

EXHIBIT B

EXHIBIT B AMENDING SECTION 13.04.350

ORDINANCE SECTION 3. Napa Municipal Code Section 13.04.350 ("Water for Construction Purposes") is hereby amended by repealing the previous language in its entirety, and adopting language to read as follows:

"13.04.350 Water for temporary purposes.

A. Purpose: The purpose of this section is to establish requirements associated with water for temporary purposes taken from a Hydrant Meter or a Bulk Water Station.

B. Definitions: The following words and phrases, whenever used in this section, shall be construed as defined under this subsection:

"Bulk Water Station" means a location designated by the Director to be operated by the City for the purpose of dispensing Temporary Water to a Permittee or Hauler.

"Construction Use" means the use of Temporary Water for construction activity taking place as follows:

- a) on a parcel that is currently receiving (or is authorized by the City to receive) City water from a service pipe, or
- b) on a public project being performed by a public agency within the Napa City limits or in unincorporated Napa County, or
- c) outside the Napa City limits, but within unincorporated Napa County, for activities that cannot use recycled water due to water quality restrictions such as filling a pool following construction activities and well drilling.

"Director" means the Utilities Director of the City of Napa, or designee of the Utilities Director or City Manager.

"Hauler" means the entity transporting water from a Hydrant Meter or Bulk Water Station to an end user (which may be a for Residential Use or Construction Use).

"Hydrant Meter" means a meter and backflow assembly owned by the City and placed on a City fire hydrant for the purpose of dispensing Temporary Water to a Permittee or Hauler.

"Permittee" means the entity taking water from a Hydrant Meter or Bulk Water Station for Construction Use.

"Residential Use" means the use of Temporary Water, within unincorporated Napa County, for the sole purpose of indoor domestic use in a residence for uses including drinking, cooking, bathing, and sanitation.

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“Temporary Water” means water available for temporary use solely for Construction Use or Residential Use, taken from a Hydrant Meter or Bulk Water Station, which shall be subject to interruption, reduction, or discontinuance in whole or in part with or without cause.

C. Director’s Authority and Discretion. The Director has the following authority:

1. The Director is authorized to enter into Temporary Water agreements and permits and subsequent amendments with Hauler or Permittee, subject to approval as to form by the City Attorney, in accordance with this Section, applicable law and regulations. The Director is also authorized to terminate any Temporary Water agreements and permits.
2. The Director is authorized to estimate the total amount of Temporary Water available based on water supply storage, water supply allocations, weather forecasts, projected water demands and other applicable factors.
3. At any time, the Director is authorized to interrupt, reduce, or discontinue Temporary Water. The Director is authorized to shut off or limit use of Temporary Water accordingly until such time that the Director determines it can be restored. The Director’s determination to interrupt, reduce, or discontinue water service is not subject to review or appeal and is considered final.

D. General Provisions.

1. Hauler or Permittee requesting Temporary Water for Residential Use or Construction Use shall make a written request to the Director on the form prescribed therefor. Said request shall include information showing compliance with the terms and conditions identified in Subsection (D)(2) below and shall be signed by the Hauler or Permittee.
2. A written agreement for Residential Use or a permit for Construction Use shall be required between the City and a Hauler or Permittee of Temporary Water to establish the terms and conditions for Temporary Water, in a form approved by the City Attorney. At a minimum, the following terms and conditions shall be included in the agreement or permit:
 - a. The agreement for Residential Use shall identify the following terms and conditions for Temporary Water:
 - i. Temporary Water may be transported to an end-use property by Hauler, within unincorporated Napa County, for the sole purpose of Residential Use.

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- ii. Temporary Water shall not be used for any outdoor purposes, including but not limited to irrigation, pool filling, dust control, cleaning or construction.
 - iii. Temporary Water shall not be used for commercial purposes at any end-use property, including but not limited to retail, winery, hotel, bed and breakfast, or short-term rentals.
 - iv. Temporary Water shall not be sold, given or traded by the end-use property to which Hauler makes original delivery of water.
 - v. No end-use property may receive more than a maximum total of 8,000 gallons in any month, after adding the quantity of all Temporary Water received from any Hauler of City water.
 - vi. Hauler shall provide written notice to each of Hauler's customers of the end-use restrictions set forth in subsections i. through v. above.
- b. The permit for Construction Use shall identify the following terms and conditions for Temporary Water:
 - i. Temporary Water may only be used for Construction Use as defined in subsection B.
 - ii. Temporary Water may only be used at the specific location and for the specific purpose identified in the permit.
- c. The agreement or permit shall provide that all fees, charges, and rates for Temporary Water shall be set by Council resolution.
- d. The agreement or permit shall provide that all regulations and other requirements applicable to other water service connections shall be applicable to Temporary Water.
- e. The agreement or permit shall provide that the Director has the sole discretion to interrupt, reduce, or discontinue Temporary Water. The agreement or permit shall also provide that the Director is authorized to shut off or limit use of Temporary Water accordingly until such time that the Director determines it can be restored.
- f. The agreement or permit shall provide that the City may terminate the agreement or permit for convenience (with or without cause) by providing written notice of termination to Hauler or Permittee.

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3. It is a violation of this code, subject to enforcement pursuant to Chapter 1.16 of this code, for any Hauler or Permittee to take or use Temporary Water in a manner that violates the agreement/permit entered into in accordance with this Section.