

ORDINANCE NO 2022 06

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON REPEAL AND REPLACE
CHAPTER 13 14 01 THROUGH 13 14 140 OF THE AMERICAN CANYON MUNICIPAL CODE**

WHEREAS the Water Code section 10632 et seq and California Urban Water Management Planning Act Water Code section 10610 et seq mandates that every urban water supplier prepare and adopt a Water Shortage Contingency Plan meeting the requirements of the code and

WHEREAS the City of American Canyon is an urban water supplier for the purposes of the code and approved and adopted its most recent City Water Conservation Plan in May 2015 and

WHEREAS the City in accordance with applicable law including requirements of the Code has prepared its Water Conservation Plan and has undertaken certain agency coordination public notice public involvement and outreach public comment and other procedures in relation to its Water Conservation Plan and

WHEREAS the City has prepared its Water Conservation Plan with its own staff with the assistance of consulting professionals and in cooperation with other governmental agencies and has utilized and relied upon industry standards and the expertise of industry professionals in preparing its Water Conservation Plan and has utilized and relied upon the Department of Water Resources *2020 Urban Water Management Plans Guidebook for Urban Water Suppliers* (March 2021) and

WHEREAS in accordance with applicable law including Water Code sections 10632 and Government Code section 6066 the City made its Water Conservation Plan available for public inspection and caused to be published within the jurisdiction of the City at least two notices of public hearing regarding the City s Water Conservation Plan which publication dates included March 23 2022 and April 6 2022 and

WHEREAS pursuant to the public hearing on the Water Conservation Plan the City encouraged the active involvement of diverse social cultural and economic elements of the population within the City s service area with regard to the preparation and adoption of the Water Conservation Plan encouraged input by members of the public and any other interested party regarding all aspects of the Water Conservation Plan encouraged community input regarding the City s plan for complying with the Water Conservation Act of 2009 considered the economic impacts of complying with the Water Conservation Act of 2009 and

WHEREAS the City Council has reviewed and considered the purposes and requirements of the Urban Water Management Planning Act Water Code section 10632 et seq and the Water Conservation Act of 2009 the contents of the Water Conservation Plan the documentation contained in the administrative record in support of the Water Conservation Plan and all public and agency input received with regard

to the Water Conservation Plan and has determined that the factual analyses and conclusions set forth in the Water Conservation Plan are supported by substantial evidence

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS

SECTION 1. Repeal and Replace Chapters 13 14 01 through 13 14 140 of the City of American Canyon Municipal Code

- CHAPTER 13 14 010 TITLE
- CHAPTER 13 14 020 PURPOSE AND INTENT
- CHAPTER 13 14 030 DEFINITIONS
- CHAPTER 13 14 060 WATER WASTE PROHIBITIONS
- CHAPTER 13 14 070 WATER CONSERVATION STAGES
- CHAPTER 13 14 080 MANDATORY CONSERVATION PHASE IMPLEMENTATION

AMENDING CHAPTERS 13 14 01 THROUGH 13 14 140 OF THE CITY OF AMERICAN CANYON MUNICIPAL CODE and all other ordinances of parts of ordinances in conflict herewith are repealed as set forth in Exhibit A attached herein and incorporated by reference

SECTION 2. Amend the following Chapters 13 14 010 TITLE 13 14 020 PURPOSE AND INTENT 13 14 030 DEFINITIONS 13 14 060 WATER WASTE PROHIBITIONS 13 14 070 WATER CONSERVATION STAGES 13 14 080 MANDATORY CONSERVATION PHASE IMPLEMENTATION

SECTION 3. No Change to the following Chapters 13 14 040 AUTHORIZATION 13 14 050 APPLICATION 13 14 065 RECYCLED WATER SERVICE REQUIRED 13 14 090 DURATION OF CONSERVATION STAGES 13 14 100 DROUGHT SURCHARGE 13 14 110 EXCEPTIONS AND APPLICATION PROCEDURES FOR EXCEPTIONS 13 14 120 VIOLATION—ENFORCEMENT 13 14 130 VIOLATION—PENALTIES 13 14 140 VIOLATION—ADDITIONAL REMEDY

