**Water Shortage Contingency Plan for Channel Islands Beach Community Services District**

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**Channel Islands Beach Community Services District**

**353 Santa Monica Drive, Channel Islands Beach, CA 93035**

**CA5610039**

**July 1, 2023**

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**List of Acronyms**

AB - Assembly Bill

AF - Acre-Foot

BMP - Best Management Practice

CASGEM - California Statewide Groundwater Elevation Monitoring Program

CEHTP - California Environmental Health Tracking Program

CIBCSD – Channel Islands Beach Community Services District

CII - Commercial, Industrial, Institutional, water use sectors

CIMIS - California Irrigation Management Information System

CMWD – Calleguas Municipal Water District

CUWCC - California Urban Water Conservation Council

CWC - California Water Code

DMMs - Demand Management Measures

DOF - Department of Finance

DU – Dwelling Unit

DWR - Department of Water Resources

eARDWP - Electronic Annual Reports to the Drinking Water Program (SWRCB)

ETo - Reference Evapotranspiration

FCGMA – Fox Canyon Groundwater Management Agency

GIS - Geographic Information System

GPCD - Gallons per Capita per Day

IRWM - Integrated Regional Water Management

ITP - Independent Technical Panel

LAFCO - Local Agency Formation Commission

MWD – Metropolitan Water District of Southern California

NOAA - National Oceanic and Atmospheric Administration

NPDES - National Pollutant Discharge Elimination System

PHWA – Port Hueneme Water Agency

PWS - Public Water System

RUWMP - Regional Urban Water Management Plan

RWQCB - Regional Water Quality Control Board

SB - Senate Bill

SB X7-7 - Senate Bill Seven of the Senate’s Seventh Extraordinary Session of 2009

SGMA - Sustainable Groundwater Management Act

SQ FT – Square Feet

SWP - State Water Project

SWRCB - State Water Resources Control Board

UWCD – United Water Conservation District

UWMP - Urban Water Management Plan

WARN - Water/Wastewater Agency Response Network

WDR - Waste Discharge Requirement

WRR - Water Recycling Requirement

WSCP - Water Shortage Contingency Plan

# Section I: Declaration of Policy, Purpose, and Intent

In September 2021, [Senate Bill 552 (SB 552)](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB552) was signed by Governor Newsom and enacted into law. SB 552 includes new responsibilities and requirements at both the state and local level to help small water suppliers and rural communities reduce their risk of inadequate water supply amid a water shortage event.

In order to conserve the available water supply and protect the integrity of public water system (PWS) supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Channel Islands Beach Community Services District (District)hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance/or resolution.

Water uses regulated or prohibited under this Water Shortage Contingency Plan (the Plan) are considered to be non-essential. Continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section XI of the Plan.

# Section II: Public Involvement

The District will have the Plan posted on their website for public review and welcomes input from the public as needed.

# Section III: Public Education

The District will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of a public notice posted on their website and sent by email.

# Section IV: Coordination with Regional Water Planning Groups

The District was established in December 1982 as a result of the demand of the beach community’s citizens for an independent governmental entity to provide services including but not limited to water, sewer, and trash services. The District is now governed by a Board of Directors (Board) that consists of five members, elected at large, from among the electors of the District. The service area of the District includes communities of Hollywood Beach, Silver Strand State Beach, Hollywood by-the-Sea in unincorporated Ventura County, and Channel Islands Harbor properties.

The District receives the entirety of its water supply via the Port Hueneme Water Agency (PHWA), a joint powers authority formed by the District, City of Port Hueneme, and the Naval Base Ventura County. The primary water supply for PHWA has been imported State Water from Calleguas Municipal Water District (CMWD) and Fox Canyon groundwater via United Water Conservation District (UWCD). The groundwater is treated with PHWA’s water treatment plant which has a high-quality drinking water production capacity of approximate 2.5 million gallons each day. This treated water is then blended with the imported State Water from CMWD and delivered to water purveyors such as CIBCSD. Of the total water supply available at PHWA, CIBCSD owns approximately 15% to serve its customers.

A copy of this Plan has been provided to all water agencies in the region: Los Angeles Regional Water Quality Control Board, City of Oxnard Water Division, City of Port Hueneme Water Department, UWCD, CMWD, and PHWA.

