# **Chapter 13.24 - MANDATORY WATER CONSERVATION PLAN**

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### Sections:

- 13.24.010 Policy declaration.
- 13.24.020 Emergency determination—Plan implementation.
- 13.24.030 Purpose.
- 13.24.040 Application.
- 13.24.050 Water conservation phases (I through IV).
- 13.24.060 Prohibited uses applicable to all customers.
- 13.24.070 Customer water curtailment by ten percent.
- 13.24.080 Customer water curtailment by twenty percent.
- 13.24.100 Phase III—Customer curtailment by thirty percent.
- 13.24.110 Phase IV—Customer curtailment based on one thousand seven hundred sixty-four acre feet of water available.
- 13.24.120 Exception—Services.
- 13.24.130 Exception—Conservation.
- 13.24.140 Failure to comply—Penalties.
- 13.24.150 Installation and removal of flow restrictors—Costs.
- 13.24.160 Violation period determination.
- 13.24.170 Administrative relief.
- 13.24.180 Relief from compliance—Willful misrepresentation.
- 13.24.200 Base period allocation.
- 13.24.210 Implementation of required phases.
- 13.24.220 Moratorium—Phases III and IV conservation periods.

### 13.24.010 - Policy declaration.

It is declared that the city shall, for the general public health, safety and welfare, to comply with California Water Code Sections 10608(a)(b), and to assure an adequate water supply to the community, require a mandatory water conservation plan to be authorized during a period of necessity.

# 13.24.020 - Emergency determination—Plan implementation.

The city council may find and determine that a water shortage emergency condition may exist or may in the immediate future exist, and therein declare the same, establishing the urgent necessity of implementation of a mandatory water conservation plan. Said determination shall be made in the form of a city council resolution stating the conservation plan level as described in this chapter to be implemented and the reason for its implementation.

## 13.24.030 - Purpose.

The mandatory water conservation plan is to minimize the effects of a water shortage to the water customers of the city, to comply with California Water Code Sections 10608(a)(b), and to significantly reduce the delivery and consumption of water, thereby extending the period of available water to match the water which may be supplied or delivered to the distribution system of the city.

## 13.24.040 - Application.

The provisions of the ordinance codified in this chapter shall apply to all customers, users, and property served by the water department. It shall also apply to all properties and facilities owned, maintained, operated, or under the jurisdiction of the various officers, boards, commissions, departments, or agencies of the city.

## 13.24.050 - Water conservation phases (I through IV).

No customer of the water department shall make, cause, use or permit the use of water from the water department for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of the ordinance codified in this chapter or in an amount in excess of that use permitted by the conservation plan in effect and any currently applicable phase, pursuant to action taken by the city council in accordance with the provisions of the ordinance codified in this chapter.

## 13.24.060 - Prohibited uses applicable to all customers.

The following uses of water are prohibited for all water department customers. Violations of this section are subject to administrative citation pursuant to the procedures set forth in **Chapter 1.18**.

- A. There shall be no washing of sidewalks, walkways, patios, driveways, or parking areas by a water hose.
- B. No water shall be used to clean, fill or maintain levels in decorative fountains unless such water is part of a recycling system.
- C. No restaurant, cafe, deli, or other public place where food is sold, served or offered for sale, shall serve drinking water to any customer unless expressly requested by the customer.
- D. No customer of the water department shall permit water to leak from any facility on the premises.
- E. No lawn, landscaping, or other turf area shall be watered or irrigated between the hours of ten a.m. and four p.m.
- F. No lawn, landscape, or turf area shall be watered in a wasteful manner. Nor shall any water be wasted if the existing conditions may be corrected or reasonably modified.

### 13.24.070 - Customer water curtailment by ten percent.

The following reductions in water consumptions are applicable to all water department customers:

- A. Beginning January 1, 2016, no customer shall make, cause, use or permit the use of water delivered from the water department for any purpose in an amount in excess of ninety percent of the amount used during the base period defined in this chapter.
- B. If a Phase 1 conservation period is declared pursuant to section 13.24.210 prior to January 1, 2016, no customer shall make, cause, use or permit the use of water delivered from the water department for any purpose in an amount in excess of ninety percent of the amount used during the base period defined in this chapter.

### 13.24.080 - Customer water curtailment by twenty percent.

The following reductions in water consumptions are applicable to all water department customers:

A. Beginning January 1, 2021, no customer shall make, cause, use or permit the use of water delivered from the water department for any purpose in

- an amount in excess of eighty percent of the amount used during the base period defined in this chapter.
- B. If a Phase II conservation period is declared pursuant to section 13.24.210 prior to January 1, 2021, no customer shall make, cause, use or permit the use of water delivered from the water department for any purpose in an amount in excess of eighty percent of the amount used during the base period defined in this chapter.

### 13.24.100 - Phase III—Customer curtailment by thirty percent.

If a Phase III conservation period is declared pursuant to <u>section</u> 13.24.210, no customer shall make, cause, use, or permit the use of water delivered from the water department for any purpose in an amount in excess of seventy percent of the base period allocation.

# 13.24.110 - Phase IV—Customer curtailment based on one thousand seven hundred sixty-four acre feet of water available.

If a Phase IV conservation period is declared pursuant to <u>section</u> <u>13.24.210</u>, no customer shall make, cause, use, or permit the use of water delivered from the water department for any purpose in an amount in excess of 54.5% of the base period allocation.

## 13.24.120 - Exception—Services.

The water uses prohibited by the water department in <u>section 13.24.070</u> are not applicable to that use of water necessary for public health, safety, or for essential governmental services such as fire, police, public works, or similar emergency services.

## 13.24.130 - Exception—Conservation.

The Implementation of conservation Phases 1 through IV shall not apply to customers of the water department currently using less than twelve hundred (1,200) cubic feet of water per billing cycle.

