

Chapter 23.28 WATER CONSERVATION

13.28.030 Regulations.

A. It is unlawful for any person to use, permit or allow the use of water in any of the following manners:

1. Hosing off sidewalks, driveways, and other hardscapes.
2. Washing automobiles or boats with hoses not equipped with a shut-off nozzle.
3. Using non-recirculated water in a fountain or other decorative water feature.
4. Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
5. Irrigating ornamental turf on public street medians.

B. It is unlawful during the period May 1st to November 1st of each year for any person to use, permit or allow the use of water in any of the following manners:

1. Any use of potable water from any fire hydrant is prohibited except by regularly constituted fire protection agencies for fire suppression purposes or by the responsible water agency, when alternate water sources or reclaimed water sources are available. In the absence of alternate water sources or recycled water sources, potable water from any fire hydrant may be used provided a permit for such use is approved by the Fire Department and the responsible water agency.

2. For exterior irrigation, including, but not limited to, public, private, and commercial locations, except as follows:

- a. Irrigation shall be prohibited between the hours of 11:00 a.m. to 6:00 p.m.
- b. To conduct exterior irrigation in such a manner or extent that allows water to run off or escape from the premises or to be wasted.
- c. Exceptions to the above regulations:
 - i. Drip and/or mist irrigation systems.
 - ii. During the initial 21-day period of establishment for new plantings the above regulations shall not apply.
 - iii. Other uses which cannot reasonably comply with the above regulations due to the large size, normal hours of use or type of use of the area to be irrigated may be excepted upon

approval by the Director of a water conservation plan which meets the goals of reduction and conservation.

3. To allow the escape of water through leaks, breaks, or malfunction within the water user's plumbing or distribution system for any period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of 24 hours after the water user discovers such break, leak, or malfunction, or receives notice from the City, any water provider or enforcement authority of such condition, whichever occurs first, is a reasonable time within which to correct such condition or to decide for correction.

4. The operation of any non-self-service commercial car wash unless the soap/water solution for such use is reclaimed. If a reclaimed water system cannot be installed, the car wash operator shall submit a plan satisfactory to the Director to modify operation of the facility to reduce its usage of water by at least 20 percent of its usage during the same month of the prior year for comparable business volume. If there is no history of prior use, the operator shall provide to the Director data comparable to such history to establish its base monthly usage.

5. Restaurants shall serve water to customers only upon request.

6. Use of water for cleaning building or mobile home exteriors shall be prohibited except as follows:

a. With the use of a bucket and sponge; or

b. For the preparation of such exterior surfaces for the purpose of repair or repainting with the use of a pressurized washing device equipped with a quick acting positive shut off.

7. Use of potable water for dust control purposes except for public health or safety purposes. Reclaimed, recycled or other nonportable water may be used for such purposes so long as such water is not wasted.

8. The indiscriminate running of water or washing with water not otherwise prohibited above which is wasteful and without reasonable purpose.

9. Exception. The above regulations shall not apply to users or uses when the source of water is other than:

a. A public water system as defined in [California Code of Regulations](#) Section 64555(a)(23); or

b. A groundwater aquifer used by a public water system.

c. The draining and/or refilling of all existing swimming pools, whether public, private, or commercial, shall be prohibited between June 1st and October 1st except for protection of public health and safety. (Ord. 2017-08-22-1403 § 2; prior code § 9-712)

Chapter 13.32 WATER SHORTAGE EMERGENCIES

13.32.010 Purpose and scope.

This chapter adopts regulations to deal with water shortage emergency conditions which exist within the City and the City's water service areas, as declared by resolution of this City Council. These regulations shall become effective with the effective date of the ordinance codified in this chapter. A water shortage emergency declaration shall be in effect upon proper findings made by the City Council after a public hearing and shall remain in effect until the City Council finds and declares by resolution that the water shortage emergency condition has abated, has changed in degree, or no longer exists. (Prior code § 9-730)

