

ORDINANCE NO. 58

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

**THE WATER CONSERVATION POLICY OF THE LAKE ARROWHEAD
COMMUNITY SERVICES DISTRICT
EFFECTIVE JUNE 1, 2004**

This Ordinance shall be known as the Water Conservation Policy of the Lake Arrowhead Community Services District.

WHEREAS, it is hereby declared that because of the conditions prevailing in the Lake Arrowhead Community where the community is dependent for the majority of its water supply on water from Lake Arrowhead and additionally that Lake Arrowhead itself is a vital factor in the community's quality of life and economic well-being; the Board of Directors of the Lake Arrowhead Community Services District (District), having adopted a policy to reduce and ultimately eliminate its reliance on the lake as its sole source of water supply that requires the water resources available to the community be put to the maximum beneficial use to the fullest extent possible and that water waste, unreasonable use or unreasonable method of use be prevented, and the conservation of water is to be exercised with a view to the interests of the District's customers.

WHEREAS, the three purposes of this Ordinance are, first, to provide for mandatory water conservation under the declaration of a drought condition in order to minimize the effect of a shortage of water to the Customers of the District. Second, by means of this Ordinance, to adopt provisions that will change the water-use habits of Customers to significantly reduce the consumption of water for the long term, thereby extending the available water required for the Customers of the District while reducing the hardship of the District and the general public to the greatest extent possible. And Third, by means of this Ordinance, to consolidate all of the water conservation policies of the District in one Ordinance.

WHEREAS, this Ordinance is adopted pursuant to: (a) Water Code Section 350 et seq. which authorizes the District to declare a Drought Stage condition and authorizes the adoption of regulations and restrictions on the delivery and consumption of water; and (b) Water Code Sections 375 et seq. and 1009 which both authorize the District to adopt a water conservation program to reduce the quantity of water in order to conserve the District's water supply.

WHEREAS, this Ordinance shall be effective on June 1, 2004. Within 10 days after its adoption, this Ordinance shall be published in the local newspaper. This Ordinance was introduced in a meeting of the Board of Directors held on April 27, 2004, following a public hearing, notice of which was published in the local newspaper once a week for two successive weeks on April 15, 2004 and April 22, 2004. Upon the effective date of this Ordinance, this

Ordinance shall supercede and otherwise have control over the following ordinances: Ordinance Numbers 48, 49, 51, 52, and 53 ("Previous Ordinances"). Upon the effective date of this Ordinance the previous ordinances shall be of no further force or effect.

The Board of Directors of the Lake Arrowhead Community Services District does hereby ordain as follows:

SECTION 1 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:

- a. "Base" means the amount of water used on a Customer's premises during the corresponding billing period in 2002. Any Customer who was not a Customer on the premises for which service was billed by the District during the Base period or in the case of new construction, shall be assigned a Base according to the water budget method described in Section 9 subsection C. The District shall have the further discretion to adjust such Base in the event such Customer's use of the premises is substantially different from the previous use thereof during the Base period.
- b. "Billing Unit" means the unit used to apply water rates for purposes of calculating commodity charges for Customer water use and equals one hundred (100) cubic feet (CCF) or seven hundred forty-eight (748) gallons of water.
- c. "Board" means Board of Directors of the Lake Arrowhead Community Services District
- d. "Certificated Water Service Area" means the geographical area for which the District supplies water, commonly referred to as the Arrowhead Woods area.
- e. "Conservation Phase" means that level of mandatory water conservation presently required from Customers pursuant to this Ordinance.
- f. "Customer" means any person, persons, entity, association, corporation or governmental agency supplied with water service by the District within the Certificated Water Service Area.
- g. "District" means the Lake Arrowhead Community Services District.
- h. "General Manager" means the General Manager of the Lake Arrowhead Community Services District.
- i. "Gray Water" is defined under California law 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.
- j. "Hardscape" refers to all impermeable surfaces included as a permanent part of a Customer's landscaping including erosion control installations, sidewalks,

- driveways, decorative paving and patios.
- k. "His" as used herein includes masculine or feminine, as appropriate.
 - l. "Ordinance" means the Water Conservation Policy of the Lake Arrowhead Community Services District.
 - m. "Section" means a Section of this Ordinance unless some other ordinance or statute is specifically mentioned.
 - n. "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 user that would not otherwise occur and is therefore considered a valuable resource.

