

**ORDINANCE NO. \_\_\_\_\_**  
**Adopted by the [BOARD OF DIRECTORS or THE DISTRICT]**  
**[DATE]**

**ADOPTING WATER USE RESTRICTIONS**

**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 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

*[for CSDs]* **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 \$600 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**, on [date resolution finding a drought emergency or water shortage was adopted], the [District] found the existence or threat of a local drought emergency or water shortage; and,

[INSERT clauses speaking to locally relevant conditions and concerns as needed or desired]

**NOW, THEREFORE, BE IT ORDAINED** by the [Board of Directors or District], as follows:

1. This ordinance is effective upon adoption; and
2. Within ten days 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 in the [local newspaper of general circulation]; and
3. The Board hereby requires mandatory water conservation and restricts water use to a maximum of [amount] per day per water connection; and  
[Also consider restrictions requiring a set percentage of reductions; prohibitions on landscape runoff; restrictions on use of potable water for street cleaning, or other non-potable uses; or other conditions in Levels 2 through 4 in the sample ordinance adopting a water conservation program for cities and counties.]
4. The restrictions in this ordinance remain in effect until the ordinance has been repealed or the emergency or threatened emergency has ceased; and
5. Violation of the requirements of this ordinance shall constitute a misdemeanor, subject to the following penalties:
  - a. Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding \$600, or by both as provided in Water Code section 71644.
  - b. Each day that a violation of this ordinance occurs is a separate offense.
  - c. Administrative penalties may be levied for each violation of a provision of this ordinance in accordance with Water Code section 71590.

Passed and adopted this \_\_\_ day of \_\_\_\_\_ 2014, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

SAMPLE