

ORDINANCE NO. 2021-02
**AN ORDINANCE OF THE PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT,
COUNTY OF SAN BERNARDINO, CALIFORNIA,
ESTABLISHING WATER CONSERVATION AND WATER SUPPLY
SHORTAGE RESTRICTIONS AND REGULATIONS**

WHEREAS, the Phelan Piñon Hills Community Services District ("District") is a Community Services District located within the County of San Bernardino and is organized and operates pursuant to the California Government Code Section 61000, et seq.;

WHEREAS, the District was formed pursuant to Resolution No. 2994 of the Local Agency Formation Commission of the County of San Bernardino ("LAFCO") adopted on March 18, 2008;

WHEREAS, pursuant to Condition No. 6 of LAFCO Resolution No. 2994 and Section 61100(a) of the California Government Code, the District is authorized to supply water for any beneficial uses in the same manner as a municipal water district formed pursuant to California Water Code Section 71000 et seq.;

WHEREAS, under California Water Code Sections 71600-71601, a municipal water district is authorized to adopt and enforce ordinances establishing rules and regulations for the water it delivers;

WHEREAS, California Constitution Article X, Section 2 and California Water Code Section 100 provide that because of conditions prevailing in the State of California ("State"), it is declared policy of the State that the general welfare requires water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste of water or unreasonable use or unreasonable method of use of water shall be prevented, and the conservation of such water is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, the District is authorized by Government Code Section 61100(a) and Water Code Sections 375-377, 1009, and 71610.5 to restrict the use of District water during any emergency caused by overdraft, drought or other threatened or existing water shortage, and to prohibit the waste of District water or the use of District water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the District and may prohibit use of such water during such periods for specific uses which the District may from time to time find to be nonessential.

WHEREAS, the District is further authorized by Government Code Sections 61100(a), 61045(b), 61060(a)-(b), and 25120 et seq., and Water Code Sections 375-377, 1009, and 71276-71281 to prescribe and define by ordinance those restrictions, prohibitions and exclusions it may determine to be necessary to restrict the use of District water during

threatened or existing water shortages, and is authorized by Government Code Sections 61064(a) and 25132 and Water Code Section 377 to declare violations of this Ordinance to be a misdemeanor;

WHEREAS, pursuant to California Water Code Section 350, the Board of Directors is authorized to declare a water shortage emergency to prevail within its jurisdiction when it finds and determines the District will not be able to or cannot satisfy the ordinary demands and requirements of water consumers without depleting supplies of the groundwater basins from which the District draws its water to the extent there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, because of persistent and unpredictable water conditions in the State, statutory requirements for water planning, and the declared policy of the State, the District hereby finds and determines that it is necessary and appropriate for the District to adopt, implement, and enforce a water conservation program with the stages of water shortage restrictions, including emergency stages, to reduce the quantity of water used by consumers within the District, to preserve water supplies, to prevent the waste or unreasonable use of or unreasonable method of use of water, and to ensure that there is sufficient water for human consumption, sanitation, and fire protection.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Phelan Piñon Hills Community Services District as follows:

SECTION 1. PURPOSE, INTENT AND FINDINGS.

1.1 The District hereby finds and determines that the above recitals are true and correct and incorporated herein.

1.2 The District's Board of Directors, at a duly-noticed public hearing, considered the following evidence regarding water supplies in the District:

- a. The water production records and consumption of water;
- b. The 2020 Urban Water Management Plan and Water Shortage Contingency Plan for the District;
- c. The stipulated judgment, statement of decision, judgment, and subsequent orders in City of Barstow v. City of Adelanto (Riverside Superior Court Case No. 208568), in which it has been determined that there is an overdraft of the Mojave River Basin Area and each of its respective Subareas, including but not limited to the Subareas of which Phelan Piñon Hills Community Services District is a part;
- d. Current problems existing with respect to the overuse and waste of water provided by the District to certain customers in connection with various uses thereof, including but not limited to irrigation of landscaping and other outdoor vegetation, lawns, and other growth; and

- e. Other relevant evidence.

