



## McCloud Community Services District

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### Ordinance No. 30

Adopted by the MCS D on March 13th, 2023

### Adopting an Emergency Drought Water Program

**WHEREAS**, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of an emergency drought or necessity in order to prevent water

contamination are essential to the public health, safety and welfare; and

**WHEREAS**, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

**WHEREAS**, California Water Code sections 375 et seq. authorize water suppliers to adopt and enforce an emergency drought water program; and

**WHEREAS**, adoption and enforcement of an Emergency Drought water program will allow the Mccloud Community Services District to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 et seq.; and

**WHEREAS**, pursuant to Water Code section 376 and Government Code 6061, the MCS D must publish in a newspaper of general circulation any ordinance or resolution adopting an Emergency Drought Water Program within 10 days after its adoption; and

**WHEREAS**, on July 16th, 2022, the MCS D declared the existence of a local water emergency; and

**WHEREAS**, on February 13th, 2023, the MCS D held a public hearing and made appropriate findings of necessity for the adoption of an Emergency Drought Water Program; and

**WHEREAS**, Water Code 377 establishes that, from the publication of an ordinance or resolution pursuant to Section 376 until the repeal of the ordinance or end of the emergency, it is a misdemeanor

punishable by up to 30 days in county jail and/or a fine of up to \$1,000 for any person to violate a requirement of the Emergency Drought Water Program: and

**WHEREAS**, this ordinance will provide guidance for the MCSD to manage water supply and demand within all areas supplied water by the MCSD in the event of a water supply disruption due to drought, earthquake, fires or other natural disasters or emergencies. It addresses progressive situations, such as those that are weather-related where conditions may change over time, and more immediate situations, such as facility emergencies like a pipeline break. The MCSD has primary responsibility for administering and implementing this ordinance; and

**WHEREAS**, the Emergency Drought Water Program measures and sets progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable MCSD to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public.

**NOW, THEREFORE, BE IT ORDAINED** by the MCSD, as follows:

1. This ordinance is effective 30 days after its adoption or as otherwise established by State law; and
2. Pursuant to Water Code section 376 and Government Code 6061, the MCSD shall publish in a Newspaper of general circulation this ordinance adopting an Emergency Drought Water Program within ten (10) days after its adoption; and
3. This ordinance establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the MCSD in order to assure adequate supplies of water to meet the needs of the public, and further public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times; and
4. This Ordinance establishes four (4) levels of Emergency Drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to intensifying drought conditions and decreasing available supplies; and determine by demand and availability with respect to environmental integrity, and when to move to next level if previous level is not sufficient; and

5. The Board of Directors will determine the level of the Emergency Drought response needed and will direct the General Manager to publish notifications on the MCSD website, bills, Facebook, and post notices in the

community. Mandatory conservation measures would take effect within 10 days after declaration of the response level is published. In emergency situations, notice will be given by door-to-door delivery within three days after declaration of the response level is made, and

6. **During a Level One (1) Emergency Drought Response Condition**, MCSD will increase its Public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices:

- a.) Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
- b.) Wash vehicles using a bucket and a handheld hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that recirculates water on-site. Avoid washing in hot conditions when additional water is required due to evaporation.
- c.) Irrigate residential and commercial landscape before 10 am or after 7 pm only. Outdoor irrigation shall be limited to three (3) days a week, with specific days to be designated by the General Manager or Board of Directors.
- d.) Use recirculated water to operate ornamental fountains.
- e.) Serve and refill water in restaurants and food service establishments only upon request.
- f.) Repair all water leaks within five (5) days of notification by the MCSD unless other arrangements are made with the General Manager.
- g.) Use recycled or non-potable water for construction purposes when available.
- h.) No landscape irrigation during or within 24 hours of rain.
- i.) Draining and refilling of private swimming pools is prohibited unless necessary for public health and safety and approved by the General Manager.



