

Title 13

WATER SERVICES

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Chapter 13.04

WATER DEPARTMENT

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Section 13.04.010 Water department established.

Unless the context specifically indicates otherwise, the meanings and terms used in this Chapter shall be as stated in section 13.04.030 of this code.

(Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.04.020 Service area.

The area in which service is or will be furnished by the department is that area lying within the City limits as the limits now prevail or may from time to time exist, and those areas outside the City limits which have been approved for such service by the City Council.

(Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.04.030 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used throughout Title 13 shall be as follows:

- A. Air-gap - means the physical break between the supply pipe and a receiving vessel.
- B. Applicant - means the owner, or the agent of the owner, of property for which a service connection or a specific permit is requested.
- C. Auxiliary supply - means any water supply located on or available to a premise other

than the public water system.

D. AWWA standard - means an official standard developed and approved by the American Water Works Association.

E. Backflow - means a flow condition caused by a differential in pressure that causes the flow of other liquids, gases, mixtures, or substances into the distribution lines of a potable water supply from any source or sources other than the public water system supply source.

F. Backflow prevention device - means devices which have passed laboratory and field evaluation tests performed by a backflow testing technician certified by the California Department of Health Services.

G. Commercial service - means provision of service to premises where the customer primarily is engaged in a business, trade or profession and includes all services not defined as domestic services. The term shall be used interchangeably with "industrial service".

H. Contamination - means a degradation of the quality of potable water by any foreign substance which creates a hazard to the public health or which may impair the usefulness or quality of the water.

I. Cross-connection - means any unprotected actual or potential connection between a potable water supply including the public water system and any source or system containing unapproved water or any substance that is not or cannot be approved as safe, wholesome, and potable.

J. Customer - means the owner, or agent of the owner, tenant, or lessee of the property receiving service, who has applied for and is the account holder for the service. For the purposes of this Title, a tenant (such as a tenant of a master-metered multi-unit building) is not the "customer" if the owner is the account holder.

K. Director - means the Director of Public Works for the City of Galt, or his/her authorized representative.

L. Domestic service - means provision of service for household residential purposes to single-family and multiple-family dwelling units.

M. Double check valve assembly - means an assembly of at least two independently acting check valves including tightly closing shutoff valves on each side of the check valve assembly and test cocks.

N. Finance Director - means the Director of the Finance Department for the City of Galt or his/her representative. O. Flat-rate service - means provision of water in unmeasured quantities for a fixed periodic charge.

P. Health agency - means the California Department of Health Services or its designee.

Q. Industrial service - means provision of service to premises where the customer primarily is engaged in a business, industry, trade, or profession and includes all services, not defined as domestic services. The term shall be used interchangeably with "commercial service."

R. Local health agency - means the Sacramento County Environmental Management Department.

S. Mains - means distribution pipelines located in streets, highways, public ways, or private rights-of-way which are used to serve the public.

T. Metered service - means provision of water in measured quantities for a periodic charge based upon the quantity delivered.

U. Person - means any individual, firm, company, association, society, corporation, or group.

V. Premise - means the integral property or area, including improvements thereon, to which service is or will be provided. For residential units, a premise shall be a building or part of a building with its appurtenances.

W. Public water system - means the portion of the water system owned and operated by the City.

X. Reduced pressure principle assembly - means a backflow prevention device incorporating two independently acting check valves, a hydraulically operating and mechanically independent pressure relief valve, a shutoff valve at each end of the device, and necessary testing appurtenances. Y. Service connection - means the pipe, valves and other facilities by means of which service is conducted to or from the premises and the City's distribution system. Z. Service box - means the valve box, curb stop, or meter box at the point of connection to the public water system typically located near the curb or behind the sidewalk.

(Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.04.040 Application for service.

All applications for the beginning, changing or discontinuing of water service shall be made to employees of the Finance Department on forms provided by the Finance Department and new customers shall pay a deposit in an amount not to exceed three times the monthly service charge as a deposit in advance of the start of service. For purposes of this section, new customers shall include commercial, industrial, and residential customers, excluding tenants of master-metered multi-unit buildings, and those whose service has been discontinued due to nonpayment.