1.3 It is in the best interest of the public and the customers and users of District water services, for the Board of Directors to exercise its rights in the operation and use of its water system and providing of water, and to find that the prohibitions in this Ordinance are necessary to restrict the use and misuse of water and to prohibit waste of water, until and subject to further action by the District.

1.4 It is therefore the intent of the District's Board of Directors to establish by the Ordinance those procedures required to maximize the beneficial use of its available water resources to the extent to which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented and the conservation of such water is to be extended with a view to the reasonable and beneficial use thereof in the interests of the people of the community served by the District.

1.5 The purpose of the Ordinance is to provide the District with additional tools to control the amount of water utilized within the District's service area, particularly to control potential wasteful uses of scarce water resources when water supplies are limited. The Board of Directors hereby finds that the Ordinance will have a beneficial effect by ensuring that there will be adequate water supplies for all District customers while protecting the public health and safety. Based on the foregoing, the Board of Directors has determined that there is no possibility that the Ordinance have any potential to cause significant effects on the environment, and that, pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000, et seq.) ("CEQA"), the Ordinance does not constitute a "project" under Sections 15061 and 15378 of the State CEQA Guidelines, and is therefore exempt from environmental review.

SECTION 2. DEFINITIONS.

- 2.1 "District" shall mean the Phelan Piñon Hills Community Services District.
- 2.2 "Board" shall mean the Board of Directors of the District.
- 2.3 "General Manager" shall mean the person appointed by the Board pursuant to California Government Code Sections 61050-61051 to manage the activities of the District or his or her designee.
- 2.4 "Water" shall mean the water supplied by the District.
- 2.5 "Overdraft" shall mean that wherein the current total annual consumptive use of water in the Mojave Basin Area exceeds the long-term average annual natural water supply to the Basin Area or Subarea.
- 2.6 "Consumption" or "Consumptive Use" shall mean the total quantity of

water used by a water user.

2.7 "Water User" shall mean any person, firm, partnership, association, corporation or political entity using water obtained from the water system of the District.

2.8 "May" shall mean an action which is discretionary.

2.9 "Shall" or "Must" shall mean an action which is mandatory.

2.10 "Should" shall mean an action which is encouraged.

2.11 "State" shall mean the State of California

2.12 "Temporary Water User" shall mean a user of District water and facilities rendered for construction work and other uses of limited duration.

2.13 "Water Shortage" shall mean any water shortage caused by drought or any other threatened or existing water shortage, disaster or facility failure, earthquake, extended loss of electrical power, pipeline failure or other condition which results in or threatens to result in the District's inability to meet the water demands of its customers.

2.14 "Waste of Water" shall mean any unreasonable or non-beneficial use of water or any unreasonable method or use of water, including but expressly not limited to, the specific uses, conditions, actions or omissions prohibited or restricted by this Ordinance, as hereinafter set forth.

SECTION 3. GENERAL WATER USE EFFICIENCY RECOMMENDATIONS FOR NORMAL CONDITIONS

The following recommendation are smart management practices for indoor and outdoor water use. Since more severe effects of a water shortage are often brought about due to wasteful water use habits carried over from times of sufficient supply, these certain water use practices are encouraged at all times.

