

CITY of FORTUNA WATER SHORTAGE CONTINGENCY PLAN

Prepared for:
City of Fortuna
180 Dinsmore Drive
Fortuna, California 95540



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Prepared by:
Orrin Plocher and Stan Thiesen

of



Freshwater Environmental Services

78 Sunny Brae Center
Arcata, California 95521
Phone (707) 839-0091

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1.0 INTRODUCTION

The City of Fortuna is located in Humboldt County, and is approximately 270 miles north of San Francisco. The City lies within the Eel River Valley, and covers approximately five square miles (Figure 1 and 2). The City is bounded by the floodplain of the Eel River to the west, by the Van Duzen River to the south, and by the foothills of the Coastal Range to the east and north.

The City of Fortuna was incorporated in 1906, and water service was established for all residential, commercial, industrial, and agricultural customers, as well as for fire protection. The City of Fortuna also serves an unincorporated area south of Drake Hill Road, which is the southern boundary of the city limits. Campton Heights was supplied by a private water system including a groundwater well and storage tank. This system was purchased by the City of Fortuna. Upon purchase, the Campton Heights system was modified and is now supplied with water from the City of Fortuna water system. The City of Fortuna operates under the provisions of the Charter City Law of the State of California. Current services provided by the City of Fortuna are sewer, water, street lighting, street maintenance, storm drainage, law enforcement, parks and recreation, community development, engineering, building inspection and floodplain management.

The City of Fortuna is representative of a growing urban city surrounded by a rural community. The City serves as a major regional shopping center for much of central and southern Humboldt County due to its location.

1.1 Purpose

The City of Fortuna, California has prepared this Water Shortage Contingency Plan as a response to California State Water Resources Control Board's Resolution 2014-0038 and Emergency Regulation for Statewide Water Conservation, to prepare for potential future local, regional, and State water shortage conditions, and to fulfill a requirement of the Urban Water Management Planning Act.

1.2 State Regulations and Planning Requirements

The California Water Code contains two provisions for California water supplies related to water shortage contingency planning.

California Water Code Section 350-359 provides the authority for a governing body to declare water shortage emergencies (Appendix A). Upon the declaration of a water shortage emergency, the local agency is provided with broad powers to implement and enforce regulations and restrictions for managing water shortage conditions. Priority is given to water needed for domestic, sanitation and fire protection purposes. Discrimination is not allowed between water users using water for the same purpose or purposes. Declaration of a water shortage emergency requires a public hearing with a public notice in a newspaper seven days prior to the hearing (California Water Code §352). The public hearing and public notice is not required in the event of a breakage or failure of the water distribution system causing an immediate emergency (California Water Code §351).

The Urban Water Management Planning (UWMP) Act requires urban water suppliers to perform an urban water shortage contingency analysis that includes several elements

(California Water Code §10632, contained in Appendix B). This Water Shortage Contingency Plan addresses each of the required elements in the urban water shortage contingency analysis.

2.0 CITY OF FORTUNA WATER SUPPLY

Water supplied to City of Fortuna customers consists of groundwater extracted from four groundwater wells owned by the City. These wells, which are up to 112 feet deep, are all located at the southwest corner of the City, and produce excellent quality water. The water from these wells receive chlorination before distribution to the reservoir storage and distribution system.

Drinking water is pumped to five reservoirs, Campton Heights, Hillside, Holman, Stewart, and Vancil. The distribution system includes six water booster pump stations and five reservoirs for a total storage capacity of approximately 7,280,000 gallons.

The City of Fortuna supplies water to 4,350 active connections (2014). Fire protection is achieved through 279 fire hydrants. The approximate demand for each sector by volume is indicated in the table below.

Sector	Demand Percent by Volume
Single family	59%
Multi-family	16%
Commercial	14%
Industrial	8%
Institutional/governmental	0%
Landscape	3%

Based on production and sales records, past, current and future water demand for the City of Fortuna is between 440 and 520 million gallons of water a year to supply water to the City of Fortuna.

