

## **ORDINANCE NO. 810**

### **AN ORDINANCE OF THE CITY OF ROHNERT PARK REPEALING AND REPLACING SECTION 13.66.050 OF THE ROHNERT PARK MUNICIPAL CODE PERTAINING TO WATER CONSERVATION STAGES**

WHEREAS, the City of Rohnert Park ("City") owns, operates and maintains the City water system;

WHEREAS, the City's ability to effectively manage its water supply for the benefit of the public health and safety is dependent on its ability to require water conservation efforts when necessary to manage periods of drought or emergency; and

WHEREAS, the modifications set forth below provide for water conservation stages consistent with the California Water Code Division 6, Part 2.6 Section 10610 et. seq. (the Urban Water Management Planning Act).

**NOW THEREFORE**, the City Council of the City of Rohnert Park does ordain as follows:

**SECTION 1.** Section 13.66.050 "Water Conservation Stages" is hereby deleted in its entirety and replaced with the following:

#### **13.66.050 Water Conservation Stages.**

No customer of the city shall 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 Conservation Stages 2, 3 or 4 when one of these stages is declared by resolution of the City Council.

A. Stage 1. Voluntary Conservation. To achieve an overall system-wide reduction goal of ten percent, all potable water customers of the city are requested to:

1. Apply irrigation water only during the evening and early morning hours to reduce evaporation losses;
2. Inspect all irrigation systems, repair leaks, and adjust spray heads to provide optimum coverage and eliminate avoidable over-spray;
3. For irrigation valves controlling water applied to lawns, vary the minutes of run-time consistent with fluctuations in weather;
4. 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;
5. Utilize water conservation incentive, rebate and giveaway programs to replace plumbing fixtures and appliances with more water efficient models;
6. Utilize city information regarding using water efficiently, reading water meters, repairing ordinary leaks, and water efficient landscapes;
7. Serve water in restaurants only upon request.

B. Stage 2. Mandatory Compliance. The City Council may, by resolution, declare Conservation Stage 2 upon recommendation of the City Manager. Conservation Stage 2 is intended to achieve an overall system-wide reduction of 20%. To achieve an overall system-wide reduction of 20%, all Stage 1 efforts shall become mandatory and the following activities shall be prohibited:

1. Nonessential uses of potable water, including but not limited to:
  - a. Refilling or initial filling of a swimming pool;
  - b. Use for ornamental fountains;
  - c. Noncommercial washing of privately-owned motor vehicles, trailers and boats, except that when used in conjunction with a bucket, a hose equipped with a shut-off nozzle

- may be used to rinse a vehicle;
  - d. Any use of water from a fire hydrant except for fighting fires or essential construction needs;
  - e. Use of water for dust control at construction sites.
2. Residential irrigation between the hours of 6 am and 8 pm.
  3. Potable water use by an irrigation account in excess of 80% of historical net evapotranspiration-based demand for the square footage of the irrigated area.
  4. Use by a vehicle washing facility in excess of 80% of the amount used during the most recent twelve-month billing period when no water shortage restrictions were in place.
  5. Use by any commercial, industrial or government account (excepting health care and public safety accounts) in excess of 80% of the amount used during the most recent twelve-month billing period when no water shortage restrictions were in place.

C. Stage 3. Mandatory Compliance. The City Council may, by resolution, declare Conservation Stage 3 upon recommendation of the City Manager. Conservation Stage 3 is intended to achieve an overall system-wide reduction of 30%. To achieve an overall system-wide reduction of 30%, all Stage 1 efforts shall become mandatory and the following activities shall be prohibited:

1. Nonessential uses of potable water, including but not limited to:
  - a. Refilling or initial filling of a swimming pool;
  - b. Use for ornamental fountains;
  - c. Noncommercial washing of privately-owned motor vehicles, trailers and boats, except that when used in conjunction with a bucket, a hose equipped with a shut-off nozzle may be used to rinse a vehicle;
  - d. Any use of water from a fire hydrant except for fighting fires or essential construction needs;
  - e. Use of water for dust control at construction sites.
2. Residential irrigation with potable water utilizing automatic sprinklers. Residential irrigation shall be limited to sprinkling with a hand held nozzle, but drip irrigation for established perennial plants and trees using manual or automatic time-controlled water application may be permitted.
3. Potable water use by an irrigation account in excess of 70% of historical net evapotranspiration-based demand for the square footage of the irrigated area.
4. Use by a vehicle washing facility in excess of 70% of the amount used during the most recent twelve-month billing period when no water shortage restrictions were in place.
5. Use by any commercial, industrial or government account (excepting health care and public safety accounts) in excess of 70% of the amount used during the most recent twelve-month billing period when no water shortage restrictions were in place.
6. Planting any new landscaping (including annual plants, vegetables, flowers or vines) except:
  - a. designated drought resistant landscaping prescribed by the city, or
  - b. landscaping irrigated with nonpotable water.

D. Stage 4. Mandatory Compliance. The city council may by resolution declare Conservation Stage 4 upon recommendation by the city manager. Conservation Stage 4 is intended to achieve an overall system-wide reduction of 50%. In order to achieve an overall system-wide reduction of 50%, all Stage 1 efforts shall become mandatory and the following activities shall be prohibited:

1. Nonessential uses of potable water, including but not limited to:
  - a. Refilling or initial filling of a swimming pool;
  - b. Use for ornamental fountains;
  - c. Noncommercial washing of privately-owned motor vehicles, trailers and boats, except

- that when used in conjunction with a bucket, a hose equipped with a shut-off nozzle may be used to rinse a vehicle;
- d. Any use of water from a fire hydrant except for fighting fires or essential construction needs;
  - e. Use of water for dust control at construction sites.
- 2. All irrigation with potable water, but drip irrigation for established perennial plants and trees using manual or automatic time-controlled water application may be permitted.
  - 3. Use by a vehicle washing facility.
  - 4. Use by any commercial, industrial or government account (excepting health care and public safety accounts) in excess of 50% of the amount used during the most recent twelve-month billing period when no water shortage restrictions were in place.
  - 5. Planting any new landscaping except landscaping irrigated with nonpotable water.
  - 6. New construction that does not provide for 100% offset of its water demands.

**SECTION 2. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections subsections, sentences, clauses or phrases be declared unconstitutional.

**SECTION 3. CEQA.** Neither this Ordinance nor implementation actions authorized by this Ordinance meet the definition of a “Project” as outlined in Section 21065 of the California Public Resources Code. Therefore, this Ordinance is not subject to review under CEQA.

**SECTION 4. Effective Date.** This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

This ordinance was introduced on the 13<sup>th</sup> day of January, 2009, and **DULY AND REGULARLY ADOPTED** by the City Council of the City of Rohnert Park this 27<sup>th</sup> day of January, 2009, by the following vote:

AYES: Five (5) Council Members Belforte, Callinan, Mackenzie, Stafford, and Mayor Breeze  
NOES: None (0)  
ABSENT: None (0)  
ABSTAIN: None (0)

**ATTEST:**

/s/ Deputy City Clerk Terri Griffin 1/27/09

**CITY OF ROHNERT PARK**

/s/ Mayor Amie Breeze

**APPROVED AS TO FORM:**

/s/ Assistant City Attorney Ben Winig