**7. During a Level two (2) Emergency Drought Response Condition,** all persons using MCSD water shall comply with level one (1) Emergency Drought Response water conservation practices during a level two (2) Emergency Drought Alert, and shall also comply with the following additional mandatory conservation measures:

- a.) The General Manager shall continue all public information actions specified for Stage one (1) but shall request that customers immediately reduce their usage.
- b.) Irrigate residential and commercial landscape before 10 am or after 7 pm only. Outdoor irrigation shall be limited to two (2) days a week, with specific days to be designated by the Board of Directors.

**8. During a Level Three (3) Emergency Drought Response: "Drought Critical Condition,"**

All persons using MCSD water shall comply with level one (1) and level two (2) Emergency Drought Response water conservation practices during a Level three (3) Emergency Drought Alert, and shall also comply with the following additional mandatory conservation measures:

- a.) The General Manager shall continue all public information actions specified for Stage one (1) and two (2) but shall request that customers immediately reduce their usage.
- b.) Irrigate residential and commercial landscape before 10 am or after 7 pm only. Outdoor irrigation shall be limited to one (1) day a week, with specific days to be designated by the General Manager or Board of Directors.
- c.) The use of fountains or other decorative water features is prohibited unless necessary as habitat for aquatic pets, in which case recirculating water shall be permitted.

**9. During a Level Four (4) Emergency Drought Response "Drought Emergency"**

All persons using MCSD water shall comply with Levels one (1) through three (3) Emergency Drought Response water conservation practices during a Level Four (4) Emergency Drought Alert, and shall also comply with the following additional mandatory conservation measures:

- a.) The General Manager shall continue all public information actions specified for Stages one (1), two (2) and three (3), but shall request that customers immediately reduce their usage.
- b.) All residential, commercial, and industrial outdoor irrigation is prohibited.

**10. Determination and Declaration of Emergency Drought Stages/Levels**

The General Manager shall review and analyze all available water supply data and shall regularly report findings to the Board of Directors during Emergency Drought stages one (1) through four (4.)

The Board of Directors shall declare the existence of an Emergency Drought Stages 1 through 4 conditions by Resolution adopted at a regular, special, or emergency public meeting.

### **11. Fines and Penalties**

1.) *Violations.* Pursuant to Section 377 of the Water Code, violation of this ordinance may be prosecuted as a misdemeanor, punishable by imprisonment in the County jail for no more than thirty (30) days or by fine not exceeding \$1,000, or by both. In addition to the Water Code penalties, violations of this ordinance may result in the imposition of fines and restriction by the General Manager or designee as set forth below:

A.) First Violation, Notice of Violation and Warning of Penalties, a written warning accompanied by a copy of this ordinance, delivered by certified U.S. Mail and hand delivered or posted on customer's door.

B.) Second Violation (within one year of the date of the last violation) A fine of \$100.00.

C.) Third Violation (within one year of the date of the last violation) A fine of \$500.00.

D.) Fourth and subsequent Violations (within one year of the date of the last violation) A fine of \$1,000.00.

Before imposing the fines authorized by this section, the General Manager or designee shall provide notice and an opportunity for a hearing. The General manager shall initiate the process to impose a fine by sending a written complaint to the customer at least 30 days before the hearing of the complaint. The complaint shall state the basis for the proposed fine.

2.) *Fines, additional charges.* Any fine hereunder shall be in addition to the basic water rates and other charges for the account and shall appear on and be payable with the billing statement for the period during which the violation occurred; nonpayment shall be subject to the same remedies available for non-payment of basic water rates.

### **12, Effective Dates and Publication**

This ordinance was adopted pursuant to Section 375 of the Water Code. This ordinance shall take effect immediately pursuant to the provisions of Section 376 (a) of the Water Code. Pursuant to Water Code Section 376 and Government Code 6061, the Secretary of the Board shall publish in a newspaper of general circulation this ordinance, or summary thereof, adopting a water conservation program within 10 days after its adoption.

Passed and adopted this 13<sup>th</sup> day of March, 2023 by the following vote:

AYES: Trent, Hanson, Richey, Mullins, Rorke

NOES:

ABSTAIN:

ABSENT:



Mick Hanson, Board President

SIGNED AND CERTIFIED THAT A COPY  
OF THIS DOCUMENT HAS BEEN DELIVERED  
TO THE BOARD OF DIRECTORS.



Sarah Roberts, District Secretary