

## ORDINANCE NO. 49

### 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 23, 2000, the Board adopted Ordinance No. 48 establishing water conservation requirements as part of a water conservation program. A copy of Ordinance No. 48 is attached hereto as Exhibit B, and incorporated herein by reference.

**WHEREAS**, Section 5 of Ordinance No. 48 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 22, 2000 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. 49 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. 49

**SECTION 2**

**AUTHORITY, DECLARATION, PURPOSE OF ORDINANCE.**

(a) Authority. This Ordinance No. 49 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. 49 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. 49 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 LAKE LEVEL DROUGHT STAGES. The Board hereby adopts the Lake Level Drought Stages as set forth in Exhibit A attached hereto and incorporated herein by reference. The Drought Stages in Exhibit A shall be used as the criteria for determining the existence of a particular Drought Stage.

### SECTION 4

DECLARATION OF FIRST STAGE OF DROUGHT. The Board hereby declares the existence of the First Stage of Drought. During the First Stage of Drought the District shall closely observe lake levels. The District shall provide on-going notification to the public so that proper measures can be taken to prepare landscapes for more severe drought conditions.

### SECTION 5

AUTHORITY OF GENERAL MANAGER TO DECLARE EXISTENCE OF STAGES OF DROUGHT. Except as may be otherwise authorized under the law, subsequent stages of drought, and accompanying restrictions, will be implemented by action of the Board.

### SECTION 6

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

- (a) *Normal Level.* When the Lake is at a Normal Level, only the conservation measures set forth in Section 2 and 3 of Ordinance No. 48 will be in effect.

- (b) **First Stage of Drought.** In the First Stage of Drought, close observation will be made of the Lake Level. The District shall provide on-going notification to the public so that proper measures can be taken to prepare landscapes for more severe drought conditions.
- (c) **Second Stage of Drought.** In the Second Stage of Drought, watering shall be reduced to three times a week at their normal cycles.
- (d) **Third Stage of Drought.** In the event of a Third Stage of Drought, the following shall take place:
  - (i) There will be no new landscaping constructed until the Lake Level returns to at least the First Stage of Drought.
  - (ii) The watering of all landscapes outside of 30 feet from structures for fire protection shall be prohibited.
  - (iii) The District will consult with ALA regarding motor craft activity on the lake, the impact such activity may be having on evaporative water loss from the lake and the possible need to take action to minimize such losses.

## **SECTION 7**

**PUBLIC NOTIFICATION OF THE STAGE OF DROUGHT.** At the time a Stage of Drought is declared to be in existence, beyond the First Stage that is declared by this Ordinance, the District shall provide the applicable notice regarding the declaration and the measures to be implemented. All customers shall be subject to the provisions of this Ordinance No. 49 regardless of the extent of any such notification. This general notification is separate and distinct from the notice and hearing procedures in this Ordinance and from the Violation/Offense procedures authorized by Ordinance No. 48 and Ordinance No. 49.

## **SECTION 8**

**PENALTIES THAT WILL BE IMPOSED FOR VIOLATION OF MEASURES WITHIN A STAGE OF DROUGHT.** The following penalties are authorized pursuant to Water Code Section 356 and Ordinance No. 48. 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. 49. Therefore, the following penalties shall be imposed on any customer who violates any measure implemented within any Stage of Drought:

(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 appeal the General Manager's decision to the Board if a written request for such an appeal hearing is received by the Board on or before 15 days after the date of the General Manager's decision.

(g) The hearing before the Board shall be held at a regular meeting of the Board of Directors within 30 days of the date the written request for a hearing is received by the District. The decision of the Board shall be final.

## **SECTION 12**

**EFFECTIVE DATE.** This Ordinance No. 49 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 22, 2000, following a public hearing notice of which was published in the MOUNTAIN NEWS on August 10, 2000.

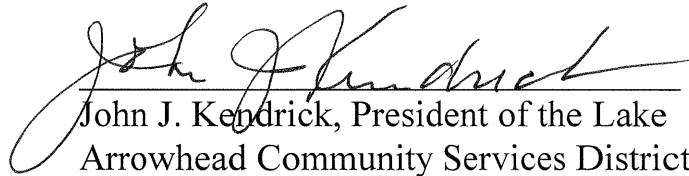
ADOPTED by the Board of Directors of the Lake Arrowhead Community Services District at a regular meeting held on the 22<sup>nd</sup> day of August 2000, by the following vote:

**AYES:**

**NOES:**

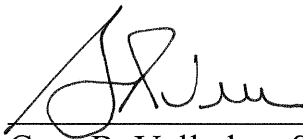
**ABSTENTIONS:**

**ABSENT:**



John J. Kendrick, President of the Lake Arrowhead Community Services District and of the Board of Directors thereof.

ATTEST:



Gary R. Valladao, Secretary of the Lake Arrowhead Community Services District and of the Board of Directors thereof.

SEAL



# EXHIBIT A

## ORDINANCE NO. 49

### DECLARATION OF WATER STORAGE EMERGENCY CONDITION

#### Lake Level Drought Stages

A water shortage emergency may be declared, pursuant to Section 5 of Ordinance No. 48, in the event the following Lake Level Drought Stages, based on ALA datum, are determined to exist:

- |     |                                |                      |
|-----|--------------------------------|----------------------|
| (a) | <i>Normal Level</i>            | Above 5,100 feet     |
| (b) | <i>First Stage of Drought</i>  | 5,100 - 5,093.6 feet |
| (c) | <i>Second Stage of Drought</i> | 5,093.6 - 5,087 feet |
| (d) | <i>Third Stage of Drought</i>  | Below 5,087 feet     |