

**CITY OF CLOVERDALE  
CITY COUNCIL  
ORDINANCE NO. 696-2014**

**AN ORDINANCE OF THE CITY OF CLOVERDALE AMENDING CLOVERDALE  
MUNICIPAL CODE CHAPTER 13.05, "CONSERVATION OF WATER SUPPLY,"  
SECTIONS 13.05.030, 13.05.050 AND 13.05.070, ESTABLISHING FLEXIBILITY FOR  
THE CITY COUNCIL TO INITIATE AND TERMINATE SUSPENSION PERIODS FOR  
NEW CONNECTIONS TO THE CITY'S WATER SYSTEM DURING A DECLARED  
WATER EMERGENCY**

**WHEREAS**, on January 22, 2014, the City Council adopted an Urgency Ordinance establishing provisions for reducing water use upon declaring the existence of a water shortage emergency condition within the water service area of the City, including all water service areas served by the City outside the City limits; and

**WHEREAS**, immediately following the adoption of the Urgency Ordinance, which codified Chapter 13.05, "Conservation of Water Supply," in the Cloverdale Municipal Code, the City Council, by resolution, declared a Stage 2 Water Shortage Emergency. Pursuant to Chapter 13.05, the declaration of a Stage 2 Water Shortage Emergency also implemented a suspension of new and enlarged water connections; and

**WHEREAS**, the 14 month period leading up to the adoption of the Urgency Ordinance was the driest 14 month period for the north coast region since rainfall records have been recorded; and

**WHEREAS**, Sonoma County Water Agency projected record low natural groundwater fed contributions to the Russian River and Lake Mendocino being empty of water by late August, 2014; and

**WHEREAS**, with record dry conditions, the City's well field was projected to not be able to fully meet summer time demands and water reductions were deemed to be needed; and

**WHEREAS**, since January 2014, water supply conditions for the City have improved with the Russian River watershed receiving approximately 17 inches of rain in February, March, and April 2014; and

**WHEREAS**, water supply conditions continued to improve when, in August 2014, the City commissioned two new water wells and repaired significant leaks in the water system thereby reducing water loss and increasing supply available to customers; and

**WHEREAS**, over the past 10 months, since declaration of the water shortage emergency, the City has been constrained by the lack of flexibility provided by the recently adopted Urgency Ordinance (Chapter 13.05 "Conservation of Water Supply"). As currently written, a suspension period is automatically imposed with the declaration of even a voluntary water shortage emergency; and

WHEREAS, a suspension period is disruptive to development which relies on long-term consistency and reliability of utility services being provided; and

WHEREAS, a review of the State's drought response and drought ordinances of neighboring City's shows that suspensions of new services are extremely rare and are only imposed when there are severe limits on supply requiring significant reductions for multiple years or even decades. Fortunately, the City has not experienced a supply shortage of this severity, even during the current drought; and

WHEREAS, this Ordinance will provide the City Council with discretion to declare a suspension on new or enlarged connections to the City's water system by Resolution either at the time the water shortage emergency is declared by the City Council, or any time by Resolution while the water shortage emergency is still in place. The City Council shall also have the discretion to end such suspension period by Resolution at any time; and

WHEREAS, the discretion to implement and end the suspension period on new or enlarged connections during water emergencies will assist the City manage water connection during drought conditions.

**THE CITY COUNCIL OF THE CITY OF CLOVERDALE DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Amendment to Section 13.05.030.**

The Cloverdale Municipal Code, Chapter 13.05, "Conservation of Water Supply," Section 13.05.030 is amended as follows:

**"13.05.030 Suspension of New Connections to the City's Water System**

**(A)** From the effective date the City Council, by resolution, declares the existence of a water shortage emergency, the City Council shall have the discretion to also declare a suspension which period is hereinafter referred to as the suspension period, no on new or enlarged connection to the City's water system. The City Council shall have the discretion to implement such suspension by Resolution either at the time the water shortage emergency is declared by the City Council, or any time by Resolution while the water shortage emergency is still in place. The City Council shall also have the discretion to end such suspension period by Resolution at any time.

