

**ORDINANCE 2008-06**

**ORDINANCE OF THE BOARD OF DIRECTORS OF PADRE DAM  
MUNICIPAL WATER DISTRICT ADOPTING A WATER CONSERVATION  
AND DROUGHT RESPONSE PROGRAM AMENDING THE DISTRICT'S  
RULES AND REGULATIONS SECTIONS 5, WATER SUPPLY SYSTEM, AND  
SECTION 10.5, WATER SUPPLY SYSTEM VIOLATIONS**

WHEREAS, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's member public agencies, including Padre Dam. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Drought Management Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions; and

WHEREAS, the Water Authority's Drought Management Plan contains three stages containing regional actions to be taken to lessen or avoid supply shortages; and

WHEREAS, Padre Dam, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. Padre Dam has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. Padre Dam's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages; and

WHEREAS, the proposed amendments to the District's Rules and Regulations Section 5, Water Supply System, and Section 10.5, Water Supply System Violations, as set forth in Exhibit A, provide certainty to water users and enable Padre Dam to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public; and

WHEREAS, the proposed amendments are consistent with the County Water Authority's and Padre Dam's Urban Water Management Plan and the County Water Authority's Drought Management Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Padre Dam Municipal Water District as follows:

Section 1. The matters set forth in the recitals to this Ordinance are true and correct statements.

Section 2. The District's Rules & Regulations Section 5, Subsection 5.1, Water Supply Management Conditions, 5.5, Water Conservation Plan, and Section 10.5, Water Supply System Violations, are hereby amended as set forth in Exhibit A attached hereto. Said amendments shall be effective immediately upon adoption.

PASSED AND ADOPTED at a Regular Meeting of the Board of Directors of Padre Dam Municipal Water District Meeting held on the 24<sup>th</sup> day of June, 2008, by the following vote to wit:

AYES: Caires, Maletic, McMillan, Scalzitti  
NOES: None  
ABSENT: Menshek  
ABSTAIN: None

ATTEST:

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

## EXHIBIT A

### **Section 5.     WATER SUPPLY SYSTEM** Regulations for Use of the System

#### **5.1 WATER SUPPLY MANAGEMENT CONDITIONS**

##### **SECTION 5.1.1 DECLARATION OF NECESSITY AND INTENT**

- a) This ordinance 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 Padre Dam 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 ordinance establishes mandatory water conservation measures that apply to all persons using Padre Dam water at all times to facilitate water savings, replenish water storage reservoirs and offset water shortages.
- c) This ordinance 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.
- d) 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 Padre Dam. 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.
- e) During a Drought Response Level 2 condition or higher, the water conservation measures and water use restrictions established by this ordinance are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies specified in this ordinance and as provided in Padre Dam Administrative or Municipal Code.

##### **SECTION 5.1.2 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 ordinance 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. "General Manager" means Padre Dam Municipal Water District's general manager or the general manager's designee.
6. "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 Padre Dam.

### **SECTION 5.1.3 APPLICATION**

- a) The provisions of this ordinance apply to any person in the use of any water provided by Padre Dam.
- b) This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.
- c) Nothing in this ordinance is intended to affect or limit the ability of Padre Dam to declare and respond to an emergency, including an emergency that affects the ability of Padre Dam to supply water.
- d) The provisions of this ordinance do not apply to use of water from private wells or to recycled water.
- e) Nothing in this ordinance 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 Padre Dam is subject to this ordinance in the use of the other water.

### **SECTION 5.1.4 MANDATORY WATER USE EFFICIENCY AT ALL TIMES**

Authorized by California Water Code sections 375 et seq., the following water use efficiency measures are mandatory, shall apply at all times to all persons using Padre Dam water, and will be enforced by the measures stated in this ordinance, except where recycled water or private well water is used,:

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. Irrigate residential and commercial landscape before 10 a.m. and after 6 p.m. only.
4. 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.
5. 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.
6. Use re-circulated water to operate ornamental fountains.
7. 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.
8. Serve and refill water in restaurants and other food service establishments only upon request.
9. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.
10. Repair all water leaks within five (5) days of notification by Padre Dam unless other arrangements are made with the General Manager. Severe water leaks must be stopped immediately.
11. Use recycled or non-potable water for construction purposes, such as dust control and soil compaction, when available and required by Padre Dam.

## **SECTION 5.1.5 DROUGHT RESPONSE LEVEL 1 – DROUGHT WATCH CONDITION**

### **5.1.5.1 Trigger**

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 required in order to ensure that sufficient supplies will be available to meet anticipated demands.

### **5.1.5.2 Procedure**

The existence of Drought Response Level 1 condition may be declared by a resolution of the Padre Dam Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to a Drought Response Level 1 condition 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, Padre Dam shall publish a copy of the resolution in a newspaper used for publication of official notices.

