

Section 5.900 - Emergency Water Shortage Regulations and Staged Water Use Reduction Plan

Section 5.900 of Chapter 5 of the District Code shall be known and cited as the Heritage Ranch Community Services District Emergency Water Shortage Regulations and Staged Water Use Reduction Plan.

Section 5.905 - Scope and Purpose

It is the purpose and intent of this Ordinance to provide water shortage response procedures to minimize the effect of any existing or threatened water shortage conditions on customers of the District. The rules, regulations and procedures of this Ordinance are intended to significantly reduce the consumption of water over an extended period of time and, thus extend the availability of water for District customers while reducing the hardship on the District and the general public. The provisions of this Ordinance shall be implemented upon a determination by the Board of Directors that there exists, or there is a threat of, a water shortage that affects the District's ability to supply its customers with potable water. This Ordinance is declared to be an adoption of regulations, restrictions, and penalties concerning water delivery, consumption, and conservation in accordance with Water Code Section 375 et seq.

Section 5.910 – Application and Authorization

The provisions of this Ordinance shall apply to all customers and property served by the District within the District's Water Service Area boundaries. For the purposes of this Ordinance, any use of water on the subject property shall be imputed to the customer, including without limitation any use by a tenant or by an employee, agent, contractor or other entity or individual. The General Manager and his designees are hereby authorized and directed to immediately implement the applicable provisions of this Ordinance upon the effective date hereof.

Section 5.920 - Definitions

The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this Section unless from the context a different meaning is intended, or unless a different meaning is specifically defined within the individual Sections of this Ordinance:

AF means acre feet of water.

Allotment means the amount of water in the base water allocation to a Customer's premises based on the location of the premises in a grouping of subdivisions.

Bi-monthly means occurring once every two months.

Billing Unit means the unit used to apply water rates for purposes of calculating commodity charges for Customer water use.

Base year water allocation means the average water used at the premises as outlined in this Ordinance.

Board means Board of Directors of the Heritage Ranch Community Services District.

Conservation Stage means that level of mandatory water conservation presently required from customers pursuant to this Ordinance.

Customer means any person, persons, entity, tenant, association, corporation or governmental agency supplied with water service by the District.

District means the Heritage Ranch Community Services District.

General Manager means the General Manager of the Heritage Ranch Community Services District.

Nacimiento Reservoir Level means Nacimiento Reservoir water level at mean sea level.

Irrigation Use means and includes all uses other than residential use and commercial use and includes water supplied to parks, recreational facilities such as golf courses, landscaping, and water supplied to schools to irrigate turf.

Non-Residential Use means all uses other than residential uses that receive District water. These uses include but are not limited to commercial uses, institutional uses, public facilities, and irrigation uses.

Owner means the person holding the legal title to the real property constituting the premises to which water service is to be provided or is legally authorized to represent the title owner.

Potable Water means any water delivered through the District's water distribution system.

Reservoir means the Lake Nacimiento Reservoir.

Residential means any premise used for or designated as a single family residential dwelling, including each unit of a duplex or triplex in all cases in which there is a separate or individual water meter or a single meter serving a multi-family unit.

Subdivision means a group of homes grouped together as defined in the Subdivision Map Act and the subdivision ordinance of the County of San Luis Obispo.

Unit of water means 100 cubic feet of water or 748 gallons of water.

Section 5.930 - Conservation Goals are Based on Historical Averages

The water conservation goals and water allocation procedures of this Ordinance are based on historical average water use per residential subdivision at Heritage Ranch. The development of Heritage Ranch proceeded as a master planned community with construction of individual subdivisions (tracts). Each tract contains similar sized lots and similar water use patterns per residence. Tracts of similar sized lots/water use patterns are grouped together. The existing 15 tracts have been placed in 6 groups with the following average water use per residence:

- A. Group 1 – Tracts 446, 447, 452, 475, 424, 466, 474, 1094, 720, and 1990. The average water use for this group is 249 gpd/meter or 20 units bi-monthly.
- B. Group 2 - Tracts 721 and 693. The average water use for this group is 399 gpd/meter or 32 units bi-monthly.

