APPENDIX E

WATER SHORTAGE CONTINGENCY PLAN

CITY of NAPA

WATER SHORTAGE CONTINGENCY PLAN

Robert J. Peterson
General Manager - Water Division

David L. Coggiola
Water Conservation Specialist

TABLE OF CONTENTS

TABLES

ATTACHMENTS

WTRCONTENT/WATER/TXTLIB3

Section 1 COORDINATED PLANNING

California Water Code Section 10620. (d) (2) Each urban water supplier shall coordinate the preparation of its urban water shortage contingency plan with other urban water suppliers and public agencies in the area, to the extent practicable.

General

The City of Napa receives its raw water from three sources; each source having its own treatment facility. Two of the sources are Lake Hennessey and Milliken Reservoir with a maximum capacity of 31,000 acre feet and 2000 acre feet respectively. Both sources are owned solely by the City. The third source is the Jameson Canyon Facility which receives its water through the North Bay Aqueduct (NBA), a State of California Water Project.

There are three Cities and one Water District that have entitlements to the NBA water, they are:

* **The City of Napa**
* **The Town of Yountville**
* **The City of Calistoga, and**
* **The American Canyon Water District.**

The City of Napa and American Canyon Water District receive their raw water from D.W.R's Terminal Reservoir located at the Jameson Canyon Facility. Yountville and Calistoga do not have the physical capabilities to receive raw water from NBA, they receive their entitlements from the City of Napa. Napa receives Yountville and Calistoga's raw water entitlements, treats it and then wheels the treated water through its distribution system to Yountville and Calistoga.

Although the City of Napa and the other water agencies do not have a current agreement to share or distribute water with each other during a water shortage, due to the systems developed to distribute NBA water, the physical capabilities exist so that Napa can provide to or receive water from American Canyon, Yountville, St. Helena and Calistoga. Additionally, the City is involved in two programs to increase its raw water storage capacity in the event of a disaster.

The first program is a study with American Canyon Water District and the City of Vallejo to build a raw water storage reservoir in Jameson Canyon. This reservoir would have the capacity to deliver at least 3 days of peak water demand to all agencies participating. The reservoir would be able to provide a continuous water supply in the event the delivery of NBA water were interrupted.

The second program is a study to develop a site to locate a 20,000 acre foot raw water storage reservoir. This study was the result of an engineering report provided by the County of Napa indicating that there would be a 20,000 acre feet shortfall in raw water supplies to the Napa Valley by the year 2020. The reservoir would be build in or will be adjacent to the Napa Valley and would provide water for the Cities of Napa, Yountville, St. Helena, Calistoga and the American Canyon Water District.

Napa has coordinated the development of an additional water source during the past three drought years. This has been the purchase of surplus water from the Yuba County Water Agency. This agreement provided entitlements for the Cities of Napa, Calistoga and St. Helena and has been distributed the same way the NBA water is distributed. Additionally, Napa is currently pursuing a long term agreement with Yuba County Water Agency to provide an emergency water supply in the event of drought or disaster.

Finally, the City in cooperation with the Napa Sanitation District has agreed to use reclaimed water at certain of the City facilities as well as agreeing to make the use of this water a requirement for other projects that will be coming on line within the City. Napa Sanitation District is currently at the planning and developing stage and will have the first level of reclaimed water available in Mid 1992 at which point the City will irrigate Swan-Kennedy Golf Course and generate an average annual savings of 70 million gallons. Napa Sanitation estimates that they will have their final level of reclaimed water available in Mid 1995.

Congress Valley Water District

The City of Napa Water Division is the sole supplier of water to the Congress Valley Water District (CVWD). CVWD is located immediately adjacent to our westerly border and serves a little less than 100 connections. Staff when developing the agreement between CVWD and the City added a paragraph to deal with water shortages, it states that "CVWD .... agrees to enact and enforce water conservation programs substantially equivalent in effect to such water conservation programs adopted by the City or which may be adopted by the City." Currently, the City has adopted a voluntary 20% rationing program and CVWD has adopted the very same program.

Disaster Planning

In the event of a disaster, the City has a Disaster Plan where the City Manager and the Department heads are called in to form a Disaster Management Team. This team normally will be chaired by the Fire Chief and will provide direction and coordination of all the aspects of the disaster to the various departments within the city.

The Water Division has developed a duplicate system in the event of a disaster. The main points of the duplicate system are:

1) The City has developed two major treatment plants, each plant being capable of producing more than 13.5 mgd. This is the City's highest average daily consumption on record experienced in 1987.

2) Each plant has its own auxiliary power plant.

3) Each plant has its own raw water source.

4) The two plants are separated by a distance of more than 20 miles in hopes that whatever disaster occurs will not affect both sites.

5) Within each plant is a duplicate system, for example every chemical has two separate storage containers, there are two separate pumps at every chemical pump station which work independently of each other and all controls can be operated either manually or automatically.

Section 2 PAST, CURRENT AND PROJECTED WATER USE

California Water Code Section 10631. (e) (1) Past, current and projected water use and, to the extent records are available, a breakdown of those uses on the basis of residential single family, residential multifamily, industrial, commercial, governmental, and agricultural use.

The City of Napa provides water to approximately 21,500 service connections representing some 68,000 people. The City's residential customers account for 91.5% of our service connections and 71.3% of the water consumed. Napa's commercial/industrial customers consumed approximately 18.3% of the water produced with the remainder of the water being consumed by governmental, irrigation and a very small amount going to agricultural accounts.

The highest current water demand is 12,983 AFY, the highest water demand ever was 14,412 AFY in 1987. New connections are increasing at a rate of one and a half to two percent a year but due to the newly installed offsite retrofit program the new water demand should not increase at all for the year '92, '93, and '94. There will be a minimal increase in 1991 due to the effective dates of the retrofit program. (See attachment "A" off-site retrofit program).

Unaccounted-for water averages 8.1% and is apportioned into all accounts. Connections average 2.7 people for single family unit and 2.3 people per multiple family units* with an averaged of 125 gpcd and 97 gpcd respectively. The City's total water use averages 170 gpcd. The total number of living units on the City's 738 multifamily accounts is 8905.

TABLE I CUSTOMER TYPES, NORMAL DEMAND AND DEMAND INCLUDING GROWTH

CUSTOMER TYPE	CURRENT NO OF ACTIVE CONNECTIONS	WATER USE IN ACRE FEET					
		HIGHEST EVER 1987	1990 USE	PROJECTED 1991	1992	1993	1994
SINGLE FAMILY	18664	7928	7037	7178	7322	7468	7617
MULTIFAMILY BLDGS	738**	2450	2220	2264	2309	2355	2402
COMMERCIAL	1323	2178	2363	2387	2411	2435	2459
INDUSTRIAL	1	0	13	13	13	13	14
GOVERNMENT	313	1422	974	979	984	989	994
IRRIGATION	153	317	285	286	288	289	291
AGRICULTURAL	13	117	91	91	91	91	91
TOTAL	21205	14412	12983	13198	13418	13640	13868

** Estimated average residences/unit based on data from California Department of Finance's "Population and Housing Estimates for California Cities and Counties" Summary report #E-5 dated 01/01/90.*

*** Estimate, no raw data available*

Single Family and Multi Family connections are projected to increase by two percent per year. However, the gpcd is projected to decrease as more and more high volume flush toilets in existing homes are replaced with ultra low flush toilets as a result of the City's retrofit program.

Commercial and Industrial demand is projected to increase at a rate of one percent per year.

Government and Irrigation demand is projected to increase only one half of one percent a year. Irrigation accounts are those accounts that are separately metered and provide water for landscape irrigation only.

Agricultural demand is projected to remain about the same on the average with no significant increase or decrease under normal water conditions. The City does not foresee any further agricultural development within the City limits, and it is the current City policy not to provide water for agricultural development outside the City limits.

Section 3 WORST CASE WATER SUPPLY AVAILABILITY FOR 12, 24 & 36 MONTHS

California Water Code Section 10631, (e)(2) An estimate of the maximum water supply available at this end of 12, 24 & 36 months assuming the worst case water supply shortages.

The City of Napa has the water sources listed below. Average water supply by source and projected worst case supply by source are provided in Table II.

TABLE II SUPPLY SOURCES AND WORST CASE SUPPLY PROJECTIONS

SOURCE	NORMAL WATER AVAILABILITY	FIVE YEAR 85 TO 89 AVG. USE	1991 ACTUAL	WORST CASE SUPPLY PROJECTIONS 1992	1993	1994
HENNESSY	8300	7703	1027	6440	4980	3320
MILLIKEN	1400	1321	674	1400	1400	1096
NBA	4300	3125	876	1350*	1000**	1080**
RECYCLED	----	0	0	210	210	210
YUBA	----	1251	6295	0	0	0
RECTOR	----	20	346	0	0	0
UNSCHEDULED	----	0	590	0	0	0
TOTAL	14000	13420	9808	9460	7590	5706
% SUPPLY SHORTAGE			30%	32.5%	46%	59%

Because the projected 1993 and 1994 worst case shortages could have serious economic impacts on the community, the City has established a policy to purchase additional water to limit the water shortage and attempt to keep any mandatory rationing program to less than 50%. The City is currently investigating different areas where it can develop a long term emergency water source.

LAKE HENNESSEY is owned and operated solely by the City of Napa. Lake Hennessey has a capacity of 31,000 acre feet with a firm yield (the yield that can be supplied every year without any shortage) of 5,000 acre feet and can provide a yield of 8,300 acre feet 90% of the time based on the period of record 1940-1989. Under normal operations the City feels they could draw up to 8,300 acre feet annually out of Lake Hennessey, however in the years 1985 thru 1989 the average draw was only 7,700 acre feet.

** Includes 10% carry-over of 1991's entitlement.*
*** Represents 20% of an annually increasing entitlement.*

The numbers above are a recent revisal of the firm yield of Lake Hennessey due to the current 5 year drought. The results are from a study conducted by James M. Montgomery Engineering, an independent Engineering firm. Based on a worst case recovery scenario plus the amount of water currently in storage in Lake Hennessey, the projected amount of water the City would use from Hennessey for the years '92, '93 and '94 is shown in Table II and is equivalent to a 20% reduction each year.

TABLE III — LAKE HENNESSEY STAGED REDUCTIONS

TOTAL RESERVOIR STORAGE ON APR.1	% OF REDUCTION	AVAILABLE SUPPLY IN AFY	LAKE LEVEL IN FEET OF ELEV.	% OF CAPACITY
31000-23000	0	8300	315-304.4	100-74.2
23000-19000	5	7885	304.4-297.8	74.2-61.3
19000-15000	20	6640	297.8-290.8	61.3-48.4
15000-11000	40	4980	290.8-283.2	48.4-35.8
11000-9000	60	3320	283.2-279	35.8-29
9000-7000	80	1660	279-274.7	29-22.6
<7000 A.F.	EMERGENCY USE ONLY		<274.7	<22.6

LAKE MILLIKEN is owned and operated solely by the City of Napa. Milliken's storage capacity is 1986 acre feet with a projected draw of 1,400 AFY. 1,400 AFY is substantially higher then its firm yield of 400 AFY, however, Milliken represents such a small portion of the overall supply requirement that the draw on Milliken could easily be reduced or a temporary supplemental supply secured.

Table IV shows the worst case recovery and resulting draw on Milliken and Hennessey lakes for the years 1992, '93, & '94.

