

CRESTLINE-LAKE ARROWHEAD WATER AGENCY

A Public Agency
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24116 CREST FOREST DRIVE
CRESTLINE, CALIFORNIA 92325

Directors

BRUCE D. RISHER, President
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June 3, 2022

Board Secretary

KRISTA J. KETTERHAGEN

General Manager

JENNIFER A. SPINDLER

SEVERE DROUGHT PERSISTS

Dear Customer:

As you are probably aware, the current drought situation is severe statewide, with no end in sight. At the regular Board meeting held on June 2, 2022, the Agency's Board declared a *Stage 4 Emergency which enacts mandatory conservation measures*. Listed below are the new mandatory conservation measures which take effect immediately:

- Outdoor irrigation is restricted to Mondays and Thursdays ***ONLY*** before 7:00 a.m. or after 7:00 p.m.
- Restaurants and eating establishments shall serve drinking water only upon request.

The following ongoing conservation measures are still in effect:

- Washing driveways, parking lots, building exteriors, or other impervious areas is prohibited; using water from a bucket for such purposes is permitted.
- Use of potable water for street cleaning or construction site preparation or dust control is prohibited.
- Leaving water running while washing vehicles is prohibited; use of a bucket or hose with shutoff nozzle is permitted.
- Outdoor decorative water features are prohibited, unless necessary to maintain habitat for aquatic pets in which case you *must* utilize a recirculating water system.
- Irrigation with potable water outside of newly constructed homes and buildings must utilize drip irrigation or micro-irrigation systems.

If the drought continues, the Agency is very concerned about the water supply that will be available to the Agency next year. The Agency's primary source of supply is surface water from Silverwood Lake, which is part of the East Branch of the California State Water Project (SWP). We are hopeful that our customers will act responsibly and conserve water. If the severe drought continues, it is anticipated that the Governor will impose additional restrictions. Already the State Water Resources Control Board has prohibited the irrigation of nonfunctional ornamental turf (grass) at commercial, industrial, and institutional sites. ***The situation statewide is dire.***

The Agency recommends the use of drought tolerant and native plants for landscaping. You can also conserve water by shortening showers; turning off water while brushing teeth and shaving; fixing leaking toilets and faucets; only washing full loads of clothes in the washing machine and dishes in the dishwasher; and adjusting sprinklers to eliminate water overspray. Additional drought and water conservation resources are available on the following websites: www.clawa.org, www.saveourwater.com, and at www.drought.ca.gov. You may report water waste at www.savewater.ca.gov.

The Agency is monitoring the current drought situation continuously. We will be sure to keep you informed. We appreciate your help in conserving our water resources.

THE CRESTLINE-LAKE ARROWHEAD WATER AGENCY

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Media Release

State Water Board adopts emergency water conservation regulation

Regulation to boost water savings starting in June

May 24, 2022

Contact: [Edward Ortiz](#), Public Information Officer

SACRAMENTO – In response to Governor Gavin Newsom’s March 28 [Executive Order](#) the State Water Resources Control Board adopted an [emergency water conservation regulation](#) today that will ensure more aggressive conservation by local water agencies across the state.

The new regulation bans irrigating turf at commercial, industrial, and institutional properties, such as grass in front of or next to large industrial or commercial buildings. The ban does not include watering turf that is used for recreation or other community purposes, water used at residences or water to maintain trees. The regulation also requires all urban water suppliers to implement conservation actions under Level 2 of their Water Shortage Contingency Plans.

In March 2022, the state’s urban retail water suppliers reported average water use statewide that was nearly 19% greater than in March 2020, lowering the state’s cumulative water savings since July 2021 to 3.7%. Yesterday, Governor Newsom convened leaders from the state’s largest urban water suppliers imploring them to take more aggressive action to combat drought.

“The severity of this drought requires all Californians to save water in every possible way,” said Joaquin Esquivel, chair of the State Water Board. “The regulation compels water systems and local authorities to implement a range of additional critical conservation measures as we enter the hot and dry summer months.”