(Ord. 2004-07, Add, 10/19/2004)

Section 13.04.050 Charges.

A. There is levied and assessed upon each premises having any water connection with the public water system of the city or otherwise receiving water from the public water system, a service charge payable as provided in this Chapter, in an amount determined as set forth in this section. Fees will also be charged for services rendered in accordance with Title 13 for special water permits.

B. Rates and charges for water service shall be fixed, from time to time, by resolution of the City Council.

C. Outside the City limits each person, firm, individual business or corporation using the City water system shall pay for the use of such facilities, a water service charge in accordance with this section.

D. When service is rendered for a period less than one billing cycle due to registering or terminating service, the charge will be prorated for the time the service was rendered. There shall be no proration for service discontinued for less than one billing cycle for lack of payment.

E. For periods of absence, during which services are discontinued, which exceed two weeks, any customer who provides at least twenty-four hours notice to City of such absence, shall be provided a credit for a period of nonuse upon payment of the discontinuation of service fee. Upon return, the customer shall be responsible for notifying City within twenty-four hours of such return and the necessity of recommencing service.

F. When more than one flat, dwelling unit,

or apartment building, or one premise, is supplied through one water tap, the charges by meter or by flat rate, as applicable, shall be to the owner and any applicable flat rates shall be charged in full for each and every premise connected with the water supply and capable of receiving service. If the premises have different owners, the water service shall be separated and separate service tap lines installed at the owner(s) expense prior to service being started. (Ord. 2004-07, Added, 10/19/2004)

Section 13.04.060 Metered flows.

A. All commercial and industrial services and all new residential units shall be metered and shall be charged based on the metered rates. Existing unmetered residential units will be metered when the City Council so directs. The Director of Public Works shall determine, for accounts and special uses not susceptible of classification under the resolutions adopted pursuant to this Chapter, whether exemptions to installing meters and/or metering water flow shall be granted. The rates for metered flow shall be fixed, per section 13.04.050.

B. Should the applicant desire a water meter installed in his water service or should the code require that one be installed, the applicant shall pay the rental of the same together with all costs of installation in accordance with the metered rate schedule.

(Ord. 2004-07, Added, 10/19/2004)

Section 13.04.070 Billing.

A. The billing period will cover one month in arrears and one month in advance. Bills are due on receipt. Payment of bills shall be in cash and where payment is made by check, acceptance of the check does not constitute payment until honored by the bank drawn upon. If the check is dishonored, it will be considered as if no payment has been made.

B. If the bill is not paid when due, or by the fifth day of the calendar month following the billing period for which the bill is rendered, a penalty of ten percent of the delinquent amount shall be added. However, only one penalty of ten percent of delinquent amount per billing period will apply.

C. Upon application to the Finance Director by any person to whom a penalty is assessed, the

Director may waive or refund a penalty or service charge upon showing of excusable neglect, error by parties other than the person to whom the penalty is assessed, or extreme hardship. Such application must be made within thirty (30) days of notification of the assessment of the service charge or penalty. A refusal to waive or refund a service charge or penalty, after application is made, may be appealed by submission of a written appeal hearing request to the City Clerk within thirty (30) days of the date of the notification of the Finance Director's decision. The hearing shall be set and conducted pursuant to section 21.03.060. The hearing officer's decision is final.

D. Commercial property owners and owners of all master-metered multi-unit residential buildings shall be responsible for all bills for water used on their premises and any and all unpaid bills for water service shall become a lien on the real property and may be collectible by legal action or by refusal of service to the premises until the account is paid in full, or by application of all or a portion of the deposit amount set forth in this Chapter to the unpaid bill, or by any combination of these methods.

E. The customer for water service for residential property, excluding master-metered multi-unit residential buildings, who may be either the property owner or tenant, shall be responsible for all bills for water used on their premises and any and all unpaid bills for water service. Unpaid bills may be collectible by application of all or a portion of the deposit money to the unpaid bill, by recordation of a lien on the real property, by other remedies as allowed by law, or by any combination of these methods.