SECTION 2 AUTHORIZATION

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

SECTION 3 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.

SECTION 4 PERMANENT WATER CONSERVATION POLICIES APPLICABLE TO ALL CUSTOMERS

Pursuant to the Recitals above, this Water Conservation Policy requires the following restrictions on water use based on the declaration that water use in contravention of these practices constitutes water waste or unreasonable methods of use.

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

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.

C. LEAK-FREE MAINTENANCE STANDARDS

No Customer of the District shall permit water to leak from any facility on the Customer's premises; failure or refusal to effect a timely repair of any leak of which the Customer knows or has reason to know shall subject said Customer to all penalties provided herein for a prohibited use of water and enforcement under the District's Rules and Regulations for water service.

D. IRRIGATION PRACTICES STANDARDS

1. Automated irrigation of all landscapes, plants, trees and land may be done only between the hours of 6:00 p.m. and 8:00 a.m., with the exception of newly seeded plants and other new planting, which may be watered intermittently until rooting is established.
2. 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, landscape, 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.
3. It is provided further that commercial nurseries, landscape managers and professional gardeners holding a current Business License and acting for or on behalf of a Customer shall be exempt from the provisions of this subsection for the purposes of landscape maintenance, including the application of treatments such as pesticides and fertilizers. They shall, however, be subject to the provisions of this Ordinance when they are acting to set an irrigation system's regular watering schedule on behalf of a Customer.
4. The prohibited uses set forth in this subsection do not apply to Recycled or Gray Water. The use of Recycled or Gray Water shall be subject to the requirements and limitations as set forth by the applicable County and State regulatory authorities.

5. Between November 30th and March 31st, all outdoor irrigation shall be shut off and irrigation systems shall be winterized to prevent ruptured pipes and leaks.

E. PENALTIES

The penalties for violations of the above permanent water conservation standards shall be the same as for violations under Section 7.

**SECTION 5
DECLARATION OF DROUGHT**

As of the effective date of this Ordinance, the District is currently under the declaration of a Third Stage Drought. As of the effective date of this Ordinance, the Board of Directors further hereby declares a Third Stage Drought exists which requires implementation of Water Conservation Phase Three.

In addition to the continuous conservation measures set forth in Section 4, which shall be in effect as of the effective date of this Ordinance, the Board may declare a Drought Stage condition to prevail whenever it finds that the lake levels have fallen to levels commensurate with the declaration of a drought.

The Board may declare a Drought Stage condition in the event the following lake levels are determined to exist or are predicted to occur during the balance of the calendar year, based on lake level elevations at the end of the winter season, March 31st, and based on the previous year's District-wide water use:

First Stage Drought	5,100 – 5,093.6 feet
Second Stage Drought	5,093.6 – 5,087 feet
Third Stage Drought	Below 5,087 feet

This declaration of a Drought Stage and the definition of a Drought Stage shall cause a mandatory Water Conservation Phase commensurate with the severity of the drought to be enacted. No Customer of the District shall make, cause, use or permit the use of water from the District for any residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this Ordinance or in an amount in excess of that use permitted by the Water Conservation Phase then in effect. For the purposes of this Ordinance, any use of water on the subject property shall be imputed to the Customer, including without limitation any use by a tenant or by an employee, agent, contractor or other entity or individual.

Such regulations shall thereafter remain in place during the period of the emergency and until the Board determines that the District's water supply has been replenished or augmented adequately and declares the applicable Water Conservation Phase to be over.

Such Water Conservation Phase regulations may include, but shall not be limited to, the responses set forth in Section 6.

