

Agenda Report Reviewed by:  
City Manager: 

**CITY OF SEBASTOPOL  
CITY COUNCIL  
STAFF REPORT**

**Meeting Date:** March 1, 2016  
**To:** Honorable Mayor and City Councilmembers  
**From:** Public Works Superintendent Richard Emig  
**Subject:** Adoption of Ordinance No. 1083 Amending Sebastopol Municipal Code Section 13.06, Water Shortage Contingency Plan  
**Recommendation:** Approve Second Reading and Adopt Ordinance  
**Funding:** Currently Budgeted: \_\_\_ Yes \_\_\_No XN/A  
Net General Fund Cost: \$0  
If Cost to Other Fund(s):  
Fund:  
Amount:

**Introduction:** This item is to request City Council approval of a second reading and adoption of Ordinance No 1083 Amending the Sebastopol Municipal Code Section 13.06, Water Shortage Contingency Plan.

**Background:**  
On January 22, 2016 Staff was emailed an informal enforcement action notice from State Water Resources Control Board (SWRCB) bringing to our attention that the City of Sebastopol did not meet the water conservation goal of 25%, and advising what action to take to return to compliance.

Per Title 23, California Code of Regulations, Section 865 (f)(1) of the Emergency Regulation, the informal enforcement action notice from SWRCB advises to take one or both of the following actions to return to compliance:

- (A) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or
- (B) Reduce by 25 percent its total potable water production relative to the amount produced in 2013.

**Discussion:**

In order to accomplish, this staff amended Sebastopol Municipal Code Section 13.06, Water Shortage Contingency Plan (attached) to include the above revisions in order to return to compliance with the SWRCB Emergency Regulation, and the City Council introduced Ordinance No. 1083 and conducted a Public Hearing at your meeting of February 16, 2016, and directed staff to return the Ordinance for adoption. The Ordinance will become effective 30 days after adoption, on March 31, 2016.

**Recommendation:**

Staff recommends that the City Council approve for Second Reading and Adoption of Ordinance No. 1083.

**Attachment:**

Ordinance No. 1083, Amending Sebastopol Municipal Code Section 13.06, Water Shortage Contingency Plan.

ORDINANCE NO. 1083

AN ORDINANCE OF THE CITY OF SEBASTOPOL  
AMENDING SEBASTOPOL MUNICIPAL CODE CHAPTER 13.06  
WATER SHORTAGE CONTINGENCY PLAN

Whereas, the State Water Resources Control Board (SWRCB) approved Resolution No 2015-0032, Emergency Regulation for Statewide Urban Water Conservation, (SWRCB Regulations) on May 5, 2015; and

Whereas, the City of Sebastopol received an informal enforcement action notice from SWRCB that the City did not meeting the water conservation goal of 25%; and

Whereas, per Title 23, California Code of Regulations, Section 865 (f)(1) of the Emergency Regulation, the SWRCB advises the City of Sebastopol to (A) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or (B) Reduce by 25 percent its total potable water production relative to the amount produced in 2013, to return to compliance; and

Whereas, the City of Sebastopol wishes to comply with SWRCB Regulations;

Now therefore, the City of Sebastopol hereby amends Chapter 13.06, Water Shortage Contingency Plan, as follows;

1. **Section 13.06.070 Water Conservation Stages, Stage 2 , Mandatory Compliance – Water Alert** is amended from 20 percent to “25 percent”.
2. **Section 13.06.070 Water Conservation Stages, Stage 2, Non-essential uses of water, including the following:** is amended to add “Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week”.

IN COUNCIL DULY PASSED this 1<sup>st</sup> day of March 2016.

APPROVED: \_\_\_\_\_  
SARAH GLADE GURNEY, MAYOR

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

\_\_\_\_\_  
MARY C. GOURLEY, CMC, CITY CLERK



property served by the City.

**13.06.060 Water Waste Prohibitions.**

Nonessential Uses. No customer of the City shall use or permit the use of potable water from the City for residential, commercial, institutional, industrial, agricultural, or other purpose for the following nonessential uses:

The washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;

The escape of water through breaks or leaks within the customers plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the City, is a reasonable time within which to correct such break or leak or, at a minimum, to stop the flow of water from such break or leak;

Irrigation in a manner or to an extent which allows excessive run off of water or unreasonable over-spray of the areas being watered. Every customer is deemed to have his/her water system under control at all times, to know the manner and extent of his/her water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;

Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle;

Water for non-recycling decorative water fountains;

Water for single pass evaporative cooling systems for air conditioning in all connections installed after the effective date of this ordinance, unless required for health or safety reasons;

Water for new non-recirculating conveyor car wash systems; and

Water for new non-recirculating industrial clothes wash systems.