SECTION 4 This ordinance shall take effect thirty (30) days after its passage The effective date of this Ordinance shall be January 5 2023

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon State of California held on the 15th day of November 2022 by the following vote

AYES	Councilmembers Joseph Oro Washington Vice Mayor Aboudamous and Mayor Garcia
NOES	None
ABSTAIN	None
ABSENT	None

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon State of California held on the 6th day of November 2022 by the following vote

AYES	Councilmembers Joseph Oro Washington and Mayor Garcia
NOES	None
ABSTAIN	None
ABSENT	Vice Mayor Aboudamous



Leon Garcia Mayor

ATTEST

APPROVED AS TO FORM



Taresa Geilfuss CMC City Clerk



William D. Ross City Attorney

Exhibit A Chapter 13 14 Water Conservation Plan Codes

EXHIBIT A

Title 13 WATER SERVICE SYSTEM

Chapter 13 14 WATER CONSERVATION PLAN

Chapters

13 14 010 TITLE

13 14 020 PURPOSE AND INTENT

13 14 030 DEFINITIONS

13 14 040 AUTHORIZATION

13 14 050 APPLICATION

13 14 060 WATER WASTE PROHIBITIONS

13 14 065 RECYCLED WATER SERVICE REQUIRED

13 14 070 WATER CONSERVATION STAGES

13 14 080 MANDATORY CONSERVATION PHASE IMPLEMENTATION

13 14 090 DURATION OF CONSERVATION STAGES

13 14 100 DROUGHT SURCHARGE

13 14 110 EXCEPTIONS AND APPLICATION PROCEDURES FOR EXCEPTIONS

13 14 120 VIOLATION—ENFORCEMENT

13 14 130 VIOLATION—PENALTIES

13 14 140 VIOLATION—ADDITIONAL REMEDY

Chapter 13 14 WATER CONSERVATION PLAN

13 14 010 Title

This chapter shall be known as the Water Conservation Plan of the city of American Canyon and may be so cited. This chapter serves as the city's water shortage contingency plan (Ord 2015 07 § 2 2015)

13 14 020 Purpose and intent

The purpose of this chapter is to have a plan for water conservation resulting from a reduced supply of water such as may result from drought, water supply shortages, or limitations of water delivery conditions.

Nothing in this chapter will preclude the city council from passing an emergency resolution for the immediate curtailment of water use by its customers due to water supply shortages and delivery limitations caused by catastrophic events and conditions, either natural or unnatural.

In the event any provision of this chapter conflicts or overlaps with any mandatory state regulation related to water conservation, the most stringent shall apply (Ord 2015 07 § 2 2015)

13 14 030 Definitions

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

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.

Customer' means any person firm partnership association corporation company organization property or governmental entity whether within or outside the geographic boundaries of the city of American Canyon who uses water supplied by the city

Essential water use means water necessary for human consumption sanitation and fire protection All other uses of water that are not specifically required to meet these needs shall be considered non essential

GPD means gallons per day

Low flow toilet means a toilet that uses no more than 1.6 gallons of water per flush or less

Manager is the city manager of the city of American Canyon

Nonresidential uses means all other uses not classified as residential pursuant to ACMC 19.05.040

Ornamental (or decorative) means a water feature where artificially supplied open water performs solely an aesthetic function Ornamental (or decorative) water features do not include recreational water features such as swimming pools and spas

Maintenance and Utilities Director' is the public works department head of the city of American Canyon

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

Residential uses means all those uses classified as residential pursuant to ACMC 19.05.040

Turf' means a species of grass that was developed to be used as a lawn together with the surface layer of earth held together by its roots

Water means potable water (Ord 2015 07 § 2 2015)

13 14 040 Authorization

The manager or designee is authorized and directed to implement the applicable provisions of this chapter upon adoption of a city council resolution determining that such implementation is necessary to protect the public health safety and welfare (Ord 2015 07 § 2 2015)

13 14 050 Application

The provisions of this chapter shall apply to all persons customers and properties served by the city including expressly those outside the geographic boundaries of the city of American Canyon (Ord 2015 07 § 2 2015)

13 14 060 Water waste prohibitions

The following uses of water are defined as waste of water and are absolutely prohibited

- A Failing to repair a leak and/or otherwise permit 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.

