

SAN SIMEON COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 99
AN ORDINANCE RELATING TO WATER CONSERVATION

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT (“SSCSD”) as follows:

SECTION 1: That Ordinance 98 is hereby repealed.

SECTION 2: There is hereby re-established the SSCSD Comprehensive Water Conservation Plan.

A. DECLARATION OF POLICY.

It is hereby declared that, because of the conditions prevailing within the SSCSD boundaries, the general welfare requires that the water resources available to SSCSD be put to the maximum beneficial use 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 SSCSD and for the public welfare.

The current water situation within the SSCSD is as follows:

1. Present water supplies are limited;
2. The chloride constituent of the SSCSD water fluctuates to undesirable levels periodically;
3. Long-term water supply projects are in process but not readily available;
4. SSCSD needs to conserve its available supplies to provide water to its existing customers.

Based upon the water situation within the SSCSD, the Board finds that an emergency water situation exists necessitating the immediate re-implementation of comprehensive water conservation measures.

B. APPLICATION.

The provisions of this Ordinance shall apply to all persons, customers and property served by the SSCSD wherever situated. No customer of SSCSD, or any employee or invitee of any customer of the SSCSD, shall knowingly make, cause, use or permit the use of

SSCSD water for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this Ordinance, or in an amount in excess of that use permitted by the following conservation measures. The term "SSCSD water," as used herein, shall not include reclaimed wastewater.

C. MANDATORY COMPLIANCE - WATER EMERGENCY.

The following restrictions shall apply to all persons effective immediately:

(1) Use of water from fire hydrants shall be limited to fire fighting and/or other activities immediately necessary to maintain the health, safety and welfare of the SSCSD.

(2) All sales of SSCSD water outside of the SSCSD limits shall not be allowed.

D. PENALTY.

Any violation of any provision of this Ordinance shall constitute an infraction on the first offense and a \$100 fine. The second offense shall constitute a misdemeanor and a \$250 fine. The third offense shall result in the discontinuance of water service. The violation of each provision, and each separate violation thereof, shall be deemed a separate offense, and shall be punished accordingly; provided, however, compliance may be further sought through injunctive relief in the Superior Court.

E. SEVERABILITY.

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances if for any reason is held to be unconstitutional, void or invalid, the invalidity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the Board of Directors in adopting this Ordinance that no portion thereof, or provisions, or regulation contained herein, shall become inoperative, or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 3: This Ordinance shall take effect and be in force immediately after its passage.

SECTION 4: This Ordinance shall be posted for one (1) week in three (3) public places in the District.

This Ordinance was INTRODUCED, READ, PASSED and ADOPTED on this 9th day of February, 2005, on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:



Chairman, Board of Directors

ATTEST:



District Secretary

APPROVED AS TO FORM:



General Counsel