

# CITY OF SONOMA

## ORDINANCE NO. 02 - 2009

### AN ORDINANCE AMENDING TITLE 13 OF THE SONOMA MUNICIPAL CODE BY ADDING CHAPTER 13.10 "WATER SHORTAGE AND CONSERVATION PLAN" ESTABLISHING A WATER CONSERVATION AND SHORTAGE PLAN

The City Council of the City of Sonoma does ordain as follows:

**SECTION 1.** Section 13.04.024, "Water Waste Prohibitions," of the Sonoma Municipal Code is hereby repealed.

**SECTION 2.** The Municipal Code of the City of Sonoma is hereby amended by adding Chapter 13.10 Water Shortage and Conservation Plan, to Title 13, Water and Sewage, to read as follows:

#### Chapter 13.10 WATER CONSERVATION AND SHORTAGE PLAN

##### Sections:

13.10.010	Scope.
13.10.020	Declaration of policy.
13.10.030	Definitions.
13.10.040	Authorization.
13.10.050	Application.
13.10.060	Water waste prohibitions.
13.10.070	Water conservation stages.
13.10.080	Exceptions and application procedures for exceptions.
13.10.090	Violation--Enforcement.
13.10.100	Notice and Hearing
13.10.110	Violation--Additional remedy.

##### **13.10.010 Purpose and authority.**

The purpose of this Water Shortage and Conservation Plan is to conserve the water supply of the City for the greatest public benefit with particular regard to public health, fire protection and domestic use, to conserve water by reducing waste, and to achieve water use reductions in response to water shortages that occur from time to time.

Nothing in this ordinance shall preclude the City Council from passing an emergency resolution for the immediate curtailment of water use by its customers due to water supply shortages and delivery limitations caused by catastrophic events and conditions, either natural or unnatural.

##### **13.10.020 Declaration of policy.**

It is declared that, because of the conditions prevailing in the City and in the County of Sonoma, the public health, safety, and welfare requires that the water resources available to the City be

put to the maximum beneficial use to the extent to which they are capable, to promote water conservation and the efficient use of potable water furnished by the City, by eliminating intentional or unintentional water waste when a reasonable alternative solution is available, and by prohibiting use of equipment which is wasteful.

**13.10.030 Definitions.**

"Allotment" means the maximum quantity of water allowed for each customer over any applicable period as established in the water rationing provisions in this chapter.

"City" means the City of Sonoma acting by and through the City of Sonoma public works department as operator of the City of Sonoma water system.

"City Manager" is the city manager of the City of Sonoma

"Customer" means any person, whether within or without the geographic boundaries of the City of Sonoma, who uses water supplied by the City.

"Director" is the public works director of the City of Sonoma.

"Excess-use" means the usage of water by a water customer in excess of the water allotment provided under the water rationing provisions of this chapter, over an applicable period.

"GPD" means gallons per day.

"Municipal Code" means the Municipal Code of the City of Sonoma.

"Person" means any person, firm, partnership, association, corporation, company, organization, or governmental entity.

"Service interruption" means the temporary suspension of water supply, or reduction of pressure below that required for adequate supply, to any customer, portion of a water supply, or entire system.

"Water rationing" means procedures established to provide for the systematic distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.

**13.10.040 Authorization.**

The City Manager or his/her designee, is authorized and directed to implement the applicable provisions of this chapter upon determination that such implementation is necessary to protect the public health, safety, and welfare.

**13.10.050 Application.**

The provisions of this chapter shall apply to all persons, customers, and property served by the City.

**13.10.060 Waste of Water Prohibited.**

It is unlawful for a customer to permit potable water to escape down a gutter, ditch, or other surface drain and/or to fail to repair a controllable leak of water due to defective plumbing. No

customer of the City shall use or permit the use of potable water from the City for residential, commercial, institutional, industrial, agricultural, or other purpose for the non-essential uses as defined in Section 13.10.060(A).

**A. Nonessential Uses.** Non-essential uses are defined as follows:

1. The washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety provided that the disposal of such is in conformance with chapter 13.32 Stormwater Management and Discharge Control;
2. The escape of water through breaks or leaks within the customers plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the City, is a reasonable time within which to correct such break or leak or, at a minimum, to stop the flow of water from such break or leak;
3. Irrigation in a manner or to an extent which allows excessive run off of water or unreasonable over-spray of the areas being watered. Every customer is deemed to have his/her water system under control at all times, to know the manner and extent of his/her water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
4. Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle;
5. Water for non-recycling decorative water fountains; and
6. Water for non-recirculating conveyor car wash systems.

**B. Exempt Water Uses.** Use of water supplied by a private well or from a reclaimed wastewater, grey water or rainwater utilization system is exempt from this chapter.

**13.10.070 Water shortage stages.**

When a water shortage stage has been declared by resolution of the City Council, no customer of the City shall knowingly make, cause, use, or permit the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this chapter.

