

## ORDINANCE NO. 117

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT AMENDING AND RESTATING THE DISTRICT'S WATER CONSERVATION PLAN

**WHEREAS**, the Board of Directors of the San Simeon Community Services District ("District") currently has a moratorium on new water connections within the District boundaries, originally established by Ordinance No. 61 and amended by Ordinance No. 63, Ordinance No. 66, Ordinance No. 102, Ordinance 106 and Ordinance 114; and

**WHEREAS**, the District currently has a Water Conservation Plan set forth in Ordinance No. 114; and

**WHEREAS**, pursuant to Water Code Section 353, the Board of Directors may adopt such regulations and restrictions on the delivery of water which will conserve the water supply for the greatest public good; and

**WHEREAS**, on January 17, 2014, the Governor of the State of California declared a state of emergency (the "Proclamation") due to record dry conditions and concerns over the State's dwindling water supplies. The Proclamation states that "local urban water suppliers and municipalities are called upon to implement their local water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season; and

**WHEREAS**, according to the U.S. Drought Monitor, which is a weekly map of drought conditions that is produced jointly by the National Oceanic and Atmospheric Administration, the U.S. Department of Agriculture, and the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln, as of November, 2016, the District is currently in an "Extreme Drought" condition; and

**WHEREAS**, on May 11, 2016 the District made available the use of a reverse osmosis treatment facility to improve seasonal water quality deficiencies; and

**WHEREAS**, the District lacks extended production experience with the reverse osmosis treatment facility; and

**WHEREAS**, the domestic water quantity and quality for the District may be compromised based upon the continued lack of precipitation and the current water levels in the aquifers that provide the domestic water supply for the District, and specifically that water levels in the Pico Creek are such that the District has determined that the available water quantity and quality may be insufficient to meet demand; and

**WHEREAS**, after holding a duly noticed public hearing on December 14, 2016, the Board of Directors determined that it is necessary and desirable to adopt revised enhanced water conservation measures and restrictions on the use of potable water; and

**WHEREAS**, in addition to Water Code Section 353, Water Code Section 375 provides that a public entity that supplies water may, after holding a noticed public hearing and making appropriate findings of necessity for the adoption of a water conservation program, adopt and enforce water conservation programs to reduce the quantity of water used by persons within the entity's service area or jurisdiction for the purpose of conserving the entity's water supplies; and

**WHEREAS**, amended enhanced water conservation use restrictions are necessary and appropriate in order to protect the health, safety and welfare of the community.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:**

**SECTION 1. Recitals.**

The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2. Repeal of Ordinance No. 114.**

This Ordinance repeals and replaces Ordinance No. 114.

**SECTION 3. Declaration of Policy.**

It is hereby declared that, because of the conditions prevailing within the District, the general welfare requires that the water resources available to the District be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use of water be prevented and the conservation of such water is to be extended with a view to the reasonable and beneficial use thereof in the interest of the people of the District and for the public welfare.

The Board of Directors finds the following:

1. The District is committed to acquiring new sources of water in order to be able to remove the existing water moratorium.
2. Present water supplies are limited.
3. The chloride constituent of the District water fluctuates to undesirable levels periodically.
4. Long-term water supply projects are in process but not available to augment the supply at this point in time.
5. A reverse osmosis treatment facility was installed to resolve the long standing domestic water supply quality.

6. Extreme Drought conditions continue to exist in the District and the District needs to conserve its available supplies to the maximum extent feasible in order to continue in its ability to provide water to its customers.
7. When Pico Creek is flowing the District may modify conservation measures as necessary to expedite the reduction of chlorides that may have seasonally impacted the domestic water supply aquifer.

Based upon the current water supply conditions within the District, and the continued Extreme Drought conditions in the region, the Board finds that an emergency water situation continues to exist necessitating the continued implementation of comprehensive water conservation measures in order to conserve available water supplies to the maximum extent feasible.

#### **SECTION 4. Application.**

The provisions of this Ordinance shall apply to all persons, customers and property served by the District wherever situated. No customer of the District, or any employee or invitee of any customer of the District, shall knowingly make, cause, use or permit the use of District water for 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 following conservation measures. The term "District Potable Water" as used herein, shall not include reclaimed wastewater.

