

AN ORDINANCE OF ALAMEDA COUNTY WATER DISTRICT
REGULATING THE NONESSENTIAL USE OF WATER, AND
PROVIDING FOR THE CONSERVATION OF THE WATER SUPPLY OF
THE DISTRICT.

BE IT ORDAINED by the Board of Directors of ALAMEDA COUNTY WATER DISTRICT as follows:

Section 1. Declaration of a Water Shortage Emergency.

This Board of Directors does hereby find and declare as follows:

(a) Pursuant to Resolution No. 91-014, duly adopted by this Board, a public hearing was held on March 25, 1991, on the matter of whether this Board of Directors should declare a water shortage emergency condition exists within the water service area of this District.

(b) Notice of said hearing was published pursuant to law in the Argus, a newspaper of general circulation, printed and published within said water service area of the District.

(c) At said hearing all persons present were given an opportunity to be heard and all persons desiring to be heard were heard.

(d) Said hearing was called, noticed and held in all respects as required by law.

(e) This Board heard and has considered each protest against the declaration and all evidence presented at said hearing.

(f) Pursuant to Resolution No. 91-016, adopted by this Board on March 25, 1991, a water shortage emergency condition exists and prevails within the water service area of this District. Said water shortage exists by reason of the fact that the ordinary demands and requirements of the water consumers in the Alameda County Water District service area cannot be met and satisfied by the water supplies now available to this District without depleting the water supply or diminishing its quality to the extent that there would be insufficient water for human consumption, sanitation and fire protection.

Section 2. Purpose and Authority.

The purpose of this ordinance is to conserve the water supply of the District for the greatest public benefit with particular regard to public health, fire protection and domestic use; to conserve water by reducing waste; and to the extent necessary by reason of drought and the existing water shortage emergency condition, to reduce water use fairly and equitably. This ordinance is adopted pursuant to Sections 350 to 358, 31026 to 31029 and 31035 of the California Water Code.

Section 3. Effect of Ordinance.

This ordinance shall take effect May 1, 1991, shall supersede and control over any other ordinance or regulation of the District in conflict herewith, and shall remain in effect until the Board of Directors declares that the water shortage emergency has ended.

Section 4. Water Use Limitations.

(a) Restrictions on Water Use.

During the water shortage emergency condition, and to preserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection, the following uses of water have been determined to be wasteful and are hereby prohibited:

(1) Using water in an irresponsible manner for any purpose resulting in wastage.

(2) Watering lawns or any other irrigation in a manner which results in excessive flooding or runoff into streets, gutters or other waterways.

(3) Using hoses to clean sidewalks, driveways, patios, parking lots, walkways, or other hard surface areas, except when necessary for public health or safety.

(4) Use of hoses for any purpose without a positive shutoff nozzle.

(5) Flushing sewers, hydrants or washing streets, except in cases of emergency and for essential operations.

(6) Restaurants serving water to customers unless requested.

(b) Enforcement of Restrictions.

(1) The District may, after two warnings, order that special follow-up visits be made to ascertain whether wasteful use of water is continuing to occur.

(2) In the event the District determines that water waste is still occurring at a customer's premises in violation of the restrictions on water use set forth in this ordinance, installation of a flow-restrictor, or termination of service may occur. Charges for reconnection and/or removal of flow-restrictor shall be the responsibility of the customer.

(3) The District may immediately cancel a permit to use water from a hydrant when the customer is observed using water in violation of the regulations set forth in this ordinance.

(c) Water Use Guidelines.

During the water shortage emergency condition, customers are urged to adhere to the following guidelines to conserve the limited water supply available:

(1) Utilize systems which recycle water when possible.

(2) Use water for whatever purpose in a manner which minimizes waste, and repair leaks as soon as possible.

(3) Avoid draining and refilling of existing swimming pools and/or spas where possible.

(4) Use non-potable water for construction purposes unless it is not appropriate and/or not available. If reclaimed water is used, the proposed conditions of use must meet the requirements of the San Francisco Bay Regional Water Quality Control Board.

(5) **Landscape Guidelines:**

Irrigate early in the morning (before 10:00 a.m.), to minimize evaporation.

Use of Evapotranspiration Rate to determine plant water needs is encouraged. The Evapotranspiration Rate is available at (510) 659-1970, ext. 200.

Installation of new landscaping should utilize best known irrigation and horticultural practices for efficient water use.

Existing systems should be evaluated and repaired to maximize efficiency.

Use of reclaimed water for landscaping is encouraged.

Use drought tolerant plant species wherever possible for replacement and at all new landscape installations.

Section 5. Customer Conservation Rate Schedules.

(a) Single-Family Detached Dwelling Units.