TABLE IV — WORST CASE RESERVOIR WATER AVAILABILITY IN ACRE FEET

YEAR	CARRY OVER FROM PREVIOUS YEAR	WORST CASE RECOVERY	TOTAL WATER AVAILABLE	AMOUNT USED BASED ON STAGED REDUCTIONS
LAKE HENNESSEY				
1992	17118	1240	18358	6440
1993	11918	1240	13158	4980
1994	8178	1240	9418	3320
MILLIKEN RESERVOIR				
1992	1065	1055	FULL>1986	1400
1993	586	1055	1641	1400
1994	241	1055	1296	1096*

* Must maintain a capacity in the reservoir no less than 200 acre feet.

THE NORTH BAY AQUEDUCT (NBA) is a water delivery facility of California's State Water Project (SWP). The SWP retains water in the Feather River Basin, and uses facilities in the Sacramento - San Joaquin Delta to convey water to the NBA intake at Barker Slough in the northwestern delta.

NBA extends from the Barker Slough Pumping Plant 30.7 miles to the City of Napa's Jameson Canyon Treatment Plant just southeast of Napa.

It has been the intent of the City's water supply planners since the 1960's that all new demand water supply needed for Napa for the foreseeable future will come from the SWP. Our "member unit" contract with the Napa County Flood Control and Water Conservation District has a build-up schedule, See "Table V". This schedule gradually increases our annual entitlement from 3,000 acre feet in 1983 to 18,800 acre feet in 2021. This entitlement buildup was set to match the earlier growth projections for the City.

TABLE V CONTRACTUAL NBA ENTITLEMENT

YEAR	ENTITLEMENT	YEAR	ENTITLEMENT	YEAR	ENTITLEMENT
1983	3000	1998	7000	2013	14500
1984	3000	1999	7400	2014	15100
1985	3000	2000	7900	2015	15700
1986	3000	2001	8400	2016	16300
1987	3200	2002	8800	2017	16900
1988	3400	2003	9300	2018	17500
1989	3700	2004	9800	2019	18100
1990	4000	2005	10300	2020	18700
1991	4300	2006	10700	2021	18800 &
1992	4600	2007	11300	EACH SUCEEDING YEAR	
1993	5000	2008	11800	THEREAFTER FOR THE	
1994	5400	2009	12300	TERM OF THIS CONTRACT	
1995	5800	2010	12800	AS A MAXIMUM ENTITLEMENT	
1996	6200	2011	13400		
1997	6600	2012	13900		

RECYCLED WATER system is currently under construction in the City of Napa by Napa Sanitation District. The project is in two phases, phase one will construct a pipe line to provide Title 22 restricted water to the City of Napa and scheduled for completion sometime in Mid 1992. The City will make immediate use of approximately 210 acre feet of the restricted water applying it on the lawns at Swan-Kennedy Golf Course.

Phase two will be the completion of modifications to Napa Sanitation Treatment Plant so it can provide Title 22 unrestricted water to the City. The current projected completion date is sometime in 1995. Although we do not know how much reclaimed water will be used, Napa Sanitation District estimates that there will be approximately 5600 acre feet per year of reclaimed water available when the plant is at full production.

YUBA, RECTOR AND UNSCHEDULED waters are all sources not available to the City on a permanent and regular basis. They were developed primarily as supplemental sources.

UNSCHEDULED WATER is provided to the City on a "as available" basis only. The California State Water Project makes available to its contractors water from the Sacramento-San Joaquin Delta when the water flow through the Delta exceeds certain criteria. Since it is never know when or how much will be available we have projected a 0 in the worst case supply scenario.

RECTOR WATER was a pay back for water the City had provided Rector in years past. This source is not likely to be available again and therefore we have projected a 0 in it's column.

YUBA WATER has been a supplemental water source that the City has purchased on a yearly basis from the Yuba County Water Agency. The City purchased 3484, 6315 and 6305 acre feet for the years 1989, '90 and '91 respectively.

Yuba water was purchased to off set the severe effects of the 5-year drought. The purchase of this supplemental water has allowed the City to institute minimal reduction demands on its customers.

Section 4 STAGES OF ACTION

California Water Code Section 10631. (e) (3) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including to a 50 percent reduction in water supply, and an outline of specific water supply conditions which are applicable to each stage.

The City has developed a five stage rationing plan. The plan is based on the projected amount of shortage in available water the City will experience in any one year. The City's plan includes no action, voluntary and mandatory stages.

TABLE VI RATIONING STAGES AND REDUCTION GOALS

SHORTAGE	STAGE	DEMAND REDUCTION GOAL	TYPE OF PROGRAM
0-10 %	STAGE 1	0 % REDUCTION	NO ACTION
10-20 %	STAGE 2	15 % REDUCTION	VOLUNTARY
20-35 %	STAGE 3	20 % REDUCTION	MANDATORY
35-50 %	STAGE 4	35 % REDUCTION	MANDATORY
>50 %	STAGE 5	50 % REDUCTION	MANDATORY

PRIORITIES for use of available water, based on California Water Code Chapter 3 (see Attachment "B") and staff input are:

* *HEALTH, SAFETY & SANITATION - interior residential and fire fighting.*
* *COMMERCIAL, INDUSTRIAL & GOVERNMENTAL - maintain jobs & economic base.*
* *EXISTING LANDSCAPING & LANDSCAPE IRRIGATION METERS - the primary* **consideration is to protect major trees and shrubs only.**
* **NEW DEMAND - projects without permits when a shortage is declared medigate to a zero demand through the toilet retrofit program.**
* **AGRICULTURAL - all agricultural water service is under special contracts, receiving water on a surplus water basis only. When there is a water shortage all water for agricultural use is terminated.**

SUPPLY SHORTAGE TRIGGERING LEVELS

The City of Napa has a legal responsibility to provide water for the health and safety needs of its customers. The City also feels an obligation to help minimize the social and economic impact of water shortage by managing the available water supplies prudentially. This water shortage contingency plan is designed to provide a minimum of 50 percent of normal supply during a severe or extended water shortage. The following rationing program triggering levels are established to ensure that these policy statements are implemented. The City retains the right to review and

change these triggering levels at any stage of any water shortage situation. It is the City's goal to provide the best possible use of its water resources while minimizing any negative effects a water shortage might have on its customers.

The City's three water sources are two local surface sources and one imported surface source. The rationing stages may be triggered by a shortage in one source or a combination of sources, or by insufficient carry-over storage and projected supplemental waters to provide a certain percentage of the normal supplies for the next 2 years.

The specific criteria for triggering the City's rationing stages are listed in Table VII.

TABLE VII WATER SUPPLY TRIGGERING LEVELS (NORMAL SUPPLY 14,000 AFY)

STAGE	PERCENT SHORTAGE	WATER SHORTAGE	CARRY-OVER SHORTAGE
STAGE 1	UP TO 10 PERCENT SUPPLY REDUCTION	COMBINED SUPPLY REDUCTIONS TOTALING UP TO 1400 AFY.	OR INSUFFICIENT CARRY-OVER STORAGE AND PROJECTED SUPPLEMENTAL WATER TO PROVIDE FOR 90 PERCENT OF NORMAL SUPPLIES FOR THE NEXT 2 YEARS.
STAGE 2	10 TO 20 PERCENT SUPPLY REDUCTION	COMBINED SUPPLY REDUCTIONS TOTALING BETWEEN 1400 & 2800 AFY.	OR INSUFFICIENT CARRY-OVER STORAGE AND PROJECTED SUPPLEMENTAL WATER TO PROVIDE FOR 75 PERCENT OF NORMAL SUPPLIES FOR THE NEXT 2 YEARS.
STAGE 3	20 TO 35 PERCENT SUPPLY REDUCTION	COMBINED SUPPLY REDUCTIONS TOTALING BETWEEN 2800 & 4900 AFY.	OR INSUFFICIENT CARRY-OVER STORAGE AND PROJECTED SUPPLEMENTAL WATER TO PROVIDE FOR 60 PERCENT OF NORMAL SUPPLIES FOR THE NEXT 2 YEARS.
STAGE 4	35 TO 50 PERCENT SUPPLY REDUCTION	COMBINED SUPPLY REDUCTIONS TOTALING BETWEEN 4900 & 7000 AFY.	OR INSUFFICIENT CARRY-OVER STORAGE AND PROJECTED SUPPLEMENTAL WATER TO PROVIDE FOR 50 PERCENT OF NORMAL SUPPLIES FOR THE NEXT 2 YEARS.
STAGE 5	> 50 PERCENT SUPPLY REDUCTION	COMBINED SUPPLY REDUCTIONS OF MORE THAN 7000 AFY. AFY.	

Table V, on page 8, indicates the graduating scale of allocations agreed to for SWP water, however, as demonstrated in 1991, the contracted amount may differ from the actual amount allocated. Given the prior situation the City, for worst case scenario purposes, will use the current allocation as the same allocation we will receive from SWP for the next 2 years. It is the City's intention to continue this policy until a more reliable system of calculating the SWP's allocation during droughts avails itself.

Section 5 MANDATORY PROHIBITIONS ON WATER USE

California Water Code Section 10631. (e) (4) mandatory provisions to reduce water use which include prohibitions against specific wasteful practices, such as gutter flooding.

The City adopted Ordinance #4277 in 1991 which prohibits specific acts of water waste, see attachment "C" section 29-104, "Prohibitions and Limitations".

Ordinance #4277 is an urgency ordinance addressing the current emergency water shortage situation. When the water supply situation returns to normal it is the intent of the City to replace the current ordinance with a permanent ordinance prohibiting certain acts of water waste no matter what the water supply situation, see attachment "D".

Section 6 CONSUMPTION LIMITS

California Water Code Section 10631. (e) (5) Consumption limits in the most restrictive stages. Each urban water supplier may use any type of consumption limit in its water shortage contingency plan that would reduce water use and is appropriate for its area. Examples of consumption limits that may be used include, but are not limited to, percentage reductions in water allocations per capita allocations, an increasing block rate schedule for high usage of water with incentives for conservation, or restrictions on specific uses.

The City has established the following allocation method for each customer type.

Single Family - Winter/Summer -- Percentage Reduction w/Maximum/Minimums
Multi Family - Winter/Summer -- Percentage Reduction
Commercial - Winter/Summer -- Percentage Reduction
Industrial - Winter/Summer -- Percentage Reduction
Governmental - Winter/Summer -- Percentage Reduction
Landscape Irrigation -- Percentage Reduction
Recreational -- Percentage Reduction
New Demand -- Assigned Rationed Allocation
Agricultural -- Termination of Water Service

The specific reductions at each stage and for each customer class are listed on Table VIII.

TABLE VIII PERCENT AND ACRE-FOOT REDUCTION BY STAGE

STAGE I	0 TO 10% REDUCTION IN SUPPLY. DOES NOT REQUIRE ANY REDUCTIONS OF CUSTOMERS. THE CITY WILL PUBLISIZE A WATER SHORTAGE AWARENESS PROGRAM					
STAGES II–V	SINGLE FAMILY MULTI–FAMILY	COMMERCIAL INDUSTRIAL GOVERNMENTAL	LAND IRRIGATION RECREATIONAL	AG. SURPLUS WATER CONTRACTS	TOTALS	TOTAL % REDUCTION
NORMAL CONSUMPT.	10,080	3,500	280	140	14000	0.0%
II –VOL	8568	2975	238	0	11781	15.8
III –20%	8064	2800	196	0	11060	21.0
IV –35%	6552	2275	154	0	8981	35.8
V –50%	5040	1750	112	0	6902	50.7

Winter/Summer Percentage Reduction with a Minimum/Maximum - A percentage reduction of the winter historical usage as a baseline allocation plus a greater percentage reduction of the summer historical usage that is in excess of the winter baseline. Additionally single family units are not rationed if their historical usage falls below a certain number and are not allowed more water on their allocation even if their historical usage exceeds a certain number. These numbers are determined by the various-stages of rationing.