Level 2 water shortage contingency plans are meant to address up to a 20% shortage of water supplies. In addition to implementing Level 2 actions, the regulation requires urban water suppliers to fast-track supply and demand assessments to plan for potential extended dry conditions.

Level 2 actions often include things such as:

- Limiting outdoor irrigation to certain days or hours
- Increasing patrolling to identify water waste



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

STATE WATER RESOURCES CONTROL BOARD

1001 I Street, Sacramento, CA 95814 • Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 • www.waterboards.ca.gov



- Enforcing water-use prohibitions
- Increasing communication about the importance of water conservation

Some water suppliers already have imposed strong new restrictions on customers' water use in accordance with their drought management plans. However, about half of the state's 436 water suppliers (both urban water retailers and wholesalers) have not yet activated Level 2, and 36 have not submitted drought plans. The emergency regulation will require suppliers without drought plans to take certain conservation actions, such as conducting outreach to customers about conservation, restricting outdoor irrigation to two days a week and enforcing against wasteful water practices.

The approved regulation will be submitted to the Office of Administrative Law (OAL) for approval, which typically occurs within 10 calendar days. The ban on non-functional turf becomes effective upon OAL approval and the Level 2 requirements for urban water suppliers are proposed to take effect on June 10, 2022.

The regulation will give suppliers new options to reduce water waste if they choose to use them. A violation of the non-functional turf irrigation provision, for example, would be an infraction and subject to a fine of up to \$500.

People who see water waste should report it at [savewater.ca.gov](https://www.savewater.ca.gov).

The State Water Board's mission is to preserve, enhance and restore the quality of California's water resources and drinking water for the protection of the environment, public health and all beneficial uses, and to ensure proper allocation and efficient use for present and future generations.

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0018**

**TO ADOPT AN EMERGENCY REGULATION
TO REDUCE WATER DEMAND AND IMPROVE WATER CONSERVATION**

WHEREAS:

1. On April 21, May 10, July 8, and October 19, 2021, Governor Newsom issued proclamations that a state of emergency exists statewide due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment.
2. These proclamations urge Californians to reduce their water use.
3. On March 28, 2022, Governor Newsom signed an Executive Order directing the State Water Resources Control Board (State Water Board or Board) to consider adopting emergency regulations to increase water conservation. The Executive Order includes a request that the Board require urban water suppliers to implement Level 2 of their water shortage contingency plans, establish water shortage response actions for urban water suppliers that have not submitted water shortage contingency plans, taking into consideration model actions that the Department of Water Resources, and establish a ban on the irrigation of non-functional turf by entities in the commercial, industrial, and institutional sectors.
4. Many Californians and urban water suppliers have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought requires additional conservation actions from urban water suppliers, residents, and the commercial, industrial, and institutional sectors.
5. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend limited water supplies through this summer and into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers added flexibility to manage their systems effectively over time. The more water that is conserved now, the less likely it is that a community will experience dire shortages that may require water rationing or other emergency actions.
6. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for irrigation of lawns and outdoor landscaping irrigation. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.

7. The use of potable water to irrigate turf on commercial, industrial, or institutional properties that is not regularly used for human recreational purposes or for civic or community events can be reduced in commercial, industrial, and institutional areas to protect local water resources and enhance water resiliency.
8. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign ([SaveOurWater.com](https://www.saveourwater.com)), run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response.
9. [SaveWater.CA.Gov](https://www.savewater.ca.gov) is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Board and relevant local water supplier.
10. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated.
11. On March 28, 2022, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.
12. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: “prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.”
13. On May 13, 2022, the State Water Board issued public notice that it will consider the adoption of the regulation at the Board’s regularly scheduled May 24, 2022 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations.
14. The emergency regulation exempts suppliers from enforcing connection moratoria, if their Level 2 demand management actions call for them, because new residential connections are critical to addressing the state’s housing supply shortage. However, the Board recognizes connections for other projects may not be appropriate given the shortage conditions and urges water suppliers to carefully evaluate new development projects for their water use impacts.

