

SAN SIMEON ACRES COMMUNITY SERVICES DISTRICT

ORDINANCE NO. 71

AN ORDINANCE OF THE BOARD OF DIRECTORS
ESTABLISHING STANDARDS FOR THE INSTALLATION
OF WATER CONSERVING DEVICES AND PLUMBING

WHEREAS, the San Simeon Acres Community Services District presently has limited water resources. This fact is recognized not only by the District, but also by the residents and business establishments within the District. Accordingly, existing and new water users must be regulated accordingly, to ensure that demand does not exceed supply; and

WHEREAS, pursuant to the statutory authority granted by the California Water Code, the District has engaged in a vigorous and ongoing program of water conservation; and

WHEREAS, the District finds that it is necessary and in the public interest that, as a condition of continued and new service, reasonable water saving devices be required in order to conserve water supplies for the greatest public benefit; and

WHEREAS, the District finds that it is necessary and in the public interest that existing customers be required to retrofit with reasonable water saving devices in order to further conserve water supplies for the greatest public benefit; and

WHEREAS, the District further finds that the specific rules, regulations and restrictions established herein are necessary in order to conserve the District's water supplies and are in addition to any voluntary conservation programs undertaken by water users within the service area of the District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SAN SIMEON ACRES COMMUNITY SERVICES DISTRICT AS FOLLOWS:

SECTION I: PURPOSE. It is the purpose and intent of this Ordinance to reduce the use of potable water within the San Simeon

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Acres Community Services District's boundaries through the installation of water saving devices and plumbing, and through the prohibition of other devices and fixtures which cause the excessive use of water.

SECTION II: DEFINITIONS. The following definitions are applicable to this Ordinance:

A. "Residential or Residential Building" means any use or structure built and intended primarily for the shelter or housing of any person.

B. "Commercial or Commercial Building" shall mean any use, structure, or project not defined as "Residential or Residential Building."

C. "New Construction" means any construction of a previously non-existent structure requiring a discretionary or ministerial permit issued after the effective date of this Ordinance. "New Construction" shall include additions, modifications, or structural improvements which add square footage to floor space of existing structures.

D. "Existing Structure" means any structure which is not new construction.

E. "Low Water-Use Plumbing and Plumbing Fixtures" means the particular requirements and standards of this Ordinance set forth on Exhibit "A" attached hereto and incorporated herein by reference. The Board may, from time to time, by resolution, modify, add to, or remove from, the standards and restrictions therein.

F. "Prohibited Devices and Fixtures" means the devices and fixtures set forth on Exhibit "B" attached hereto and incorporated herein by reference. The Board may, from time to time, by resolution, modify, add to, or remove from the standards and restrictions therein.

SECTION III. PLUMBING FIXTURES FOR NEW CONSTRUCTION. All new construction, as defined herein, shall be exclusively equipped with low water-use plumbing and plumbing fixtures as defined by this Ordinance and no prohibited devices or fixtures, as defined in Exhibit "B" of this Ordinance, shall be permitted. These low water-use fixtures shall be installed and maintained and shall not be replaced with fixtures which allow greater water use. When the District installs any new water meter, at the District's sole option, the meter shall be set with a flow restriction device installed and said flow restriction device shall not be removed until such time as the customer shows to the District compliance with the requirements of this Ordinance by means of one of the following methods:

A. A copy of the plumbing permit for the fixture installation shall be forwarded to the District which shows compliance with this Ordinance; or

B. A copy of the pest control inspection report, energy audit report, or other appropriate report which certifies exclusive installation of low water-use fixtures shall be forwarded to the District (the General Manager shall maintain a list of individuals qualified to provide this certification); or

C. A copy of the building inspection report by the County building official which indicates exclusive installation of low water-use fixtures shall be forwarded to the District; or

D. A statement of exclusive compliance with this Ordinance, together with a dated copy of the purchase receipt for each low water-use fixture, and a copy of the labor contract or statement of self-installation which evidences complete installation, shall be forwarded to the District, and a written agreement by the property owner/purchaser allowing inspection of the property by District staff or authorized agent.

SECTION IV. RETROFIT OF EXISTING STRUCTURES. All existing structures, within sixty (60) days following the effective date of this Ordinance, shall retrofit all plumbing fixtures which are installed, but which do not meet low water-use plumbing fixture standards, as described in Exhibit "A." The General Manager may defer or exempt the retrofit requirement of this section for any structure where retrofitting is not feasible pursuant to Section VI.