Percentage Reduction - Is a straight percentage reduction of the customers historical consumption.

Assigned Rationed Allocation - When an account does not have any previous history of water usage an allocation is assigned to that account based on similar type usage or an area average of similar type accounts.

Termination of Water Service - Certain of the City's water accounts are on a special contract where the City only supplies water when we have surplus water. During droughts the water service to these accounts is terminated.

The individual customer allocations will be based on a four year base period excluding any consumption history under mandatory rationing. This will give the City a more accurate view of the usual water needs of each account and provides additional flexibility in determining allocations and reviewing appeals.

The Water Division Manager shall classify each customer and provide the formula for calculating each customer's allocation according to the methods described in the attachments. The allocations shall reflect seasonal usages. Each customer shall be notified of their allocation in their water bill and the effective date of the water shortage emergency. New customers will be notified by mail after they have signed up for water service and will receive their water allocation with their first water bill. In the event of a disaster prior notification may not be possible; notification will be provided by other means. Any customer may appeal their classification on the basis of use or their allocation on the basis of incorrect calculations or use of non-current information. All appeals will be subject to a review and verification process before a change in an allocation is granted.

Section 7 PENALTIES OR CHARGES FOR EXCESSIVE USE

California Water Code Section 10631 (e) (6) Penalties or charges for excessive use.

The City of Napa's water rates, connection and other service charges are separately determined and adopted by the Council. Current rates and charges are stipulated in Resolution No. 91-071 adopted 5/7/91 and took effect for water used after 3/15/91.

A. BLOCK THRESHOLDS BY METER SIZE - Showing 1,000 gallon limits per billing period. Rate block one (1) is only applicable to non-commercial property.

(1) Single-Family Residential

Meter Size	Rate Blocks 1	2	3	4	5	6
5/8 & 3/4	1-8	9-20	21-30	31-40	41-75	76 & above
1	1-8	9-20	21-30	31-40	41-75	76 & above
1 1/2	1-8	9-20	61-90	91-120	121-225	226 & above
2+	1-8	9-20	91-135	136-180	181-340	341 & above

(2) Multiple-Family Residential

Meter Size	Rate Blocks 1	2	3	4	5	6
5/8 & 3/4	1-8	9-20	21-30	31-40	41-75	76 & above
1	1-8	9-20	21-30	31-40	41-75	76 & above
1 1/2	1-24	25-60	61-90	91-120	121-225	226 & above
2	1-36	37-90	91-134	135-180	181-340	341 & above
3	1-64	65-160	161-240	241-320	321-600	601 & above
4	1-100	101-250	251-375	376-500	501-938	939 & above
6	1-187	188-467	468-700	701-934	935-1750	1751 & above
8 & 10	1-277	278-693	694-1040	1041-1387	1388-2600	2601 & above

(3) Commercial

Meter Size	Rate Blocks 1	2	3	4	5	6
5/8 & 3/4	N/A	1-20	21-30	31-40	41-75	76 & above
1	N/A	1-20	21-30	31-40	41-75	76 & above
1 1/2	N/A	1-60	61-90	91-120	121-225	226 & above
2	N/A	1-90	91-134	135-180	181-340	341 & above
3	N/A	1-160	161-240	241-320	321-600	601 & above
4	N/A	1-250	251-375	376-500	501-938	939 & above
6	N/A	1-467	468-700	701-934	935-1750	1751 & above
8 & 10	N/A	1-693	694-1040	1041-1387	1388-2600	2601 & above

B. METERED WATER RATES - For all consumers within the City, quantities will be billed at the following rates per 1,000 gallons usage per bimonthly billing period:

BLOCK	BASE RATE	20% CONSERVATION RATE	35% CONSERVATION RATE	50% CONSERVATION RATE
1	$1.08	$1.08	$1.08	$1.08
2	1.54	1.93	2.39	2.93
3	1.60	2.16	2.64	3.22
4	1.66	2.49	2.99	3.71
5	1.73	2.94	3.46	4.45
6	1.90	3.70	4.28	5.56

C. SERVICE CHARGE - For all consumers within the City, the bimonthly service charge applicable to all metered and measured services will be as follows:

Meter Size	Bimonthly Service Charge
5/8 & 3/4 inch	$ 14.89
1 inch	29.77
1 1/2 inch	53.59
2 inch	82.17
3 inch	142.91
4 inch	208.41
6 inch	357.28
8 inch	506.15
10 inch	819.97

D. LIVING UNITS INSIDE CITY - Each additional living unit served by a common meter shall be subject to an additional bimonthly charge of $6.32, except that the additional bimonthly charge for hotels and motels shall be $3.16.

E. METERED WATER RATES OUTSIDE CITY - For all consumers outside the corporate limits of the City, quantities and service charges will be billed at twice the inside City limits billing rates.

F. AGRICULTURAL WATER SERVICE - (Sales Automatically suspended upon the implementation of conservation programs exceeding 15% reduction in consumption.)

1. Application fee (NMC 29-5 (c)) $1,000
2. Rates shall be as in "B" - Outside Rates.
3. All water used during off season will be charged at regular outside City rates plus bimonthly service charges and be subject to residential allocation restriction, if any. No off season water is allowed without specific written authority of the Public Works Director. Meters

not turned off and locked shall pay a minimum of the bimonthly service charge. Excess or unauthorized use of water will cause removal of the metered access.

G. PENALTIES FOR EXCESSIVE USE - There will be two (2) times the highest applicable inside City block rate for the first offense, three (3) times said rate for the second consecutive offense, and four (4) times said rate for the third and subsequent consecutive violations. Upon the second offense or where the customer's historical average is exceeded by five percent or more, the City shall have the right to install flow restrictors in the water meter, or terminate water service.

The City has also established penalties and civil fines for specific acts of water wasting see section 29-104 and 29-110 of attachment "C". Additionally for the customers which continues to violate a specific prohibition after being notified of their prohibited activity is subject to section 29-111 of attachment "C" which includes a misdemeanor violation.

Section 8 ANALYSIS OF PLAN IMPLEMENTATION ON REVENUES

California Water Code Section 10631. (e) (7) An analysis of the impacts of the plan on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.

The City in 1990 established a 4 tier ascending block rate structure for billing water consumption, the first 8,000 gallons being billed at what is considered a life line rate. In 1991 when the City adopted a mandatory 20% rationing program, (See attachment "C") we changed the billing structure to a 6 tier ascending block rate (see attachment "F" Resolution #91-013). We retained the 8,000 gallons life line rate but reduced the allocation of water in each of the 5 remaining blocks providing a financial incentive to conserve water.

Resolution #91-013 also established four different fee schedules; base line, 20%, 35% and 50%. The corresponding fee schedule to be implemented with each level of water shortage rationing program adopted in order to offset the loss in revenue.

The City was hoping to achieve a 20% reduction of consumption for the year 1991 and adjusted the fees accordingly for the projected loss in revenue. The actual reduction in consumption for 1991 was just over 31%. This resulted in a shortfall of revenue greater than projected and was compensated for by the deferment of some capitol improvement projects and using some reserves.

It does not appear that the 1992 water supply currently available will be sufficient to offset the previous five years of drought. The City's water division is projecting that consumption will again be down and is working with the Finance Department to provide the City Council with a rate and fee package which will be more in line with the fiscal budget. These revisions will be part of the normal annual water rate review process.

Section 9 IMPLEMENTATION OF THE PLAN

California Water Code Section 10631. (e) (8) A draft water shortage contingency resolution or ordinance to carry out the urban water shortage contingency plan.

The City has adopted a Resolution to declare a Water Shortage Emergency which has implemented the water conservation plan the City is currently using, please see Attachment "E".

Section 10 WATER USE MONITORING PROCEDURES

California Water Code Section 10631. (e) (9) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency plan.

Normal Monitoring Procedure

In normal water supply conditions, production figures are recorded daily. Totals are reported daily to the Water Treatment Facility Supervisor. Totals are reported weekly to the Water Division Manager and incorporated into the water supply report.

Stage 1, 2 and 3 Water Shortages

During a Stage 1, 2, or 3 water shortage, daily production figures are reported to the Supervisor. The Supervisor compares the weekly production to the target weekly production to verify that the reduction goal is being met. Weekly reports are forwarded to the Water Division Manager. Monthly reports are sent to the City Council. As required, if reduction goals are not met, the Manager will notify the City Council so that corrective action can be taken.

Stage 4 and 5 Water Shortages

During a Stage 4 or 5 water shortage, the procedure listed above will be followed, with the addition of a daily production report to the Manager.

Disaster Shortage

During a disaster shortage, production figures will be reported to the Supervisor hourly, and to the Manager as frequently as may be required. Reports will also be provided to the Napa City Council and the Disaster Management Team.

Section 11 PLAN ADOPTION STANDARDS

California Water Code Section 10621 (a) Each urban water supplier shall, not later than January 31, 1992, prepare, adopt, and submit to the department an amendment to its urban water management plan which meets the requirements of subdivision (e) of Section 10631.

The City of Napa prepared this Water Shortage Contingency Plan during _____ and _____. The Plan was adopted on _____ and submitted to the Department of Water Resources on _____. The Plan includes all the information necessary to meet the requirements of subdivision (e) of California Water Code Section 10631.

California Water Code Section 10642 Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection and shall hold a public hearing thereon. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to California Water Code Section 6066 of the Government Code. A privately owned water supplier shall provide an equivalent notice within its service area. After the hearing, the plan shall be adopted as prepared or as modified after the hearing.

Public meetings and the availability of copies of the draft water shortage contingency plan were properly noticed in the City's newspapers. Copies of the draft plan were available for public review at City offices. The City held ____ public meetings on the Water Shortage Contingency Plan:

- **one meeting focused on residential water rationing programs.**
- **one focused on commercial, industrial and governmental rationing options.**
- **one focused on agricultural water rationing options.**
- **a final meeting was held to present the completed Plan, which was supported unanimously by the City Council.**

The 1992 Water Shortage Contingency Plan for the City of Napa was formally adopted at a duly noticed City Council Meeting on _____.

California Water Code Section 10656 An urban water supplier that does not submit an amendment to its urban water management plan pursuant to subdivision (a) of Section 10621 to the department by January 31, 1992 is ineligible to receive drought assistance from the state until the urban water management plan is submitted pursuant to Article 3 (commencing with Section 10640) of Chapter 3.

The City of Napa submitted a Water Shortage Contingency Plan to the Department of Water Resources on _____.

CITY OF NAPA

OFFSITE RETROFIT PROGRAM

FOR NEW DEVELOPMENT

PURPOSE

This program is intended to allow development to continue throughout the duration of the 20% mandatory rationing plan without causing an increase in City water use, and to create long-term water savings which otherwise would not occur. The City of Napa Water Division will allow a developer to build a project if he makes changes to existing development that will permanently reduce water use equal to the water needs of the new development. For example, if a developer wanted to build a single-family residence, he would have to retrofit 4 existing homes with ultra-low flush toilets and other low water use fixtures to offset the water needs of the new home.

