

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. 919-2015

WHEREAS, the City of Fort Bragg, like 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 City Council wishes to update 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. On May 5, 2015, the SWRCB adopted Resolution 2015-0032, an “Emergency Regulation for Statewide Urban Water Conservation,” which provides specific mandates and guidance in response to the ongoing drought.
2. Chapter 14.06, the Water Conservation Ordinance of the Fort Bragg Municipal Code, codifies the City’s water conservation measures.
3. The intent of Chapter 14.06 is to allocate City supplied water equitably during the time when a water shortage exists to ensure that sufficient water will be available for human consumption, sanitation, and fire protection.
4. The adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15307 of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) as this ordinance is an action taken to protect natural resources.

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 one or more of the conditions identified in § 14.06.020 has occurred. The City Council may implement any conservation stage necessary depending on the drought conditions or water shortage.”

Section 4. Section 14.060.040 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 potable water supplied by the City of Fort Bragg are prohibited during a water emergency 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.

- A. *Stage 1*- 10% goal for reducing water usage.
 - 1. End-User Requirements.
 - (a) To prevent the waste and unreasonable use of potable water and to promote water conservation, each of the following actions is prohibited:
 - (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, sidewalks, and similar hardscapes.
 - (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) Other uses of water prohibited during a water emergency.
- (1) 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. Persons painting building exteriors shall be exempted from this provision when potable water is used to clean or prepare a surface for painting during a Stage 1 water conservation emergency.
 - (2) The use of potable water for filling or refilling any existing or new swimming pool. Replenishing existing pools which have lost water due to evaporation shall be permitted.
 - (3) The use of potable 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 potable 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.
 - (4) The use of water through, with or by any plumbing, sprinkler, watering or irrigation system, or other device, equipment, or appliance which is broken or defective, or which, for any reason, fails to use water in the ordinary and customary manner or quantity for which it was designed, constructed, or manufactured.
- (c) 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. To prevent waste and unreasonable use of potable water and to promote water conservation, outdoor irrigation of ornamental landscapes or turf with potable water shall be limited to no more than two days per week for all water users.

3. 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 usage.*

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

1. *Irrigation.* Irrigation or watering of any landscaping using potable water is prohibited.

2. *Restaurants.* The use of disposable plates, cups, and flatware is encouraged during a Stage 2 water emergency.

3. *All other water uses.* All users of potable water shall reduce their potable water consumption by 20% as compared to the same month of the previous year.

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

All of the prohibited uses of potable 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 potable 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 emergency.

2. *Restaurants.* The use of disposable plates, cups, and flatware is required during a Stage 3 water emergency.

3. *All other water uses.* All users of potable water shall reduce their potable water consumption by 30% as compared to the same month of the previous year.”

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 [Applicable paragraph(s) from §14.06.050 noted]	Stage 1	Stage 2	Stage 3
Defective Equipment [A.1(b)(4)]	1 st violation- minor offense Repeat violations- major offenses	1 st violation- minor offense Repeat violations- major offenses	Major offense
Lawns/landscaping, overflow or watering within 48 hours of a storm [A.1(a)(1)] [A.1(a)(5)]	1 st violation- minor offense Repeat violations- major offenses	Major offense	Major offense
Surface flow- washing of sidewalks, driveways, etc. [A.1(a)(3)]	1 st violation- minor offense Repeat violations- major offenses	Major offense	Major offense
Washing vehicles, without shut-off nozzle [A.1(a)(2)]	1 st violation- minor offense Repeat violations- major offenses	Major offense	Major offense
Washing building exteriors, painting preparation exempted [A.1(b)(1)]	1 st violation- minor offense Repeat violations- major offenses	Major offense	Major offense
Swimming pools [A.1(b)(2)] [C.1]	Major offense	Major offense	Major offense
Fountains and Other Decorative Water Features [A.1(a)(4)]	1 st violation- minor offense Repeat violations- major offenses	Major offense	Major offense
Construction [A.1(b)(3)]	1 st violation- minor offense Repeat violations- major offenses	Major offense	Major offense
Irrigation and Exterior Watering [A.1(a)(8)] [A.2] [B.1]	1 st violation- minor offense Repeat violations- major offenses	Major offense	Major offense
Tampering with Hydrants or Water Meters [A.3]	Major offense	Major offense	Major offense
Restaurants [A.1(a)(6)] [B.2] [C.2]	1 st violation- minor offense Repeat violations- major offenses	1 st violation- minor offense Repeat violations- major offenses	Major offense
Hotels/Motels and spas [A.1(c)]	1 st violation- minor offense Repeat violations- major offenses	1 st violation- minor offense Repeat violations- major offenses	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 Hammerstrom at a regular meeting of the City Council of the City of Fort Bragg held on August 10, 2015, and adopted at a regular meeting of the City of Fort Bragg held on August 24, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**Dave Turner,
Mayor**

ATTEST:

**June Lemos
Acting City Clerk**

**PUBLISH: August 13, 2015 and September 3, 2015 (by summary).
EFFECTIVE DATE: September 23, 2015.**