Normal conditions shall be in effect when the District is able to meet all the water demands of its customers in the immediate future. During normal conditions, all water users should continue to use water wisely, to prevent the waste or unreasonable use of water, and to reduce water consumption to that necessary for ordinary domestic and commercial purposes.

a. The watering of lawns, grass, shrubbery, ground cover or other landscaping should occur between the hours of 6:00 p.m. and 9:00 a.m. during the months of June through October; and should occur between 9:00 a.m. and 3:00 p.m. during the remaining months of November through May.

b. The use of water for any purpose which allows flooding or runoff, including but not limited to the flow of water onto adjacent property, non-irrigated areas, private

and public walkways, roadways, parking lots, or structures is discouraged.

c. The application of water to driveways, sidewalks, parking lots, or other hard and/or impervious surfaces is discouraged.

d. Allowing the waste of water through leaks or breaks in the users' water system or devices is discouraged. All leaks or breaks shall be repaired as soon as possible upon discovery.

e. The use of a hose that dispenses potable water to wash a motor vehicle should be fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.

f. Water should not be used in a fountain or other decorative water feature, unless such water is part of a recirculating system.

g. The serving of drinking water, other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased, is prohibited per State regulations.

h. All new construction, including residential, commercial and industrial, should install water conserving devices as required by law.

i. Water used for cooling systems should be recycled to the extent possible.

j. Evaporation resistant covers and water recirculation systems should be used for all swimming pools and hot tubs of at least 600 gallons capacity.

k. Operators of hotels and motels should post notices urging guests to conserve water and shall provide guests with the option of choosing not to have towels and linens laundered daily pursuant to state law. Notice of this option shall be prominently displayed in each guestroom using clear and easily understood language pursuant to state law.

l. All current water customers are encouraged to install low flush toilets, shower heads, flow reducers, and faucet aerators.

m. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall is discouraged.

n. The irrigation with potable water of ornamental turf on public street medians is discouraged.

o. The irrigation with potable water of landscapes outside of newly constructed homes and buildings should be in a manner consistent with regulations or

other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

p. Exterior landscaping should utilize timed irrigation systems and drought resistant varieties of plants, shrubs, and turf should be installed in lieu of other varieties which require more water. Areas required for turf should be restricted to no more than 20% of the total landscaped area.

SECTION 4. STAGE 1 – WATER SHORTAGE

A Stage 1 Water Shortage condition exists when the District determines, in its sole discretion, that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Stage 1 Water Shortage condition is up to 10%. No water user shall allow water to be wasted or misused. All of the following conservation measures, and any violation thereof, are hereby determined to be a waste of water and are prohibited. Any violation thereof may be enforced by the District pursuant to Section 11 through 17 of this Ordinance. Upon declaration by the District of a Stage 1 Water Shortage condition, the following water conservation restrictions may go into effect:

a. The watering of lawns, grass, shrubbery, ground cover or other landscaping shall occur only between the hours of 6:00 p.m. and 9:00 a.m. during the months of June through October; and shall occur only between 9:00 a.m. and 3:00 p.m. during the remaining months of November through May.

b. The use of water for any purpose which allows flooding or runoff, including but not limited to the flow of water onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited.

c. The application of water to driveways, sidewalks, parking lots, or other hard and/or impervious surfaces is prohibited.

d. Allowing the waste of water through leaks or breaks in the users' water system or devices is prohibited. All leaks or breaks shall be repaired as soon as possible upon discovery.

e. The use of a hose that dispenses potable water to wash a motor vehicle is prohibited, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.

f. Water shall not be used in a fountain or other decorative water feature, unless such water is part of a recirculating system.

g. The serving of drinking water, other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased,

is prohibited pursuant to State regulations

h. All new construction, including residential, commercial and industrial, shall install water conserving devices as required by law.

i. Water used for cooling systems must be recycled to the extent possible.

j. Evaporation resistant covers and water recirculation systems are required for all swimming pools and hot tubs of at least 600 gallons capacity.

k. Operators of hotels and motels shall post notices urging guests to conserve water and shall provide guests with the option of choosing not to have towels and linens laundered daily. Notice of this option shall be prominently displayed in each guestroom using clear and easily understood language.

l. All current water customers are encouraged to install low flush toilets, shower heads, flow reducers, and faucet aerators.

m. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall is prohibited.

n. The irrigation with potable water of ornamental turf on public street medians is prohibited.

o. The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development is prohibited.

p. Exterior landscaping shall utilize timed irrigation systems and shall utilize the use of drought resistant varieties of plants, shrubs, and turf only. Areas required for turf shall be restricted to no more than 20% of the total landscaped area.