PROCEDURES

Anyone issued a building permit for new development must retrofit a sufficient number of existing single-family residences prior to receiving a Certificate of Occupancy. The City Water Division will determine the number of retrofits required for each project. Other non-commercial uses, such as schools or government buildings, may be retrofitted upon approval of the Water General Manager.

One retrofit is defined as replacing all the toilets in an existing single-family residence that are 3.5 gallons or more with toilets that use no more than 1.6 gallons per flush, plus the installation of showerheads and faucet aerators that emit no more than 3 gallons and 2 gallons per minute, respectively, where they do not already exist within the home. The home must be served by the City of Napa's water distribution system.

A list of water customers interested in participating in the retrofit program is available to developers and licensed contractors upon request. The developer or contractor is responsible for making all necessary arrangements with the water customer for replacement of toilets and other plumbing fixtures. Once the required retrofits are complete, the developer or contractor must deliver the toilets that have been removed to the City of Napa's corporation yard, and must then submit a Certificate of Completion (Exhibit A) for each retrofit to the Public Works Department. Any falsification of the Certificate by the developer or plumbing contractor is subject to a $10,000 fine. The City Water Division will conduct random inspections to verify retrofit completions.

RETROFIT REQUIREMENT FOR NEW DEVELOPMENT

The number of homes a residential developer will be required to retrofit is as follows:

Single-family detached	4.0 per unit
Condominium/townhouse/duplex	3.6 per unit
Apartment (3 units or more)	3.1 per unit
Mobile home	3.0 per unit

The annual water savings from on retrofitted home is calculated to be .07 acre-feet. Refer to Exhibit B.

The water use factor for single-family residences is equivalent to the amount of water allocated to new single-family residences under the City of Napa's 20% mandatory rationing program. The allocated amount is based on 90% of the average indoor use of a new home plus an additional amount sufficient to support 2,000 square feet of xeriscape landscaping without turf. Refer to Exhibit B.

Non-residential projects will have their water demand evaluated during the project review stage. If they are identified as a major water user, they will be required to mitigate their water demand through off-site retrofitting or some other method determined to be appropriate.

RETROFIT REQUIREMENT FOR REMODELS

Anyone requesting a building permit for an addition to, or remodel of, an existing home must replace the home's existing toilets with ultra-low flush toilets if the value of the addition or remodel exceeds 25% of the total valuation of the home. Valuations shall be determined by the City of Napa's Building Department.

Any floor area additions to existing non-residential structures is considered new development, and must retrofit in accordance with the retrofit requirements for new development.

EFFECTIVE DATES

Anyone issued a building permit after January 15, 1991 is required to retrofit in accordance with these provisions. If a project was issued a building permit before January 16, 1991, it will be exempt from the retrofit requirements if its foundations have been constructed before May 7, 1991, the effective date of the rationing ordinance. If a project is ready for occupancy prior to June 1, 1991, the Water General Manager may allow the payment of a fee in lieu of actually retrofitting the existing single-family dwellings. The fee is $600 per retrofit. The City will use the fees collected for administering its own retrofit program.

In the event the Water General Manager determines that actual retrofitting of existing homes is impractical or constitutes an unusual hardship on an applicant, he may authorize the payment to the City of the in-lieu fee of $600 per retrofit.

LANDSCAPE PROVISIONS

In accordance with the City's mandatory rationing program, new development will be allowed to install low water using plants and trees in accordance with the City's Xeriscape Standards established in May 1990. However, the retrofit requirement of a project will reflect the additional water demand of the limited landscaping. The retrofit requirement for landscaping is based on the water demand of 2,000 square feet of low water using plants and trees with a drip irrigation system. Refer to Exhibit B.

In the interest of promoting water conserving landscapes, the following is recommended:

1. The Green Industry will conduct programs to educate its customers in the efficiency, versatility and beauty of xeriscape landscaping.

2. Model homes will be landscaped using xeriscape techniques and signs will be erected on the property advising the public of the water efficient nature of the landscaping.

3. Fines for acts of water waste collected by the City will be used to provide rebates on toilet retrofits for low-income homeowners and those who need handicapped fixtures, and to develop a xeriscape demonstration garden at the Pelusi Building.

RETROFIT REQUIREMENTS

IF YOU ARE BUILDING A . . .	YOUR RETROFIT REQUIREMENTS WILL BE BASED ON THESE RATIOS			
	Single Family		Condominium	Apartment*
Single family (Detached home)	4.0	or	4.5	5.4
Condominium	3.6	or	4.0	5.0
Apartment	3.1	or	3.7	4.0

NOTE: All multiples resulting from taking the number of units you are building times the retrofit factors are rounded up. For example, if you are building 7 Condo units and retrofitting single family homes to satisfy your requirement it would be 3.6 x 7 = 25.2 or rounded up to 26 single family homes retrofitted.

* The only apartment complexes that can be retrofitted under this program are those that are operated as non-profit or not for profit enterprises. Their eligibility must be approved by the Water General Manager before retrofitting occurs. All other apartment complexes are part of the commercial/business community and therefore cannot be used to offset the retrofit requirements of a new project. These owners have 3 incentives to retrofit their apartment complex.

1. There are tax benefits for the cost of the improvements.

2. The water saved by ultra low flush toilets equates to dollars saved on the water bill which the owner pays.

3. The owner can apply for the $125.00 rebates offered by Napa Sanitation District for each toilet retrofitted.

RETROFIT PROGRAM (CALCULATIONS)

Water Use Factor For New Single-Family Residence

Assumptions:

1. Wintertime use is indoor use.

2. 40 gallons a day will support 2,000 s.f. of bushes and trees with a drip irrigation system during the peak summer months. 30 gallons a day is sufficient for fall; 20 gallons a day for spring.

   Average wintertime use of a new single-family residence = 14,000 gallons bimonthly
   14,000 (.90) = 13,000 gallons bimonthly (indoor allocation)

   Xeriscape allocation for a peak summer period
   = 40 gallons/day x 61 days
   = 2,440 gallons (or 3,000 gallons bimonthly)

   Xeriscape allocation for the spring period
   = 20 gallons/day x 61 days
   = 1,220 gallons (or 2,000 gallons bimonthly)

   Xeriscape allocation for the fall period
   = 30 gallons/day x 61 days
   = 1,830 gallons (or 2,000 gallons bimonthly)

Winter Allocation	- 13,000 (2 periods)	= 26,000
Spring Allocation	- 13,000 + 2,000	= 15,000
Summer Allocation	- 13,000 + 3,000 (2 periods)	= 32,000
Fall Allocation	- 13,000 + 2,000	= 15,000
		88,000

Converted to Acre-Feet - $\frac{88,000}{325,851}$ = .27 Acre-Feet Per Year

Water Savings From One Retrofitted Home

Assumptions:

1. 3 people per household.

2. 5 toilet flushes per person per day.

   The gallons saved per flush is based on the calculation below entitled "Average Water Savings Per Flush." The average savings is 4 gallons per flush.

3 (people per household)
x5 (flushes per person per day)
x4 (gallons saved per flush)
x 365 (days per year)
21,900 gallons saved per year

Converted to acre-feet $\frac{21,900}{325,851}$ = .07 acre-feet per year

Average Water Savings Per Flush

Assumptions:

1. 60% of existing toilets are 7 gallons.

2. 40% of existing toilets are 3.5 gallons.

7 - 1.6 = 5.4 (gallons saved per flush by replacing 7-gallon toilet)

3.5 - 1.6 = 1.9 (gallons saved per flush by replacing 3.5-gallon toilet)

5.4 x .60 = 3.24
1.9 x .40 = .76
4.00 (average gallons saved per flush)

Retrofit Requirement for a Single-Family Residence

.27 acre-feet per year (use of a new home)
.07 acre-feet per year (water savings of one retrofit)
= 3.85 homes to be retrofitted per new home

Use 4 retrofits per new single-family home

CERTIFICATE OF COMPLETION ATTACHMENT "A"

This Certificate of Completion is to be credited to the retrofit requirements for the following project:

Project Name _____
Building Permit Number _____
Developer _____
Address _____
_____
License Number _____

Project Number _____
Site Address _____
Plumbing Contractor _____
Address _____
_____
License Number _____

Please complete the following for the home being retrofitted:

IS THIS UNIT A SINGLE FAMILY DETACHED ____ CONDO ____ APARTMENT ____

1. Site Address _____
2. Water Account Number _____
3. Owner's Name _____
4. Mailing Address _____
5. Number of Existing Toilets _____
6. Gallonage of Each _____
7. No. Replaced w/Ultra-low Flush (1.6 gal) ____
8. Number of Existing Showerheads _____
9. Number Replaced _____
10. No. of Existing Interior Sink Faucets _____
11. Number of Aerators Installed _____

If all existing showerheads were not replaced, or if aerators were not installed in each existing interior si faucet, please explain:

_____
_____
_____
_____

I, _____ (print name), do hereby certify that I am the owner of the property abov and that the work described on this Certificate has been completed to my satisfaction, and that all toilets ha been replaced.

_____ _____
Signature Date

I declare under penalty or perjury that the information stated above is true and complete to the best of knowledge. I realize that I am subject to a $10,000 fine as stated in Section 11d of City Ordinance #4249

_____ _____
Signature of Developer/Authorized Agent/Representative Date

_____ _____
Signature of Contractor (or person doing work) Date

_____ (#) Toilets Received at the City of Napa Corporation Yard on _____
Date

_____
Received by

This Certificate is hereby accepted and may be applied to the project identified herein.

By: _____
Water Division

c:\WP51\WATERCER

RELEVANT SECTIONS OF THE CALIFORNIA GOVERNMENT & CALIFORNIA WATER CODES

Sections of the California Government Code

Section 6061. Publication of notice pursuant to this section shall be for one time.

Section 6066. Publication of notice pursuant to this section shall be once a week for two successive weeks. Two public notices in a newspaper published once a week or oftener with at least five days intervening between respective publication dates, not counting such publication dates, are sufficient. The period of notification commences upon the first day of publication and terminates at the end of the fourteenth day including therein the first day.

Sections of the California Water Code
Chapter 3 - Water Shortage Emergencies

Section 350. The governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, may declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

Section 351. Excepting in event of a breakage or failure of a dam, pump, pipe line or conduit causing an immediate emergency, the declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to said governing board.

Section 252. Notice of the time and place of hearing shall be published pursuant to Section 6061 of the Government Code at least seven days prior to the date of hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed, or if there is no such newspaper, in any newspaper printed, published, and circulated in the county in which the area is located.

Section 353. When the governing body has so determined and declared the existence of an emergency condition of water shortage within its service area, it shall thereupon adopt such regulations and restrictions on the delivery of water and the consumption within said area of water supplied for public use as will in the sound discretion of such governing body conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.

Section 354. After allocating and setting aside the amount of water which in the opinion of the governing body will be necessary to supply water

needed for domestic use, sanitation, and fire protection, the regulations may establish priorities in the use of water for other purposes and provide for the allocation, distribution, and delivery of water for such other purposes, without discrimination between consumers using water for the same purpose or purposes.

Section 355. The regulations and restrictions shall thereafter be and remain in full force and effect during the period of the emergency and until the supply of water available for distribution within such area has been replenished or augmented.

Section 356. The regulations and restrictions may include the right to deny such applications for new or additional service connections, and provision for their enforcement by discontinuing service to consumers willfully violating the regulations and restrictions.