#### **SECTION 5. Water Conservation Measures and Restrictions on the Use of Potable Water.**

The Board of Directors adopts the following Water Conservation Measures and Restrictions on the use of District Potable Water:

##### **MANDATORY CONSERVATION MEASURES**

The following Mandatory Conservation Measures are required by the regulations adopted by the State Water Resources Control Board (Title 23 California Code of Regulations Section 864), and shall be applicable even when a Stage One, Two or three Water Shortage is not in effect or has not been implemented by the Board of Directors.

To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
2. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.

3. The application of potable water to driveways and sidewalks.
4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.
5. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.
6. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.
7. The irrigation with potable water of ornamental turf on public street medians.
8. The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.
9. Operators of hotels and motels shall provide guests the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

### **STAGE ONE WATER SHORTAGE**

A Stage One Water Shortage will take effect when the Pico Creek stops running to the ocean or when implemented by a resolution of the Board of Directors whenever the Board finds to do so is necessary to protect the health, safety and general welfare of the public. A Stage One Water Shortage will be lifted when Pico Creek starts running to the ocean or when lifted by a resolution of the Board of Directors whenever the Board finds to do so is necessary to protect the health, safety and general welfare of the public.

1. Use of water from fire hydrants shall be limited to firefighting and/or activities immediately necessary to maintain the health, safety and welfare of the District.
2. District Potable Water shall be used no more than once per month to wash trailers, boats, mobile homes and other types of mobile equipment, parking areas, buildings, gutters or roofs, except to alleviate immediate fire or sanitation hazards.
3. The washing of automobiles and trucks, with District Potable Water shall be limited to twice per month, provided however, that in recognition of the problem of salt water mist on vehicles due to the proximity of the District to the ocean, minor rinsing is permitted at other times. Minor rinsing shall be limited to using as little water as necessary to remove the mist from the vehicle, and shall not result in more prolonged washing activities.

4. All outdoor irrigation with District Potable Water shall be limited to once per week.

### **STAGE TWO WATER SHORTAGE**

A Stage Two Water Shortage will take effect when current well field levels drop 5% below monthly historical averages for three consecutive weeks or when implemented by a resolution of the Board of Directors whenever the Board finds to do so is necessary to protect the public health, safety and general welfare of the public. A Stage Two Water Shortage will be lifted when Pico Creek starts running to the ocean or when well levels return to average level for two consecutive months or when lifted by a resolution of the Board of Directors whenever the Board finds to do so is necessary to protect the public health, safety and general welfare of the public. In addition to the measures and restrictions set forth in Stage One, the following uses shall be prohibited:

1. The use of District Potable Water for the filling, refilling or adding of water to swimming pools, wading pools, or spas shall be limited to the amount necessary to keep the pool equipment operative and to refill for evaporative losses.
2. All outdoor irrigation with District Potable Water shall be limited to twice per month.
3. The washing of automobiles and trucks, with District Potable Water shall be limited to once per month. Minor rinsing is allowed.
4. The use of potable water for construction compaction is prohibited.

### **STAGE THREE WATER SHORTAGE**

A Stage Three Water Shortage will take effect when current well field levels drop 12% below monthly historical averages for three consecutive weeks unless chloride levels monitored at the wells can be found below 250mg/L or when implemented by a resolution of the Board of Directors whenever the Board finds to do so is necessary to protect the public health, safety and general welfare of the public. A Stage 3 Water Shortage will be lifted when Pico Creek starts running to the ocean or when well levels are no more than 5% below monthly historical averages or when lifted by a resolution of the Board of Directors whenever the Board finds to do so is necessary to protect the public health, safety and general welfare of the public. In addition to the restrictions set forth in Stages One and Two, the following uses shall be prohibited:

1. All outdoor irrigation with District Potable Water shall be prohibited.
2. The washing of automobiles and trucks with District Potable Water and rinsing shall be prohibited.