**A. Stage 1. Voluntary conservation – water shortage alert.** The City Council may by resolution declare a Stage 1 water shortage upon recommendation by the Director that the Board of Directors for the Sonoma County Water Agency has officially declared up to 15 percent reduction in Russian River water supply delivery to the City. In order to achieve an overall system-wide reduction goal of up to 15 percent of Russian River water supply deliveries, all potable water customers of the City shall be requested to:

1. Apply irrigation water only during the evening and early morning hours to reduce evaporation losses.
2. Inspect all irrigation systems, repair leaks, and adjust spray heads to provide optimum coverage and eliminate avoidable over-spray.
3. For irrigation valves controlling water applied to lawns, vary the minutes of run-time consistent with fluctuations in weather.

4. Reduce minutes of run-time for each irrigation cycle if water begins to run-off to gutters and ditches before the irrigation cycle is completed.
5. Become informed about and adhere to the City's Water Waste Prohibitions as established in Section 13.10.060.
6. Utilize water conservation rebate and other incentive programs to replace high water-use plumbing fixtures and appliances with water-efficient models.
7. Utilize City information regarding using water efficiently, reading water meters, repairing ordinary leaks, and how to apply water efficiently to landscaping.

B. Stage 2. Mandatory conservation – water shortage. The City Council may by resolution declare a Stage 2 water shortage upon recommendation by the Director that the Board of Directors of the Sonoma County Water Agency has officially declared a 16 percent to 25 percent reduction in Russian River water supply delivery to the City or if Stage 1 reduction goals cannot be met without implementing Stage 2. In order to achieve an overall system-wide reduction goal of up to 25 percent of Russian River water supply deliveries, the following restrictions shall apply in addition to Stage 1 restrictions as set forth in Sections 13.10.070(A):

1. Refilling or initial filling of a swimming pool is not permitted;
2. Use of water for ornamental fountains is not permitted;
3. Non-commercial washing of privately-owned motor vehicles, trailers and boats except from a bucket and a hose equipped with a shut-off nozzle is not permitted;
4. Any use of water from a fire hydrant except for fighting fires. Use for essential construction needs may be permitted by the Director upon submittal of a permit application for construction water;
5. Use of potable water for dust control at construction sites is not permitted;
6. Residential and commercial irrigation is not permitted except on specific days and times as set forth by Resolution of the City Council;
7. Other uses deemed to be non-essential by the City Council upon recommendation of the Director that such additional measures are necessary to achieve an overall system-wide reduction of up to 25 percent in Russian River water supply deliveries.

C. Stage 3. Mandatory compliance – severe water shortage. The City Council may by resolution declare a Stage 3 water shortage upon recommendation by the Director that the Board of Directors of the Sonoma County Water Agency has officially declared a 26 percent to 40 percent reduction in Russian River water supply delivery to the City or if Stage 2 reduction goals cannot be met without implementing Stage 3. In order to achieve an overall system-wide reduction goal of up to 40 percent of Russian River water supply deliveries, the following restrictions shall apply in addition to Stage 1 and Stage 2 restrictions as set forth in Sections 13.10.070(A) and 13.10.070(B):

1. Watering of athletic fields, turf areas in public and private parks unless water usage is no more than 75 percent of year 2006 for the same period of time; or if 2006 billing data unavailable or not appropriate for use, a different baseline year may be used as approved by the Director;
2. Non-commercial washing of vehicles is not permitted;
3. Other uses deemed to be non-essential by the City Council upon recommendation of the Director that such additional measures are necessary to achieve an overall system-wide reduction of up to 40 percent in Russian River water supply deliveries.

- D. Stage 4. Mandatory water rationing – critical water shortage. The City Council may by resolution declare a Stage 4 water shortage upon recommendation by the Director that the Board of Directors of the Sonoma County Water Agency has officially declared a reduction of greater than 40 percent in Russian River water supply delivery to the City or if Stage 3 reduction goals cannot be met without implementing Stage 4. In order to achieve an overall system-wide reduction goal of greater than 40 percent of Russian River water supply deliveries, water rationing will be implemented upon development of a systematic water rationing plan and subsequent acceptance of the plan by City Council. During Stage 4 water shortage, Stage 1, Stage 2 and Stage 3 restrictions as set forth in Sections 13.10.070(A), 13.10.070(B) and 13.10.070(C) shall apply.
1. A water rationing plan establishing water allotments for residential, commercial and institutional customers of the City shall be developed by the Director taking into consideration projections and estimates made by the Sonoma County Water Agency pertaining to the Russian River water supply and the City's local water supply. The water rationing plan shall include but not limited to the following analyses and evaluations:
    - a. Allocation amounts for the City's customers based on the amount of available water for the City's water service area and taking into consideration essential facilities and economic and fiscal impacts of the water supply reductions;
    - b. A Stage 4 water shortage rate structure for conservation "tiered" rates, drought surcharges, excess-use penalties and fees;
    - c. A systematic plan for temporary service interruptions to all or part of its water system, as may be deemed appropriate to further extend limited and/or dwindling water supplies;
    - d. A water billing plan that identifies the Finance Department's responsibilities for obtaining and monitoring customer data and water usage to effect the water rationing plan; and
    - e. A public outreach and notification plan for implementing temporary service interruptions and water rationing.
  2. No new water connections shall be permitted during a Stage 4 water shortage except as approved by the City Manager for public health and safety reasons.
  3. No new water agreements to serve water shall be entered into by the City during a Stage 4 water shortage.