13.32.020 Findings.

The City Council finds, determines, and declares that the following shall occur prior to enforcement of the provisions of this chapter:

- A. The City Council shall conduct duly noticed public hearings for the purpose of determining whether a water shortage emergency condition exists and, if so, the degree of the emergency and what regulations and restrictions should be enforced in response to the shortage.
- B. The City Council shall adopt a resolution which declares that a water shortage emergency condition exists, the facts and conclusions which support such a declaration and that the ordinary water demands and requirements of water consumers within the City cannot be satisfied.
- C. The regulations set forth herein are necessary and proper to protect and conserve the water supply for human consumption, sanitation, and fire protection during the duration of the water shortage emergency condition.
- D. The regulations set forth herein shall remain enforceable to the extent declared by the City Council and until such time as the City Council finds that the water shortage emergency no longer exists.
- E. During the existence of a declared water shortage emergency, the provisions of this chapter shall take precedence over the provisions of the City's Water Conservation Ordinance, Stockton Municipal Code Chapter [13.28](#), as now enacted or hereafter amended. The provisions of the Water Conservation Ordinance shall continue in effect except where provisions of this chapter are different. Within areas of the City where water service is provided by any other water provider, the provisions of this chapter as to prohibited uses and waste shall be applicable. The Water Conservation Ordinance shall remain in effect except where more stringent requirements are set out herein. (Prior code § 9-731)

13.32.030 Definitions.

The following terms are defined for the purposes of this chapter:

“Allocation” means the calculated percentage of the amount of water delivered to each customer’s property during the corresponding monthly billing period of the base year for which no penalty or surplus use charge shall be imposed.

“Applicant” means a person, firm, partnership, business, corporation, district, or governmental agency that requests or receives water service from the City.

“Base year” means the calendar year of 1987, or any other period established by resolution of the City Council.

“Customer” means any person, firm, partnership, business, corporation, district, or governmental agency that receives water from the City (“City”) Water Utility.

“Director” means the Director of the Municipal Utilities Department of the City.

“Process water” means water used to manufacture, alter, convert, clean, grow, heat, or cool a product, including water used in laundries and car wash facilities.

“Water” means water used in or supplied by the City. (Prior code § 9-732)

13.32.040 Additional limits on water use available to all water users.

During Stage 2, 3, 4 and 5 emergencies, the following wasteful uses shall be prohibited in addition to the prohibitions and limitations stated in the Water Conservation Ordinance, Stockton Municipal Code Chapter

13.28. During said stages Section [13.28.040](#) and Sections [13.28.030\(A\)](#) and (B)(3) and (4) shall not be applicable. In the event the provisions of the section are inconsistent with the Water Conservation Ordinance, this section shall prevail.

A. Any use of potable water from any fire hydrant is prohibited, except by regularly constituted fire protection agencies for fire suppression purposes or by the responsible water agency, when alternate water sources or recycled water sources are available. In the absence of alternate water sources or reclaimed water sources, use of potable water from a hydrant may be used provided a permit for such use is approved by the Fire Department and the responsible water agency.

B. Use of potable water for dust control purposes except for public health or safety purposes. Reclaimed, recycled or other nonportable water may be used for such purposes so long as such water is not wasted.

C. Irrigation of exterior landscaping, turf areas, open ground, crops, trees, grass, lawn, groundcover, shrubbery, or decorative plantings between the hours of 11:00 a.m. and 6:00 p.m. except irrigation by drip or mist irrigation systems shall not be restricted as to hours.

D. Irrigation of exterior landscaping, turf areas, open ground, crops, trees, grass, lawn, groundcover, shrubbery, or decorative plantings in such a manner or extent that allows water to run off or escape from the premises or to be wasted.

E. Violation of the above stated provisions shall be unlawful and an infraction. (Prior code § 9-733)

13.32.050 Water allocations—City water utility.

A. The following classes of water use are established:

1. “Residential” which shall consist of water service to land improved with structures designed to serve as a residence for human habitation.

