

**RESTATED ORDINANCE NO.176**

**A RESTATED ORDINANCE OF THE BOARD OF DIRECTORS OF  
THE LAKE HEMET MUNICIPAL WATER DISTRICT  
DECLARING A WATER SHORTAGE EMERGENCY CONDITION AND  
ADOPTING TEMPORARY CONDITIONS  
ON NEW OR ADDITIONAL CONNECTIONS AS REGULATIONS  
AND RESTRICTIONS UNDER A WATER CONSERVATION PROGRAM**

**WHEREAS**, on August 20, 2015, the District adopted Ordinance No. 176 which instituted temporary conditions on new or additional water connections within the District; and

**WHEREAS**, since the adoption of Ordinance No. 176, the State of California and the District has continued to experience drought conditions; and

**WHEREAS**, as a result of these ongoing drought conditions, the District desires to amend and restate Ordinance No. 176 in its entirety to adequately reflect the current state of affairs with respect to water shortages both within the State and the District; and

**WHEREAS**, Water Code Section 350 provides the District may declare a water shortage emergency condition to prevail within the service area of the District whenever the District finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. Said findings and determinations may be made upon adoption of an ordinance in accordance with the authority and procedures set forth in Water Code Section 350 et. seq.; and

**WHEREAS**, Water Code Section 353 provides that when the District has so determined and declared the existence of an emergency condition of water shortage within its service area, it shall thereupon adopt such regulations and restrictions on the delivery and consumption of water within its service area as will, in the sound discretion of the Board of the District, conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

**WHEREAS**, Water Code Section 356 provides that the regulations and

restrictions may include the right to deny applications for new or additional service connections and provides the District with enforcement mechanisms to discontinue service to consumers who willfully violate the regulations and restrictions of the District; and

**WHEREAS**, Water Code Section 375 et seq. provides the District with the authority to adopt a water conservation program to reduce the quantity of water used by persons within the District's service area for the purpose of conserving the water supplies of the District; and

**WHEREAS**, in accordance with Water Code Sections 350 et seq. and 375 et seq., the Board desires to adopt this Restated Ordinance in order to make certain findings and determinations as to the existence of an emergency condition of water shortage and to then adopt temporary conditions on new or additional service connections as regulations and restrictions under a water conservation program; and

**WHEREAS**, in accordance with Water Code Sections 351 and 352, a Notice of a public hearing was published at least seven (7) days prior to the date of hearing in a newspaper printed, published and circulated within the District service area in which the water supply is distributed and a public hearing was held on May 19, 2022 at 3:00 p.m. The purpose of the hearing was to provide District customers with the opportunity to be heard, to protest or support the proposed declaration of a water shortage emergency condition and temporary conditions on new or additional connections as regulations and restrictions under a water conservation program; and

**WHEREAS**, in accordance with Water Code Section 376, any ordinance adopted pursuant to Water Code Section 375 is effective upon adoption and that within ten (10) days after its adoption, the ordinance shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation that is printed, published, and circulated in the District; and

**WHEREAS**, due to the current state of affairs of water supplies in the State and in the District, Governor Newsom's Executive Orders, and the Resolutions of the State Water Resources Control Board issued as a result thereof, the Board of Directors for the District believes that it is necessary to amend and restate Ordinance No. 176.

**THEREFORE, THE BOARD OF DIRECTORS OF THE LAKE HEMET MUNICIPAL WATER DISTRICT DOES HEREBY AMEND AND RESTATE ORDINANCE 176 IN ITS ENTIRETY AS FOLLOWS:**

1. Incorporation of Recitals. The Recitals set forth above are incorporated herein and made an operative part of this Restated Ordinance.

2. Authority for Adoption of Ordinance. This Restated Ordinance is adopted pursuant to Water Code Sections 350 et seq. and 375 et seq.

3. Declaration of Water Shortage Emergency Condition. Pursuant to Water Code Section 350, the purpose of this Restated Ordinance is to declare a water shortage emergency condition to prevail within the service area of the District. The District hereby finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the District to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. Said declaration is made based on the following findings and determinations:

(a) From 2014 through 2016, Governor Edmund G. Brown Jr. issued a series of Executive Orders pursuant to Government Code Sections 8567 and 8571 in which he ordered that the State Water Resources Control Board to impose restrictions to achieve statewide reductions in potable urban water usage. These Executive Orders also determined that there were ongoing drought conditions due to climate change requiring California to move beyond temporary emergency drought measures and to prepare for more frequent and persistent periods of limited water supply

(b) On April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, Governor Gavin Newsom issued a series Proclamations of a State of Emergency/Executive Orders the most recent of which was requesting a voluntary reduction of water use by 15% from 2020 levels.