**(A)(B)** During any period of time that the Council declares a suspension on new connections ("suspension period"), as described in Section 13.05.030(A) above, no new or enlarged connections shall be made to the City's water system except the following:

- (1) Connection of fire hydrants.

- (2) Connection of property previously supplied with water from a private water source (such as a well or spring) upon submittal and approval of the City Engineer evidence that the private source has failed or dried up or has otherwise been impaired by a drought or water shortage event to such a degree that the source no longer can meet minimal potable water needs of the applicant.
- (3) During Stage 1, new connection of property for which the applicant has obtained all approvals required for development, except potable water supply, and agrees to defer installation of turf landscaping until after the suspension period.
- (4) During Stage 2 and 3, if the overall mandatory rationing requirement is less than 25%, connection of property for which the applicant has obtained all approvals required for development, except potable water supply, and agrees to defer installation of turf landscaping until after the suspension period.
- (5) During Stage 2 and 3, if the overall mandatory rationing requirement is equal to or greater than 25%, connection of property for which the applicant: has obtained all approvals required for development except potable water supply; agrees to defer installation of turf landscaping until after the suspension period; and, either retrofits good quality water conservation fixtures and devices (1.28 gallon per flush toilets, 2.5 gallon per minute shower heads and 1.5 gallon per minute faucet aerators for kitchen sinks and lavatories) in five (5) existing single family detached dwelling units served by the City, or pays the City \$1,500 per equivalent single family detached dwelling unit for which water service is being applied. These payments shall be used by the City to help fund its expanded water conservation program efforts during the suspension period. If an applicant chooses the retrofit option and a selected home already has some water conserving fixtures, applicant shall install conservation fixtures in additional dwellings as determined necessary by the City's Water Conservation Coordinator.

(A) During the suspension period, applications for water service will be processed only if the applicant acknowledges in writing that such processing shall be at the risk and expense of the applicant and that if the application is approved in accordance with the City's regulations, such approval shall confer no right upon the applicant or anyone else until the suspension period has expired, and that the applicant releases the City from all claims of damage arising out of or in any manner connected with the suspension of connections.

(B) Upon the termination of the suspension period, the City will make connections to its water system in accordance with its regulations and the terms of connection agreements for all said applications approved during the suspension period. The water supply then available to the

City will be apportioned equitably among all the customers then being served by the City without discrimination against services approved during the suspension period.

(C) Nothing herein shall prohibit or restrict any modification, relocation or replacement of a connection to the City's system if the City Engineer determines that the demand upon the City's water supply will not be increased thereby."

## **SECTION 2. Amendment to Section 13.05.050.**

The Cloverdale Municipal Code, Chapter 13.05, "Conservation of Water Supply," Section 13.05.050 is amended as follows:

### **"13.05.050 Prohibition of Non-Essential Use of Water – Declaration of Water Emergency (Stage 1, Stage 2 and Stage 3)**

(A) No water furnished by the City shall be used for any purpose declared to be non-essential by this Chapter. The restrictions in this section shall not apply to use of recycled wastewater furnished by a government agency.

#### ***Stage 1 Water Shortage Emergency Measures - Introductory Stage (voluntary reduction)***

(B) At any and all times that a Stage 1 Water Shortage Emergency condition is declared to exist by the City Council, all customers are asked to voluntarily reduce consumption of water furnished by the City by the overall reduction amount established by resolution for Stage 1, and all 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 turf grass, 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) Become informed about and strictly adhere to the City's Water Waste Prohibitions (refer to Section 6 hereof).
- (6) Utilize water conservation incentive, rebate and giveaway programs to replace water guzzling plumbing fixtures and appliances with water efficient models.

- (7) Take advantage of the free information available from the City on how to use water efficiently, read a water meter, repair ordinary leaks and how to apply water efficiently to the landscape.