SECTION V. RECORDATION OF NOTICE. Whenever the General Manager determines that there is an existing violation of this Ordinance, that low water-use plumbing fixtures have not been installed as required by this Ordinance or have been removed since retrofit or initial installation, the General Manager may record a notice of violation with the office of the County Recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and the current tenant, if any, shall be notified of the recordation. Failure to provide such notification shall not prevent, or be grounds to remove, the recordation. The General Manager shall cause a notice of correction to be recorded at such time as the property owner has established full compliance with the provisions of this Ordinance.

SECTION VI. DISCRETIONARY EXEMPTIONS. The General Manager may, in his discretion, exempt structures or projects from the provisions of this Ordinance or impose reasonable conditions in lieu of compliance therewith, if he determines that any of the following sections apply:

A. HARDSHIP. The General Manager may grant an exemption for hardship where the requirements of this Ordinance would cause an unnecessary and undue substantial hardship upon the owner of the facility or the public. Substantial hardship may include, but is not limited to:

1. Plumbing in an existing facility which does not match connections with low water-using plumbing fixtures and would, therefore, require partial replumbing of the structure. For example, different rough-in dimensions.

2. Unavailability of low water-using plumbing fixtures to match a well-defined historic architectural style (i.e., Victorian, Mission Revival) in an historic building (pre-1920).

Any project exempted pursuant to A.1. of this section shall be required to have installed toilets using a maximum of 3.5 gallons per flush, if not already so provided.

B. EMERGENCY. The General Manager may grant an exemption for emergency purposes when the requirements of this Ordinance would create a condition affecting the health, sanitation, fire protection or safety of the facility owner or the public.

C. IN LIEU COMPLIANCE. The General Manager may grant an exemption by imposing reasonable conditions in lieu of compliance with the requirements of this Ordinance, where the conditions would not allow the quantity of water consumed by the facility to exceed the total water demand achieved if the low water-use plumbing fixture standards set by this Ordinance had been used and would not otherwise adversely affect service to any existing water consumer.

SECTION VII. APPEALS.

A. CONTENT OF APPEAL. An appeal may be made to the Board by any public agency or person aggrieved by a decision of the General Manager pursuant to this Ordinance. All appeals shall be made to the Board by filing a written appeal with the District Secretary within ten (10) working days from the date of the decision. The appellant must specifically state in the notice of appeal: *

1. The identity of the appellant and his interest in the decision;

2. The decision and the conditions appealed from;

3. A clear, complete, but brief statement of the reasons why, in the opinion of the appellant, the decision or the conditions imposed were unjustified or inappropriate; .

4. The specific reasons the appellant disagrees with the findings of the General Manager;

5. The specific facts of the matter in sufficient detail to notify interested persons of the nature of the proceedings and to place the interested persons on notice as to how any proposed action may affect their interest. The Board will not accept an appeal stated in generalities, legal or otherwise.

B. FORM. An optional form for giving notice of appeal shall be provided by the General Manager. The form need not be used if the notice of appeal is complete.

C. ACCEPTANCE OF APPEAL. An appeal shall not be accepted by the Board of Directors unless it is complete and complies with all requirements. The District Secretary shall not accept a notice of appeal if it is obvious on the face of the notice that it is incomplete.

D. HEARING. The Board shall set the matter for hearing at a regular meeting or special meeting within thirty (30) days from the date the appeal is filed, and may, in its discretion, thereafter affirm, reverse, or modify the General Manager's decision and impose any conditions it deems just and proper.

SECTION VIII. PENALTIES.

A. Any person, firm, or corporation whether as principal, agent, employee, or otherwise violating or causing or permitting the violation of any of the provisions of this Ordinance, or any contractor who installs or removes plumbing fixtures contrary to

the provisions of this Ordinance with the intent to defeat the purposes of this Ordinance, shall be guilty of a misdemeanor punishable as provided for by law. Notwithstanding the prior sentence, any misdemeanor violation or failure to comply may, in the discretion of the prosecutor (District Attorney or District Counsel), be initially charged or subsequently prosecuted as an infraction. Each separate day or portion thereof during which any violation occurs or continues shall be deemed to constitute a separate offense and, upon conviction thereof, shall be separately punishable.

