

CITY OF RIVERBANK
RESOLUTION NO. 2016-026

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, ESTABLISHING THE CITY'S OUTDOOR WATER USE POLICY**

WHEREAS, on January 17, 2014, Governor Brown issued a Proclamation declaring a State of Emergency due to severe drought conditions calling for the reduction of water use by 20%, which was extended on April 25, 2014; and

WHEREAS, Governor Brown, issued Executive Order B-29-15, mandating that the State Water Resources Control Board ("Water Board") impose restrictions to achieve a statewide 25% reduction in potable urban water use through February 28, 2016; and

WHEREAS, the Water Board adopted regulations on May 5, 2015, requiring local urban water suppliers such as the City of Riverbank ("City") to achieve conservation standards based on conservation tiers, which required the City to reduce water use by 32% as compared to the same month's water production in the year 2013; and

WHEREAS, due to the inability of the City to meet the required 32% water use reduction, the Water Board issued a Notice of Violation and Information Order to the City on August 7, 2015, in order to determine what actions the City had taken to comply with the mandated water conservation standard, and on October 21, 2015, City staff met with the Water Board to further discuss the City's water conservation program and areas of potential water use savings; and

WHEREAS, the City made strong modifications to its policy on outdoor water use in accordance with the City's adopted Urban Water Management Plan to meet the 32% conservation standard by adoption of Resolution No. 2015-096 in November 24, 2015, implementing landscape watering restrictions for the winter period of December 1, 2015 to May 1, 2016; and

WHEREAS, on December 17, 2015, the Water Board's Office of Enforcement issued a Conservation Order directing the City of Riverbank to immediately take further action to meet the mandated water conservation target of 32% or be subject to a civil liability of up to \$500 per day for each day the violation continued; and

WHEREAS, the City Council adopted Ordinance No. 2016-004 amending Sections of the Riverbank Municipal Code, Chapter 53, to further implement water use restrictions and regulations, and to have the ability to change outdoor water use policy as swiftly as conditions change by the adoption of a City Council resolution; and

WHEREAS, the analysis of the current outdoor water use policy and processes, in conjunction with the changing weather conditions, has led the City to refine its water restrictions and regulations by introducing a new Outdoor Water Use Policy; and

WHEREAS, due to the current winter water use schedule ending May 1, 2016, the newly adopted Outdoor Water Use Policy would begin the summer schedule on May 1, 2016, for this year only, and thereafter begin on April 1 of each year.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Riverbank, does hereby declare, authorize, and order the implementation of the following Outdoor Water Use Policy:

1. Landscape Irrigation Schedule

(A) **SUMMER SCHEDULE:** Is the period from April 1st through October 31st.

(B) **Summer Restrictions (Limited to watering two (2) days per week):**

(1) No landscape irrigating between **10:00 a.m. and 7:00 p.m.**

(2) **Odd-numbered addresses:** Irrigation is allowed only on Wednesdays and Sundays before 10:00 a.m. and after 7:00 p.m.

(3) **Even-numbered addresses:** Irrigation is allowed only on Tuesdays and Saturdays before 10:00 a.m. and after 7:00 p.m.

(4) Landscape irrigation is prohibited at all times on Mondays, Thursdays, and Fridays.

(5) Landscape irrigation is prohibited within (48) hours after a measureable rainfall event ends, regardless of the permitted aforementioned summer watering schedule.

(6) Drip or micro-spray irrigation systems are exempt from the restrictions.

(C) **WINTER SCHEDULE:** Is the period from November 1st through March 31st.

(D) **Winter Restrictions (Limited to watering one (1) day per week):**

(1) No landscape irrigating between **10:00 a.m. and 4:00 p.m.**

(2) **Odd-numbered addresses:** Irrigation is allowed only on Sundays before 10:00 a.m. and after 4:00 p.m.

- (3) ***Even-numbered addresses:*** Irrigation is allowed only on Saturdays before 10:00 a.m. and after 4:00 p.m.
- (4) Landscape irrigation is prohibited at all times Monday through Friday.
- (5) Landscape irrigation is prohibited within (48) hours after a measureable rainfall event ends, regardless of the permitted aforementioned winter watering schedule.
- (6) Drip or micro-spray irrigation systems are exempt from the restrictions.
- (A) ***No Excessive Water Flow or Runoff.*** Watering or irrigating any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining street, alley, gutter or ditch is prohibited.
- (B) ***Obligation to Fix Leaks, Breaks or Malfunctions.*** Excessive use, loss or escape of water through breaks, leaks or other malfunctions is prohibited and should be immediately corrected to stop the waste of water.

2. Other Outdoor Water Use

- (A) ***Vehicle Washing.*** The washing of commercial and noncommercial privately owned automobiles, trucks, trailers, motor homes, boats, buses, and other types of vehicles is restricted to the use of a hand-held bucket and quick rinses using a hose with a quick-acting positive shut-off nozzle.
 - (1) Vehicle washing is limited to one (1) washing per car, per week.
- (B) ***Washing Exterior Surfaces.*** There shall be no washing of building exteriors, mobile home exteriors, sidewalks, patios, driveways, gutters or other exterior surfaces, unless it is done for health and safety reasons (e.g., to wash animal waste, mold, etc.) and done with the use of a quick-acting positive shut-off nozzle on the hose.