15. Disadvantaged communities may require assistance responding to Level 2 conservation requirements, including irrigation restrictions, temporary changes to rate structures, and prohibited water uses. State shortage contingency plans aimed at increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation. This assistance should include but not be limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier's service area, such as in newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.
16. The Board directs staff to consider the following in pursuing any enforcement of section 996, subdivision (e): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
17. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 16. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 996, as appended to this resolution as an emergency regulation that applies to urban water suppliers, as defined by Water Code section 10617.
2. State Water Board staff shall submit the regulation to the Office of Administrative Law (OAL) for final approval.
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes.

4. This regulation shall remain in effect for one year after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions or unless the State Water Board renews the regulation due to continued drought conditions, as described in Water Code section 1058.5.
5. The State Water Board directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulation.
6. The State Water Board directs staff to, by January 1, 2023, survey urban water suppliers on their experience protecting trees and tree cover during drought, with attention to disadvantaged communities. The survey shall inquire about challenges encountered, strategies used, costs, and successes in protecting trees.
7. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 24, 2022.

AYE: Chair E. Joaquin Esquivel
 Vice Chair Dorene D'Adamo
 Board Member Sean Maguire
 Board Member Laurel Firestone

 NAY: None

 ABSENT: Board Member Nichole Morgan

 ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board

ADOPTED EMERGENCY REGULATION TEXT

Version: May 24, 2022

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 2. Prevention of Drought Wasteful Water Uses

§ 996. Urban Drought Response Actions

(a) As used in this section:

(1) “Commercial, industrial and institutional” refers to commercial water users, industrial water users, and institutional water users as respectively defined in Water Code, section 10608.12, subdivisions (e), (i), and (j), and includes homeowners’ associations, common interest developments, community service organizations, and other similar entities but does not include the residences of these entities’ members or separate interests.

(2) “Common interest development” has the same meaning as in section 4100 of the Civil Code.

(3) “Community service organization or similar entity” has the same meaning as in section 4110 of the Civil Code.

(4) “Homeowners’ association” means an “association” as defined in section 4080 of the Civil Code.

(5) “Non-functional turf” means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events.

(6) “Plant factor” has the same meaning as in section 491.

(7) “Separate interest” has the same meaning as in section 4185 of the Civil Code.

(8) “Turf” has the same meaning as in section 491.

(9) “Urban water supplier” has the same meaning as Water Code section 10617.

(10) “Water shortage contingency plan” means the plan required by Water Code section 10632.

(b) Each urban water supplier shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section

10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code.

- (c) (1) Each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2).
- (2) Notwithstanding subdivision (c)(1), urban water suppliers shall not be required to implement new residential connection moratoria pursuant to this section.
- (3) Notwithstanding subdivision (c)(1), an urban water supplier may implement the actions identified in subdivision (d) in lieu of implementing the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code section 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), provided the supplier meets all of the following:
- (i) The supplier's annual water supply and demand assessment submitted to the Department of Water Resources demonstrates an ability to maintain reliable supply until September 30, 2023.
- (ii) The supplier does not rely on, for any part of its supply, the Colorado River, State Water Project, or Central Valley Project, and no more than ten (10) percent of its supply comes from critically overdrafted groundwater basins as designated by the Department of Water Resources.
- (iii) The supplier's average number of gallons of water used per person per day by residential customers for the year 2020 is below 55 gallons, as reported to the Board in the Electronic Annual Report.
- (d) Each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources shall, by June 10, 2022, and continuing until the supplier has implemented all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), implement at a minimum the following actions:
- (1) Initiate a public information and outreach campaign for water conservation and promptly and effectively reach the supplier's customers, using efforts such as email, paper mail, bill inserts, customer app notifications, news articles, websites, community events, radio and television, billboards, and social media.
- (2) Implement and enforce a rule or ordinance limiting landscape irrigation with potable water to no more than two (2) days per week and prohibiting landscape irrigation with potable water between the hours of 10:00 a.m. and 6:00 p.m.
- (3) Implement and enforce a rule or ordinance banning, at a minimum, the water uses prohibited by section 995. Adoption of a rule or ordinance is not required if the supplier has authority to enforce, as infractions, the prohibitions in section 995 and takes enforcement against violations.

