

Lake Arrowhead



February 02, 2010

Mr. Simon Eching  
California Dept of Water Resources  
Water Use and Efficiency Branch  
PO Box 942836  
Sacramento, CA 94236-0001

Re: Landscape Ordinance

Dear Mr. Eching:

This is to inform you that Lake Arrowhead Community Services District has adopted a water efficient landscape ordinance. This Ordinance 69 was adopted by the LACSD Board of Directors at a regular meeting held June 10, 2008. A copy of the ordinance is enclosed.

Should you have questions or need further information, please contact Mr. Marc Lippert at (909) 336-7113.

Sincerely,

  
Shanna Christopherson  
Administrative Assistant



ORDINANCE NO. 69

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT,  
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
REGARDING WATER USE EFFICIENCY MANAGEMENT

This Ordinance shall establish the Water Use Efficiency Policy of the Lake Arrowhead Community Services District ("District").

RECITALS

**WHEREAS**, on January 13, 2006, the State Water Resources Contract Board ("State Board"), issued Order WR 2006-0001 ("Order"). The Order, while upholding the District's pre-1914 water rights for consumptive purposes, presently limits the District to withdrawals up to 1,566 acre feet per year from Lake Arrowhead commencing in 2008; and

**WHEREAS**, for the last 5 calendar years (2003 – 2007), the District's total water demands ranged from approximately 2,300 to 2,700 acre feet. During a year with average precipitation, the District has the following sources and approximate amounts of water suitable for potable use available to service its Customers on a calendar year basis: surface water from Lake Arrowhead (up to 1,566 acre feet per calendar year), State Water Project water delivered by Crestline Lake Arrowhead Water Agency ("CLAWA") (760 acre feet per calendar year for a contract term of 10 years), State Water Project water delivered by CLAWA (62 acre feet per calendar year for CLAWA overlap customers within the District's boundaries), and ground water from District owned wells (185 acre feet per calendar year). State Water Project water and ground water from the District's wells may be negatively impacted in years of below average precipitation and is therefore interruptible; and

**WHEREAS**, in years when the District's Annual delivery from CLAWA exceeds 760 feet, less water is necessarily available during the remaining term of the CLAWA contract; and

**WHEREAS**, Water Code Section 350 provides that the District may declare a water shortage emergency to prevail within the area it serves when it finds that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply; and

**WHEREAS**, Water Code Section 353 provides that once the District has declared such a water shortage emergency, it shall adopt such regulations and restrictions on the delivery and consumption of water to conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

**WHEREAS**, Water Code Section 375 et seq. provides that the District may adopt an ordinance that establishes a water conservation program that may require, among other regulations, the installation of water-saving devices which are designed to reduce water consumption; and

**WHEREAS**, due to the limitation imposed upon the District by the Order, the present non-permanent and non-reliable availability of other sources for water and the current demands on the District for water, in a dry year or multiple dry year period, the available supply of water may be less than necessary to satisfy all needs of the District's present and/or future Customers for all current water usages. Consequently, until the District secures a predictable and reliable source or sources of water, there is an immediate water shortage, necessitating conservation efforts and restrictions on unnecessary or non-essential uses of water to

THE BOARD OF DIRECTORS OF THE LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:

**SECTION 1  
INCORPORATION OF RECITALS**

The recitals set forth above are true and correct and incorporated herein and made part of this Ordinance.

**SECTION 2  
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 individual Sections of this Ordinance:

"Billing Unit" means the unit used to apply water rates for purposes of calculating commodity charges for Customer water use and equals one hundred (100) cubic feet (CCF) or approximately seven hundred forty-eight (748) gallons of water.

"Board" means Board of Directors of the Lake Arrowhead Community Services District.

"Certificated Water Service Area" means the geographical area for which the District supplies water, commonly referred to as the Arrowhead Woods Certified Water Service Area.

