

10.1 DROUGHT RESPONSE CONSERVATION PROGRAM

10.1-1 DECLARATION OF NECESSITY AND INTENT

(a) This policy establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the Lakeside Water District in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

(b) This policy establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.

(c) Level 1 condition drought response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by Lakeside Water District. During drought response condition Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals.

(d) During a Drought Response Level 2 condition or higher, the water conservation measures and water use restrictions established by this policy are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies specified in this policy and as provided in Lakeside Water District Administrative or Municipal Code.

10.1-2 DEFINITIONS

(a) The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

1. “Grower” refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. “Grower” does not refer to customers who purchase water subject to the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs.
2. “Water Authority” means the San Diego County Water Authority.

3. “DMP” means the Water Authority’s Drought Management Plan in existence on the effective date of this policy and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.
4. “Metropolitan” means the Metropolitan Water District of Southern California.
5. “Person” means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the Lakeside Water District.

10.1-3 APPLICATION

(a) The provisions of this policy apply to any person in the use of any water provided by the Lakeside Water District.

(b) This policy is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, policy, 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 any storm water policy and storm water management plans.

(c) Nothing in this policy is intended to affect or limit the ability of the Lakeside Water District to declare and respond to an emergency, including an emergency that affects the ability of the Lakeside Water District to supply water.

(d) The provisions of this policy do not apply to use of water from private wells or to recycled water.

(e) Nothing in this policy shall apply to use of water that is subject to a special supply program, such as the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by the Lakeside Water District is subject to this policy in the use of the other water.

10.1-4 DROUGHT RESPONSE LEVEL 1 – DROUGHT WATCH CONDITION

(a) A Drought Response Level 1 condition is also referred to as a “Drought Watch” condition. A Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages and that a consumer demand reduction of up to 10 percent is requested in order to ensure that sufficient supplies will be available to meet anticipated demands. The General

Manager or designee shall declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices identified in this policy.

(b) During a Level 1 Drought Watch condition, Lakeside Water District will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices. [The same water conservation practices become mandatory if Lakeside Water District declares a Level 2 Drought Alert condition]:

1. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
2. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
3. Do not irrigate between 10 a.m. and after 6 p.m.
4. Three (3) day a week watering is recommended if landscape is mature and healthy.
5. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
6. Irrigate nursery and commercial grower's products before 10 a.m. and after 6 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.
7. No outdoor watering of turf or ornamental landscapes during and up to 48 hours following measurable precipitation.
8. Use re-circulated water to operate ornamental fountains.
9. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.
10. Serve and refill water in restaurants and other food service establishments only upon request.
11. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

12. Repair all water leaks within three (3) days of notification by the Lakeside Water District unless other arrangements are made with the General Manager or designee.

13. Use recycled or non-potable water for construction purposes when available.

(c) During a Drought Response Level 2 condition or higher, all persons shall be required to implement the conservation practices established in a Drought Response Level 1 condition.

10.1-5 DROUGHT RESPONSE LEVEL 2 – DROUGHT ALERT CONDITION

(a) A Drought Response Level 2 condition is also referred to as a “Drought Alert” condition. A Level 2 condition applies when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands. The Lakeside Water District Board of Directors shall declare the existence of a Drought Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in this policy.

(b) All persons using Lakeside Water District water shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:

1. Limit residential and commercial landscape irrigation to no more than three (3) days per week. This section shall not apply to commercial growers or nurseries.

2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5 (b) (1), on the same schedule set forth in section 5 (b) (1) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

4. Repair all leaks within seventy-two (72) hours of notification by the Lakeside Water District unless other arrangements are made with the General Manager or designee.

5. Stop operating ornamental fountains or similar decorative water features unless recirculated water is used.

6. No outdoor watering of turf or ornamental landscapes during and up to 48 hours following measurable precipitation.

10.1-6 DROUGHT RESPONSE LEVEL 3 – DROUGHT CRITICAL CONDITION

(a) A Drought Response Level 3 condition is also referred to as a “Drought Critical” condition. A Level 3 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 40 percent is required in order to have sufficient supplies available to meet anticipated demands. The Lakeside Water District Board of Directors shall declare the existence of a Drought Response Level 3 condition and implement the Level 3 conservation measures identified in this policy.

(b) All persons using Lakeside Water District water shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:

1. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the General Manager or designee and posted by the Lakeside Water District. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager or designee and posted by the Lakeside Water District. This section shall not apply to commercial growers or nurseries.

2. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 6 (b) (1), on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

3. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this policy.

4. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

5. Repair all leaks within forty-eight (48) hours of notification by the Lakeside Water District unless other arrangements are made with the General Manager or designee.

(c) Upon the declaration of a Drought Response Level 3 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or
2. The project is necessary to protect the public's health, safety, and welfare; or
3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water(s) to the satisfaction of Lakeside Water District.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

Upon the declaration of a Drought Response Level 3 condition, Lakeside Water District will suspend consideration of annexations to its service area.

(d) The Lakeside Water District may establish a water allocation for property served by the Lakeside Water District. If the Lakeside Water District establishes a water allocation it shall 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 Lakeside Water 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 Lakeside Water District, any person that uses water in excess of the allocation shall be subject to a penalty in the amount of \$___ for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this policy.

10.1-7 DROUGHT RESPONSE LEVEL 4 – DROUGHT EMERGENCY CONDITION

(a) A Drought Response Level 4 condition is also referred to as a “Drought Emergency” condition. A Level 4 condition applies when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that Level 4 requires a demand reduction of more than 40 percent in order for the Lakeside Water District to have maximum supplies available to meet anticipated demands. The Lakeside Water District shall declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350.

(b) All persons using Lakeside Water District water shall comply with conservation measures required during Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical conditions and shall also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories.

A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 6 (b) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;

C. Maintenance of existing landscaping for erosion control;

D. Maintenance of plant materials identified to be rare or essential to the wellbeing of rare animals;

E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under section 6 (b) (1);

F. Watering of livestock; and

G. Public works projects and actively irrigated environmental mitigation projects.

2. Repair all water leaks within twenty-four (24) hours of notification by the Lakeside Water District unless other arrangements are made with the General Manager or designee.

(c) The Lakeside Water District may establish a water allocation for property served by the Lakeside Water District. If the Lakeside Water District establishes a water allocation it shall 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 Lakeside Water 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 Lakeside Water District, any person that uses water in excess of the allocation shall be subject to a penalty in the amount of \$___ for each billing unit of water in excess of the allocation. The penalty for excess water usage shall be cumulative to any other remedy or penalty that may be imposed for violation of this policy.

10.1.8 ——— CORRELATION BETWEEN DROUGHT MANAGEMENT PLAN AND DROUGHT RESPONSE LEVELS

THIS SECTION REMOVED BY BOARD ACTION 8-6-2016

10.1-9 PROCEDURES FOR DETERMINATION AND NOTIFICATION OF DROUGHT RESPONSE LEVEL

(a) The existence of a Drought Response Level 1 condition may be declared by the General Manager or designee upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Clerk or Secretary of the Lakeside Water District and provided to the Lakeside Water District Board of Directors. The General Manager or designee may publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the Lakeside Water District. The Lakeside Water District may also post notice of the condition on their website.

(b) The existence of Drought Response Level 2 or Level 3 conditions may be declared by policy of the Lakeside Water District Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Drought Response Level 2 or Level 3 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the Lakeside Water District shall publish a notice of declared drought response level in a newspaper used for publication of official notices.

(c) The existence of a Drought Response Level 4 condition may be declared in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable to Drought Response Level 4 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the Lakeside Water District shall publish a notice of declared drought response level in a newspaper used for publication of official notices. If the Lakeside Water District establishes a water allocation, it shall 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 Lakeside Water District customarily mails the billing statement for fees or charges for on-going water service. Water allocation shall be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

(d) The Lakeside Water District Board of Directors may declare an end to a Drought Response Level by the adoption of a policy at any regular or special meeting held in accordance with State law.

10.1-10 HARSHIP VARIANCE / APPEALS

(a) If, due to unique circumstances, a specific requirement of this policy would result in undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to Lakeside Water District water users generally or to similar property or classes of water uses, then the person may apply for a variance to the requirements as provided in this section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using agency water or to property upon which agency water is used, that is disproportionate to the impacts to Lakeside Water District water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance shall be in writing and may be required to be accompanied by a non-refundable processing fee in an amount to cover administrative expenses. Applications must be received prior to a bill or fine becoming delinquent.

2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. Required Findings for Variance. An application for a variance shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the Lakeside Water District, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other Lakeside Water District customers.

B. That because of special circumstances applicable to the property or its use, the strict application of this policy would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the Lakeside Water District to effectuate the purpose of this chapter and will not be detrimental to the public interest.

