

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE DECLARING A CONTINUED WATER EMERGENCY, INCREASING THE WATER REDUCTION TARGET FROM 15 PERCENT TO 30 PERCENT, RE-IMPLEMENTING STAGE 1 WATER USE PROHIBITIONS OUTLINED IN THE WATER SHORTAGE CONTINGENCY PLAN, IMPOSING ADDITIONAL DROUGHT RESTRICTIONS, AND AMENDING RESOLUTION NO. 650-14 (THE MASTER FEE SCHEDULE) TO ADD ADMINISTRATIVE FINES FOR VIOLATION OF THESE RESTRICTIONS

WHEREAS, in California, water is a precious and limited resource that must be used wisely; and

WHEREAS, California is currently facing one of the most severe droughts on record; and

WHEREAS, the City of Sunnyvale's 2010 Urban Water Management Plan ("UWMP") was approved in June 2011, and includes a Water Shortage Contingency Plan ("WSCP") that sets forth four water conservation stages, attached hereto as Exhibit A, designed to reduce overall water shortage usage; and

WHEREAS, on January 17, 2014, Governor Brown proclaimed a drought state of emergency, calling on local urban water suppliers and municipalities to implement their local water shortage contingency plans immediately and calling on all Californians to reduce their water usage by 20 percent; and

WHEREAS, on April 25, 2014, Governor Brown issued an executive order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on Californians to redouble their efforts to conserve water; and

WHEREAS, on June 24, 2014, the City Council of Sunnyvale adopted Resolution No. 653-14, which declared a water shortage emergency and called for a water reduction target of 15%; and

WHEREAS, the State Water Resources Control Board adopted emergency regulations for urban water conservation at its meeting on July 15, 2014, and again at its meeting on March 17, 2015; and

WHEREAS, on August 26, 2014, the City Council of Sunnyvale adopted Resolution No. 664-14 to implement Stage 1 Water Use Prohibitions outlined in the Water Shortage Contingency Plan; and

WHEREAS, the State Water Resources Control Board adopted additional emergency regulations for urban water conservation at its meeting on March 17, 2015; and

WHEREAS, on April 1, 2015, Governor Brown signed an executive order imposing additional drought restrictions and directed the State Water Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016; and

WHEREAS, Resolution No. 664-14 expires on April 30, 2015, and the City desires to declare a continued water emergency and re-implement Stage 1 water use prohibitions; and

WHEREAS, the City has determined that it is in the best interest of the City to adopt additional regulations and restrictions on the delivery and consumption of water within the City's service area that are needed to comply with the Governor's executive order and State Water Resources Control board regulations; and

WHEREAS, pursuant to California Water Code Section 350 *et seq.*, and Section 375 *et seq.*, the City Council is authorized to prohibit nonessential use of water upon declaration of a water shortage emergency condition; and

WHEREAS, notice of the time and place of a public hearing on May 12, 2015, by the City Council was duly given as required by Water Code Section 350 *et seq.* and all interested persons were given an opportunity to be heard concerning the proposed declaration of regulations and restrictions on the delivery and consumption of water within the City's service area and to present their respective needs for water to the City Council and such public input has been duly received and considered by the City Council; and

WHEREAS, the City of Sunnyvale adopted Resolution No. 650-14, the Master Fee Schedule, on June 24, 2014; and

WHEREAS, it is intended that the fines for violations established by this Resolution shall be added to Master Fee Schedule (Section 9.10) effective immediately and to be included in succeeding years as long as this Resolution or any subsequent Resolution is in effect;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE:

1. That it hereby finds, determines, and declares that a water shortage emergency condition continues to exist and directs the City Manager to implement water demand reduction measures with the goal of reducing water use by 30 percent from 2013 levels, system-wide.

2. That it hereby directs the City Manager to re-implement Stage 1 water use reduction of 30% and water use prohibitions as described in Exhibit A.

3. That in addition to the Stage 1 water use prohibitions (Exhibit A) and the existing restrictions in Sunnyvale Municipal Code Section 12.34.020 (Exhibit B), the City Council hereby adopts the following additional regulations and restrictions on the delivery and

consumption of water within the City's service area:

- A. Use of potable water for landscape and turf irrigation is limited to two days per week according to the following schedule:

Odd Address – Monday and Thursday

Even Address – Tuesday and Friday

No Address – Monday and Thursday

- B. The following activities are exempt from the watering schedule set forth in this resolution:
 - 1) Watering by hand;
 - 2) Watering for fire protection and environmental mitigation projects;
 - 3) Watering plants slated for sale in nursery/garden centers;
 - 4) Watering using drip systems;
 - 5) Watering of City-maintained athletic fields and golf courses as long as City facilities as a whole exceed the 30% target.
- C. Landscape watering is prohibited within two days of rain.
- D. Hotels shall offer patrons the option of not laundering towels and linens on a daily basis.
- E. Use of potable water for irrigation of ornamental turf on public streets and medians is prohibited.
- F. Use of potable water for irrigation outside of newly constructed homes and buildings is prohibited unless be consistent with regulations or other requirements established by the California Building Standards Commission.