- B Use water to irrigate grass, lawns, groundcover, shrubbery, crops, trees or other vegetation or in such a manner as to result in runoff to any gutter, ditch, drain or impermeable surface. 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 an efficient manner.
- C Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle.
- D Water for non recycling decorative water fountains.
- E 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.
- F Water for non recirculating conveyor car wash systems, industrial clothes wash systems, and/or other commercial purposes for which recirculated or recycled water can safely and effectively serve the same purpose.
- G Water for the irrigation of turf for nonresidential uses.
- H Water for the flushing of toilets for nonresidential uses with the exception of water for flushing low flow toilets and/or as provided by Section 13 14 110.
- I The use of water for earth compaction, dust control, or other construction use, including the testing of new sewer lines unless the water is obtained from a source expressly approved by the Maintenance and Utilities Director, provided, however, notwithstanding the foregoing, that water may be used for purposes of testing new water service lines.
- J Withdrawal of water from fire hydrants within the service area of the city, except for purposes of fire fighting, water system maintenance, and other uses as permitted by the city.
- K All restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased are to serve water to customers only when specifically requested by the customer.
- L All hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.
- M The irrigation with water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with Chapter 16 14.

N Use of water that is inconsistent with state or federal regulations (Ord 2015 07 § 2 2015)

13 14 065 Recycled water service required

Following a public hearing the city s nonresidential 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 the 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 that the public recycled water line is within two hundred feet 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 developer 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 may 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 (Ord 2015 07 § 2 2015)

13 14 070 Water conservation stages

The intent of this section is to provide for the escalation of customer demand management strategies that may be necessary due to an emergency caused by drought and/or water supply shortages There are six stages of strategies each of which builds upon its predecessor stage and are to be implemented as the severity of conditions increase Stage 6 can be implemented at any time due to catastrophic events and conditions either natural or unnatural including flooding major fire emergencies earthquakes regional power outages water contamination and emergencies other than water shortage 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 what is permitted in accordance with the provisions of this chapter The reductions shall be based upon the amount of water used during that base period defined as the amount of water used on a customer s property during the corresponding monthly billing period in the previous year or other year as may be designated by the

city council New services or services without a base year billing history shall be allotted on comparable customer usage

- A Stage 1 Voluntary Conservation The intent of Stage 1 is to achieve an overall system wide demand reduction of ten percent The city council may by resolution declare a Drought Emergency Stage 1 (Voluntary Conservation) upon recommendation by the manager and based on water supply and delivery projections by the Maintenance and Utilities Director that an overall system wide reduction of ten percent is necessary During Stage 1 all water customers of the city shall be requested to implement the following best practices
- 1 Apply irrigation water only during the evening and early morning hours to reduce evaporation losses
 - 2 Utilize water conservation incentive rebate and giveaway programs to replace water guzzling plumbing fixtures and appliances with water efficient models
 - 3 Utilize city information regarding using water efficiently reading water meters repairing ordinary leaks and water efficient landscape
 - 4 Wash automobiles trucks trailers boats airplanes and other types of mobile equipment during the evening and early morning hours to reduce evaporation losses Such washing shall be done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle used for quick rinses
 - 5 Reduce monthly demand by ten percent when compared to the same time period in the established base year
- B Stage 2 Mandatory Compliance—Water Alert The intent of Stage 2 is to achieve an overall system wide demand reduction of twenty percent The city council may by resolution declare a Drought Emergency Stage 2 (Mandatory Compliance—Water Alert) upon recommendation by the manager and based on water supply and delivery projections by the Maintenance and Utilities Director that an overall system wide reduction of twenty percent is necessary In addition to the mandatory twenty percent reduction for each water customer and in addition to the requirements in Stage 1 the following activities shall be prohibited
- 1 Gardening and landscape irrigation utilizing individual sprinklers or sprinkler systems on lawns gardens landscaped areas trees shrubs or other plants except as expressly provided for by resolution of the city council
 - 2 The washing of automobiles trucks trailers boats airplanes and other types of mobile equipment except as expressly allowed by the adoption of a resolution by city council
 - 3 The washing of sidewalks driveways parking areas tennis courts patios or other paved areas except as expressly allowed by the adoption of a resolution by city council
 - 4 The irrigation of turf on street medians with water
 - 5 The use of water to fill a new or existing swimming pool spa pond or similar recreational basin of water
 - 6 The operation of any ornamental fountain or other structure making similar or otherwise ornamental use of water outside