F. The City may refuse service for outstanding unpaid bills. When service has been discontinued for nonpayment, a charge as established by resolution of the City Council as adopted from time to time must be paid in addition to the bill before service will be restored. In addition, in the event the Finance Department has applied any portion of the deposit to unpaid bills prior to the restoration of service, the customer must also replenish the

deposit up to the maximum amount provided in this Chapter.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 2004-07, Add, 10/19/2004)

Section 13.04.080 Revenue use.

The revenues generated thereof from the water fund may be used only for providing water services through the management, construction, operations, and maintenance of the water system and related support services.

(Ord. 2004-07, Added, 10/19/2004)

Section 13.04.090 Authority to inspect premises.

The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted access to any premises where water is used at reasonable hours for the purpose of inspection and observation of any water connections, pipes, taps, or other water apparatus or equipment. If consent is not granted, the City shall have the right forthwith to discontinue such water service.

(Ord. 2004-07, Add, 10/19/2004)

Section 13.04.100 Inspection and work on properties subject to easements.

The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the water works lying within such easement. All entry and subsequent work, if any on such easement, shall be done in full accordance with the terms of the easement and any agreements pertaining to the private property involved.

(Ord. 2004-07, Add, 10/19/2004)

Section 13.04.110 Discontinuance of service.

The City reserves the right to discontinue water services consistent with applicable law to any customer who does not observe the rules or regulations set forth in this Title.

(Ord. 2004-07, Add, 10/19/2004)

Section 13.04.120 Violation.

The Director or designee shall enforce the provisions of this Title. Violation of any of the provisions of this Title is unlawful and an offense. Each day during which any violation of the provisions of this Title exists shall be deemed a separate and distinct violation. Such violations shall be punished as provided by Chapter 21.01 of Title 21.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 2004-07, Add, 10/19/2004)

Chapter 13.08

WATER CONNECTIONS

Sections:

- 13.08.010** **Definitions.**
- 13.08.020** **Use of public water system required.**
- 13.08.030** **Private well prohibited.**
- 13.08.040** **Hydrant permit required.**
- 13.08.050** **Connection permit required.**
- 13.08.060** **Connection fees.**
- 13.08.070** **Fund for water system improvements.**
- 13.08.080** **Connections by unauthorized person prohibited.**
- 13.08.090** **Connections - liability for injury.**
- 13.08.100** **Maintenance of public water connections.**
- 13.08.110** **Tampering with service connections prohibited.**
- 13.08.150** **Unauthorized service.**
- 13.08.170** **Responsibility for maintenance of service pipes, valves and other appliances.**
- 13.08.180** **Water supply restricted to premises covered by contract.**
- 13.08.190** **Temporary discontinuance of service for repairs.**

Section 13.08.010 Definitions.

Unless the context specifically indicates otherwise, the meanings and terms used in this Chapter shall be as stated in section 13.04.030 of this code.

(Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.08.020 Use of public water system required.

Generally, premises requiring water service within the City limits shall connect to the City public water system.

A. New premises within 400 feet of an existing City water main shall be connected to that main for all water needs at the expense of the property owner.

B. Existing premises within 400 feet of an existing City water main not currently connected to the City water system, but being served

through a privately owned well, shall be connected to the City public water system upon failure of the well or when the well requires substantial repairs. Any repair requiring a permit from the county shall be considered substantial. Additionally, such premises shall be connected to the City public water system when substantial private improvements are made to a premise. Private improvements that require public frontage improvements as defined in Title 15 of this code shall be considered substantial. Any wells servicing the premises shall then be destroyed in accordance with state and county requirements. All costs to connect to the public water system shall be at the expense of the property owner.

C. The Director of Public Works may grant exceptions to A & B above when in his/her determination it is infeasible to connect the premises to the City water system or it is in the best interests of the City to delay or forgo connection.

(Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.08.030 Private well prohibited.

