

**ORDINANCE NO. 2021-06**  
**AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT**  
**ADDING ARTICLE VII: WATER CONSERVATION ESTABLISHING RULES AND**  
**REGULATIONS FOR RATIONING WATER DURING A WATER SHORTAGE**  
**EMERGENCY AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF**

**WHEREAS**, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

**WHEREAS**, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

**WHEREAS**, regulation of the day or 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 Government Code section 61100, subdivision (a) incorporates Water Code sections 71000 et seq., including section 71640, into the Community Service District Law; and

**WHEREAS**, California Water Code section 71610.5 authorizes the District to undertake a water conservation program to reduce water use and may require, as a condition of new service, that reasonable water-saving devices and water reclamation devices be installed to reduce water use; and

**WHEREAS**, pursuant to Water Code section 71640, municipal water districts may restrict the use of district water during a drought emergency or other water shortage condition and may prohibit the wastage of district water or the nonessential use of district water during such periods for any purpose other than household uses or other restricted uses as the District determines to be necessary; and

**WHEREAS**, pursuant to Water Code section 71641 and Government Code section 6061, the District must publish in a newspaper of general circulation any ordinance setting forth the restrictions, prohibitions, and exclusions determined to be necessary under Water Code section 71640 within 10 days after its adoption, even though the ordinance is effective upon adoption; and

**WHEREAS**, Water Code section 71644 establishes that, from the publication of an ordinance pursuant to section 71641 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 \$500 for any person to use or apply water from the District contrary to or in violation of any restriction or prohibition; and

**WHEREAS**, the adoption and enforcement of a comprehensive water conservation program will allow the 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**, the District has previously adopted a comprehensive water conservation program in 1977 through Ordinance 10, amended with Ordinance 11 also in 1977, and further amended in 2015 through Resolution 2015-09; and

**WHEREAS**, the District desires to incorporate and codify this water conservation program within its Rules and Regulations with necessary updates.

**NOW THEREFORE**, the Board of Directors of the McKinleyville Community Services District does hereby ordain the following:

**Section 1. ARTICLE VII: WATER CONSERVATION** is added to the MCSD Rules and Regulations as attached in Exhibit A.

**Section 2. Definitions.** For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein and if not already within the Rules and Regulations Definitions found in Rule 1 shall be added. The word "shall" is always mandatory and not merely directory.

- a) "**District**" is McKinleyville Community Services District.
- b) "**Board of Directors**" is the elected Board of Directors of the McKinleyville Community Services District.
- c) "**Customer**" is any person using water supplied by the McKinleyville Community Services District.
- d) "**Manager**" is the General Manager of the McKinleyville Community Services District.
- e) "**Person**" is any person, firm, partnership, association, corporation, company, or organization of any kind.
- f) "**Water**" is water from the McKinleyville Community Services District.
- g) "**Outdoor surface**" is any patio, porch, veranda, driveway, or sidewalk.

**Section 3. Publication.** Within ten (10) days of adoption, the District will publish in a newspaper of general circulation this ordinance setting forth the restrictions, prohibitions, and exclusions determined by the District to be necessary.

This Ordinance shall take effect and be in full force and effective thirty (30) days after its passage.

Introduced at a regular meeting of the Board of Directors held on July 7, 2021 and passed and adopted by the Board of Directors on August 4, 2021, upon the motion of Director Binder and seconded by Director Orsini and by the following roll call vote:

AYES: Binder, Couch, Orsini, and Mayo

NOES:

ABSTAIN:

ABSENT: Clark-Peterson

Attest:



April Sousa, MMC, Board Secretary



Dennis Mayo, Board President