

**MARIN MUNICIPAL WATER DISTRICT**

**ORDINANCE NO. 452**

**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” ADOPTING ENHANCED WATER CONSERVATION AND ENFORCEMENT MEASURES PURSUANT TO WATER CODE SECTION 375**

**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 existing in the service area of the Marin Municipal Water District (District), the District adopted Ordinance No. 449 on April 20, 2021 and Ordinance No. 450 on May 4, 2021 setting forth a comprehensive list of mandatory water conservation measures to enhance the District’s water conservation program pursuant to Water Code section 375. The purpose of those conservation measures was aimed at reducing the quantity of water used by all District customers to preserve the District’s limited water supply due to the current drought given the uncertainty of future water supply conditions. The purpose of this ordinance is to amend those previously adopted water use restrictions to further reduce outdoor water use for irrigation and enhance water conservation measures to help the District reach its overall goal of 40% water use reduction.

**SECTION 2. Subsection (1) (N) of Section 13.04.020 of the Marin Municipal Water District Code entitled “Drought water waste prohibitions” is hereby deleted and replaced in its entirety to read as follows:**

13.04.020(1)(N) Operating outdoor sprinkler irrigation systems delivering overhead spray more than one day within any calendar week, as assigned by the District, and drip irrigation more than two days per week within any calendar week, but excluding hand-watering. For the purpose of this section, “calendar week” shall mean a period running from Monday-Sunday. These irrigation restrictions equally apply to any new landscaping. It is therefore strongly encouraged that all District customers refrain from installing any new landscaping during the current drought conditions as the water user restrictions set forth in this section may not provide sufficient water use necessary for newly planted landscapes to survive.

**SECTION 3. Findings of Necessity:** The Board of Directors, after considering all of the information and testimony presented at its July 6, 2021 meeting regarding this ordinance, finds as follows:

- A. On April 20, 2021, the Board of Directors declared a water shortage emergency pursuant to Water Code sections 350 et seq. and 71640 et seq. and adopted Ordinance No. 449 setting forth mandatory water conservation measures and findings supporting the Board's actions, which findings set forth in Section 11 of the ordinance, are hereby incorporated herein by this reference.
- B. On May 4, 2021, the Board adopted Ordinance No. 450 setting forth additional water conservation measures and findings, which findings set forth in Section 3, are hereby incorporated herein by this reference.
- C. On May 18, 2021, the Marin County Board of Supervisors declared a local emergency to exist throughout all of Marin County, including all of the District's service area, due to the current drought conditions.
- D. As of June 28, 2021, District reservoir storage was 35,398 acre feet (AF) compared to the average reservoir storage for that date of 67,038 AF and conservation savings within the District has fallen short of the District's overall goal of 40% savings relative to the average usage for the past three years.
- E. If current conditions continue into next year, the District could deplete its available water supply within a year.
- F. Given the limited water supply remaining in District reservoirs, the anticipated continuation of historically low rainfall patterns, and the approaching hot summer months, the Board of Directors finds that the additional mandatory water use restrictions set forth herein are necessary to preserve the District's remaining water supply and that additional water use restrictions may be necessary in the immediate future to preserve remaining water supply.

**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) in that the Board of Directors find that these measures are necessary to preserve water supply to prevent or mitigate a more severe 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 6th day of July, 2021, by the following vote of the Board of Directors:


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

**NOES:** None

**ABSENT:** None

  
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Cynthia Koehler  
President, Board of Directors

**ATTEST:**

  
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Terrie Gillen  
Secretary, Board of Directors