

ORDINANCE NO. 43

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

DECLARATION OF WATER SHORTAGE EMERGENCY CONDITION

WHEREAS, on May 28, 1996, the Board adopted Ordinance No. 42 establishing landscape water conservation requirements as part of a water conservation program. A copy of Ordinance No. 42 is attached hereto as Exhibit B, and incorporated herein by reference.

WHEREAS, Section 4 of Ordinance No. 42 provides that the Board may declare a water shortage emergency condition to prevail within the service area of the District. Said determination shall be made upon adoption of an ordinance in accordance with the authority and procedures set forth in Water Code, Section 350 et seq. In addition, said authority may be exercised in the event the Board determines the water shortage emergency condition does not constitute an immediate emergency, but is necessary due to a threatened water shortage.

WHEREAS, in accordance with Water Code Sections 351 and 352, a Notice of a Public Hearing was published and a Public Hearing was held on August 26, 1997 at 7:00 p.m. The purpose of the hearing was to provide District customers with the opportunity to be heard to protest or support the proposed declaration of a water shortage emergency condition and to present their respective needs.

WHEREAS, the purpose of this Ordinance No. 43 is to declare a water shortage emergency condition to prevail within the service area of the District and to adopt such regulations and restrictions on the delivery and consumption of water as will, in the discretion of the Board, conserve the

District's water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.

**THE BOARD OF DIRECTORS OF THE LAKE ARROWHEAD
COMMUNITY SERVICES DISTRICT DOES HEREBY ORDAIN AS
FOLLOWS:**

SECTION 1

INCORPORATION OF RECITALS. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance No. 43.

SECTION 2

AUTHORITY, DECLARATION, PURPOSE OF ORDINANCE.

(a) Authority. This Ordinance No. 43 is adopted pursuant to Water Code Section 350 et seq.

(b) Declaration. The Board hereby declares a water shortage emergency condition to prevail within the service area of the District. In accordance with Water Code Section 350, the Board finds and determines that ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

(c) Purpose. Pursuant to Water code Section 353, the purpose of Ordinance No. 43 is to adopt such regulations and restrictions on the delivery of water and the consumption within said area of water supplied for public use as will, in the sound discretion of the Board, conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.

In accordance with Water Code Section 354, after allocating and setting aside the amount of water which in the opinion of the Board will be necessary to supply water needed for domestic use, sanitation, and fire

protection, the regulations in this Ordinance No. 43 shall establish priorities in the use of water for other purposes and provide for the allocation, distribution, and delivery of water for such other purposes, without discrimination between consumers using water for the same purpose or purposes.

SECTION 3

ADOPTION OF WATER TREATMENT PLANT CAPACITY WATER RESTRICTION STAGES. The Board hereby adopts the Water Treatment Plant Production Capacity Water Restriction Stages as set forth in Exhibit A attached hereto and incorporated herein by reference. The Restriction Stages in Exhibit A shall be used as the criteria for determining the existence of a particular Restriction Stage.

SECTION 4

DECLARATION OF FIRST STAGE OF RESTRICTION. The Board hereby declares the existence of the First Stage of Restriction. During the First Stage, the conservation measures recommended in Section 2 of Ordinance No. 42 shall become mandatory. In addition, the District shall closely observe plant production capacity. The District shall provide on-going notification to the public so that proper measures can be taken to prepare landscapes for more severe restrictions.

SECTION 5

AUTHORITY OF GENERAL MANAGER TO DECLARE EXISTENCE OF STAGES OF RESTRICTIONS. The Board hereby authorizes the General Manager to declare the existence of the applicable Stage of Restriction as the situation dictates pursuant to the criteria set forth in Exhibit A. The General Manager shall then report at the next meeting of the Board regarding the existence of the criteria that led to the declaration of the applicable Stage of Restriction. At any time, the Board may override by Minute Order a declaration by the General Manager and determine that a different Stage of Restriction shall be in existence.

SECTION 6

MEASURES THAT WILL BE TAKEN FOR THE RESPECTIVE STAGE OF RESTRICTION. In addition to the measures taken pursuant to the First Stage of Restriction as set forth in Section 4, in the event any of the following Stages of Restriction are declared to be in existence, the following measures will be implemented:

(a) **Normal Capacity.** Conservation measures recommended in Section 2 of Ordinance No. 42 will be in effect.

(b) **Second Stage of Restriction.** In addition to the conservation measures required in the First Stage of Restriction, watering of all landscapes, plants, trees and land shall be reduced to three times a week at their normal cycles.

(c) **Third Stage of Restriction.** Watering of all landscapes, plants, trees and land outside of 30 feet from structures for fire protection shall be prohibited, with the exception of pine and native trees. In the event it is declared that the Third Stage of Restriction is in existence and will remain in effect for more than a certain period of time, watering of all landscapes, plants, trees and land shall be prohibited.

