

**WCSD ORDINANCE 2021-3**  
**ADOPTING A WATER CONSERVATION PROGRAM AND WATER SUPPLY**  
**EMERGENCY ORDINANCE**

**An Ordinance Amending Ordinance 2014-2 Dated May 21, 2014**

**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

**WHEREAS**, California Water Code sections 375 et seq. empower any public entity which supplies water at retail or wholesale to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

**WHEREAS**, Water Code section 375, subdivision (c) defines "public entity" to include a city, county, special district, water authority, or any other municipal public corporation or district; and

**WHEREAS**, pursuant to Water Code section 376 and Government Code 6061, the Westhaven Community Services District ("WCSD") must publish in a newspaper of general circulation any ordinance or resolution adopting a water conservation program within 10 days after its adoption; and

**WHEREAS**, Water Code section 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 water conservation program; and

**WHEREAS**, Water Code sections 350 et seq. empower the WCSD to declare a water service emergency and to adopt such regulations and restrictions on the delivery of water and water consumption for public use as will in the Board's sound discretion conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation and fire protection; and

**WHEREAS**, WCSD does not have sufficient water storage capacity to forecast into the future whether available water is likely to diminish, which means that it is impractical for WCSD to design and implement a multi-step drought response conservation program; and

**WHEREAS**, WCSD has the ability to monitor water supply and consumption on a weekly or daily basis and is therefore able to observe in close to real time when drought causes water supply to diminish such that water consumption threatens to exceed water supply; and

**WHEREAS**, current consumption of water supplied by WCSD on a per capita basis averages less than 100 gallons per day, and WCSD customers have, on average, adopted most water conservation measures traditionally included in a water conservation program; and

**WHEREAS**, given the WCSD's limited water storage capacity, should it be observed that water consumption threatens to exceed water supply a water supply emergency would exist; and

**WHEREAS**, the remaining, effective means to further conserve water is to adopt in advance, and to implement and enforce, in the event the Board declares a water shortage emergency, those comprehensive water conservation measures that shall be taken should a drought threaten that water supply may be insufficient to meet traditional demand; and

**WHEREAS**, comprehensive water conservation measures taken to avoid a drought-induced supply shortfall will allow the WCSD to delay or avoid imposing water rationing or more drastic measures to restrict or allocate water consumption; and

**WHEREAS**, on May 21, 2014, the WCSD held a public hearing and made appropriate findings of necessity for the adoption of a Water Conservation Program and Water Supply Emergency Ordinance; and

**WHEREAS**, upon the adoption of a resolution finding and declaring the existence of a drought emergency or water shortage emergency pursuant to California Water Code sections 350 et seq. and sections 71640 et seq., the WCSD shall be authorized to implement the provisions of the Water Conservation Program and Water Supply Emergency Ordinance hereby established by this Ordinance.

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

1. This Ordinance is effective immediately upon adoption or as otherwise established by State law; and
2. Pursuant to Water Code section 376 and Government Code section 6061, the WCSD shall publish in a newspaper of general circulation this ordinance adopting a water conservation program within 10 days after its adoption and will also post the ordinance on its website; and
3. This Ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies; and
4. When the WCSD Board of Directors ("Board") finds that in the preceding week water supply, measured as total production capacity and excluding water in storage in the two open reservoirs, was no more than 110% of total production (water sold + system water loss due to leakage) in that same preceding week, the Board may find that a water shortage emergency exists. A water shortage emergency, once declared pursuant to this subparagraph, shall remain in effect until the Board finds that the conditions specified in this paragraph no longer exist.
5. Excepting in the event of a breakage or failure of an impoundment, pipeline or conduit causing an immediate emergency, any Board declaration of a water shortage emergency shall be made after at a public hearing on the declaration of emergency, with notice of the time and place of the hearing published pursuant to Section 6061 of the Government Code at least seven days prior to the date of the hearing in a newspaper printed, published and circulated within Humboldt County, California. Notice of the time and place of the hearing shall also be



posted at the bulletin board at the Westhaven Fire Hall and on the homepage of the WCSD website. At any hearing conducted pursuant to this paragraph, consumers of WCSD-supplied water shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the Board.