SECTION 6
MANDATORY WATER CONSERVATION PHASES

A Drought Stage will be proclaimed by the Board by implementing the applicable notice and hearing requirements and through an advertisement which appears a minimum of one time in the local newspaper and on the District's website.

Once a Drought Stage has been proclaimed, the public will continue to be advised of that Drought Stage and any subsequent Stages proclaimed by the Board through local and regional newspapers, billing notices, the District's website, the Arrowhead Lake Association office, and other applicable notice and hearing procedures. In addition, the District will post "Water Watch" public advisory signs at various locations throughout the Lake Arrowhead area. The Customer percentage curtailment provisions shall take effect with the first full billing period commencing on or after the effective date of the public proclamation.

A. WATER CONSERVATION PHASE ONE

In a First Stage Drought, Water Conservation Phase One requires all Customers to conserve 10% of the amount used during the Base period as defined in this Ordinance. 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.

B. WATER CONSERVATION PHASE TWO

In a Second Stage Drought, Water Conservation Phase Two requires all Customers to conserve 15% of the amount used during the Base period as defined in this Ordinance.

C. WATER CONSERVATION PHASE THREE

1. General Provisions

In a Third Stage Drought, Water Conservation Phase Three requires all Customers to conserve 25% of the amount used during the Base period as defined in this Ordinance.

2. Specific Provisions

New landscaping for both new and existing homes will be limited to 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.
- f. The new landscaping is based on a plan to install water efficient or drought resistant vegetation.
- g. No turf grass shall be planted (seed or sod), until the Third Stage Drought is declared over.

D. EXEMPTIONS

1. Minimum Limits

No customer shall be required to conserve to reduce water use below 19 CCF per billing period.

2. Public Health and Safety

The prohibited uses of water provided for by this Ordinance are not applicable to that use of water for essential government services such as police, fire and other similar emergency services or for water needed to support a specific medical treatment required to sustain life. A determination that water is needed to support a specific medical treatment shall be made in accordance with the variance procedures set forth in this ordinance.

**SECTION 7
FAILURE TO COMPLY UNDER MANDATORY CONSERVATION**

A. PENALTIES

The penalties for failure to comply with this ordinance shall be cumulative within the separate provisions of either the Permanent Water Conservation Policies Applicable to All Customers or the Mandatory Water Conservation Phases, but shall not be taken cumulatively between the two categories of regulations. The 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 of the fact of such violation to the Customer.
2. For a second violation by any Customer of any of the provisions of this Ordinance within a calendar year, the District shall issue a written notice of the fact of such violation to the Customer and a surcharge in the amount of 25% of the water consumption charges for the billing period.
3. For a third violation by any Customer of any of the provisions of this Ordinance within a calendar year, the District shall issue a written notice of the fact of such

violation to the Customer and a surcharge in the amount of 50% of the water consumption charges for the billing period.

4. For a fourth violation by any Customer of any of the provisions of this Ordinance within a calendar year, the District shall issue a written notice of the fact of such violation to the Customer and a surcharge in the amount of 100% of the water consumption charges for the billing period.
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 flow restricting device of one gallon per minute (1 GPM) for services up to one and one-half inch (1-1/2") size and comparatively-sized restrictors for larger services or terminate a Customer's service, in addition to the financial surcharges provided for herein, upon a prior determination that the Customer has repeatedly violated this Ordinance or District rules regarding the conservation of water and that such action is reasonably necessary. A fee of \$150 shall be charged to the Customer's account for the installation of a flow restrictor or the termination of 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, fees and surcharges have been paid.

The above penalties shall be applied in addition to the current charges of the District for Customer water consumption, including tiered rates applying to higher levels of water consumption.