D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

4. Approval Authority. The Water Conservation Coordinator or designee shall exercise approval authority and act upon any completed application no later than 10 days after submittal and may approve, conditionally approve, or deny the variance. The applicant

requesting the variance shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

5. Appeals to the General Manager. An applicant may appeal a decision or condition of the Water Conservation Coordinator or designee on a variance application to the General Manager or designee on a variance application within 10 days of the decision upon written request for a hearing. The request shall state the grounds for the appeal.

6. Appeals to the Appeals Committee. An applicant may appeal a decision or condition of the General Manager or designee on a variance application to the Appeals Committee, consisting of two members of the Board of Directors within 10 days of the decision upon written request for a hearing. The request shall state the ground for the appeal. The request shall be accompanied by a non-refundable processing fee in the amount of \$100 to cover administrative expenses.

7. Appeals to Lakeside Water District Board of Directors. An applicant may appeal a decision or condition of the Appeals Committee on a variance application to the Lakeside Water District Board of Directors within 10 days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the Lakeside Water District Board of Directors shall act as the approval authority and review the appeal de novo by following the regular variance procedure. The decision of the Lakeside Water District Board of Directors is final.

10.1-11 VIOLATIONS AND PENALTIES

(a) Any person, who uses, causes to be used, or permits the use of water in violation of this policy is guilty of an offense punishable as provided herein.

(b) Each day that a violation of this policy occurs is a separate offense.

(c) Administrative fines may be levied for each violation of a provision of this policy as follows:

1. A warning for a first violation.
2. One hundred dollars for a second violation.
3. Two hundred dollars for a third violation of any provision of this policy within one year.
4. Five hundred dollars for each additional violation of this policy within one year.

(d) Violation of a provision of this policy is subject to enforcement through installation of a flow-restricting device in the meter.

(e) Each violation of this policy 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 \$1,000, or by both as provided in Water Code section 377.

(f) Willful violations of the mandatory conservation measures and water use restrictions as set forth in Section 7.0 and applicable during a Level 4 Drought Emergency condition may be enforced by discontinuing service to the property at which the violation occurs as provided by Water Code section 356.

(g) All remedies provided for herein shall be cumulative and not exclusive.

10.2 Metropolitan Water District of Southern California Interim Agricultural Water Program Administration

10.2 Removed by Board Action 11/4/08

10.3 Regulatory Plan for New Development Conservation

10.3-1 Purpose

The District hereby establishes a comprehensive water efficiency program for new development or redevelopment within the District. The District finds that water efficiency in all new development or redevelopment is essential to the District's continued ability to provide water to new and redeveloped areas and avoid or minimize the effects of any future shortage.

10.3-2 New Developments

All new developments are encouraged to install only high-efficiency appliances, use only high efficiency technologies, and landscape use low water use plants:

- (1) Indoor
 - a. High efficiency toilets (1.28 gal. per flush or less)
 - b. High efficiency dishwashers
 - c. High efficiency clothes washers and dryers
 - d. Low flow shower heads.

- (2) Outdoor – in common areas, parks and residential landscapes with one or more acre(s) of irrigated landscape.
 - a. Low-water use plants.
 - b. Dedicated irrigation meters and high-efficiency, matched-precipitation rate sprinkler nozzles.
 - c. Weather-Based Irrigation Controllers, automatic rain shut-off sensors, or soil-moisture-sensors for irrigation systems.
 - d. Artificial turf

10.3-3 Development requiring a water main extension

A new development or redevelopment that requires a water main extension shall:

1. Install high-efficiency toilets (1.28 gal. per flush or less) in all residential areas (houses, condominiums, apartments):
2. Utilize California-friendly plant materials (low water use) in all parks, common areas, and residential landscapes;
3. Install dedicated irrigation meters and high-efficiency, matched-precipitation rate sprinkler nozzles in all common areas and parks
4. Ensure that Covenants, Conditions, and Restrictions (CC&Rs) pertaining to the proposed subdivision/development do not prohibit the use and maintenance of low-water-use plant materials, and/or the use of artificial turf;
5. Certify that all units, common areas, and parks comply with all of the above requirements;
6. Schedule inspection for compliance with water efficiency requirements;
7. Provide all required information for tracking water use efficiency for six years following installation/development;
8. Install “smart” irrigation controllers, irrigation controllers with soil-moisture sensors, or irrigation controllers with automatic rain-shut-off sensors for all homes (residential areas), common areas, and parks
9. Install high-efficiency, matched-precipitation rate sprinkler nozzles in all residential landscapes where conditions permit;
10. Install dedicated irrigation meters in residences with one or more acre(s) or irrigated landscape.