

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE AMENDING CHAPTER
14.06 (WATER CONSERVATION) OF
TITLE 14 OF THE FORT BRAGG
MUNICIPAL CODE**

ORDINANCE NO. ____-2015

WHEREAS, the City of Fort Bragg, along with all of the State of California, is in the fourth year of drought; and

WHEREAS, the State of California through the State Water Resources Control Board (SWRCB) has mandated certain water conservation measures; and

WHEREAS, the Fort Bragg City Council wishes to update the City's rules and regulations regarding water conservation measures within the City limits.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. Chapter 14.06 – Water Conservation of the Fort Bragg Municipal Code codifies the City's water conservation measures.
2. The intent of Chapter 14.06 is allocate equitably, City supplied water during the time when a water shortage exists to ensure that sufficient water will be available for human consumption, sanitation, and fire protection.
3. Resolution 2015-0032, "To Adopt an Emergency Regulation for Statewide Urban Water Conservation" was adopted by the SWRCB on May 5, 2015 providing specific mandates and guidance in response to the on-going drought.
4. The adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) as this ordinance is not a "project" under CEQA; in accordance with Section 15378(b)(2), general policy and procedure making this not a "project" under CEQA. This ordinance establishes policies and procedures for the City of Fort Bragg.

Section 2. Section 14.06.020 entitled, Declaration of Water Emergency, is hereby amended to read as follows:

"§ 14.06.020 DECLARATION OF WATER EMERGENCY.

A water emergency shall be declared whenever the following occurs:

- A. The City is unable to maintain a 10% buffer between its ability to replenish water in its storage tanks and the total daily demand for water; or
- B. A level of 80% or less of the total storage capacity providing pressure to the City water distribution system is reached and the City is unable to replenish water in its storage tanks in a reliable manner; or
- C. The City is unable to keep the finished water tanks at predetermined levels for more than 24 hours. Levels shall be determined upon consultation with Public Works and Fire Department staff.
- D. The City is mandated by the State of California to implement water conservation measures.”

Section 3. Section 14.06.030 entitled, Authority to Declare Water Emergency, is hereby amended to read as follows:

“§ 14.06.030 AUTHORITY TO DECLARE WATER EMERGENCY.

The City Council may declare a water emergency when the City Manager or designee advises that the conditions identified in § 14.06.020 have occurred. The City Manager or designee is authorized to implement any conservation stage necessary depending on the drought conditions or water shortage. The City Manager or designee is further authorized to act as quickly as needed to move through the conservation stages, depending on the drought conditions or water shortage.”

Section 4. Section 14.06.040 entitled, Fiscal Incentives for Conservation During Water Emergencies , is hereby deleted in its entirety.

Section 5. Section 14.06.050 entitled, Prohibited Water Uses During Water Emergency, is hereby amended to read as follows:

“§ 14.06.050 PROHIBITED WATER USES DURING WATER EMERGENCY.

Compliance with this section is mandatory. The following uses of water supplied by the City of Fort Bragg are prohibited during a water emergency.

A. *Stage 1*- 10% goal for reducing water usage.

1. End-User Requirements.

(a) To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(1) The application of potable 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.

- (2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
 - (3) The application of potable water to driveways and sidewalks.
 - (4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.
 - (5) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.
 - (6) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.
 - (7) The irrigation with potable water of ornamental turf on public street medians.
 - (8) The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.
- (b) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.
- 2. All commercial, industrial and institutional properties that use a water supply, any portion of which is from a source other than supplied by the City, shall either:
 - (a) Limit outdoor irrigation of ornamental landscapes or turf with potable water to no more than two days per week; or
 - (b) Reduce potable water usage supplied by sources other than from the City by 25 percent for the months of June 2015 through February 2016 as compared to the amount used from those sources for the same months in 2013.
 - 3. To prevent waste and unreasonable use of water and to promote water conservation, outdoor irrigation of ornamental landscapes or turf with potable water supplied by the City by shall be limited to no more than two days per week for all water users. Such outdoor irrigation shall be allowed only on Wednesdays and Saturdays.
 - 4. Other uses of water prohibited during a water emergency.
 - (a) The use of any hose or similar device, irrespective of whether a nozzle, valve, or other shut-off mechanism is attached thereto, for washing or cleaning the exterior surface of any dwelling, garage, commercial or industrial building, or appurtenance thereto, including, but not limited to, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or similar or like hard-surface areas by directing water at or upon the surface. Painting contractors shall be exempted from this provision when water is used in connection with the conduct of their business activities during a Stage 1 water conservation emergency.

(b) The use of water for filling or refilling any existing or new swimming pool. Replenishing existing pools which have lost water due to evaporation shall be permitted.