SECTION 5. STAGE 2 – MODERATE WATER SHORTAGE

A Stage 2 Moderate Water Shortage Condition exists when the District determines, in its sole discretion, that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Stage 2 Moderate Water Shortage condition is 10-20%. In addition to the Stage 1 Water Shortage restrictions, all of the following conservation measures, and any violation thereof, are hereby determined to be a waste of water and are prohibited. Any violation thereof may be enforced by the District pursuant to Section 11 through 17 of this Ordinance. Upon declaration by the District of a Stage 2 Water Shortage condition, the following additional water conservation restrictions may go into effect:

a. Agricultural Irrigation. Persons receiving water from the District who are engaged in agricultural practices, whether for the purpose of crop production, growing of commercial ornamental plants, or maintaining existing nursery stock shall provide, maintain, and use irrigation equipment and practices which are the most efficient possible. The General Manager may require the owner or operators of these systems to prepare a plan describing their irrigation practices and equipment, including but not limited to, an estimate of the efficiency or the use of water on their properties. After review and approval by the General Manager, the agricultural irrigation plan shall be considered subject to inspection and enforcement by the District.

b. Commercial Facilities. Commercial and industrial facilities shall, upon request of the General Manager, provide the District with their plan to ensure conservation of water at their facilities. The District will provide these facilities with information regarding the average monthly water use by the facility for the last two year period. The facility shall provide the District with a plan to conserve or reduce the amount of water used by the percentage deemed by the Board of Directors to be necessary under the circumstances. After review and approval by the General Manager, the water conservation plan shall be considered subject to inspection and enforcement by the District.

c. No customer of the District, or other person acting on behalf of or under the direction of a customer, shall cause or permit the use of water for irrigation of landscaping or other outdoor vegetation, plantings, lawns, or other growth, to exceed the amount required to provide reasonable irrigation of same, and shall not cause or permit any unreasonable or excessive waste of water from said irrigation activities or from watering devices or systems. The free flow of water away from an irrigated site shall be presumptively considered excessive irrigation and a waste of water.

d. Public and private parks, golf courses, swimming pools, and school grounds which use water provided by the District shall only use water for pool filling between the hours of 10:00 p.m. and 6:00 a.m.

e. All residential, public, and recreational swimming pools, of all size, shall use evaporation resistant covers and shall recirculate water. Any swimming pool which does not have a cover installed during periods of non-use shall be considered a waste of water.

f. The District will employ the use of a drone and other methods to monitor and enforce water use not consistent with this Ordinance.

g. The water consumption practices of water users who have not achieved their individual conservation requirement (as established by the Board by separate Resolution) may be reviewed, restricted, penalized, and enforced by the District.

SECTION 6. STAGE 3 – SIGNIFICANT WATER SHORTAGE

A Stage 3 Significant Water Shortage Condition exists when the District determines, in

its sole discretion, that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Stage 3 Significant Water Shortage condition is 20-30%. In addition to the Stage 1 and Stage 2 Water Shortage restrictions, all of the following conservation measures, and any violation thereof, are hereby determined to be a waste of water and are prohibited. Any violation thereof may be enforced by the District pursuant to Section 11 through 17 of this Ordinance. Upon declaration by the District of a Stage 3 Water Shortage condition, the following additional water conservation restrictions may go into effect:

a. The irrigation of exterior vegetation shall be conducted no more than two (2) days per week. The irrigation of exterior vegetation on properties with an even-numbered physical address shall only be permitted on Tuesdays and Saturdays of each week; the irrigation of exterior vegetation on properties with an odd-numbered physical address shall only be permitted on Wednesdays and Sundays of each week. The irrigation of exterior vegetation at other than the above days and times shall be considered a waste of water.

b. The District will expand its public outreach campaign and enhance water waste monitoring programs to help ensure compliance.

c. Temporary user meter rentals to be suspended.