- C. Group 3 - Tract 1910. The average water use for this group is 549 gpd/meter or 45 units bi-monthly.
- D. Group 4 – Tract 1063. The average water use for this group is 1,049 gpd/meter or 85 units bi-monthly.
- E. Group 5 – Tract 71-217. The average water use for this group is 1,808 gpd/meter or 147 units bi-monthly.
- F. The calculations of the water use for any residential subdivision or premises that is not in existence on the date of this Ordinance shall be estimated by the District Engineer and used as the base year average water allocation until such time as actual average water use can be determined by usage.
- G. The calculation of a bi-monthly water allotment shall be converted to monthly allotment if required by future billing standards by dividing the established bi-monthly allotment number by two.

Section 5.940 - Staged Implementation

The General Manager shall monitor the Nacimiento Reservoir water elevation and demand for water and shall report in writing to the Board the Reservoir water level as determined to exist or as predicted to occur during the balance of the calendar year, based on the Reservoir water level elevation at the end of the winter season, March 31st. The General Manager shall recommend in the report the appropriate water conservation stage, if any, referenced in Section 5.945, below. The Board shall, no later than four weeks after receipt of such report, consider the General Manager's report at a public hearing. Notice of the time and place of the public hearing shall be published one time at least seven days prior to the date of the hearing in a newspaper of general circulation published within the District. If the Board concurs that any such events have occurred, it shall immediately consider adopting a resolution implementing the appropriate water shortage conservation stage, pursuant to Section 5.945. The conservation stage implementation procedures as detailed in Section 5.945 shall apply to stages, II, III, and IV. Stage I implementation shall follow these procedures except for the public hearing and notice requirements.

Section 5.945 - Trigger Points – Conservation Measures

Water Shortage Conservation Stages I – IV shall be triggered by the following conditions when the Reservoir level is at or below the reset value:

A. Stage I - Education

Trigger Condition: Reservoir level between 730' - 720' mean sea level.

Stage I alerts the District and its customers that the Reservoir is heading in to a drought condition and therefore, water releases may be reduced at the dam outlet works. Upon a determination by the General Manager that a Stage I condition exists, a water conservation education plan will be implemented. In Stage I, the District encourages customers to start conserving water, but no enforcement actions will occur. The following action shall be taken to educate the public on the potential drought conditions:

- a) District shall increase its level of education and notification to conserve water through various means determined appropriate by District Staff. This may include flyers in water bills, signs at the entry gate, public meetings, etc.
- b) In addition to those measures stated above, the Board of Directors by resolution and/or ordinance may adopt additional water conservation measures.

B. Stage II - Awareness

Trigger Condition: Reservoir level between 720' - 700' mean sea level.

Stage II continues to alert the District and its customers that the Reservoir is heading into a drought condition with the water storage level at 18% of capacity. In addition to the water conservation measures established in Stage I above, upon a determination by the Board of Directors, that the Stage II condition exists, then one or more of the following prohibitions shall be considered and adopted by the Board of Directors, with the goal of achieving a minimum of **fifteen percent (15%)** reduction in water consumption:

- a) In addition to the regular metered water service charges under Section 3.900 of the District Code, every customer shall pay for each billing period an excess charge (fee surcharge) for water delivered in excess of the allotments established below:
 - i. Group 1 – Tracts 446, 447, 452, 475, 424, 466, 474, 1094, 720, and 1990. 212 gpd/meter or 17 units of water bi-monthly.
 - ii. Group 2 – Tracts 721 and 693. 339 gpd/meter or 28 units of water bi-monthly.
 - iii. Group 3 – Tract 1910. 466 gpd/meter or 38 units of water bi-monthly.
 - iv. Group 4 – Tract 1063. 890 gpd/meter or 73 units of water bi-monthly.
 - v. Group 5 – Tract 71-217. 1,537 gpd/meter or 125 units of water bi-monthly.
- b) Non-residential uses shall receive a water allocation using a percent reduction methodology based on the average of the previous two years of water use. Stage II will be a 15% reduction from the average use over the past two years.
- c) A fee surcharge of fifty percent (50%) per unit will be levied on all residential and non-residential water accounts that use in excess of the maximum water allotment referenced in subparagraphs (a) and (b), above.
- d) Water allotments included with the base water meter fee are eliminated.
- e) Any leak forgiveness policy that may be in effect is eliminated.

- f) All outside irrigation may only occur between the hours of 8:00 pm and 7:00 am.
- g) Potable water use for washing vehicles, boats, trailer or other types of mobile equipment and sidewalks and driveways shall be highly discouraged.
- h) Potable water use that results in excess runoff is discouraged.
- i) District may offer incentives/rebates for the replacement of high water using appliances and plumbing fixtures.
- j) The District may notify customers via mail and signs throughout the District to alert customers of the potential drought conditions.
- k) The District may increase their efforts to inform and educate the public on water conservation methods.
- l) In addition to those measures stated above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.
- m) The General Manager shall provide notice to all District customers regarding the Board of Directors declaration of water awareness condition and activation of Stage II Water Conservation Program. Such notice shall be mailed within fourteen (14) days of the Board's action. However, failure to mail the notice within this fourteen (14) day time period shall not invalidate the Board's action.

C. Stage III - Drought

Trigger Condition: Reservoir level between 700' - 680' mean sea level.

Stage III confirms the Reservoir is in a drought condition with the water storage level at 9% of capacity. In addition to the water conservation measures established in Stage I and Stage II above, upon a determination of the Board of Directors that Stage III conditions exist, then one or more of the following prohibitions shall be considered and may be adopted by the Board of Directors, with a goal of achieving a **thirty percent (30%)** reduction in water consumption:

- a) In addition to the regular metered water service charges under Section 3.900 of the District Code, every customer shall pay for each billing period an excess charge (fee surcharge) for water delivered in excess of the allotments established below:
 - i. Group 1 – Tracts 446, 447, 452, 475, 424, 466, 474, 1094, 720, and 1990. 175 gpd/meter or 14 units of water bi-monthly.
 - ii. Group 2 – Tracts 721 and 693. 279 gpd/meter or 23 units of water bi-monthly.
 - iii. Group 3 – Tract 1910. 384 gpd/meter or 32 units of water bi-monthly.

- iv. Group 4 – Tract 1063. 733 gpd/meter or 60 units of water bi-monthly.
 - v. Group 5 – Tract 71-217. 1,256 gpd/meter or 103 units of water bi-monthly.
- b) Non-residential uses shall receive a water allocation using a percent reduction methodology based on the average of the previous two years of water use. Stage III will be a minimum 30% reduction from the average use over the past two years.
 - c) A fee surcharge of one hundred percent (100%) per unit will be levied on all residential and non-residential water accounts that use in excess of the maximum water allotment referenced in subparagraphs (a) and (b), above.
 - d) The use of potable water for washing vehicles, sidewalks, driveways, etc, will be prohibited.
 - e) Use of water from fire hydrants shall be limited to fire suppression and/or other activities immediately necessary to maintain health, safety and welfare of residents within the boundaries of the Heritage Ranch Community Services District.
 - f) Water main flushing shall be prohibited unless authorized in writing by the District General Manager.
 - g) Will Serve Letters shall not be issued. Applications for Will Serve Letters shall be received and placed on a waiting list.
 - h) The use of District potable water for dust control and soil compaction for construction projects shall be prohibited.
 - i) The District will pursue a vigorous public information program about water supply conditions and the need to reduce water consumption by such means deemed appropriate by the General Manager.
 - j) In addition to those measures stated above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.
 - k) The General Manager shall provide notice to all District customers regarding the Board of Directors declaration of water drought conditions and activation of Stage III Water Conservation Program. Such notice shall be mailed within fourteen (14) days of the Board's action. However, failure to mail the notice within this fourteen (14) day time period shall not invalidate the Board's action.

