

ORDINANCE NO. 100

AN ORDINANCE OF THE BOARD OF DIRECTORS OF LAGUNA BEACH COUNTY WATER DISTRICT ESTABLISHING A WATER USE EFFICIENCY & WATER SUPPLY SHORTAGE PROGRAM FOR USERS OF POTABLE WATER PROVIDED BY THE DISTRICT

Be it ordained by the Board of Directors of the Laguna Beach County Water District as follows:

Section I. Title

Laguna Beach County Water District Water Use Efficiency & Water Supply Shortage Ordinance (“Ordinance”)

Section II. Findings

1. A reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of Southern California.
2. Southern California is a semi-arid region, largely dependent on imported water supplies from Northern California and the Colorado River. Population growth, drought, climate change, environmental concerns, government policy changes, restrictions on pumping and other factors in our region, in other parts of the State and in the western U.S. make Southern California highly-susceptible to water supply reliability issues.
3. Careful water management requires active water use efficiency measures not only in times of drought but at all times. It is essential to ensure a reliable minimum supply of water to meet current and future water supply needs.
4. California Constitution Article X, Section 2 declares for the general welfare:
 - a. Water resources be put to beneficial use
 - b. Prevention of water waste and unreasonable water use or methods of water use
 - c. Full exercise of water use efficiency with a view to reasonable and beneficial water use
5. California Water Code Section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce potable water consumption and conserve supplies.
6. California Water Code Section 31027 sets forth the public notification, public meeting and public hearing requirements for water providers proposing the establishment of a water conservation program, ordinance or resolution.

7. California Water Code Sections 350, et. seq., sets forth the determination and notification procedures for water suppliers seeking to declare a water shortage or a water emergency.
8. California Water Code Section 356 allows for the adoption of regulations and restrictions that include discontinuance of service as an enforcement option where a water shortage emergency condition has been declared.
9. California Water Code Section 377 authorizes water suppliers to enforce a comprehensive water conservation program to reduce potable water consumption through establishment of non-compliance charges and other penalties, subject to advance notification to water users.
10. California Water Code Section 370, et. seq., authorizes water suppliers to adopt water allocation programs for water users and allocation-based water conservation pricing.
11. The adoption and enforcement of a Water Use Efficiency & Water Supply Shortage Ordinance is necessary to manage the District's potable water supply short- and long-term and to minimize and/or avoid the effects of drought and water shortage within the District. Such a program is essential to ensure a reliable and sustainable minimum supply of water for public health, safety and welfare.

Section III. Declaration of Purpose and Intent

1. To minimize or avoid the effect and hardship of potential shortages of potable water to the greatest extent possible, this Ordinance establishes a Water Use Efficiency & Water Supply Shortage Program designed to:
 - a. Reduce potable water consumption (demand) through efficiency
 - b. Enable effective potable water supply planning
 - c. Assure reasonable and beneficial use of potable water
 - d. Prevent waste of potable water and maximize efficient use in the District
2. The Ordinance establishes:
 - a. Permanent mandatory water use standards designed to alter behaviors related to potable water-use efficiency during non-shortage conditions.
 - b. Voluntary water use efficiency guidelines, which the District may choose to implement prior to moving into mandatory restrictions when a 5 to 15 percent reduction in consumption is needed from District customers.
 - c. Three mandatory levels of potential response to escalating water supply shortages, which the District may choose to implement during times of water shortage or declared water emergency. The three levels of response consist of increasing water use restrictions as a result of worsening drought conditions, emergencies, and/or decreasing supplies.
 - d. A water use efficiency and supply shortage program that reduces water consumption within the District through efficiency, enables effective water supply planning, assures reasonable and beneficial use of water, and prevents waste of water.

- e. Guidelines for the efficient use of water within the District to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.