3. Fines will be tripled for violations of Stage 3 restrictions.

**SECTION 6. Notices.**

The various stages of conservation will be implemented by special mailing or by a notice inserted into the water/sewer bills. Notices will also be posted at the District Office, and Chamber of Commerce, San Simeon Post Office and the San Simeon Community Services District website.

**SECTION 7. Exceptions.**

The General Manager may, in his or her discretion, grant exceptions to the terms of the restrictions, if he or she finds and determines that:

1. The restrictions herein would cause an undue hardship or emergency; or
2. The granting of the exception is necessary to accommodate a documented medical need; or
3. That the granting of the exception will not adversely affect the water supply or service to other existing water customers; or
4. That the granting of the exception is for a public governmental agency and is in the best interest of the public health, safety and welfare; or
5. That the grant of exception is in the best interest of the public health, safety and welfare.

Such exceptions may be granted only upon application in writing. Upon granting any such exception, the general Manager may impose any conditions he or she determines to be just and proper. The terms of any exception shall be set forth in writing. All exceptions granted shall be reported to the Board of Directors at a Board meeting.

An applicant for an exception under this section may appeal the General Manager's decision to the Board of Directors. A request for appeal must be submitted to the District in writing not more than ten days after the General Manager's decision.

**SECTION 8. Lifting of Restrictions Imposed During A Water Shortage.**

The General Manager shall lift or reduce the restrictions imposed during a water shortage as set forth above when he or she determines, after consultation with the Chairperson of the Board of Directors and such other persons as he or she deems appropriate, that the conditions which caused the shortage have been alleviated. Such action shall be promptly and extensively publicized.

**SECTION 9. Notice of Violations and Penalties.**

In addition to any other penalty permitted by law, if and when the District becomes aware of any violation of any provision of a Stage One, Stage Two or Stage Three Water Shortage under this Ordinance, a written notice shall be placed on the property where the violation occurred and/or

mailed to the person who is regularly billed for the service where the violation occurs and to any other person known to the District who is responsible for the violation or its correction. Said notice shall describe the violation and order that it be corrected, cured and abated immediately or within such specified time as the General Manager determines is reasonable under the circumstances. Said notice shall constitute the first violation of the provisions of this ordinance.

If said violation and order is not complied with, the General Manager may forthwith issue an administrative citation for the following amounts:

1. The notice of violation described above shall constitute the first violation of the provisions of this ordinance.
2. The second violation of any provision of this Ordinance, within the same twelve month period beginning with the first violation, a fine in the amount of one hundred dollars (\$100.00) shall be added to the customer's water bill.
3. The third violation of any provision of this Ordinance, within the same twelve month period beginning with the first violation, a fine in the amount of two hundred and fifty dollars (\$250.00) shall be added to the customer's water bill.
4. The fourth violation of any provision of this Ordinance, within the same twelve month period beginning with the first violation, shall result in the discontinuance of water service.

**SECTION 10. Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The District Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

**SECTION 11. Effective Date.**

This Ordinance shall take effect upon adoption pursuant to Water Code Section 376.

**SECTION 12. Publication.**

Pursuant to Water Code Section 376, a summary of this Ordinance shall be published in a newspaper of general circulation and a certified copy of the full text of the proposed Ordinance shall be posted in the office of the District at least five days prior to the meeting at which the proposed Ordinance is to be adopted. Within fifteen days after adoption of the Ordinance, the governing body shall publish a summary of the Ordinance with the names of those members voting for and against the ordinance and shall post in the office of the district a certified copy of

the full text of the adopted Ordinance along with the names of those members voting for and against the Ordinance.

This Ordinance was passed and adopted at a meeting of the Board of Directors of the San Simeon Community Services District on December 14, 2016; Upon motion by Vice-Chair Fields and seconded by **Director McGuire**, by the following roll call vote:

Director Williams: Yes	Director Fields: Yes	Director Russell: Yes
Director McGuire: Yes	Director Patel: Absent	

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Daniel Williams, Chairperson

ATTEST:

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Charles Grace  
Secretary/General Manager

APPROVED AS TO FORM:

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Heather K. Whitham  
District Counsel