- (e) (1) To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites.
- (2) Notwithstanding subdivision (e)(1), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.
- (3) Notwithstanding subdivision (e)(1), an urban water supplier may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.
- (f) The taking of any action prohibited in subdivision (e) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.
- (g) A decision or order issued under this section by the Board, or an officer or employee of the Board, is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, and 4185, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 377, 491, 1122, 10608.12, 10617, 10632, and 10632.1, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal.App.5th 976.

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ORDINANCE NO. 35

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CRESTLINE VILLAGE WATER DISTRICT MODIFYING THE DISTRICT'S WATER CONSERVATION PROGRAM AND AMENDING SECTION 3.3 OF THE DISTRICT'S ADMINISTRATIVE CODE

WHEREAS, Crestline Village Water District receives more than 50% of its water supply from Crestline-Lake Arrowhead Water Agency (the "Agency") and depends on said water supply; and

WHEREAS, rainfall has been substantially below normal in the watershed supplying the Agency and there is a serious drought which is causing water shortages in many communities of the State; and

WHEREAS, the production of the wells and springs that supply the balance of the District's water supply have also decreased due to the extended drought conditions; and

WHEREAS, these shortages have and will cause this District, its residents, businesses and industries to suffer adversely, such that an active water conservation program is essential to protect against drought and help alleviate against Statewide shortages; and

WHEREAS, the District Board of Directors adopted Ordinance No. 29 on February 21, 1991, establishing a Water Conservation Program for the District in order to (1) protect the health, safety and welfare of the customers of the District, (2) assure the maximum beneficial use of the water supplies of the District, and (3) ensure that there will be sufficient water supplies to meet the basic needs of human consumption, sanitation and fire protection; and

WHEREAS, the District Board of Directors adopted Ordinance No. 30 on August 27, 1992, which ordinance modified the basic monthly allocations of water for the water conservation phases set forth in Ordinance No. 29; and

WHEREAS, the District Board of Directors adopted Ordinance No. 32 on November 17, 1998, which ordinance established the Administrative Code of Crestline Village Water District and placed the Water Conservation Program in Section 3.3 of the Administrative Code; and

WHEREAS, the State Water Resources Control Board adopted Resolution No. 2014-0038 adopting an Emergency Regulation for Statewide Urban Water Conservation; and

WHEREAS, based on information provided by the District staff regarding the water conservation efforts of the District customers generally, and in order to more efficiently implement the District's Water Conservation Program, the District Board of Directors desires to modify the District's Water Conservation Program; and

WHEREAS, this Ordinance is enacted in conformity with Section 350, et seq., and Section

31026 of the Water Code,

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Crestline Village Water District as follows:

Section 1. Purpose and Findings:

Based upon information submitted and testimony received at the Public Hearing held on August 19, 2014, this Board of Directors finds that a drought emergency and water shortage exists which requires modification of the District's Water Conservation Program through the enactment of this Ordinance No. 35. The current drought conditions impose a threat to the public health, safety, and welfare of the District customers because of the potential of a reduced water supply for human consumption, sanitation and fire protection. In order to conserve the water supply for the greatest public benefit, it is necessary to modify the District's Water Conservation Program.

Section 2. Modification of the District's Water Conservation Program:

The District hereby adopts the modifications to the District's Water Conservation Program as shown in Exhibit "A" attached hereto and incorporated herein.

Section 3. No Other Change to District Rules and Regulations:

The provisions of this Ordinance No. 35 are in addition to all other District Rules and Regulations for Water Service, and in the event of a conflict between this Ordinance and other rules and regulations relating to the same subject matter, the conflict shall, insofar as practical, be resolved to implement the purpose of this Ordinance.

Section 4. Severability:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance and those shall remain in full force and effect.

Section 5. CEQA Exemption:

This Board finds and determines that the adoption of this Ordinance and implementation of the measures set forth herein are exempt from requirements of the California Environmental Quality Act because of the necessity to mitigate an emergency.

Section 6. Effective Date:

This Ordinance shall take effect as of September 1, 2014. Before the expiration of 10 days after its passage, this Ordinance shall be published and posted as required by law.

