

ORDINANCE NO. 79

ORDINANCE OF THE LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA REGARDING EMERGENCY WATER SUPPLY SHORTAGE REGULATIONS AND TO AMEND ORDINANCE NO. 69

Section I. Recitals.

- A. On January 13, 2006, the State Water Resource 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, limits the District to withdrawals of up to 1,566 acre-feet of water per year from Lake Arrowhead.
- B. On June 10, 2008, the Board of Directors of the Lake Arrowhead Community Services District (“District”) declared a water shortage emergency pursuant to Water Code Section 350 and adopted Ordinance No. 69, which established the District’s Water Use Efficiency Policy pursuant to Water Code Section 375.
- C. Due to the limitation 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.
- D. Pursuant to Ordinance No. 69, the District is and will continue to be in a water shortage emergency until such time as the District secures a predictable and reliable source or sources of water to reliably meet ordinary and future demand.
- E. Ordinance No. 69 established certain permanent water conservation requirements and restrictions on water use to prevent the waste of water and use of District water that is unnecessary and/or nonessential.
- F. The purpose of this Ordinance is to adopt additional water conservation and water shortage requirements pursuant to Water Code Sections 350 and 375 to further prevent the waste and unnecessary and nonessential use of District water. The requirements of this ordinance are organized into emergency water supply shortage stages based upon the severity of water supply conditions. This Ordinance is intended to work in conjunction with Ordinance No. 69 and consequently, except as stated herein, it supplements and does not supersede any of the requirements in Ordinance No. 69.
- G. On May 9, 2006, the Board of Directors adopted Ordinance No. 65, which limits the number of new water connections to five (5) per month and sixty (60) per year.
- H. Upon adoption, this Ordinance will be effective immediately. Within 10 days after its adoption, this Ordinance will be published in the local newspaper.

Section II. Definitions.

- A. The words and phrases defined in Section 2 of Ordinance No. 69 hereby have the same meaning for purposes of this Ordinance.
- B. For purposes of this Ordinance, the phrase “potable water” means water which is suitable for drinking.

Section III. Authorization.

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

Section IV. Application

The provisions of this Ordinance apply to all Customers and property served by the District within the District’s Certified Water Service Area boundaries, as well as any person in the use of any potable water provided by the District. 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 V: Level 1 Water Shortage Emergency

A Level 1 Water Shortage Emergency exists when the District determines, in its sole discretion, that due to water supply conditions, Customer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Factors to consider in weighing a decision to declare a Level 1 Water Shortage Emergency include, but are not limited to, (1) the water level of Lake Arrowhead Lake being at an elevation of at or below 5103 feet; (2) rainfall totals being at 50-70% of normal; (3) reliability of current and projected groundwater well production; (4) ability to meet demand; (5) reductions in State Water Project allocation; and (6) projected water allocations to the District from the Crestline Lake Arrowhead Water Agency (“CLAWA”). In addition to the restrictions in Ordinance No. 69, upon declaration by the District of a Level 1 Water Shortage Emergency condition, the District will implement the following water restrictions:

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 1 Water Shortage Emergency being declared.

Section VI. Level 2 Water Shortage Emergency

A Level 2 Water Shortage Emergency exists when the District determines, in its sole discretion, that due to water supply conditions, additional Customer demand reductions above those required in a Level 1 Emergency are necessary to appropriately respond to existing water conditions. Factors to consider in weighing a decision to declare a Level 2 Water Shortage Emergency include, but are not limited to, (1) the water level of Lake Arrowhead Lake being at an elevation of between 5103 and 5100 feet; (2) rainfall totals being at 50% or less of normal; (3) reliability of current and projected groundwater well production; (4) ability to meet demand; (5) reductions in State Water Project allocation; and (6)

projected water allocations to the District from CLAWA. In addition to the restrictions in Ordinance No. 69 and additional restrictions in Section V above, upon declaration by the District of a Level 2 Water Shortage Emergency condition, the District will implement the following water restrictions:

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 2 Water Shortage Emergency being declared.

