Board ("State Board"), issued Order WR 2006-0001 ("Order"). The Order, while upholding the Lake Arrowhead Community Services District's ("District") pre-1914 water rights for consumptive purposes, presently limits the District to withdrawals up to 1,566 acre-feet per year from Lake Arrowhead commencing in 2008.
- E. The District augments its Lake Arrowhead supply with limited groundwater and State Water Project water pursuant to a contract with the Crestline Lake Arrowhead Water Agency when it is available. These supplies are subject to limitations and in certain conditions, are not reliable.
- F. Due to the limitations imposed upon the District by the Order, the present non-permanent and non-reliable availability of other sources of water and the current demands on the District for water, in a dry year or multiple dry year period, the available supply of water may be less than necessary to satisfy all needs of the District's present and/or future customers for all current water usages.

- G. Given this fact, since 2006 the Board of Directors of the Lake Arrowhead Community Services District ("District") has declared a water shortage emergency and adopted a number of water conservation ordinances pursuant to Water Code Sections 350, 375 and 71640, including Ordinance Nos. 65, 69, 76, 79 and 80.
- H. These ordinances, which contain permanent water use restrictions to prevent water waste and escalating restrictions during declared levels of shortage, were designed to (1) conserve the District's water supply for the greatest public benefit by providing for water conservation under the declaration of a water shortage emergency condition, and (2) adopt provisions that will change the water-use habits of customers to significantly reduce the consumption of water for the long term human consumption, sanitation and fire protection of the District's customers.
- I. The District is currently preparing its Urban Water Management Plan, and is required by Water Code Section 10632 to adopt a Water Shortage Contingency Plan that includes six levels of water shortage based on progressing water supply conditions, with corresponding actions to address the shortage at each level.
- J. Recognizing the continuing limitations on the District's water supply, the purpose of this Ordinance is to update the District's water conservation ordinances and to make this Ordinance consistent with the requirements of the District's Water Shortage Contingency Plan.
- K. Upon adoption, this Ordinance shall be effective immediately and shall supersede Ordinances Nos. 69, 76, 79, and 80.

THE BOARD OF DIRECTORS OF THE LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:

SECTION 1 INCORPORATION OF RECITALS

The recitals set forth above are true and correct and incorporated herein and made part of this Ordinance.

SECTION 2 DEFINITIONS

The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this Section unless from the context a different meaning is intended, or unless a different meaning is specifically defined within individual Sections of this Ordinance:

"Board" means Board of Directors of the Lake Arrowhead Community Services District.

“Customer” means any person, persons, entity, association, corporation or governmental agency or any other entity or user supplied with water service by the District within the Certificated Water Service Area or the manager, lessee, agent, servant, officer or employee of any of them or any other entity which is recognized by law as the subject of rights or duties.

“District” means the Lake Arrowhead Community Services District.

“General Manager” means the General Manager of the Lake Arrowhead Community Services District.

“Gray Water” is defined as untreated wastewater which has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and which does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. Gray water includes wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs but does not include wastewater from kitchen sinks or dishwashers.

“Improved zone” means the portion of the Property Owner or Customer’s parcel that is landscaped and irrigated with District water.

“Landscaping” means the installation and maintenance of some combination of organic plant material that includes trees, shrubs, vines, ground covers, annuals, perennials and lawns and also includes outdoor decorative features or structures that use District water such as, but not limited to, fountains, ponds and waterfalls.

“Existing landscaping” as used herein refers to landscaping that currently exists and which has been consistently maintained on the current Property Owner’s or Customer’s parcel with District water.

“Natural zone” as used herein refers to the area of the Property Owner’s or Customer’s parcel which is only planted with native trees and shrubs and irrigated with District water by bubbler only until trees and shrubs are established.

“Property Owner” means the record owner or owners of real property based on the San Bernardino County Assessor’s records.

“Recycled Water” under California law means water, which, as a result of treatment of waste, is suitable for a directly beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.

SECTION 3 AUTHORIZATION

The General Manager and his or her designees are hereby authorized and directed to immediately implement the applicable provisions of this Ordinance upon the effective date

hereof.