PASSED AND ADOPTED at a Regular Meeting of the Board of Directors of Crestline Village Water District held the 19th day of August, 2014.

By: _____
President



ATTEST:

Secretary



Ordinance 35 – Exhibit “A”

3.3 Water Conservation.

3.3.1 Water Waste Prohibited.

No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, and such waste seriously affects the general service, the District may discontinue the service if such conditions are not corrected within five (5) days after giving the customer written notice.

(Res. 200, March 11, 1982.)

3.3.2 Customer Responsibility to Prevent Water Loss.

Each customer of the District is required to install a shut-off valve on the customer's side of the meter, outside the meter box, to allow on-site plumbing to be drained as necessary to prevent loss of water from frozen or broken pipes. It shall be the customers' responsibility to maintain their on-site plumbing and operate these valves as necessary to prevent water loss, especially during periods of freezing conditions when the premises are unoccupied.

(Ord. 29, Section 2, February 21, 1991.)

3.3.3 Water Use Reduction Program.

No customer of the District shall make, cause, use or permit the use of water received from the District for any purpose in a manner contrary to any provision of this Section 3.3.3 or in an amount in excess of that use permitted by the conservation phase then in effect pursuant to this Section 3.3.3 or pursuant to action taken by the Board in accordance to the provisions herein.

(Ord. 29, Section 2, February 21, 1991.)

3.3.3.1 Phase I - General Water Use Reduction Program.

(1) Consumer Curtailment. The District has established a Surcharge for Excess Consumption which establishes 1,300 cubic feet per month as the basic allocation for each single family residential customer. The customer of record may request an increase in this basic allocation as provided in Section 3.3.4 below. Multi-Family, Commercial and Political Entity accounts may request an increase in this basic allocation based upon the number of units served and/or uses of water as provided in Section 3.3.4 below. Every consumer shall eliminate the waste of potable water from the District in an effort to conserve District water supplies.

(2) Surcharge for Excess Consumption. The rate for water used in excess of the basic allocation shall be one and one half times the rate for the basic allocation.

Ordinance 35 – Exhibit “A”

(Ord. 29, Section 2, February 21, 1991; amended by Ord. 30, Section 1, August 27, 1992.)

3.3.3.2 Phase I.a – 5 Percent Water Use Reduction Program

(1) Consumer Curtailment. The basic allocation shall remain at 1,300 cubic feet per month. Every consumer shall eliminate the waste and non-essential use of potable water from the District in an effort to aid the District in achieving a five percent reduction of the amount of water used by all consumers during the base calendar year as determined by the provisions of Section 3.3.5.

(2) Prohibited Uses. It shall be unlawful for any consumer to use potable water from the District for the following uses:

(a) The washing of sidewalks, walkways, driveways, parking lots and all other hard-surfaced areas by direct hosing, except as may be necessary to properly dispose of flammable or otherwise dangerous liquids or substances, or as otherwise necessary to prevent or eliminate materials dangerous to the public health and safety;

(b) The escape of water through breaks, leaks or dripping faucets within the consumer's plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered or corrected. It shall be presumed that a period of forty-eight hours after the consumer discovers such a leak or break, or receives notice from the District of such leak or break, whichever occurs first, is reasonable time within which to correct such leak or break;

(c) The use of running water during freezing weather to prevent the freezing of water lines. Water lines should be protected by other means.

(d) Using a hose to wash cars, trucks, boats, trailers or other vehicles unless it has a spring-release shut-off nozzle;

(e) Lawn or garden watering, or any other irrigation or other water use, in a manner which results in water runoff or over spray of the areas being watered. Every consumer is deemed to have under control at all times its water distribution lines and facilities, and to know the manner and extent of its water use and any runoff;

(f) Sprinkling for dust control;

Ordinance 35 – Exhibit “A”

(g) Any water use that results in the runoff of water in street, gutters, driveways, or other waterways;

(h) Lawn or garden watering, or any other irrigation, beyond what is needed to sustain plant life;

(i) In a fountain or other decorative water feature except where the water is part of a recirculating system.————

(Ord. 35, Section 2, August 19, 2014)

3.3.3.23.3.3.3 Phase II - 10 Percent Water Use Reduction Program.

(1) Consumer Curtailment. The basic allocation is reduced to 1,200 cubic feet per month. Every consumer shall eliminate the waste and non-essential use of potable water from the District in an effort to aid the District in achieving a ten percent reduction of the amount of water used by all consumers during the base calendar year -as determined by the provisions of Section 3.3.51990.