(c) On March 28, 2022 Governor Newsom issued Executive Order N-7-22 declaring that January and February 2022 were the driest months of record and requested that by May 25, 2022 the State Water Resources Control Board consider

adopting emergency regulations.

(d) The District Board of Directors also finds that, despite efforts to replenish the water, the canyon water basin is dropping, the upper San Jacinto wells remain low, and that the water level at Lake Hemet is currently at one-half capacity.

(e) The District Board of Directors further finds that there is no recharge water available and that the State of California and the District will remain in drought conditions and a state of emergency for the foreseeable future.

(f) The District Board of Directors believes that compliance with Governor Newsom's Executive Orders and consequent State Water Resources Control Board Resolutions, and to maintain adequate water levels within its service area cannot be achieved if the District permits new or additional water connections for continued development within the District's service area during the current drought conditions, lack of availability of water, the condition of the canyon basin, San Jacinto wells, the level of Lake Hemet, Governor Newsom's Executive orders and the consequent State Water Resources Control Board Resolutions.

4. Adoption of Regulations and Restrictions Under A Water Conservation Program. As a result of the declaration of a water shortage emergency condition under Section 3 of this Restated Ordinance, the District hereby adopts the following regulations and restrictions under the water conservation program:

(a) Temporary Conditions on any new or additional service connections. Pursuant to the authority set forth in Water Code Section 356, any applications for new or additional service connections, which are received at the District offices on or after the effective date of the original Ordinance 176 (August 24, 2015) shall be denied subject to Section 4(b) below.

(b) Exemptions. The following shall be exempt from this Restated Ordinance:

- (i) Single family home projects consisting of four (4) or less homes;
- (ii) Final tract maps approved by the County of Riverside, or any other applicable land use agency, prior to the adoption of this Ordinance on August 24, 2015;
- (iii) Projects in which the developer or owner can sufficiently establish that the net water usage for the project will be less than net water usage prior to the development of the project;
- (iv) The project can import its own water or use reclaimed water;
- (v) Commercial or industrial projects with estimated water usage less than the equivalent of four residential units per acre, as determined by the District;
- (vi) The project, as determined by the Board, is necessary to protect the public's health, safety and welfare;
- (vii) The repair, maintenance, or renovation of existing structures or facilities, which have a water service connection on the effective date of the passage of this Ordinance originally on August 24, 2015. Such repair or replacement of water service connections that are lawfully existing as of the effective date of this Ordinance (August 24, 2015) shall be performed in compliance with all applicable laws, rules and regulations;
- (viii) An increase in water meter service size only in instances in which the increase is solely to accommodate installation of fire sprinklers in a structure which already has a water service connection; or
- (ix) If District staff rejects any new or additional water connection(s) based on the Restated Ordinance, then upon application to the Board and the Board makes a finding that the new or additional connection(s) will meet the goals and intent of this Restated Ordinance.

5. Duration and Effective Date of Ordinance.

(a) Pursuant to Water Code Section 376, this Restated Ordinance shall be effective upon adoption. Within 10 days after the date of adoption, this Restated Ordinance shall be published one time in full in a newspaper of general circulation.

(b) In accordance with Water Code Section 355 and other applicable provisions of California law, the regulations and restrictions set forth in this Restated Ordinance shall remain in full force and effect until the District takes the applicable action to determine that this Restated Ordinance should be rescinded, in whole or in part, based on a finding that the period of the emergency has expired and that the supply of water available for distribution within the District's service area has been replenished or economically augmented. The District's determination as to the length of time that the temporary condition will remain in effect shall be made based on the factors set forth herein as well as the Board of Directors' determination as to the scope, effective period and impact of any and all regulations which are currently in effect or may be adopted by the State Water Resources Control Board, the scope and effect of drought conditions within the State and the District, the availability and cost of imported water, and any other factors the Board shall use in its discretion.

6. This Restated Ordinance was introduced at a meeting of the Board held on May 19, 2022, following a public hearing, the notice of which was published in the Press Enterprise on May 10, 2022.

**ADOPTED** by the Board of Directors of the Lake Hemet Municipal Water District at a Regular Meeting of the Board of Directors held on May 19, 2022.



Steven A. Pastor  
Vice-President, Board of Directors

ATTEST:



Frank D. Marshall, III  
Secretary, Board of Directors

I, Kathleen Billinger, Assistant Secretary of the Board of Directors of the Lake Hemet Municipal Water District, do hereby certify that the foregoing Restated Ordinance No. 176 was amended, restated, and duly adopted by said Board of Directors at a general meeting thereof held on the 19<sup>th</sup> day of May, 2022, and that it was so adopted by the following vote:

AYES: Foutz, Marshall, Minor, Pastor

NOES: Jorgensen

ABSTAINED: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of Lake Hemet Municipal Water District this 20<sup>th</sup> day of May, 2022.

  
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Kathleen Billinger  
Assistant Secretary, Board of Directors