

6/14/88
amended 5/8/90
" 4/29/90

ORDINANCE NO. 50

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE IDYLLWILD WATER DISTRICT ESTABLISHING AN EMERGENCY WATER CONSERVATION PLAN AND PROVIDING PENALTIES FOR VIOLATION THEREOF

RECITALS

A. WHEREAS, the Board of Directors of the IDYLLWILD WATER DISTRICT ("DISTRICT") has found and determined that, due to a presently threatening condition of drought, it is imperative that the DISTRICT'S water users take all reasonable steps at this time to voluntarily conserve the use of water supplied by the DISTRICT; and

B. WHEREAS, based upon the best available information, the Board of Directors has further found and determined that the presently threatening condition of drought is expected to worsen this year and that the potential for a severe water shortage within the DISTRICT is high; and

C. WHEREAS, this DISTRICT has the power to restrict the use of DISTRICT water during any threatened or existing water shortage, and to prohibit the waste of DISTRICT water or the use of DISTRICT water during such periods for any purpose other than household uses or such other restricted uses as may be determined by the DISTRICT to be necessary, and may prohibit use of water during such periods for specific uses which the DISTRICT may, from time to time, find to be nonessential; and

D. WHEREAS, the Board of Directors has found and determined that the enactment of this Ordinance is essential to (1) protect the health, safety and welfare of the inhabitants 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.

NOW, THEREFORE, be it ordained by the Board of Directors of the IDYLLWILD WATER DISTRICT:

Section 1. **Declaration of Policy.** It is hereby declared that, because of the conditions prevailing in the IDYLLWILD WATER DISTRICT, the general welfare requires that all of the water resources available to the District hereafter be put to the maximum beneficial use possible, and that the waste of water be prevented.

Section 2. **Application.** The provisions of this Ordinance shall apply to all persons and property served with water by the DISTRICT.

Section 3. **Prohibition on Waste.** No water user of the DISTRICT shall hereafter waste, cause, or otherwise permit the waste of water supplied by the DISTRICT. "Waste of water" is defined as:

- a. causing or allowing water to run off to a gutter, ditch, street or drain;
- b. failing to repair a controllable leak.

Section 4. **Water Conservation Stages.** Every water user within the DISTRICT shall restrict his or

her use of water supplied by the DISTRICT in accordance with the following Water Conservation Stages:

- A. **Water Conservation Stage No 1: Voluntary Compliance: Water Shortage Alert.** Users of DISTRICT water shall hereafter voluntarily limit the amount of water used to that amount necessary for domestic and business purposes. Such users shall take all steps reasonably necessary to prevent the waste of water and to assure that all water is beneficially used to the maximum extent possible including, without limitation, by repairing leaks, preventing irrigation water run-off, and refraining from washing sidewalks, driveways and other hard surfaced areas except when needed to prevent a threat to the public health, safety and welfare.
- B. **Water Conservation Stage No. 2: Mandatory Compliance: Water Shortage Warning.** Upon issuance of a notice of a "Stage 2 Water Shortage Warning" by the DISTRICT as provided in Section 5 below, the following mandatory restrictions shall apply to all users of DISTRICT water, and such users shall be **PROHIBITED**:
- a. from washing driveways, patios, decks, walkways, and building exteriors at any time, except to alleviate immediate fire hazards; and
 - b. from irrigating outdoor plants and landscaping between the hours of 9:00 a.m. and 5:00 p.m., weekdays, and weekends; and
 - c. from operating irrigation and sprinkler facilities and equipment by means of unattended automatic timing devices; and
 - d. from providing water to patrons of restaurants except by request; and
 - e. from washing motor vehicles and other forms of transportation and mobile equipment; and
 - f. from filling, refilling or adding water to swimming pools; and
 - g. from irrigating, sprinkling or otherwise applying water to unplanted areas and/or watering earth to prevent or settle dust.

A "Stage 2 Water Shortage Warning" shall exist when water supplies are insufficient to allow reservoir storage levels to recover to historically normal levels in the interval between weekends and holiday peak demand periods. The termination of the "Stage 2 Water Shortage Warning" shall occur upon issuance of a public notice by the General Manager pursuant to and based upon his determination that reservoir storage levels are capable of recovering to normal levels in the interval between weekends and holiday peak demands.