(2) Surcharge for Excess Consumption. The rate for water used in excess of the basic allocation shall be two (2) times the rate for the basic allowance.

(3) Prohibited Uses. It shall be unlawful for any consumer to use potable water from the District contrary to the provisions of Section 3.3.3.2 (2), or for the following uses:

~~(a) The washing of sidewalks, walkways, driveways, parking lots and all other hard surfaced areas by direct hosing, except as may be necessary to properly dispose of flammable or otherwise dangerous liquids or substances, or as otherwise necessary to prevent or eliminate materials dangerous to the public health and safety;~~

~~(b) The escape of water through breaks, leaks or dripping faucets within the consumer's plumbing or private distribution system for any substantial period of time within which such break or leak should be reasonably have been discovered or corrected. It shall be presumed that a period of forty-eight hours after the consumer discovers such a leak or break, or receives notice from the District of such leak or break, whichever occurs first, is reasonable time within which to correct such leak or break;~~

~~(c) The use of running water during freezing weather to prevent the freezing of water lines. Water lines should be protected by other~~

Ordinance 35 – Exhibit “A”

means:

~~(d) Using a hose to wash cars, trucks, boats, trailers or other vehicles unless it has a spring-release shut-off nozzle;~~

~~(ae) Lawn or garden watering, or any other irrigation or other water use, in a manner which results in water runoff or over-spray of the areas being watered. Every consumer is deemed to have under control at all times its water distribution lines and facilities, and to know the manner and extent of its water use and any runoff. Any irrigation, of landscaping installed after the date upon which this subsection has been activated, is prohibited.;~~

~~(f) Sprinkling for dust control;~~

~~(g) Any water use that results in the runoff of water in street, gutters, driveways, or other waterways.~~

(Ord. 29, Section 2, February 21, 1991; amended by Ord. 30, Section 1, August 27, 1992; amended by Ord. 35, Section 2, August 19, 2014.)

3.3.3.33.3.4 Phase III - 20 Percent Water Use Reduction Program.

(1) Consumer Curtailment. The basic allocation is reduced to 1,100 cubic feet per month. Every consumer shall eliminate the waste and non-essential use of potable water from the District in an effort to aid the District in achieving a twenty percent reduction of the amount of water used by all consumers during the base calendar year as determined by the provisions of Section 3.3.5-1990.

(2) Surcharge for Excess Consumption. The rate for water used in excess of the basic allocation shall be two and one half (2 1/2) times the rate for the basic allowance.

(3) Prohibited Uses. It shall be unlawful for any consumer to use potable water from the District contrary to the provisions of Section 3.3.3.32 (3), or for the following uses:

~~(a) The draining and refilling of a pool or spa unless necessary for significant health or safety reasons;~~

~~(ab) Using potable water for decorative fountains or the filling of pools, spas, decorative lakes or ponds, except when reclaimed or recycled water is used;~~

Ordinance 35 – Exhibit “A”

(Ord. 29, Section 2, February 21, 1991; amended by Ord. 30, Section 1, August 27, 1992; amended by Ord. 35, Section 2, August 19, 2014.)

3.3.3.43.3.3.5 Phase IV - 30 Percent Water Use Reduction Program.

(1) Consumer Curtailment. The basic allocation is reduced to 900 cubic feet per month. Every consumer shall eliminate the waste and non-essential use of potable water from the District in an effort to aid the District in achieving a thirty percent reduction of the amount of water used by all consumers during the base calendar year as determined by the provisions of Section 3.3.5-1990.

(2) Surcharge for Excess Consumption. The rate for water used in excess of the basic allocation shall be three (3) times the rate for the basic allowance.

