



COUNTY OF LAKE
SPECIAL DISTRICTS ADMINISTRATION
 230 N. Main Street
 Lakeport, California 95453
 Telephone 707/263-0119
 Fax 707/263-3836

Jan Coppinger
 Special Districts Administrator

WATER CONSERVATION STANDARDS
COMPLIANCE CERTIFICATION FORM
FOR ORDINANCE No. 2291

I, _____ (Seller or Seller's Agent) verify that the following
 water conserving fixtures are installed in the structure located on Assessor's Parcel _____

Water Closet Fixture Manufacturer: _____ Model # _____ Quantity: _____
 Shower Head Fixture Manufacturer: _____ Model # _____ Quantity: _____

 Date

 (Signature of Seller or Seller's Agent)

If new installation, Plumbing Permit # _____.

The installation of the fixtures identified above meets with the standards set forth in Ordinance No. 2291.

Lake County Special Districts Administration

 Date

 Jan Coppinger, Special Districts Administrator

By _____



COUNTY OF LAKE
 SPECIAL DISTRICTS ADMINISTRATION
 230A Main Street
 Lakeport, California 95453
 Telephone 707/263-0119
 Fax 707/263/3836

Jan Coppinger
 Special Districts Administrator

WATER CONSERVATION STANDARDS
DISCRETIONARY EXEMPTIONS FORM
FOR ORDINANCE No. 2291

The following exemption is approved for the structure located on Assessor's Parcel _____

SECTION VI.

A. HARDSHIP

- I. Plumbing in existing facility which does not match connections with low water-using plumbing fixtures and would, therefore require partial replumbing of the structure.
2. Unavailability of low water-using plumbing fixtures to match a well-defined historic architectural style in a locally, state or federally recognized building of historic significance, fitted with original plumbing fixtures.

B. EMERGENCY

_____ Insufficient grade lines to accommodate reduced flows.
 _____ Other conditions which would create public health and safety concerns.

C. IN LIEU COMPLIANCE _____

The exemption identified above meets with the standards set forth in Ordinance No. 2291.

Lake County Special Districts Administration

 Date

 Jan Coppinger, Special Districts Administrator

1
2 **BOARD OF DIRECTORS, LAKE COUNTY SANITATION DISTRICT**
3 **COUNTY OF LAKE, STATE OF CALIFORNIA**

4 **ORDINANCE NO. 2291**

5 **AN ORDINANCE ESTABLISHING WATER CONSERVATION STANDARDS IN**
6 **PORTIONS OF THE LAKE COUNTY SANITATION DISTRICT**

7
8 **THE BOARD OF DIRECTORS OF THE LAKE COUNTY SANITATION**
9 **DISTRICT, LAKE COUNTY, ORDAINS AS FOLLOWS:**

10 **SECTION I. PURPOSE AND FINDINGS**

11 It is the purpose and intent of this ordinance to reduce use of potable water within the
12 Lake County Sanitation District's service area.

13 **FINDINGS**

- 14 1. In support of its adoption of this ordinance, the Board of Directors of the Lake County
15 Sanitation District approves each finding set forth in this part.
- 16 2. Water conservation has proven to be a successful mechanism to reduce per capita water
17 consumption and unnecessary wastewater loads on treatment facilities.
- 18 3. Conservation efforts will reduce sewer flows to the treatment plant facilities operated by
19 the Lake County Sanitation District.
- 20 4. The reduction of water demand and corresponding reduction in sewer flows which shall
21 result from this ordinance is required to meet the health, safety, and societal needs of the
22 general public and the Lake County Sanitation District's wastewater treatment facilities.
- 23 5. Greater per capita water consumption increases the entire community's vulnerability to a
24 severe drought and places undue stress on wastewater treatment facilities.

24 **SECTION II. APPLICABILITY**

25 This ordinance shall apply only to those buildings which are served by the District's
26 wastewater collection and treatment facilities with the exception of Lake County
27 Sanitation District's Assessment Districts 9-1, 9-2, 9-3 and Middletown Assessment
28 District 2-2.