2. “Multiple-family residential” which shall consist of water service to land improved with structures designed to serve as a residence for more than a single-family, including apartments, condominiums, townhouses, mobile home parks, and the like where more than one unit is served by a single meter.

3. “Nonresidential” which shall consist of water service to land improved with structures designed to serve for uses other than residential uses and land without structures but used for agricultural purposes. The following kinds of water use are, without limitation, designated as nonresidential: commercial, industrial, agricultural, municipal, schools, and churches.

4. “Process water users” which shall consist of nonresidential users which utilize water primarily to manufacture, alter, convert, clean, grow, heat, or cool a product, including laundries and vehicle wash facilities.

B. No customer shall use City water for permitted uses in excess of the respective allocation for each class of service within each stage of water shortage emergency. (Prior code § 9-734)

13.32.060 Stages of water shortage emergency.

The following stages of water shortage emergency are established. Upon declaration of the City Council that an emergency condition exists, as provided in Sections [13.32.010](#) and [13.32.020](#), the City Council shall declare the degree of emergency and identify the applicable stage and the regulations which shall be enforceable for each respective stage. During Stages 2, 3, 4 and 5 additional restrictions on water use shall be enforceable as stated in Section [13.32.040](#).

A. Stage 1—Mandatory Water Conservation. Upon a finding made by the City Council that a Stage 1 water shortage emergency exists, the regulations set out in the Water Conservation Ordinance, Stockton Municipal Code Chapter [13.28](#), as presently enacted or amended shall be enforceable as to all water users.

B. Stage 2—Water Shortage Emergency. Upon declaration of the City Council that a Stage 2 water shortage emergency exists, the following regulations shall be applicable to all customers of the City’s water system:

1. Residential Accounts. Residential accounts shall use no more than 90 percent of the quantity of water delivered to the customer’s property as recorded by meter during the corresponding billing period of the base year. Notwithstanding this provision, no residential account shall receive an allocation of less than 600 cubic feet (6 CCF) of water per billing period.

2. Multiple-Family Residential Accounts. Multiple family residences which are served by a single meter shall use no more than 90 percent of the total quantity of water delivered to the customer’s property as recorded by meter during the corresponding billing period during the base year. Notwithstanding this provision, no multiple-family residential account shall receive a monthly allocation of less than 400 cubic feet (4 CCF) of water per unit served on a single meter.

3. Nonresidential Accounts. Nonresidential accounts shall use no more than 90 percent of the quantity of water delivered to the customer’s property as recorded by meter during the corresponding billing period of the base year.

4. Process-Water User Accounts. Process-water users shall use no more than 100 percent of the quantity of water as recorded by meter during the corresponding billing period during the base year.

C. Stage 3—Water Shortage Emergency. The following regulations shall be applicable to all customers of the City’s water system:

1. Residential Accounts. Residential accounts shall use no more than 80 percent of the quantity of water delivered to the customer’s property as recorded by meter during the corresponding billing period of the base year. Notwithstanding this provision, no residential account shall receive an allocation of less than 600 cubic feet (6 CCF) of water per billing period.

2. Multiple-Family Residential Accounts. Multiple family residences which are served by a single meter shall use no more than 80 percent of the total quantity of water delivered to the customer’s property as recorded by the meter during the corresponding billing period during the base year. Notwithstanding this provision, no multiple-family residential account shall receive a monthly allocation of less than 400 cubic feet (4 CCF) of water per unit served on a single meter.

3. Nonresidential Accounts. Nonresidential accounts shall use no more than 80 percent of the quantity of water delivered to the customer’s property as recorded by meter during the corresponding billing period of the base year.

4. Process-Water User Accounts. Process-water users shall use no more than 90 percent of the quantity of water as recorded by meter during the corresponding billing period during the base year.

D. Stage 4—Water Shortage Emergency. The following regulations shall be applicable to all customers of the City’s water system.

