

CITY OF HEALDSBURG

ORDINANCE NO. 1134

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
HEALDSBURG AMENDING CHAPTER 13.12, WATER  
SYSTEM, OF THE HEALDSBURG MUNICIPAL CODE

WHEREAS, due to the continuing drought the City Council of the City of Healdsburg enacted Stage 2 Water Conservation measures on January 21, 2014; and

WHEREAS, Chapter 13.12 of the Healdsburg's Municipal Code defines uses of water waste for each Stage of water conservation; and

WHEREAS, the existing Stages of conservation and definitions of water waste require additional clarity and broader scope; and

WHEREAS, various other administrative changes were required of Chapter 13.12;

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

Section 1. Chapter 13.12, Water System, of the Healdsburg Municipal Code is hereby deleted in its entirety and replaced as follows:

**Chapter 13.12**

**WATER SYSTEM**

Sections:

Article I. General Provisions

- 13.12.010 Definitions.
- 13.12.020 Adoption of rules and regulations authorized.
- 13.12.030 Application for water service – Generally.
- 13.12.040 Application for water service – By past delinquent.
- 13.12.050 Certain premises to be separately metered.
- 13.12.060 Exceptions from separate meter requirements.
- 13.12.070 Meters required for water service outside City.
- 13.12.080 Location of meters – Additional meters.
- 13.12.090 Meter failure.
- 13.12.100 Meter readers.
- 13.12.110 Shutdowns.
- 13.12.120 Maintenance of water service connections generally.
- 13.12.130 Water service outside City generally.
- 13.12.140 Tank truck water.
- 13.12.150 Funds for maintenance of fluoridating process.
- 13.12.160 Purchase of equipment and supplies for maintenance of fluoridation.
- 13.12.170 Failure to obey provisions of chapter.

Article II. Rates

13.12.180 Schedule of rates for water service.

Article III. Bills

13.12.190 To be rendered monthly – Computation.  
13.12.200 Payment – Delinquent notice.  
13.12.210 Disconnection of service for nonpayment.

Article IV. Water Shortage Emergency Plan

13.12.220 Water shortage emergency plan.

**Article I. General Provisions**

**13.12.010 Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the following definitions:

“Apartment house” means a single building under one roof containing three or more dwelling units complete with kitchen facilities.

“Boardinghouse” means a dwelling other than a hotel where lodging or lodging and meals for three or more persons is provided for compensation.

“Business occupancy” means any building or portion thereof or a room or rooms used or occupied by a person to carry on a business, profession, trade or occupation for gain or profit.

“Charge” or “Rate” means the amount of money to be paid by consumers to the City for water services or materials; “minimum charge” shall mean the charge to be paid by a consumer for each and every connection to the City water system irrespective of whether or not water is delivered through such connection to a consumer during the period for which such charge is made.

“City” means the City of Healdsburg acting by and through the City of Healdsburg public works department as operator of the City of Healdsburg Water System.

“City Engineer” is the City employee qualified through experience and professional licensure assigned the title of City Engineer or a designee of the incumbent City Engineer.

“City Manager” or “Manager” is the City Manager of the City of Healdsburg or a designee of the incumbent City Manager.

“Customer” means any person, firm, partnership, association, corporation, company, organization, or governmental entity, whether within or without the geographic boundaries of the City of Healdsburg, who uses water supplied by the City.

“Cross-connection” means any physical connection between the piping system from the City water service and that of any other water supply that is not, or cannot be, approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the City distribution mains.

“Dwelling group” means a group of two or more detached or semidetached dwelling units occupying a parcel of land in one ownership, and having any yard or court in common but not including motels or auto courts.

“Dwelling unit” means one or more rooms under one roof used for living purposes by one family and containing one kitchen.

“Duplex” means a single building under one roof containing only two dwelling units complete with kitchen facilities.

“Fluoridation” means the process and result of adding fluoride or similar ingredients or compounds to water for the prevention or reduction of tooth decay.

“Fluoride” means a chemical compound (sodium fluoride or sodium silicofluoride) commonly approved and added to water in such amounts as will produce benefits in reducing dental decay.

“Guest house” means detached living quarters of a permanent type of construction and without kitchen or cooking facilities and not to be leased or rented separately from the main dwelling.

“GPD” means gallons per day.

“Hotel” means any building or portion thereof containing six or more guest rooms used or intended to be used, let or hired out, whether the compensation for hire be paid directly or indirectly.