Upon termination of the Stage 2 Warning, Stage 1 shall become operative.

C. **Water Conservation Stage No. 3: Mandatory Compliance: Water Emergency.** Upon issuance of a notice of a "Stage 3 Water Emergency" as provided in Section 5 below, the following mandatory restrictions on the use of water shall apply to all users of DISTRICT water, and such users shall be thereafter **PROHIBITED:**

a. from using DISTRICT water for any use or purpose that is prohibited under a Stage 2 Water Shortage Warning; and

b. from irrigating, watering and/or sprinkling any outdoor plants, trees or other landscaping of any kind in any amount at any time.

A Stage 3 Water Emergency shall exist when water storage supplies are approaching 50% of normal without adequate supplies to assure recovery. The termination of a "Stage 3 Water Emergency" shall occur upon issuance of a public notice by the General Manager pursuant to and based upon his determination that water supplies are increasing in sufficient volume and rate to assure recovery of water storage supplies. Upon termination of a Stage 3 Emergency, Stage 2 shall become operative.

Section 5. **Implementation and Termination of Mandatory Compliance Stages.** The General Manager of the DISTRICT shall monitor the supply and demand for DISTRICT water on a daily basis to determine the level of conservation required by the implementation and/or termination of the Water Conservation Stages. The General Manager shall implement or terminate the appropriate Water Conservation Stage in accordance with the provisions of this Ordinance. Each order of the General Manager shall be published a minimum of one time in the Idyllwild **Town Crier**. The said order shall remain in effect until such time as the General Manager or the Board of Directors orders otherwise as provided for herein.

Section 6. **Criminal Penalty.** The Board of Directors hereby declares that it shall be a misdemeanor for any person to use or apply water supplied by the DISTRICT contrary to or in violation of any provision of this Ordinance and, upon conviction thereof, that person shall be punished by imprisonment in the County Jail for a maximum of 30 days and by a maximum fine of \$600.00, or by both the fine and imprisonment.

Section 7. **Civil Proceedings for Violation.** In addition to criminal penalties, violators of the provisions of this Ordinance shall be subject to civil proceedings initiated by the District upon the issuance of a written notice to take prompt action to correct a situation involving a waste of water. If, (a) after failing to comply with a second written notice, or (b) where an employee of the DISTRICT observes a substantial amount of water wasted and after reasonable efforts have been made to persuade the water user to terminate such waste have failed, the General Manager may, without further notice, temporarily terminate water service or, alternatively, cause the installation

of a flow regulating device to restrict water service. Written notice of such action and the reasons therefore shall be delivered to the affected water user or to any adult person present on the premises, or if none can be found, left in a conspicuous place on the premises, within 24 hours after the termination or restriction of water service. Any affected person may have water service promptly reinstated by applying therefore to the DISTRICT and upon payment of the DISTRICT's standard reconnection fee. Notwithstanding such reinstatement, such person may also be cited for and subject to all other penalties provided in this Ordinance.

Section 8. **Appeals.** Any water user may appeal any decision or application of the provisions of this Ordinance to the Board of Directors filing a written appeal with the DISTRICT's Secretary within 10 days from the date of such decision or application, and the Board of Directors shall set the matter for hearing at a regular or special meeting of the Board within 30 days after the date such appeal is filed. At the conclusion of such hearing, the Board of Directors may affirm, reverse or modify the decision on appeal and impose any conditions the Board deems just and proper.

Section 9. **Severability.** If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of the same to any person or set of circumstances is, for any reason, held to be unconstitutional void, or invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Board of Directors, in adopting this Ordinance, that no portion thereof, or provision, or regulation contained herein, shall become inoperative, or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are hereby declared to be severable for that purpose.

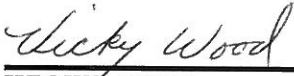
Section 10. **Effective Date.** This Ordinance shall become effective on the date of its enactment. The General Manager of the DISTRICT is hereby directed to publish this Ordinance in its entirety once in the Idyllwild **Town Crier**, and to post a true, correct and complete copy of this Ordinance in three public places within the DISTRICT.

This Ordinance is enacted this 14th day of June 1988.



JANET E. MCKEOUGH - PRESIDENT
IDYLLWILD WATER DISTRICT

ATTEST:



VICKY WOOD
BOARD SECRETARY