SECTION 4 APPLICATION

The provisions of this Ordinance shall apply to all Customers and property served by the District within the District's Certificated Water Service Area boundaries. Nothing in this Ordinance is intended to affect or limit the ability of the District to respond to an emergency, including an emergency that affects the ability of the District to supply water.

SECTION 5 PERMANENT WATER USE RESTRICTIONS APPLICABLE TO ALL CUSTOMERS

Consistent with the recitals above and to promote water conservation and prevent the waste, unreasonable use or unreasonable method of use of water, the following permanent water use restrictions apply to all Customers in the District.

A. OUTDOOR CLEANING PRACTICES

1. There shall be no hose washing of any hard or paved surfaces including, but not limited to sidewalks, walkways, driveways, parking areas, patios, porches, decks, and verandas, except that, flammable or other dangerous substances may be, if otherwise permitted by law, disposed of by direct hose flushing for the benefit of public health and safety. Sweeping is encouraged for routine maintenance. Washing patios, porches, decks and verandas shall be by bucket and mop or high-pressure washer only.
2. No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or similar structures used for aesthetic purposes unless such water is part of a recirculation system.
3. Vehicles may be hand washed using a bucket while parked on residential properties. Rinsing may be done by using a leak free hose equipped with a positive shut off nozzle, but not in a manner that causes or allows excess water to flow or runoff onto an adjoining sidewalk, street, gutter or ditch.

B. HOSPITALITY INDUSTRY STANDARDS

1. No restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered for sale, shall serve drinking water to any person unless expressly requested.
2. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily, and such hotels and motels shall prominently display notice of this option in each bathroom using clear and easily understood language.

C. LEAK-FREE MAINTENANCE STANDARDS

No Customer of the District shall permit water to leak from any facility on the Customer's premises. A person may not:

1. Fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
2. Operate a permanently installed irrigation system with
 - a. a broken head resulting in any leakage;
 - b. a head that is out of adjustment and the arc of water from the spray head is over a street or parking lot; or
 - c. a head that is misting because of high water pressure when the system is not in operation.

D. IRRIGATION PRACTICES STANDARDS

1. Lawns, trees, shrubs and other landscaping may not be watered beyond what is needed for natural growth and to sustain life. Water may not be permitted to pool or collect to the point of run-off. No Customer shall water or irrigate any lawn, landscaping, or other area in a manner that causes or allows excess water to flow or run-off onto an adjoining sidewalk, driveway, street, gutter or ditch.
2. The prohibited uses set forth in this subsection do not apply to Recycled or Gray Water.
3. Between October 16th and April 30th, all outdoor irrigation shall be shut off and irrigation systems shall be winterized to prevent ruptured pipes and leaks. If a Customer's irrigation is still on as of October 16th or turned on prior to May 1st, the Customer's water meter is subject to being shut off by District staff after seventy-two (72) hours written notice to the Customer at Customer's last known address and the Customer's failure to turn off the outdoor irrigation. If the District turns off a Customer's water meter pursuant to this Subsection, a shut off fee established by the District will be applied to the Customer's water account.
4. Automated irrigation of all landscaping, plants, trees and land may be done only between the hours of 6:00 p.m. to 12:00 a.m. and 12:00 a.m. to 8:00 a.m. on an approved irrigation day, with the exception of newly seeded plants and other new plantings, which may be watered intermittently until rooting is established.
6. Outdoor irrigation shall only be allowed on the following days during the established irrigation season and hours:

Monday Wednesday Friday

7. The application of potable water to outdoor landscaping during and up to 48 hours after measurable rainfall is prohibited.