“Mobile home” means a portable structure having no foundation other than wheels, jacks or skirting and so designed or constructed as to permit occupancy as a dwelling.

“Mobile home Park” means a site or portion of a site, which is used or intended to be used by persons living in mobile homes.

“Motel” means a group of two or more detached or semidetached buildings each containing a guest room with automobile storage space provided in connection therewith, which group is used primarily for the accommodation of transient automobile travelers and in which there are no kitchen facilities.

“Outside rates,” “outside users,” “outside consumers” and “surplus water” as used herein relate to City water delivered or distributed outside the corporate limits of the City.

“Recycled Water” shall have the same definition as provided by the State Water Code, Section 13050, as amended.

“Service” or “water service” means one or more connections through which water is supplied or is available to a consumer from and out of the water system owned and operated by the City.

“Travel trailer park” means a site or portion of a site, which is used or intended to be used by persons with travel trailers or vans on a transient basis.

“Water” means potable water supplied by the City Water Department.

“Water Department” means the City Council, performing functions related to the City water services, together with the City Engineer, Water Superintendent or other duly authorized representatives.

### **13.12.020 Adoption of rules and regulations authorized.**

The City Council may from time to time by resolution adopt and amend rules and regulations for the purpose of administering and enforcing the provisions of this chapter and for the purpose of regulating and operating the municipal water system; provided, however, that no change or amendment of rates for the sale of water to consumers within the corporate limits shall be made or established except by ordinance regularly adopted.

### **13.12.030 Application for water service – Generally.**

Any person making application for water shall do so by signing an application for service provided by the City.

### **13.12.040 Application for water service – By past delinquent.**

When an application for water service is made by a former consumer who was responsible for and failed to pay all bills for service previously rendered, regardless of location or time when incurred, the City shall refuse to furnish service to such applicant until the outstanding bills are paid. He may also require, as a guarantee for the payment of future bills, a regular deposit as prescribed in HMC 13.04.030.

**13.12.050 Certain premises to be separately metered.**

Each dwelling unit and each unit of a duplex, whether inside or outside of the City, shall be separately metered. Where business premises are located in separate buildings on the same lot or parcel, each such separate premises shall be separately metered. No consumer of a City utility service shall convey any part of such service from his property to a separate lot or parcel of property, whether or not the other lot or parcel of property is owned by the same consumer. Notwithstanding the foregoing, a multi-unit condominium or planned development project may be served by a single meter where service is applied and paid for by a homeowner or condominium association organized and operating as approved in the final subdivision public report issued for the project by the State Department of Real Estate.

**13.12.060 Exceptions from separate meter requirements.**

Separate meters are not required for guesthouses, dwelling groups, boardinghouses, apartment houses, hotels, motels, auto courts, trailer courts or multiple business occupancies in a single commercial building.

**13.12.070 Meters required for water service outside City.**

All water services outside the City shall be metered.

**13.12.080 Location of meters – Additional meters.**

All water meters shall be located in the sidewalk area or at a point on the premises nearest the road or street on which the property faces. Charges for a single lateral and meter service shall be as set forth in HMC 13.12.180. Additional meters manifolded from a single lateral shall be installed by the owner at no expense to the City and such installation shall be inspected and approved by the City Engineer.

**13.12.090 Meter failure.**

If a meter fails to register due to any cause except the nonuse of water, the charge for water will be made on the basis of the average charge per month covering the period of the preceding months, first ascertaining whether the meter has properly functioned during such period and whether normal conditions prevailed in regard to the use of the water at the premises supplied. In the preparation of such averaged bills due consideration will be given to fluctuations caused by seasonal changes or any interruption to the service known to have occurred.

**13.12.100 Meter readers.**

The meter reader shall have the authority to enter any premises for the purpose of reading water meters and for inspecting, testing, replacing or removing water meters and meter boxes. The

meter reader shall seal off all meters so ordered by proper application of the consumer and shall restore such services upon the proper application of a new consumer. All connections and disconnections shall be properly recorded in the meter books and records of the meter reader. The meter reader shall make, when required, any other disconnections provided by this chapter.

**13.12.110 Shutdowns.**

The water of any consumer may be shut off from the main at any time for repairs, alterations or other purposes and the office of the City shall inform such consumers, in advance, of the time such shutdown will occur and although notice is not received by the consumer due to his absence, the City will not be responsible nor liable for any consequent damage resulting from such shutdown.