(3) Prohibited Uses. It shall be unlawful for any consumer to use potable water from the District contrary to the provisions of Section 3.3.3.43 (3), or for the following uses:

~~(a) The filling of new pools or spas;~~

~~(ab)~~ Sewer or storm system flushing for normal maintenance, and fire department training, except as approved in writing by the District;

~~(be)~~ Use of potable water for construction;

~~(cd)~~ The washing of motor vehicles, trailers, boats or other vehicles by hosing, or by use of water directly from faucets or other outlets, except: it shall be lawful to wash such vehicles from water contained in a bucket or container not exceeding three (3) gallon capacity; and this prohibition shall not be applicable to the washing of such vehicles at commercial vehicle washing facilities operated at fixed locations which employ water recycling equipment.

~~(e) Lawn or garden watering, or any other irrigation, beyond what is needed to sustain plant life.~~

(Ord. 29, Section 2, February 21, 1991; amended by Ord. 30, Section 1, August 27, 1992; amended by Ord. 35, Section 2, August 19, 2014.)

3.3.3.53.3.3.6 Phase V - 40 Percent Water Use Reduction Program.

(1) Consumer Curtailment. The basic allocation is reduced to 800 cubic feet per month. Every consumer shall eliminate the waste and non-essential use of potable water from the District in an effort to aid the District in achieving a

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forty percent reduction of the amount of water used by all consumers during the base calendar year as determined by the provisions of Section 3.3.5-1990.

(2) Surcharge for Excess Consumption. The rate for water used in excess of the basic allocation shall be three and one half (3 1/2) times the rate for the basic allowance.

(3) Prohibited Uses. It shall be unlawful for any consumer to use potable water from the District contrary to the provisions of Section 3.3.3.54 (3), or for the following uses:

(a) The use of potable water for any non-essential outdoor use. Essential uses of potable water are uses necessary for the health, sanitation, fire protection or safety of the consumer or public.

(Ord. 29, Section 2, February 21, 1991; amended by Ord. 30, Section 1, August 27, 1992; amended by Ord. 35, Section 2, August 19, 2014.)

3.3.3.63.3.3.7 Phase VI - 50 Percent Water Use Reduction Program

(1) Consumer Curtailment. The basic allocation is reduced to 700 cubic feet per month. Every consumer shall eliminate the waste and non-essential use of potable water from the District in an effort to aid the District in achieving a fifty percent reduction of the amount of water used by all consumers during the base calendar year as determined by the provisions of Section 3.3.5-1990.

(2) Surcharge for Excess Consumption. The rate for water used in excess of the basic allocation shall be four (4) times the rate for the basic allowance.

(3) Prohibited Uses. It shall be unlawful for any consumer to use potable water from the District contrary to the provisions of Section 3.3.3.65 (3), or for any non-essential use. Essential uses of potable water are uses necessary for the health, sanitation, fire protection or safety of the consumer or public.

(Ord. 29, Section 2, February 21, 1991; amended by Ord. 30, Section 1, August 27, 1992; amended by Ord. 35, Section 2, August 19, 2014.)

3.3.4 Exceptions to Water Use Reduction Program.

3.3.4.1 Exceptions to Basic Allocation.

Exceptions to increase the amount of water which may be used without exceeding the basic allotment may be granted by the District Manager or his designee, upon written request for the following reasons:

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- (1) Substantiated medical requirements.
- (2) Multiple family units served by a single meter.
- (3) A single family residential household exceeding six (6) residents.
- (4) Unnecessary and undue hardship to the consumer or the public, including but not limited to, adverse economic impacts.

(Ord. 29, Section 3, February 21, 1991.)

3.3.4.2 Exceptions to Prohibited Uses.

Exceptions to prohibited uses may be granted by the General Manager or his designee, upon written request if it is found and determined that failure to do so would cause an unnecessary and undue hardship to the consumer or the public, including, but not limited to, adverse economic impacts.

(Ord. 29, Section 3, February 21, 1991.)

3.3.4.3 Further Exceptions to Prohibited Uses.

Exceptions to prohibited uses shall be granted by the General Manager or his designee, upon written request if it is found and determined that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the consumer or the public.