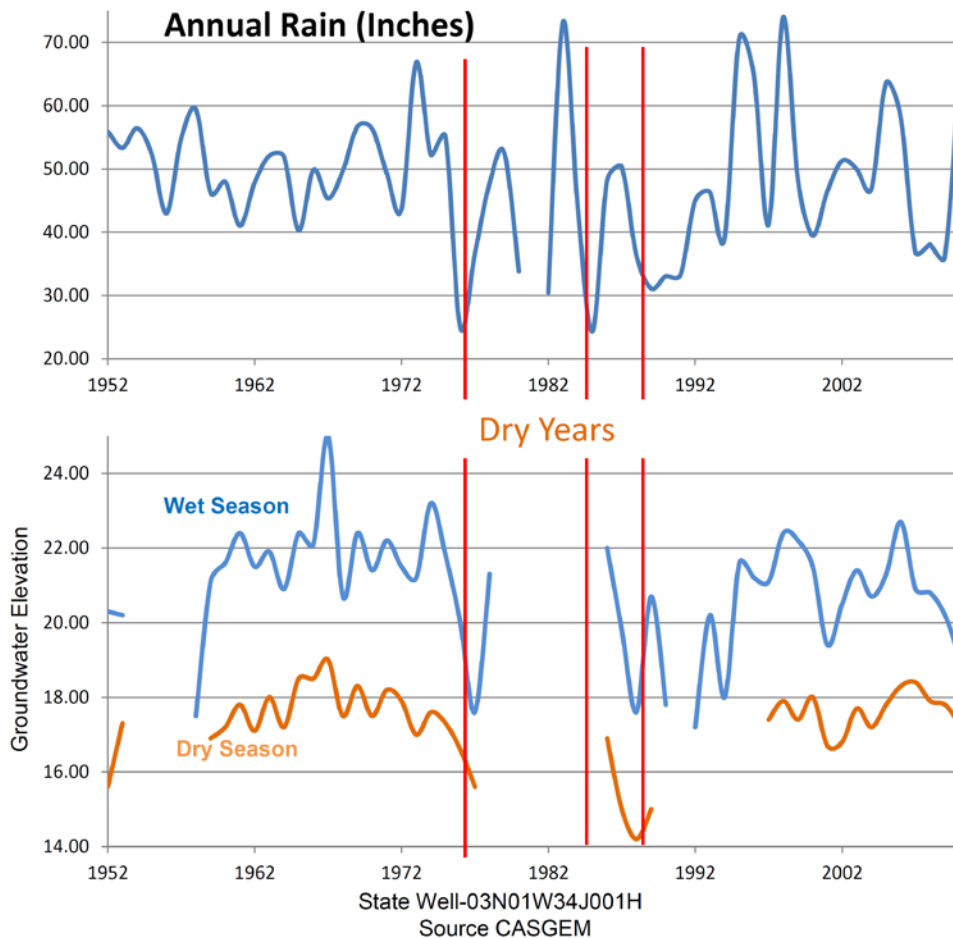
2.1 Groundwater Storage Capacity

The City of Fortuna extracts groundwater from the Eel River Valley Groundwater Basin. According to the City of Fortuna's Program Environmental Impact Report dated July, 2010, the groundwater basin contains a volume of approximately 44,300 million gallons (MG) that is recharged by percolation at a rate of 32,565 MG per year. Although the storage capacity is about 44,300 MG, the usable yield of this groundwater storage basin is estimated to be 13,000 MG to 19,500 MG annually. Approximately 3,257 MG of ground water is currently being pumped from the basin for agricultural purposes leaving a potential of producing approximately 9,743 MG to 16,243 MG per year.

3.0 ESTIMATED MINIMUM WATER SUPPLY FOR NEXT THREE YEARS

Local annual precipitation is plotted below which indicates that 1976, 1985, and 1989 were dry years. Groundwater elevation data provided by the Department of Water Resources (DWR) for wells nearest to the City of Fortuna wells were reviewed. During the three noted dry years the dry season groundwater elevations dropped approximately 2-4 feet. If dry years similar to those noted above were to occur for the next three years, with no recharge, the groundwater elevation in the dry season groundwater elevation could drop 6-12 feet.

If groundwater elevations at the City wells dropped by 12 feet, given the depth of the wells, depth to water and current pump depths the City is anticipated to have sufficient water. It is also likely that if the drought continues for the next three years, that through conservation efforts the demand would decrease and further reduce the extraction of groundwater.



