

## ORDINANCE NO. 116

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT REPEALING ORDINANCE NO. 112 AND ADOPTING A NEW ORDINANCE MANDATING USE OF RECYCLED WATER STRICTLY FROM THE SAN SIMEON COMMUNITY SERVICES DISTRICT'S RECYCLED WATER FACILITIES.

**Whereas**, the San Simeon Community Services District ("District") is a community services district duly formed under California Government Code Section 61000 et seq. to provide community services within the District's service area, including water, sewer and services; and

**Whereas**, the District owns and operates a Recycled Water system providing tertiary treated, disinfected Recycled Water for approved purposes to customers within its service area; and

**Whereas**, it is the objective of the District to continually focus on ways to improve and enhance the quality of service to its customers. In light of this objective, it is the policy of the District that Recycled Water shall be used within its service area wherever such use is economically justified, financially and technically feasible and is not detrimental to public health, safety, welfare, and the environment; and

**Whereas**, Recycled Water is available and useful and suitable for the uses being proposed.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the San Simeon Community Services District, San Luis Obispo County, California as follows:

#### **Section 1: Recitals**

The Recitals are true and correct and incorporated herein by this reference.

#### **Section 2: Repealer**

Ordinance No. 112 is hereby repealed in its entirety.

#### **Section 3: Purpose**

The District offers Recycled Water that is surplus to the needs of the Recycled Water customers within the District's service area for such uses outside the service area of the District by agreement with the retail water purveyor. The purpose of this Ordinance is to promote the conservation of the District's potable/drinking water resources and to ensure maximum public benefit from the use of District's Recycled Water supply by regulating its use in accordance with applicable federal, state and local regulations.

#### **Section 4: Policy**

Recycled Water supplies shall be used to the maximum extent possible for any approved use. This shall be accomplished through the collection and treatment of wastewater and the beneficial reuse of the resultant Recycled Water in compliance with applicable federal, state and local regulations.

#### **Section 5: Recycled Water Uses**

Where water is used for irrigation, fountains, commercial uses, industrial process purposes, landscape impoundment, wildlife habitat, recreational impoundment, and commercial laundry, the District may provide Recycled Water where technically and economically feasible.

However, each use must be approved on a case by case basis. Determination of the specific uses shall be in accordance with the treatment standards and water quality requirements set forth in Title 22, Division 4, Chapter 3 of the California Administrative Code and with the intent of this Ordinance to preserve the public health and upon approval of the State Water Resources Control Board Division of Drinking Water.

In addition, each use shall be subject to the availability of distribution facilities or the technical and economic feasibility of making such facilities available, as determined by the District.

All persons, customers, and properties served by the District seeking Recycled Water or any non-potable water shall be restricted and required to only utilize the Recycled Water from the San Simeon Community Services District's Recycled Water System.

#### **Section 6: District's Liability**

The District is not responsible for any condition of the Recycled Water itself, or any substance that may be mixed with or be in Recycled Water as delivered to any customer, except as required by Title 22 and applicable regulations. The District shall not be liable for any damage from Recycled Water, including that resulting from inadequate capacity, defective plumbing, broken or faulty services, or Recycled Water mains or any conditions beyond the control of the District.

#### **Section 7: Compliance with Regulations**

The District's Recycled Water shall be used in a manner that complies with all applicable federal, state, and local statutes, ordinances, regulations and other applicable requirements for the treatment level supplied, as determined by the District.

## **Section 8: Service Constraints**

All service is contingent on the quantity and quality of Recycled Water available from District's facilities and shall be provided in accordance with this Ordinance and the terms of the Agreement between the District and the Customer.

