

ORDINANCE NO. 53

***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
THIRD STAGE OF DROUGHT**

WHEREAS, on May 23, 2000, the Board of Directors of the Lake Arrowhead Community Services District adopted Ordinance No. 48 establishing water conservation requirements as part of a water conservation program; and

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 that the water shortage emergency condition does not constitute an immediate emergency, but it is necessary due to a threatened water shortage. Furthermore, pursuant to Section 7 of Ordinance No. 48, the Board may declare a water shortage emergency in the event certain Water Treatment Plant Production Capacity Water Restriction Stages are determined to exist; and

WHEREAS, on August 22, 2000, the Board adopted Ordinance No. 49 to declare the existence of the First Stage of Drought due to the determination that the Lake Level Drought Stage had reached the range of 5,100 - 5,093.6 feet. Pursuant to said First Stage, the District is currently observing lake levels and providing on-going notification to the public so that proper measures can be taken to prepare landscapes for more severe drought conditions.

WHEREAS, on April 23, 2002, the Board adopted Ordinance No. 51 to declare the existence of the Second Stage of Drought due to the determination that the Lake Level Drought Stage had reached the range of 5,093.6 to 5,087 feet. In addition, the Board adopted Ordinance No. 51 to declare the existence of the Second Restriction Stage for Water Treatment Plant Production Capacity. Pursuant to said Second Stage, all watering shall be reduced to three times a week at their normal cycles.

WHEREAS, on July 23, 2002, the Board adopted Resolution 2002-05 to adopt a Water Conservation Based Tiered Water Rate Structure under the authority set forth in Ordinance No. 51.

WHEREAS, on November 12, 2002, the Board Adopted Ordinance No. 52, the Declaration of Water Shortage Emergency Condition Third Stage of Drought.

WHEREAS, the Board desires to adopt this Ordinance in order to make certain determinations as to the current Lake Level Drought Stage and the Restriction Stage for Water Treatment Plant Production Capacity. As a result of said determinations, the Board also desires to declare the applicable Stage of Drought with the applicable water conservation measures; and

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 February 11, 2003 and March 4, 2003. 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.

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

1. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

2. This Ordinance is adopted pursuant to Water Code Section 350 et seq. and Section 375 et seq. Pursuant to Water Code Section 353, the purpose of this Ordinance is to adopt such regulations and restrictions on the delivery of water and the consumption 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. Pursuant to 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 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 purposes.

3. The Board hereby determines that the Lake Level Drought Stage has reached the range below 5,087 feet, which constitutes a Third Stage of Drought.

4. The Board hereby determines that the Third Restriction Stage for Water Treatment Plant Production Capacity exists in accordance with the capacity and recovery measurements set forth in Exhibit I to Ordinance No. 48; and

5. Under a Stage Three Drought, there will be a restriction on all new landscaping that will be in force until both Stage Three and Stage Two Drought levels have been resolved and the Lake Arrowhead Community Services District has advised the community that a Stage One or better lake level has been achieved.

- Landscaping for both new and existing homes will be allowed under any of the following circumstances:
 - a) Low volume irrigation is implemented, (low volume irrigation is defined as not to exceed 0.75 inches per hour or three gallons per minute at the spray head).

- b) The new landscaping is to replace the trees and shrubs killed by infestation or drought.
 - c) The landscaping is to replace existing landscaping with water efficient or drought resistant vegetation.
 - d) The new landscaping is to comply with erosion and sedimentation control set forth by San Bernardino County Building and Safety.
 - e) The landscaping is being created to establish defensible space according to standards established by local fire agencies.
- No turf grass shall be planted (seed or sod), until the lake level has returned to at least first stage drought level (5100 – 5093.6 feet).
 - The District may permit variances to the above for some landscape retrofits and replantings subject to administrative approvals.
 - 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. The District will have additional consultation with ALA regarding water conservation.
 - Said measures shall be in addition to the measures imposed under the First and Second Stages of Drought.

6. The declarations, determinations, and water conservation measures set forth in this Ordinance are authorized pursuant to Ordinances Nos. 48, 49, 51 and 52 and shall be implemented in accordance with Ordinances Nos. 48, 49, 51 and 52. The water conservation measures set forth in this Ordinance shall supercede the water conservation measures set forth in Ordinance No. 52.

7. Pursuant to Water Code Section 376, this Ordinance shall be effective upon adoption. Within 10 days after the date of adoption, this Ordinance shall be published one time in full in a newspaper of general circulation.

8. This Ordinance was introduced at a meeting of the Board held on February 11, 2003, following a public hearing, and on March 4, 2003, following a public hearing. The notice of which was published in the *Mountain News* on January 30, 2003, February 6, 2003, February 13, 2003 and February 20, 2003.

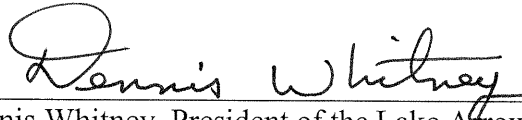
ADOPTED, by the Board of Directors of the Lake Arrowhead Community Services District at a regular meeting held on March 25, 2003, by the following votes:

AYES:

NOES:

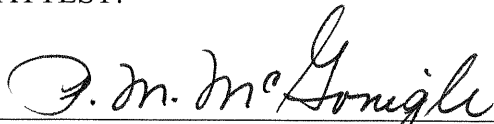
ABSTENTIONS:

ABSENT:



Dennis Whitney, President of the Lake Arrowhead
Community Services District and of the Board of Directors
thereof.

ATTEST:



P. M. McGonigle, Secretary of the Lake Arrowhead
Community Services District and of the
Board of Directors thereof.

SEAL