

ORDINANCE NO. 2104

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON AMENDING MUNICIPAL CODE CHAPTER §9.30 (WATER CONSERVATION PLAN) REGARDING OUTDOOR IRRIGATION AND DECORATIVE WATER FEATURES USING NON-RECIRCULATING WATER

WHEREAS, in light of drought conditions, the City Council recently updated the City of Pleasanton's Water Conservation Plan; and

WHEREAS, as the severity of the drought increases, the Council finds it necessary to modify the Water Conservation Plan with regard to outdoor irrigation and decorative outdoor water features.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

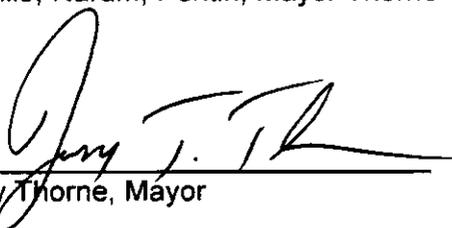
SECTION 1. It adopts the amendments to Municipal Code Chapter 9.30 (Water Conservation Plan) as shown on the attached Exhibit A, incorporated herein by this reference.

SECTION 2. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 3. This ordinance shall be effective thirty (30) days after its passage and adoption.

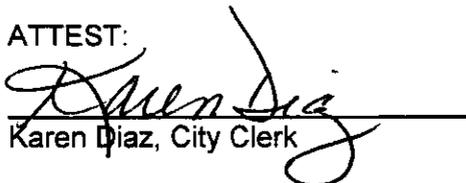
The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on June 17, 2014 and adopted at a regular meeting of the City Council of the City of Pleasanton on July 15, 2014 by the following vote:

Ayes:	Councilmembers Brown, Cook-Kallio, Narum, Pentin, Mayor Thorne
Noes:	None
Absent:	None
Abstain:	None



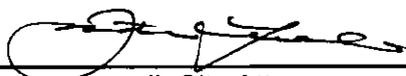
Jerry Thorne, Mayor

ATTEST:



Karen Diaz, City Clerk

APPROVED AS TO FORM:



Jonathan Lowell, City Attorney

Exhibit A

Chapter 9.30 WATER CONSERVATION PLAN

9.30.010 Declaration of emergency.

A water shortage emergency shall be declared by resolution of the City Council. The City Manager may administratively determine that any water shortage is terminated, and inform the City Council of such determination.

9.30.020 Purpose.

The purpose of this chapter is to provide both voluntary and mandatory water conservation stages to minimize the effect of a shortage of water on the city's customers and, by means of this chapter, to adopt provisions that will significantly reduce the consumption of water over an extended period of time, thereby extending the available water required for the city's customers while reducing the hardship to the greatest extent possible on or to the City and on or to the general public. This chapter is also intended to implement the Urban Water Management Plan's Water Shortage Contingency Planning and Stages of Action.

9.30.030 Application of chapter.

The provisions of this chapter shall apply to all customers, as defined herein, regardless of whether any customer using water shall have a contract for water service with the city. Notwithstanding other municipal code provisions inconsistent with this chapter, the provisions of this chapter shall supersede and prevail for the duration of a City Council declared water shortage.

9.30.040 Definitions.

- A. "City" means the City of Pleasanton.
- B. "City Manager" means the City Manager of the City, or his or her designee.
- C. "Customer" means a person, firm, partnership, association, corporation and all other institutions and businesses receiving water from the water distribution system of the city.
- D. "Director" means the operations services director of the city, or his or her designee.

9.30.050 Creation of classes.

The following types of customers or uses are those which exist in the city's current utility billing system, as follows:

- A. "Single-family residential individually metered" consists of water service to land improved with structures designed to serve as a residence for a single family, including single-family home, townhomes, and condominiums.
- B. "Commercial and Multiple-family" consists of water service to land improved with structures designed to serve commercial (including restaurants), recreational, charitable, educational and cultural uses, as well as residential uses sharing water meters.
- C. "Irrigation" consists of water service which is separately metered and is used exclusively to water turf and other landscaping areas.
- D. "Special Landscape Area" are uses as defined in the California Water Efficient Landscape Ordinance Government Code §§65591 *et. seq.*

9.30.060 Stages for reduction in water use.

- A. The following stages of action for reduction in water use depend on the total amount of water supplied to the city by Zone 7 and the amount of water the city is able to pump out of the groundwater basin from its own wells. These stages are based on the Urban Water Management Plan.