- C Stage 3 Mandatory Compliance—Water Emergency The intent of Stage 3 is to achieve an overall system wide demand reduction of thirty percent The city council may by resolution declare a Drought Emergency Stage 3 (Mandatory Compliance—Water Emergency) upon recommendation by the manager and based on water supply and delivery projections by the Maintenance and Utilities Director that an overall system wide demand reduction of thirty percent is necessary In addition to a mandatory reduction of thirty percent for each water customer and in addition to the requirements in Stages 1 and 2 the following activities shall be prohibited
- 1 Planting any new landscaping except for native drought tolerant species as defined by Chapter 16 22
- D Stage 4 Mandatory Compliance—Critical Water Emergency The intent of Stage 4 is to achieve an overall system wide demand reduction of forty percent The city council may by resolution declare a Drought Emergency Stage 4 (Mandatory Compliance—Critical Water Emergency) upon recommendation by the manager and based on water supply and delivery projections by the Maintenance and Utilities Director that an overall system wide demand reduction of forty percent is necessary In addition to the mandatory conservation goals for each water customer and in addition to the requirements in Stages 1 2 and 3 the following activities shall be prohibited
- 1 Residential development unless the developer has submitted a complete building permit application to the City prior to the Stage 4 declaration Building permit applications may proceed with a deferral of landscape installation until the water shortage level has been lifted
 - 2 Linen/towel exchanges more frequently than once every three nights or for the entire stay whichever is shorter except for health and safety
- E Stage 5 Mandatory Compliance—Severe Water Emergency The intent of Stage 5 is to achieve an overall system wide demand reduction of fifty percent The city council may by resolution declare a Drought Emergency Stage 5 (Mandatory Compliance—Severe Water Emergency) upon recommendation by the manager and based on water supply and delivery projections by the Maintenance and Utilities Director that an overall system wide demand reduction of fifty percent is necessary During Stage 5 mandatory water rationing will occur on a property by property basis Regardless of water consumption in the prior or other base year the city council may set water allocation amounts based on minimum health and safety standards In addition to the mandatory conservation goals for each water customer and in addition to the requirements in Stages 1 2 3 and 4 the following activities shall be prohibited
- 1 The use of water outside of a home or business except as expressly provided for by resolution of the city council
 - 2 Use of water in excess of the allocation to a property (Ord 2015 07 § 2 2015)
- F Stage 6 Mandatory Compliance—Catastrophic Interruption of Water Supplies The intent of Stage 6 is to achieve an overall system wide demand reduction of greater than fifty percent The city council may by resolution declare a Drought Emergency Stage 6 (Mandatory Compliance—Catastrophic Interruption of Water Supplies) upon recommendation by the manager and based on water supply and delivery projections by the Maintenance and Utilities Director that an

overall system wide demand reduction of greater than fifty percent is necessary In addition to the mandatory conservation goals for each water customer and in addition to the requirements in Stages 1 2 3 4 and 5 the following activities shall be prohibited

- 1 Non essential water use Water use is restricted to essential water uses only

13 14 080 Mandatory conservation phase implementation

After the city council by resolution declares a Stage 1 2 3 4 5 or 6 Drought Emergency the manager shall order that the appropriate stage of water conservation be implemented in accordance with the applicable provisions of this chapter Said order shall be made by public announcement shall be published a minimum of one time in a daily newspaper of general circulation The city council shall receive a report at least monthly noticed on a city council agenda regarding the city s water supply situation as long as the drought conditions remain in effect (Ord 2015 07 § 2 2015)