E. LANDSCAPING STANDARDS

1. No Customer shall use District water to irrigate property outside the boundaries of the parcel to which service is being delivered.
2. No new turf grass or lawn (seed or sod) that uses District water shall be installed or maintained by any District Customer (existing or new). The reseeding, installation of replacement sod and/or refurbishment of existing turf grass or lawns are exempt from this restriction subject to any additional restrictions that may be imposed pursuant to a declaration of a water shortage level as described below. These restrictions do not apply to institutional Customers using recycled water.
3. No new water features that use District water, including, but not limited to ponds, waterfalls and fountains may be installed without a recirculation system.
4. The following provisions apply to customers without existing landscaping:
 - a. New landscaping (the term “landscaping” does not include turf grass or lawns) that uses District water shall be limited to an improved zone that is no larger than 50% of the undeveloped area of the parcel, however, the improved zone shall not exceed 10,000 square feet. Planting in the improved zone is limited to the District’s drought tolerant plant list, except for up to one hundred fifty square feet of the improved zone which may be planted and maintained with plant materials not on the District’s drought tolerant plant list.
 - b. The natural zone must be at least 50% of the undeveloped area of the parcel. New trees in the natural zone may be planted to replace lost trees and are limited to the District’s reforestation tree and native shrubs list. Trees must be spaced at least 20’ apart and may be irrigated with District water by bubbler only. Irrigation that uses District water must be turned off permanently once trees and shrubs are established.
5. The following provisions apply to customers with existing landscaping:
 - c. For Customers with existing landscaping, the installation of landscaping that uses District water shall only be allowed in areas where existing landscaping is being replaced or refurbished and such landscaping shall not increase the square footage of a Customer’s property that is dedicated to landscaping, shall not increase the use of District water and the landscaping used shall be limited to the District’s reforestation tree and native shrubs list and drought tolerant plant list. Up to one hundred fifty square feet of said replaced or refurbished landscaping may be planted and maintained with plant materials not on the District’s drought tolerant plant list.

6. Irrigation of outdoor landscaping with District water, other than recycled or grey water, in connection with any new home or building must be delivered by drip or microspray systems.

SECTION 6 LEVELS OF WATER SHORTAGE

The Board of Directors may declare a water shortage condition when it determines in its sole discretion that due to drought, state regulations or other water supply conditions, a reduction in water use of a certain percentage is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. Factors the Board will consider include but are not limited to, (1) the water level of Lake Arrowhead; (2) rainfall totals; (3) reliability of current and projected groundwater well production, (4) ability to meet demand; (5) State Water Project allocation; and (6) projected water allocations to the District from the Crestline-Lake Arrowhead Water Agency. The Board may declare any level of water shortage condition and may proceed immediately to higher levels as it deems appropriate. The Board is not required to move numerically from one level to the next. During any declared water shortage level, all other permanent water use restrictions in Section 5 remain in place unless specifically superseded by restrictions in a declared level.

A. Level 1 Water Shortage

A Level 1 Water Shortage condition exists when the District determines in its sole discretion that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Level 1 Water Shortage condition is up to 10%. Upon declaration by the District of a Level 1 Water Shortage condition, the following water conservation restrictions go into effect:

1. **Limits on Watering Days:** Outdoor irrigation of landscaping with potable water is limited to three days per week on a schedule established and posted by the District. This does not include maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, or hand-held hose equipped with a positive self-closing water shut-off nozzle or device. Customers are prohibited from increasing the amount of time each day that outdoor irrigation systems are operated above the average daily time such systems were operated prior to a Level 1 Water Shortage Emergency being declared.
2. **No New Turf Grass, or Lawn:** No new turf grass or lawn is allowed. Existing turf grass or lawn may remain and may be refurbished with no reduction required.

B. Level 2 Water Shortage

A Level 2 Water Shortage condition exists when the District determines in its sole discretion that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to

existing water and regulatory conditions. The water use reduction goal during a Level 2 Water Shortage condition is up to 20%. Upon declaration by the District of a Level 2 Water Shortage condition, the following water conservation restrictions go into effect:

1. **Limits on Watering Days:** Outdoor irrigation of landscaping with potable water is limited to three days per week on a schedule established and posted by the District. This does not include maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, or hand-held hose equipped with a positive self-closing water shut-off nozzle or device. Customers are prohibited from increasing the amount of time each day that outdoor irrigation systems are operated above the average daily time such systems were operated prior to a Level 2 Water Shortage Emergency being declared.
2. **No New Turf Grass or Lawn:** No new turf grass or lawn is allowed. Existing turf grass or lawn must be reduced by 50% when refurbished.