REDUCTIONS IN WATER USE		
Stage	Overall Reduction	Voluntary or Mandatory
1	Up to 20%	Voluntary
2	Up to 20%	Mandatory
3	Up to 35%	Mandatory
4	35% or more	Mandatory

9.30.070 Calculation of customer reduction in water use.

A. When a water shortage is declared with mandatory reductions in water use, the director shall impose the applicable stage of mandatory reduction by calculating customers' average usage for the same billing period from 1 to 4 prior years, as data is available. If sufficient historic usage information is not available, the director may base water use allocations on a combination of the limited historic usage data available, per-capita water use targets, water usage from similar customer types, and other activity-specific water usage data.

B. Usage of water in excess of a customer's mandatory conservation amount is subject to excess use penalties in Section 9.30.100.

9.30.080 Conservation Measures. The following conservation measures are applicable for normal supply, and the declared water shortage stage(s) indicated:

A. Level: Normal Supply. To protect and preserve the community water supply the elimination of wasteful water uses is essential at all times, regardless of water supply level. Pleasanton customers shall observe the following regulations on water use:

1. Use potable water for irrigation of landscape in a manner that does not result in runoff or excessive flooding on patios, driveways, walkways or streets.
2. Schedule regular irrigation of lawn and landscape between the hours of 6:00 p.m. and 9:00 a.m. the following day. Watering is permitted at any hour if a hand-held nozzle or drip irrigation is used. Special landscapes are exempted.
3. Limit the use of water for washing sidewalks, walkways, driveways, patios, or other hard-surfaced areas to prevent excessive runoff or waste.
4. Use water for mobile or machinery washing, preferably from a hose equipped with a shutoff nozzle, in a manner that does not result in excessive runoff or waste.
5. Repair potable water leaks from breaks within the customer's plumbing system within eight hours after customer is notified or discovers the break.
6. Reduce other interior or exterior uses of water to minimize or eliminate excessive runoff or waste.
7. Restaurants are requested to serve water to their customers only when specifically requested.

B. Level: Stage 1 – Up to 20% Voluntary Reduction. There is sufficient uncertainty concerning water supplies for this year or in the next few years that it would be prudent to conserve local water supplies so that these supplies may be used to meet water demands in future years. The following restrictions shall be applicable during a Stage 1 activation of the water shortage contingency plan:

1. All of the normal supply level restrictions, in Section A, above, shall continue to be mandatory during Stage 1.

2. There should be no hose washing of hard-surfaced areas. Use bucket and broom to wash down hard-surfaced areas if necessary for the benefit of public health and safety.
3. Should not irrigate landscaping on consecutive days or more frequently than 1 day per week October – March, or 2 days per week April – September. Additionally, running irrigation during periods of rain is discouraged.
4. Commercial customers should post water conservation messages on bathroom lavatory mirrors.
5. Swimming pools, spas, fountains, and ponds should be leak proof. Any leak should be repaired in a timely manner after notification by the City, but should not exceed 72 hours.
6. Cover pools when not in use to reduce evaporation.
7. Using potable water for construction is discouraged if a feasible alternative source of water for construction exists.

C. Level: Stage 2 – Up to 20% Mandatory Reduction. There are definable events that lead to a reasonable conclusion that in the current and/or upcoming water years, water supplies may not be adequate to meet all customer water demands. The following mandatory restrictions shall be applicable during a Stage 2 activation of the water shortage contingency plan:

1. All of the prohibitions and restrictions set forth during normal supply, as well as the voluntary Stage 1 restrictions, shall all be in effect and shall all be mandatory.
2. Lawn watering and landscape irrigation, including construction meter irrigation, shall be reduced to no more than one day per week October – March, and two days per week April – September on an odd-even schedule; properties with odd street address numbers water on odd days of the month and properties with even street address numbers water on even days of the month (with no watering permitted on the thirty-first day of the month). Irrigation system checks for breaks/leak repairs by irrigation professionals who remain on-site directly observing the system are excluded.
3. Washing of autos, trucks, trailers, and other types of mobile equipment may be done at any hour, but no more frequently than once per month with a bucket and a hose equipped with a positive shut-off nozzle for quick rinses. Washing is permitted at a commercial car wash. No wastewater from vehicle washing may enter the storm drain system.
4. Restaurant kitchens shall be equipped with low-flow rinse nozzles.

