

ORDINANCE NO. 48

AN ORDINANCE OF CUCAMONGA VALLEY WATER DISTRICT ESTABLISHING A WATER SUPPLY SHORTAGE CONTINGENCY PLAN

THE BOARD OF DIRECTORS OF THE CUCAMONGA VALLEY WATER DISTRICT DOES ORDAIN AS FOLLOWS:

SECTION 1: STATEMENT OF POLICY

It is hereby declared that the conditions prevailing in areas served by Cucamonga Valley Water District, the areas of the State of California and elsewhere from which the District obtains its water supplies require that the water resources available to the District be put to the maximum beneficial use to the extent to which they are capable, and that waste or unreasonable method of use of water be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interests of the people of the District and for the public welfare. Water Code Section 350 et seq. and Section 375 et seq. authorize the District to declare a water shortage emergency condition whenever it finds and determines that the ordinary demands and requirements of water consumers will not be satisfied without depleting the water supply of the District to the extent that there will be insufficient water for human consumption, sanitation and fire protection. The District has the power and authority to enact a water shortage contingency plan and water conservation measures pursuant to Water Code Section 350 et seq., to ensure an available water supply at the levels necessary to maintain human consumption, sanitation, and fire protection during the period as described herein.

SECTION 2: DECLARATION OF PURPOSE

The purpose of this Ordinance is to establish a Water Supply Shortage Contingency Plan to minimize the effect of cutbacks in Cucamonga Valley Water District's water supply and to adopt provisions that will significantly reduce the consumption of water thereby extending the available water required for the District's customers. Water shortage conditions can be caused by a variety of reasons, including but not limited to: drought, equipment breakdown, power outage, and failure or maintenance of the imported water system. Shortage conditions can take the form of both short term and long term events. A short term event may only impact operations for a period of hours or days, while long term events could last weeks, months or years. Response to the shortage is dependent upon the severity of the shortage, the part of the system affected, current system demands, and projected longevity of the situation.

SECTION 3: AUTHORIZATION TO IMPLEMENT WATER SHORTAGE CONTINGENCY PLAN

Pursuant to Water Code Sections 31027, 350 et seq. and 375 et seq., a notice of public hearing was published at least seven (7) days prior to the date of the public hearing which was conducted on March 24, 2009 at 6:00 p.m., or as soon thereafter as practicable at 10440 Ashford Street, Rancho Cucamonga, CA 91730-2799 as part of the Regular Meeting of the Board of Directors.

A certified copy of the proposed Ordinance was also posted at the District Offices at least five (5) days before the hearing. Notice of the time and place of the public hearing was published in a newspaper of general circulation within the District.

The Board of Directors shall declare, change and rescind, as applicable, the particular stage of the water supply shortage through the adoption of a resolution from time to time as deemed necessary by the Board of Directors. Within ten (10) calendar days of adoption of the resolution declaring, changing or rescinding the applicable stage of water supply shortage, the Board of Directors shall issue its determination of shortage and corrective measures by public proclamation published in a daily newspaper of general circulation a minimum of three (3) times for three (3) consecutive weeks. Three (3) publications in a newspaper regularly published once a week or more often, with at least five (5) days intervening between the respective publication dates not counting such publication dates, are sufficient. Such declaration and notice shall provide the extent, terms and conditions respecting the use and consumption of water in accordance with the applicable water conservation stage provided by this Ordinance. Upon such declaration and publication of such notice, due and proper notice shall be deemed to have been given each and every person supplied water within the District.

Any prohibitions on the use of water shall become effective immediately upon such publication. Any provisions requiring curtailment in the use of water shall become effective with the first full billing period commencing on or after the date of such publication.

SECTION 4: REDUCED WATER USAGE

STAGE 1 - ORDINANCE NO. 47, "Encouraging Water Use Efficiency"

This Stage (Ordinance No. 47) outlines mandatory prohibited water waste practices. Stage 1 remains in effect at all times and does not require the Board of Directors adopt a resolution for implementation.

STAGE 2 - ALERT

A Stage 2 shortage may be declared when the Board of Directors determines that it is likely that the District will require customers to reduce their water usage by ten percent (10%) from the previous year's billing cycle for fiscal year 2007-2008.

STAGE 3 - WATER WARNING

A Stage 3 shortage may be declared when the Board of Directors determines that it is likely that the District will require customers to reduce their water usage by fifteen percent (15%) by eliminating outdoor watering up to two days each week. The days of no watering will be assigned by the District when Stage 3 is enacted by resolution of the Board.

Penalties for violating any of the above provisions will be assessed according to Section 5.

STAGE 4 – WATER EMERGENCY

A Stage 4 shortage may be declared when the Board of Directors determines that it is likely that the District will require customers to reduce their water usage by twenty-five percent (25%) by eliminating outdoor watering up to three days each week. The days of no watering will be determined by the District when Stage 4 is enacted by resolution of the Board.

Penalties for violating any of the above provisions will be assessed according to Section 5.

STAGE 5 - WATER SEVERE EMERGENCY

A Stage 5 shortage may be declared when the Board of Directors determines that it is likely that the District will require customers to reduce their water usage by fifty percent (50%) or more by eliminating outdoor watering from four to seven days, to be determined by the severity of the water emergency. The days of no watering will be determined by the District when Stage 5 is enacted by resolution of the board.

Additionally, the use of water for construction purposes shall be curtailed during a severe water emergency with the exception that recycled water may be used for such purposes.

Penalties for violating any of the above provisions will be assessed according to Section 5.

SECTION 5: FAILURE TO COMPLY

Financial penalties will be assessed when a customer who, in the reasonable discretion of the General Manager/CEO, or his/her representative, violates this Ordinance. Exhibit A, attached hereto and incorporated herein by reference, outlines those penalties and the method of notifying a customer that he/she is violating the District's Ordinance. If the General Manager/CEO, or his/her representative deems it appropriate, water service will be terminated at the location where the violation occurred due to a failure to comply with this Ordinance or a failure to pay financial penalties. The regulatory purpose of imposing the requirements and financial penalties, as set forth in this Ordinance and Exhibit "A," are to conserve water, deter waste and unreasonable use of water, encourage efficiency, and to cover the costs incident to the investigation, inspection, and administration of the enforcement of this Ordinance and Exhibit "A." Such costs of this regulatory program include, but are not necessarily limited to, the cost of District personnel for administration of this program, notices, publications, implementation of conservation measures/programs and the monitoring and enforcement of penalties.

SECTION 6: SEVERABILITY

If any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provision, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

SECTION 7: CONFLICTING PROVISIONS

If provisions of this Ordinance are in conflict with each other, other rules and regulations of the District, any other resolution or ordinance of the District, or any State law or regulation, the more restrictive provisions shall apply.

SECTION 8: EFFECTIVE DATE OF ORDINANCE

This Ordinance is effective immediately upon its adoption.

ADOPTED this _____ day of _____, 200__.

Randall J. Reed
President

ATTEST:

Robert A. DeLoach
Secretary