C. Level 3 Water Shortage

A Level 3 Water Shortage condition exists when the District determines in its sole discretion that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Level 3 Water Shortage condition is up to 30%. Upon declaration by the District of a Level 3 Water Shortage condition, the following water conservation restrictions go into effect:

1. **Limits on Watering Days:** Outdoor irrigation of landscaping with potable water is limited to three days per week on a schedule established and posted by the District. This does not include maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, or hand-held hose equipped with a positive self-closing water shut-off nozzle or device. Customers are prohibited from increasing the amount of time each day that outdoor irrigation systems are operated above the average daily time such systems were operated prior to a Level 3 Water Shortage Emergency being declared;
2. **Turf Grass or Lawn:** No new turf grass is allowed. Existing turf grass or lawn must be reduced by 50% when refurbished;
3. **Public Interaction:** Enhanced enforcement and increased Public Information campaigns will be initiated requesting voluntary reductions from the public.

D. Level 4 Water Shortage Emergency

A Level 4 Water Shortage emergency exists when the District determines in its sole discretion that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to

existing water and regulatory conditions. The water use reduction goal during a Level 4 Water Shortage emergency is up to 40%. Upon declaration by the District of a Level 4 Water Shortage emergency, the following water conservation restrictions go into effect:

1. **Limits on Watering Days:** Outdoor irrigation of landscaping with potable water is limited to two days per week on a schedule established and posted by the District. This does not include maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, or hand-held hose equipped with a positive self-closing water shut-off nozzle or device. Customers are prohibited from increasing the amount of time each day that outdoor irrigation systems are operated above the average daily time such systems were operated prior to a Level 4 Water Shortage Emergency being declared;
2. **Turf Grass or Lawn:** No new turf grass is allowed. Existing turf grass or lawn must be reduced by 50% when refurbished;
3. **Public Interaction:** Enhanced enforcement and increased Public Information campaigns will be initiated requesting additional reductions from the public.

E. Level 5 Water Shortage Emergency

A Level 5 Water Shortage emergency exists when the District determines in its sole discretion that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Level 5 Water Shortage emergency is up to 50%. Upon declaration by the District of a Level 5 Water Shortage emergency, the following water conservation restrictions go into effect:

1. **Limits on Watering Days:** Outdoor irrigation of landscaping with potable water is limited to one day per week on a schedule established and posted by the District. This does not include maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, or hand-held hose equipped with a positive self-closing water shut-off nozzle or device. Customers are prohibited from increasing the amount of time each day that outdoor irrigation systems are operated above the average daily time such systems were operated prior to a Level 5 Water Shortage Emergency being declared;
2. **Turf Grass or Lawn:** No new turf grass is allowed. Existing turf grass or lawn must be reduced by 50% when refurbished;
3. **Public Interaction:** Strict enforcement, water audits and persistent Public Information campaigns will be initiated requesting additional reductions from the public;
4. **Drought Rates:** The Board will review the financial impact on the District from reductions in revenue and will determine if drought rates should be initiated.

F. Level 6 Water Shortage Emergency

A Level 6 Water Shortage emergency exists when the District determines in its sole discretion that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Level 6 Water Shortage emergency is more than 50%. Upon declaration by the District of a Level 6 Water Shortage emergency, the following water conservation restrictions go into effect:

1. **No Watering or Irrigating:** Watering or irrigating of lawn, landscaping or other vegetated area with potable water is prohibited. This restriction does not apply to the following categories of use, unless the District has determined that recycled water is available and may be applied to the use:
 - a. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device.
 - b. Maintenance of existing landscaping necessary for fire protection.
 - c. Maintenance of existing landscaping for soil erosion control.
 - d. Maintenance of plant materials identified to be rare or essential to the well-being of protected species.
 - e. Maintenance of landscaping within active public parks and playing fields, day care centers, and school grounds, provided that such irrigation does not exceed two (2) days per week according to the schedule established in Section VIII(b)(1) and time restrictions in Section VI(a) and (b)(1).
 - f. Actively irrigated environmental mitigation projects.
2. **Turf grass or lawn:** Turf grass or lawn may not be watered by any method.
3. **Public Interaction:** Strict enforcement, water audits and persistent Public Information campaigns will be initiated requesting additional reductions from the public.
4. **Drought Rates:** The Board will review the financial impact on the District from reductions in revenue and will determine if drought rates should be initiated.
5. **No New Potable Water Service:** Upon declaration of a Level 6 Water Shortage Emergency, notwithstanding the limits on new water meters in Ordinance No. 65,

the Board shall prohibit or restrict new potable water service connections and the issuance of will serve letters 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 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 the District. This provision does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less.
6. **Discontinue Service:** The District, in its sole discretion, may discontinue service to consumers who willfully violate provisions of this section.

SECTION 7 PENALTIES AND VIOLATIONS

A. The penalties and regulatory fees for violations of any of the provisions of this Ordinance shall be as follows:

1. For the first violation by any Customer of any of the provisions of this Ordinance, the District shall issue a written notice to the Customer specifying the violation and instructing the Customer to immediately cease any such violation. In the case of violations that require making any repairs to a Customer's water system to correct, such violations must be corrected as soon as reasonably practicable and no more than seventy-two (72) hours of notification by the District. If the Customer fails to cease any such violation either immediately or within the seventy-two (72) hour required time if applicable, the District may install a flow restricting device or turn off service as described in Section 7(A)(5) below.
2. For a second violation by any Customer of any of the provisions of this Ordinance within 12 months of the first violation, the District shall provide written notification to the Customer specifying the second violation, order the Customer to immediately cease any such violation, and impose a penalty in the amount of 25% of the Customer's water consumption charges for the parcel of property where the violation occurred for the billing period in which the violation occurred.
3. For a third violation by any Customer of any of the provisions of this Ordinance within 12 months of the first violation, the District shall provide written

notification to the Customer specifying the third violation, order the Customer to immediately cease any such violation, and impose a penalty in the amount of 50% of the water consumption charges for the parcel of property where the violation occurred for the billing period in which the violation occurred.

4. For a fourth violation by any Customer of any of the provisions of this Ordinance within 12 months of the first violation, the District shall provide written notification to the Customer specifying the fourth violation, order the Customer to immediately cease any such violation, and impose a penalty in the amount of 100% of the water consumption charges for the parcel of property where the violation occurred for the billing period in which the violation occurred.
5. After a fourth violation of any of the provisions of this Ordinance, the District shall issue a written notice of the fact of such violation to the Customer and may install a water flow restricting device of one gallon per minute (1 GPM) for service lines up to one and one-half inches (1-1/2") size and comparatively-sized restrictors for larger services or terminate a Customer's service, in addition to the regulatory fees and penalties provided for herein, upon a prior determination that the Customer has repeatedly violated this Ordinance or District rules and regulations regarding the conservation of water and that such action is reasonably necessary. A regulatory fee as established by the District's Rules and Regulations will be imposed on the Customer's account for any installation and removal of the flow restrictor or termination of District water service. The water restrictor may be removed or water service restored after the Customer demonstrates that the cause of the violation has been corrected and that all fines, penalties and regulatory fees have been paid.

B. Pursuant to Water Code section 377, any violation of any provision of this Ordinance is a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days, or by a fine not exceeding one thousand dollars (\$1,000), or by both.

C. The penalties for failure to comply with any of the provisions of this Ordinance are cumulative within the separate provisions of this Ordinance and each violation of this Ordinance is a separate violation and may be treated as such. In addition, penalties may be applied in addition to the current charges of the District for Customer water consumption, including tiered rates applying to higher levels of consumption. The District will endeavor to work with violators to achieve compliance with the restrictions and will only consider non-monetary penalties as a last resort, after all other attempts to bring violators into compliance fail.