SECTION 7

PUBLIC NOTIFICATION OF THE STAGE OF RESTRICTION. At the time a Stage of Restriction is declared to be in existence, the District shall attempt to notify all customers regarding the declaration and the measures to be implemented. In addition, the District shall attempt to notify those customers who will be affected by the measures to a substantially greater degree than most other customers. All customers shall be subject to the provisions of this Ordinance No. 43 regardless of the extent of any such notification. This general notification is separate and distinct from the notice and hearing procedures in this Ordinance in the event of a Violation/Offense.

SECTION 8

PENALTIES THAT WILL BE IMPOSED FOR VIOLATION OF MEASURES WITHIN A STAGE OF RESTRICTION. The following penalties are authorized pursuant to Water Code Section 356. In addition, at the time of application for service, all customers agree to comply with all of the District's Rules and Regulations for the provision of water service, including regulations and restrictions set forth in this Ordinance No. 43. Therefore, the following penalties shall be imposed on any customer who violates any measure implemented within any Stage of Restriction:

(a) **First Violation/Offense:** Surcharge of 25% of the affected month's total water bill.

(b) **Second Violation/Offense:** Surcharge of 50% of the affected month's total water bill.

(c) **Third Violation/Offense:** Surcharge of 100% of the affected month's water bill.

(d) **Fourth Violation/Offense:** Termination of Water Service.

Any violation/offense shall be grounds for denial of applications for new or additional service connections until the applicable penalty is implemented and paid.

SECTION 9

DURATION. The declaration of any particular Stage of Restriction shall remain in effect until such time as another Stage is declared.

SECTION 10

NOTICE OF ENFORCEMENT OF VIOLATION/OFFENSE. Notice of a Violation/Offense shall be given to the customer in writing by regular mail, and may be enclosed with the regular water billing. The Notice shall contain a description of the violation, a statement of the

penalty, and information regarding the customer's right to a hearing. In the event termination of water service is the penalty to be imposed, the District shall implement the procedures required for said termination in conjunction with the Notice and Hearing Procedures set forth in this Ordinance.

SECTION 11

HEARING ON THE VIOLATION/OFFENSE.

(a) A customer shall have the right to a hearing before the General Manager if a written request for such a hearing is received by the District on or before 15 days after the date the Notice is mailed to the customer.

(b) The written request for a hearing shall include a statement setting forth reasons why the customer believes the violation/offense should not be imposed, along with any documentation that may substantiate the customer's position.

(c) The customer's written request for a hearing shall include payment of the amount of the surcharge. Said payment shall be held on deposit with the District. If following the hearing, it is determined the surcharge will not be imposed, the District will refund said deposit.

(d) Upon receipt of a request for a hearing, the General Manager shall contact the customer regarding proposed dates for the hearing. The hearing shall be conducted at the District's offices or Board Meeting Room. The date of the hearing shall be set at a time that is mutually convenient to both parties but in any event, shall be held on or before 15 days from the date of the Notice.

(e) The hearing shall be informal and shall not require adherence to any particular procedure. The General Manager shall render a written decision on or before 5 days following the date of the hearing.


(f) The customer shall have the right to a hearing before the Board if a written request for such a hearing is received by the Board on or before 15 days after the date of the General Manager's decision.

EFFECTIVE DATE. This Ordinance No. 43 shall be effective upon adoption.

THE FOREGOING ORDINANCE was introduced at a meeting of the Board of Directors of the Lake Arrowhead Community Services District held on August 26, 1997, following a public hearing notice of which was published in the MOUNTAIN NEWS on August 14, 1997.

ADOPTED by the Board of Directors of the Lake Arrowhead Community Services District at a regular meeting held on the 26th day of August, 1997, by the following vote:

AYES:	Huber, Jarrett, Kendrick, Shaw, Smith
NOES:	None
ABSTENTIONS:	None
ABSENT:	None


ED HUBER, President of the Lake Arrowhead Community Services District Board of Directors

ATTEST:

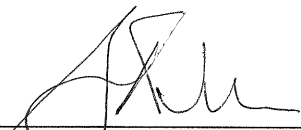

GARY R. VALLADAO, Secretary of the Lake Arrowhead Community Services District Board of Directors

EXHIBIT A

ORDINANCE NO. 43

**DECLARATION OF WATER STORAGE EMERGENCY
CONDITION**

Water Treatment Plant Production Capacity Water Restriction

Restriction Stage	Plant Production Capacity	Consecutive Days Without Recovery	Percent of Zone 1 Reservoir Capacity to Achieve Recovery
Normal	Up to 75%		
First Restriction Stage	75% to 80%	Up to 2 Days	80%
Second Restriction Stage	75% to 80% or 80% to 85%	More than 2 Days Up to 2 Days	80% 80%
Third Restriction Stage	85% or Above or, if there is a failure of any intake, booster or clearwell pump.	1 Day	90%