Section IV. Definitions

1. General

- a. "The District" means Laguna Beach County Water District.
- b. "The Board" means the Laguna Beach County Water District Board of Directors.
- c. "The Commission" means the Laguna Beach County Water District Commission
- d. "Person" means any person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water provided by the District.
- e. "Potable Water" means water that is suitable for drinking.
- f. "Recycled Water" means the reclamation and reuse of non-potable water and/or wastewater for beneficial use, such as irrigation. Also known as "Reclaimed Water."
- g. "Water Waste" refers to uses of water that are limited or prohibited under the Ordinance because they exceed necessary or intended use and could reasonably be prevented, such as runoff from outdoor watering.
- h. "Base Water Supply" means the District's average annual water purchases from its wholesaler over a given period, e.g. 2004-2006.
- i. "Billing Unit" is equal to 100 cubic feet (1 CCF) of water, which is 748 gallons. Water use is measured in units of 100-cubic-feet and multiplied by applicable water usage rates for billing. Also known as a "unit of water."
- j. "Undue Hardship" is a unique circumstance in which a requirement of the Ordinance would result in a disproportionate impact on a water user or property upon which water is used compared to the impact on water users generally or similar properties or classes of water use.

2. Irrigation

- a. "Automatic Shut-Off Hose Nozzle" refers to a water-efficient nozzle for use with residential or commercial hoses that must be pressed to start or stop the flow of water.
- b. "Irrigation Controller" is the part of an automated irrigation system that instructs the valves to open and close to start or stop the flow of water.
 - 1. "Sensor-based irrigation controller" operates based on input from a combination of sensors (rain, solar, soil moisture) installed in or around the landscaped area.
 - 2. "Weather-based irrigation controller" operates automatically based on evapo-transpiration rates (ET) and historic or real-time weather data.
- c. "Irrigation System" refers to a manual or automated watering system consisting of pipes, hoses, spray heads and/or sprinkler devices or valves. Also known as a "Landscape Irrigation System."

- d. “Large Landscape Areas” means a lawn, landscape, or other vegetated area, or combination thereof, equal to more than one (1) acre of irrigable land.
 - e. “Valves” refer to the part of an irrigation system that open and close manually or electronically to start or stop the flow of water.
3. Other
- a. “Pre-Rinse Kitchen Spray Valves” refer to highly water-efficient sprayers that commercial kitchens use to rinse dishes in the sink before washing and for other preliminary cleaning purposes.
 - b. “Single-Pass Cooling System” refers to an air conditioning, refrigeration or other cooling system that removes heat by transferring it to a supply of clean water and dumping the water down the drain – after a single use. This type of cooling system is extremely water-inefficient compared to systems that re-circulate the water.

Section V. Application of Ordinance

1. Ordinance provisions apply to any person or entity using potable water provided by the District. This includes individuals, persons, corporations, public or private entities, governmental agencies or institutions, or any other users of water provided by the District.
2. The provisions of the Ordinance shall not apply to the following:
 - f. Water use necessary to protect public health and safety or for essential government services, such as police, fire, and similar services.
 - b. Water used by commercial nurseries and growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.
3. This Ordinance is intended solely to further the efficient use of potable water. It is not intended to implement any provision of federal, state or local statutes, ordinances or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on storm water ordinances or management plans.

Section VI: Permanent Mandatory Water Use Efficiency Measures

The following Permanent Mandatory Water Use Efficiency Measures for potable water are in effect at all times, whether or not there is a water supply shortage or emergency.

1. General Restrictions
 - a. Limits on Watering Hours. Watering or irrigating is prohibited any day of the week between 8:00 a.m. and 8:00 p.m. This applies to lawns, landscaping, and all other vegetated areas.

1. The following are exempt from this restriction:

- a. Watering with a hand-held bucket or similar container
- b. Watering with a hand-held hose equipped with an automatic shut-off hose nozzle
- c. Adjusting or repairing an irrigation system for very short periods of time.

- b. Water Flow or Runoff. It is prohibited to water lawns, landscaping, and vegetated areas in a manner that causes or allows water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch.
- c. Obligation to Fix Leaks, Breaks or Malfunctions in lines, fixtures or facilities. Loss or escape of water through breaks, leaks or malfunctions in the water user's plumbing, distribution or irrigation system is prohibited for any period of time after such water waste should have reasonably been discovered and corrected. Leaks, breaks, or malfunctions must be corrected in no more than three (3) days of District notification. The District, at its sole discretion, may temporarily shut-off service if unable to contact the account holder on record.
- d. Hosing or Washing Down Hard or Paved Surfaces. It is prohibited to use water to hose or wash down hard or paved surfaces, such as sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys.