D. Level: Stage 3 – Up to 35% Mandatory Reduction. There are definable events that lead to a firm conclusion that in the current water year, water supplies will not be adequate to meet customers' water demands. The following mandatory restrictions shall be applicable during a Stage 3 activation of the water shortage contingency plan:

1. All of the prohibitions and restrictions set forth during normal supply, as well as the voluntary Stage 1 restrictions, and the prohibitions and restrictions in Stage 2, shall all be in effect and shall all be mandatory.
2. Outdoor watering under Stage 3 is restricted as follows:
 - a) 20 through 25% mandatory reduction - lawn watering and landscape irrigation, for all customer classes, shall be reduced to no more than one day per week during the months of October through March; and no more than two non-consecutive days per week during the months of April through September.
 - b) 26 thru for a 35% mandatory reduction:
 - i. Single-family residential individually metered and multi-family (non-irrigation) classes shall be limited in the use of all outdoor watering to hand-watering using

- a hose with a positive shut-off nozzle, drip, or subsurface irrigation on Saturday and Sunday only.
 - ii. All other water customers classes not falling under 2.b.i., above, (with the exception of commercial nurseries, public sport fields, golf courses, and other water dependent industries, per 2.b.iii., below) shall be limited in the use of all outdoor watering to hand-watering using a hose with a positive shut-off nozzle, drip, or subsurface irrigation to two non-consecutive weekdays; specified as Mondays and Thursdays unless otherwise granted permission for alternate watering days by the director.
 - iii. Commercial nurseries, public sport fields, golf courses and other water dependent industries shall work together with City staff under the direction of the director to develop an approved irrigation schedule.
- c) Irrigation system checks for breaks/leak repairs by on-site irrigation professionals who remain on-site directly observing the system are excluded.
3. Potable water use to clean sidewalks, walkways, driveways, parking areas, and other hard-surface areas, is prohibited, with the exception of public health and safety.
 4. No person shall empty and refill a swimming pool except to prevent or repair structural damage or to comply with public health regulations.
 5. Equip swimming pools with recirculating pump if not already equipped. Swimming pools may only be drained and refilled for health or structural needs.
 6. Potable water shall not be used for decorative ponds, basins, lakes, waterways, and fountains.
 7. Washing of autos, trucks, trailers, and other types of mobile equipment is permitted only at commercial car wash facilities that recycle all or part of the water.
 8. No potable water may be used for compaction or dust control purposes for construction activities.

E. Level: Stage 4 – 35% or more Mandatory Reduction. Earlier stages have been in effect and the reduction goal is not being met, or new definable events require increasing the reduction goal. The following mandatory restrictions shall be applicable during a Stage 4 activation of the water shortage contingency plan:

1. All of the prohibitions and restrictions set forth during normal supply, as well as the voluntary Stage 1 restrictions, and the prohibitions and restrictions in Stages 2 and 3, shall all be in effect and shall all be mandatory.
2. The irrigation of turf or lawn using potable water is prohibited. All water customers, with the exception of commercial nurseries, golf courses, and other water dependent industries, shall be limited in the use of all other non-lawn area watering to hand-watering from a container of less than five-gallon capacity on Saturday and Sunday only.
3. No person shall drain and refill swimming pools and spas. Nor shall new pools be filled.
4. The use of potable water for washing autos, trucks, trailers, other mobile equipment, and the exterior of any building or structure through a hose, including pressure washing, is prohibited.
5. Laundromats are prohibited from using non-efficient washing machines.
6. Public health and safety: These regulations shall not be construed to limit water use which is immediately necessary to protect public health and/or safety.