Section 357. if the regulations and restrictions on delivery and consumption of water adopted pursuant to this chapter conflicts with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of the water supply available for distribution within such service area, the regulations and restrictions adopter pursuant to this chapter shall prevail over the provisions of such laws relating to water rights for the duration of the period of emergency; provided, however, that any distributor of water which is subject to regulation by the State Public Utilities Commission shall before making such regulations and restrictions effective secure the approval thereof of the Public Utilities Commission.

Section 358. Nothing in this chapter shall be construed to prohibit or prevent review by any court of competent jurisdiction of any finding or determination by a governing board of the existence of an emergency or of regulations or restrictions adopted by such board, pursuant to this chapter, on the ground that any such action is fraudulent, arbitrary, or capricious.

RELEVANTSE/WATER/TXTLIB3

ORDINANCE NO. 4277

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA AMENDING ORDINANCE NO. 4249 AS AMENDED AND CODIFYING SAID PROVISIONS AS ARTICLE IV OF CHAPTER 29 OF THE NAPA MUNICIPAL CODE REGARDING WATER SHORTAGE EMERGENCY REGULATIONS

WHEREAS, emergency water restrictions were enacted by Ordinance Nos. 4249, 4261 and 4263; and

WHEREAS, it would be convenient to add said ordinances to the Napa Municipal Code as a new Article IV to Chapter 29; and

WHEREAS, Council has received testimony that lawns planted in the late fall can become established with moderate watering; and

WHEREAS, Council desires to amend or add Section 5b, 5f, 6e, 7a, and 7h to Ordinance 4249, as amended; and

WHEREAS, the window of fall planting would unnecessarily be cut short unless this ordinance is enacted as an urgency ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Napa as follows:

Section 1. Article IV is hereby added to Chapter 29 of the Napa Municipal Code to read as follows:

ARTICLE IV

WATER SHORTAGE EMERGENCY REGULATIONS

Sec. 29-100. Purpose and Scope.

This Ordinance adopts regulations to deal with the water shortage emergency which the City Council has found to exist. These regulations are effective immediately and shall be effective until the City Council finds that the drought-induced water shortage no longer exists.

Sec. 29-101. Findings.

The City Council finds, determines and declares that the following facts are true:

(a) The City Council has conducted public meetings or duly noticed public hearings on February 5 and 19, 1991, March 5, 1991, and April 16,

1991 to determine whether a drought induced water shortage emergency exists, and, if so, what regulations should be adopted in response to the shortage.

(b) The City Council, on March 5, 1991, adopted Ordinance 4240 establishing water shortage emergency regulations that include a required thirty-five percent (35%) water use reduction system wide.

(c) The City Council adopted Resolution No. 91-10 which found that a drought-induced water shortage emergency exists, the shortage continues to exist, and it is probable that the shortage will continue to exist. However, due to March rains, the reduction can be reduced to a twenty percent (20%) water use reduction system wide.

(d) The City Council has adopted and filed a notice of exemption confirming that this Ordinance is an emergency project and, therefore, exempt from the requirements of the California Environmental Quality Act and, alternatively, adopted a negative declaration.

(e) The regulations set forth herein are necessary and proper to protect the water supply for human consumption, sanitation and fire protection during the duration of the shortage.

(f) This Ordinance shall apply to customers receiving water from the City of Napa and expressly applies to customers outside the City limits pursuant to the City's charter powers and Water Code Section 355 et seq. and 375 et seq.

(g) Due to said water emergency, the City finds it reasonable and necessary for the temporary period of the drought to partially suspend and modify that certain agreement (as amended) between the City of Napa and the State of California to supply water to the Napa State Hospital and the Veteran's Home of California. Special circumstances with respect to said customer includes: the findings set forth in the resolution finding a drought induced water shortage emergency exists; State is the City's largest water user having used 133 million gallons of water during 1990; the State has large amounts of outside landscaping, and the State has access to alternative sources of water, such as Rector Dam. Therefore, notwithstanding said agreement, the State of California shall be given a water allocation as allowed for other water customers as per Section 29-103(b)(1). Said allocation may be increased pursuant to agreement between the City and the State if the agreement for the use of Rector Dam water can be reached.

Sec. 29-102. Definitions.

The following terms are defined for the purpose of this Article:

(a) "Customer" means the person responsible for paying for each water service account on the City of Napa or Congress Valley Water District's water distribution system, both inside city limits and outside city limits.

(b) "Historical" means the available water consumption data from 1987 to the present.

(c) "Irrigation customer" means any customer that is using water for the sole purpose of landscape irrigation.

(d) "New Development" means any of the following construction projects that have not received a Certificate of Occupancy from either the City or County Building Department prior to March 6, 1991 or that was issued a building permit after January 15, 1991:

(1) Any free-standing building that contains water-using fixtures.

(2) Any floor area additions to existing non-residential structures.

(3) Any residential additions or remodeling that increases the number of independent living units.

(e) "Person" means any individual, firm, partnership, association, corporation, company, organization or governmental agency.

(f) "Retrofit an existing house" means to replace all the toilets, shower heads, and faucet aerators in the house not complying with the flow requirements as stated in this Article.

(g) "Ultra low flush toilet" means any toilet which uses no more than 1.6 gallons per flush and meets performance standards established by the American National Standards Institute Standard A112.19.2.

(h) "Water" means any water that is supplied by the City of Napa's water distribution system.

Sec. 29-103. Water Allocation Regulations for 20% Reduction.

(a) A water use allocation will be given to each new and existing water customer of the City of Napa. The goal of the allocation program is to reduce water use throughout the service area by an overall amount of twenty percent (20%) from the pre-drought consumption levels.

(b) No customer shall use water in excess of allocations determined as follows:

(1) Each existing customer shall receive a bimonthly allocation equal to ninety percent (90%) of his/her average historical winter consumption plus seventy percent (70%) of historical water usage in excess of the average historical winter consumption for each non-winter billing period. These percentages may be adjusted by five percent (5%) higher or lower as needed to achieve the 20% system-wide goal. If adjustments are made, they will be applied in a similar way for all customers.

(2) Each irrigation customer shall receive a bimonthly allocation equal to seventy percent (70%) of his/her historical consumption. These percentages may be adjusted by five percent (5%) higher or

lower as needed to achieve the 20% system-wide goal. If adjustments are made, they will be applied in a similar way for all customers.

(3) City Parks and Recreation Department and Napa Valley College shall receive an annual allocation equal to seventy-five (75%) of their 1987 usage.

(4) The Napa Valley Unified School District (NVUSD) shall receive an annual allocation equal to seventy-five percent (75%) of its 1986 usage.

(5) The Town & Country Fairgrounds shall receive an annual allocation of eighty percent (80%) of its 1987 usage. City water shall not be used for dust control.

(6) Customers with incomplete historical consumption records shall receive bimonthly allocations based upon the records available and/or computations using similar customer's historical consumption records.

(7) New development shall receive an allocation as determined by Section 29-106.

(8) Allocations will not be reduced below the historical water usage so long as the historical water usage is below 10,000 gallons bimonthly.

(9) No single family residence shall receive an allocation more than 50,000 gallons bimonthly.

(c) Water used for the public swimming pools operated by NVUSD will be excluded from their annual allocation if they are kept open during the summer months for public use.

(d) The Congress Valley Water District must enact and enforce a water conservation program identical to those water conservation programs adopted by the City.

(e) The City's fifty (50) largest water users shall submit a water conservation plan to implement all reasonably feasible water conservation measures. Any such user shall reduce all landscape irrigation to no greater than seventy percent (70%) of historical irrigation usage.

(f) Interruptible surplus agricultural water contracts are suspended during this water shortage period as no surplus water is available.

(g) A special drought block rate structure will be established by resolution to meet the budgetary obligations of the Water Division caused by the need to purchase supplemental water supplies and to administer and enforce this Article. Additional blocks will be established. Rate changes will be smallest for the lower usage blocks and greatest in the highest usage blocks to encourage conservation efforts.

(h) The drought rates will be applied to all water used. In addition, a penalty will be charged for the use of water quantities that exceeds 25,000 gallons bimonthly and exceeds the customer's allocation. The penalty charge will be two (2) times the highest applicable inside City block rate for the first offense, three (3) times said rate for the second consecutive offense, and four (4) times said rate for the third and subsequent consecutive violations. Upon the second offense or where the customer's historical average is exceeded by five percent (5%) or more, the City shall have the right to install a flow restrictor in the water meter, which reduces water flow and pressure, or may terminate service. At the end of the calendar year, any public entity given an annual allocation, such as NVUSD and the Town & Country Fairgrounds, will be billed a penalty equal to four (4) times the applicable rate for water quantities that exceed their allocation.

Sec. 29-104. Prohibitions and Limitations.

(a) No customer or person shall waste water. As used herein, the term "waste" means:

(1) Use of water for decorative fountains or the filling of decorative lakes or ponds.

(2) Washing cars, boats, trailers, aircraft or other vehicles by hose without a shutoff nozzle except commercial or fleet vehicle washing facilities operated at fixed locations.

(3) Washing streets, sidewalks, walkways, driveways, patios, parking lots or other hard-surfaced areas with water.

(4) Watering lawns or gardens in a manner which results in runoff in gutter or other waterway, or excessive overspray of patio, driveway, walk or street.

(5) Filling or refilling swimming pools with City of Napa water or water from any public agency within Napa County which prohibits the use of their water for filling or refilling of swimming pools including the Congress Valley Water District public water system. Water source arrangements shall be made and verified prior to issuance of building permit or draining of existing pools. Verification following delivery will also be required. This does not prohibit adding water to pools to maintain proper pool water levels resulting from normal use of the pool.

(6) Serving water to restaurant patrons unless specifically requested.

(7) Withdrawing water from fire hydrants, except for fire fighting and water system maintenance purposes.

(8) Use of water for cleaning streets during or following construction activities; flushing sewers, hydrants, storm drains; flow testing for fire sprinkler design and training of fire fighting personnel.

(9) Use of water for grading, dust control, street, pipeline or similar heavy construction. Hydrant meters shall not be issued for construction purposes.

(b) The installation of lawn, sod or turf will be permitted, but any customer installing said lawn, sod or turf shall become ineligible for a water allocation increase through the appeal process, except as provided in Section 29-106(a). Customers installing lawn, sod or turf are expected to remain within their allocation. If they cannot do so, they will be subject to the penalties and more restrictive measures described in Section 29-103(h).

(c) No person or customer shall irrigate landscaping between the hours of 10:00 a.m. and 6:00 p.m.

(d) Water shall not be used for the irrigation of any commercial crops, including vineyards. Violation of this provision shall be penalized by the installation of a flow restrictor or termination of service.

(e) Water for hauling shall be limited to indoor domestic uses within Napa County and shall be supplied at the City Corporation Yard only. Prior approval from the Water Division is required. Tanker trucks must be certified to carry potable water. Verification of delivery to approved address is required.

(f) All projects for which the Planning Department requires approved landscape plans must adhere to the City's Xeriscape Standards in order to obtain plan approval. Any project with a City-approved landscape plan that does not comply with the City's Xeriscape Standards may not install the landscaping while this Article is in effect, unless the plan is revised to comply with the Xeriscape Standards.

Sec. 29-105. Water Use Guidelines.

All persons are encouraged to use the following water conservation guidelines:

(a) Establish procedures in the home and business to recycle water where possible.