1. The following are exempt from this restriction:

- a. Hosing or washing down with a hand-held bucket or similar container
- b. Hosing or washing down with a hand-held hose equipped with an automatic shut-off hose nozzle
- c. Hosing or washing down with a low-volume high-pressure cleaning machine equipped to recycle used water

- e. Hosing or Washing Down Vehicles. It is prohibited to use water to hose or wash down a motorized or non-motorized vehicle, including but not limited to automobiles, trucks, vans, buses, motorcycles, boats or trailers.

2. The following are exempt from this restriction:

- a. Hosing or washing down vehicles with a hand-held bucket or similar container
- b. Hosing or washing down vehicles with a hand-held hose equipped with an automatic shut-off hose nozzle
- c. Commercial car washing facility that recycles water
- d. Mobile car washing services equipped to recycle used water

- f. Re-Circulating Decorative Water Fountains and Features. All new decorative water fountains and water features must re-circulate water -- or users must secure a waiver from the District.

- g. Unauthorized Use of Fire Hydrants Prohibited. No person may use water from any fire hydrant for any purpose other than fire suppression or emergency aid without first:
 - 1. Requesting and posting the appropriate fees at the District.
 - 2. Obtaining a hydrant meter to record all water consumption for a specified project. Absent a meter, water theft and meter tampering fees will be applied as appropriate.

2. Commercial Kitchen Requirements

- a. Water-Efficient Pre-Rinse Kitchen Spray Valves. All new food preparation establishments, such as restaurants, cafes, and hotels, are prohibited from using non-water efficient kitchen spray valves.
- b. Best-Available Water-Conserving Technology. All water-using equipment in new commercial kitchens must use the best-available, water-conserving technology.
- c. Automatic Shut-Off Hose Nozzles. When hosing or washing kitchen or garbage areas or other areas for sanitary reasons as required by the Health Department, hoses shall be equipped with automatic shut-off hose nozzles.

3. Commercial Water Recirculation Requirements

- a. Water Served Only Upon Request. Eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, clubs or other public places where food or drinks are sold, served or offered for sale are prohibited from providing drinking water to any person unless expressly requested.
- b. Option Not To Have Towels/Linens Laundered. Hotels, motels and other commercial lodging establishments must provide guests the option of not having their used towels and linens laundered. Lodging establishments must prominently display notice of this option in each room and/or bathroom, using clear and easily understood language.
- c. No Installation of Non-re-circulating Water Systems in Car Wash and Laundry Systems. Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new laundry systems.
- d. No Installation of Single-Pass Cooling Systems. Installation of single-pass cooling systems is prohibited in buildings requesting new water service.

4. Construction Site Requirements

- a. Recycled or non-potable water must be used, when available.
- b. No potable water may be used for soil compaction or dust control where there is a reasonably available source of recycled or non-potable water approved by the Department of Public Health and appropriate for such use.
- c. Water hoses shall be equipped with automatic shut-off nozzles, given such devices are available for the size and type of hoses in use.

5. Wasteful Water Use. Upon notice by the District, persons shall cease to cause or permit the indiscriminate use of water not otherwise prohibited above which is wasteful and without reasonable purpose.

Section VII: Water Supply Shortage Watch (Water Watch)

5 – 15 percent shortage in imported water supplied to the District and/or up to 15 percent reduction needed in consumer demand

The District will declare a Water Supply Shortage Watch when it determines that a reduction in consumer demand is necessary in order to make more efficient use of limited water supplies and appropriately respond to existing water conditions.

The type of event that may prompt the District to declare a Level 1 Water Supply Shortage Watch could include, among other factors, a finding that its wholesale water provider has allocated no more than 85 percent of the District's base water supply.

In addition to:

1. Permanent Water Use Efficiency Measures identified in Section VI remaining in effect,

The District may also implement any or all of the following actions to reduce consumer demand.

