

**NORTH MARIN WATER DISTRICT**  
**EMERGENCY WATER CONSERVATION ORDINANCE**

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## EMERGENCY WATER CONSERVATION ORDINANCE

### ORDINANCE NO. 22

BE IT ORDAINED by the Board of Directors of North Marin Water District that the provisions of Ordinance 21 of said District shall be changed to read as shown below:

#### ***Section 1. Declaration of a Water Shortage Emergency***

This Board of Directors does hereby find and declare as follows:

(a) On February 17, 2009, a public hearing was held on the matter of whether this Board of Directors should declare a water shortage emergency because dry year conditions exists within the water service area of this District which is served by Stafford Lake and the North Marin Aqueduct which delivers water from Sonoma County Water Agency's (SCWA) Russian River supply.

(b) Notice of said hearing was published in the Marin Independent Journal, a newspaper of general circulation printed and published within said water service area of the District.

(c) At said hearing all persons present were given an opportunity to be heard and all persons desiring to be heard were heard.

(d) Said hearing was called, noticed and held in all respects as required by law.

(e) This Board heard and has considered each protest against the declaration and all evidence presented at said hearing.

(f) A water shortage emergency condition exists and prevails within the portion of the territory of this District served by Stafford Lake and the North Marin Aqueduct. Said portion of this District is hereinafter referred to as the Novato area and consists in all the territory of this District except the portions hereof in the western part of Marin County denominated Annexations 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15 and 16 generally known as Point Reyes Station, Inverness Park, Bear Valley, Olema, Paradise Ranch Estates, Oceana Marin, and territories on the east shore of Tomales Bay. Said water shortage exists by reason of the fact that low water storage conditions exists in Lake Mendocino on the Russian River and the State Water Resources Control Board (SWRCB) Order WR 2009-0027 approved a temporary change in SWRCB Decision 1610 to reduce required instream flow releases to the Russian River from Lake Mendocino and reduce authorized diversions from the Russian River by SCWA for delivery to its customers including North Marin Water District. Said water shortage will limit the

water supply availability from the SCWA such that the ordinary demands and requirements of the water consumers in the Novato area cannot be met and 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 in the Novato area.

## ***Section 2. Purpose and Authority***

The purpose of this ordinance is to conserve the water supply of the District for the greatest public benefit with particular regard to public health, fire protection and domestic use, to conserve water by reducing waste, and to the extent necessary by reason of drought and the existing water shortage emergency condition to reduce water use fairly and equitably. This ordinance is adopted pursuant to Water Code section 350 et seq. and sections 31026 - 31029. The General Manager is granted authority to adjust measures identified in Sections 4, 5 and 6 of this ordinance to be consistent with Emergency Water Conservation measures of other local agencies which receive Russian River water from SCWA or to achieve a higher level of conservation if listed water use reduction goals are not met.

## ***Section 3. Effect of Ordinance***

This ordinance shall become effective immediately, shall be effective only in the Novato service area, shall supersede and control over any other ordinance or regulation of the District in conflict herewith, and shall remain in effect until the Board of Directors declares that the water shortage emergency has ended. The effective period shall herein be referred to as "suspension period".

## ***Section 4. Suspension of New Connections to the District's Water System***

(a) From and including March 1, 2009 until the Board of Directors by resolution declares that the water shortage has ended, which period is hereinafter referred to as the suspension period, no new or enlarged connection shall be made to the District's water system except the following:

- (1) connection pursuant to the terms of connection agreements which prior to February 18, 2009, had been executed or had been authorized by the Board of Directors to be executed;
- (2) connection of fire hydrants;
- (3) connection of property previously supplied with water from a well which runs dry;
- (4) connection of property for which the Applicant agrees to defer landscape installation until after the suspension period.

(b) During the suspension period applications for water service will be processed only if the Applicant acknowledges in writing that such processing shall be at the risk and expense of the Applicant and that if the application is approved in accordance with the District's regulations, such approval shall confer no right upon the Applicant or anyone else until the suspension period has expired, and that the Applicant releases the District from all claims of damage arising out of or in any manner connected with the suspension of connections.

(c) Upon the expiration of the suspension period, the District will make connections to its water system in accordance with its regulations and the terms of connection agreements for all said applications approved during the suspension period.

(d) Nothing herein shall prohibit or restrict any modification, relocation or replacement of a connection to the District's system if the General Manager determines that the demand upon the District's water supply will not be increased thereby.

#### ***Section 5. Waste of Water Prohibited***

No water furnished by the District shall be wasted. Waste of water includes, but is not limited to, the following:

- (a) permitting water to escape down a gutter, ditch or other surface drain;
- (b) failure to repair a controllable leak of water;
- (c) failure to put to reasonable beneficial use any water withdrawn from the District's system;
- (d) all items listed in Regulation 15, Section b., Waste of Water Prohibited.