1
2 SECTION III. DEFINITIONS

3 The following definitions are applicable to this ordinance:

4 A. "Change of Ownership" means a transfer of a present interest in real property,
5 and a transfer of the right to beneficial use thereof, the value of which is substantially equal to the
6 proportion of the ownership interest transferred. Every transfer of property shall qualify as a
7 "change of ownership", except transfers of title which are exempt from property tax reassessment
8 in accord with criteria used by the Lake County Assessor's Office in the implementation of
9 California Constitution, Article XIII A, (i.e., transfers of title from one spouse to another)
10 whether the transfer is voluntary, involuntary, by operation of law, by grant, gift, devise,
11 inheritance, trust, contract of sale, addition or deletion of an owner, property settlement, or any
12 other means. "Change of Ownership" affected other than by a contract of sale shall be deemed to
13 occur at the time of actual transfer of title. A "Change of Ownership" resulting from a contract of
14 sale or similar instrument shall be so regarded only if escrow is opened or a contract of sale is
15 executed, whichever occurs last, on or after the effective date of this ordinance.

16 B. "Change of Use" means, in the case of commercial, industrial or public
17 buildings, a change in the use to which the structure was previously devoted, to a substantially
18 different use.

19 C. "District" means the Lake County Sanitation District.

20 D. "Existing Structure" means any structure built and available for use or
21 occupancy within one hundred and twenty (120) days of the effective date of this ordinance.

22 E. "Increase in floor area" means an increase in conditioned space such as
23 bathrooms, living rooms and bedrooms. Conditioned space means areas within the insulated
24 envelope of a building in which heating and cooling systems are available to control the
25 temperature of the area.

26 F. "Low Water-Use Plumbing Fixtures" means any toilet using a maximum of 1.6
27 gallons per flush, and shower heads designed to emit a maximum of 2.2 gallons per minute (gpm)
28 of water.

G. "Public authority structure" means buildings which are owned by local public
agencies.

1 SECTION IV. RETROFIT UPON EXPANSION, CHANGE OF OWNERSHIP OR USE

2 A. MANDATORY RETROFIT UPON CHANGE OF OWNERSHIP OR USE

3 All plumbing fixtures in existing structures, including residential, commercial, industrial,
4 and public authority structures shall, at the time of change of ownership or change of use, be
5 retrofitted, if not already so, exclusively with low water-use plumbing fixtures as defined by this
6 ordinance. These fixtures shall be installed and maintained, and shall not be replaced with fixtures
7 which allow greater water use.

8 B. MANDATORY RETROFIT UPON EXPANSION OF USE

9 All structures, including residential, commercial, public authority, and industrial
10 reconstruction, remodels or additions that add any bathroom(s), and/or increase in floor area of
11 existing structures by twenty-five percent (25%) or greater of the existing floor area shall meet
12 "New Construction" low water-use plumbing fixture standards as defined by this ordinance for
13 the entire facility, including retrofitting of plumbing fixtures within existing structures. Additions
14 not involving conditioned space such as porches and garages are exempt from an increase in floor
15 area.

16 C. RETROFIT EXEMPTION

17 (1) 1.6 GALLON TOILETS

18 Previously installed toilets with fixtures using a maximum of 1.6 gallons per flush
19 shall be exempted from the provisions of this section.

20 (2) OTHER

21 The Special Districts Administrator shall defer the retrofit requirement of this
22 ordinance for any plumbing fixture for which present technology is not available to
23 cause the required flow reduction, or where retrofitting is not otherwise technically
24 feasible. When technically feasible, retrofit shall be required at the time technology
25 becomes available.

26 D. PROOF OF RETROFIT UPON CHANGE OF OWNERSHIP

27 Before the close of escrow for any change of ownership of real property within the
28 District which is served by the District's wastewater collection and treatment
facilities, the selling owner(s) or his authorized agent shall, in the form and manner specified by

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

the Special Districts Administrator, certify compliance with the retrofit requirements of this ordinance by one of the following methods:

- (1) Certification that the plumbing permit obtained in relation to plumbing fixture installation shows compliance with this ordinance. This certification shall be filed by the seller in the Lake County Special Districts Administration Office, or
- (2) Certification by way of an inspection report, or other appropriate report (the Special Districts Administrator shall maintain a list of individuals qualified to provide this report) which verifies installation of low water-use fixtures throughout the structure as required by this ordinance. This certification shall be filed by the seller in the Lake County Special Districts Administration Office, or
- (3) Certification by a building inspection by the appropriate City or County Building Official which verifies installation of low water-use fixtures throughout the structure as required by this ordinance. This certification shall be filed by the seller in the Lake County Special Districts Administration Office; or
- (4) Certification that the plumbing fixtures throughout the structure have been retrofitted in compliance with this ordinance. This certification shall be filed by the seller in the Lake County Special Districts Administration Office along with a dated copy of the purchase receipt for each low water-use fixture, and a copy of the labor contract, or statement of self-installation, which evidences complete installation; or
- (5) Waiver of proof of retrofit by the Special Districts Administrator before the close of escrow requirement of this section where the seller and buyer certify that the structure will begin to be remodeled or modified within one hundred and twenty (120) days of the close of escrow, that the structure will be exclusively retrofitted with low water-use fixtures upon completion of construction, and the new owner shall allow inspection of the property by District staff or its authorized agent.