6. For the duration of a declared a water shortage emergency, the following mandatory conservation measures shall apply to all WCSD customers:
  - a. Landscape irrigation is prohibited except to maintain existing landscaping unless the General Manager finds that landscape irrigation is necessary for erosion control; or if a state or local Fire Marshal specifies landscape irrigation that is necessary for fire protection.
  - b. Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of hand-held bucket or similar container.
  - c. Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat, motor home, or trailer, whether motorized or not, is prohibited, except by use of a hand-held bucket or similar container.
  - d. All water leakage in customers' water distribution systems shall be repaired within two weeks of the declaration of a water shortage emergency. For purposes of this subparagraph, "water leakage" means leakage from any hoses, fittings, valves, faucets, toilets or above- or below-ground pipes. For purposes of this ordinance, "customer" includes the owner of record and the occupant (if distinct from the owner) of the assessor's parcel to which WCSD supplies water.
  - e. Pursuant to Water Code § 71601(b), the WCSD may conduct an audit of a customer's water use with the aim to determine whether landscape has been irrigated in violation of this Ordinance; or whether the customer has unrepaired leakage in violation of this Ordinance. Audits conducted pursuant to this subparagraph shall be performed in a manner as determined to be appropriate by the General Manager.
  - f. In the event the General Manager determines that there is unrepaired leakage in the customer's water distribution system, the General Manager shall notify the customer of the existence and (if feasible) the location and flow rate of any leakage.
  - g. If, pursuant to subparagraph 6(f) above, a customer has been notified of unrepaired leakage, then the customer shall repair the leakage within 3 days unless other arrangements have been made with the General Manager.
  - h. Upon declaration of a water shortage emergency, the WCSD's leak forgiveness policy is suspended for the duration of the declared water shortage emergency.
7. If the General Manager determines that a customer has violated any of the mandatory water conservation measures in paragraph 6, above, then WCSD shall impose the penalties provided by this paragraph.
  - a. The General Manager shall provide written notice to the customer. The notice shall be dated and shall specify the address, the nature of the violation, list the steps that must

be taken to comply with this Ordinance and the name and telephone number of a District staff person from whom additional information can be obtained. In addition, the notice shall advise the customer that suspension of water service to the customer's property will result from continued non-compliance. These provisions are for a first violation within any consecutive twelve month period.

- b. If, within 14 days following receipt of written notice, the customer fails to comply with the requirements of the notice the General Manager provided pursuant to subparagraph 7(a) above, then a second violation shall occur and the General Manager shall issue a second notice to the customer containing the information specified in subparagraph 7(a) above. A customer who has committed a second violation shall be fined in an amount not to exceed Fifty Dollars (\$50.00), which shall be charged to and billed on the customer's account.

If, in the discretion of the General Manager, satisfactory progress is being made on steps to correct the violation, a second notice will not be issued and no further action shall be taken.

- c. If, within 14 days following receipt of written notice, the customer fails to comply with the requirements specified in the notice the General Manager provided to the customer pursuant to subparagraph 7(b) above, a third violation shall occur and the General Manager shall issue a third notice to the customer containing the information specified in subparagraph 7(b) above. A customer who has committed a third violation shall be fined in an amount not to exceed Two Hundred Dollars (\$200.00), which shall be charged to and billed on the water user's account.

The third notice shall also notify the customer that WCSD will suspend water service to the customer's property within thirty (30) calendar days unless the customer is in compliance with the provisions of this Ordinance. Suspension of water service shall conform to the notice requirements and procedures for termination of water service that are established in WCSD Resolution 2013-6. Suspension of water service pursuant to this subparagraph shall remain in effect until the customer is in compliance with the provisions of this Ordinance or until the water supply emergency is no longer in effect, whichever occurs first.

- d. The General Manager shall have the authority to extend any deadlines by a period not to exceed 30 days.

Passed and adopted this nineteenth day of January 2022, by the following vote:

ATTEST:

  
Roxanne Levang  
WCSD Secretary

  
William Verick, Board President  
Westhaven Community Services District

**SECRETARY'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance 02-01 "An Ordinance of the Westhaven Community Services District Establishing the Governing Rules and Regulations for the District" passed and adopted at a regular meeting of the Board of Directors of the Westhaven Community Services District, Westhaven, California, held on the sixteenth day of January, 2002 by the following roll call vote:

AYES: Verick, Cline, Hankin, Swisher, and Llanos

NOES: None

ABSENT: None

ABSTAIN: None