2. Public Outreach. The District may expand water use efficiency programs and notify District customers of need to conserve.
3. Extraordinary Voluntary Water Use Efficiency Measures. The District may implement extraordinary voluntary water use efficiency measures upon declaring a Water Watch.
4. Water Allocations/Water Budget: The District may establish or adjust a water allocation for property served by the District using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. The District must provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the District customarily mails the billing statement for fees or charges for on-going water service.

Following the effective date of the water allocation as established by the District, any person that uses water in excess of the allocation will be subject to a penalty, in an amount to be determined by the District, for each billing unit of water in excess of the allocation. The penalty for excess water usage will be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

5. Water Supply Shortage Rates: The District may increase water rates, other than Tier 1, by an amount necessary, as determined by the District. The increase in water rates may vary from categories of customers.
6. Other Prohibited Uses. The District may implement other prohibited water uses as deemed necessary, after notice to customers.

Section VIII: Level 1 - Water Supply Shortage Alert (Water Alert)

15 – 30 percent shortage in imported water supplied to the District and/or up to 30 percent reduction needed in consumer demand

A Level 1 Water Supply Shortage Alert exists when the District determines that an additional reduction in consumer demand is necessary to make more efficient use of limited water supplies and appropriately respond to water conditions.

The type of event that may prompt the District to declare a Level 1 Water Supply Shortage includes, among other factors, a finding that its wholesale water provider allocated no more than 70 percent of the District’s base water supply.

In addition to:

1. Permanent Water Use Efficiency Measures identified in Section VI remaining in effect; and,
2. Voluntary Water Use Efficiency Measures identified in Section VII remaining in effect.
3. Water Allocations/Water Budgets implemented in Section VII remaining in effect.
4. Water Supply Shortage Rates implemented in Section VII remaining in effect.

The District may also implement any or all of the following actions to reduce consumer demand:

5. Additional Mandatory Water Use Efficiency Measures: The District may implement the following additional mandatory water use efficiency measures, which would apply for the duration of the Level 1 Water Supply Shortage Alert:
 - a. Limits on Watering Days. Watering lawns, landscaping and other vegetated areas is limited to no more than three (3) days per week. The District will establish and post a watering schedule.
 - b. Timeframe to Fix Leaks, Breaks or Malfunctions in water users’ pipelines, fixtures or facilities. Loss or escape of water through breaks, leaks or other malfunctions in the water user’s plumbing, distribution or irrigation system must be fixed in no more than forty-eight (48) hours following notification from the District – unless other arrangements are made with the District or the system is shut off while waiting for repairs. The District, at its sole discretion, may temporarily shut-off service if unable to contact the account holder on record.
 - c. Other Prohibited Uses: The District may implement other prohibited water uses as deemed necessary, following notification of customers.

Section IX. Level 2 - Water Supply Shortage Warning (Water Warning)

30 – 50 percent shortage in imported water supplied to the District and/or up to 50 percent reduction needed in consumer demand

A Level 2 Water Supply Shortage Warning exists when the District determines that a further additional reduction in consumer demand is necessary in order to make more efficient use of limited water supplies and appropriately respond to existing water conditions.

The type of event that may prompt the District to declare a Level 2 Water Supply Shortage Warning could include, among other factors, a finding that its wholesale water provider allocated less than 50 percent of the District's base water supply.

In addition to:

6. Permanent Water Use Efficiency Measures identified in Section VI remaining in effect; and,
7. Voluntary Water Use Efficiency Measures identified in Section VII remaining in effect; and,
8. Level 1 Water Use Efficiency Measures identified in Section VIII remaining in effect.
9. Water Allocations/Water Budgets identified in Section VII remaining in effect.
10. Water Supply Shortage Rates identified in Section VII remaining in effect.