No person shall construct a new groundwater well in the City without permission of the Director of Public Works. Such permission shall only be granted if an exception is granted to connecting to the City public water system.

(Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.08.040 Hydrant permit required.

No person shall make any connection to a fire hydrant or any other temporary connection point in the public water system without a written permit issued by the Director or a written agreement with the City. A copy of the permit issued must be present at the location where the temporary connection is made during the period of use.

(Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.08.050 Connection permit required.

No person, except a duly authorized employee of the City shall make any connection

to the water mains except when authorized by a City issued encroachment permit or approved public improvement plan issued by the Director. A building permit may also be required if connecting to a premise. The applicant shall pay all applicable connection fees, the amount of which shall be fixed, from time to time, by resolution of the City Council.
(Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.08.060 Connection fees.

The cost of connecting into a public water main within the City shall, until further changed by the City, be collectible at that time in which the building permit is issued to the applicant. The cost of resurfacing and/or repairing the City streets in connection therewith and in addition thereto the damage done, if any, to the public water system, will be in addition to the connection fee. The connection fees shall be established from time to time by resolution adopted by the City Council.
(Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.08.070 Fund for water system improvements.

In the event that the connection fees set forth in Section 14.10.060 are not used by an applicant under the direction of the City for water system improvements external to the premises or site, the money or a portion thereof not used shall be used in the future for improvements to the City water system at the City's discretion. None of these funds shall be used for maintenance of the system.
(Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.08.080 Connections by unauthorized person prohibited.

No person or persons except duly authorized City employees or licensed contractors to whom a permit has been especially granted by the City for the doing of the work, shall be permitted to connect any private water line from any building, premises or fixtures, with the public water system in the City. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public

water line, facility, or water system appurtenance thereof.
(Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.08.090 Connections - liability for injury.

Any person connecting any private water line with a public water line shall be held responsible for any injury he may cause to the water system or the public street. The cost of repairing the damage if not paid by the person causing the same within thirty days shall become a lien upon the property owned or occupied by the person causing the damage, and may be foreclosed in the same manner as claims for labor or materials under the lien laws of this state, except that no equity or redemption shall apply.
(Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.08.100 Maintenance of public water connections.

Where premises are connected to the City water mains, it is the responsibility of the property owner, at the owner's expense, to maintain the water service lateral from the premises to the City owned service connection box. Such maintenance shall include the removal of tree roots and the protection of the service box. The service box lid shall be kept free of turf and dirt and be accessible from the sidewalk. No fence or other obstruction shall separate the service box from the sidewalk or street curb. The property owner is also responsible for repairs of the lateral line within the property boundaries. The City will repair damaged and deteriorated lateral lines in the City right-of-way at City expense, unless such damage was caused by the property owner.
(Ord. 2004-07, Added, 10/19/2004)

Section 13.08.110 Tampering with service connections prohibited.

No unauthorized person shall tamper with or alter any meter, connection, turn-off valve, or any other part of the City water system. The curb stops for water are for the use of the City and shall not be turned off or on except by duly authorized City employees. In addition to

penalties and other remedies, the City reserves that right to discontinue water service to any customer tampering with or altering any meter, connection, turn-off valve or any other part of the City water service. The costs to the City for repair of any damage to curb stops, meters or other water system components relating to an individual customer's service, including replacement of locks as necessary, may be charged to the water account customer. (Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.08.150 Unauthorized service.

No plumber, contractor, or owner shall leave the water turned on at a new building unless he has knowledge that the service is on by consent of the duly authorized employees of the department, nor shall he reconnect any service found shut off at the service stop. (Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.08.170 Responsibility for maintenance of service pipes, valves and other appliances.

The owner or occupants of premises where water is used must keep all service pipes, valves and other appliances in good repair at all times and the department will not be liable for any damage occasioned by broken pipes or other apparatus within the applicant's premises or under his control. (Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.08.180 Water supply restricted to premises covered by contract.