1. Residential Accounts. Residential accounts shall use no more than 70 percent of the quantity of water delivered to the customer’s property as recorded by meter during the corresponding billing period of the base year. Notwithstanding this provision, no residential account shall receive an allocation of less than 600 cubic feet (6 CCF) of water per billing period.

2. Multiple-Family Residential Accounts. Multiple-family residences which are served by a single meter shall use no more than 70 percent of the total quantity of water delivered to the customer’s property as recorded by meter during the corresponding billing period during the base year. Notwithstanding this provision, no multiple-family residential account shall receive a monthly allocation of less than 400 cubic feet (4 CCF) of water per unit served on a single meter.

3. Nonresidential Accounts. Nonresidential accounts shall use no more than 70 percent of the quantity of water delivered to the customer’s property as recorded by meter during the corresponding billing period of the base year.

4. Process-Water User Accounts. Process-water users shall use no more than 90 percent of the quantity of water as recorded by meter during the corresponding billing period during the base year.

E. Stage 5—Water Shortage Emergency. The following regulations shall be applicable to all customers of the City’s water system.

1. Residential Accounts. Residential accounts shall use no more than 60 percent of the quantity of water delivered to the customer’s property as recorded by meter during the corresponding billing period of the base year. Notwithstanding this provision, no residential account shall receive an allocation of less than 600 cubic feet (6 CCF) of water per billing period.

2. Multiple-Family Residential Accounts. Multiple family residences which are served by a single meter shall use no more than 60 percent of the total quantity of water delivered to the customer’s property as recorded by meter during the corresponding billing period during the base year. Notwithstanding this provision, no multiple-family residential account shall receive a monthly allocation of less than 400 cubic feet (4 CCF) of water per unit served on a single meter.

3. Nonresidential Accounts. Nonresidential accounts shall use no more than 60 percent of the quantity of water delivered to the customer’s property as recorded by meter during the corresponding billing period of the base year.

4. Process-Water User Accounts. Process-water users shall use no more than 80 percent of the quantity of water as recorded by meter during the corresponding billing period during the base year. (Prior code § 9-735)

13.32.070 Establishment of customer allocation.

A. The Director shall classify each customer and calculate each customer's allocation. Each customer shall be notified of the Director's determination by mail deposited in the United States Postal Service.

B. Establishment of Allocations With No Customer Use History.

1. Residential. All residential customers with no water use history at the current property address shall be assigned an allocation for single- or multiple-family residential accounts, as determined by the Director, on the basis of usage by similarly situated customers or on such other basis as may be fair and equitable under all the circumstances.

2. Other Use Classifications. In order to determine water, use allocations for a new nonresidential use customer, for a change in property use, or for a customer with no water use history at the current property address, an application by the customer shall be submitted to the Director designating the intended use of the property, the square footage, and number of employees. An allocation will be determined by the Director after reviewing the above factors as well as comparing water use for similar types of construction and property uses, averaging the water use and applying the appropriate percentage reduction to this amount. (Prior code § 9-736)

13.32.080 Request for increase in allocation.

A. All applicants for an increase in allocation must apply in writing to the City Department of Municipal Utilities on an application form provided by the City.

B. Requests for increased allocations will be reviewed by the Water Conservation Officer for recommendation to the Director for approval, modified approval, or denial. Requests for increased allocations in excess of the historical use may be recommended for approval for reasons outlined in subsection D of this section.

C. All residential applicants for an additional allocation based on additional persons residing at a residence shall show proof of residency for all residents at that property.

D. Water allocations may be adjusted by the Director upon written application where the requested adjustment is found to be reasonably necessary. Factors for consideration shall include without limitation:

1. Additional people residing full time at that residence.

2. Unusual medical needs.

3. Change of property use.

4. Where a City audit of nonresidential customer's water-using appliances and usage shows that all reasonable conservation measures are being employed and the applicant provides a conservation plan demonstrating the measures employed and compliance with the plan.

5. Where a nonresidential customer has demonstrated growth in business volume over the base year in providing a water-related service to the public, the allocation may be based upon 1990 annual water use.