The Padre Dam Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law. During a Level 1 Drought Watch condition, Padre Dam will increase its public education and outreach efforts to:

1. Ask customers to voluntarily reduce their water use by 10 percent.
2. Inform customers of the need to implement the mandatory water use efficiency measures listed in Section 5.1.4.
3. Encourage customers to utilize the water conservation incentives and programs offered by Padre Dam and its suppliers.

The Padre Dam Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

### **5.1.5.3 Water Use Restrictions**

The water use restrictions that apply during a Level 1 Drought Watch condition are the mandatory water use efficiency measures that apply at all times and are listed in Section 5.1.4 .

## **SECTION 5.1.6 DROUGHT RESPONSE LEVEL 2 – DROUGHT ALERT CONDITION**

### **5.1.6.1 Trigger**

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.

### **5.1.6.2 Procedure**

The existence of Drought Response Level 2 condition may be declared by a resolution of the Padre Dam Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to a Drought Response Level 2 condition 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, Padre Dam shall publish a copy of the resolution in a newspaper used for publication of official notices.

The Padre Dam Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

### **5.1.6.3 Water Use Restrictions**

- a) All persons using Padre Dam water shall comply with Level 1 Drought Watch water use restrictions 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) assigned days per week on a schedule established by the General Manager and posted by Padre Dam. During the months of December through March, landscape irrigation is limited to no more than two (2) assigned days per week on a schedule established by the General Manager and posted by Padre Dam. 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 assigned 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 Padre Dam unless other arrangements are made with the General Manager. Severe leaks must be stopped immediately.
  5. Stop operating ornamental fountains or similar decorative water features unless recycled water is used.
  6. Water used for construction purposes within Padre Dam's service area, such as dust control or soil compaction, must be recycled or non-potable water.
- b) During a Level 2 Drought Alert condition, in addition to water use restrictions, the District will consider implementation of an inclining block rate structure designed to encourage water conservation by charging higher rates for larger quantities of water used. This rate structure would also provide for decreases in water use allowances for each rate level, depending upon the percentage reduction goals set for the District by its supplier.

## **SECTION 5.1.7 DROUGHT RESPONSE LEVEL 3 – DROUGHT CRITICAL CONDITION**

### **5.1.7.1 Trigger**

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.

### **5.1.7.2 Procedure**

The existence of a Drought Response Level 3 condition may be declared in accordance with the procedures specified in California Water Code Sections 351 and 352. The mandatory conservation measures applicable to a Drought Response Level 3 condition 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, Padre Dam shall publish a copy of the resolution in a newspaper used for publication of official notices.

The Padre Dam Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

### **5.1.7.3 Water Use Restrictions**

- a) All persons using Padre Dam 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:
- b)
  - 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 and posted by Padre Dam. During the months of December through March, landscape irrigation is limited to no more than once per week on a schedule established by the General Manager and posted by Padre Dam. 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 ordinance.
  - 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 Padre Dam unless other arrangements are made with the General Manager. Severe leaks must be stopped immediately.
- 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, as authorized by California Water Code section 350, 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 to the satisfaction of Padre Dam.

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.

- d) Upon the declaration of a Drought Response Level 3 condition, Padre Dam will suspend consideration of annexations to its service area.
- e) Padre Dam may establish a water allocation for property served by Padre Dam using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If Padre Dam 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 Padre Dam 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 Padre Dam, any person that uses water in excess of the allocation shall be subject to a penalty.

## **SECTION 5.1.8 DROUGHT RESPONSE LEVEL 4 – DROUGHT EMERGENCY CONDITION**

### **5.1.8.1 Trigger**

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 Padre Dam to have maximum supplies available to meet anticipated demands.

### **5.1.8.2 Procedure**

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 a Drought Response Level 4 condition 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, Padre Dam shall publish a copy of the resolution in a newspaper used for publication of official notices.

The Padre Dam Board of Directors may declare an end to a Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

### **5.1.8.3 Water Use Restrictions**

- a) All persons using Padre Dam 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 for crops, landscape products of commercial growers and nurseries, and the following categories. When Padre Dam determines that recycled water is available and may be lawfully used for the following categories, its use is required:
    - 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 well being 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 Padre Dam unless other arrangements are made with the General Manager. Severe leaks must be stopped immediately.
- b) Padre Dam may establish a water allocation for property served by Padre Dam. If Padre Dam 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 Padre Dam 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 Padre Dam, any person that uses water in excess of the allocation shall be subject to a penalty.

