

BOA R D O F D I R E C T O R S
LOW E R L A K E C O U N T Y W A T E R W O R K S
D I S T R I C T N O . 1

ORDINANCE NO. 89-1

**AN ORDINANCE ESTABLISHING PROCEDURES
FOR EMERGENCY RESTRICTIONS ON WATER USE
FOR LOWER LAKE COUNTY WATERWORKS DISTRICT NO. 1**

The Board of Directors of the Lower Lake County Waterworks District #1 does ordain as follows:

Section 1. Findings And Declarations

The Board of Directors of the Lower Lake County Waterworks District #1 ("District") finds and declares that:

1. The ordinary demands of water customers of the District may not, from time to time, be satisfied without depleting the District's water supply to the extent that there would be insufficient water for human consumption, sanitation and fire protection.

2. To insure that there is a sufficient water supply during times of shortage to meet the essential water needs of its customers, it will be necessary for the Board of Directors for the District to limit the use and consumption of water by its customers.

3. This ordinance is intended to establish a procedure whereby the Board of Directors can restrict or prohibit any additional demands on the existing water supply; prohibit all non-essential uses of water as defined herein; and to allocate the available water supply during any water shortage emergency to insure that sufficient water will be available for human consumption, sanitation and fire protection.

Section 2. Purpose

The purpose of this ordinance is to prohibit an increase in the use of the District's water supply, to eliminate all non-essential water usage, and to provide for any allocation of existing water resources to insure a sufficient water supply for human consumption, sanitation and fire protection. This ordinance shall be liberally construed to effectuate its purpose.

Section 3. Definitions

When used in this Ordinance, the following terms shall have the following meanings:

A. "Customer" means a person, or entity using water supplied by the Lower Lake County Waterworks District #1.

B. "District" means the Lower Lake County Waterworks District #1.

C. "Board" means the Board of Directors of the Lower Lake County Waterworks District #1.

D. "Manager" means the General Manager of the Lower Lake County Waterworks District #1 or his/her designated representative.

E. "Hand-Watering" means water supplied to a customer through a hose connected to the customers piping system while such hose is hand held and such water is used outside of the customer's home.

F. "Irrigate" means to water land, whether by channels, by flooding, by sprinkling, by drip systems or any other means whatsoever except hand-watering.

G. "Water" means water supplied by the Lower Lake County Waterworks District #1.

H. "Grey Water" means the reuse of bath and wash water for outdoor irrigation.

Section 4. Declaration of Water Emergency

A. The Board, may by resolution, declare a water shortage emergency condition to prevail whenever it finds and determines that the ordinary demands and requirements of water customers cannot be satisfied without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. The resolution shall specify the stage of emergency as defined in this ordinance that will in the sound discretion of the Board conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection and shall place into effect the appropriate provisions of the ordinance.

B. The declaration shall be made only after a public hearing at which customers shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the Board.

Section 5. Notice of Time and Place of Hearing

A. Notice of the time and place of hearing shall be published pursuant to Section 6061 of the Government Code at least seven days prior to the date of hearing in a newspaper of general circulation in the County of Lake.

B. Notice shall also be given by mailing a notice of such hearing to each customer at his address as it appears on the records of the District not less than seven days before such hearing.

Section 6. Stage I

Requests for Voluntary Restrictions of Water Use

[To achieve a 20% reduction]

A. Whenever the Board, by resolution declares that a Stage I water emergency exists, the Chairman shall issue an announcement urging citizens to institute such water conservation measures on a voluntary basis as may be required to reduce water demand to coincide with available supply. The Board of Directors shall publish such announcement at least once a week for four (4) weeks in a newspaper of general circulation within the County for the purpose of giving notice to the District's water customers.

B. In addition to the voluntary conservation measures set for above, all ~~non-residential standpipe users shall be turned off and all residential standpipe users shall be requested to reduce their consumption by 20%~~ sales of water to consumers outside of the District shall be discontinued.

Section 7. Stage II

Prohibition of Non-essential Water Use

[To achieve a ~~30 to 35%~~ 25% to 30% reduction]

It is unlawful for any person to use water for any non-essential use as hereinafter defined, whenever the Board determines by resolution, that a Stage II water emergency exists.

Section 8. Non-essential Uses Defined

The following uses of water are non-essential:

- A. Use of water from fire hydrants for any purpose other than fire protection and/or prevention.
- B. Use of water through any meter when the consumer had been given notice to repair one or more leaks and has failed to complete such repairs.
- C. Use of water to irrigate grass, lawns, ground cover, shrubbery, vegetable gardens, trees, or other outdoor vegetation except with the use of grey water.
- D. Use of water for the construction of any structure, including such use in dust

control.

E. Use of water to wash any sidewalk, walkways, driveway, street, parking lot, tennis court, or other hard surfaced area by hosing or by otherwise direct use of water from faucets or other outlets.