(b) Use water in a manner which minimizes waste and repair leaks as soon as possible.

(c) Install low flow shower heads and ultra low flush toilets.

(d) Refrain from additional irrigation and unnecessary use of water, such as car washing, on days when the temperature exceeds 85 F. Customers with manual systems should irrigate only on odd numbered days if the

property address is an odd number and on even numbered days if the property address is an even number. There is a limit to the amount of water that can be imported daily from outside of Napa County due to the capacity of the City's treatment plant. When the daily peak demand exceeds that capacity, water must be drawn out of Lake Hennessey to meet the demand. This guideline helps to keep the daily demand down so that Lake Hennessey water can be saved for next year.

(e) All new or replacement landscaping should be designed and installed in accordance with the City's Xeriscape Standards in order to be water efficient. Lawns should comprise no more than twenty-five percent (25%) of the area landscaped, and the remaining areas should be planted with low water-using trees and plants and irrigated with a drip system. Those projects for which the Planning Department requires an approved landscape plan must follow the Xeriscape Standards in order to receive approval.

Sec. 29-106. New Development and Remodels.

(a) New development shall receive a water allocation based on the indoor water requirements of similar uses. Additional water allocations for landscaping purposes shall be given to development that has not been landscaped. New landscaping shall comply with all applicable sections of this Article. The water allocation given for landscaping shall be limited to the lower water needs of a Xeriscape plan without sod, regardless of the type of landscaping installed.

(b) New development shall completely offset its water requirements by installing ultra low flush toilets in a sufficient number of existing homes having toilets that use three and one-half (3 1/2) gallons or more per flush. Other non-commercial facilities may be retrofitted upon approval of the Water General Manager. Any new development which obtained a building permit prior to January 16, 1991 and whose foundation was constructed prior to May 8, 1991 shall be exempted from this requirement.

(1) New dwelling units offered for sale shall be exempt from this retrofit requirement if the monthly housing costs are not greater than thirty percent (30%) of one hundred percent (100%) of the median family income for Napa County. "Monthly housing costs" shall include the payment of principal and interest on the mortgage loan, utility cost, taxes and insurance.

(2) New rental units shall be exempted from this retrofit requirement if the monthly housing costs (rent and utilities) are not greater than thirty percent (30%) of eighty percent (80%) of the median family income for Napa County.

(3) The maximum income limits and monthly housing costs allowable for this retrofit exemption are as set forth in "Exhibit A" to Resolution 89-480. The Housing Authority of the City of Napa shall revise these figures on an annual basis.

(4) The Housing Authority of the City of Napa shall certify on initial sale or renting that each affording dwelling unit qualifies for the retrofit exemption.

(c) In the event the Water General Manager determines that actual retrofitting of existing homes is impractical or constitutes an unusual hardship on an applicant, he may authorize the payment to the City of an in-lieu retrofit fee equivalent to the cost of retrofitting a sufficient number of existing homes with ultra low flush toilets and other required water saving devices as described in Paragraph d. The fee shall also include the cost of staff time to accomplish the required retrofitting using the fees collected. The in-lieu fee may be established by resolution. The Water Department is authorized to require retrofitting and not accept in-lieu retrofit fee, regardless of hardship, if it appears unlikely the City can complete retrofitting prior to the expected occupancy.

(d) All houses that are retrofitted with toilets shall also be retrofitted with the following water saving devices: shower heads emitting no more than three (3) gallons per minute, interior faucet aerators that emit no more than two (2) gallons per minute.

(e) The City Water Department will determine the number of existing homes that will offset the water use of each new development and must verify that the retrofits have been completed prior to issuance of a Certificate of Occupancy. The City is authorized to charge the developer a fee for the staff time spent on any retrofit requirements. In the event that an in-lieu fee has been paid, the City Water Department will administer a program to retrofit existing homes using the fees collected. In-lieu fees must be paid upon issuance of a building permit so that sufficient time exists for the retrofits to be made prior to occupancy of the new development.

(f) All new development that has not installed water closets and urinals as of the effective date of this Article shall use water closets and associated flush/o/meter valves, if any, which use no more than 1.6 gallons per flush and which meet performance standards established by the American National Standards Institute Standard A112.19.2 and urinals and associated flush/o/meter valves, if any, which use no more than one gallon per flush and which also meet the above performance standards. All remodeling work on existing structures where the remodeling valuation exceeds twenty-five percent (25%) of the value of the entire structure shall include retrofitting of all water closets and urinals within the structure to this same standard.

(g) In the City of Napa, Building Permits, Certificates of Occupancy and/or water connections can be withheld pending compliance with these regulations. In the County of Napa, water service will be withheld pending compliance.

(h) All development shall be allowed to defer any turf installations required by other City regulations until after the declared water emergen-

cy is over. The City Planning Department shall process amendments to existing agreements reflecting the deferral of any turf installations requirements and may require that an acceptable form of security be provided.

Sec. 29-107. Appeals.

Exceptions to the above allocations and prohibitions may be made for the protection of public health or safety or undue hardship including adverse economic impacts, such as loss of production or jobs. Any exceptions are subject to the following requirements and procedures:

(a) Any person who wishes to make an appeal shall do so in writing by using the form provided by the Water Department.

(b) The appeal shall be reviewed by the General Manager of the Water Division or his designee or designees.

(c) It must be shown that there are no alternatives to the use of City water and that all appropriate conservation measures are being used.

(d) Verification may be required of any condition/situation listed on application for exception.

(e) The decision of the General Manager of the Water Division (or his designee) will be final.

Sec. 29-108. Responsibility of Owners, Landlords, Employers, Property Managers, and Contractors.

(a) Every customer who has requested City water service is responsible for civil penalties for water waste whether or not the acts of water waste are committed by that person or third parties. The civil penalty may be reduced or discharged if the water waste was beyond the control of the customer and if all reasonable means had been previously taken to prevent water waste. All reasonable means includes, but is not limited to, securing hose bibbs, written warnings to tenants or other water users, and amendments to rental agreements where permitted by the lease.

(b) Every employer is responsible for civil penalties for acts of water waste committed by employees.

(c) Every property manager is responsible for civil penalties for acts of water waste resulting from irrigation prohibited by this Article.

(d) Every licensed contractor or development owner is liable for acts of water waste committed on the job site.

Sec. 29-109. Civil Fines Authorized.

(a) Acts of water waste and other acts prohibited by this Article are subject to civil fines as herein prescribed. Any person receiving an administrative citation may appeal it within ten (10) <u>business</u> days from

the date the citation was issued. The Notice of Appeal for administrative citations must be made in writing and filed in the Public Works Department.

(b) Civil fines are payable at the City Collections Office. Fines must be paid within ten (10) business days. If an appeal is filed, the bail for the fine must be paid within said ten (10) days.

(c) The Finance Department is authorized to collect all unpaid civil fines.

Sec. 29-110. Civil Fines Established.

(a) All violations of this Article are subject to a civil fine of fifty Dollars ($50.00) for a first offense, One Hundred Fifty Dollars ($150.00) for a second offense, and Three Hundred Dollars ($300.00) for a third offense.

(b) Violations of Sections 29-104 a(5), a(8), a(9), or d are subject to a civil fine of five hundred dollars ($500) for a first offense and one thousand dollars ($1,000) for a second offense.

(c) Violations of Section 29-104a(7) are subject to a civil fine of two thousand five hundred dollars ($2,500) per occurrence.

(d) Filing a false certificate of compliance for any requirement contained in this Article shall be subject to a civil fine of ten thousand dollars ($10,000) for each offense.

Sec. 29-111. Penalties.

Any person, firm or corporation violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars ($1,000) or be imprisoned in the County jail for a period not exceeding six (6) months or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 2. Severable. If any section, sub-section, subdivision, paragraph, clause or phrase in this Article, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the fact that any one or more section, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 3. Urgency. This Ordinance is an urgency ordinance. By Resolution No. 91-10, the City Council has declared a water shortage emergency. It is necessary that the regulations set forth in this Ordinance be adopted as set forth herein in order to increase the water allocations to the City's customers as soon as possible.

Section 4. Effective and Operational Dates. Section 1 of This Ordinance shall become effective immediately upon passage as provided in City of Napa Charter Section 62. Section 5 of this Ordinance shall become operative on January 1, 1992.

Section 5. Sections 29-104(b), 29-106(a), 29-106(h) and 29-110(b) are amended to read as follows:

Sec. 29-104. Prohibitions and Limitations.

(b) The installation of new or replacement lawn, sod, or turf by any customer or person is prohibited unless irrigation is provided from a well. New or replacement landscaping shall be limited to low water using plants watered with drip irrigation systems. The Water Division is authorized to adopt standards for and definitions of low water using shrubs, bushes and trees.

Sec. 29-106. New Development and Remodels.

(a) New development shall receive a water allocation based on the indoor water requirements of similar uses. Additional water allocations shall be given for landscaping purposes. Landscaping installed by new development shall be limited to low water using plant material watered by drip irrigation systems. The installation of lawn, sod, turf, is prohibited unless irrigation is provided from a well. The water allocation given for landscaping shall be limited to the lower water needs of the type of landscaping allowed for a typical lot.

(h) All development shall be required to defer any turf installations required by other city regulations until after the declared water emergency is over. The City Planning Department shall process amendments to existing agreements reflecting the deferral of any turf installations requirements and may require that an acceptable form of security be provided.

Sec. 29-110. Civil Fines Established.

(b) Violations of Sections 29-104 a(5), a(8), a(9), b or d are subject to a civil fine of five hundred dollars ($500) for a first offense and one thousand dollars ($1,000) for a second offense.

MAYOR

_____

ATTEST:

_____
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF NAPA) SS:
CITY OF NAPA)

I, Pamyla C. Means, CMC, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance was adopted as an Urgency Ordinance on the 17th day of September 1991 by the following roll call vote:

AYES: Barwick, Luce, Huber, Paulson and Solomon

NOES: None

ABSENT: None

_____
CITY CLERK OF THE CITY OF NAPA

ORDINANCE NO. 4305

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA AMENDING SECTIONS 29-100, 19-101, 29-102, 29-104 AND 29-106 OF THE NAPA MUNICIPAL CODE AND ADDING ARTICLE V (COMMENCING WITH SECTION 29-140) TO THE NAPA MUNICIPAL CODE REGARDING WATER SHORTAGE REGULATIONS

Section 1. Article V is hereby added to Chapter 29 of the Napa Municipal Code to read as follows:

ARTICLE V

MODERATE WATER SHORTAGE REGULATIONS

Sec. 29-140. Purpose and Scope.

This Ordinance adopts regulations to deal with a moderate water shortage emergency. These regulations shall become effective immediately upon approval by the City Council of a resolution declaring the existence of a moderate water shortage and shall remain in effect until the City Council finds that the moderate water shortage no longer exists.

Sec. 29-141. Findings.

The City Council finds, determines and declares that the following facts are true:

a. The regulations set forth herein are necessary and proper to protect the water supply for human consumption, sanitation and fire protection during the duration of the shortage.

b. This Ordinance shall apply to customers receiving water from the City of Napa and expressly applies to customers outside the City limits pursuant to the City's charter powers and Water Code Section 355 et seq. and 375 et seq.

Sec. 29-142. Definitions.

