
ORDINANCE NO. 2021-01

**AN ORDINANCE OF THE MALAGA COUNTY WATER DISTRICT RELATED TO
THE DISTRICT WATERING SCHEDULE; THEFT, TAMPERING, OR
UNAUTHORIZED USE OF WATER/UTILITIES; AND INDUSTRIAL SEWER
DISCHARGE PERMITS**

WHEREAS, the state of California, the Central Valley and in particular Fresno County are in a state of moderate to severe drought for the 2020-2021 rain season; and

WHEREAS, the U.S Bureau of Reclamation has lowered its December allocation of water to customers south of the San Joaquin Delta from 10% to 5%; and

WHEREAS, the Malaga County Water District, in an effort to do its part to conserve water has, several times in the last decade, implemented emergency water restrictions including reducing outdoor watering from three days a week to two days a week during the summer: and

WHEREAS, the Board of Directors of the Malaga County Water District desires to permanently change its summer outdoor watering schedule to two days per week; and

WHEREAS, the District has recently observed an increase in companies or individuals taking water from fire hydrants or customers without authorization; and

WHEREAS, the District desires to amend its Ordinance to make the theft or unauthorized use of water an automatic penalty of a fine of one Thousand dollars (\$1000.00); and

WHEREAS, the District desires to clarify the District's Sewer Use Ordinance by codifying the necessity for a commercial / industrial discharger to obtain a wastewater discharge permit.

NOW, THEREFORE, BE IT ORDAINED by the Board of District of the Malaga County Water District as follows:

SECTION 1.

Section 2.11.040 of the District's Ordinance Code pertaining to outdoor watering regulations is hereby amended to read as follows:

"2.11.040 Water conservation – Outdoor water regulations.

A. **Prevention of Water Waste.** No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, the District may discontinue the service if such conditions are not corrected within five days after giving the customer written notice to correct such wasteful or negligent use.

B. **Outdoor Water Use Restrictions.** In the use of water supplied by the District, no customer shall do or permit any of the following:

1. Water any lawn except by the use of a hose held in the person's hand with a shut-off nozzle or a sprinkling device; or
2. Keep, maintain, operate, or use any water connection, hose, faucet, hydrant, pipe, outlet, or plumbing fixture which is not tight and free of leakage; or
3. Willfully or negligently waste water; or
4. Flood any part of the premises of another; or
5. Sprinkle the premises of another so as to prevent the normal use thereof or unreasonably wet objects thereon which should not be subjected to a spray of water except as naturally caused by the elements or by action of the owner of the object; or
6. Sprinkle or irrigate any yard, ground, premises or vegetation outside the prescribed water schedule which is as follows:
 - a. Summer Schedule (March to October).
 - i. Odd-numbered addresses' (ending in 1, 3, 5, 7, 9) watering days are Tuesday, and Saturday.

ii. Even-numbered addresses' (ending in 0, 2, 4, 6, 8) watering days are Wednesday and Sunday.

iii. No watering on Monday, Thursday or Friday.

iv. Outdoor watering is only permitted on the designated days between 7:00 p.m. and 6:00 a.m.

b. Winter Schedule (November to February).

i. Odd-numbered addresses' (ending in 1, 3, 5, 7, 9) watering day is Saturday.

ii. Even-numbered addresses' (ending in 0, 2, 4, 6, 8) watering day is Sunday.

iii. No watering on Monday, Tuesday, Wednesday, Thursday or Friday.

iv. Outdoor watering is permitted at any time on the designated days; or

7. Wash any privately owned motor vehicle, trailer, or boat except from a bucket or in a commercial car wash. A hose may be used for a quick rinse only if equipped with a shut-off nozzle; or

8. Wash or rinse with a hose or watering device any vehicle, sidewalk, driveway, parking area, tennis court, patio, or any other exterior paved area, except in a manner which prevents the bulk of the water runoff from entering the street and instead diverts such water to other productive purposes such as landscape irrigation.”