9.30.090 Emergency shutoff — Nonessential use.

A. It is the purpose of the city to protect the public health, safety and welfare, as well as property of customers within the city. Any time there is evidence that the fire storage water volume is

threatened in any reservoir or that low water pressure may occur in any pressure zone, the city may, without notice, temporarily shut off by locking out any water service connection. The city shall restore such service as soon as an adequate water supply is assured. Efforts will be made to contact customers from the billing information on record if it appears that service will be interrupted for more than 24 hours.

B. Emergency public announcements may be made by electronic media, local radio and television whenever a shut off is found to be necessary.

9.30.100 Excess use penalties. Water usage in excess of the amount provided in Section 9.30.070 is subject to the following penalties:

	Exceed 1 time	Exceed 2 times	Exceed 3 times	Exceed 4 or more times
Stage 1 Up to 20% Voluntary	No penalty	No penalty	No penalty	No penalty
Stage 2 Up to 20% Mandatory	\$2.50 additional for all units	\$5 additional for all units + \$25	\$7.50 additional for all units + \$50	\$10 additional for all units + \$100
Stage 3 Up to 35% Mandatory	\$4 additional for all units + \$50	\$8 additional for all units + \$100	\$12 additional for all units + \$250	\$16 additional for all units + \$500
Stage 4 35% or more Mandatory	\$6 additional for all units + \$100	\$12 additional for all units + \$250	\$18 additional for all units + \$500	\$24 additional for all units + \$750

Penalties may be added to water bill or billed separately, at the discretion of the director.

Additional penalties for multiple times exceeding water use amount are for the number of times within the prior 12 months.

9.30.110 Prohibition of certain water uses.

During the time this chapter is in effect:

A. It is unlawful for any customer to use water obtained from the water system of the city of Pleasanton through fraud, including misrepresentation made to obtain a particular allocation.

B. It is unlawful for any customer to waste water. As used herein, the term “waste” means:

1. Use of potable water between 9:00 a.m. and 6:00 p.m. to irrigate grass, lawns, ground-cover, shrubbery, crops, vegetation, and trees or the use of potable water in such a manner as to result in runoff for more than five minutes;
2. Use of water to irrigate outdoor landscaping when it is raining;
3. Use of potable water to wash down sidewalks, walkways, driveways, parking lots, open ground or other hard surface areas by the direct application of water thereto;

4. Allowing potable water to escape from breaks within the customer's plumbing system for more than eight hours after the customer is notified or discovers the break;
5. Use of water in non-recirculating decorative ponds, fountains, and other water features; with the exception of child water-play features.
6. Use of potable water for any purpose in excess of the customer's allowed usage as provided in Section 9.30.070.

9.30.120 Adjustments.

A. Any customer who believes that the application of the provisions of this chapter results in unfair treatment or causes undue hardship may seek an adjustment in the customer's allocation.

B. Such customer shall request the adjustment in writing and shall state with specificity the reasons why the adjustment is warranted, and provide any applicable supporting documentation.

C. The director shall consider all requests and make a written decision within thirty (30) days of receiving all information supporting the adjustment request. In making a decision, the director shall give particular consideration to the following:

1. The reduction would cause conditions threatening to health, sanitation, fire protection or safety of the customer, the customer's dependents or the general public.
2. The reduction would cause unfair economic hardship including, but not limited to, loss of employment, loss of production, or loss of jobs or be unfair or result in the unnecessary loss of a business.
3. Medical requirements of the customer.
4. Household size of the residential customer.

D. The director's decision may be appealed in writing to the city manager for reconsideration on the written record. The city manager shall review written material submitted by the customer, written information from the director, and shall issue a decision within thirty (30) days of receipt of the complete written materials. The city manager's decision as to the request shall be final.

9.30.130 Notification to customers.

After the city council adopts a water shortage contingency plan stage, customers will be notified by publication in the newspaper and/or by mail. The failure of any customer to receive actual notice shall not invalidate any action taken by the city council as to a particular customer nor reduce the amount of the penalties provided herein.

9.30.140 Calculation of allowable water use for new customers.

Where the current customer has no billing history, or only a partial billing history, the director shall determine the customer's allocation, based upon the allocation for similar customers.

9.30.150 Severability.

If any provision of this chapter is held to be unconstitutional, it is the intent of the city council that such portion of such chapter be severable from the remainder and that the remainder be given full force and effect.

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