

PUBLIC NOTICE

TRINITY COUNTY WATERWORKS DISTRICT NO. 1 ORDINANCE

At its regular meeting of January 18, 2022, the Board of Directors of the Trinity County Waterworks District No. 1, enacted the following ordinance:

ORDINANCE NO. 26-22-1

AN ORDINANCE OF TRINITY COUNTY WATERWORKS DISTRICT NO. 1 BOARD OF DIRECTORS REGARDING RESTRICTIONS ON THE USE OF DISTRICT SUPPLIED WATER.

AYES:

NOES:

ABSENT:

RECUSED:

ENACTED ORDINANCE: The Board of Directors of Trinity County Water Works District No. 1 (“District”) ordains as follows:

SECTION 1. Findings and Declarations

The District Board of Directors makes the following findings in support of the enactment of this ordinance:

- A. The District is authorized, pursuant to California Water Code sections 55330 et seq., to regulate the manner and terms by which it delivers water for irrigation, domestic, industrial and fire protection purposes within the District.
- B. There has been and continues to be drought conditions in Trinity County that threaten the District’s water supply, requiring attention to prudent use of District supplied water.
- C. Frequently occurring wildfire conditions make necessary an abundant supply of District water for use by emergency fire agencies and personnel, in order to protect our community.
- D. The District has become aware that some metered customers have used delivered water to locations other than the State of California and District approved place of use, using tanks and water trucks to transport water from the authorized parcel, in a way that jeopardizes the District’s conditional water rights.
- E. Clarification of authorized uses of District water, and limitations on such uses, will benefit all concerned and enable the District to better plan for dependable and cost-effective water delivery to its customers.

SECTION 2. Restrictions on Use of District Water

(a) Limitations on Water Use. Except as expressly otherwise provided herein, the following uses of District supplied water shall be prohibited:

- (i) Removal of metered water from the parcel of land where District water service was applied for and granted by the District, whether by water truck, portable water tank, water pipe or other means.

(ii) The sale, resale, trading or granting of District water provided through a meter installed on a single parcel of land for any use on any other parcel of land.

(iii) Use of District supplied water for other than beneficial uses on the District approved place of use. As used here, "beneficial uses" of water means uses of water for legal purposes, which are not unreasonable in quantity in light of the purposes for which it has been delivered, and which do not create public or private nuisance conditions.

(b) District Authority to Discontinue Water Service Upon Violation; Penalties, Etc.

(i) The District may, immediately upon District Manager determination that a violation of this ordinance has occurred or is occurring, discontinue water service delivery to any parcel on which the violation has occurred. Any water service recipient whose service has been discontinued may seek water service reinstatement from the District Board of Directors. If water service is reinstated the affected parcel owner shall, as a condition of continued services, reimburse the District for all fees and costs incurred to enforce this ordinance.

(ii) In addition to any other available penalty, any person or company, including a corporation or limited company (LLC), violating any section of this Article shall be guilty of an infraction or misdemeanor, and shall be subject to a fine of One Thousand Dollars (\$1,000.00), or in an amount that the Board of Directors may otherwise specify by resolution, for each violation of this ordinance. For purposes of this section, each event constituting a violation, whether on the same day or on multiple days, or both, shall constitute separate violations subjecting the violating party to the herein stated penalties.

(iii) Alternatively, or in addition to pursuing other remedies, the District may pursue civil enforcement against any person or company, including a corporation or limited company (LLC), violating any section of this Article, in the form of injunctive relief and/or damages recovery. Any party determined to have violated any section of this Article shall be responsible for the District's resulting attorney's fees and costs of civil enforcement.

(c) Inapplicability; Severability; Etc.


(i) Emergency Use Exception. The prohibitions contained in this ordinance do not apply to emergency uses of District water by or on behalf of federal, state, or local fire services providers.

(ii) Conflicts with Law. To the extent that any provision of this Article conflicts with state or federal law, either on its face or as applied, it shall be inapplicable to the extent of such conflict.

(iii) Severability. If any provision of this ordinance is determined by a court of law to be unenforceable, all other terms hereof shall remain fully operative and enforceable.

SECTION 3. CEQA

The Board hereby finds that this ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility of a significant effect on the environment from the adoption of these regulations, which will preserve District water for authorized uses for the benefit of District customers. Where, as here, it can be seen with certainty that there is no possibility that the activity in questions may have a significant effect on the environment, the activity is not subject to CEQA. Additionally, the Board of Directors finds that the ordinance is categorically exempt from CEQA review under the Class 8 Categorical Exemption, Title 14 CCR 15308 (regulatory activity to assure protection of environment), and Class 7 Categorical Exemption, title 14 CCR 15307 (regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of a natural resource).

 _____, Board Clerk

Trinity County Water Works District No.1