#### ***Section 6. Prohibition of Non-Essential Use of Water***

(a) No water furnished by the District shall be used for any purpose declared to be non-essential by this ordinance.

##### **Phase 1 - Introductory Phase (15% Reduction)**

- (b) The following uses are declared to be non-essential from and after March 1, 2009:
  - (1) washing sidewalks, driveways, parking areas, tennis courts, patios, decks or other exterior paved areas except by the Novato Fire Protection District or other public agency for the purpose of public safety;
  - (2) refilling a swimming pool drained after March 1, 2009;
  - (3) non-commercial washing of privately-owned motor vehicles, trailers and boats except

from a bucket and except that a hose equipped with an automatic shut-off nozzle may be used for a quick rinse.

- (4) Request restaurants to serve water only upon request.
- (5) Watering of any lawn, garden, landscaped area, tree, shrub or other plant except from a handheld hose equipped with an automatic shut-off nozzle or container or drip irrigation system except customers of the District may use a sprinkler or sprinkler system to apply water furnished by the District to irrigate any lawn, garden, landscaped area, trees or shrubs provided said application is attended, properly controlled, performed in a non-wasteful manner and confined to the hours between 10 p.m. and 6:00 a.m. of the next day. The term sprinkler shall be defined to include soaker hoses or lines. The District reserves the right to check the water use of any customer and if such use exceeds 85% of the use by the same customer or account for the corresponding period in previous year or if sprinkled water is used in a wasteful manner, the General Manager may prohibit sprinkling by that customer.

#### **Phase 2 - Moderate Mandatory Conservation (25% reduction)**

(c) The following additional uses are declared to be non-essential effective June 1, 2009, to comply with the SWRCB WR 2009-0027 until October 6, 2009 or until such declaration is rescinded:

- (1) any use of water from a fire hydrant except for fighting fires, human consumption, essential construction needs or use in connection with animals;
- (2) watering of any lawn, garden, landscaped area, tree, shrub or other plant except from a handheld hose equipped with an automatic shut-off nozzle or container or drip irrigation system except overhead sprinkler irrigation can be used if customer maintains an overall 25% reduction in water use compared to the 2004 year's use in the same billing period. (Customers using less than 200 gallons per day are permitted to water their landscapes without a required 25% reduction if compliant with Section 5. Waste of Water Prohibited);
- (3) initial filling of any swimming pool for which application for a building permit was made after March 1, 2009;
- (4) watering any portion of a golf course except for tees and greens except as provided in Section 2 herein or where private wells or recycled water supply is used;
- (5) use of potable water supply for dust control at construction sites;

- (6) any non-residential use in excess of 75% of the amount used by the customer during the corresponding billing period in the year 2004.

### ***Section 7. Variances***

Applications for a variance from the provisions of Section 6 of this ordinance may be made to the General Manager. The General Manager may grant a variance to permit a use of water otherwise prohibited by Section 6 if the General Manager determines that the variance is reasonably necessary. Any decision of the General Manager under this section may be appealed to the Board of Directors.

### ***Section 8. Violations***

(a) If and when the District becomes aware of any violation of any provision of Section 5 or 6 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 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 or District staff determines is reasonable under the circumstances. If said order is not complied with, the District may forthwith disconnect the service where the violation occurs.

(b) a fee of \$100 shall be paid for the reconnection of any service disconnected pursuant to subsection (a) during the suspension period.

(c) No service which is disconnected a second time because of a violation of Section 5 or 6 of this ordinance during the suspension period, shall be reconnected unless a device supplied by the District which will restrict the flow of water to said service is installed. Furthermore, the fee for reconnection of such a service during the suspension period shall be \$200 in lieu of the fee required by subsection (b) hereof.

(d) In the event the District determines that water furnished by the District has been used to fill a swimming pool in violation of Section 5 or 6 hereof, service shall be disconnected and shall be reconnected pursuant to Section 8 (b) or Section 8 (c) hereof, as applicable, except that the reconnection fee shall be \$800 for each offense.

**Section 9. Signs on Lands Supplied from Private Wells or Recycled Water**

The owner or occupant of any land within the Novato water service area that is supplied with water from a private well or with recycled water shall post and maintain in a conspicuous place thereon a sign furnished by the District giving public notice of such supply.

\* \* \* \* \*

I hereby certify that the foregoing is a true and complete copy of an ordinance duly and regularly adopted by the Board of Directors of North Marin Water District at a regular meeting thereof held on May 19, 2009 by the following vote:

- AYES: Directors Baker, Fraites, Petterle, Rodoni, Schoonover
- NOES: None
- ABSENT: None
- ABSTAIN: None

(SEAL)

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Renee Roberts, District Secretary  
North Marin Water District