3. That in addition to any enforcement remedies authorized by Chapter 12.34 of the Sunnyvale Municipal Code or other applicable laws, the Director of Environmental Services or designee is hereby authorized to issue administrative citations for violation of these water use prohibitions and restrictions pursuant to Ch. 1.05 of the Sunnyvale Municipal Code. The following penalties shall apply to such administrative citations:

- A. First violation: written warning
- B. Second violation: written warning
- C. Third violation: \$250
- D. Fourth and subsequent violations: \$500

4. Section 9.10 of the Master Fee Schedule (Administrative Fines for Violation of Drought Restrictions) is hereby adopted as set forth in Exhibit "C", attached hereto and incorporated herein.

5. The above actions are exempt from review under the California Environmental Quality Act pursuant to the following: CEQA Guidelines Section 15378(b)(2) (continuing administrative activities), Section 15378(b)(4) (creation of government funding mechanisms or other fiscal activities which do not involve any commitment to any specific project); Section 15061(b)(3) (it can be seen with certainty that the action will have no significant effect on the environment).

6. That City staff is directed to increase public education and outreach efforts to increase public awareness of the City's water use prohibitions and restrictions.

7. This resolution shall be in effect from June 1, 2015 through April 30, 2016.

Adopted by the City Council at a regular meeting held on _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Water Shortage Contingency Plan – Mandatory Prohibitions

Stage No. Water Shortage Reduction Usage:	Prohibition
Stage 1 25%	<ul style="list-style-type: none">• Flooding or runoff on sidewalks, streets or gutters• Cleaning sidewalks, driveways, buildings, patios, parking lots or other paved/hard surfaced areas• Using a hose without a positive automatic self-closing valve for washing cars, buses, boats, or trailers• Use of decorative fountains*• Water waste due to broken/defective plumbing, sprinkler, watering or irrigation systems• Restaurant water service unless requested• Landscape irrigation during daylight hours• Hydrant flushing (unless for public health or safety)
Stage 2 35%	<ul style="list-style-type: none">• All of the above• New installations of plants, shrubs, trees, lawns other growing things• Landscape for mounds, hardscape okay but cannot include living plant materials• New swimming pool or pond construction• Filling or refilling swimming pools (can replace water loss due to evaporation)• Outdoor watering December through March.
Stage 3 45%	<ul style="list-style-type: none">• All of the above• Watering turf, grass or dichondra lawns (can provide minimal water for sports playing fields)• Golf courses except for tees and greens
Stage 4 50% or greater	<ul style="list-style-type: none">• All of the above• Landscape irrigation with potable water of any City-owned premises or businesses where recycled water is available for connection.• Utilization of potable water for any City operation where recycled water could be used.

*Except where the water is part of a recirculating system as authorized by Title 23 of the California Code of Regulations, Section 864(a)(4).

EXHIBIT B

SUNNYVALE MUNICIPAL CODE § 12.34.020

12.34.020. Nonessential uses prohibited.

The following uses, methods, types or techniques of uses of water are hereby determined and declared nonessential, and except as expressly provided to the contrary, are hereby prohibited:

(a) Allowing or maintaining broken or defective plumbing, sprinklers, watering or irrigation systems which permit the escape or leakage of potable water.

(b) Using potable water in any manner which causes, allows or permits the flooding of any premises, or any portion thereof, or which causes, allows or permits water to escape from any premises or any portion thereof and flow into gutters, streets, or any surface water drainage system.

(c) Using any hose or similar device using potable water for washing automobiles, trucks, buses, boats, trailers, equipment, recreational vehicles, mobilehomes or other vehicles or machinery, unless the hose or device is equipped with a positive automatic shutoff valve.

(d) Using potable water to wash sidewalks, driveways, filling station aprons, patios, parking lots, porches or other paved or hard surfaced areas, unless there is a positive automatic shutoff valve on the outlet end of the hose.

(e) The service of water by any restaurant or other eating or refreshment establishment to any patron, except upon the specific request by a patron for such services.

(f) Installation of any single pass cooling process in new construction.

(g) Any use of nonpotable water not in compliance with all federal, state and local laws, rules and regulations. Use of reclaimed water from the city's water pollution control plant shall be subject to the discretion of the director of environmental services.

(h) During the period of time when daylight savings time is in effect, no person shall use, permit, or allow the use of potable water to irrigate any outdoor landscaping between the hours of nine a.m. and six p.m., unless the person is using a bucket, hand-carried container, or a hose equipped with an automatic positive self-closing valve.

(i) No person shall use, permit, or allow the use of potable water to irrigate any outdoor landscaping or other vegetated area more than fifteen minutes per day per station when using a landscape irrigation system or a watering device that is not continuously attended, except for landscape irrigation systems that exclusively use very low-flow drip-type irrigation systems when no emitter produces more than two gallons of water per hour, weather-based controllers, or stream rotor sprinklers that meet a seventy-one percent efficiency standard.

EXHIBIT C

Violation of drought restrictions (Reso. ____)	FY 14/15	Charge Code	Object Level 3	Title (Obj. Lvl. 3)
First violation: written warning	\$0	799918	1521	Water Code Violations
Second violation: written warning	\$0	799918	1521	Water Code Violations
Third violation	\$250	799918	1521	Water Code Violations
Fourth and subsequent violations	\$500	799918	1521	Water Code Violations