B. VARIANCES

Variations to this Ordinance shall be addressed using the same procedures as those in place in the District's Rules and Regulations. The variance procedures are as follows:

When any person claims special circumstances and is of the opinion that a variance is necessary or that any provisions of any ordinances, resolutions, rules and regulations of the District is unjust or inequitable as applied to his facilities or property, and that such special circumstances make his facilities or property different from any other facilities or properties which are subject to the provision disputed, that person may file a written statement with the District stating the special circumstances, citing the provision disputed and requesting suspension or modification of that provision as applied to his facilities or property.

If the General Manager or his/her designee agrees in whole or in part with the allegations, the District may suspend or modify the provision disputed, as applied to such facilities or property, to be effective as of the date of the written statement and continuing to a specified date or during the period of these special circumstances.

Any affected person may appeal the decision of the General Manager or his/her designee to the Board of Directors. The decision of the Board of Directors shall be final for all purposes.

The following guidelines are offered for the granting of variances by the General Manager or his/her designee:

- Demonstration by 2002 and prior year water use records that water conservation practices have been fully implemented
- Additional members being added to household
- Additional structures or landscaping being added after the Base year
- Changes in vacancy factors in housing, including part-time to full-time and prolonged absence
- Water uses during new construction
- Water use necessary for medical treatment to sustain life
- Adjustments to water use caused by emergency health or safety hazards
- For businesses, adding employees or expanding
- For businesses, when reductions would lead to unemployment
- Landscaping to control erosion, create a fire safe landscape, retrofit landscaping to reduce water use, or reforestation
- Watering added after the Base Year consumption to preserve pine trees

It will be the goal of the District that application for a variance to the Board will be processed within 30 days of the applicant's initial written request.

Variances granted to applicants shall use the Water Budget method described under Section 9, Subsection C to determine a new Base period.

SECTION 8 GENERAL PROVISIONS

A. ENFORCEMENT

The Lake Arrowhead Community Services District shall enforce the provisions of this Ordinance.

SECTION 9 NEW CONSTRUCTION WATER USE STANDARDS

A. STATEMENT OF PRINCIPLE

Landscape water use accounts for more than 50% of all domestic water use. As a result, the District requires, as a condition of providing service, new construction to conform to a Water Budget, which includes an allowance for the people occupying a residence in addition to an allowance for outdoor landscaping. The District provides guidelines to Customers on how to achieve this water budget in landscaping design and practice as well as how to landscape for erosion control and fire safety.

B. APPLICATION

Where new construction or a renovation adding 500 or more square feet to an existing building footprint occurs, the District will require the setting of a Water Budget as a condition of providing service.

C. WATER BUDGET

The household will be assigned a Water Budget based on the number of persons in the household and whether they are full-time or part-time residents. The standard for indoor use will be based on the American Water Works Association standard of 74 gallons per person per day. The landscape will be assigned a Water Budget based on the total landscaped area, not to exceed two-thirds of the area of the property not including buildings (see attached table) and the evapotranspiration rate for the Lake Arrowhead area. This water budget will form the basis of billing and surcharges for water use.

D. ENFORCEMENT

Customers exceeding the allotted budget for their landscape will be considered in violation of this Ordinance.

E. PENALTIES

The penalties for violations of the above permanent water conservation standards shall be the same as for violations under Section 7 above.

**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.

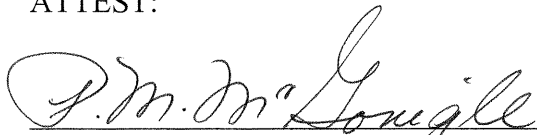
ADOPTED by the Board of Directors of the Lake Arrowhead Community Services District at a Regular Meeting held on April 27, 2004, by the following votes:

<i>AYES:</i>	<i>Field, Heyck, Keefe, Kendrick & Whitney</i>
<i>NOES:</i>	<i>None</i>
<i>ABSTENTIONS:</i>	<i>None</i>
<i>ABSENT:</i>	<i>None</i>



Bruce Field, President of the Board of Directors of
the Lake Arrowhead Community Services District

ATTEST:



P.M. McGonigle, Secretary of the
Lake Arrowhead Community Services
District

(SEAL)