Since the groundwater basin that the City of Fortuna extracts water from has a modeled potential of producing 9,743 MG to 16,243 MG per year (as noted in Section 2.1) and the City's projected maximum demand over the planning period is 520 MG per year the City's ability to meet the demand in a three year drought scenarios is likely.

4.0 CATASTROPHIC INTERRUPTION OF WATER SUPPLY

The California Safe Drinking Water Act mandates in Section 4029 that every public water system includes a Disaster Response Plan as part of their Emergency Notification Plan. This plan will outline the steps to be taken to maintain or return water service to the City's customers after a major disaster.

The City of Fortuna prepared an Emergency Response Plan (ERP) in 2009, which describes the actions the City will take during a catastrophic interruption of water supplies.

The shallow wells that provide water to the City of Fortuna are susceptible to two types of emergency situations, earthquakes and contamination.

In the event of a major earthquake or groundwater contamination, a water shortage contingency plan would be implemented, which would include rationing of the water storage reservoirs. However, if an earthquake were substantial enough to damage the well casing, pumping system, distribution system, and reservoirs, the water supply would be decreased. In this case, another temporary water supply would need to be used. The option is to have water transported by truck from the City of Eureka.

5.0 STAGES OF ACTION FOR DEMAND REDUCTION

5.1 Rationing Stages and Demand Reduction Goals

The City of Fortuna Water Shortage Contingency Plan consists of the following stages of rationing and demand reduction goals:

Stage	Demand Reduction Goals
Stage 1-Voluntary Conservation	20%
Stage 2-Mandatory Conservation	20-30%
Stage 3-Emergency Water Shortage	30-50%
Stage 4-Critical Water Shortage Emergency	>50%

The declaration of a specific stage of water shortage emergency will depend on several variables including:

- Statewide drought conditions;
- Local drought conditions;
- Static water levels in City water wells (compared to previous years measurements for the same month); and
- State regulations, notices and orders.

Static water levels for the City's production wells will be monitored monthly. Monthly static water levels will be compared with the same month in the previous year. Minor drops in static groundwater elevation from the same month in the previous year, along with other information may warrant declaration of a Stage 1 water shortage emergency. Moderate drops in static groundwater elevation from the same month in the previous year, along with other information may warrant declaration of a Stage 2 or 3 water shortage emergency. Severe drops in static groundwater elevation from the same month in the previous year, along with other information may warrant declaration of a Stage 4 water shortage emergency. Declaration of a Stage 4 water shortage emergency may also be triggered by a major catastrophic event that affects the ability of the City to meet anticipated demands. The decision regarding declaration of a specific Stage of water shortage emergency will be based on unforeseen conditions, therefore the triggers are general to accommodate to a broad range of conditions.

5.2 Prohibitions on Water Use

During a Stage I water shortage voluntary water conservation is requested of all customers including the specific voluntary measures below:

- Use water efficient indoor devices (faucet aerators, low flow toilets, water efficient washers, water efficient shower heads and water efficient sprinkler heads).
- Equip automatic commercial car washes with a water recycling system
- Refrain from the cleaning of building exteriors, mobile homes, cars, boats, and, recreational vehicles unless the hose is equipped with an automatic shutoff nozzle.
- Refrain from washing sidewalks, driveways, parking areas, tennis courts, patios or other exterior paved areas except by public agency for the purpose of public

safety.

- Install hose-end shutoff nozzles on all garden and utility hoses.
- Placement of a water emergency notice in each room in hotels and motels.
- Refrain from landscape watering between the hours of 10:00 AM and 6:00 PM
- Refrain from serving water in a restaurant or other commercial food service establishment except upon the request of a patron.

During a Stage 2 water shortage water use as indicated in the table below are nonessential and are restricted:

The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shutoff nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.
Washing sidewalks, driveways, parking areas, tennis courts, patios or other exterior paved areas except by public agency for the purpose of public safety.
Use of any hose without a quick acting shutoff nozzle.
Outdoor irrigation of ornamental landscapes or turf with potable water except for Saturday, Sunday, Tuesday and Thursday.
The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.