Exempt Water Uses. All water use associated with the operation and maintenance of fire suppression equipment or employed by the City for water quality flushing and sanitation purposes shall be exempt from the provisions of this section. Use of water supplied by a private well or from a reclaimed wastewater, grey water or rainwater utilization system is also exempt.

**13.06.070 Water conservation stages.**

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No customer of the City shall knowingly make, cause, use, or permit the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this chapter, or in an amount in excess of that use permitted by either Conservation Stage 2 or 3 when in effect as declared by separate resolution of the City Council, in accordance with the provisions of this Chapter.

Stage 1 . Voluntary Conservation. In order to achieve an overall system-wide reduction goal of 10 percent, all potable water customers of the City are requested to:

Apply irrigation water only during the evening and early morning hours to reduce evaporation losses.

Inspect all irrigation systems, repair leaks, and adjust spray heads to provide optimum coverage and eliminate avoidable over-spray.

For irrigation valves controlling water applied to lawns, vary the minutes of run-time consistent with fluctuations in weather.

Reduce minutes of run-time for each irrigation cycle if water begins to run-off to gutters and ditches before the irrigation cycle is completed.

Become conversant with and strictly adhere to the City's Water Waste Prohibition ordinance.

Utilize water conservation rebate and giveaway programs to replace water guzzling plumbing fixtures and appliances with water efficient models.

Utilize City information regarding using water efficiently, reading water meters, repairing ordinary leaks, and how to make your landscape a water efficient landscape.

Stage 2. Mandatory Compliance -- Water Alert. The City Council may by resolution declare a Conservation Stage 2 upon recommendation by the City Manager based on water supply and delivery projections by the Public Works Superintendent that an overall system-wide reduction of 25 percent is necessary, taking into consideration projections and estimates made by the Public Works Superintendent pertaining to the City's water supply. In order to achieve an overall system-wide reduction of 25 percent, the following activities shall be prohibited:

Non-essential uses of water, including the following:

Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

Refilling or initial filling of a swimming pool.

Non-commercial washing of privately-owned motor vehicles, trailers and boats except from a bucket and except that a hose equipped with a shut-off nozzle may be used to rinse the vehicle.

Any use of water from a fire hydrant except for fighting fires or essential construction needs.

The City Council shall have the authority to prohibit other activities and water uses upon the recommendation of the City Manager that such additional measures are necessary to achieve an overall system-wide reduction of 25 percent in water usage.

Stage 3. Mandatory Compliance -- Water Emergency. The City Council may, by resolution, declare a Conservation Stage 3 upon recommendation by the City Manager based on water supply and delivery projections by the Public Works Superintendent that an overall system-wide reduction of 30 percent is necessary, taking into consideration projections and estimates made by the Public Works Superintendent pertaining to the City's water supply. In order to achieve an overall system-wide reduction of 30 percent, the following activities shall be prohibited:

Any activities prohibited during a Conservation Stage 2.

Watering any residential or commercial or industrial area lawn with potable water, at any time day or night.

Planting any new landscaping, except for drought resistant landscaping.

All day and night-time irrigation sprinkling unless only a hand held nozzle is used. An exception will be made to permit drip irrigation for established perennial plants and trees using manual or automatic time-controlled water application.

Planting of new annual ornamental plants, flowers or vines may not occur until the Stage 3 emergency is over.

The City Council shall have the authority to prohibit other activities and water uses upon the recommendation of the City Manager that such additional measures are necessary to achieve an overall system-wide reduction of 30 percent in water usage.

**13.06.080 Exceptions and application procedures for exceptions.** Any customer of the City may make written application for an exception. Said application shall describe in detail why applicant believes an exception is justified.

The City Manager may grant exceptions for use of water otherwise prohibited by this section upon finding and determining that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public; or, cause an unnecessary and undue hardship on applicant or the public, including but not limited to, adverse economic impacts, such as loss of production or jobs.

The decision of the City Manager may be appealed to the City Council by submitting a written appeal to the City Clerk within fifteen (15) calendar days of the date of the decision. Upon granting any appeal, the City Council may impose any conditions it determines to be just and proper. Exceptions granted by the City Council shall be prepared in writing and the City Council may require the exception be recorded at applicant's expense.

**13.06.090 Violation--Enforcement.** The violation of each provision of this chapter, and each separate violation thereof, shall be deemed a separate offense, and shall be enforced in accordance with the provisions of Chapter 15.76 Administrative Citations of the Sebastopol Municipal Code.

Effective Date. This ordinance shall take effect 30 days following its adoption.

This ordinance was introduced and approved by the Council of the City of Sebastopol on February 16, 2016.

IN COUNCIL DULY PASSED AND APPROVED FOR SECOND READING AND ADOPTION ON THIS 1<sup>st</sup> Day of March, 2016.

APPROVED: \_\_\_\_\_  
Mayor Sarah Glade Gurney

**VOTE:**

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Mary C. Gourley, CMC, City Clerk