F. Use of water to wash any motor vehicle, trailer, airplane, or boat by hosing or otherwise using water directly from a faucet or other outlet.

G. Use of water to fill or refill any swimming pool.

H. No new customer hook-ups. Existing services may be reconnected.

I. ~~Use of Water from public standpipes.~~

Section 9. Stage III

Further Non-essential Uses Defined.

[To achieve a 50% reduction in use]

In addition to the non-essential uses set forth in Section 8, the following additional uses are determined to be non-essential when the Board has, by resolution, declared a Stage III emergency.

A. Use of any water in excess of the monthly usage allotment hereinafter set forth:

1. Single family - 1,000 cubic feet per unit
2. Multi-Residential Units - 800 cubic feet per unit

B. All other uses not expressly set forth in Section 8 shall be limited to fifty percent (50%) of the prior water use for a similar period as determined by the ~~Department~~ District from its records. Where no such records exist, prior water use shall be deemed to be the average prior water use of similar existing services as shall be determined by the District from its records.

C. Use of water to irrigate.

D. Use of water for hand-watering.

Section 10. Variances

The Manager may:

A. Grant temporary variances for uses of water otherwise prohibited; or

B. Adjust, temporarily, any or all customer's allotment if he/she finds and

determines that, due to unusual circumstances to grant such a variance would cause an emergency condition affecting health, sanitation, or fire protection of the applicant or the public; further, he/she may grant such adjustment in the case of a mixed residential/non-residential use if he/she finds that such adjustment is necessary to place an equivalent allotment burden on said applicant. The Board shall ratify or revoke any such variance or adjustment at its next scheduled meeting.

C. No such variance or adjustment shall otherwise justify any violations of this ordinance occurring prior to issuance of said temporary variance or adjustment.

Section 11. Water Services to be Discontinued

Water may be shut off by the ~~Department~~ District whenever the Manager determines there has been a willful failure to comply with the provisions of this ordinance, any other provisions of the District's Rules and Regulations to the contrary, notwithstanding. Unless a customer is grossly wasting water and endangering the District's water supply, the customer shall be given at least seven (7) days advance notice of the intention to shut off their water, and an opportunity to be heard prior to the disconnection. Charges for reconnection or restoration of service which has been terminated pursuant to this section shall be at the rates and on the conditions set by Ordinance of the Board for a new water service connection.

Section 12. Violation of Water Use

Restrictions/Punishment

A. A restrictor will be installed on a customer's line to assure the reduction needed for the District is attained.

B. It is a misdemeanor for any person to use or apply water received from the Lower Lake County Waterworks District contrary to or in violation of any restriction or prohibition specified in the Ordinance, punishable by a fine not to exceed One Thousand Dollars (\$1,000), or imprisonment not to exceed six months, or both [Cal. Water Code §55334]. Any violation of this ordinance permitted to continue after notice shall be a separate offense and shall be punishable as such hereunder; further, each day such violation continues shall be considered a separate offense.

Section 13. Enforcement

A. File complaint with District Attorney

B. The Manager and his designated employees shall have the duty and are hereby authorized to enforce the provisions of this Ordinance.

Section 14. Effectiveness

Should this Ordinance fail to be effective or should the production capabilities of the District water system fail to meet the domestic and fire protection demand, further more stringent measures may be taken, after a public hearing, at customer's expense in order to assure adequate supply.

Section 15. Severability Clause

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance. The Board of Directors 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 such provisions be declared unconstitutional or invalid.

Section 16. Repeal of Ordinance No. 5-88

Ordinance 5-88 Establishing a Water Conservation Measure is hereby repealed.

Section 17. Conflicts

All ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict and no further.

Section 18. Notice

- A. All resolutions passed by the Board under this Ordinance shall be published by the Secretary to the Board at least once a week for four (4) weeks in a newspaper of general circulation located within the County of Lake.
- B. The District shall send notice, by mail, postage prepaid, addressed to the user, of all resolutions passed by the Board under this ordinance.

Section 19.

This ordinance shall take effect on the 25th day of October 1989, and before the expiration of fifteen (15) days after its passage, it shall be published at least once in a newspaper of general circulation in the County of Lake.

THE FOREGOING ORDINANCE was introduced to the Board of Directors of the Lower Lake County Waterworks District No. 1 on the 1st day of September 1989 and was passed and duly adopted on the 12th day of September 1989 by the following vote:

AYES: Weaver, Wood, Barker, Berwick, Shipley

NOES: None

ABSTAIN: None

ABSENT: None

JANE WEAVER, Chairperson

ATTESTED BY:

JO ANNE GADDY, Secretary

APPROVED AS TO FROM: CAMERON L. REEVES

County Counsel

By:-----
Deputy County Counsel