# Section V: Authorization

The Board and the General Manager of the District is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Board and the General Manager shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

# Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the District. The terms “person” and “customer” as used in the Plan may include individuals, corporations, partnerships, associations, and all other legal entities.

# Section VII: Definitions

For the purposes of this Plan**,** the following definitions shall apply:

**Commercial and institutional water use:** water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as schools, clinics, retail establishments, hotels, restaurants, and office buildings.

**Conservation:** those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

**Customer:** any person, company, or organization using water supplied by your water supplier

**Domestic water use:** water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

**Even number address:** street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

**Industrial water use:** the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

**Landscape irrigation use:** water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, parks, rights-of-way and medians.

**Non-essential water use:** water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

1. irrigation of landscape areas, including parks and athletic fields, except otherwise provided under this Plan;
2. use of water to wash any motor vehicle, motorbike, boat, trailer or other vehicle;
3. use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
4. use of water to wash down buildings or structures for purposes other than immediate fire protection;
5. flushing gutters or permitting water to run or accumulate in any gutter or street;
6. use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
7. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
8. use of water from hydrants for construction purposes or any other purposes other than firefighting.

**Odd numbered address**: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

# Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The Board, or their designee, shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

The following table summarizes each water shortage stages as well as the District-specified triggers, and response actions. The triggering criteria are based on the projected lack of normal regional rain patterns; Federal, State, and local disaster or drought declaration; or unplanned water system failure or emergencies. The determination is based on rain data, reservoir levels, and State drought declaration, and will follow MWD’s restriction requirements. Additional information for each response action and communication action is provided in subsequent pages.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Response Stage** | **Shortage Range** | **Trigger** | **Response Action** | **Termination Action** |
| **Stage 1** WATCH | Up to 10% | * Projected lack of normal regional rain patterns * Federal, state, or local disaster declaration that may impact water supplies * State or MWD declaration due to drought or system maintenance * CIBCSD Board of Directors’ determination * Unplanned CIBCSD water system maintenance | * Initiate public information meetings with Customer * Encourage voluntary water use efficiency * Commence enforcement of conservation measures * 10% reduction in groundwater allocation | * Normal rain patterns * Elected official declaration * Triggers have ceased to exist for a period of 3 consecutive days |
| **Stage 2**  WARNING | Up to 20% | * Same as Stage 1 triggers, but with higher severity and/or longer maintenance repair time | * Expand public awareness of water supply condition * Outreach to over-budget Customer * Mandatory compliance with requirements and restrictions on certain non-essential water uses * Implement State, MWD and CMWD required reductions * 20% reduction in groundwater allocation | * Normal rain patterns * Triggers have ceased to exist for a period of 3 consecutive days |
| **Stage 3** ACUTE | Up to 30% | * Federal, state, or local disaster declaration that may impact water supplies * State or MWD declaration due to drought or significant system failure * State outdoor irrigation restriction * CIBCSD Board of Directors’ determination * Unplanned CIBCSD water system failure or emergency | * Intensify public awareness of water supply condition * Expand enforcement of water conservation measures * Mandatory compliance with requirements and restrictions on certain non-essential water uses * Implement State, MWD and CMWD required reductions * Outreach to over-budget Customer * 30% reduction in groundwater allocation | * Elected official declaration * Triggers have ceased to exist for a period of 3 consecutive days |
| **Stage 4**  CRITICAL | Up to 40% | * Same as Stage 3 Triggers, and/or * Well levels decreased by 30% | * Intensify public awareness and water conservation efforts * Mandatory compliance with requirements and restrictions on certain non-essential water uses * Implement State, MWD and CMWD required reductions * Require over-budget Customer to provide water saving plan * 40% reduction in groundwater allocation | * Increase in well level depth by 40% * Elected official declaration * Triggers have ceased to exist for a period of 3 consecutive days |
| **Stage 5**  EMERGENCY | Up to 50% | * Same as Stage 3 Triggers, and/or * Well levels decreased by 60% | * Emergency public outreach * Mandatory compliance with requirements and restrictions on certain non-essential water uses * Implement State, MWD, and CMWD required reductions * Vigorously target over-budget Customer, with enhanced assistance and potential enforcement * Install flow restrictors on over-budget accounts that are non-responsive to outreach * 50% reduction in groundwater allocation | * Increase in well level depth by 70% * Elected official declaration * Triggers have ceased to exist for a period of 3 consecutive days |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Response Stage** | **Shortage Range** | **Trigger** | **Response Action** | **Termination Action** |
| **Stage 6** CATASTROPHIC WATER LOSS | > 50% | * Federal, state, or local disaster declaration that may impact water supplies * State or MWD declaration due to drought or significant system failure * CIBCSD Board of Directors’ determination * Natural or human-caused catastrophe disrupting delivery of water to, or within the service area * Severe CIBCSD water system failure | * Mandatory compliance with requirements and restrictions on certain non-essential water uses * Implement State, MWD, and CMWD required reductions * Install flow restrictors on meters as necessary * Take drinking water from emergency storage * Greater than 50% reduction in groundwater allocation | * Elected official declaration * Triggers have ceased to exist for a period of 3 consecutive days |

