
Appendix F
Draft Water Shortage Emergency Ordinance

ORDINANCE NO. 778

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI AMENDING
CHAPTER 13.30 WATER CONSERVATION IMPLEMENTATION PLAN OF
TITLE 13 OF THE COTATI MUNICIPAL CODE**

The City Council of the City of Cotati does hereby ordain as follows:

SECTION 1. Chapter 13.30 *Water Conservation Implementation Plan* of Title 13 *Water, Sewers and Electrical* is amended to read as follows:

Chapter 13.30

WATER SHORTAGE CONTINGENCY PLAN

Sections:

13.30.010	Scope.
13.30.020	Declaration of policy.
13.30.030	Definitions.
13.30.040	Authorization.
13.30.050	Application.
13.30.060	Water waste prohibitions.
13.30.070	Water conservation stages.
13.30.080	Exceptions and application procedures for exceptions.
13.30.090	Violation--Enforcement.
13.30.100	Notice and Hearing
13.30.110	Violation--Additional remedy.

13.30.010 Scope. There is established a City water shortage contingency plan.

13.30.020 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.

13.30.030 Definitions.

- A. The "City" means the City of Cotati acting by and through the City of Cotati public works department as operator of the City of Cotati water system.
- B. "Manager" is the public works manager of the City of Cotati.
- 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 Cotati, who uses water supplied by the City.
- E. "GPD" means gallons per day.

13.30.040 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.

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

13.30.060 Water Waste Prohibitions.

- A. Nonessential Uses. 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 following nonessential uses:
 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;
 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;
 6. Water for single pass evaporative cooling systems for air conditioning in all connections installed after the effective date of this ordinance, unless required for health or safety reasons;
 7. Water for new non-recirculating conveyor car wash systems; and
 8. Water for new non-recirculating industrial clothes wash systems.

- B. Exempt Water Uses.

All water use associated with the operation and maintenance of fire suppression equipment or employed by the City for water quality flushing and sanitation purposes shall be exempt from the provisions of this section. Use of water

supplied by a private well or from a reclaimed wastewater, grey water or rainwater utilization system is also exempt.

13.30.070 Water conservation stages. 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, 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 are 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 conversant with and strictly adhere to the City's Water Waste Prohibition ordinance.
6. Utilize water conservation rebate and giveaway programs to replace water guzzling 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 make your landscape a 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 the vehicle.
 - c. Any use of water from a fire hydrant except for fighting fires or essential construction needs.
 - d. Use of potable water for dust control at construction sites.
2. The City Council shall have the authority to prohibit other activities and water uses upon the recommendation of the City Manager that such additional

measures are necessary to achieve an overall system-wide reduction of 20 percent in water usage.

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 drought resistant landscaping.
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 occur until the Stage 3 emergency is over.
6. The City Council shall have the authority to prohibit other activities and water uses upon the recommendation of the City Manager that such additional measures are necessary to achieve an overall system-wide reduction of 30 percent in water usage.

13.30.080 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 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 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.

13.30.090 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 Government Code Section 36900, as amended. 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. After notice and a hearing provided in accordance with section 13.30.100 below, the City Council may authorize the installation of a flow-restricting device on the service line and require payment of a fee in the amount set by City Council resolution.
- 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 13.30.100 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 Manager, service shall not be reinstated until verified by the Manager that the violation has been corrected and all charges and fees have been paid.

13.30.100 Notice and hearing. Before either installing a water restrictor or terminating 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 such device must be installed. The City Council may also provide that if the water flow-restricting device is not installed by the date provided, the City Manager may have the water flow-restricting device installed and the cost of such installation paid by the property owner and/or resident of the property. If the property owner and/or resident does not pay these installation costs after being billed for such costs by the City Manager, the City Manager may utilize the procedures contained in Sections 9.100.090 and 9.100.100 to recoup the City's installation costs.

13.30.110 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 abate in accordance with chapter 9.100 of the City of Cotati 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 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 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 24th day August, 2005 and DULY AND REGULARLY ADOPTED by the City Council of the City of Cotati the 14th day of September, 2005 by the following vote:

MOORE	_____
ORCHARD	_____
GILARDI	_____
FOX	_____
MINNIS	_____

APPROVED: _____
Mayor Lisa Moore

ATTEST: _____
Deputy City Clerk

Approved as to form: _____
City Attorney