///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E. It shall be a violation of this ordinance for any buyer or seller to instruct an escrow agent to close escrow for any sale of property in the District served by wastewater collection and treatment facilities which does not comply with Subsection D of this section.

F. Subsection D shall not impose any affirmative or discretionary duty upon an escrow agent, acting in the capacity of escrow officer. Nothing in this ordinance shall be construed, either expressly or by implication, to provide for a criminal proceeding or create a civil liability against a title insurance company, as defined in Insurance Code Section 12340.10., or an underwritten title company, as defined in Insurance Code Section 12402., or their officers, directors, or employees, by reason of an alleged violation of this ordinance by a party or parties to an escrow at such a corporation.

G. PROOF OF RETROFIT UPON CHANGE OF USE

Prior to the change of use of any residential, commercial, industrial or public authority structure, the owner of record or his agent shall certify in writing to the Lake County Sanitation District that prior to such change of use of the structure, the owner has complied with this ordinance, including all plumbing fixture retrofitting requirements. Change in use of such buildings made prior to submission of such written certification to the Special Districts Administrator shall constitute a violation of this ordinance.

SECTION V. RECORDATION OF NOTICE

Wherever the Special Districts Administrator determines that low water-use plumbing fixtures either have not been installed at the time of change of ownership or use, or when installed pursuant to the mandatory provisions of Section IV have been removed since initial installation, the Special Districts Administrator may record a notice of violation with the office of the County Recorder. Before a decision is made to record a notice of violation, the owner(s) of the property will first be given notice and provided an opportunity to be heard on why a notice of violation should not be recorded.. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible for the violation shall be notified

///
///

1
2 of the recordation, if their address is known. The owner of record shall have ninety (90) days to
3 take corrective action. Failure to take corrective action within ninety (90) days shall constitute a
4 violation of this ordinance. The Special Districts Administrator shall cause a notice of correction
5 to be recorded at such time as the property owner has established full compliance with the
6 provisions of this ordinance.

7 SECTION VI. DISCRETIONARY EXEMPTIONS

8 The Special Districts Administrator may, at his/her discretion, exempt facilities from the
9 provisions of this ordinance, or impose reasonable conditions in lieu of compliance therewith, if he
10 determines that any of the following sections apply:

11 A. HARDSHIP

12 The Special Districts Administrator may grant an exemption for hardship where the
13 requirements of this ordinance would cause an unnecessary and undue substantial hardship upon
14 the owner, or purchaser of the facility, or the public. Substantial hardship may include, but is not
15 limited to:

16 (1) Plumbing in an existing facility which does not match connections with low water-
17 using plumbing fixtures and would, therefore, require partial replumbing of the structures, (for
18 example, different rough-in dimensions).

19 (2) Unavailability of low water-using plumbing fixtures to match a well-defined
20 historic architectural style (for example, Victorian, Mission Revival) in a locally, state or federally
21 recognized building of historic significance, fitted with original plumbing fixtures.

22 B. EMERGENCY

23 The Special Districts Administrator may grant an exemption for emergency purposes when
24 the requirements of this ordinance would create a condition affecting the health, sanitation, fire
25 protection or safety of the facility owner or the public. Emergency conditions include, but are not
26 limited to, sewer line grades that are insufficient to accommodate reduced flows caused by
27 conversion of toilet(s) to 1.6 gallon flush as determined by the Special Districts Administrator or
28 appropriate city or county engineer.

///

1
2 C. IN LIEU COMPLIANCE

3 The Special Districts Administrator may grant an exemption by imposing reasonable
4 conditions in lieu of compliance with the requirements of this ordinance, where the conditions
5 would not allow the quantity of water consumed by the facility to exceed the total water demand
6 achieved if the low water-use plumbing fixture standards set by this ordinance had been used, and
7 would not otherwise adversely affect service to any existing water consumer.