# Section IX - Drought Response Triggers

# Stage 1 Triggers -- Water Shortage WATCH Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in **Section VII-Definitions**, when:

1. The one-year change in the static water level in the well(s) indicates a downward trend and the change in the depth of static water level exceeds 2 feet, or;
2. The state governor of local authority issues a drought declaration at Level/Stage 1, or;
3. Any combination of circumstance reduces the water system’s overall water supply or production capabilities by 10% or more.

Requirements for termination

Stage 1 of the Plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

# Stage 2 Triggers -- Water Shortage WARNING Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in **Section IX** of this Plan when:

1. The one-year change in the static water level in the well(s) indicates a downward trend and the change in the depth of static water level exceeds 4 feet, or;
2. The state governor of local authority issues a drought declaration at Level/Stage 2, or;
3. Any combination of circumstance reduces the water system’s overall water supply or production capabilities by 20% or more.

Requirements for termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

# Stage 3 Triggers – ACUTE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when:

1. The one-year change in the static water level in the well(s) indicates a downward trend and the change in the depth of static water level exceeds 6 feet, or;
2. The state governor of local authority issues a drought declaration at Level/Stage 3, or;
3. Any combination of circumstance reduces the water system’s overall water supply or production capabilities by 30% or more.

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

# Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when:

1. The one-year change in the static water level in the well(s) indicates a downward trend and the change in the depth of static water level exceeds 8 feet, or;
2. The state governor of local authority issues a drought declaration at Level/Stage 4, or;
3. Any combination of circumstance reduces the water system’s overall water supply or production capabilities by 40% or more.

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

# Stage 5 Triggers -- EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 5 of this Plan when:

1. The one-year change in the static water level in the well(s) indicates a downward trend and the change in the depth of static water level exceeds 10 feet, or;
2. The state governor of local authority issues a drought declaration at Level/Stage 5, or;
3. Any combination of circumstance reduces the water system’s overall water supply or production capabilities by 50% or more.

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 5, Stage 4 becomes operative.

# Stage 6 Triggers – CATASTROPHIC Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 6 of this Plan when:

1. Severe well contamination that is hazardous to human health occurred, or;
2. The state governor of local authority issues a drought declaration at Level/Stage 6, or;
3. Any combination of circumstance, such as natural or human-caused catastrophic infrastructure failure, results in complete water loss.

Requirements for termination

Stage 6 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 6, Stage 5 becomes operative.

# Section X: Drought Response Stages

The Board or their designee shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in **Section VIII** of this Plan, shall determine if a water shortage condition exists and the severity of any such water shortage conditions (*e.g., 1-Watch, 2-Warning, 3-Acute, 4-Critical, 5-Emergency, 6-Catastrophic Water Loss*), and shall implement the following notification procedures accordingly:

# Notification

Notification of the Public:

The Board shall notify the public by means of any or all of the following:

* post on the District’s website
* publication in a newspaper of general circulation
* direct mail to each customer
* public service announcements

Additional Notification:

The Board shall notify directly, or cause to be notified directly, the following individuals and entities at Response Stage 3 or higher:

* State Water Resources Control Board
* County of Ventura Environmental Health Division
* Oxnard Fire Department
* City of Oxnard and County of Ventura Emergency Management Coordinator(s)
* Major water users

# Stage 1 Response -- Water Shortage WATCH Conditions

**Target: Achieve a voluntary 10% percent reduction in total water usage.**

Voluntary Water Use Restrictions for Reducing Demand:

1. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
2. All operations of the Districtshall adhere to water use restrictions prescribed for Stage 1 of the Plan.
3. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

# Stage 2 Response -- Water Shortage WARNING Conditions

**Target: Achieve a 20% percent reduction in total water usage.**

Water Use Restrictions for Demand Reduction:

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

1. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
3. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
4. Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the District
5. All restaurants are prohibited from serving water to patrons except upon request of the patron.
6. The following uses of water are defined as non-essential and are prohibited:
   1. washdown of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
   2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
   3. use of water for dust control;
   4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
   5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

# Stage 3 Response -- EMERGENCY Water Shortage Conditions

**Target: Achieve a 30% percent reduction in total water usage.**

Water Use Restrictions for Demand Reduction:

All requirements of Stage 2 shall remain in effect during Stage 3 except:

1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
2. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

# Stage 4 Response -- CRITICAL Water Shortage Conditions

**Target: Achieve a 40% percent reduction in total water usage.**

Water Use Restrictions for Reducing Demand:

All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
3. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.

# Stage 5 Response – EMERGENCY Water Shortage Conditions

**Target: Achieve a 50% percent reduction in total water usage.**

Water Use Restrictions for Reducing Demand:

All requirements of Stage 4 shall remain in effect during Stage 5 except:

1. Standard irrigation of landscaped areas shall be prohibited. Watering shall be by means of limited use of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
2. Additional commercial water restrictions (e.g., vehicle washing at commercial car washes and commercial service stations).
3. Additional penalties for unresolved leaks (e.g., sprinkler leaks, pipe leaks)

# Stage 6 Response -- CATASTROPHIC Water Shortage Conditions

**Target: Achieve a greater than 50% percent reduction in total water usage .**

Water Use Restrictions for Reducing Demand:

All requirements of Stage 5 shall remain in effect during Stage 6 except:

1. Irrigation or watering landscape is prohibited
2. Determine if water supply is adequate for drinking and sanitation needs and implement water hauling or other potable water delivery as possible

# Optional Response – Water Allocation

In the event that water shortage conditions threaten public health, safety, and welfare, the Board and the General Manager are hereby authorized to allocate water according to the following water allocation plan:

**Single-Family Residential Customers**

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

|  |  |
| --- | --- |
| **Persons per Household** | **Gallons per Month** |
| 1 or 2 | 6,000 |
| 3 or 4 | 7,000 |
| 5 or 6 | 8,000 |
| 7 or 8 | 9,000 |
| 9 or 10 | 10,000 |
| 11 or more | 12,000 |

“Household” means the residential premises served by the customer’s meter.

**Master-Metered Multi-Family Residential Customers**

The allocation to residential water customers billed from a master meter which jointly measures water to multiple permanent residential dwelling units shall be allocated as follows:

|  |  |
| --- | --- |
| **Master-Metered Dwelling Units** | **Gallons per Month per Unit** |
| 2 | 6,000 |

**Commercial Customers**

A monthly water allocation shall be established by the Board and the General Manager for each nonresidential, non-industrial commercial water customer who uses water for processing purposes. The allocation to nonresidential, non-industrial commercial water customers shall be as follows:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Customer** | **Stage 1** | **Stage 2** | **Stage 3** | **Stage 4** | **Stage 5** |
| Non-Industrial Commercial | Normal | 90% of average usage in past 12 billing months | 85% of average in past 12 billing months | 65% of average in past 12 billing months | 50% of average in past 12 billing months |

# Section XI: Enforcement

1. No person shall knowingly or intentionally allow the use of water from the District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Board and the General Manager in accordance with provisions of this Plan.
2. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is in repeated violation of this Plan, the Board and the General Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at $125.00, and any other costs incurred by the District in discontinuing service. In addition, suitable assurance must be given to the Board and the General Manager that the same action shall not be repeated while the Plan is in effect.
3. Any person, including a person classified as a water customer of the District, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person’s property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation.

# Section XII: Variances

The Board and the General Manager, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

* 1. Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
  2. Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the District within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Board and the General Manager, and shall include the following:

1. Name and address of the petitioner(s).
2. Purpose of water use.
3. Specific provision(s) of the Plan from which the petitioner is requesting relief.
4. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
5. Description of the relief requested.
6. Period of time for which the variance is sought.
7. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
8. Other pertinent information.