(C) At any and all times that a water shortage emergency condition of Stage 1 or greater is declared to exist by the City Council, the following uses are declared to be non-essential:

- (1) Refilling a swimming pool drained after the date on which the initial water shortage emergency condition was originally declared to exist.
- (2) Water escaping from a broken pipe or leak once discovered and after passage of a reasonable amount of time to determine how to shut off the water.
- (3) Non-commercial washing of motor vehicles, trailers and boats except from a bucket with use of a hose equipped with a shutoff nozzle for a quick rinse.

*Stage 2 Water Shortage Emergency Measures - Mandatory Rationing - Community Cooperation Method*

(D) At the time of declaration of a Stage 2 or greater water shortage emergency, an overall mandatory rationing requirement for customers to collectively meet shall be established. In determining compliance, the City shall rely on water production records comparing current production trends to trends that would normally be expected to occur. Individual customers who can conserve more than the mandatory conservation requirements established by this Chapter are requested and strongly encouraged to do so voluntarily in order to help those customers who would incur economic hardship in order to meet the rationing level.

(E) At any and all times that a water shortage emergency condition of Stage 2 or greater is declared to exist by the City Council, the following additional uses are declared to be non-essential:

- (1) Any residential use (excluding irrigation only use) in excess of that resulting from application of the mandatory residential rationing requirement established by the Cloverdale City Council.
- (2) Any irrigation only use in excess of that resulting from application of the mandatory irrigation rationing requirement established by the Cloverdale City Council.
- (3) Any non-residential use (excluding irrigation only use and healthcare and public safety use) in excess of that resulting from application of the overall mandatory rationing requirement established by the Cloverdale City Council.

- (4) Any water used for healthcare and public safety (excluding irrigation only use) in excess of the minimum amount required to adequately provide for healthcare and public safety.
- (5) Any use of water from a fire hydrant except for fighting fires, human consumption, stock water, essential flushing and clean-up purposes and water used for construction needs. If the overall mandatory rationing requirement is equal to or greater than 25%, a permit issued by the City Engineer shall be required for all hydrant use except for water used for fighting fires or for other emergency use deemed essential by the Fire Chief.
- (6) Watering of any existing turf grass, ornamental plant, garden, landscaped area, trees, shrubs or other plants except from a hand-held hose or container or drip irrigation system except as provided in Section 13.05.070 hereof.
- (7) Watering of new turf grass or replacement turf grass. If the overall mandatory rationing requirement is equal to or greater than 25%, this restriction is extended and applies to watering of any new landscape or replacement landscape except in cases where the replacement landscapes will use less water than the original landscape.
- (8) Initial filling of any swimming pool for which approval of a construction permit issued by the City was made after the date on which the initial water shortage emergency condition was originally declared to exist.
- (9) Use for service of drinking water at any restaurant, cafe, cafeteria or other public place where food is sold, served or offered for sale, unless expressly requested by a patron.

(F) Except in cases of blatant non-compliance, as determined by the City Manager, individual billing records will generally not be used during Stage 2 to determine compliance with the provisions of Subsections (e) (1); (2), (3) and (4), it being assumed that customers will cooperate to do the best that they can to individually meet or exceed the overall mandatory rationing requirement. Violations of non-essential uses that come to the attention of the Finance Manager however, will be enforced pursuant to the provisions of Section 11 hereof.