D. Stage IV - Extreme Drought

Trigger Condition: Reservoir level between 680' - 670' mean sea level

Stage IV is a result of the Reservoir level dropping to 4% of capacity. Stage IV reflects that the Reservoir is in an extreme drought. In addition to the water conservation measures established in Stage I, Stage II, and Stage III above, and

upon a determination of the Board of Directors, that Stage IV conditions exist, then one or more of the following prohibitions shall be considered and adopted by the Board of Directors, with a goal of achieving a minimum of a **fifty percent (50%)** reduction in water consumption:

- a) In addition to the regular metered water service charges under Section 3.900 of the District Code, every customer shall pay for each billing period an excess charge (fee surcharge) for water delivered in excess of the allotments established below:
 - i. Group 1 – Tracts 446, 447, 452, 475, 424, 466, 474, 1094, 720, and 1990. 125 gpd/meter or 10 units of water bi-monthly.
 - ii. Group 2 – Tracts 721 and 693. 199 gpd/meter or 16 units of water bi-monthly.
 - iii. Group 3 – Tract 1910. 274 gpd/meter or 23 units of water bi-monthly.
 - iv. Group 4 – Tract 1063. 524 gpd/meter or 43 units of water bi-monthly.
 - v. Group 5 – Tract 71-217. 904 gpd/meter or 74 units of water bi-monthly.
- b) Non-residential uses shall receive a water allocation using a percent reduction methodology based on the average of the previous two years of water use. Stage IV will be a 50% reduction from the average use over the past two years.
- c) A fee surcharge of two hundred percent (200%) per unit will be levied on all residential and non-residential water accounts that use in excess of the maximum water allotment referenced in subparagraphs (a) and (b), above.
- d) All exterior water features, including pools, spas, and fountains are prohibited.
- e) Water meters will not be set for new customers.
- f) Outside irrigation of any kind will be prohibited, including residential, commercial, institutional, and irrigation meters.
- g) In addition to those measures stated above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.
- h) The General Manager shall provide notice to all District customers regarding the Board of Directors declaration of an extreme drought condition and activation of Stage IV Water Conservation Program. Such notice shall be mailed within fourteen (14) days of the Board's action. However, failure to mail the notice within this fourteen (14) day time period shall not invalidate the Board's action.

Section 5.950 - Increase of Stages

The Board of Directors may advance to a higher water conservation stage based upon a finding that the Nacimiento Reservoir storage level has decreased past the current conservation stage and further water conservation measures are needed to protect the health and welfare of the District and customers. The noticing and public hearing procedures as outlined in Section 5.945 shall be used to increase water conservation stages.

Section 5.955 - Termination of Stages

The Board of Directors may terminate water conservation stages based upon a finding that the Nacimiento Reservoir storage level is at or above the elevation of 740' mean sea level or reduce the water conservation stage to a lower level by Resolution based on findings that the Reservoir water elevation level in storage is capable of providing sufficient water at a reduced stage to meet the demands and requirements of the District's water customers.