6. Hospitals, health care facilities, nursing care facilities, health clinics, and similar users may be excepted from the percentage reductions providing that a water conservation plan demonstrating reductions in consumption to the maximum extent feasible without jeopardizing patient care is prepared and approved by the Director.

E. A decision in writing shall be mailed to the applicant within 15 days of receipt of the application. (Prior code § 9-737)

13.32.090 Appeals.

A. Procedure. Any customer may appeal for reconsideration of the Director's classification of use, allocation, or determination of a request for an increase in allocation on the basis of hardship or incorrect calculation. Appeals for reconsideration shall be processed as set forth below.

1. Any customer appealing for reconsideration of the classification or allocation shall do so in writing to the Director by either using forms provided by the City or by letter setting forth in detail the reasons for the appeal.

2. The appeal for reconsideration shall be reviewed by the City Department of Municipal Utilities and a site visit scheduled if required.

3. If an appeal for reconsideration is sustained, a condition of approval may include a requirement for the installation of water efficient plumbing fixtures and/or irrigation systems.

4. A staff committee or designee of the Director and the Director shall review all appeals for reconsideration and make decisions on the appeal.

5. If an applicant disagrees with the Director's decision, the decision may be appealed in the same procedural manner as specified in subsection A of this section to the City Manager or a designee, whose decision shall be final. If an appeal to the City Manager is requested, the customer shall be notified of a hearing date by mail. Such hearing shall be scheduled within 10 days of filing the appeal. A decision shall be forwarded to the applicant within 15 days of the date of the hearing.

B. Each appeal to the City Manager shall be accompanied by an appeal fee in an amount to be set by resolution of the City Council from time to time to defray the additional costs to the City. (Prior code § 9-738)

13.32.100 Enforcement and penalties.

A. The first billing period after the effective date of the Council's declaration of a water shortage emergency or the effective date stated in said resolution shall be considered an

adjustment period during which no penalties will be imposed for water usage in excess of the allocation.

B. Beginning with the second billing period after the effective date and except as provided in subsection C of this section, any customer who exceeds the established allocation in any monthly billing cycle shall pay an excess use charge in addition to all other charges. The excess use charge shall be based on a rate schedule as specified from time to time by resolution of the City Council.

C. No excess use charge shall be imposed in the following circumstances:

1. Multiple-family residential customers whose consumption is 400 cubic feet (4 CCF) per unit or less during any billing period.

2. All other customers whose consumption is 600 cubic feet (6 CCF) or less during any billing period.

D. Installation of Flow Restrictor.

1. After the issuance of one (1) written warning for violation of the provisions of this chapter, or for any use of water which is prohibited, the City may install a flow restricting device on the customer's water service which shall remain in place for a period of not less than 48 hours and until the customer has paid the removal charges set forth below. The device shall not be removed except by the City.

2. If the customer, after removal of a flow restricting device by the City, shall again violate the provisions of this ordinance or the Water Conservation Ordinance, the City may install a flow restricting device which shall remain for a period of at least two (2) weeks and until payment for removal by the City.

3. Further violations, removal of or by-passing the flow restricting device may result in termination of water service. Upon a determination by the Director that service shall be terminated, written notice of intent to disconnect shall be mailed to the customer. Said notice shall be mailed to the resident and any other person or entity known to the City who is responsible for the violation or correction of the violation, including the property owner in the case of rentals. A request for hearing on the discontinuance of service shall be requested within five (5) days of mailing the notice. A hearing before the Director shall be held within three (3) days of expiration of the period for requesting a hearing. The Director's final decision shall be mailed to the responsible parties within three (3) days of the hearing. If the final decision is to discontinue service, the discontinuance shall not occur less than three (3) days after mailing of the Director's final decision.

4. Removal Charges. The charge for removal of a flow restricting device shall be based on a rate schedule as established from time to time by resolution of the City Council. In the case of rentals, the person or entity occupying the premises and the owner shall be jointly and severally responsible for payment of said costs. (Prior code § 9-739)