*Stage 3 Water Shortage Emergency Measures - Mandatory Rationing - Allotment Method*

(G) From and after the date that the Cloverdale City Council declares that a Stage 3 Water Shortage Emergency exists, water use in excess of the following allotments established for each meter are in addition declared to be non-essential:

- (1) Residential meters serving single family detached homes including mother-in-law or second units that are served by the same meter: 65 gallons per capita per day times the number of permanent occupants. Permanent occupants shall be a whole number. Babies, children, adults and senior citizens whose principal place of residence is in the dwelling in question shall each count as one (1) occupant. In determining the number of permanent occupants, the City shall rely upon data it has acquired from the customer or other sources. Provided sufficient time is available, the City will attempt to canvas customers to obtain current data on permanent household occupants.
- (2) Residential meters serving multiple units: any use in excess of that resulting from application of the mandatory residential rationing requirement established by the Cloverdale City Council.
- (3) Irrigation only meters: any use in excess of that resulting from application of the mandatory irrigation rationing requirement established by the Cloverdale City Council.
- (4) Meters serving any non-residential use (excluding irrigation only metered use and healthcare and public safety use): any use in excess of that resulting from application of the overall mandatory rationing requirement established by the Cloverdale City Council.
- (5) Meters serving water used for healthcare and public safety (excluding irrigation only use): any use in excess of the minimum amount required to adequately provide for healthcare and public safety.
- (6) Meters serving mixed uses: An allotment to be determined by the City Engineer based upon the criteria contained in items (1) through (5) immediately above.

(H) Any customer exceeding their allotment, based on metered billing records, shall be billed and required to pay a penalty established by the Cloverdale City Council by resolution at the time the Stage 3 Water Shortage Emergency is declared. This penalty charge shall be waived for the first bill received after Stage 3 is implemented and shall terminate the day the ~~suspension~~ **Stage 3 Water Shortage Emergency** period ends.

(I) If a connection to the City's system was not in existence or used in the year established for determination of the mandatory rationing requirement, the City will estimate use in such year based on other historic records and/or water use by customers having similar end uses.

(J) The City Manager, in consultation with the City Engineer, may increase or decrease the allotment for any customer if he or she determines that special circumstances exist

and that to do so would better achieve equity in allocation of available water or better meet health and safety concerns.”

**SECTION 3. Amendment to Section 13.05.070.**

The Cloverdale Municipal Code, Chapter 13.05, “Conservation of Water Supply,” Section 13.05.070, “Use of Sprinklers Conditional,” Subsection (F) is amended as follows:

“(F) During ~~the suspension~~ **any Water Shortage Emergency** period, use of water by sprinklers is a privilege and permission to use water in this way may be withdrawn if it comes to the attention of the City Engineer that such use by a given customer is wasteful or in excess of the amount determined in Section 13.05.070 (B). A common result of wasteful application of water by sprinklers is evidence of runoff to a gutter.”

**SECTION 4. Severability.**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance and every 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 or invalid.

**SECTION 5. Effective Date.**

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 and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Council Members voting for or against the same, in a newspaper of general circulation published in the County of Sonoma, State of California.

I hereby certify that the foregoing is a true and complete copy of an ordinance duly and regularly adopted by the City at a regular meeting thereof held on November 12, 2014, by the following vote:

**PASSED, APPROVED AND ADOPTED this 12th day of November 2014 by the following roll call vote: Ayes – 5; Noes - 0**

**AYES:** Councilmember Palla, Vice Mayor Cox, Councilmember Brigham, Councilmember Maacks, Mayor Russell

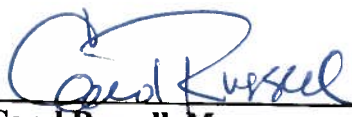
**NOES:** None

**ABSTAIN:** None



**ABSENT:** None

**APPROVED:**

  
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**Carol Russell, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Myra Lazio, Deputy City Clerk**

2318921.2



**City Council/Successor Agency  
Agenda Item Summary**

Agenda Item: 4  
Meeting Date: November 12, 2014

<b>Agenda Section</b> Consent	<b>Staff Contact</b> Craig Scott, Public Works Director/City Engineer
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**Agenda Item and Title**

Second reading and adoption of Ordinance No. 696-2014 amending Municipal Code Chapter 13.05, "Conservation of Water Supply," Sections 13.05.030, 13.05.050, and 13.05.070, establishing flexibility for the City Council to initiate and terminate suspension periods for new and enlarged connections to the City's water system during a declared water shortage emergency.

