

**MARIN MUNICIPAL WATER DISTRICT**

**ORDINANCE NO. 459**

**AN ORDINANCE AMENDING CHAPTER 13.02 ENTITLED “WATER CONSERVATION AND DRY YEAR WATER USE REDUCTION PROGRAM” OF TITLE 13 OF THE MARIN MUNICIPAL WATER DISTRICT CODE ENTITLED “WATER SERVICE CONDITIONS AND WATER CONSERVATION MEASURES” PROHIBITING THE IRRIGATION OF NON-FUNCTIONAL TURF USING DISTRICT WATER IN NEW NON-RESIDENTIAL LANDSCAPES**

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

**SECTION 1. Purpose:** Article X, Section 2 of the California Constitution requires that water resources be put to the most beneficial uses and that the waste or unreasonable use of water be prevented. Approximately 50% of all water used in the District’s service area is for outdoor irrigation. This Ordinance will prohibit the use of District water for the irrigation of Non-Functional Turf in new landscape installations to prevent the unreasonable use of water and ensure that the District’s water resources are preserved for more beneficial uses such as public health, safety, fire suppression and human consumption.

**SECTION 2. Section 13.02.021 of the Marin Municipal Water District Code entitled “Water Conservation: Normal Year Water Conservation”, Subsection (2) entitled “Definitions” is hereby amended to add the following definition to the alphabetical list of definitions:**

Non-Functional Turf: Any Turf planted within Non-Residential Landscapes, excluding Recreational Areas, and other areas where the Turf is necessary for the intended function of the planted area and no alternative materials are suitable for the anticipated site use.

**SECTION 3. Section 13.02.021 of the Marin Municipal Water District Code entitled “Water Conservation: Normal Year Water Conservation”, Subsection (5)(G)(1) entitled “Plants” is hereby amended to add the following language as subsection (o):**

**Section 13.02.021(5)(G)(1)(o):**

Non-Functional Turf irrigated with District water shall be prohibited.

**SECTION 4. Section 13.02.021 of the Marin Municipal Water District Code entitled “Water Conservation: Normal Year Water Conservation”, Subsection (12) entitled “Forms” is hereby amended to delete the form entitled “Appendix A- Maximum Applied Water Allowance (Residential & Commercial)” and replace it with the new Appendix A set forth herein.**

Appendix A- Maximum Applied Water Allowance (Residential & Commercial)

**MARIN WATER  
WATER BUDGET & WATER USE CALCULATOR**

Zip Code:	
Date:	
Project Name:	
Project Address:	
Project Contact:	
Project Contact Email:	



Maximum Applied Water Allowance (MAWA)	Project Type	ET <sub>o</sub>	ETAF	Special Landscape Area (SLA)	Total Landscape Area including SLA	MAWA (CCF/yr)
		-		-		-

Estimated Total Water Use (ETWU)	ET <sub>o</sub>	(SF * PF) / IE	SLA	ETWU (CCF/yr)
	-	-	-	-

Project meets water budget.

Difference between MAWA and ETWU

ETWU Calculation (Regular landscape areas)	Zone #	Description	Select Irrigation	Square Feet (SF)	Plant Factor (PF)	Irrigation Efficiency (IE)	(SF * PF) / IE
	1						-
	2						-
	3						-
	4						-
	5						-
	6						-
	Landscape area (not including SLA)			-			-

ETWU Calculation Special Landscape Areas (SLA)	Description	Square Feet (SF)	Plant Factor / Irrigation Efficiency (PF/IE)	(SF * PF) / IE
	Edible planting area		1.0	-
	Multi-use and sports field turf area		1.0	-
	Area irrigated with recycled water		1.0	-
	Pool		1.0	-
	<b>Total SLA</b>	<b>0</b>		<b>0</b>

Total Landscape Area (including SLA) from ETWU Calculation

Water Use Table	ETWU	Gallons:	0	Units:	0	AF:	0
	Billing Period	Jan/Feb	Mar/Apr	May/June	Jul/Aug	Sep/Oct	Nov/Dec
	Baseline (CCF)	0	0	0	0	0	0

1 CCF (hundred cubic feet) = 748.05 gallons; 1 AF (acre foot) = 435.6 CCF



**SECTION 5. Findings of Necessity:** The Board of Directors, after considering all of the information and testimony presented at its March 15, 2022 meeting regarding this Ordinance, finds as follows:

- 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 and will not supplant the need to use District water efficiently.
- C. The water conservation program, including the mandatory water conservation measures already adopted by this Board, is necessary to conserve additional water for beneficial use and to preserve the District's water supply, and this Ordinance would further supplement previously adopted water conservation measures.
- D. 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.
- E. Approximately half of the District's water supply is used for outdoor irrigation, and actions are necessary to reduce this usage.
- F. This Ordinance will reduce the amount of water used for outdoor irrigation by prohibiting the use of the District's water supply to irrigate non-functional turf, which is by definition non-essential as it provides no functional purpose, and preserve the District's water supply for more essential uses.

**SECTION 6. 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 15061(b)(3) of the CEQA Guidelines as there is no possibility that the activity in question may have a significant effect on the environment.

**SECTION 7. 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 8. Effective Date:** This Ordinance shall become effective thirty (30) days following the date of its adoption.

**PASSED AND ADOPTED** this 15th day of March, 2022, by the following vote of the Board of Directors:

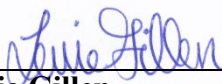
**AYES:** Directors Larry Bragman, Jack Gibson, Cynthia Koehler, and Monty Schmitt

**NOES:** Director Larry Russell

**ABSENT:** None

  
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**Larry L. Russell**  
**President, Board of Directors**

**ATTEST:**

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