Except as otherwise provide in this section, no person shall supply water service from his/her own service to any other property, manually or through a physical connection. A person may supply water to another property in the following circumstances:

A. With written authorization from the Director, and where such water service is through a physical connection in a manner deemed safe by the Director, and on a temporary basis to facilitate repairs on the water system, or to avoid an immediate health or safety risk; or

B. Where such water service is restricted to the manual watering of the landscaping of an adjacent property during:

1. periods of vacancy or
2. to avoid an immediate health or safety risk.

C. A person undertaking watering has the responsibility to obtain permission from the owner of the property being watered. (Ord. 2008-03, Amended, 07/01/2008; Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Section 13.08.190 Temporary discontinuance of service for repairs.

The department reserves the right to limit the amount of water to any consumer should occasion demand, and shall not be liable for any damage caused by temporary discontinuance of service while making repairs or replacements. (Ord. 2004-07, Repealed and Replaced, 10/19/2004)

Chapter 13.10

WATER CONSERVATION

Sections:

- 13.10.010 Findings of facts.**
- 13.10.020 Purpose.**
- 13.10.030 Methods.**
- 13.10.040 Implementation.**
- 13.10.050 Notification.**
- 13.10.060 Water use policy.**
- 13.10.070 Additional requirements for commercial industrial uses.**
- 13.10.080 Enforcement.**
- 13.10.090 Penalties.**
- 13.10.100 Waivers.**
- 13.10.110 Waiver fee.**
- 13.10.120 Content of application for a waiver.**

Section 13.10.010 Findings of facts.

It is found and determined that:

A. Water is a most precious resource for the health and benefit of the citizens of Galt and an adequate supply of water for the present and future must be protected.

B. The central valley region in general and the city in particular are experiencing a decline in ground water supplies. This overdraft situation is the result of the removal of water from the ground through agricultural and domestic wells in quantities which are in excess of the quantity of water that is replenished into the ground water supply through natural processes.

C. An increase in demand for water supplies throughout the state and in Galt in particular can be expected as long as growth continues.

D. The waste of water is an unreasonable and nonbene-ficial use of water and is a detriment to the maintenance of the necessary supply of water necessary for public health, welfare and safety.

E. Conservation of water will reduce water demand and will thus have a positive effect on the supply of water and at the same time, will have a positive effect on the maintenance and operation of the system of supply and on energy conservation. (Ord. 93-01 § 2 (part))

Section 13.10.020 Purpose.

It is the purpose of this chapter to promote the public health, welfare and safety through provisions designed to:

A. Encourage water conservation by the public and industry and by the various commercial uses;

B. Minimize or eliminate the waste of water through voluntary compliance and through increased rates or other punitive action;

C. Reduce the per capita water consumption in the city during the years of normal precipitation and during years of drought;

D. Protect and conserve the supply of water during any of several kinds of emergency or crisis. (Ord. 93-01 § 2 (part))

Section 13.10.030 Methods.

To accomplish the stated purposes, this chapter establishes:

A. A staged water use policy governing the use of water within the city based upon the adequacy or inadequacy of water supplies;

B. Regulations that specify the nonpermitted uses of water according to the state implemented;

C. Penalties for noncompliance;

D. Waivers from any or all requirements of this chapter in the case of hardship, overriding considerations of health or welfare, or otherwise, as specified. (Ord. 93-01 § 2 (part))

Section 13.10.040 Implementation.

The city manager shall establish the state of the water use policy which shall be in effect from time to time based upon recommendations of the city engineer. Such recommendation of the city engineer may be based upon, but shall not be limited to times of drought, prolonged power outages or the perception of such, natural disasters or water generation or transmission system failures. Such water use policy stage shall remain in full force and effect until subsequent action is taken by the city manager to upgrade or downgrade the stage as may be necessary or desirable. (Ord. 93-01 § 2 (part))

Section 13.10.050 Notification.

Upon determination of the water use policy stage and thereafter, any upgrade or downgrade

of such stage, the city manager shall determine the means by which the city shall notify residents. Notification may be achieved through newspaper, public notice, mailings, utility billings or by a combination of such or by other means as determined by the city manager. (Ord. 93-01 § 2 (part))

Section 13.10.060 Water use policy.