The District may also implement any or all of the following actions to reduce consumer demand:

11. Additional Mandatory Water Use Efficiency Measures: The District may implement the following additional mandatory water use efficiency measures, which would apply for the duration of the Level 2 Water Supply Shortage Warning:
 - a. Limits on Watering Days. Watering lawns, landscaping and other vegetated areas is limited to no more than two (2) days per week. The District will establish and post a watering schedule.
 1. The following are exempt from this restriction (subject to hour restrictions, Section VII.1.a, b):
 - a. Watering with a hand-held bucket or similar container
 - b. Watering with a hand-held hose equipped with a automatic shut-off hose nozzle
 - c. Irrigation systems that exclusively use very-low-flow drip type systems where emitters discharge no more than two (2) gallons of water per hour
 - d. Adjusting or repairing an irrigation system for very short periods of time
 - e. Public works projects and actively-irrigated environmental mitigation projects
 - f. Maintenance of existing landscaping necessary for fire protection and/or soil erosion control

- g. Maintenance of plant materials identified as rare or essential to the well being of endangered/rare species
 - b. Filling or Refilling Ornamental Fountains and Ponds. Filling or refilling ornamental lakes and ponds is prohibited.
 - 1. The following are exempt from this restriction
 - a. Ornamental fountains and ponds that sustain aquatic life -- provided such life is of significant value and were actively managed in the water feature prior to declaring the shortage.
 - c. Filling or Refilling Residential Pools or Spas. Filling residential swimming pools or outdoor spas is prohibited; refilling more than one (1) foot of water is prohibited.
 - 1. The following are exempt from this restriction:
 - a. Individuals who, due to health reasons or medical conditions, find it necessary to fill or refill their pools or spas.
 - d. Hosing or Washing Down Vehicles. It is prohibited to use water to hose or wash down a motorized or non-motorized vehicle, including but not limited to automobiles, trucks, vans, buses, motorcycles, boats or trailers.
 - 1. The following are exempt from this restriction:
 - a. Commercial car washing facility equipped to recycle water
 - b. Mobile car washing services equipped to recycle used water
 - e. New Potable Water Service. The District will not provide new potable water service, new water meters (temporary or permanent) or will-serve letters for the duration of the shortage.
 - 1. The following are exempt from this restriction:
 - a. Projects necessary to protect public health, safety and welfare
 - b. Projects that have a valid, unexpired city building permit
 - c. Projects in which applicants can provide – to the satisfaction of the District – substantial evidence of an enforceable commitment that water demands will be offset prior to the provision of a new water meter(s)
 - d. Resetting or turning-on meters to restore or continue water service interrupted for one year or less.
12. Other Prohibited Uses: The District may implement other prohibited water uses as deemed necessary, following notification of customers.

Section X. Level 3 - Water Supply Shortage Emergency (Water Emergency)

30 – 50 percent shortage in imported water supplied to the District and/or more than 50 percent reduction needed in consumer demand

A Level 3 Water Supply Shortage exists when the District determines that a further additional reduction in consumer demand is necessary in order to make more efficient use of limited water supplies and appropriately respond to existing water conditions.

The type of event that may prompt the District to declare a Level 3 Water Supply Shortage Emergency could include, among other factors, a finding that its wholesale water provider allocated less than 50 percent of the District's base water supply.

In addition to:

1. Permanent Water Use Efficiency Measures identified in Section VI remaining in effect; and,
2. Voluntary Water Use Efficiency Measures identified in Section VII remaining in effect; and,
3. Level 1 Water Use Efficiency Measures identified in Section VIII remaining in effect; and,
4. Level 2 Water Use Efficiency Measures identified in Section IX remaining in effect.
5. Water Allocations/Water Budgets identified in Section VII remaining in effect.
6. Water Supply Shortage Rates identified in Section VII remaining in effect.

The District may also implement any or all of the following actions to reduce consumer demand:

7. Water Use Efficiency Measures. The District may implement the following additional mandatory water use efficiency measures, which would apply for the duration of the Level 3 Water Supply Shortage Emergency:
 - a. All Watering Prohibited. Watering is prohibited on any day at any time for lawns, landscaping and all vegetated areas. The District will post the no-watering restriction.
 1. The following are exempt from this restriction (subject to hour restrictions in Section VII.1.a, b):
 - a. Watering with a hand-held bucket or similar container
 - b. Maintenance of existing landscaping necessary for fire protection and/or soil erosion control
 - c. Maintenance of plant materials identified as rare or essential to the well being of endangered/rare species

