

**EXHIBIT D
AMENDING CHAPTER 13.10**

ORDINANCE SECTION 5. Napa Municipal Code Chapter 13.10 (“Moderate Water Shortage Regulations”) is hereby amended by repealing the previous language in its entirety, and adopting language to read as follows:

“13.10 Water shortage regulations.

13.10.010 Purpose and scope.

This chapter establishes regulations to implement Stage 1 through Stage 6 Water shortage levels commensurate with the Water Shortage Contingency Plan contained in the City’s Urban Water Management Plan. Water shortage Stage 1 and Stage 2 regulations shall become effective immediately upon order of the Utilities Director. Stage 3 through Stage 6 regulations shall become effective immediately upon approval by the City Council of a resolution declaring the existence of a Water shortage requiring Water demand reductions and shall remain in effect until the City Council finds that the Water shortage no longer exists.

13.10.020 Findings.

The City Council finds, determines and declares that the following facts are true:

A. The regulations set forth herein are necessary and proper to protect the Water supply for human consumption, sanitation, and fire protection during the duration of the Water shortage. The City hereby exercises its constitutional “home rule” authority as a charter city pursuant to California Constitution Article XI, Section 5; as well as authority consistent with California Water Code Sections 355 and 375, *et seq.*

B. This chapter shall apply to every Customer receiving Water from the City; specifically including Customers within the City limits and outside the City limits.

13.10.030 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined under this subsection:

“Customer” means the Person responsible for paying for each Water service account from the City of Napa, both inside City limits and outside City limits.

“Outdoor Irrigation” means the delivery of Water to turf lawns and landscape plants.

“Person” is as defined by Section [1.04.030](#) of this code.

“Recirculating System” means continuous use of the same water more than once in a system, reducing the need to take in new water.

“Stage 1 Water Shortage” means a shortage in either local or statewide Water supplies exists such that mandatory Water use restrictions are required to achieve up to 10% community-wide demand reduction and maintain Water supply reliability.

“Stage 2 Water Shortage” means a shortage in either local or statewide Water supplies exists such that mandatory Water use restrictions are required to achieve up to 20% community-wide demand reduction and maintain Water supply reliability.

“Stage 3 Water Shortage” means a shortage in either local or statewide Water supplies exists such that mandatory Water use restrictions are required to achieve up to 30% community-wide demand reduction and maintain Water supply reliability.

“Stage 4 Water Shortage” means a shortage in either local or statewide Water supplies exists such that mandatory Water use restrictions are required to achieve up to 40% community-wide demand reduction and maintain Water supply reliability.

“Stage 5 Water Shortage” means a shortage in either local or statewide Water supplies exists such that mandatory Water use restrictions are required to achieve up to 50% community-wide demand reduction and maintain Water supply reliability.

“Stage 6 Water Shortage” means a shortage in either local or statewide Water supplies exists such that mandatory Water use restrictions are required to achieve greater than 50% community-wide demand reduction and maintain Water supply reliability.

“Utilities Director” means the Director of the Utilities Department, or the designee of the Utilities Director or the City Manager.

“Water” means potable Water that is supplied by the City’s Water distribution system.

13.10.040 Stage 1 Water Shortage.

- A. Upon Utilities Director written determination declaring a Stage 1 Water Shortage, all permanent Water conservation regulations in Chapter 13.09 remain in effect and are modified or supplemented by the measures listed in this Section 13.10.040.
- B. City staff shall expand its public information campaign to spread awareness of the Water Shortage and drought conditions.
- C. City staff shall implement, modify, and/or enhance Water conservation programs to assist Customers to reduce Water demands.

13.10.050 Stage 2 Water Shortage.

- A. Upon Utilities Director written determination declaring a Stage 2 Water Shortage, all Stage 1 regulations remain in effect and are modified or supplemented by the measures listed in this Section 13.10.050.
- B. No Person shall use Water for Outdoor Irrigation on consecutive days, except for the initial watering of newly planted landscaping and germination requirements of newly seeded lawns.

C. No Person shall drain and refill any swimming pool unless that Person establishes that it is needed for the purpose of pool leak repair or to correct a severe chemical imbalance. No Person shall drain and refill any decorative pond or lake unless that Person establishes to the satisfaction of the Director that it is needed for the purpose of lining the bottom to prevent absorption.

D. No operators of eating or drinking establishments, including but not limited to restaurants, hotels, cafés, cafeterias, bars, or other public places where food or drinks are sold, served, or offered for sale, shall provide drinking Water to any Person unless expressly requested by that Person.

E. Operators of hotel, motel, and other commercial lodging establishments shall provide guests the option of not having towels and linens laundered daily, and shall prominently display notice of this option in each guestroom.

13.10.060 Stage 3 Water Shortage.

A. Upon City Council declaration of a Stage 3 Water Shortage, all Stage 2 regulations remain in effect and are modified or supplemented by the measures listed in this Section 13.10.060.

B. No Person shall use Water for Outdoor Irrigation at a property on a Prohibited Irrigation Day, as follows:

1. For each property with a street address ending in an even number, the Prohibited Irrigation Days are Saturday, Sunday, Tuesday, Wednesday, and Friday (meaning Outdoor Irrigation is permitted only on Monday and Thursday).
2. For each property with a street address ending in an odd number, the Prohibited Irrigation Days are Saturday, Sunday, Monday, Wednesday, and Thursday (meaning Outdoor Irrigation is permitted only on Tuesday and Friday).

C. If determined to be necessary, City shall implement a drought rate structure or surcharge on Water sales as set by a resolution of the City Council, in accordance with Proposition 218.

D. Pools and spas shall remain covered when not in use.

13.10.070 Stage 4 Water Shortage.

A. Upon City Council declaration of a Stage 4 Water Shortage, all Stage 3 regulations remain in effect and are modified or supplemented by the measures listed in this Section 13.10.070.

B. No Person shall use Water for Outdoor Irrigation more than one day per week:

1. For each property with a street address ending in an even number, Outdoor Irrigation is permitted only on Monday.

2. For each property with a street address ending in an odd number, Outdoor Irrigation is permitted only on Tuesday.

C. If determined to be necessary, each existing Customer shall receive a bimonthly allocation for the maximum volume of water that may be used as set by resolution.

D. Service to Interruptible-Surplus Agricultural Water services shall be suspended.

E. Water shall not be used for grading, dust control, street, pipeline, or similar heavy construction. Hydrant meters shall not be issued for construction purposes.

F. Water shall not be used for the filling of decorative lakes or ponds.

G. Vehicle washing is prohibited except at commercial facilities using a Recirculating System.

13.10.080 Stage 5 Water Shortage.

A. Upon City Council declaration of a Stage 5 Water Shortage, all Stage 4 regulations remain in effect and are modified or supplemented by the measures listed in this Section 13.10.080.

B. No Person shall use Water for Outdoor Irrigation.

C. The installation of new or replacement lawn, sod, or turf is prohibited.

D. Water shall not be used for cleaning streets, flushing sewers, hydrants, or storm drains, or for flow testing for fire sprinkler design and training of firefighting personnel.

E. If determined to be necessary, City staff shall develop criteria for the City's largest retail Water users to prepare a Water conservation plan to further reduce water demands.

13.10.090 Stage 6 Water Shortage.

A. Upon City Council declaration of a Stage 6 Water Shortage, all Stage 5 regulations remain in effect and are modified or supplemented by the measures listed in this Section 13.10.090.

B. No Person shall use Water for Outdoor Irrigation (no exception under 13.10.100).

C. No Person shall drain and refill swimming pools or spas, nor shall new pools be filled.

D. Water shall not be used for the irrigation of any commercial crops, including vineyards.

13.10.100 Exceptions.

A. As an exception to the prohibitions on Water use for Outdoor Irrigation contained in Sections 13.10.040 through 13.10.080 of this chapter, any Person may use Water on any day for any of the following:

1. Drip and micro-spray irrigation systems;
2. Hand Watering with: (i) a container, or (ii) a hose fitted with an attached shutoff nozzle or device that causes the hose to cease dispensing Water immediately when not in use;
3. The limited operation of irrigation systems solely for testing, maintenance, or repair, except in a Stage 5 Water Shortage per Section 13.10.080.

B. Any Person may request an exception to any provision of Section 13.10.040 through Section 13.10.090 of this Chapter by submitting a written request to the Water Division of the Utilities Department in accordance with this Section 13.10.100.

1. The request shall be made in writing, using the form provided by the Water Division of the Utilities Department.
2. The request shall provide sufficient information, documentation, and verification, to the satisfaction of the Utilities Director, which establishes that the requested exception is necessary in order to: (1) protect the public health or safety; or (2) avoid undue hardship (including adverse economic impacts such as loss of production or jobs). The request shall also document that all feasible conservation measures are being used, and that there are no alternative available sources of Water.
3. The request shall be subject to the review and approval of the Utilities Director.
4. The decision of the Utilities Director shall be final.

13.10.110 Enforcement of code violations.

A. When this chapter is in effect pursuant to Section 13.10.010, it is a code violation for any Person to violate any provision of Sections 13.10.040 through Section 13.10.090, subject to the enforcement provisions of Title 1 and Chapter [1.16](#) of this code.

B. The Utilities Director is authorized to issue administrative citations, as the Enforcement Officer, pursuant to Chapter [1.24](#) of this code. Any penalty that could otherwise be imposed pursuant to this chapter or Chapter [1.16](#) may be reduced or discharged if the cited Person establishes that the Water waste was beyond the control of the cited Person, and if all reasonable means had been previously taken to prevent Water waste. "All reasonable means" includes, but is not limited to, securing hose bibbs, written warnings to tenants or other Water users, and amendments to rental agreements where permitted by the lease.