Section VII. Level 3 Water Shortage Emergency

A Level 3 Water Shortage Emergency exists when the District determines, in its sole discretion, that due to water supply conditions, a significant reduction in Customer demand is necessary to maintain sufficient water supplies for public health and safety. Factors to consider in weighing a decision to declare a Level 3 Water Shortage Emergency include, but are not limited to, (1) the water level of Lake Arrowhead Lake being below 5100; (2) rainfall totals being at 50% or less; (3) reliability of current and projected groundwater well production; (4) ability to meet demand; (5) reductions in State Water Project allocation; (6) projected water allocations to the District from CLAWA; and (7) the public health and safety of Customers. In addition to the restrictions in Ordinance No. 69 and additional restrictions in Sections V and VI above, upon declaration by the District of a Level 3 Water Shortage Emergency condition, the District will implement the following water restrictions:

- A. **No Watering or Irrigating:** Watering or irrigating of lawn, landscape 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:
1. 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. Lawns or turf grass may not be watered by any method;
 2. Maintenance of existing landscape necessary for fire protection;
 3. Maintenance of existing landscape for soil erosion control;
 4. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
 5. Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, 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);
 6. Actively irrigated environmental mitigation projects.

- B. **Discontinue Service:** The District, in its sole discretion, may discontinue service to consumers who willfully violate provisions of this section.

Section VIII. Procedures for Determination / Notification of Water Supply Shortage

A Level 1, Level 2 or Level 3 Water Shortage Emergency may be declared by resolution of the District adopted at a regular or special public meeting held in accordance with State law. The requirements of each will take effect on the tenth day after the date the shortage level is declared. Within ten (10) days following the declaration of the shortage level, the District must publish a copy of the resolution in a newspaper used for publication of official notices. If the District requires a percentage of water use reduction pursuant to a Level 2 or Level 3 Water Shortage Emergency, it must provide notice of the such required reduction and the timeframe for calculation in the regular billing statement or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service.

Section IX. Penalties and Violations

A. Provided that the District has declared by resolution a Level 1, Level 2, or Level 3 Water Shortage Emergency, the penalties for violations of any provision of this Ordinance or any violation of Section 5(A),(B),(C), and (D) of Ordinance No. 69 are as follows:

1. For the first violation, the District shall provide written notification to the Customer specifying the violation and order 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 within seventy two (72) hours of notification by the District.
2. For a second violation by any Customer 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 fine not to exceed two hundred and fifty dollars (\$250). In the case of violations that require making any repairs to a Customer's water system to correct, such violations must be corrected within forty eight (48) hours of notification by the District.
3. For a third or any subsequent violation by any Customer within 12 months of the first violation, the District shall provide written notification to the Customer specifying the violation and impose a fine not to exceed five hundred dollars (\$500). In addition to any fines, the District 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, upon a prior determination that based on the repeated violations, such an action is reasonably necessary. The District may collect the costs of installing and removing a flow restricting device installed pursuant to this section from the Customer, and may do so, in its discretion, by adding the cost to the Customer's water service account. 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. 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.

Section X. Appeal of Penalties

The procedures to appeal the imposition of any penalty imposed pursuant to this Ordinance are the same as those in Section 6(C) of Ordinance No. 69.

Section XI. Variance and Exemptions

Section 9.11 of the District's Rule 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 XII. Severability

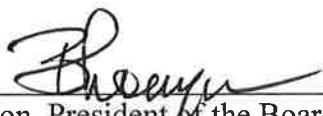
If any section, subsection, sentence, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of the Ordinance will not be affected. The District hereby declares it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid.

Section XIII. Conflicting Provisions

If any 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 apply.

ADOPTED by the Board of Directors of the Lake Arrowhead Community Services District at a Regular Meeting held on June 10, 2014, by the following votes.

AYES: Gross, Thompson, Wagner, and Wurm
NOES: None
ABSTENTIONS: None
ABSENT: Keefe



Bill Thompson, President of the Board of Directors
of the Lake Arrowhead Community Services
District.

ATTEST:

SEAL

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

CERTIFICATION

I, Kathleen Field, Board Secretary of the Lake Arrowhead Community Services District, hereby certify that the foregoing Ordinance No. 79 was duly and regularly adopted at a regular meeting of the Board of Directors of the Lake Arrowhead Community Services District on June 10, 2014.

AYES: Gross, Thompson, Wagner, and Wurm

NOES: None

ABSTAIN: None

ABSENT: Keefe

Kathleen Field

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