B. The General Manager, after first providing notice and opportunity for a hearing to the owner and any resident(s), may shut off water service to any structure found to have plumbing fixtures installed or maintained which violate this Ordinance. Water service shall be reinstated only after the property owner, resident or user complies with this Ordinance and pays any and all fees and charges as may be set by resolution of the Board.

SECTION IX. ENFORCEMENT. The General Manager shall be the officer primarily charged with enforcement of this Ordinance. All public employees of the San Simeon Acres Community Services District who are vested with the duty or authority to issue permits or install new water meters shall conform to the provisions of this Ordinance and shall issue no such permits or install such water meters in conflict with the provisions of this Ordinance. Any such permits issued in conflict with the provisions of this Ordinance shall be null and void and any such water meters installed shall be removed.

SECTION X. CIVIL NUISANCE.

A. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, maintained, sold, or the use of which is changed, contrary to the provisions of this Ordinance,

and/or any use of land, building, or premises, established, conducted, operated, or maintained contrary to the provisions of this Ordinance, shall be, and the same is hereby declared to be, a violation of this Ordinance and a public nuisance.

B. The District may summarily abate the public nuisance and District Counsel or the District Attorney, upon order of the Board, may bring civil suit or other action to enjoin or abate the nuisance.

C. Each day any violation of this Ordinance continues shall be regarded as a new violation and separate offense. The remedies provided in this Ordinance shall be cumulative and not exclusive.

D. Should any person, firm, or corporation violate the terms of this Ordinance and any action is authorized either by the Board, District Counsel, or District Attorney, or is in fact commenced by said agencies for said violation, no other action shall be taken on any application filed by or on behalf of said person, firm, or corporation until the action has been concluded or resolved.

SECTION XI. COST OF ENFORCEMENT.

A. Any person, firm, or corporation who creates or maintains a public nuisance in violation of this Ordinance or upon whose property a notice of violation has been recorded shall be liable for the costs of abatement and correction which shall include, but not be limited to:

1. Cost of investigation;
2. Court costs;
3. Attorney fees;
4. Cost of monitoring compliance.

B. Upon a continuation of the public notice after notice from the District to cease the nuisance, any person, firm, or corporation shall be liable for the cost of abatement set forth above, plus a civil penalty of fifty percent (50%) of these costs

payable to the District in addition to any other cost of enforcement imposed by the Court.

SECTION XII. REMEDIES CUMULATIVE. The remedies available to the District to enforce this Ordinance are in addition to any other remedies available under the District's Ordinances, or any other State statutes, and do not replace or supplant any other remedy but are cumulative thereto.

SECTION XIII. GENERAL NOTES.

A. If any other codes or ordinances in effect in the District are in conflict with the provisions of this Ordinance, the more restrictive shall apply.

B. In the event any provision of existing regulations or procedures of the District conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

C. The Board may, by resolution, establish various programs and policies designed to encourage, assist and facilitate compliance with this Ordinance in a complete and timely manner. These policies and programs may include such appropriate reimbursements and/or credits as the Board finds are reasonably necessary and desired to facilitate the implementation of the specific provisions of this Ordinance.

SECTION XIV. SEVERABILITY. If any subdivision, paragraph, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this Ordinance, or of any other provisions of other ordinances of the San Simeon Acres Community Services District. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions,

paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

SECTION XV. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

SECTION XVI. PUBLICATION. Within fifteen (15) days of passage, this Ordinance shall be published one time in a newspaper of general circulation published within the San Simeon Acres Community Services District, together with the names of said Board voting for and against the Ordinance.

On motion of Director Blankenship, seconded by Director Boniface, and the following roll call vote, to wit:

AYES: Chairman Beal, Directors Blankenship, Boniface and Price

NOES: None

ABSENT: Hoffman

Ordinance No. 71 is hereby adopted.


5/3/88


Chairman, Board of Directors

ATTEST:


Secretary, Board of Directors

APPROVED AS TO FORM:


Roger C. Lyon, Jr.
District Counsel

SAN SIMEON ACRES COMMUNITY SERVICES DISTRICT
ACCEPTABLE WATER SAVING PLUMBING AND FIXTURES

EXHIBIT "A"
to
ORDINANCE NO. 71

Piping and water using devices and fixtures acceptable to the District shall be comprised of those plumbing and water using devices and fixtures described by the following category headings and meeting the standards set forth under those headings.