8 SECTION VII. APPEALS

9 A. CONTENT OF APPEAL

10 An appeal may be made to the Lake County Sanitation District Board of Directors by any
11 public agency or person aggrieved by a decision of the Special Districts Administrator pursuant to
12 this ordinance. The appeal shall be made in writing and shall be filed with the Clerk of the Board
of Directors and shall contain the following information:

- 13 (1) The identity of the appellant and his interest in the decision;
14 (2) The Special Districts Administrator's decision, or the conditions which are
15 being appealed;
16 (3) A clear, complete, but brief statement of the reasons why the appellant feels
17 the decision or the conditions imposed were unjustified or inappropriate (this should include
18 reasons the appellant disagrees with the findings of the Special Districts Administrator and
19 specific facts in sufficient detail to notify interested persons of the nature of the appeal). The
Board will not accept an appeal stated in generalities.

20 B. ACCEPTANCE OF APPEAL

21 An optional form for giving notice of appeal shall be provided by the Special Districts
22 Administrator. The form need not be used if the notice of appeal is complete. An appeal shall not
23 be accepted by the Clerk of the Board of Directors unless it is complete and complies with all
24 requirements. The Clerk of the Board of Directors shall not accept a notice of appeal if it is
25 obvious on the face of the notice that it is incomplete. If the Clerk of the Board of Directors
26 rejects a notice of appeal, he/she shall inform the appellant of the nature of the deficiency, and
27 shall identify the information necessary to complete the appeal.
28

1 SECTION VIII. ENFORCEMENT AND PENALTIES

2 A. The Special Districts Administrator shall be the officer primarily charged with enforcement
3 of this regulation. All public employees of the Lake County Sanitation District who are vested
4 with the duty or authority to issue permits or licenses, shall conform to the provisions of this
5 ordinance, and shall issue no such permits or licenses in conflict with the provisions of this
6 ordinance, and any such permits, licenses, or use, if issued in conflict with the provisions of this
7 ordinance, shall be null and void.

8 B. A violation of any provision of this ordinance is a misdemeanor as set forth in Section 806
9 of the Sewer Use Ordinance.

10 SECTION IX. CIVIL NUISANCE

11 A. Any building or structure set up, erected, constructed, altered, enlarged, converted,
12 moved, maintained, sold, or the use of which is changed contrary to the provisions of this
13 ordinance, and/or any use of any land, building, or premises, established, conducted, operated, or
14 maintained contrary to the provisions of this ordinance, shall be hereby declared to be a violation
of this ordinance and a public nuisance.

15 B. The Lake County Sanitation District may abate the public nuisance in accordance with the
16 provisions and procedures of Chapter 13 of the Lake County Code pertaining to nuisance
17 abatement which are hereby incorporated by reference as if fully set forth.

18 SECTION X. REMEDIES CUMULATIVE

19 The remedies available to the District to enforce this ordinance are in addition to any other
20 remedies available under the District's Rules and Regulation, or any other state statutes, and do
not replace or supplant any other remedy but are cumulative thereto.

21 SECTION XI SEVERABILITY

22 If any section, paragraph, sentence, clause, or phrase of this ordinance, is, for any reason,
23 held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or
24 unenforceability shall not affect the validity or enforcement of the remaining portions of this
25 ordinance, or of any other provisions of the Lake County Sanitation District's Rules and
26 Regulations. It is the District's express intent that each remaining portion would have been
27 adopted irrespective of the fact that any one or more sections, paragraphs, sentences, clauses, or
28 phrases be declared invalid or unenforceable.

SECTION XII. CODIFICATION

The Board of Directors directs that this Ordinance be codified as Appendix E to the Lake County Code.

SECTION XIII EFFECTIVE DATE

This Ordinance shall be in full force and effective on August 10, 1995, 1995 for all those areas served by the Southeast Regional Wastewater Treatment Plant.

This Ordinance shall be effective on December 31, 1996 for those areas served by the Northwest Regional Wastewater Treatment Plant.

SECTION XIV.

This Ordinance shall take effect on the 10th day of August, 1995, and before the expiration of fifteen (15) days after its passage, it shall be published at least once in the Clear Lake Observer, a newspaper of general circulation printed and published in the County of Lake.

The foregoing ORDINANCE was introduced before the Board of Directors on the 5th day of July, 1995 and passed by the following vote on the 11th day of July, 1995:

AYES: Directors Whitney, Larson, Talley, Mackey and Merriman

NOES: None

ABSENT OR NOT VOTING: None

S. W. Merriman

Chairman, Board of Directors

ATTEST: KELLY F. COX, Clerk of the Board of Directors

By: [Signature]

APPROVED AS TO FORM: CAMERON L. REEVES
County Counsel

By: [Signature]