**Summary**

This item is for the second reading and potential adoption of the proposed Ordinance which amends sections in Chapter 13.05, "Conservation of Water Supply," to provide needed flexibility for the City to impose or end a suspension period for new or enlarged connections. Under the proposed Ordinance, the suspension period can be imposed or ended by resolution. The proposed ordinance was introduced and the first reading waived at the October 22, 2014 City Council meeting.

**Discussion**

On January 22, 2014, the City Council adopted an Urgency Ordinance establishing provisions for reducing water use upon declaring the existence of a water shortage emergency condition within the water service area of the City, including all water service areas served by the City outside the City limits. A provision of the Urgency Ordinance that automatically suspends new or enlarged water service connections with the declaration of a water shortage emergency, has been problematic since it can prove to be problematic if changes occur that result in the City's water supply increases. The Urgency Ordinance does not provide an option to continue with mandatory water reduction while allowing a certain portion of water supply for new development.

Over the past 11 months, since declaration of the water shortage emergency, the City has been constrained by the lack of flexibility provided by the recently adopted Urgency Ordinance (Chapter 13.05 "Conservation of Water Supply"). As currently written, a suspension period is automatically imposed with the declaration of even a voluntary water shortage emergency. A suspension period is disruptive to development which relies on long-term consistency and reliability of utility services being provided.

The proposed change to Chapter 13.05 is consistent with the State's and region's drought response. A review of the State's drought response and drought ordinances of neighboring City's shows that suspensions of new services are extremely rare and are only imposed when there are severe limits on supply requiring significant reductions for multiple years or even decades. Fortunately, the City has not experienced a supply shortage of this severity, even during the current drought.

Back in January 2014, the declaration of a water shortage emergency was triggered by the driest 14 months for the North Coast region since rainfall records have been recorded. Additionally, the Sonoma County Water Agency projected record low natural groundwater fed contributions to the Russian River and Lake Mendocino being empty by late August, 2014. With record dry conditions, the City's well field was projected to not be able to fully meet summer time demands and water reductions were

deemed to be needed.

The months following the declaration of the water shortage emergency, the water supply conditions improved with the Russian River watershed having received approximately 17 inches of rain in February, March, and April 2014. The City's water supply continued to improve with the commissioning of two new water wells in August 2014. Additionally, a systematic locating and repair of water system leaks reduced water losses and effectively increased water supply to meet customer demands. Despite these improvements to the City's water supply, the drought persists and the City needs to be vigilant in managing its water supply. Because of the ever changing supply conditions, City staff provides regular monthly water supply updates to Council and the public.

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**Options**

- 1) Second reading and adoption of Ordinance No. 696-2014 amending Chapter 13.05 of the Cloverdale Municipal Code, or
- 2) Provide other direction to staff.

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**Budget/Financial Impact**

The process of adopting the ordinance amending the "Conservation of Water Supply" chapter in the municipal code involves City staff and legal time. If adopted, there will be no immediate impact to the budget. A potential subsequent action of ending the suspension period would encourage future development which would bring additional revenue to the City.

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**Subcommittee Recommendation**

The amendment of the "Conservation of Water Supply" ordinance to provide City Council with flexibility to initiate and end suspension periods for new and enlarged services to the City's water system was discussed conceptually at the August 26, 2014 and September 23, 2014 Public Works Subcommittee meetings. The proposed ordinance amendments was brought before the full Council on October 22, 2014 for the introduction and waiving the first reading and Council, by motion, supported amending the ordinance.

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**Recommended Council Action**

By Motion, waive the full reading of the Ordinance, conduct a second reading by title only, and adopt Ordinance No. 696-2014, amending municipal code Chapter 13.05 "Conservation of Water Supply."

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**Attachment:**

1. Ordinance No. 696-2014 amending Chapter 13.05, "Conservation of Water Supply," of the City's Municipal Code