Category No. 1 - Toilets and Urinals, Flushometer Type

Flushometer type toilets shall be of a design that does not exceed 1.6 gallons per flush and urinals shall be of a design that does not exceed 1.6 gallons per flush. (E.G., Sloan Model 110-1/Eljer Ultra bowl for toilets, Sloan 186 for urinals, or comparable unit approved by District Manager.)

SAN SIMEON ACRES COMMUNITY SERVICES DISTRICT

PROHIBITED DEVICES AND FIXTURES
THAT CAUSE THE EXCESSIVE USE OF WATER

EXHIBIT "B"
to
ORDINANCE NO. 71

Devices and fixtures which the District has determined to cause the excessive use of water shall be comprised of those water using devices and fixtures described by the following category headings and the operation and/or use of these fixtures and devices is prohibited.

There are no categories in Exhibit "B" at this time.

SAN SIMEON ACRES COMMUNITY SERVICES DISTRICT
REBATE APPLICATION
TOILET PURCHASE AND/OR INSTALLATION

ATTACH COPY OF TOILET PURCHASE RECEIPT

Please Print

Name _____ Telephone _____

Address _____ City _____ Zip _____
(rebate will be sent to this address)

Date of purchase of 1.6 gallons per flush toilet(s) _____

Number of 1.6 gallons per flush toilets purchased _____

Make and model of toilet(s) _____

Store where purchased _____

Address where toilet(s) are installed _____

_____ Apt or Space Number _____

San Simeon Services District Account Number _____

Toilet installation date _____

Was sewer line cleaned at time of installation? _____

If no, date of last sewer cleaning _____

I have read and understand the requirements stated on the back of this form and hereby authorize the District to inspect the fixtures installed:

Signature of Property Owner _____ Date _____

=====

SAN SIMEON ACRES COMMUNITY SERVICES DISTRICT USE ONLY

Address inspected _____

Date inspected _____ Number of installed 1.6 gallon-or-less toilet(s) _____

Make and model of 1.6 gallons per flush toilet(s) _____

Application approved _____ Disapproved _____

Inspected by _____ Date _____

SAN SIMEON ACRES COMMUNITY SERVICES DISTRICT

ORDINANCE NO. 70

AN ORDINANCE AMENDING ORDINANCE NO. 64
RELATING TO WATER CONSERVATION

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SAN SIMEON ACRES COMMUNITY SERVICES DISTRICT ("SSACSD") as follows:

SECTION 1: That Section 1, Subsection C of Ordinance No. 64 be amended to read as follows:

C. MANDATORY COMPLIANCE - WATER EMERGENCY.

The following restrictions shall apply to all persons effective immediately:

(6) Water shall not be used to wash down sidewalks, driveways, parking areas, buildings or other structures, except to alleviate immediate fire or sanitation hazards or unless done with reclaimed wastewater or water imported from outside the District ~~or~~ and separate from the District's sources of supply.

SECTION 2: This Ordinance shall take effect and be in force immediately after its passage.

This Ordinance was INTRODUCED, READ, PASSED, and ADOPTED on the 8th day of March, 1989, on the following roll call vote, to-wit:

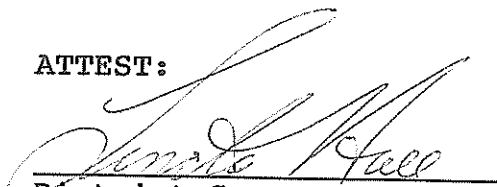
AYES: Directors Blankenship, Boniface, Price, Hoffman, and Beal

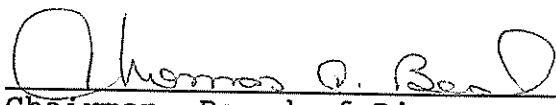
NOES: None

ABSENT: None

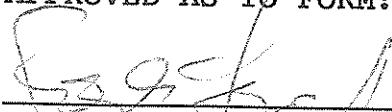
ABSTAINING: None

ATTEST:


District Secretary


Chairman, Board of Directors

APPROVED AS TO FORM:


ROGER C. LYON, JR.
District Counsel