

**NORTH MARIN WATER DISTRICT
NOVATO SERVICE AREA
EMERGENCY WATER CONSERVATION ORDINANCE NO. 41**

Adopted March 16, 2021

Section 1. Declaration of a Water Shortage Emergency	2
Section 2. Purpose and Authority	2
Section 3. Effect of Ordinance.....	3
Section 4. Suspension of New Connections to the District's Water System.....	3
Section 5. Waste of Water Prohibited	3
Section 6. Prohibition of Non-Essential Use of Water	4
Section 7. Variances.....	4
Section 8. Violations	4
Section 9. Signs on Lands Supplied from Private Wells or Recycled Water	5
Section 10. Drought Surcharge	5

EMERGENCY WATER CONSERVATION ORDINANCE

ORDINANCE NO. 41

AN ORDINANCE OF NORTH MARIN WATER DISTRICT DECLARING THE EXISTENCE OF A WATER SHORTAGE EMERGENCY CONDITION WITHIN THE NOVATO SERVICE AREA OF THE DISTRICT, PROHIBITING THE WASTE AND NON-ESSENTIAL USE OF WATER, AND PROVIDING FOR THE CONSERVATION OF THE WATER SUPPLY OF THE DISTRICT

BE IT ORDAINED by the Board of Directors of North Marin Water District as follows:

Section 1. Declaration of a Water Shortage Emergency

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

(a) A public hearing was held on March 16, 2021, on the matter of whether this Board of Directors should declare a water shortage emergency condition exists within the Novato water service area of this District which is served by Stafford Lake and the North Marin Aqueduct.

(b) Notice of said hearing was published in the Marin Independent Journal, 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 Service 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, Olema, Oceana Marin, and territories on the east shore of Tomales Bay. Said water shortage exists by reason of the fact that the ordinary demands and requirements of the water consumers in the Novato Service Area cannot be met and satisfied by the water supplies available to this District in the Novato Service Area without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation and fire protection.

(g) On April 19, 2016 the Board of Directors enacted the North Marin Water District Water Shortage Contingency Plan for the Greater Novato Area (Plan) and said Plan defines specific triggers for stages of action applicable to District customers. The specific triggers for stages of action vary and are determined based on advice and action of Sonoma County Water Agency regarding water supply conditions on the Russian River and in Lake Sonoma from which approximately eighty percent of the District's water supply for the Novato Service Area is delivered through the North Marin Aqueduct.

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 the existing water shortage emergency condition to reduce water use fairly and equitably. This ordinance is adopted pursuant

to Water Code Section 350 to and including 358, Section 375 to and including 378, and Section 31026 to and including 31029.

Section 3. Effect of Ordinance

This ordinance shall take effect on April 1, 2021, 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 by resolution that the water shortage emergency condition has ended. This ordinance, and all provisions contained herein, may be modified by resolution of the Board of Directors. If any provision of this ordinance, including the rules and regulations attached hereto and incorporated herein, or any part thereof, is for any reason held to be ultra vires, invalid, or unconstitutional, the remaining provisions of this ordinance shall not be affected, but shall remain in full force and effect, and to this end the provisions of this ordinance are severable.

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

(a) Until the Board of Directors declares by resolution that the water shortage emergency condition has ended, the Board of Directors may determine by resolution that no new or enlarged connection shall be made to the District's water system except under certain conditions.

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) The washing of sidewalks, walkways, driveways, parking lots and other hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;

(b) The escape of water through breaks or leaks within the customers' plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the District, is a reasonable time within which to correct such break or leak, or, as a minimum, to stop the flow of water from such break or leak;

(c) Irrigation in a manner or to an extent which allows excessive run-off of water or unreasonable over-spray of the areas being watered. Every customer is deemed to have his/her water system under control at all times, to know the manner and extent of his/her water use and any run-off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;

(d) Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle;

(e) Water for non-recycling decorative water fountains;

(f) Water for new non-recirculating conveyor car wash systems;

(g) Water for new non-recirculating industrial clothes wash systems;

(h) Water for single pass coolant systems;

(i) Potable water for outdoor landscaping during or within 48 hours of measurable rainfall;

- (j) Potable water on ornamental turf in public street medians;
- (k) Drinking water other than on request in eating or dining establishments; and
- (l) Water for the daily laundering of towels and linens in hotels and motels without offering guests the option of choosing not to have daily laundering.

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 resolution of the Board of Directors and in accordance with the Water Shortage Contingency Plan for the Greater Novato Service Area.

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 to protect the public health and safety and/or economic viability of commercial operation. Any decision of the General Manager under this section may be appealed to the Board of Directors.

Section 8. Violations

(a) After the publication or posting of this ordinance as provided in Water Code Section 31027, it is a misdemeanor for any person to use or apply water received from the District contrary to or in violation of Section 5 or Section 6 of this ordinance. Pursuant to the authority provided in in Government Code section 53069.4, the District may impose administrative fines and penalties against any person found to be in violation of this ordinance. The purpose of the administrative fines and penalties assessed pursuant to this ordinance is to assure future compliance by customers through the imposition of increasingly significant fines and penalties so as to create a meaningful disincentive to commit future violations of the rules and regulations contained and referenced herein.

(b) If and when the District becomes aware of any violation of any provision of Section 5 or 6 of this ordinance, a verbal warning will be given, then if the violation continues or is repeated, a written notice shall be placed on the property where the violation occurred and 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 determines is reasonable under the circumstances. If said order is not complied with, the District shall impose an administrative fine of not more than two hundred fifty dollars (\$250) for a first offense, and five hundred dollars (\$500) for a second offense, and may disconnect the service where the violation occurs.

(c) A fee of \$35 during normal business hours and \$60 during after-hours and weekends shall be paid for the first reconnection of any service disconnected pursuant to this ordinance during the suspension period. For each subsequent disconnection, the fee for reconnection shall be \$35 during normal business hours and \$60 during after-hours and weekends.

(d) No service which is disconnected twice 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 installation of such a flow restriction device during the suspension period shall be \$100 in addition to the fee required by subsection (c) hereof.

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.

Section 10. Drought Surcharge

In the event a mandatory reduction in water use is triggered (Stage 2 or Stage 3 herein), a Drought Surcharge will be implemented simultaneous with enactment of the mandatory stage. The Drought Surcharge will serve to mitigate the revenue loss resulting from a reduction in water use, as well as the liquidated damages assessed by the Sonoma County Water Agency pursuant to the water shortage and apportionment provisions of the Restructured Agreement for Water Supply. The Drought Surcharge shall be a quantity charge for each 1,000 gallons as specified in District Regulation 54.

* * * * *

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 March 16, 2021 by the following vote:

AYES: Directors Baker, Fraites, Grossi, Joly, Petterle
NOES: None
ABSENT: None
ABSTAINED: None



(SEAL)

Theresa Kehoe
District Secretary
North Marin Water District