In the event of an emergency necessitating immediate action, the service of any consumer may be shut off without prior notice and the City will not be liable for any consequent damages resulting from such shutdown.

**13.12.120 Maintenance of water service connections generally.**

All water service pipes and connections to water mains within the City shall be installed and maintained by the City to a point inside the curb line or sidewalk where an approved shutoff valve shall be installed as near the water meter location as possible. Existing galvanized service connections shall, if damaged or leaking, be replaced by the City upon application and payment by the owner or consumer for a new service. Any service pipe, fittings, or water meter damaged as a result of negligence, malicious acts or intent shall be repaired by the City and the actual cost of the repair shall be charged to the owner or consumer.

**13.12.130 Water service outside City generally.**

The City may furnish and provide surplus water to persons outside the corporate limits of the City upon application to the City on forms so provided. Meters shall be of a type approved by the City Engineer. The meters shall be installed at the expense of the owner or consumer at a point on the premises nearest the road or street on which the property faces; the location and installation to be approved by the City Engineer.

Any water pipe or main to be used to carry water to a consumer outside the City shall be of a type and quality approved by the City Engineer and a map showing its location shall be furnished to the City superintendent upon completion of installation of the pipe. The City shall not be liable for any expense incurred in the installation or maintenance of water pipes, mains, or services outside the corporate limits of the City and the time and material cost of the connection made by the City to the City water main shall be charged to the applicant.

**13.12.140 Tank truck water.**

No person shall draw or consume water from any standpipe or fire hydrant for the purpose of filling a tank truck or for any other purpose without first making an application for such service with the City. The rate for water consumed under this section shall be set by a resolution of the City Council.

No person shall draw or consume water from any standpipe or fire hydrant for purposes set forth in this section without first presenting a copy of his application to the City Engineer. Upon consideration of the time, in days or weeks, in which withdrawals will be made, the City Engineer shall designate the standpipe or hydrant to be used and connect a water-metering device to the hydrant. The City Engineer shall also provide the applicant with a hydrant wrench, such wrench to be returned to the City superintendent before settlement of all charges. The applicant shall be charged full replacement cost for loss of, damage to or failure to return hydrant wrench to the City Engineer.

**13.12.150 Funds for maintenance of fluoridating process.**

The mayor and City Council, out of surplus revenues received from the sale of municipal water, shall appropriate and make available sufficient money for the purpose of maintaining a fluoridating process in the City water system

**13.12.160 Purchase of equipment and supplies for maintenance of fluoridation.**

The mayor and City Council shall purchase appropriate apparatus including machinery, appliances, equipment, fluoride, ingredients, compounds, and materials required for the maintenance of fluoride in the City water supply.

**13.12.170 Failure to obey provisions of chapter.**

In addition to the enforcement remedies provided in Chapter 1.12 HMC, if an owner or consumer fails to comply with any of the provisions of this chapter, the City shall have the right to refuse or discontinue service.

**Article II. Rates**

**13.12.180 Schedule of rates for water service.**

The City Council shall fix the rates to be charged for water service by the City, by resolution, and in so doing shall distinguish the different classes of service made available and fix rates appropriate to each class of service. Rates shall be fixed and revised from time to time with the objective that the City water distribution system shall be operated on a sound economic basis as a revenue-producing enterprise.

### **Article III. Bills**

#### **13.12.190 To be rendered monthly – Computation.**

The City shall render bills monthly, to be received by the consumer on the first day of each month, which bills shall include a charge for the water consumed for a 30-day period ending approximately on the fifteenth day of the month prior to the bill date and to include any charges for water unpaid at that time. Opening bills covering new consumers for less than two weeks' service may, at the discretion of the City, be included in the next regular billing. Closing bills covering service of less than two weeks may be determined by the meter reading or by proration of the minimum charge, whichever is greater.

#### **13.12.200 Payment – Delinquent notice.**

Bills for water service shall be due and payable on the first day of each month at the office of the City and if not paid on or before the twentieth day of each month a notice may be sent to the consumer setting forth the amount due and the date on which service will be disconnected.

#### **13.12.210 Disconnection of service for nonpayment.**

A consumer's water service may be disconnected for the nonpayment of a bill for water service rendered if the bill is not paid by the twentieth day of the month in which the bill is due as provided in HMC 13.12.200. A consumer's water service may be discontinued at his present location for nonpayment of a bill that was rendered him by the City at a previous location, provided such bill is not paid within 20 days after presentation or mailing at his new location.