Section 5.960 - Enforcement

In addition to the water surcharges referenced in Section 5.945, the following apply to persons violating the water allotment provisions and all other water conservation provisions of this Ordinance:

- A.** Pursuant to Water Code Section 377, violation of any provision or failure to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Upon conviction thereof such person shall be punished by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the County Jail for a period not exceeding 30 days, or by both. In its sole discretion, the District may decide on a case-by-case basis not to pursue its remedies pursuant to Section 5.960(a) for violations of this Ordinance.
- B.** In addition to the water surcharges referenced in Section 5.945 and the remedies available in Section 5.960(a) above, the following applies to persons violating the water allotment provisions and all other water conservation provisions of this Chapter commencing with Stage III:
 - a) **First Violation.** A Notice of Violation shall be mailed to the customer by first class mail, return receipt requested, and posted by door hanger on the affected property.
 - b) **Second Violation.** A one-gallon per minute flow restrictor will be installed at the violator's meter for services up to one and one-half inch (1 ½ ") size and comparatively-sized restrictors for larger services. The flow restrictor shall be left in place until such time as the customer has entered into a written water conservation plan to reduce consumption consistent with the water allotment adopted by the District and payment of all delinquencies, surcharges and penalties owing.

A fee of \$150 shall be charged to the Customer's account for the installation or removal of a flow restrictor.

- c) Third Violation. Water service will be discontinued and the water meter will be removed from the premises of the violator. The District will send notice via certified mail at least forty-eight (48) hours prior to discontinuance of service and will attempt to contact an adult person at the premises by telephone or personal contact at least twenty-four (24) hours prior to discontinuance of service.

The meter will be reinstalled, on conditions set by the District and after the payment of District reconnection charges and the payment of all other charges, surcharges and penalties owing.

The remedies available to the District to enforce this Ordinance are cumulative and may be pursued consecutively by the District. The District's use of any one of the remedies and/or legal actions prescribed herein shall not bar the use of any other remedies provided in this Ordinance, or other District ordinances or by law for the purpose of enforcing the provisions hereof.

Section 5.965 - Enforcement Officer

The General Manager, or designee, shall be the Code Enforcement Officer primarily charged with enforcement of this Ordinance. For new Non-Residential construction, the General Manager has the authority to establish monthly average Base Year water consumption allocation.

Section 5.970 - Collections

Charges, surcharges and penalties authorized by this Ordinance shall constitute a lien on the property, and the District Manager is authorized to record a certificate declaring the amount of the charges, surcharges and penalties due pursuant to Government Code §61115(c).

Any such lien referenced in subparagraph (a), may order that the charges, surcharges and penalties be collected on the tax roll in the same manner as property taxes pursuant to the procedures of Government Code §61115(b).

Section 5.980 – Appeals/Variance

A customer may request relief from mandatory conservation practices or exceptions to the water allotments referenced in Section 5.945 by filing a written appeal for a variance with the District General Manager. The General Manager may grant relief in case of hardship if all feasible means of conserving water have been exercised, including but not limited to, retrofitting non-ULF toilets with ULF toilets, installing low-flow showerheads, implementing recommended conservation measures pursuant to a district water audit, implementing water conservation landscaping, and verifying no observable runoff from the customer's premise. All exceptions granted shall be reported to the Board of Directors at a regularly scheduled meeting.

A customer may appeal a decision or condition of the General Manager on a variance application to the District Board of Directors within 10 consecutive days of the decision

by the General Manager. The request shall state all grounds for the appeal and shall include all evidence or documents provided to the General Manager to support the variance request. The failure to appeal the decision, in writing, to the Board of Directors within ten (10) consecutive days of the decision by the General Manager shall bar and waive all further appeals to the Board and result in the decision of the General Manager becoming final and non-appealable. The Board of Directors shall consider the appeal at a public meeting within thirty (30) days of receipt of the request for appeal. The Board of Directors shall act as the approval authority and review the appeal and retains broad discretion in denying, approving or conditionally approving any variance request. Nothing contained in this ordinance shall be construed as requiring the Board of Directors to grant any variance request. The Board of Directors shall have the right to deny any variance request in the sole discretion of the Board of Directors. The decision of the District Board of Directors shall be final.

Section 5.990 - 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 Board of the District hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

If provisions of this Ordinance are in conflict with each other, any other resolution or ordinance of the District, or any State law or regulation, the more restrictive provisions shall apply.