**13.10.080 Exceptions and application procedures for exceptions.**

Any customer of the City may make written application for an exception. Said application shall describe in detail why applicant believes an exception is justified.

- A. The City Manager may grant exceptions for use of water otherwise prohibited by this section upon finding and determining that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public; or, cause an unnecessary and undue hardship on applicant or the public, including but not limited to, adverse economic impacts, such as loss of production or jobs.
- B. The decision of the City Manager may be appealed to the City Council by submitting a written appeal to the City Clerk within fifteen (15) calendar days of the date of the decision. Upon granting any appeal, the City Council may impose any conditions it determines to be just and proper. Exceptions granted by the City Council shall be prepared in writing and the City Council may require the exception be recorded at applicant's expense.

### **13.10.090 Violation--Enforcement.**

The violation of each provision of this chapter, and each separate violation thereof, shall be deemed a separate offense, and shall be enforced as an infraction punishable by a fine in the amount provided by chapter 1.12 General Penalty of the Code. The City may, after written notification to customer and a reasonable time to correct the violation as solely determined by the City, take some or all of the following actions. Fees and charges for the activities below shall be established by resolution of the City Council.

- A. Written notice to the customer of the water waste violation including a specified period of time to correct the violation.
- B. Personal contact with the customer at the address of the water service. If personal contact is unsuccessful, written notice of the violation including a date that the violation is to be corrected may be left on the premises, with a copy of the notice sent by certified mail to the customer.
- C. The City Council may authorize the installation of a flow-restricting device on the service line and require the property owner and/or resident to reimburse the City for its costs in installing the flow restricting device.
- D. The City Council may levy a water waste fee to the customer, said fee established by separate ordinance.
- E. After notice and a hearing provided in accordance with section 13.10.100 below, the City Council may authorize termination of water service, if said action is deemed by the City Attorney to be allowable under statutory requirements at the time, and the charge for same shall be billed to the customer. Except in cases of extreme emergency as solely determined by the City Manager, service shall not be reinstated until verified by the City Manager that the violation has been corrected and all charges and fees have been paid.

### **13.10.100 Notice and hearing.**

Before the City either installs a water flow-restricting device or terminates water service, a hearing shall be scheduled before the City Council with notice provided to the property owner and the resident of the property of the time, date and place of the hearing. Such notice shall be provided at least ten days prior to the hearing date. At the hearing, the City Council shall hear testimony from all interested persons and shall make a determination as to whether a water flow-restricting device should be installed or water service terminated. If the City Council determines that a water-flow restricting device should be installed, the City Council shall establish a date by which the City will install such device and the City Council shall further require the property owner and/or resident to reimburse the City its costs in installing the flow-restricting device. If the property owner and/or resident does not pay these installation costs after being billed for such costs by the City, the City Manager may utilize the procedures contained in chapter 1.12 General Penalty of the Municipal Code to recoup the City's installation costs.

### **13.10.110 Violation--Additional remedy.**

As an additional remedy, the violation of any provision of this chapter shall be deemed, and is declared to be, a public nuisance and may be abated in accordance with chapter 1.12 General Penalty of the Municipal Code.

**SECTION 3.** Repeal of Conflicting ordinances. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are thereby repealed.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more of sections, subsections, sentences, clauses or phrases be declared unconstitutional.

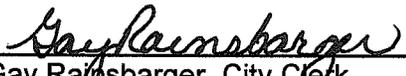
**SECTION 5. Effective Date.** This ordinance shall be in full force and effective 30 days after its adoption and shall be published and posted as required by law.

**SECTION 6.** Pursuant to Health and safety code section 21065, this ordinance is not a project subject to the California Environmental Quality act.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this 4<sup>th</sup> day of March 2009.

  
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Ken Brown, Mayor

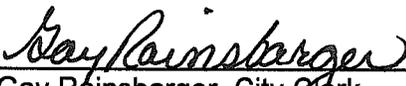
ATTEST:

  
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Gay Rainsbarger, City Clerk

State of California )  
County of Sonoma )  
City of Sonoma )

I, Gay Rainsbarger, City Clerk of the City of Sonoma, do hereby certify that the foregoing ordinance was adopted on March 4, 2009 by the following vote:

AYES: Sebastiani, Gallian, Barbose, Sanders, Brown  
NOES: None  
ABSENT: None

  
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Gay Rainsbarger, City Clerk