Single-family detached dwelling units shall receive a base consumption allocation (BCA) of 400 gallons per day. This allocation may be increased by an additional 50 gallons per day (4 ccf units bi-monthly) for each person in the household over four. For water uses at or above this level, the following rate schedule shall apply:

<u>Billing Units</u>	<u>Approx. gpd Maximum</u>	<u>Rate \$ Per Unit</u>
0-30	400	1.008 BCA (4 persons*)
31-48	600	1.25 x base
49-64	800	1.50 x base
65-80	1000	1.75 x base
Over 80		2.00 x base

* An additional 4 units (50 gpd) is provided for each additional person over the BCA. One billing unit equals one hundred cubic feet, or approximately 748 gallons.

(b) Multi-Family Residential and Non-Residential Customers.

All mass-metered multi-family residential accounts and all commercial, industrial and public agency accounts will receive a BCA of 90 percent of average 1990 use, with the following charges for use above the BCA:

Up to Baseline Consumption Allocation (BCA)	\$1.008/unit base
Up to 20% above BCA	1.25 x base rate
20.01 - 40% above BCA	1.50 x base rate
40.01 - 60% above BCA	1.75 x base rate
Above 60% of BCA	2.00 x base rate

(c) Landscape Irrigation Only Accounts.

Multi-family residential, commercial, industrial or public agency/institutional accounts classified for landscape irrigation-only will receive a Base Consumption Allocation that represents 80 percent of average 1990 use, with use over this level charged pursuant to the schedule in Section 5(b) above.

New accounts with significant landscape needs with no prior history will apply for a Base Consumption Allocation based on the regional evapotranspiration rate and size of project. Use over the level provided by this allocation will be charged pursuant to the schedule in Section 5 (b) above. This formula will also be applied to those customers seeking exceptions pursuant to Section 7 below who have landscape irrigation requirements exceeding one-quarter of an acre in size.

Section 6. Water Banking.

The District will utilize water banking during the drought emergency period. This will allow customers who do not use their total base allotment of water in a given billing period to supplement their water usage up to the amount banked in a subsequent billing period. All water bank balances will be zeroed out at the end of the drought emergency program.

Section 7. Exceptions.

Pursuant to the procedures set forth in Section 8, exceptions to increase the amount of water which may be used without exceeding the basic allotments may be granted upon written request, including, but not limited to the following:

- (a) Verified medical requirements.
- (b) Incorrect customer classification based on predominant use. Allowance will also be made to adjust a residential BCA for home businesses for which the customer has a valid business license, (e.g., a child care provider).
- (c) Accounts classified as single family which provide water for livestock.
- (d) Unnecessary and undue hardship to the Applicant, including, but not limited to, adverse economic impacts, such as loss of production or jobs.
- (e) Emergency conditions, such as impairment of health, sanitation, fire protection or safety of the applicant or public.

Section 8. Application Procedure for Exceptions.

Consideration of written applications for exceptions regarding restrictions on water use set forth in Section 4 or Base Consumption Allocations set forth in Section 5, shall be as follows:

(a) Written applications for exceptions shall be accepted, and may be granted by the District's Drought Management Coordinator;

(b) Denials of applications may be appealed in writing to the General Manager.

Section 9. Exemption from CEQA.

The District Board of Directors finds that this ordinance is exempt from provisions of the California Environmental Quality Act of 1970 because it is immediate action necessary to prevent or mitigate an emergency, as described in Section 15269(c) of the Guidelines promulgated under said Act.

PASSED AND ADOPTED this 23rd day of April, 1992, by the following vote:

AYES: Directors Damas, Redeker, Rollisson, Strandberg and Borghi

NOES: None

ABSENT: None

/s/ FRANK BORGHI, JR.
Frank Borghi, Jr., President
Board of Directors
Alameda County Water District

ATTEST:

/s/ RUTH R. EVANS
Ruth R. Evans, District Secretary
Board of Directors
Alameda County Water District
(SEAL)

APPROVED:

/s/ GENE RHODES
Gene Rhodes, Attorney
Alameda County Water District

CERTIFICATE

I, the undersigned Secretary of ALAMEDA COUNTY WATER DISTRICT, do hereby certify that the foregoing is a full, true and correct copy of an Ordinance of the Board of Directors of ALAMEDA COUNTY WATER DISTRICT, a political subdivision, which said Ordinance was duly adopted at a meeting of said Board regularly held on April 25, 1991 as revised by the Board at their regular meetings held on September 26, 1991, January 9, 1992, and April 23, 1992, and that a copy of said Ordinance was forthwith duly entered in the minutes of said meeting of said Board, and that the same is in full force and effect.

Dated: April 29, 1996

Marvell L. Herren
Marvell L. Herren, District Secretary
Alameda County Water District