## **Section 9: Distribution**

The District reserves the right to control and schedule distribution as necessary to:

- 1) Maintain an acceptable working pressure
- 2) Safeguard the public health
- 3) Manage the availability of the Recycled Water supply
- 4) Construct, maintain, and operate facilities

## **Section 10: Metering & Charges For Service**

All use shall be metered, and all customers shall be held responsible and charged for all Recycled Water passing through the meter(s). It is the policy of the District to price Recycled Water at a sufficient discount from the price of potable water to make the use of Recycled Water for irrigation and other suitable uses cost effective for new development, and result in savings sufficient to encourage existing customers of the District to convert existing uses to Recycled Water where appropriate. To accomplish this policy the Board of Directors will set the price of Recycled Water service at least 10% less than the price of potable water served by the District.

## **Section 11: Unauthorized Usage:**

When the District has discovered an unauthorized use, the District shall, as appropriate, notify the California Department of Public Health of such unauthorized use. Repeated unauthorized usage shall be considered as tampering with District property and may result in the offender being charged and prosecuted.

## **Section 12: Notice of Violation and Penalties:**

In addition to any other penalty permitted by law, if and when the District becomes aware of any violation of this Ordinance, a written notice shall be placed on the property where the violation occurred and/or mailed to the person who is regularly billed for the service where the violation occurs and to any other person(s), and/or home owner associations known to the District who is responsible for the violation or its correction.

Said notice shall describe the violation and order that it be corrected, cured and abated immediately or within such specified time as the General Manager determines is reasonable under the circumstances. Said notice shall constitute the first violation of the provisions of this Ordinance.

If said violation and order is not complied with, the General Manager may forthwith issue an administrative citation for the following amounts:

1. The notice of violation described above shall constitute the first violation of the provisions of this Ordinance with no fine amount attached.
2. The second violation of any provision of this Ordinance, within the same twelve month period beginning with the first violation, a fine in the amount of one hundred and fifty dollars (\$150.00) shall be added to the customer's and/or association's water bill.
3. The third violation of any provision of this Ordinance, within the same twelve month period beginning with the first violation, a fine in the amount of three hundred dollars (\$300.00) shall be added to the customer's and/or association's water bill.
4. The fourth violation of any provision of this Ordinance, within the same twelve month period beginning with the first violation, a fine in the amount of six hundred dollars (\$600.00) shall be added to the customer's and/or association's water bill.
5. The fifth violation of any provision of this Ordinance, within the same twelve month period beginning with the first violation, a fine in the amount of twelve hundred dollars (\$1,200.00) shall be added to the customer's and/or association's water bill.

**Section 13: Severability:**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**Section 14: Effective Date:**

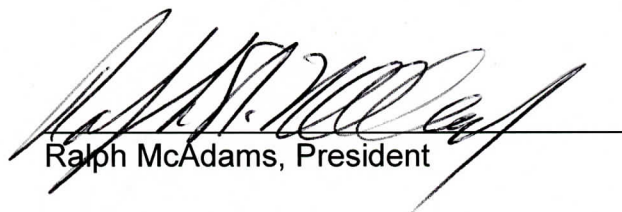
This Ordinance shall take effect and be in full force and effect thirty (30) days after the date of its adoption.

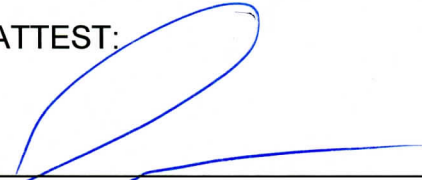
**Section 15: Publication:**


A summary of this Ordinance shall be published in a newspaper and circulated in the District at least five (5) days prior to the Board of Directors' meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the District office. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those voting for and against the Ordinance shall be published again, and the District shall post a certified copy of the full text of such adopted Ordinance.

Introduced at a meeting of the Board of Directors on April 8, 2015, and passed and adopted by the Board of Directors of the San Simeon Community Services District on May 13, 2015, by the following roll call vote:

Chairperson McAdams Y      Vice-Chair Fields Y      Director Price Y  
Director Williams A      Director Patel A  
On motion of Director Price, Seconded by Director McAdams

  
Ralph McAdams, President

ATTEST:  
  
Charles Grace, General Manager/  
District Secretary

APPROVED AS TO FORM:  
  
Heather K. Whitham, District Counsel