

# MARIN MUNICIPAL WATER DISTRICT

## ORDINANCE NO. 453

### AN ORDINANCE AMENDING CHAPTER 13.04 ENTITLED “ COMPREHENSIVE DROUGHT WATER CONSERVATION AND ENFORCEMENT MEASURES” OF TITLE 13 OF THE MARIN MUNICIPAL WATER DISTRICT CODE ENTITLED “WATER SERVICE CONDITIONS AND WATER CONSERVATION MEASURES” ADDING POTABLE WATER LANDSCAPE INSTALLATION RESTRICTIONS FOR NEW WATER SERVICE CONNECTIONS

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MARIN MUNICIPAL WATER DISTRICT AS FOLLOWS:**

**SECTION 1. Purpose:** Due to the current drought conditions and low storage reservoir levels existing in the service area of the Marin Municipal Water District (District), the Board of Directors (Board) declared a water shortage emergency on April 20, 2021 pursuant to Water Code sections 350, et seq. and 71640, et seq. as set forth in Board Resolution No. 8630 and subsequently adopted Ordinance Nos. 449, 450 and 452 instituting mandatory water conservation measures for all District customers. The purpose of this ordinance is to add restrictions on potable water landscape installation for new water service connections within the District’s service area. The adoption of these additional measures is aimed at reducing increased water demand to preserve the District’s limited water supply due to the current drought. This action is necessary to preserve the remaining water supply given the uncertainty of future supply conditions due to drought.

**SECTION 2. Section 13.04.020(3) of the Marin Municipal Water District Code entitled “Drought water waste prohibitions” is hereby deleted and replaced to read as follows:**

13.04.020(3) The following are prohibited for all new water service connections:

- (A) Single pass cooling systems for air conditioning or other cooling system applications unless required for health or safety reasons.
- (B) Non-recirculating systems for conveyer carwash applications.
- (C) The use of potable water for the installation of any new landscaping until after the termination of the current Water Shortage Emergency. For purposes of this subsection (C), “new water service connection” shall mean and include new, additional, expanded or increased-in-size potable water service connections, meters, and service lines approved as of July 21, 2021. During the Water Shortage Emergency, applications for new water service connections will be approved only if the Applicant acknowledges in writing that either (i) the proposed project does not include any new landscaping that will be irrigated using potable water, or (ii) no new landscaping that will be irrigated with potable water will be installed in connection with the proposed project until after the termination of the Water Shortage Emergency. For purposes of this subsection, landscaping shall include fountains and ponds.

**SECTION 3. Findings of Necessity:** The Board of Directors, after considering all of the information and testimony presented at its July 20, 2021 public hearing regarding this ordinance, finds as follows:

I. Historic and Current Water Supply Overview

- A. Water is a finite and precious resource.
- B. The District's water supply currently remains limited to water captured in its seven reservoirs; water transported from the Russian River via the North Marin aqueduct; and recycled water produced at the Las Gallinas Valley Sanitary District Plant (for a variety of non-potable purposes). About 73% of the District's water supply comes from its reservoirs, 25% from the Russian River through the North Marin aqueduct and 2% from recycled water. Although options to increase the District's water supply are being evaluated, the implementation of any preferred alternative will not be immediate.
- C. Based upon rainfall patterns for the District, very little rainfall occurs from May to October each year. In recent years, the overall summer peak-period has found water use averages about twice winter use.
- D. As of July 7, 2021, the District's water storage level is 34,550 acre feet, which is 43.42% of average for this time of year. As a result of this drought, the District reservoirs are projected to be as low as 25,000 acre-feet on December 1, 2021 in the absence of above average rainfall and runoff, which is less than one year of water supply based on recent demand.
- E. The water conservation program already adopted by this Board is necessary to conserve additional water for beneficial use and to preserve the District's water supply.

II. New Water Service Connections.

- A. On April 20, 2021, pursuant to Board Resolution No. 8630, the District declared a water shortage emergency pursuant to Water Code sections 350, et seq. and 71460, et seq.
- B. Based upon projected demand and current storage levels, the District must preserve its remaining water supply to assure sufficient supply in the coming months given the uncertainty of future weather and water storage.
- C. Article X Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use to the fullest extent of which they are capable and that the waste, unreasonable use or unreasonable method of use of water be prevented, and that conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare.

- D. California Water Code section 356 authorizes water suppliers, and the Board finds it necessary, to restrict applications for new water service connections during a water shortage emergency to conserve supplies for the greatest public benefit.
- E. California Water Code section 71640 authorizes the District to restrict the use of water during any emergency caused by drought, or other threatened or existing water shortage, and prohibit the wastage of District water or the use of District water during such periods for any purpose other than household uses or such other restricted uses as the District determines to be necessary. The District may also prohibit use of District water during such periods for specific uses which it finds to be nonessential.
- F. Pursuant to Water Code section 353 when the Board declares the existence of an emergency condition of water shortage within its service area, it shall thereupon adopt such regulations and restrictions on the delivery of water and the consumption within said area of water supplied for public use as will in the sound discretion of such governing body conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.

**SECTION 4. Environmental Determination:** This project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and based upon the above findings and purposes of this ordinance, qualifies for an exemption pursuant to Section 21080(b)(4) of the Public Resources Code in that the Board of Directors find that these measures are necessary to preserve water supply to prevent or mitigate a water supply emergency.

**SECTION 5. Severability:** If any section, subsection, sentence, clause, phrase, portion or part of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section shall not affect the validity of the remaining portions of this code. The Board of Directors hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections subsections, clauses, phrases, parts or portions be declared invalid or unconstitutional.

**SECTION 6. Effective Date:** Pursuant to Water Code section 376, this ordinance shall be effective on the day of its adoption. Within 10 days of adoption, this ordinance, or a summary hereof, shall be published in the Marin Independent Journal pursuant to Section 6061 of the Government Code.

**PASSED AND ADOPTED** this 20th day of July, 2021, by the following vote of the Board of Directors:

**AYES:** Directors Larry Bragman, John Gibson, Larry L. Russell, and Monty Schmitt

**NOES:** None

**ABSTAIN:** Director Cynthia Koehler

  
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Cynthia Koehler  
President, Board of Directors

**ATTEST:**



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**Terrie Gillen**  
**Secretary, Board of Directors**