A. Stage 1--Normal Water Supply.

1. The waste of water is prohibited. "Waste of water" under this section shall mean allowing water to escape from the water supply at the rate of one quart or more per hour from any leaky, worn or broken faucets, valves, pipes or other fixtures, or permitting water to run from any hose, hose nozzle, valve or sprinkler in a wasteful, useless or nonbeneficial manner.

2. Free flowing water hoses shall be prohibited except where used for filling troughs, pools, spas, ponds or similar uses. Automatic shutoff devices shall be used on all hoses for the purposes of watering lawns or gardens or for the washing of vehicles, boats, equipment, driveways, sidewalks, or similar uses.

3. All leaking water lines and/or faulty sprinkler systems must be repaired within five days. At the discretion of the city's public works department, and upon a showing or just cause by the use, the five-day limit may be extended. Any water line beyond and including the correction to the curb stop shall be the resident's responsibility for repair and replacement.

4. All pools, spas, ponds and ornamental fountains shall be equipped with a recirculating pump and shall be constructed in a leak-proof manner. Draining and refilling of such structure shall be allowed only for health, maintenance or structural considerations.

B. Stage 2--Water Alert.

1. All requirements of stage 1 apply, and in addition, landscape and pasture irrigation shall be limited to a maximum of three days per week, when necessary, and shall be based on the following odd-even schedule:

Customers with street addresses ending with an even number may irrigate only on Wednesday and/or Friday and/or Sunday;

Customers with street addresses ending with an odd number may irrigate only on Tuesday and/or Thursday and/or Saturday;

No irrigation will be permitted on Mondays.

2. Draining and refilling of pools, spas and ponds shall be allowed for health, maintenance or structural considerations, after approval by the city engineer. Customer requests for approval must be substantiated in writing by a pool consultant or equivalent.

3. Restaurants shall serve water only upon specific request.

4. No washing of sidewalks, streets, driveways, parking lots, structures, or similar uses will be allowed except as necessary for health, sanitary or fire protection purposes.

5. Washing of vehicles, boats, equipment, etc. shall be accomplished under the following restrictions:

a. Water buckets shall be utilized;

b. Water hoses with automatic shutoff devices may be used for rinsing for a duration not to exceed three minutes.

c. Stage 3--Water Warning.

1. All requirements of stage 1 and stage 2 apply, except that:

2. Watering lawns, flower beds, landscaping, and similar uses will be limited to two days per week with even addresses watering on Wednesdays and/or Sundays and odd addresses watering on Tuesdays and/or Saturdays.

3. The director of public works of the city shall take the following precautions:

a. Flushing of sewers or fire hydrants shall be limited to essential operations for the benefit of public health or welfare;

b. Construction water usage, such as dust control, trench jetting, and compaction will be permitted only under specific authorization of the director of public works;

c. On any construction site no water shall be used for the cleaning of vehicles, equipment or fixed works.

4. The washing of sidewalks, streets, driveways, parking lots, structures, or similar uses is prohibited except as authorized in writing by the city engineer.

D. Stage 4--Water Crisis (Emergency).

1. All requirements of stage 1, stage 2 and stage 3 shall apply except that:

a. Landscaping and pasture irrigation with potable water is prohibited;

b. The washing of vehicles, boats,

equipment, etc. is prohibited except at a commercial establishment that utilizes recycled or partially recycled water;

c. No potable water from the city's system shall be used to fill or refill any pools, spas or ponds, etc. Use of ornamental fountains is prohibited;

d. No potable water from the city's system shall be used for construction purposes. (Ord. 93-01 § 2 (part))

Section 13.10.070 Additional requirements for commercial industrial uses.

Due to the diversity of present and future commercial and industrial uses in the city and the water requirements pertaining thereto, the city manager is authorized to impose additional restrictions on water use, to prevent waste of water or the unreasonable nonbeneficial use of water, on a case by case basis to any specific business or industry. Such requirements shall be made in writing and thereafter shall remain in full force and effect within the provisions of this chapter until notice is given in writing to the contrary. (Ord. 93-01 § 2 (part))

Section 13.10.080 Enforcement.