### **Article IV. Water Shortage Emergency Plan**

#### **13.12.220 Water Shortage Emergency Plan.**

- A. Title. This section shall be known as the "Water Shortage Emergency Plan" of the City of Healdsburg and may be so cited.
- B. Purpose and Intent. The purpose of this water shortage emergency plan (plan) is to establish different levels of water conservation during a water shortage emergency 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 section 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.

- C. Authorization. The City Manager or his or her designee is authorized and directed to implement the applicable provisions of this section upon adoption of a City Council resolution determining that such implementation is necessary to protect the public health, safety, and welfare.
- D. Application. The provisions of this plan shall apply to all customers and property served by the City's potable water and recycled water systems.
- E. Water Conservation Stages. No customer shall make, cause, use, or permit the use of water for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this plan, or in an amount in excess of that use permitted by either conservation stage 2 or 3 when in effect as declared by resolution of the City Council. While in effect, the requirements of Stage 2 or 3 will supersede any conflicting sections of the Healdsburg Municipal Code.
  - 1. Stage 1 – Voluntary Conservation. In order to achieve an overall system-wide reduction goal of 10 percent, all customers of the City shall be requested to:
    - a. Utilize City and other sources of information regarding water efficiency, reading water meters, repairing ordinary leaks, and water efficient landscape.
    - b. Apply outdoor irrigation water only during the evening and early morning hours to reduce evaporation losses (8:00 p.m. to 7:00 a.m.).
    - c. For property with an even-numbered street address, irrigate outdoors only on even days of the Month.
    - d. For property with an odd-numbered street address, irrigate outdoors only on odd days of the Month.
    - e. Routinely inspect, and repair as required, all irrigation systems for leaks, and adjust spray heads to provide optimum coverage and eliminate avoidable over-spray and run-off.
    - f. For irrigation valves controlling water applied to lawns, vary the minutes of run-time consistent with fluctuations in weather. Reduce minutes of run-time for each irrigation cycle if water begins to pool or run off to gutters and/or ditches before the irrigation cycle is completed.
    - g. Utilize water conservation incentives, as available, to replace inefficient plumbing fixtures and appliances with water efficient models.

- h. Stop the washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing, except as may be necessary to prevent or eliminate materials that present a danger to public health and safety.
  - i. Correct and repair the escape of water through breaks or leaks within the customer's plumbing or private distribution system. It shall be presumed that a period of seventy-two (72) 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 break or leak or, at a minimum, to stop the flow of water from such break or leak.
  - j. Stop the noncommercial washing of privately owned motor vehicles, trailers or boats excepting when utilizing a bucket and hose equipped with an automatic shut-off;
  - k. Not use water from a fire hydrant, except for fighting fires and line flushing as required by regulatory agencies.
2. Stage 2 – Mandatory Compliance – Water Alert. The City Council may by resolution declare a conservation stage 2 based on water supply and delivery projections by the City Manager or City engineer that an overall system-wide reduction of twenty (20) percent is necessary. Following a declaration of conservation Stage 2 status, and in order to achieve an overall system-wide reduction of 20 percent, in addition to Stage 1 activities being mandatory, the following restrictions shall be implemented:
- a. Nonessential uses of water, including the following, are prohibited:
    - i. The City will not accept or approve building permits for new swimming pools unless the owner agrees to obtain pool water from a source other than the City's potable water system.
    - ii. Refilling of a swimming pool except when topping off to prevent damage to pump and filter equipment is not allowed. Owners of pools should use a cover to minimize evaporation.
    - iii. Use of potable water for dust control, compaction, and other construction purposes. Only Recycled Water may be used for dust control, compaction, and other construction purposes as allowed by the Regional Water Quality Control Board or other governing bodies.
  - b. Water use by a vehicle washing facility shall be limited to 80 percent of the water used by the facility from corresponding billing period in the prior year, unless such washing facility treats and recycles wash water, in which case this provision shall not apply.