**SECTION 5.1.9 CORRELATION BETWEEN DROUGHT MANAGEMENT PLAN AND DROUGHT RESPONSE LEVELS**

- a) The correlation between the Water Authority's DMP stages and Padre Dam's drought response levels identified in this ordinance is described herein. Under DMP Stage 1, Padre Dam would implement Drought Response Level 1 actions. Under DMP Stage 2, Padre Dam would implement Drought Response Level 1 or Level 2 actions. Under DMP Stage 3, Padre Dam would implement Drought Response Level 2, Level 3, or Level 4 actions.
- b) The drought response levels identified in this ordinance correspond with the Water Authority DMP as identified in the following table:

| <b>Padre Dam Drought Response Levels</b> | <b>Use Restrictions</b> | <b>Conservation Target</b> | <b>Water Authority DMP Stage</b> |
|--|-------------------------|----------------------------|----------------------------------|
| 1 - Drought Watch                        | Voluntary               | Up to 10%                  | Stage 1 or 2                     |
| 2 - Drought Alert                        | Mandatory               | Up to 20%                  | Stage 2 or 3                     |
| 3 - Drought Critical                     | Mandatory               | Up to 40%                  | Stage 3                          |
| 4 - Drought Emergency                    | Mandatory               | Above 40%                  | Stage 3                          |

## **SECTION 5.1.10 HARDSHIP VARIANCE**

- a) If, due to unique circumstances, a specific requirement of this ordinance 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 Padre Dam 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 Padre Dam 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 a form prescribed by Padre Dam and shall be accompanied by a non-refundable processing fee in an amount set by resolution of Padre Dam Board of Directors.
  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 Padre Dam, all of the following:
    - A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other Padre Dam customers.
    - B. That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to 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 Padre Dam 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 General Manager 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 Padre Dam Board of Directors. An applicant may appeal a decision or condition of the General Manager on a variance application to Padre Dam's Appeals Committee 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 Appeals Committee shall act as the approval authority or provide a recommendation, upon the request of the applicant, to the Board of Directors. The decision of Padre Dam's Board of Directors is final.

#### **SECTION 5.1.11 VIOLATIONS AND PENALTIES**

- a) Any person, who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein.
- b) Each day that a violation of this ordinance occurs is a separate offense.
- c) The following enforcement measures will be taken upon a violation of the water use restrictions set forth in this ordinance:
  1. Any violation of the water use restrictions contained herein, and reported to the District, will result in a letter generated by the Customer Services Department, notifying the customer of the violation, with a record of the offense being kept and noted on the customer's account.
  2. A second reported violation at the same address, observed by a District employee, will result in the mailing of a registered or certified letter that includes a bill assessing a penalty, as set forth in the Fees and Charges Section. Collection of that bill will follow the District's normal collection procedures.
  3. A third reported violation at the same address, observed by a District employee, will result in the mailing of a registered or certified letter that includes a bill assessing a penalty, as set forth in the Fees and Charges Section. Collection of that bill will follow the District's normal collection procedures.
  4. A fourth reported violation at the same address, observed by a District employee, will result in the mailing of a registered or certified letter that includes a bill assessing a penalty, as set forth in the Fees and Charges Section. Collection of that bill will follow the District's normal collection procedures.
- d) Any violations may result in the appropriate limitation of service by use of a flow restrictor at the service address, or discontinuance of service at that address, as provided by Water Code section 356. Reinstatement of service must be obtained in person at the District Administration Office.
- e) Each violation of this ordinance 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) Penalties collected by Padre Dam will be used to fund water conservation and drought response programs.

**(NOTE: Section 5.5, Water Conservation Plan, was removed entirely and new language was included in Section 5.1)**

**Excerpt of Section 10, Fees & Charges**

**10.5 WATER SUPPLY SYSTEM VIOLATIONS**

**10.5.1 Penalties for Violations of Mandatory Water Use Efficiency Measures (Sec. 5.1.4)**

| <b>Violations Observed by Padre Dam Employee</b> | <b>Penalty Amount</b> |
|--|-----------------------|
| a. First Violation                               | -0-                   |
| b. Second Violation                              | \$75.00               |
| c. Third Violation                               | \$150.00              |
| d. Fourth Violation                              | \$300.00              |

**10.5.2 Penalties for Violations of Drought Response Levels 1 and 2 Water Use Restrictions (Sec. 5.1.5 and 5.1.6)**

| <b>Violations Observed by Padre Dam Employee</b> | <b>Penalty Amount</b> |
|--|-----------------------|
| a. First Violation                               | -0-                   |
| b. Second Violation                              | \$150.00              |
| c. Third Violation                               | \$300.00              |
| d. Fourth Violation                              | \$600.00              |

**10.5.3 Penalties for Violations of Drought Response Levels 3 and 4 Water Use Restrictions (Sec. 5.1.7 and 5.1.8)**

| <b>Violations Observed by Padre Dam Employee</b> | <b>Penalty Amount</b> |
|--|-----------------------|
| a. First Violation                               | -0-                   |
| b. Second Violation                              | \$300.00              |
| c. Third Violation                               | \$600.00              |
| d. Fourth Violation                              | \$1200.00             |