D. The District will not be responsible for any damages incurred by or resulting to landscaping, irrigation systems, or property caused by the restrictions established herein or by the water meter being shut off.

SECTION 8 APPEALS

A. Appeals of Penalties

1. The imposition of any penalty shall be final and effective unless appealed in writing to the General Manager by the Customer or Property Owner within ten days following issuance of a written violation. Notice of the appeal must be filed in the District's main office using the appropriate form provided by the District, together with any required penalties and regulatory fees then due and owing, and shall be accompanied by a written statement setting forth the reasons why the imposition of the penalty and regulatory fees are inappropriate.
2. The appeal will be heard by the General Manager within 30 days from the filing of the notice of appeal. Notice of the hearing on the Customer's appeal shall be mailed to the Customer at least ten calendar days before the date fixed for the hearing. Any penalties or regulatory fees imposed will remain in effect pending the General Manager's determination of the appeal. Notice of the determination of the General Manager shall be mailed to the Customer within 10 calendar days of such determination.
3. A Customer may appeal the decision of the General Manager to the Board of Directors within ten days of the General Manager's determination of the appeal. The appeal will be heard by the Board within 30 days of the Customer's filing of the appeal. Notice of the hearing on the Customer's appeal shall be mailed to the Customer at least ten calendar days before the date fixed for the hearing. The determination of the Board shall be final and notice of the decision will be mailed to the Customer within 10 calendar days of such determination.
3. Failure of a Customer to file an appeal within the required time will result in a waiver of any right to further appeal.

SECTION 9 VARIANCE/EXEMPTION

Section 9.11 of the District's Rules and Regulations for Water and Wastewater Service will not apply to the restrictions created by this Ordinance, nor shall variances or exemptions be granted.

SECTION 10 SEVERABILITY

If any Section, subsection, clause or phrase in this Ordinance or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of the Ordinance or the application of such provision to other persons or circumstances shall not be affected thereby. The Board hereby declares that it would have passed this Ordinance and each Section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more

Sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

SECTION 11 CONFLICTING PROVISIONS

If provisions of this Ordinance are in conflict with each other, any other resolution or ordinance of the District, or any State law or regulation, the more restrictive provisions shall apply.

SECTION 12 CEQA EXEMPTION

The adoption of this ordinance is not subject to the requirements of the California Environmental Quality Act ("CEQA"), or, alternatively, is exempt from CEQA. As the adoption of this Ordinance only water conservation would result from the implementation of the Ordinance's provisions, the Ordinance would not commit the Agency to any action that would result in any significant environmental effects. As a result, per State CEQA Guidelines §15378, the Ordinance does not constitute a project subject to the requirements of CEQA. Alternatively, the adoption of this Ordinance is exempt from CEQA under State CEQA Guidelines, §15061 (b)(3) and §15308 because CEQA only applies to projects that have the potential for causing a significant effect on the environment and it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment, and because the Ordinance would result in the conservation of water, a limited and currently scarce resource, and would, therefore, have a beneficial effect on the environment. On this basis, and the on the basis of the information contained in the whole of the administrative record, the adoption of this Ordinance requires no further analysis under CEQA.

SECTION 13 RESCISSION OF PRIOR ORDINANCES

Upon adoption of this Ordinance, District Ordinances Nos. 69, 76, 79 and 80 are hereby rescinded and replaced with this Ordinance.

SECTION 14 EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption by the Board of Directors.

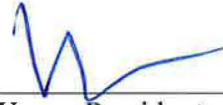
ADOPTED by the Board of Directors of the Lake Arrowhead Community Services District at a Regular Meeting held on June 22, 2021, by the following votes:

AYES: Gross, Keefe, Morris, and Wurm

NOES: None

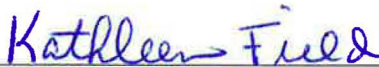
ABSTENTIONS: None

ABSENT: Boydston



John Wurm, President of the Board of
Directors of the Lake Arrowhead
Community Services District.

ATTEST:



Kathleen Field, Secretary of the Lake Arrowhead
Community Services District and of the
Board of Directors thereof.