SECTION 2.

Section 1.07.050 Related to the theft/unauthorized use of water/utilities is hereby added to the Malaga County Water District Ordinance Code to read as follows:

“1.07.050 Unauthorized Use/Theft of Water/Utility Service

A. It is unlawful for any Person to Tamper, Divert, Reconnect, (the terms “Person, Utility, Customer, Utility Service, Divert, Temper, or Reconnection as used in this Ordinance Code shall have the same meaning as those words as defined in Penal

Code §498(a.) or otherwise obtain for himself, herself or theirselves Utility Services without paying the full lawful charge therefor, or with the intent to enable another Person to do so, or with the intent to deprive the District of any part of the full lawful charge for Utility Services it provides, commits, authorizes, solicits, aids or abets, in any of the following shall be guilty of a misdemeanor:

1. Diverts or causes to be diverted Utilities Services, by any means.
 2. Prevents any utility meter, or other device used in determining the charge for Utility Services from accurately performing its measuring function by tampering or by any other means.
 3. Tamper with any property owned by or used by the District to provide Utility Services.
 4. Makes or causes to be made any connection with or reconnection with property owned or used by the District to provide Utility Services without the authorization or consent of the District.
 5. Uses or receives the direct benefit of all or any portion of Utility Services with knowledge or reason to believe that the diversion, tampering, or unauthorized connection exists at the time of that use, or that the use or receipt was otherwise without authorization or consent of the District.
 6. Or commits any other violation as described in Penal Code §498.
- B. Any violation of any other Section of the Malaga Code pertaining to the unauthorized use of Utility Service including, but not limited to, Chapter 2.10 pertaining to temporary service or service from a fire hydrant.
- C. Non-Exclusive. The penalties and remedies described in this section shall be non-exclusive and cumulative.
- D. Penalty. The Penalty for violation of this section shall be one thousand dollars (\$1,000.00) per violation.”

SECTION 3.

Section 3.05.015 Pertaining to the requirement for a waste water discharge permit for industrial/commercial users is hereby added to the Malaga County Water District Ordinance Code to read as follows:

3.05.015 PERMIT REQUIRED.

Pursuant to the authority set forth in the MCWDC 3.01.030 the District may require any or all commercial/industrial User(s), as its primary control mechanism pursuant to 40CFR §403.8(f) to have an individual wastewater discharge permit issued pursuant to this Ordinance Code or the District's Pretreatment Program and the failure or refusal by any User to obtain such permit or to operate without a permit when required shall be deemed a violation of this Ordinance Code”

SECTION 4. California Environmental Quality Act: The Directors having considered the Staff Report and all public comments, has determined that the amendment is not a project under the California Environmental Quality Act because the amendment has no potential for resulting in a physical change in the environment. Since the amendment is not a project, no environmental documentation is required.

SECTION 5. Severability: If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The Directors hereby declare that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional.

SECTION 6. Effective Date and Posting of Ordinance: This Ordinance shall be effective immediately upon adoption. The District's Secretary shall publish a summary of the Ordinance within fifteen (15) days after adoption with the names of the Directors voting for and against this Ordinance. Additionally, the Secretary shall post a certified copy of the full text of this Ordinance with the names of the Directors voting for and against this Ordinance in the office of the District. (Water Code Sections 31027, 31105, and 31141.)

WHEREFORE, this Ordinance was passed and adopted by the Board of Directors of the Malaga County Water District this _____ day of 2021, by the following vote:

AYES:

NOES:

ABSENT:

CERTIFICATION

I, Moises Ortiz, duly qualified, appointed, and acting Secretary of the Malaga County Water District do hereby certify that the foregoing is a true statement of the action taken by the Board of Directors of the District at a regular meeting of the Board held on _____, 2021.

MALAGA COUNTY WATER DISTRICT

Dated: _____, 2021

By: _____
Moises Ortiz, Secretary of the
Malaga County Water District