All employees, permanent or temporary, or contractees or the city designated by the city manager or by the city manager's designee, are authorized to enforce the provisions of this chapter. (Ord. 93-01 § 2 (part))

Section 13.10.090 Penalties.

The penalties stated in this section are deemed to neither limit nor repeal any other powers granted under state or federal law or Chapter 21.01 of Title 21. Notice of each and all violations of this Chapter shall be given in writing to the occupant of the site of the violation, or to any person in control of such site, or posted on the site in a conspicuous location. Each day any violation of this Chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such, except as otherwise indicated in this Chapter.

A. For stages 1 through 3 of water use policy, the penalties for violations within a twelve-month period will be as follows:

1. First offense. Warning;

2. Second offense. Twenty-five dollars added to water bill, to account for wasted water;

3. Third offense. Fifty dollars added to water bill, to account for wasted water;

4. Fourth offense. One hundred dollars added to water bill, to account for wasted water;

5. Fifth offense. Customer will be required to install a water meter at his/her own expense in addition to a one hundred dollar reconnection fee;

6. Additional offenses. One hundred dollars added to water bill, to account for wasted water, plus the installation of a flow restrictor at customer's expense.

B. For stage 4 of water use policy, the following penalties will be applied for violations within a twelve-month period:

1. First offense. Warning;

2. Second offense. One hundred dollars added to water bill, to account for wasted water;

3. Third offense. Two hundred dollars added to water bill, to account for wasted water;

4. Fourth offense. Customer will be required to install a water meter at his/her own expense in addition to a two hundred dollar reconnection fee;

5. Additional offenses. Same as for stages 1 to 3 except two hundred dollars.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 93-01 § 2 (part))

Section 13.10.100 Waivers.

Waivers to the requirements of this chapter may be issued at the discretion of the city manager or his appointed representative but only when based upon such considerations as hardship, health or safety matters, unjustifiable repair costs, overall benefit to the public, protection of sensitive, threatened or endangered plant species or habitats, or compliance with other state, federal or local laws. Applications for a waiver, together with any fees required, shall be made on the form provided for such and delivered to the city. The existence of a pending application for waiver of the requirements of this chapter shall in no way waive or suspend compliance with such requirements. The issuance of a waiver shall not abrogate or nullify previous offenses nor shall it be grounds for a reimbursement of fines as applied in accordance with this chapter. The issuance of a waiver shall

in no way limit or nullify the requirements of this chapter as they may apply to areas, violation or offenses other than those waived by such waiver. (Ord. 93-01 § 2 (part))

Section 13.10.110 Waiver fee.

A. The city council may, by resolution, and from time to time, prescribe fees as part of the application for a waiver of the requirements of this chapter. Such fees shall be for the sole purpose of defraying costs incurred in the administration of this chapter.

B. All application fees for a waiver shall be paid at the time of and with the filing of the application with the city. No application shall be deemed valid or complete until all prescribed fees have been paid. Unless otherwise prescribed, fees shall not be refundable in whole or in part whether or not the waiver is issued or approval granted, nor if permittee ceases operating under the waiver in advance of expiration of the term thereof, if any. (Ord. 93-01 § 2 (part))

Section 13.10.120 Content of application for a waiver.

A. Application for a waiver pursuant to Section 13.10.100 shall consist of the following information:

1. Name, signature, address and phone number of applicant requesting waiver;
2. Reasons for requesting waiver to include, but not necessarily be limited to hardship, health or safety matters, unjustifiable repair costs, overall benefit to the public, protection of sensitive, threatened or endangered plant species or habitats or compliance with other state, federal or local laws, etc;
3. A description of the duration for which compliance will not be achieved;
4. Location of the nonconforming fixture or faucet.

B. As part of the application process, the city may request estimates of repair costs attached or other materials necessary to substantiate reasons given for an application for waiver. (Ord. 93-01 § 2 (part))