SECTION 7. STAGE 4 – CRITICAL WATER SHORTAGE

A Stage 4 Critical Water Shortage Condition exists when the District determines, in its sole discretion, that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Stage 4 Critical Water Shortage condition is 30-40%. In addition to the Stage 1, Stage 2, and Stage 3 Water Shortage restrictions, all of the following conservation measures, and any violation thereof, are hereby determined to be a waste of water and are prohibited. Any violation thereof may be enforced by the District pursuant to Section 11 through 17 of this Ordinance. Upon declaration by the District of a Stage 4 Water Shortage condition, the following additional water conservation restrictions may go into effect:

a. Washing of vehicles is prohibited, except when done by commercial vehicle wash equipment using recycled or reclaimed water.

b. Filling or adding water to swimming pools, wading pools, spas, ornamental ponds, fountains, and artificial lakes is prohibited.

c. New customer meters shall not be issued by the District.

d. All existing temporary user meters shall be recalled, removed and/or

locked.

- e. The District will cease operations of the bulk water filling station.
- f. Watering of livestock shall only be permitted as necessary.
- g. The District will further expand its public outreach campaign and enforcement of all prohibitions.

SECTION 8. STAGE 5 – EMERGENCY WATER SHORTAGE

A Stage 5 Emergency Water Shortage Condition exists when the District determines, in its sole discretion, that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Stage 5 Emergency Water Shortage condition is 40-50%. In addition to the Stage 1, Stage 2, Stage 3, and Stage 4 Water Shortage restrictions, all of the following conservation measures, and any violation thereof, are hereby determined to be a waste of water and are prohibited. Any violation thereof may be enforced by the District pursuant to Section 11 through 17 of this Ordinance. Upon declaration by the District of a Stage 5 Water Shortage condition, the following additional water conservation restrictions may go into effect:

- a. Watering of parks, school grounds, and golf courses is prohibited.
- b. Lawn watering and landscape irrigation is prohibited.

SECTION 8. STAGE 6 – CATASTROPHIC WATER SHORTAGE

A Stage 6 Catastrophic Water Shortage Condition exists when the District determines, in its sole discretion, that due to drought, state regulations, or other water supply conditions, a reduction in water use is necessary to make the most efficient use of water and appropriately respond to existing water and regulatory conditions. The water use reduction goal during a Stage 6 Catastrophic Water Shortage condition is more than 50%. In addition to the Stage 1, Stage 2, Stage 3, Stage 4, and Stage 5 Water Shortage restrictions, all of the following conservation measures, and any violation thereof, are hereby determined to be a waste of water and are prohibited. Any violation thereof may be enforced by the District pursuant to Section 11 through 17 of this Ordinance. Upon declaration by the District of a Stage 6 Water Shortage condition, the following additional water conservation restrictions may go into effect:

- a. All water use is limited to human and animal consumption only.

SECTION 9. IMPLEMENTATION AND TERMINATION OF MANDATORY COMPLIANCE STAGES.

The General Manager shall monitor the supply and demand for water on a daily basis to determine the level of conservation required by the water supply shortage or to recommend termination of the water conservation stages, and shall notify the Board of

the necessity for the implementation or termination of each stage. Each declaration of the Board implementing or terminating a water conservation stage shall be conducted by resolution, published at least once in a newspaper of general circulation, and shall remain in effect until the Board otherwise declares, as provided herein.

SECTION 10. EXCEPTIONS.

10.1 Application for Exception Permit. The General Manager may grant permits for uses of water otherwise prohibited under the provisions of this Ordinance if it is found that special circumstances make compliance impossible, or that restrictions herein would:

- a. Emergency - Cause an emergency condition affecting the health, sanitation, fire protection or safety of the water user or of the public.
- b. Hardship - Cause an unnecessary and undue hardship to the water user or the public.
- c. Such exceptions may be granted only upon written application therefor. Upon granting such exception permit, the General Manager may impose any conditions he determines to be just and proper.