(c) The use of water in construction projects for backfill consolidation or compaction, or for dust control purposes; provided, however, that the City Manager may permit the use of water upon a determination by the City Manager that no other source of water for the purpose is available, or that no other method of compaction, consolidation, or dust control is reasonably available. The reuse of water system flush water is permitted.

(d) The construction or installation of new irrigation facilities, or extension, expansion or enlargement of existing facilities. The installation of new irrigation facilities specifically designed to reduce water usage is exempted from this requirement.

5. Other prohibitions include the tampering of any part of the water system to circumvent the prohibitions contained within this section. Such actions include tampering with hydrants or water meters.

B. Stage 2-20% goal for reducing water reduction.

All of the prohibited uses of water during a Stage 1 water emergency are prohibited during a Stage 2 water emergency. In addition, the following uses of water are prohibited during a Stage 2 water emergency:

1. *Surface flow.*
 - a. The washing of vehicles, including the operation of any commercial car wash using City water, is prohibited during a Stage 2 water emergency.
2. *Building exteriors.* Painting contractors shall not be exempted from this provision during a Stage 2 water emergency.
3. *Spas and hot tubs.* The operation of commercial spas and hot tubs shall be prohibited during a Stage 2 water emergency. The operation of residential hot tubs and spas may continue.
4. *Construction.* The use of water in construction projects for backfill consolidation or compaction, or for dust control purposes is prohibited during a Stage 2 water emergency. The reuse of water system flush water is permitted.
5. *Irrigation.* The following only applies to irrigation using City supplied water.
 - a. *Use.* The irrigation or watering of any landscaping.
6. *Restaurants.* The use of disposable plates, cups, and flatware is encouraged during a Stage 2 water emergency.

C. Stage 3-30% goal for reducing water usage.

All of the prohibited uses of water during a Stage 1 water emergency and a Stage 2 water emergency are prohibited during a Stage 3 water emergency. In addition, the following uses of water are prohibited during a Stage 3 water emergency:

1. *Swimming pools.* Replenishing existing pools which have lost water due to evaporation shall not be permitted during a Stage 3 water conservation emergency.
2. *All other water uses.* All other uses of City supplied water shall be reduced by 30%.

Section 6. Section 14.06.060, entitled, Minor and Major Offenses During Water Emergency is amended to read as follows:

“§ 14.06.060 MINOR AND MAJOR OFFENSES DURING WATER EMERGENCY.

The following table indicates whether a violation of the water use prohibitions established in Section 14.06.050 is a “minor offense” or a “major offense” during a Stage 1, Stage 2, and Stage 3 water emergency. Penalties for violations are established by resolution of the City Council pursuant to Section 14.06.090.

Prohibited water use	Stage 1	Stage 2	Stage 3
Defective Equipment	1 st violation- minor offense Repeat violations- major offenses	1 st violation- minor offense Repeat violations- major offenses	Major offense
Surface flow- Watering of lawns, groundcover, etc.	1 st violation- minor offense Repeat violations- major offenses	Major offense	Major offense
Surface flow- washing of sidewalks, driveways, etc.	1 st violation- minor offense Repeat violations- major offenses	Major offense	Major offense
Washing of vehicles (excluding commercial car washes)	1 st violation- minor offense Repeat violations- major offenses	Major offense	Major offense
Commercial car washes		Major offense	Major offense
Building exteriors (painting contractors exempted)	1 st violation- minor offense Repeat violations- major offenses	Major offense	Major offense
Building exteriors – painting contractors		Major offense	Major offense
Swimming pools	Major offense	Major offense	Major offense
Spas and hot tubs - commercial		Major offense	Major offense
Fountains	1 st violation- minor offense Repeat violations- major offenses	Major offense	Major offense
Construction	Major offense	Major offense	Major offense
Irrigation – Facilities	Major offense	Major offense	Major offense
Irrigation – Use	1 st violation- minor offense Repeat violations- major offenses	Major offense	Major offense
Hydrants	Major offense	Major offense	Major offense
Water Meters	Major offense	Major offense	Major offense
Restaurants	1 st violation- minor offense Repeat violations- major offenses	1 st violation- minor offense Repeat violations- major offenses	Major offense
Hotels/Motels and spas	6		Major offense
Laundromats			Major offense

Section 7. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 8. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember _____ at a regular meeting of the City Council of the City of Fort Bragg held on _____, 2015, and adopted at a regular meeting of the City of Fort Bragg held on _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dave Turner,
Mayor

ATTEST:

Cynthia M. VanWormer, MMC
City Clerk

PUBLISH: _____, 2015 and _____, 2015 (by summary).
EFFECTIVE DATE: _____, 2015.