3. Temporary Waiver

The City may grant or conditionally grant a temporary waiver of the restrictions for existing potable water use otherwise prohibited under the policy, if it is determined that failure to grant such a waiver would cause an emergency condition adversely affecting the health, sanitation, and fire protection of the public or person requesting the waiver.

A temporary waiver may also be granted for one time outdoor activities that require the use of water, such as power washing to prepare for painting, the establishment of new landscape, new concrete work, etc.

- (A) Persons requesting a waiver from the provisions of the outdoor water use policy requirements shall file a temporary waiver application with the Public Works Superintendent or his/her designee.
 - (1) *Application.* The application form to file for a temporary waiver shall be provided by the City of Riverbank, and must be submitted to the Public Works Superintendent, or his/her designee.
 - (2) *Supporting Documentation.* The application may be accompanied by photographs, maps, drawings, or other relevant information.
- (B) Waivers granted by the City shall be for a short period of time and shall expire at the end of the period granted by the Public Works Superintendent or his/her designee. New applications for waivers must be filed for each reoccurrence.
- (C) No waiver shall be retroactive or otherwise apply to any previous violation and/or subsequent penalties of this policy that occurred prior to the issuance of the waiver.
- (D) *Approval Authority.* The Public Works Superintendent or his/her designee shall act upon any completed application for a temporary waiver no later than seven (7) business days after submittal. The request for a waiver may be approved, conditionally approved, or denied. The applicant shall be promptly notified in writing of any action taken. The decision made by the Public Works Superintendent or his/her designee shall be final.

4. Hardship Exemption

An exemption of the water use policy may be granted or conditionally granted by the City Manager or his/her designee due to extreme extenuating circumstances that would result in undue hardship to a person using water or to a property upon which water is used.

- (A) Persons requesting an exemption from the provisions of the outdoor water use policy restrictions shall file an application for exemption with the Public Works Superintendent or his/her designee.
 - (1) *Application.* The application form to file for an exemption shall be provided by the City of Riverbank, and must be submitted to the Public Works Superintendent, or his/her designee.
 - (2) *Supporting Documentation.* The application must be accompanied by photographs, maps, drawings, or other relevant information, including a written statement by the applicant indicating reasons why an exemption is sought.

- (3) *Required Finding.* An application for an exemption shall be denied unless the City Manager, or his/her designee, finds, based on the information provided in the application and supporting documents, all of the following:
- (a) That due to extreme extenuating circumstances a specific requirement would result in undue hardship;
 - (b) That the exemption does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;
 - (c) That because of the special circumstances applicable to the property or its use, the strict application of this policy would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally;
 - (d) That the authorization of such exemption will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City of Riverbank to execute the purpose of this policy, and will not be detrimental to the public interest; and
 - (e) That the condition or situation of the subject property or the intended use of the property for which the exemption is sought is not common, recurrent or general in nature.
- (B) A granted or conditional granted exemption provides relief from the regulations for up to one year to the person and related property indicated on the application, which is subject for review at any time by the City. The exemption shall expire at the end of one year. The application process must be completed to request continued exemption relief.
- (C) *Approval Authority.* The City Manager or his/her designee shall act upon any completed application for exemption no later than ten (10) business days after submittal. The request for exemption may be approved, conditionally approved, or denied. The applicant shall be promptly notified in writing of any action taken. The decision made by the City Manager or his/her designee shall be final.

5. Penalties

- (A) Penalties for noncompliance with the outdoor water use policy as set by City Council resolution in accordance with the Riverbank Municipal Code Sections of Chapter 52, under Title V, are established as follows:
- (1) The fine for the first (1st) violation is thirty-five dollars (\$35).
 - (2) The fine for the second (2nd) violation is two hundred dollars (\$200).

- (3) The fine for the third (3rd) violation is three hundred dollars (\$300).
 - (4) The fine for the fourth (4th) violation is four hundred dollars (\$400).
 - (5) The fine for the fifth (5th) violation and each subsequent violation thereafter is five hundred dollars (\$500).
- (B) Pursuant to Riverbank Municipal Code, Section 52.34 (E)(2), an administrative citation may be reduced to a formal written warning and the related citation fines waived, or the citation may be entirely cancelled after review of the findings by the Public Works Superintendent or his/her designee.
 - (C) *Payment of Fines.* Fines shall be placed on the customer's water bill and paid in accordance with Section 52.64 of the Riverbank Municipal Code.
 - (D) *Citation Appeal Hearing.* Appeal hearings shall be conducted in accordance with the Water, Chapter 52, Section 52.34(G), under Title V of the Riverbank Municipal Code.
 - (1) A citation appeal request form must be filed with the City Clerk within fifteen (15) days from the date the citation was issued, along with an administrative processing fee of \$25, which may be refundable.

AND, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Riverbank hereby rescinds Resolution No. 2015-096, effective May 1, 2016, and approves the implementation of the aforementioned Outdoor Water Use Policy in accordance with Riverbank's Urban Water Management Plan and Riverbank Municipal Code, Ordinance No. 2016-004.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 26th day of April, 2016; motioned by Councilmember Leanne Jones Cruz, seconded by Councilmember Darlene Barber-Martinez, and upon roll call was carried by the following City Council vote of 4-0:

AYES: Barber-Martinez, Campbell, Jones Cruz, and Vice Mayor Tucker
NAYS: None
ABSENT: Mayor O'Brien
ABSTAINED: None