10.2 Appeal to Board.

- a. Deadline - Any person whose application for an exception permit is denied by the General Manager may appeal the denial to the Board. The applicant shall file a written appeal not later than ten (10) days following issuance of the General Manager's decision.
- b. Hearing - The appeal shall be scheduled for the next regular meeting of the Board; provided that, the Board may continue the appeal hearing in order to carry out an investigation of the dispute and/or to receive additional information relating to the dispute.
- c. Decision of the Board - The Board may affirm or deny any appeal, and may impose any and all conditions that the Board determines to be reasonable and necessary under the circumstances. The decision of the Board shall be final. Should the Board not render a decision within thirty (30) days of submittal of the appeal to the Board, this failure to act shall be deemed to be a denial of the appeal unless both parties have agreed to extend the resolution period.

10.3 Public Agencies. The federal government or any federal department or agency, Indian tribes, this state, any other state, all departments, agencies, boards and commissions of this state or any other state, counties, school districts, fire districts, cities, towns, all municipal corporations, and any other political subdivisions of this state or any other state that receives water service from the District are exempt from this Ordinance

unless otherwise determined by the Board in the exercise of its sole discretion.

SECTION 11. INSPECTION.

Authorized employees of the District may, after proper identification and notice, during reasonable hours, inspect any facility having a water conservation plan, and may enter onto private property for the purpose of observing the operation of any water conservation device, irrigation equipment or water facility, and to investigate possible violations of this Ordinance. The investigation shall be made with consent of the owner or tenant of the property. If consent is refused, the District may apply to the Superior Court for a warrant pursuant to California Code of Civil Procedure Section 1822.50, et seq.

SECTION 12. NOTICE.

12.1 First Violation. For a first violation, written notice shall be given to the customer and/or property owner personally or by regular mail.

12.2 Subsequent Violations. If the penalty assessed is a surcharge for a second or third violation, notice may be given by regular mail.

12.3 Violations Involving Installation of Flow-Restrictors or Discontinuance of Water Service. If the penalty assessed is, or includes, the installation of a flow restrictor or the discontinuance of water service to the customer for any period of time, notice of the violation shall be given in the following manner:

a. By giving written notice thereof to the occupant and/or property owner personally; or

b. If the occupant and/or property owner is absent from their place of residence and from their assumed place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy through the United States mail addressed to the occupant and/or owner at their place of business or residence; or

c. If such place of residence and business cannot be ascertained, or a person of suitable age or discretion cannot be located, then by affixing a copy in a conspicuous place on the property where the failure to comply is occurring and also by delivering a copy to a person there residing, if such person can be found, and also sending a copy through the United States mail addressed to the occupant at the place where the property is situated and to the owner, if different.

d. Form of Notice. All notices provided for in this Section shall contain, in addition to the facts of the violation, a statement of the possible penalties for each violation and a statement informing the occupant/owner of their right to a hearing on the violation.

SECTION 13. HEARING.

13.1 General Manager Hearing. Any customer or property owner, against whom a penalty is levied pursuant to this Ordinance, shall have a right to a hearing. A written request for a hearing before the General Manager shall be filed with the General Manager within ten (10) business days after notification by the District of the alleged violation.

13.2 Appeal. The customer or property owner may appeal the General Manager's decision to the Board. Such appeal shall be filed within ten (10) business days of issuance of the General Manager's decision. The appeal shall be scheduled at the next regularly scheduled meeting of the Board; provided that, the Board may continue the appeal hearing in order to carry out an investigation of the dispute and/or to receive additional information relating to the dispute. The customer or property owner may appear and present any evidence in support of their position to the Board.

