

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

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3 WATER SERVICE POLICIES

3.1 Rules and Regulations for Water Service

3.2 Water Rates and Billing

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

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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.

(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. 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 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 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

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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;

(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 3.3.5-1990.

(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 (3) 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

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~~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 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. 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.~~)

~~3.3.3.3.3.3.4~~ 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

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for the following uses:

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

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

(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;

~~(ce)~~ 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.~~

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(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 forty percent reduction of the amount of water used by all consumers during the base calendar year as determined by the provisions of Section 3.3.3.54-1990.

(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 3.3.3.65-1990.

(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.

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(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:

- (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

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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.

(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 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.)

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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.)

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 water availability. 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.)