

ORDINANCE NO. 724

AN ORDINANCE AMENDING
TITLE 13 OF THE ROHNERT PARK MUNICIPAL CODE
TO ESTABLISH A
WATER SHORTAGE EMERGENCY PLAN

WHEREAS, nothing in this ordinance will 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.

NOW THEREFORE, the City Council of the City of Rohnert Park does ordain as follows:

SECTION 1. The Municipal Code of the City of Rohnert Park is hereby amended by adding Chapter 13.66 Water Shortage Emergency Plan, to Title 13, Water and Sewers, to read as follows:

Chapter 13.66

WATER SHORTAGE EMERGENCY PLAN

Sections:

- 13.66.010 Definitions.
- 13.66.020 Authorization.
- 13.66.030 Application.
- 13.66.040 **Water waste prohibitions.**
- 13.66.050 **Water conservation stages.**
- 13.66.060 Exceptions and application procedures for exceptions.
- 13.66.070 Violation--Enforcement.
- 13.66.080 Notice and hearing.
- 13.66.090 Violation--Additional remedy.

13.66.010 Definitions.

- A. The "City" means the City of Rohnert Park acting by and through the City of Rohnert Park public works department as operator of the City of Rohnert Park water system.
- B. "Manager" is the city manager of the City of Rohnert Park.

- C. "Person" means any person, firm, partnership, association, corporation, company, organization, or governmental entity.
- D. "Customer" means any person, whether within or without the geographic boundaries of the City of Rohnert Park, who uses water supplied by the City.
- E. "GPD" means gallons per day.
- F. "Water" means potable water.

13.66.020 Authorization. The City Manager or his or her designee, is authorized and directed to implement the applicable provisions of this chapter upon adoption of a City Council resolution determining that such implementation is necessary to protect the public health, safety, and welfare.

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

13.66.040 Water Waste Prohibitions. Non-essential uses and exemptions are those set forth in Chapter 13.62 of the Rohnert Park Municipal Code and shall be adhered to notwithstanding any provision in this chapter.

13.66.050 Water conservation stages. No customer of the City shall 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, or in an amount in excess of that use permitted by either Conservation Stage 2 or 3 when in effect as declared by separate resolution of the City Council, in accordance with the provisions of this Chapter.

- A. Stage 1. Voluntary Conservation. In order to achieve an overall system-wide reduction goal of 10 percent, 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. Utilize water conservation incentive, rebate and giveaway programs to replace water guzzling plumbing fixtures and appliances with water efficient models.
 6. Utilize City information regarding using water efficiently, reading water meters, repairing ordinary leaks, and water efficient landscape.
- B. Stage 2. Mandatory Compliance -- Water Alert. The City Council may by resolution declare a Conservation Stage 2 upon recommendation by the City Manager based on water supply and delivery projections by the City Engineer that an overall system-wide reduction of 20 percent is necessary, taking into consideration projections and estimates made by the Sonoma County Water Agency pertaining to the Russian River water

supply. In order to achieve an overall system-wide reduction of 20 percent, the following activities shall be prohibited:

1. Non-essential uses of water, including the following:
 - a. Refilling or initial filling of a swimming pool
 - b. Non-commercial washing of privately-owned motor vehicles, trailers and boats except from a bucket and except that a hose equipped with a shut-off nozzle may be used to rinse a vehicle.
 - d. Any use of water from a fire hydrant except for fighting fires or essential construction needs.
 - e. Use of water for dust control at construction sites.
2. Water use by a vehicle washing facility in excess of 20% less than the amount used by it during the corresponding billing period in the prior year.
3. Water use for any non-residential use in excess of 20% less than the amount used by the customer during the corresponding billing period in the prior year.