"Customer" means any person, persons, entity, association, corporation or governmental agency or any other entity or user supplied with water service by the District within the Certificated Water Service Area or the manager, lessee, agent, servant, officer or employee of any of them or any other entity which is recognized by law as the subject of rights or duties.

"District" means the Lake Arrowhead Community Services District.

"General Manager" means the General Manager of the Lake Arrowhead Community Services District.

"Gray Water" is defined as untreated wastewater which has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and which does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. Gray water includes wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs but does not include wastewater from kitchen sinks or dishwashers.

"Hardscape" refers to all impermeable surfaces included as a permanent part of a Customer's landscaping including erosion control installations, sidewalks, driveways, decorative paving and patios.

"His" as used herein includes masculine or feminine, as appropriate.

**SECTION 5  
PERMANENT WATER USE RESTRICTIONS  
APPLICABLE TO ALL CUSTOMERS**

Pursuant to the Recitals above, the Permanent Water Use Efficiency Policy immediately requires the following restrictions on District water use based on the declaration that water use in contravention of these practices constitutes a waste of District water and use of District water that is unnecessary and/or non-essential.

**A OUTDOOR CLEANING PRACTICES**

1. There shall be no hose washing of any hard or paved surfaces including, but not limited to sidewalks, walkways, driveways, parking areas, patios, porches, decks, and verandas, except that, flammable or other dangerous substances may be, if otherwise permitted by law, disposed of by direct hose flushing for the benefit of public health and safety. Sweeping is encouraged for routine maintenance. Washing patios, porches, decks and verandas shall be by bucket and mop or high-pressure washer only.
2. No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or similar structures used for aesthetic purposes unless such water is part of a recirculation system.
3. Vehicles may be hand washed using a bucket while parked on residential properties. Rinsing may be done by using a leak free hose equipped with a positive shut off nozzle, but not in a manner that causes or allows excess water to flow or runoff onto an adjoining sidewalk, street, gutter or ditch.

**B HOSPITALITY INDUSTRY STANDARDS**

No restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered for sale, shall serve drinking water to any person unless expressly requested.

**C LEAK-FREE MAINTENANCE STANDARDS**

No Customer of the District shall permit water to leak from any facility on the Customer's premises. A person may not:

1. fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
2. operate a permanently installed irrigation system with
  - a. a broken head resulting in any leakage;
  - b. a head that is out of adjustment and the arc of water from the spray head is over a street or parking lot; or
  - c. a head that is misting because of high water pressure when the system is not in operation.

3. No new water features that use District water, including, but not limited to ponds, waterfalls and fountains may be installed without a recirculation system.
4. The following provisions apply to customers without existing landscaping:
  - a. New landscaping that uses District water shall be limited to an improved zone that is no larger than 50% of the undeveloped area of the parcel, however, the improved zone shall not exceed 10,000 square feet. Planting in the improved zone is limited to the District's drought tolerant plant list, except for up to one hundred fifty square feet of the improved zone which may be planted and maintained with plant materials not on the District's drought tolerant plant list.
  - b. The natural zone must be at least 50% of the undeveloped area of the parcel. New trees in the natural zone may be planted to replace lost trees and are limited to the District's reforestation tree and native shrubs list. Trees must be spaced at least 20' apart and may be irrigated with District water by bubbler only. Irrigation that uses District water must be turned off permanently once trees and shrubs are established.
5. The following provisions apply to customers with existing landscaping:
  - a. For Customers with existing landscaping, the installation of landscaping that uses District water shall only be allowed in areas where existing landscaping is being replaced or refurbished and such landscaping shall not increase the square footage of a Customer's property that is dedicated to landscaping, shall not increase the use of District water and the landscaping used shall be limited to the District's reforestation tree and native shrubs list and drought tolerant plant list. Up to one hundred fifty square feet of said replaced or refurbished landscaping may be planted and maintained with plant materials not on the District's drought tolerant plant list.