(Ord. 29, Section 3, February 21, 1991.)

3.3.5 Water Use Reduction Program Phase Implementation.

The District shall monitor and evaluate the projected supply and demand for water by its customers, and shall recommend to the Board of Directors any change in customer curtailment as indicated in the respective phases of Section 3.3.3. The Board of Directors shall, by resolution, determine the base calendar year from which the amount of water reduction shall be calculated and order that the appropriate phase of water use reduction be implemented. The effective date of said phase change shall be published once in a local newspaper and a notice shall be mailed to all property owners and customers of record within 10 days after the adoption date of the resolution changing the phase of water use reduction. Said phase shall remain in effect until a different phase is initiated and made effective pursuant to the provisions of this section. The District can, by resolution, order a more stringent phase be implemented, and it need not order one phase at a time.

(Ord. 29, Section 4, February 21, 1991; amended by Ord. 35, Section 2, August 19, 2014.)

3.3.6 Enforcement of Water Use Reduction Program.

Any consumer who violates the provisions of Section 3.3.3 herein may be cited by the District or its representative.

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(Ord. 29, Section 5, February 21, 1991.)

3.3.6.1 Excess Use.

When the requirements of Sections ~~3.3.3.1~~, 3.3.3.2, 3.3.3.3, 3.3.3.4, 3.3.3.5, ~~3.3.3.6~~ or 3.3.3.7~~6~~ are in effect, any customer using more than 125% of the basic allocation, for any billing period, ~~will~~may be warned that such use is considered waste of water, and that a reduction in use is required to avoid being subject to the enforcement provisions of Section 3.3.6.2.

(Ord. 29, Section 5, February 21, 1991; amended by Ord. 35, Section 2, August 19, 2014.)

3.3.6.2 Enforcement Provisions.

(1) First Violation. Any consumer found by the District to be violating the regulations and restrictions on water use set forth in Section 3.3.3 shall receive a written warning, which describes the penalty for subsequent violations.

(2) Second Violation. In the event that a second violation is found by the District, the District may add a single \$50 charge to the next water bill of the premises for which or upon which the violation has occurred.

(3) Third Violation. In the event that a third violation is found by the District, the District may add a fine to the next water bill for up to \$500 for each day in which the violation occurs and will~~may~~ discontinue the water service pursuant to Section 3.1.8 and the appropriate reinstatement charge will apply. Installation of a flow restrictor may be required before service is reinstated. If the installation of a flow restrictor is required, the District may add a charge to the next water bill of the premises, that covers the cost of said installation.

(Ord. 29, Section 5, February 21, 1991; amended by Ord. 35, Section 2, August 19, 2014.)

3.3.7 Property Owner Responsibility to Provide Notification of Water Use Reduction Program.

It is the responsibility of each property owner to notify any person or persons that use their premises, including, but not limited to weekend rentals, multi-unit apartments, motels and commercial buildings, of any water use restrictions currently in effect. The District will mail a notice to all property owners and customers of record within 10 days of the adoption date of a water use reduction phase change.

(Ord. 29, Section 7, February 21, 1991.)

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3.3.8 Use of Surcharge and Other Charges.

The revenues collected by the District as a result of consumer use of water in excess of the basic allocation set forth in Section 3.3.3 and the charges to be added to consumer bills set forth in Section 3.3.6.2 (2) shall be deposited into the operating fund as reimbursement for the District's costs and expenses of administration and enforcement of the Water Use Reduction Program, and to provide funding to promote, encourage and implement water conservation programs.

(Ord. 29, Section 9, February 21, 1991.)

3.3.9 Restrictions on New Connections.

~~The Board, by resolution, may from time-to-time restrict new service commitments and connections based on current and future water availability projections. A new service connection shall only be granted upon the following conditions being met: (a) Equipped with ultralow flush toilets and low flow showers, faucets and appliances; (b) Equipped with an approved hot water circulation system; (c) Use of drought tolerant or native plants for exterior landscaping. Information regarding required devices and landscaping may be obtained at the District's office.~~

(Ord. 29, Section 6, February 21, 1991; amended by Ord. 35, Section 2, August 19, 2014.)