13 14 090 Duration of conservation stages

Mandatory stages shall be effective upon the effective date of the ordinance codified in this chapter and may be implemented as authorized by city council resolution Current conservation stages as authorized by city council will be modified at such time that conditions indicate a more or less restrictive stage is necessary (Ord 2015 07 § 2 2015)

13 14 100 Drought surcharge

Customers will receive prior notification of the standard allotment basis applicable rates and the opportunity to request exceptions to the standard allotment basis

Water use beyond the maximum allowed for each water conservation stage shall be subject to a drought surcharge pursuant to the schedule set forth below The customer of record may request an increase in this basic allotment as set forth in Section 13 14 110 hereof Application forms and instructions will be available at the American Canyon City Hall

In addition to the general water service rates each customer shall pay during each billing period a drought surcharge for water delivered in excess of the basic allotment The surcharge is as follows

- A Up to 10% in excess of allotment = 1 0 times the applicable volume charge
- B 10 01% to 20% in excess of allotment = 2 0 times the applicable volume charge
- C Over 20% in excess of allotment = 3 0 times the applicable volume charge

Customers whose water usage falls in Tier 1 of the rate schedule are assumed to have maximized their conservation effort and will not be subject to a drought surcharge if their water consumption is not further reduced

In addition to the drought surcharge if drought usage exceeds the allowed allotment a warning will be issued and enforcement actions may be taken as described in Section 13 14 120 (Ord 2015 07 § 2 2015)

13 14 110 Exceptions and application procedures for exceptions

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 chapter Use of water supplied by a private well or from a rain water utilization system is also exempt

Any customer of the city may make written application for an exception to uses and activities prohibited by this chapter Said application shall describe in detail why applicant believes an exception is justified

- A The 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 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 (Ord 2015 07 § 2 2015)

13 14 120 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 accordingly

- A Any customer that violates any provision of this chapter shall in addition to the imposition of the drought surcharge rates of Section 13 14 100 hereof receive a personal contact by the city at the address of the water service If personal contact is unsuccessful written notice of the violation including a date that the violation is to be corrected may be left on the premises with a copy of the notice sent by certified mail to the customer
- B If after issuance of the written warning the manager determines that the customer has continued or is continuing to violate the provisions of this chapter the manager may authorize and implement installation of a flow restricting device on the service line or reduce the amount of water available to the customer Any costs incurred by the city to authorize and implement the flow restricting device or reduce the amount of water available to the customer shall be borne by the customer The flow restricting device shall be removed and the prior water supply amount resumed no sooner than sixty days after the date of the installation of the flow restricting device or a reduction in water available provided that no further violations have occurred within that time

- C If after implementation of a flow restricting device or reduction of water available to a customer the customer continues to violate the provisions of the chapter the city may disconnect the service to the customer for a period of three days All costs or expenses incurred by the city for enforcement of this section shall be borne by the customer
- D The unauthorized use of water following a disconnection of service pursuant to subsection C above or any other unauthorized use of water from a fire hydrant or other use bypassing an installed meter shall be subject to an automatic fine of two thousand five hundred dollars for the first offense and five thousand dollars for the second offense (Ord 2015 07 § 2 2015)

13 14 130 Violation—Penalties

In addition to all other remedies provided herein any person who violates any provision of this chapter after having received a written notice to refrain as provided in Section 13 14 120 is guilty of an infraction The violation of each provision of this chapter and each separate violation thereof shall be deemed a separate offense and shall be punishable pursuant to Chapter 1 24 (Ord 2015 07 § 2 2015)

13 14 140 Violation—Additional remedy

As an additional remedy the violation of any provision of this chapter by any person who has received more than one written warning pursuant to Section 13 14 120 to refrain from the same or any other violation under this chapter in one calendar year shall be deemed and is declared to be a public nuisance and may be subject to abatement in accordance with Chapter 8 04 of the city of American Canyon Municipal Code (Ord 2015 07 § 2 2015)