#### **F WATER USE EFFICIENCY AUDITS**

Residential Customers whose annual water use is greater than 200 Billing Units (equals 0.46 ac/ft or 149,600 gallons) on any District account in two of the preceding three years are required to complete a water use efficiency audit performed by an independent water use efficiency professional approved by the District.

### **SECTION 6 PENALTIES**

Except as provided herein, the penalties and regulatory fees for failure to comply with the required water use standards established pursuant to this Ordinance shall be cumulative within the separate provisions of this Ordinance.

#### **A PENALTIES FOR VIOLATION OF PERMANENT WATER USE RESTRICTIONS**

The penalties and regulatory fees to be imposed for violations of any of the provisions of this Ordinance shall be as follows:

1. For the first violation by any Customer of any of the provisions of this Ordinance, the District shall issue a written notice of the fact of such violation to the Customer.

restrictor will be assessed to the Customer's account.

- c. After 10 days of the date of installation of a flow restrictor, the continued prohibited use of District water will result in written notice of intent to shut off the affected water meter. If all prohibited use of District water has not ceased within 72 hours of written notice of intent to shut off the affected water meter, the meter will be turned off, and, consistent with District Rules and Regulations, a fee will be assessed to the Customer's account. The meter will not be reinstated until the violation has been corrected and all fines, penalties and regulatory fees have been paid.
2. The above penalties and regulatory fees shall be applied in addition to the current District charges for water consumption, including fixed charges and tiered rates that may apply to water consumption. The water restrictor will be removed or water service restored after the Customer demonstrates that the cause of the violation has been corrected and that all fines, penalties and regulatory fees and penalties have been paid.
3. The District will not be responsible for any damages incurred by or resulting to the landscaping, irrigation system, or property caused by the restrictions established herein or by the water meter being shut off.

#### C APPEAL OF PENALTIES

1. The imposition of any penalty shall be final and effective unless appealed in writing to the Board by the Customer or Property Owner within ten days following issuance of a written violation. Notice of the appeal must be filed in the District's main office using the appropriate form provided by the District, together with any required penalties and regulatory fees then due and owing, and shall be accompanied by a written statement setting forth the reasons why the imposition of the penalty and regulatory fees are inappropriate.
2. The appeal will be heard by the Board within 30 days from the filing of the notice of appeal, or as soon thereafter as the Board meets for a regularly scheduled board meeting. Notice of the hearing on the Customer's appeal shall be mailed to the Customer at least ten calendar days before the date fixed for the hearing. Any penalties or regulatory fees imposed will remain in effect pending the Board's determination of the appeal. The determination of the Board shall be conclusive. Notice of the determination of the Board shall be mailed to the Customer within 10 calendar days of such determination.
3. Failure of a Customer to file an appeal within the required time will result in a waiver of any right to further appeal.

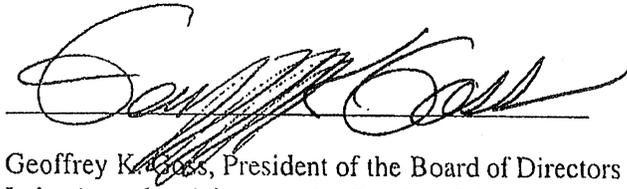
ADOPTED by the Board of Directors of the Lake Arrowhead Community Services District at a Regular Meeting held on June 10, 2008, by the following votes:

AYES: Carver, Goss, Silvers and Wagner

NOES: Ben-Hur

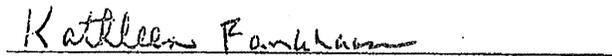
ABSTENTIONS: None

ABSENT: None



Geoffrey K. Goss, President of the Board of Directors of the Lake Arrowhead Community Services District.

ATTEST:



Kathleen Fankhauser, Secretary of the Lake Arrowhead  
Community Services District and of the  
Board of Directors thereof.

SEAL