- c. Water use for any nonresidential use shall be limited to 80 percent of the water used by the customer during the corresponding billing period in the prior year.
    - d. The City Council may, by resolution, prohibit other activities and water uses upon the recommendation of the City Manager or City Engineer that such additional measures are necessary to achieve an overall system-wide reduction of twenty (20) percent in water usage.
  3. Stage 3 – Mandatory Compliance – Water Emergency. The City Council may, by resolution, declare a conservation stage 3, based on water supply and delivery projections by the City Manager or City Engineer that an overall system-wide reduction of forty (40) percent is necessary. Following a declaration of conservation stage 3 status, and in order to achieve an overall system-wide reduction of 40 percent, the following activities shall be prohibited:
    - a. Any activities prohibited during conservation stages 1 and 2.
    - b. Irrigation of any lawn (residential, commercial, or industrial) with water, at any time of day or night.
    - c. Planting any new landscaping, except for designated drought resistant landscaping prescribed by the City Manager or designated representative.
    - d. All day and night-time irrigation sprinkling unless only a hand-held nozzle is used. This prohibition shall not apply to drip irrigation systems for established perennial plants and trees using manual or automatic time-controlled water application.
    - e. Planting of new annual plants, vegetables, flowers, or vines.
- E. Exceptions and Application Procedures for Exceptions. Any customer may make written application for an exception to the regulations and prohibitions described in this section. Said application shall describe in detail why applicant believes an exception is justified.
  1. The City engineer may grant exceptions for use of water otherwise prohibited 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.
  2. Decisions of the City engineer may be appealed to the City Manager or his or her designee by submitting a written appeal to the City Clerk within seven calendar days of the date of the decision by the City engineer. Upon granting any appeal the City Manager, or his or her designee, may impose any conditions determined to be just and proper. Exceptions granted shall be prepared in writing and filed with the City Clerk.

F. Violation/Enforcement.

1. Any violation of any provision of this plan is hereby declared to be a public nuisance and shall be enforced in accordance with the provisions of the code enforcement ordinance (Chapter [1.12](#) HMC), including without limitation the imposition of administrative penalties, notice and hearing requirements and appeals procedures.
2. Any violation of the provisions of this section shall be deemed an infraction.
3. In addition to the enforcement remedies provided in Chapter [1.12](#) HMC, upon a violation of any provision of this section, the City engineer may authorize the installation of a flow-restricting device on the services line to the property(ies) in violation, and the cost of installation of such a device shall be charged to the person(s) or entity(ies) responsible for payment of water service charges or a lien against the affected property(ies).
4. In addition to the enforcement remedies provided in Chapter [1.12](#) HMC, upon a continued violation of any provision of this section, the City engineer may authorize the termination of water service to the property(ies) in violation. The cost of terminating and restoring service shall be charged to the person(s) or entity(ies) responsible for payment of water service charges or a lien against the affected property(ies).

G. Additional Enforcement Remedy. Before either installing a water restrictor or terminating water service, the City shall give written notice to the person responsible for the service connection to be either restricted or terminated of its intention to do so. The person or persons to whom notice is given shall have five business days from the date of service of the notice to request a hearing before the City Manager or his or her designee in order to present any and all evidence they may have as to why a restrictor should not be installed or service terminated.

If a hearing is requested, the City Manager, or his or her designee, shall schedule a date and time for said hearing as soon as possible after the request is filed, but not later than five business days after the filing of such request for hearing. At the hearing, the person whose service connections are to be restricted or terminated and the utilities personnel may offer evidence. The City Manager, or his or her designee, shall make a final determination as to whether service should be restricted or terminated and under what conditions.

Section 2. Compliance with California Environmental Quality Act

The City Council finds that this ordinance is not a project for the purposes of the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Section 3. Severability: If any section, subsection, sentence, clause or phrase or word of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Healdsburg hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions may be declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

Section 4. Effective Date: This Ordinance of the City of Healdsburg shall be effective thirty (30) days after the date of its passage, this ordinance or a summary thereof, as provided in Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Healdsburg, along with the names of the City Council voting for and against its passage.

INTRODUCED by the City Council of the City of Healdsburg on the 7<sup>th</sup> day of April 2014, and PASSED and APPROVED on the 21<sup>st</sup> day of April 2014 by the following roll call vote:

AYES: Councilmembers: (5) Chambers, Jones, McCaffery, Plass and Mayor Wood

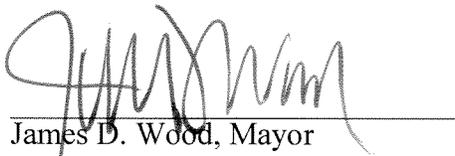
NOES: Councilmembers: (0) None

ABSENT: Councilmembers: (0) None

ABSTAINING: Councilmembers: (0) None

SO ORDERED:

ATTEST:

  
\_\_\_\_\_  
James D. Wood, Mayor

  
\_\_\_\_\_  
Maria Curiel, City Clerk

Dated: April 22, 2014