During a Stage 3 water shortage emergency, in addition to the restricted water uses in earlier Stages, water uses indicated below are nonessential and are prohibited:

Automated commercial car washes without a water recycling system.
Operating a hotel, motel or other commercial lodging establishment without offering patrons the option to forego the daily laundering of towels, sheets and linens.
Any leaks that are not repaired within 24 hours.
Serving of drinking water at restaurants unless requested.
Washing of exterior structures.
Filling of swimming pools and hot tubs is prohibited.

During a Stage 4 water shortage emergency, in addition to the restricted water uses in earlier stages, water uses indicated below are nonessential and are prohibited:

Hydrant and bulk water permits.
Washing of cars, boats, trailers, or other vehicles.
Street cleaning or dust control with potable water.
Use of water from a fire hydrant except for fighting fires, human consumption.
Landscape irrigation or watering of lawns or gardens.
Installation of new landscaping which requires any irrigation or watering.
Sewer system maintenance, fire protection training, or flushing of hydrants with

potable water.

5.3 Violations of Water Use Restrictions

Fortuna Municipal Code Chapter 13.13 is include in Appendix C. Fortuna Municipal Code Chapter 13.13.080 establishes the enforcement authority for the above listed water use restrictions. Fortuna Municipal Code Chapter 13.13.100 and 110 establish authority for the City to disconnect water service and to issue fines for violating water use restrictions.

6.0 ANALYSIS OF REVENUE AND EXPENDITURES IMPACTS

During the implementation of the various water shortage emergency stages, there will be an impact on revenue and expenses for the City due to the anticipated demand reduction. The table below indicates the net impact on revenue given the various demand reduction scenarios. This is intended to be a general analysis of revenue impact and is based on the 2013-2014 annual budget.

2013-2014 Revenues	Normal Year	Stage 2 20% Volumetric Reduction	Stage 3 30% Volumetric Reduction	Stage 4 50% Volumetric Reduction
Connections	4,350			
Monthly Base Rate/Connection	\$23.03			
Monthly Base Rate Revenue	\$100,181			
Annual Base Rate Revenue	\$1,202,166	\$1,202,166	\$1,202,166	\$1,202,166
Annual Volumetric Revenue	\$1,070,834	\$856,667	\$749,584	\$535,417
Total Annual Revenue	\$2,273,000	\$2,058,833	\$1,951,750	\$1,737,583

2013-2014 Expenses		Stage 2 20% Volumetric Reduction	Stage 3 30% Volumetric Reduction	Stage 4 50% Volumetric Reduction
Fixed Expenses (T&D and Admin)	\$773,000	\$773,000	\$773,000	\$773,000
Variable Expense	\$434,000	\$347,200	\$303,800	\$217,000
CIP Reserve	\$1,066,000	\$1,066,000	\$1,066,000	\$1,066,000
Total Annual Expense	\$2,273,000	\$2,186,200	\$2,142,800	\$2,056,000

Anticipated Shortfall (12 month event)	0	\$(127,367)	\$(191,050)	\$(318,417)
Anticipated Shortfall (4 month event)	0	\$(42,456)	\$(63,683)	\$(106,139)
Anticipated Shortfall (2 month event)	0	\$(21,228)	\$(31,842)	\$(53,070)

The net impact on revenue depends on the stage of water shortage emergency and the duration of the water shortage event. The worst case scenario that is presented above is a 50% reduction in volumetric sales for a 12-month duration resulting in a \$318,417 net reduction in revenue. The more likely scenario is a 30% demand reduction for a two to four month duration result in a net reduction in revenue from \$31,842 to \$63,683.

The City of Fortuna has several options it can consider for handling the anticipated revenue impact including:

- Reduce funds allocated for the Capitol Improvements Funds (CIP) reserve, thereby reducing the CIP reserve fund and delaying implementation of CIP projects;

- During the next rate study develop a water shortage surcharge (rate structure) that automatically goes into effect upon declaration of a specific stage of water shortage emergency; or
- During the next rate study include the establishment of a water shortage emergency fund that will be available in the event of a water shortage emergency.

7.0 MONITORING PROCEDURES

During a declared water shortage emergency water production volumes will be reviewed monthly, including a calculation of Gallons Per Capita per Day (GPCD), and comparison to the same month of the year just prior to the declaration of a water shortage emergency.