8. Discontinuance of Service: Pursuant to Water Code Section 356, the District may discontinue service to customers who willfully violate provisions of this section.
9. Other Prohibited Uses: The District may implement other prohibited water uses as deemed necessary, following notification of customers

Section XI. Declaration & Notification of Water Shortages/Emergencies

1. Declaration of a Water Watch, Level 1 Water Alert or Level 2 Water Warning: The District may declare a Water Watch, Level 1 Water Alert or Level 2 Water Warning at a regular or special public meeting in accordance with State law.
2. Declaration of Level 3 Water Emergency: The District may declare a Level 3 Water Emergency in accordance with Water Code Sections 350, 351, and 352.
3. Notification of a Level 3 Water Emergency
 - a. Except as otherwise provided by State law, the District must publish a copy of the water emergency resolution in a newspaper used for the publication of official notices within the jurisdiction of the District within ten (10) business days of the date that the emergency is declared.
 - b. Except as otherwise provided by State law, additional mandatory water use efficiency requirements will take effect on the tenth (10) business day after the date that the emergency is declared.
4. Adjustment to Budget-based Water Allocation Program or Change in Tiered Rates
 - a. The District may adjust budget-based water allocations and/or increase water usage rates, other than Tier 1 rates, for any or all classes of water users in accordance with the procedures specified in Water Code Section 374.
 1. The District will provide notice of the change to customers and the date the change will take effect.

Section XII. Hardship Waiver

1. Undue and Disproportionate Hardship: If, due to unique circumstances, a specific requirement of this Ordinance would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section.
2. Written Finding: The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship.

- a. Application for a Waiver: Application for a waiver must be on a form prescribed by the District and accompanied by a non-refundable processing fee in an amount set by the District.
- b. Supporting Documentation: photographs, maps, drawings, and other information, including a written statement of the applicant, must accompany the application.
- c. Required Findings for Waiver: Based on the information and supporting documents provided in the application, additional information provided as requested, and water use information for the property as shown by the records of the District, the District's General Manager, in making the waiver determination, will take into consideration the following:
 1. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;
 2. That because of special circumstances applicable to the property or its use, the strict application of this Ordinance would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally;
 3. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the District to effectuate the purpose of this Ordinance and will not be detrimental to the public interest;
 4. That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent or general in nature; and
 5. That no person shall be given relief on appeal for hardship unless the customer has installed water saving devices, as determined by the District, and made every reasonable effort to reduce water use.
- d. Approval Authority
 1. The District's General Manager or his designee(s) must act upon any completed Application for a Waiver no later than ten (10) business days after receipt by the District. The General Manager or his designee(s) may approve, conditionally approve, or deny the waiver.
 2. The applicant requesting the waiver must be promptly notified in writing of any action taken. Unless specified otherwise, at the time a waiver is approved, it will apply to the subject property for the duration of the water supply shortage or emergency.
- e. Appeals
 1. A customer may appeal the denial of a waiver to the District's Commission by written request for a hearing within ten (10) business days after notification to deny the waiver. The request shall state the grounds for appeal.

2. At a public meeting, the Commission shall review the appeal and, at its sole discretion, may affirm, reverse or modify the waiver denial. The decision of the Commission is final.

Section XIII: Penalties and Violations

1. Misdemeanor: Pursuant to Water Code Section 377 and 31029, any violation of this chapter may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days, or by a fine not exceeding six hundred dollars (\$600), or by both.
2. Civil Penalties: Civil penalties for failure to comply with any provisions of the Ordinance are as follows:
 - a. First Instance of Non-Compliance: The District will issue a written warning and deliver a copy of the Ordinance by mail or door hanger.
 - b. Second Instance of Non-Compliance: A second violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed one hundred dollars (\$100).
 - c. Third Instance of Non-Compliance: A third instance of non-compliance with the Ordinance within the preceding twelve (12) calendar months is punishable by a fine not to exceed two hundred and fifty dollars (\$250)
 - d. Fourth and Subsequent Instances of Non-Compliance: A fourth or any subsequent instance of non-compliance with this Ordinance is punishable by a fine not to exceed five hundred dollars (\$500).
 1. Water Flow Restrictor Device. In addition to any fines, the District may install a water flow restrictor device of approximately one gallon per minute capacity for meter services up to one and one-half inch size and comparatively sized restrictors for larger services. If the District installs a water flow restrictor, installation would follow written notice of intent to the customer and would be in place for a minimum of forty-eight (48) hours.
 2. Termination of Service: In addition to any fines and the installation of a water flow restrictor, the District may disconnect and/or terminate a customer's water service, pursuant to Water Code Section 356.
3. Costs for Water Flow Restrictors and Service Disconnection: A person or entity in non-compliance with this Ordinance is responsible for payment of the District's charges for installing and/or removing any flow-restricting device and for disconnecting and/or reconnecting service per the District's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device must be paid to the District before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rate.
4. Separate Offenses: Each day that a person or entity is non-compliant with the Ordinance is a separate offense.