13.3 Decision of the Board. The Board may affirm, reverse or modify the decision of the General Manager, in its discretion. The decision of the Board shall be final. Should the Board not render a decision within thirty (30) days of submittal of the appeal to the Board, this failure to act shall be deemed to be a denial of the appeal unless both parties have agreed to extend the resolution period.

SECTION 14. ENFORCEMENT.

Violators of the mandatory provisions of this Ordinance shall be subject to surcharge and other enforcement rights of the District, as follows:

14.1 First Violation: For a first violation, the District shall issue a written notice of violation to the water user violating the provisions of this Ordinance. The notice shall be given pursuant to the requirements of Section 12 herein.

14.2 Second Violation: Up to \$500.00 Surcharge and/or Installation of Flow Restrictor. For a second violation of this Ordinance within a 24-month period, or for continued failure to comply within 30 days after notice and imposition of second violation sanctions, a monthly penalty surcharge in the maximum amount of \$500.00 is hereby imposed for the meter through which the wasted water was supplied and will continue until the violation is corrected to the satisfaction of the District. In addition to the surcharge, the District may, at its discretion, install a flow-restricting device at such meter on the service of the customer at the premises in which the violation occurred for a period of not less than 48 hours. The charge to the customer for installing a flow-restricting device shall be based upon the size of the meter and the actual cost of installation but shall not be less than that provided in the District's Rules and Regulations. The charge for removal of the flow-restricting device and restoration of normal service shall be as provided in the District's Rules and Regulations.

14.3 Subsequent Violations: Discontinuance of service. For any third and/or subsequent violation of this Ordinance within 24 calendar months after the first violation as provided in Section 14.1. hereof, the penalty surcharge provided in Section 14.2. hereof

shall be imposed and the District may discontinue water service to that customer at the premises or to the meter where the violation occurred. The charge for reconnection and restoration of normal service shall be as provided in the Rules and Regulations of the District. Such restoration of service shall not be made until the General Manager of the District has determined that the water user has provided reasonable assurances that future violations of this Ordinance by such user will not occur.

SECTION 15. INJUNCTION.

In addition to the remedies set forth in this Ordinance, the District may file a civil action to compel compliance with this Ordinance, including but expressly not limited to, an action to enjoin any pending or future violations of the Ordinance, or for the issuance of an order stopping or disconnecting a service if the charges for that service are unpaid at the time specified in the Ordinance.

SECTION 16. ENFORCEMENT OFFICER.

The General Manager is hereby declared and appointed as the enforcement officer of this Ordinance, and shall be empowered to take such other actions as authorized herein, or as may otherwise be authorized by the Board or be reasonably necessary, for enforcement of the Ordinance.

SECTION 17. RESERVATION OF RIGHTS.

All remedies set forth in this Ordinance are herein declared to be cumulative and non-exclusive, and shall not preclude the District from enforcing any other rights or remedies to discontinue service and/or otherwise enforce this Ordinance or any other rules and regulations of the District.

SECTION 18. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance.

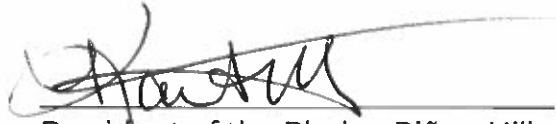
SECTION 19. PUBLICATION AND POSTING.

The Secretary of the Board is hereby directed to cause a summary of this Ordinance to be published at least five (5) days prior to the date of adoption hereof in a newspaper of general circulation printed and a copy of the full text must be posted at the District office at least five (5) days prior to the meeting. The full text of this Ordinance must be published within ten (10) days after adoption with the names of the directors voting for and against the adoption, and must likewise be posted at the District office.

SECTION 20. EFFECTIVE DATE.

This Ordinance supersedes Ordinance No. 2016-01 adopted by the Board on March 16, 2016, and shall become effective immediately upon its adoption.

APPROVED AND ADOPTED this 21st day of July, 2021.



President of the Phelan Piñon Hills
Community Services District and
of the Board of Directors thereof.