The following terms are defined for the purpose of this Article:

a. "Customer" means the person responsible for paying for each water service account on the City of Napa or Congress Valley Water District's water distribution system, both inside city limits and outside city limits.

b. "Irrigation customer" means any customer that is using water for the sole purpose of landscape irrigation.

c. "New Development" means any of the following construction projects that have not received a Certificate of Occupancy from either the City or County Building Department prior to March 6, 1991 or that was issued a building permit after January 15, 1991:

(1) Any free-standing building that contains water-using fixtures.

(2) Any floor area additions to existing non-residential structures.

(3) Any residential additions or remodeling that increases the number of independent living units.

d. "Person" means any individual, firm, partnership, association, corporation, company, organization or governmental agency.

e. "Retrofit an existing house" means to replace all the toilets, shower heads, and faucet aerators in the house not complying with the flow requirements as stated in this Article.

f. "Ultra low flush toilet" means any toilet which uses no more than 1.6 gallons per flush and meets performance standards established by the American Society of Mechanical Engineers Standard A112.19.2.M.

g. "Water" means any water that is supplied by the City of Napa's water distribution system.

h. "Domestic use" means any water used by a person for cooking, cleaning, bathing, washing clothes, drinking, and sanitation.

Sec. 29-143. Water Use Regulations.

a. Each customer shall make every attempt possible to reduce water usage by the amount specified in the City Council resolution declaring the moderate water shortage.

b. The Congress Valley Water District must enact and enforce water use regulations identical to those water use regulations included in this Article.

c. Interruptible surplus agricultural water contracts are suspended during the water shortage period as no surplus water is available.

d. No single family residence shall use more than 50,000 gallons of water bimonthly unless a specific allocation is approved by the Water General Manager based on criteria established by the Public Works Department.

e. A special drought block rate structure will be established by resolution to meet the budgetary obligations of the Water Division caused by the need to reduce water consumption, the possible need to purchase supplemental water, and the need to administer and enforce this Article. Additional blocks will be established. Rate changes will be smallest for the lower usage blocks and greatest in the highest usage blocks to encourage conservation efforts.

f. The drought rates will be applied to all water used. In addition, a penalty will be charged for the use of water quantities that exceeds 50,000 gallons bimonthly for single family residences. Where additional allocations have been approved for specific single family residential customers, penalties will be charged for the use of water quantities that exceed the higher allocation. The penalty charge will be two (2) times the highest applicable inside City block rates.

Sec. 29-144. Prohibitions and Limitations.

a. No customer or person shall waste water. As used herein, the term "waste" means:

(1) Use of water for decorative fountains where the water is not recirculated.

(2) Washing cars, boats, trailers, aircraft or other vehicles by hose without a shutoff nozzle except commercial or fleet vehicle washing facilities operated at fixed locations.

(3) Washing streets, sidewalks, walkways, driveways, patios, parking lots or other hard-surfaced areas with water, except as required for health and safety.

(4) Watering lawns or gardens in a manner which results in runoff in gutter or other waterway, or excessive overspray of patio, driveway, walk or street.

(5) Serving water to restaurant patrons unless specifically requested.

(6) Withdrawing water from fire hydrants, except for fire fighting, fire fighting training, and water system maintenance purposes.

(7) Use of water for cleaning streets during or following construction activities; flushing sewers and storm drains; and flow testing for fire sprinkler design.

(8) Use of water for grading, dust control, street, pipeline or similar heavy construction. Hydrant meters shall not be issued for construction purposes.

b. No person or customer shall irrigate landscaping between the hours of 10:00 a.m. and 5:00 p.m, except for the initial watering of newly planted landscaping and germination requirements of newly seeded lawns.

c. Water for hauling shall be supplied at the City Corporation Yard only. Prior approval from the Water Division is required. Water shall not be supplied for construction purposes. Tanker trucks hauling for domestic use must be certified to carry potable water.

d. All projects for which the Planning Department requires approved landscape plans must adhere to the City's Xeriscape Standards in order to obtain plan approval.

e. Draining and refilling of swimming pools shall be permitted only as needed for the purpose of pool repair or to correct a severe chemical imbalance. Draining and refilling of decorative ponds and lakes shall be permitted only as needed for the purpose of lining the bottom to prevent absorption.

Sec. 29-145. Water Use Guidelines.

All persons are encouraged to use the following water conservation guidelines:

a. Establish procedures in the home and business to recycle water where possible.

b. Use water in a manner which minimizes waste and repair leaks as soon as possible.

c. Install low flow shower heads and ultra low flush toilets.

d. Refrain from additional irrigation and unnecessary use of water, such as car washing, on days when the temperature exceeds 85 F. Customers with manual systems should irrigate only on odd numbered days if the property address is an odd number and on even numbered days if the property address is an even number.

e. All new or replacement landscaping should be designed and installed in accordance with the City's Xeriscape Standards in order to be water efficient. Lawns should comprise no more than twenty-five percent (25%) of the area landscaped, and the remaining areas should be planted with low water-using trees and plants and irrigated with a drip system. Those projects for which the Planning Department requires an approved landscape plan must follow the Xeriscape Standards in order to receive approval.

Sec. 29-146. New Development and Remodels.

a. New development shall completely offset its water requirements by installing ultra low flush toilets in a sufficient number of existing homes having toilets that use three and one-half (3 1/2) gallons or more per flush. Other non-commercial facilities may be retrofitted upon approval of the Water General Manager. Any new development which obtained a building permit prior to January 16, 1991 and whose foundation was constructed prior to May 8, 1991 shall be exempted from this requirement.

(1) New dwelling units offered for sale shall be exempt from this retrofit requirement if the monthly housing costs are not greater than thirty percent (30%) of one hundred percent (100%) of the median family income for Napa County. "Monthly housing costs" shall include the payment of principal and interest on the mortgage loan, utility cost, taxes and insurance.

(2) New rental units shall be exempted from this retrofit requirement if the monthly housing costs (rent and utilities) are not greater than thirty percent (30%) of eighty percent (80%) of the median family income for Napa County.

(3) The maximum income limits and monthly housing costs allowable for this retrofit exemption are as set forth in "Exhibit A" to Resolution 89-480. The Housing Authority of the City of Napa shall revise these figures on an annual basis.

(4) The Housing Authority of the City of Napa shall certify on initial sale or renting that each affording dwelling unit qualifies for the retrofit exemption.

b. In the event the Water General Manager determines that actual retrofitting of existing homes is impractical or constitutes an unusual hardship on an applicant, he may authorize the payment to the City of an in-lieu retrofit fee equivalent to the cost of retrofitting a sufficient number of existing homes with ultra low flush toilets and other required water saving devices as described in Paragraph d. The fee shall also include the cost of staff time to accomplish the required retrofitting using the fees collected. The in-lieu fee may be established by resolution. The Water Department is authorized to require retrofitting and not accept in-lieu retrofit fee, regardless of hardship, if it appears unlikely the City can complete retrofitting prior to the expected occupancy.

c. All houses that are retrofitted with toilets shall also be retrofitted with the following water saving devices: shower heads emitting no more than 2.5 gallons per minute, interior faucet aerators that emit no more than 2.2 gallons per minute.

d. The City Water Department will determine the number of existing homes that will offset the water use of each new development and must verify that the retrofits have been completed prior to issuance of a Certificate of Occupancy. The City is authorized to charge the developer a fee for the staff time spent on any retrofit requirements. In the event that an in-lieu fee has been paid, the City Water Department will administer a program to retrofit existing homes using the fees collected. In-lieu fees must be paid upon issuance of a building permit so that sufficient time exists for the retrofits to be made prior to occupancy of the new development.

e. All new development shall use water closets and associated flush/o/meter valves, if any, which use no more than 1.6 gallons per flush and which meet performance standards established by the American Society of Mechanical Engineers Standard A112.19.2.M. and urinals and associated flush/o/meter valves, if any, which use no more than one gallon per flush and which also meet the above performance standards.

f. In the City of Napa, Building Permits, Certificates of Occupancy and/or water connections can be withheld pending compliance with these regulations. In the County of Napa, water service will be withheld pending compliance.

g. Residential remodeling would trigger a retrofit if the remodeling involved work that would increase water use, such as adding or remodeling a bathroom, adding a bedroom, granny unit, hot tub, spa, pool, or laundry. Remodeling that does not increase water use, such as re-roofing, adding a family room or increasing the size of a room would not trigger a retrofit.

Sec. 29-147. Appeals.

Exceptions to the above allocations and prohibitions may be made for the protection of public health or safety or undue hardship including adverse economic impacts, such as loss of production or jobs. Any exceptions are subject to the following requirements and procedures:

a. Any person who wishes to make an appeal shall do so in writing by using the form provided by the Water Department.

b. The appeal shall be reviewed by the General Manager of the Water Division or his designee or designees.

c. It must be shown that there are no alternatives to the use of City water and that all appropriate conservation measures are being used.

d. Verification may be required of any condition/situation listed on application for exception.

e. The decision of the General Manager of the Water Division (or his designee) will be final.

Sec. 29-148. Responsibility of Owners, Landlords, Employers, Property Managers, and Contractors.

a. Every customer who has requested City water service is responsible for civil penalties for water waste whether or not the acts of water waste are committed by that person or third parties. The civil penalty may be reduced or discharged if the water waste was beyond the control of the customer and if all reasonable means had been previously taken to prevent water waste. All reasonable means includes, but is not limited to, securing hose bibbs, written warnings to tenants or other water users, and amendments to rental agreements where permitted by the lease.

b. Every employer is responsible for civil penalties for acts of water waste committed by employees.

c. Every property manager is responsible for civil penalties for acts of water waste resulting from irrigation prohibited by this Article.

d. Every licensed contractor or development owner is liable for acts of water waste committed on the job site.

Sec. 29-149. Civil Fines Authorized.

a. Acts of water waste and other acts prohibited by this Article are subject to civil fines as herein prescribed. Any person receiving an administrative citation may appeal it within ten (10) business days from the date the citation was issued. The Notice of Appeal for administrative citations must be made in writing and filed in the Public Works Department.

b. Civil fines are payable at the City Collections Office. Fines must be paid within ten (10) business days. If an appeal is filed, the bail for the fine must be paid within said ten (10) days.

c. The Finance Department is authorized to collect all unpaid civil fines.

Sec. 29-150. Civil Fines Established.

a. All violations of this Article are subject to a civil fine of fifty Dollars ($50.00) for a first offense, One Hundred Fifty Dollars ($150.00) for a second offense, and Three Hundred Dollars ($300.00) for a third offense.

b. Violations of Sections 29-144 a(7), a(8) are subject to a civil

fine of five hundred dollars ($500) for a first offense and one thousand dollars ($1,000) for a second offense.

c. Violations of Section 29-144a(6) are subject to a civil fine of two thousand five hundred dollars ($2,500) per occurrence.

d. Filing a false certificate of compliance for any requirement contained in this Article shall be subject to a civil fine of ten thousand dollars ($10,000) for each offense.

Sec. 29-151. Penalties.

Any person, firm or corporation violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars ($1,000) or be imprisoned in the County jail for a period not exceeding six (6) months or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 2. The title to Article IV of Chapter 29 is amended to read as follows:

ARTICLE IV

SEVERE WATER SHORTAGE REGULATIONS

Section 3. Sections 29-100, 29-101, 29-102b, 29-104c, 29-106 d and f are amended to read as follows:

Sec. 29-100. Purpose and Scope.

This Ordinance adopts regulations to deal with a severe water shortage where a reduction in consumption of 20% must be mandated. These regulations become effective immediately upon approval by the City Council of a resolution declaring the existence of a severe water shortage and shall remain in effect until the City Council finds that the severe water shortage no longer exists.

