

ORDINANCE NO. 106

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT
RELATING TO STAGE ONE, TWO AND THREE
WATER CONSERVATION PLAN**

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT (SSCSD) AS FOLLOWS:

SECTION 1: There is hereby established the SSCSD Comprehensive Water Conservation Plan. This Ordinance supersedes and repeals Ordinance 104.

A. DECLARATION OF POLICY

It is hereby declared that, because of the conditions prevailing within the SSCSD, the general welfare requires that the water resources available to the SSCSD be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of 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 SSCSD and for the public welfare.

The current water situation within SSCSD is as follows:

1. The SSCSD is committed to acquire new sources of water in order to be able to remove the existing water moratorium; and
2. Present water supplies are limited; and
3. The chloride constituent of the SSCSD water fluctuates to undesirable levels periodically; and
4. Long-term water supply projects are in process but not readily available; and
5. SSCSD needs to conserve its available supplies to provide water to its existing customers.

Based upon the water situation within the SSCSD, the Board finds that an emergency water situation exists necessitating the immediate re-implementation of comprehensive water conservation measures.

B. APPLICATION

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

C. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to conserve the water supply of the District for the greatest public benefit with particular regard to public health, fire protection and domestic use, to conserve water by reducing waste, and to the extent necessary by reason of drought and the existing water shortage emergency condition to reduce water use fairly and equitably. This Ordinance is adopted pursuant to Water Code section 350 et seq. and sections 31026 - 31029. The General Manager is granted authority to implement the following water conservation measures identified in Stage One, Stage Two and Stage Three of this ordinance which are:

STAGE ONE

Effective when the Pico Creek stops running to the ocean. To be lifted when Pico Creek starts running to the ocean.

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 SSCSD; and
2. All sales or use of SSCSD water outside of the SSCSD limits shall be discontinued; and
3. SSCSD water shall not be used to wash down sidewalks, driveways, parking areas, buildings or other structures, except to alleviate immediate fire or sanitation hazards; and
4. The washing of automobiles, trucks, trailers, boats, mobile homes and other types of mobile equipment with SSCSD water shall be prohibited.

STAGE TWO

Initiated when current well field levels for three consecutive weeks drop 5% below monthly historical averages. Lifted when Pico Creek starts running to the ocean or when well levels return to average level for two consecutive months. In addition to the restrictions set forth in Stage One, the following uses shall be prohibited:

1. All outdoor irrigation of vegetation with potable SSCSD water shall be prohibited; and
2. The use of SSCSD water for the filling, refilling or adding of water to swimming pools, wading pools, ornamental fountains, or spas shall be limited to the amount necessary to keep the pool or fountain equipment operative and to refill for evaporative losses; and

3. Restaurants are prohibited from serving SSCSD water to their customers except when specifically requested by the customer.

STAGE THREE

Initiated when current well field levels for three consecutive weeks drop 12% below monthly historical averages. Lifted when Pico Creek starts running to the ocean. In addition to the restrictions set forth in Stage One and Two, the following uses shall be prohibited:

1. All lodging establishments are limited to changing stay-over guest linens to every other day unless specifically requested by the guest; and
2. The use of SSCSD water for construction, compaction, concrete work or other construction related needs is prohibited.

D. 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.

E. VARIANCES

Applications for a variance from the provisions of Stage One, Stage Two or Stage Three of this Ordinance may be made to the General Manager. The General Manager may grant a variance to permit a use of water otherwise prohibited by Stage One, Stage Two or Stage Three if the General Manager determines that the variance is reasonably necessary. Any decision of the General Manager under this section may be appealed to the Board of Directors.

F. 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 or when he/she determines, after consultation with the Chairperson of the Board of Directors and such other persons as he/she deems appropriate, that the conditions which caused the shortage have been alleviated. Such action shall be promptly and extensively publicized.

G. PENALTY

If and when the SSCSD becomes aware of any violation of any provision of Stage One, Stage Two or Stage Three of 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 SSCSD 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 or Designee 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 surcharge 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 surcharge 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.

D. SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances if for any reason is held to be unconstitutional, void, or invalid, the invalidity of the Board of Directors in adopting this Ordinance that no portion thereof, or provisions, 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 declared to be severable for that purpose.

SECTION 2: The Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Board Members voting for or against the same, in a newspaper of general circulation, published in the County of San Luis Obispo, State of California, and the Secretary of the Board shall post in the District Office, a certified copy of the full text of this ordinance along with the names of those Directors voting for or against the Ordinance.

On motion of Director Price and Seconded by Director Ricci.

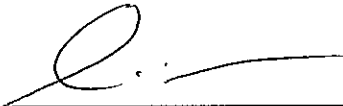
This Ordinance was introduced, read, and on this 14th day of October, 2009 on the following roll call vote, to wit:

Chairperson Lambeth Y Vice-Chair Russell Y Director Ricci Y
Director Fields Y Director Price Y


ATTEST:
FORM


Terry Lambeth
President, Board of Directors

ATTEST:


Charles Grace
General Manager/
Secretary

APPROVED AS TO


Robert Schultz
District Council