5. Notice and Hearing.

- a. The District will issue a Notice of Violation by mail or personal delivery at least ten (10) days before taking enforcement action. Such notice must describe the violation and the date by which corrective action must be taken. A customer may appeal the Notice of Violation by filing a written notice of appeal with the District no later than the close of business on the day before the date scheduled for enforcement action. Any Notice of Violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and the District will mail written notice of the hearing date to the customer at least ten (10) days before the date of the hearing.
- b. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the District may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violations and the current declared water Level condition.

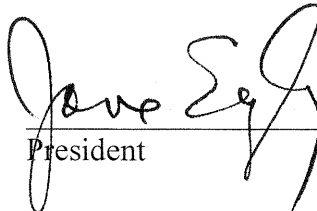
Section XIV: Severability

If any section, subsection, sentence, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of the Ordinance will not be affected. The District's Board of Directors hereby declares it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases thereof is declared invalid.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of Laguna Beach County Water District, does hereby resolve and order as follows:

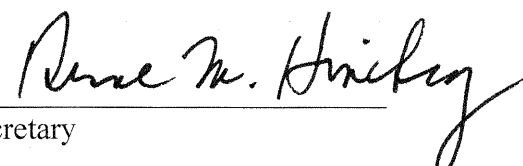
1. That Ordinance 100: Water Use Efficiency & Water Supply Shortage for Laguna Beach County Water District as submitted be and hereby is approved.

ADOPTED, SIGNED, AND APPROVED this 16th day of June, 2009.



President

ATTEST:



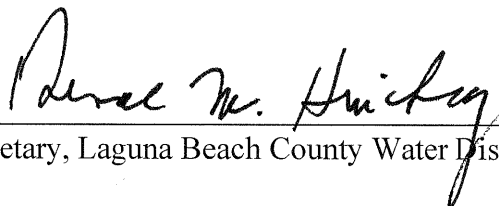
Secretary

CERTIFICATION

I, Renae M. Hinchey, Secretary of the Laguna Beach County Water District, of Orange County, California, do hereby certify that the foregoing Ordinance No. 100 was duly adopted at a regular meeting of the Board of Directors of said District, held on the 16th day of June, 2009, by the following vote of Members of the Board:

AYES: Directors: - Egly, Boyd, Iseman, Pearson, Rollinger
NOES: Directors: - None
ABSENT: Directors: - None

And I further certify that Jane Egly as President, and Renae M. Hinchey, as Secretary, signed and approved said Ordinance on the 16th day of June, 2009.

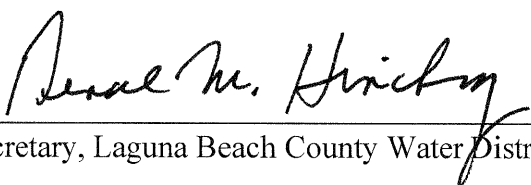

Secretary, Laguna Beach County Water District

(District Seal)

STATE of CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Renae M. Hinchey, Secretary of the Laguna Beach County Water District of Orange County, California, do hereby certify that the foregoing is a full, true and clear copy of Ordinance No. 100 passed and adopted by the Board of Directors of said District at a regular meeting hereof held on June 16, 2009. In witness whereof, I have hereunto set by hand and affixed the official seal of said district this 16th day of June, 2009.

(District Seal)


Secretary, Laguna Beach County Water District