C. Stage 3. Mandatory Compliance -- Water Emergency. The City Council may by resolution declare a Conservation Stage 3 upon recommendation by the City Manager based on water supply and delivery projections by the City Engineer that an overall system-wide reduction of 30 percent is necessary, taking into consideration projections and estimates made by the Sonoma County Water Agency pertaining to the Russian River water supply. In order to achieve an overall system-wide reduction of 30 percent, the following activities shall be prohibited:

1. Any activities prohibited during a Conservation Stage 2.
2. Watering any residential lawn, or any commercial or industrial area lawn irrigated with potable water, at any time day or night.
3. Planting any new landscaping, except for designated drought resistant landscaping prescribed by the city manager or designated representative.
4. All day and night-time irrigation sprinkling unless only a hand held nozzle is used. An exception will be made to permit drip irrigation for established perennial plants and trees using manual or automatic time-controlled water application.
5. Planting of new annual plants, vegetables, flowers or vines may not be planted until the Stage 3 emergency is over.

13.66.060 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.

13.66.070 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 in accordance with Chapter 1.24 of the Rohnert Park Municipal Code. The City may take some or all of the following actions. Fees and charges for the activities below may be established by resolution of the City Council.

- A. 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.
- B. Written notice to the customer of the water waste violation including a specified period of time to correct the violation.
- C. After notice and a hearing provided in accordance with section 13.66.080 below, the City Council may authorize the installation of a flow-restricting device on the service line and require payment of a fee in amount set by City Council resolution.
- D. The City Council may charge a water waste fee to the customer in an amount set by City Council resolution.
- E. After notice and a hearing provided in accordance with section 13.66.080 below, the City Council may authorize termination of water service 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.

13.66.080 Notice and hearing. Before either installing a water restrictor or terminating water service, the City shall give written notice to the person responsible for the service connection to be either restricted or terminated of its intention to do so. The person or persons to whom notice is given shall have five business days from the date of service of the notice to request a hearing before the city manager or his or her designee in order to present any and all evidence they may have as to why a restrictor should not be installed or service terminated. If a hearing is requested, the City Manager or his or her designee shall schedule a date and time for said hearing as soon as possible after the request is filed, but not later than five business days after the filing or such request for hearing. At the hearing, the person whose service connection is to be restricted or terminated and the utilities personnel may offer evidence. The City Manager or his or her designee shall make a final determination as to whether service should be restricted or terminated and under what conditions.

13.66.090 Violation--Additional remedy. As an additional remedy, the violation of any provision of this chapter by any person who has received more than one written warning pursuant to Section 13.66.070 to refrain from the same or any other violation under this chapter in one calendar year shall be deemed and is declared to be, a public nuisance and may be subject to abatement in accordance with Chapter 1.24 of the Rohnert Park Municipal Code.

SECTION 2. 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 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be 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 the 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 be declared unconstitutional.

SECTION 4. 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 5. Pursuant to Health and Safety Code section 21065, this Ordinance is not a project subject to the California Environmental Quality Act.

This ordinance was introduced on the 12th day of October, 2004 and

DULY AND REGULARLY ADOPTED by the City Council of the City of Rohnert Park this 26th day of October, 2004 by the following vote:

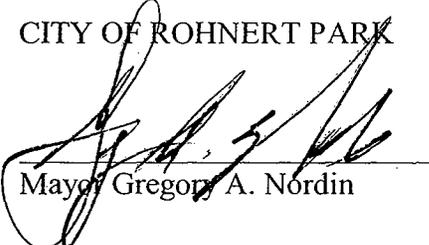
AYES: **Five (5) Councilmembers Flores, Mackenzie, Spradlin, Vidak-Martinez and Mayor Nordin**

NOES: **None (0)**

ABSENT: **None (0)**

ASBSTAIN: **None (0)**

CITY OF ROHNERT PARK

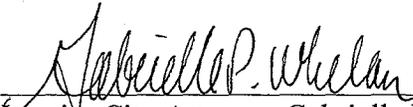

Mayor Gregory A. Nordin

ATTEST:


City Clerk Judy Hauff



Approved as to Form:


Interim City Attorney Gabrielle Whelan