## 13.24.140 - Failure to comply—Penalties.

It is unlawful for any customer or user thereof of the water department to fail to comply with sections <u>13.24.070</u> through <u>13.24.120</u> of this chapter. Civil penalties for failure to comply with any of the provisions shall be as follows:

- A. First Violation. For the first violation by any customer of the water department of any provision of sections 13.24.070 through 13.24.120, a surcharge penalty is imposed in an amount of twice the Tier 1 water rate per one hundred cubic feet of water or billing units.
- B. Second Violation. For the second and all future violations by any customer of the water department of any provision of sections 13.24.070 through 13.24.120, a surcharge penalty is imposed in the amount of three times the Tier 1 water rate per one hundred cubic feet of water or billing units.

### 13.24.150 - Installation and removal of flow restrictors.

Flow restrictors will not be installed as a penalty for violations of the City's water conservation plan.

## 13.24.160 - Violation period determination.

After a notification period, the first, second, and all future violations will be determined by comparing the customer's current bi-monthly water consumption with that customer's average bi-monthly consumption for a Summer base period

or a Winter base period. Average bi-monthly consumption for the base periods shall be determined by calculating the customer's average water consumption for three consecutive billing cycles. The notification period is the first billing cycle after adoption of a resolution establishing mandatory water conservation.

### 13.24.170 - Administrative relief.

- A. A water appeals board is established to hear appeals of the base allocation, percentage conservation, and violation surcharges or penalties. The water appeals board shall be comprised of three representatives; one each from the water, finance, and administration departments.
- B. The following procedural requirements shall apply with regard to the office conference and appeal:
  - Request for an office conference must be filed in writing to the water superintendent within ten working days after receipt of the utility bill. The customer must state in writing the grounds for the appeal.
  - 2. The office conference shall be scheduled within ten working days of receipt of the request.
  - 3. The water superintendent shall render a decision within ten working days of the office conference.
  - 4. An appeal to the water appeals board may be filed within ten working days after a final decision by the water superintendent to the water appeals board. The appeal should state the grounds upon which it is based, and what remedy, if any, the appellant seeks. The appeal shall be addressed to the office of the City Manager. The water appeals board shall render a decision on the appeal within ten working days of the date of the appeal letter.
  - 5. City action on the violation, such as installation of flow restrictors shall be stayed until the water appeals board has rendered a decision and notified the appellant in writing.
- C. The water superintendent shall have the authority, upon the filing by a customer of an application for relief as herein provided, to take such steps as he or she deems reasonable and to set up such procedures as he or she considers necessary to resolve said application for relief. In determining whether relief shall be granted, the water superintendent, and on appeal, the water appeals board, shall take into consideration all relevant factors including, but not limited to:
  - 1. Whether any additional reduction in water consumption will result in unemployment;
  - 2. Whether additional members have been added to the household;
  - 3. Whether any additional landscaped property has been added to the base period property;
  - 4. Changes in vacancy factors in multifamily housing;
  - 5. Increased number of employees in commercial, industrial and governmental offices;
  - 6. Increased production requiring increased water;
  - 7. Necessary water uses during new construction;
  - 8. Adjustments to water use caused by emergency health or safety hazards;
  - 9. First filling of a permit-constructed swimming pool;
  - 10. Water use necessary for reasons related to family illness or health;
  - 11. Customer's base year water consumption was less than one hundred twenty-eight billing units per resident occupant at the account address.

D. No relief shall be granted to any customer for any reason in the absence of a showing by the customer that he has achieved the maximum practical reduction in water consumption, as the case may be, other than in the specific area in which relief is being sought. No relief shall be granted to any customer who, when requested by the water department, fails to provide the water department with information whereby the services provided to him/her can be classified for the purpose of establishing an appropriate base or classification pursuant to the provisions of this chapter. If an action on the application for relief is mutually agreed upon between the water department and the customer, the agreement shall be in writing and signed by the customer, and no appeal on said application may be made by the customer.

# 13.24.180 - Relief from compliance—Willful misrepresentation.

Notwithstanding any other provision of law, any willful misrepresentation of a material fact by any person to the water department or to the water appeals board, made for the purpose of securing relief from the provisions of the urgency ordinance codified in this chapter for any customer, is unlawful; and a violation of this section shall be punishable by a fine not to exceed five hundred dollars, or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment.

### 13.24.200 - Base period allocation.

Base period allocation: The Consumption Data for the three consecutive billing cycles comprising the Winter billing periods and the Summer billing periods, as established by City Council resolution.

### 13.24.210 - Implementation of required phases.

The water department shall evaluate and monitor the projected availability, supply, and demand for water, and shall recommend to the city manager, the extent of the conservation phases required by customers, so the department may prudently plan for and deliver water to its customers on a continuous fiscal year basis. The city council shall, after a noticed public hearing and by resolution, order that the appropriate phase of water conservation be implemented, modified, or rescinded. The resolution shall become effective immediately upon adoption by the city council and shall be published once in the newspaper of general circulation. Percentage reduction shall apply to the next billing cycle commencing on or after the effective date of the adoption by the city council.

## 13.24.220 - Moratorium—Phases III and IV conservation periods.

Upon the declaration of a Phase III or Phase IV conservation period pursuant to section 13.24.210:

- A. No new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as "will serve" letters) shall be issued, except under the following circumstances:
  - A valid, unexpired building permit has been issued for the project;
    or
  - 2. The project is necessary to protect the public's health, safety and welfare.
- B. Annexations to the city's water service area will be suspended.

C. Other water uses may be prohibited, as determined by the water superintendent after public notice to customers. This section shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for up to a period of one year.