Sec. 29-101. Findings.

The City Council finds, determines and declares that the following facts are true:

a. The regulations set forth herein are necessary and proper to protect the water supply for human consumption, sanitation and fire protection during the duration of the shortage.

b. This Ordinance shall apply to customers receiving water from the City of Napa and expressly applies to customers outside the City

limits pursuant to the City's charter powers and Water Code Section 355 et seq. and 375 et seq.

c. Due to said severe water shortage, the City finds it reasonable and necessary for the temporary period of the drought to partially suspend and modify that certain agreement (as amended) between the City of Napa and the State of California to supply water to the Napa State Hospital and the Veteran's Home of California. Special circumstances with respect to said customer includes: the findings set forth in the resolution finding a drought induced water shortage emergency exists; State is the City's largest water user having used 133 million gallons of water during 1990; the State has large amounts of outside landscaping, and the State has access to alternative sources of water, such as Rector Dam. Therefore, notwithstanding said agreement, the State of California shall be given a water allocation as allowed for other water customers as per Section 29-103(b)(1). Said allocation may be increased pursuant to agreement between the City and the State if the agreement for the use of Rector Dam water can be reached.

Sec. 29-102. Definitions.

b. "Historical" means the available water consumption data from mid-1987 to the end of 1990.

Sec. 29-104. Prohibitions and Limitations.

c. No person or customer shall irrigate landscaping between the hours of 10:00 a.m. and 5:00 p.m.

Sec. 29-106. New Development and Remodels.

d. All houses that are retrofitted with toilets shall also be retrofitted with the following water saving devices: shower heads emitting no more than 2.5 gallons per minute and interior faucet aerators that emit no more than 2.2 gallons per minute.

f. All new development shall use water closets and associated flush/o/meter valves, if any, which use no more than 1.6 gallons per flush and which meet performance standards established by the American Society of Mechanical Engineers Standard A112.19.2.M. and urinals and associated flush/o/meter valves, if any, which use no more than one gallon per flush and which also meet the above performance standards. All remodeling work on existing structures where the remodeling valuation exceeds twenty-five percent (25%) of the value of the entire structure shall include retrofitting of all water closets and urinals within the structure to this same standard.

Section 4. Subsection i is added to Section 29-102 to read as follows:

i. "Domestic use" means any water used by a person for cooking, cleaning, bathing, washing clothes, drinking, and sanitation.

Section 5. Subsection i is added to Section 29-106 to read as follows:

Sec. 29-106. New Development and Remodels.

i. Residential remodeling would trigger a retrofit if the remodeling involved work that would increase water use, such as adding or remodeling a bathroom, adding a bedroom, granny unit, hot tub, spa, pool, or laundry. Remodeling that does not increase water use, such as re-roofing, adding a family room or increasing the size of a room would not trigger a retrofit.

Section 6. Severable. If any section, sub-section, subdivision, paragraph, clause or phrase in this Article, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the fact that any one or more section, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 7. Declaration of Urgency. This ordinance is an urgency ordinance. By Resolution No. 91-10 and Ordinance No. 4277, the City Council has declared that a severe water shortage emergency shortage exists. During the winter of 1991 and 1992, sufficient rainfall was received to partially restore the Lake Hennesey reservoir to allow the City Council to partially relax the water shortage emergency regulations. It is necessary that this ordinance take effect immediately as set forth herein in order to give proper credit to the City's water customers for their water conservation in excess of the City's target and to permit spring planting of landscaping that will now be possible.

MAYOR

ATTEST:

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF NAPA) SS:
CITY OF NAPA)

I, Pamyla C. Means, CMC, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance was adopted as an Urgency Ordinance on the 21st day of April 1992 by the following roll call vote:

AYES: Barwick, Luce, Paulson and Solomon

NOES: Huber

ABSENT: None

CITY CLERK OF THE CITY OF NAPA

ORD4305/ORDINANCE/TXTLIB20

RESOLUTION No. 91-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA DECLARING A WATER SHORTAGE EMERGENCY

WHEREAS, the City relies on Lake Hennessey and Milliken Reservoir to supply 70% of the water used by its customers; and

WHEREAS, below normal rainfall in each of the last five years has produced insufficient runoff to replenish the water supplies in each of these reservoirs; and

WHEREAS, Lake Hennessey is now at 30% of capacity and Milliken is at 21% of capacity as the end of winter approaches; and

WHEREAS, the supplies remaining in these two reservoirs are less than the City's annual customer needs; and

WHEREAS, the City's source for the remaining 30% of its normal water supply is the State Water Project, which has notified the City that it can provide only 10% of the City's entitlement due to a similar lack of runoff affecting State reservoirs; and

WHEREAS, the City has been attempting to purchase supplemental water supplies from other water agencies; and

WHEREAS, these other agencies are unwilling to commit to a sale of their water due to the possibility of water shortages of their own; and

WHEREAS, the City Council has conducted public meetings or duly noticed Public Hearings on February 5 and 19, 1991 and on March 5, 1991 to determine whether a water shortage for Napa water customers will occur as a result of the above events.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF NAPA AS FOLLOWS:

1. The City Council hereby declares that a water shortage emergency condition exists based on the findings presented above and information presented at the Public Hearings.

2. Water use restrictions and regulations must be adopted to safeguard the adequacy of water supply for human consumption, sanitation and fire protection requirements.

3. Sufficient water supplies in City-owned reservoirs must be carried over into 1992 to provide similar safeguards in the event of inadequate runoff again next winter.

4. City will continue to seek and develop short-term supplemental water supplies to ease the water shortage emergency.

I HEREBY CERTIFY that the foregoing policy resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 5th day of March, 1991, by the following roll call vote:

AYES: Barwick, Luce, Huber, Paulson and Solomon

NOES: None

ABSENT: None

ATTEST: Pamela Meer
CITY CLERK OF THE CITY OF NAPA

RES9110/RESOLUTION/TXTLIB1

RESOLUTION NO. 91-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA RESCINDING RESOLUTIONS 89-256 AND 90-211, AMENDING WATER RATES, FEES AND CHARGES

WHEREAS, the City Council of the City of Napa has determined that services provided by the water utility shall be subject to various charges.

WHEREAS, on March 5, 1991, following a public hearing, the City Council authorized the implementation of a thirty-five percent (35%) reduction water usage program.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. Resolution 89-256, adopted April 18, 1989, is hereby rescinded.

Section 2. Resolution 90-211, adopted June 19, 1990, is hereby rescinded.

Section 3. The City Council hereby implements a thirty-five percent (35%) Conservation Program, and that the following rates, fees and charges are hereby amended for all water usage after March 15, 1991.

A. Drought Quantity Charge

For the Consumption period of August 1, 1990, through July 31, 1991, applicable to all consumers inside and outside the corporate limits of the City, all quantities shall be charged fourteen cents ($0.14) per one thousand (1,000) gallons in addition to all other charges set by this Resolution.

B. Metered Water Use Blocks

For all metered rates set by this Resolution, six separate usage blocks shall apply with different meter rates for each block. The block limits for each bimonthly billing period are set for each meter size as follows:

BLOCK THRESHOLDS BY METER SIZE
(showing 1,000 gallon limits per billing period)
Rate block one (1) is only applicable to non-commercial property)

	RATE BLOCKS					
Meter Size	1*	2	3	4	5	6
5/8 & 3/4	1-8	9-20	21-30	31-40	41-75	76 & above
1	1-8	9-20	21-30	31-40	41-75	76 & above
1 1/2	1-8	9-60	61-90	91-120	121-225	226 & above
2	1-8	9-90	91-135	136-180	181-340	341 & above
3	1-8	9-160	161-240	241-320	321-600	601 & above
4	1-8	9-250	251-375	376-500	501-938	939 & above
6	1-8	9-468	469-701	702-934	935-1,750	1,751 & above
8 & 10	1-8	9-693	694-1,039	1,040-1,387	1,388-2,600	2,601 & above

*Rate Block One (1) thresholds may adjust for additional living units, if applicable.

C. Metered Water Rates - Inside City

(1) For all consumers within the City, quantities will be billed at the following rates per one thousand (1,000) gallons usage per bimonthly billing period:

Block	Base Rate	20% Conservation Rate	35% Conservation Rate	50% Conservation Rate
1	$1.08	$1.08	$1.08	$1.08
2	1.54	1.93	2.39	2.93
3	1.60	2.16	2.64	3.22
4	1.66	2.49	2.99	3.71
5	1.73	2.94	3.46	4.45
6	1.90	3.70	4.28	5.56

(2) For all consumers within the City, the bimonthly service charge applicable to all metered and measured services will be as follows:

Meter Size	Bimonthly Service Charge
5/8 & 3/4 inch	$14.89
1 inch	29.77
1 1/2 inch	53.59
2 inch	82.17
3 inch	142.91
4 inch	208.41
6 inch	357.28
8 inch	506.15
10 inch	819.97

Inside City - Each additional living unit served by a common meter shall be subject to an additional bimonthly charge of six dollars and thirty-two cents ($6.320, except that the additional bimonthly charge for hotels and motels shall be three dollars and sixteen cents ($3.16).

D. Metered Water Rates - Outside City

(1) For all consumers outside the corporate limits of the City, quantities will be billed at the following rates per one thousand (1,000) gallons usage per bimonthly billing period:

Block	Base Rate	20% Conservation Rate	35% Conservation Rate	50% Conservation Rate
1	$2.16	$2.16	$2.16	$2.16
2	3.08	3.85	4.77	5.96
3	3.20	4.32	5.28	6.44
4	3.33	5.00	5.99	7.42
5	3.46	5.88	6.92	8.95
6	3.81	7.43	8.57	11.12

(2) For all consumers outside the corporate limits of the City, the bimonthly service charge applicable to all metered and measured services will be as follows:

Meter Size	Bimonthly Service Charge
5/8 & 3/4 inch	$ 29.78
1 inch	59.54
1 1/2 inch	107.18
2 inch	164.34
3 inch	285.82
4 inch	416.82
6 inch	714.56
8 inch	1,012.30
10 inch	1,639.94

Outside City - Each additional living unit served by a common meter shall be subject to an additional bimonthly charge of twelve dollars and sixty-four cents ($12.64), except that the additional bimonthly charge for hotels and motels shall be six dollars and thirty-two cents ($6.32).

E. Agricultural Water Service

(1) Agricultural water sales contracts are automatically suspended upon the implementation of conservation programs exceeding fifteen percent (15%) reduction in consumption.

(2) The application fee for Interruptible Surplus Agricultural Water Service (NMC 29-5(c)) shall be one thousand dollars ($1,000.00).

(3) The meter rates for service provided during the authorized agricultural water contract period shall be the rates set in Section D(1) (Outside City Rates).

(4) The bimonthly service charge shall be as indicated in Section D(2).

(5) All water used during off season will be charged at regular outside City rates plus bimonthly service charges and be subject to residential allocation restriction, if any. No off season water use is allowed without specific written authority of the Public Works Director. Meters not turned off and locked shall pay a minimum of the Outside City bimonthly service charges. Excess or unauthorized use of water will cause removal of the metered access.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Napa at a regular meeting of said City Council held on the 12th of March of 1991, by the following roll call vote:

AYES: Barwick, Luce, Paulson, Huber and Solomon

NOES: None

ABSENT: None

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA