

Chapter 13.10 MODERATE WATER SHORTAGE REGULATIONS

13.10.010 Purpose and scope.

This chapter establishes regulations to deal with a moderate water shortage emergency. These regulations shall become effective immediately upon approval by the City Council of a resolution declaring the existence of a moderate water shortage and shall remain in effect until the City Council finds that the moderate water shortage no longer exists. (O2015-6, 6/2/15)

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 shortage.
- B. This chapter shall apply to customers receiving water from the city and expressly applies to customers outside the city limits pursuant to the city's charter powers and Water Code Sections 355 et seq., and 375 et seq. (O2015-6, 6/2/15)

13.10.030 Definitions.

The following terms are defined for the purpose of this chapter:

"Customer" means the person responsible for paying for each water service account on the City of Napa or Congress Valley Water District's water distribution system, both inside city limits and outside city limits.

"Domestic use" means any water used by a person for cooking, cleaning, bathing, washing clothes, drinking and sanitation.

"General Manager" means the General Manager of the Water Division of the Public Works Department, or a designee of the General Manager, or a designee of the City Manager.

"High-efficiency toilet" means any toilet with an effective flush volume that does not exceed 1.28 gallons per flush.

"Moderate water shortage emergency" 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.

"New development" means any of the following construction projects:

1. Any freestanding building that contains water-using fixtures;
2. Any floor area additions to existing nonresidential structures;
3. Any residential additions or remodeling that increases the number of independent living units.

"Person" is as defined by Section 1.04.030 of this code.

"Water" means potable water that is supplied by the city's water distribution system. (O2015-6, 6/2/15)

13.10.040 Water use regulations.

A. The Congress Valley Water District must enact and enforce water use regulations identical to those water use regulations included in this chapter.

B. Service to interruptible surplus agricultural water contractors may be reduced or suspended during the water shortage period in accordance with the terms of the Agreement for Provision of Interruptible-Surplus Agricultural

13.10.050 Prohibitions and limitations.

- A. No person shall waste water. As used herein, the term “waste” means:
 - 1. Use of water in a decorative fountain or other decorative water feature, except where the water is part of a recirculating system;
 - 2. 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;
 - 3. Application of water to driveways and sidewalks, except where necessary to address an immediate health and safety need;
 - 4. Application of water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
- B. No person shall use water to irrigate landscaping on consecutive days, except for the initial watering of newly planted landscaping and germination requirements of newly seeded lawns.
- C. 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.
- D. No person shall use water to irrigate landscaping during a measurable rainfall event or within 48 hours thereafter.
- E. No person shall use water to irrigate ornamental turf on public street medians.
- F. No person shall drain and refill any swimming pool unless that person establishes that it is needed for the purpose of pool repair or to correct a severe chemical imbalance. No person shall drain and refill any decorative pond or lake unless that person establishes that it is needed for the purpose of lining the bottom to prevent absorption.
- G. 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.
- H. 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 using clear and understood language. (O2015-6, 6/2/15)

13.10.055 Prohibitions subject to supplemental Council findings.

- A. If the City Council determines, by resolution, that specified conditions warrant the establishment of additional water conservation measures in order to achieve the city’s water conservation goals, the City Manager is authorized to impose the measures set forth in subsection B, provided that written notice is published in a newspaper of general circulation no less than 10 days prior to the effective date of the imposition, consistent with the provisions of California Government Code Sections 6060 and 6061.
- B. No person shall use water to irrigate outdoor ornamental landscapes or turf more than two days per week for the period of June 1st through September 30th. No person shall use water to irrigate outdoor ornamental landscapes or turf more than one day per week for the period of October 1st through May 31st. (O2015-6, 6/2/15)

13.10.060 Water use guidelines.

Each customer shall make every attempt possible to reduce water usage by the amount specified in the City Council resolution declaring the moderate water shortage. Each person is encouraged to use the following water conservation guidelines:

- A. Establish procedures in the home and business to recycle water where possible;
- B. Use recycled water for construction purposes when available;

- C. Use water in a manner which minimizes waste and repair leaks as soon as possible;
- D. Install low-flow showerheads, high-efficiency toilets;
- E. Refrain from additional irrigation and unnecessary use of water, such as car washing, on days when the temperature exceeds 85 degrees Fahrenheit;
- F. Limit outdoor irrigation of ornamental landscapes or turf with water to no more than two days per week for the period of June 1st through September 30th and to no more than one day per week for the period of October 1st through May 31st;
- G. New development must adhere to the city's High Performance Building Regulations. All new or replacement landscaping should be designed and installed in accordance with the city's Water Efficient Landscape Guidelines in order to be water efficient, and the irrigation of landscapes outside of newly constructed homes and buildings must be consistent with emergency regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development. (O2015-6, 6/2/15)

13.10.070 Requests for exceptions.

Any person may request an exception to any provision of Section 13.10.040, 13.10.050, or 13.10.055 of this chapter by submitting a written request to the Water Division of the Public Works Department in accordance with this Section 13.10.070.

- A. The request shall be made in writing, using the form provided by the Water Division of the Public Works Department.
- B. The request shall provide sufficient information, documentation, and verification, to the satisfaction of the General Manager, 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 General Manager.
- D. The decision of the General Manager will be final. (O2015-6, 6/2/15)

13.10.080 Enforcement of code violations.

- A. It is a code violation for any person to violate any provision of Sections 13.10.040 and 13.10.050 of this chapter, subject to the enforcement provisions of Title 1 and Chapter 1.16 of this code.
- B. The General Manager 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.
- C. In addition to the remedies and penalties for code violations, set forth in Title 1 of this code: (1) filing of false information for any requirement contained in this chapter shall be subject to a fine of \$10,000.00 for each offense. (O2015-6, 6/2/15)

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