

**ORDINANCE NO. 2009-13**

**AMENDING MUNICIPAL CODE CHAPTER 13.14  
WATER CONSERVATION PLAN**

**WHEREAS**, the City of American Canyon ("City") and the State Water Resources Control Board ("State Board") have entered into PROPOSTION 50 WATER RECYCLING GRANT PROGRAM GRANT AGREEMENT NO. 05-720-550-01 (the "Recycled Water Grant Agreement") for the purposes of funding the construction of the American Canyon Recycled Water Program; and

**WHEREAS**, in the Recycled Water Grant Agreement the parties sought to provide additional reliability to the City's water supply and reduce demands on the State Water Project through expanded use of highly treated recycled water within the City; and

**WHEREAS**, the City's Urban Water Management Plan and its policies regarding new water and sewer connections and service contemplate the use of recycled water when it is available; and

**WHEREAS**, the recycled water grant disbursement conditions require that the City demonstrate it has a firm market for its recycled water through specific ordinance provisions.

**WHEREAS**, a Public Hearing was held on July 21, 2009, to receive comments on proposed revisions to Ordinance 2009-03 to require the use of recycled water when it becomes available and is suitable for the use intended; and

**WHEREAS**, Section 13.14.65 – Recycled Water Service Required is amended herein to reflect the comments received and the consensus of the City Council;

**NOW THEREFORE BE IT ORDAINED THAT** the City Council declares as follows:

Section I. Municipal Code section 13.14.030 is hereby amended to provide as follows (amended sections are underlined):

**13.14.030 Definitions.**

The terms used in this chapter shall have the following meanings:

- A. "City" means the city of American Canyon acting by and through the City of American Canyon Public Works Department as operator of the City of American Canyon water and recycled water systems.
- B. "Customer" means any person, firm, partnership, association, corporation, company, organization, or governmental entity, whether within or without the geographic boundaries of the City of American Canyon, who uses water supplied by the City.
- C. "GPD" means gallons per day.
- D. "Manager" is the City Manager of the City of American Canyon.

- E. "Public Works Director" is the Public Works department head of the City of American Canyon.
- F. "Recycled Water" means water treated in accordance with Title 22, Section 60301 et. seq. of the California Code of Regulations and suitable for reuse under the circumstances outlined.
- G. "Water" means potable water.

Section 2. Municipal Code Section 13.14.060 is hereby amended to provide as follows  
(added sections are underlined)

**13.14.060 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:

1. The escape of water through breaks or leaks within the customer's 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 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 a break or leak or, at a minimum, to stop the flow of water from such break or leak;
2. 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 or her water system under control at all times, to know the manner and extent of his or her water use and any run-off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
3. Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle;
4. Water for non-recycling decorative water fountains;
5. Water for single-pass evaporative cooling systems for air conditioning in all connections installed after the effective date of the ordinance codified in this chapter, unless required for health or safety reasons;
6. Water for new non-recirculating conveyor car wash systems; and
7. 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~~ recycled water or rain water utilization system is also exempt.

Section 3. Municipal Code Section 13.14.065 is hereby added to provide as follows (added sections are underlined)

**13.14.65 Recycled water service required.**

Following a public hearing and upon written notification from the city, the city's non-residential water customers whose properties may be served by recycled water shall connect their property to recycled water for those uses for which the use of potable domestic water would be deemed a waste or unreasonable use of water as specified in Division 7, Chapter 7, of the California Water Code (Section 13550 et. seq.). Recycled water customers shall pay for recycled water at the rate established by the city council.

Upon written notification from the city, new development shall construct the infrastructure to accept recycled water from city. New development shall pay any applicable recycled water connection fees at the rate established by the city council.

Upon written notification from the City, new development abutting on any street in which there is now or may in the future be located a public recycled water line, is required to connect the property directly to the recycled water line, provided the public recycled water line is within 200' of the nearest point of the property. The expense to extend the public recycled water line and associated appurtenances to and across the street frontage is the sole responsibility of the developer.

Upon written notification from the City, new development abutting on any street in which there may be located a public recycled water line in the future is required to construct the recycled water line and associated appurtenances along the street frontage at the development's sole expense, including the new development's connection thereto.

Failure of a water customer to accept service of recycled water when it is made available, where use of potable water would otherwise be deemed a waste or unreasonable use of water, shall be grounds for termination of the customer's potable water service.

Failure of a recycled water customer to comply with the city's conditions for recycled water use shall be deemed a violation and shall be subject to enforcement as outlined in Section 13.14.120.

Water customers may appeal the city's determination that recycled water of suitable quality is available as outlined in Section 13.14.110.

Section 4. Municipal Code Section 13.14.110 is hereby amended to provide as follows (added sections are underlined)

**13.14.110 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.

A. The city manager may grant exceptions for use of water otherwise prohibited or required 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.

B. In the event of an appeal of a drought surcharge, customers who can clearly demonstrate that they have taken steps to reduce their water consumption (by installing water efficient appliances, drip irrigation, drought tolerant landscaping, etc.) shall be considered favorably in granting waivers.

C. No increase in the basic water allotment shall be granted unless the customer has installed all water-saving devices which are feasible. Water saving devices include: (1) ultra-low flush toilets utilizing 1.6 gallons per flush or less; (2) low-flow shower heads; (3) low-flow faucet restrictors utilizing two gallons per minute or less; (4) drip irrigation systems.

D. The decision of the city manager may be appealed to the city council by submitting a written appeal to the city clerk within fifteen 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.

Section 5. 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 6. 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 7. 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.

**APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of American Canyon on the 4<sup>th</sup> day of August 2009.

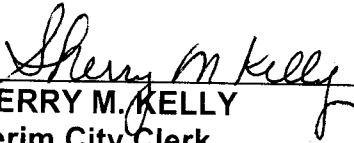
The foregoing ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon State of California held on the 21<sup>st</sup> day of July 2009 and was passed and adopted at a regular meeting of the City Council of the City of American Canyon State of California held on the 4<sup>th</sup> day of August 2009 by the following vote:

**AYES:** Councilmembers Bennett, West, Vice Mayor Callison, and Mayor Garcia  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Councilmember Coffey



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**LEON GARCIA**  
Mayor

**ATTEST:**



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**SHERRY M. KELLY**  
Interim City Clerk

**APPROVED AS TO FORM:**



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**WILLIAM D. ROSS**  
City Attorney

Effective: September 3, 2009