

EXHIBIT C

EXHIBIT C AMENDING CHAPTER 13.09

ORDINANCE SECTION 4. Napa Municipal Code Chapter 13.09 (“Permanent Water Conservation Regulations”) is hereby amended by repealing the previous language in its entirety, and adopting language to read as follows:

“13.09 Water conservation regulations.

13.09.010 Purpose and scope.

A. This chapter establishes regulations to eliminate wasteful water-using practices. 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.

13.09.020 Definitions.

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

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

“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.

13.09.030 Water waste prohibitions.

A. No Person shall waste Water. As used herein, the term “waste” means:

1. Use of a hose that dispenses Water to wash a motor vehicle, except where the hose is fitted with a shutoff nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
2. Application of Water to driveways and sidewalks, except where necessary to address an immediate health and safety need;
3. Application of Water to outdoor landscapes in a manner that causes more than incidental runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
4. The application of Water to irrigate turf and ornamental landscapes during and within 48 hours after the Director has determined that at least one fourth of one inch of rainfall is recorded at the City of Napa Corporation Yard on

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napa.onerain.com or publicly available rain gauge. The Director shall publish the date and time of any determination made under this subsection on the City's internet web site.

5. Failure to repair a leak in customer's plumbing system which is greater than one gallon per minute within 30 days of discovery or notification.

B. No Person shall use Water to irrigate landscaping between the hours of 10:00 a.m. and 5:00 p.m., except for the initial watering of newly planted landscaping and germination requirements of newly seeded lawns.

C. No Person shall use Water to irrigate ornamental turf on public street medians.

13.09.040 Requests for exceptions.

Any Person may request an exception to any provision of Section 13.09.030 of this chapter by submitting a written request to the Water Division of the Utilities Department in accordance with this Section 13.09.040.

A. The request shall be made in writing, using the form provided by the Water Division of the Utilities Department.

B. 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.

C. The request shall be subject to the review and approval of the Utilities Director.

D. The decision of the Utilities Director shall be final.

13.09.050 Enforcement of code violations.

A. It is a code violation for any Person to violate any provision of Section 13.09.030, 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.