8.0 WATER FEATURE INVENTORY

The City of Fortuna will initiate a survey that will inventory water features, and determine if any water features use potable water without a recirculation system. This section of the contingency plan will be updated when this data becomes available prior to the submittal of the 2015 Urban Water Management Plan as required.

APPENDIX A
CALIFORNIA WATER CODE SECTION 350-359

WATER CODE
SECTION 350-359

350. The governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, may declare a water shortage emergency condition to prevail within the area served by such distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

351. Excepting in event of a breakage or failure of a dam, pump, pipe line or conduit causing an immediate emergency, the declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to said governing board.

352. Notice of the time and place of hearing shall be published pursuant to Section 6061 of the Government Code at least seven days prior to the date of hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed, or if there is no such newspaper, in any newspaper printed, published, and circulated in the county in which the area is located.

353. When the governing body has so determined and declared the existence of an emergency condition of water shortage within its service area, it shall thereupon adopt such regulations and restrictions on the delivery of water and the consumption within said area of water supplied for public use as will in the sound discretion of such governing body conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.

354. After allocating and setting aside the amount of water which in the opinion of the governing body will be necessary to supply water needed for domestic use, sanitation, and fire protection, the regulations may establish priorities in the use of water for other purposes and provide for the allocation, distribution, and delivery of water for such other purposes, without discrimination between consumers using water for the same purpose or purposes.

355. The regulations and restrictions shall thereafter be and remain in full force and effect during the period of the emergency and until the supply of water available for distribution within such area has been replenished or augmented.

356. The regulations and restrictions may include the right to deny applications for new or additional service connections, and provision for their enforcement by discontinuing service to consumers wilfully violating the regulations and restrictions.

357. If the regulations and restrictions on delivery and consumption of water adopted pursuant to this chapter conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of the water supply available for distribution within such service area, the regulations and restrictions adopted pursuant to this chapter shall prevail over the provisions of such laws relating to water rights for the duration of the period of emergency; provided, however, that any distributor of water which is subject to regulation by the State Public Utilities Commission shall before making such regulations and restrictions effective secure the approval thereof by the Public Utilities Commission.

358. Nothing in this chapter shall be construed to prohibit or prevent review by any court of competent jurisdiction of any finding or determination by a governing board of the existence of an emergency or of regulations or restrictions adopted by such board, pursuant to this chapter, on the ground that any such action is fraudulent, arbitrary, or capricious.

359. (a) Notwithstanding any other provision of law that requires an election for the purpose of authorizing a contract with the United States, or for incurring the obligation to repay loans from the United States, and except as otherwise limited or prohibited by the California Constitution, a public water agency, as an alternative procedure to submitting the proposal to an election, upon affirmative vote of four-fifths of the members of the governing body thereof, may apply for, accept, provide for the repayment together with interest thereon, and use funds made available by the federal government pursuant to Public Law 95-18, pursuant to any other federal act subsequently enacted during 1977 that specifically provides emergency drought relief financing, or pursuant to existing federal relief programs receiving budget augmentations in 1977 for drought assistance, and may enter into contracts that are required to obtain those federal funds pursuant to the provisions of those federal acts if the following conditions exist:

(1) The project is undertaken by a state, regional, or local governmental agency.

(2) As a result of the severe drought now existing in many parts of the state, the agency has insufficient water supply needed to meet necessary agricultural, domestic, industrial, recreational, and fish and wildlife needs within the service area or area of jurisdiction of the agency.

(3) The project will develop or conserve water before October 31, 1978, and will assist in mitigating the impacts of the drought.

(4) The agency affirms that it will comply, if applicable, with Sections 1602, 1603, and 1605 of the Fish and Game Code.

(5) The project will be completed on or before the completion date, if any, required under the federal act providing the funding, but not later than March 1, 1978.

(b) Any obligation to repay loans shall be expressly limited to revenues of the system improved by the proceeds of the contract.

(c) No application for federal funds pursuant to this section shall be made on or after March 1, 1978.

(d) Notwithstanding the provisions of this section, a public agency shall not be exempt from any provision of law that requires the submission of a proposal to an election if a petition requesting such an election signed by 10 percent of the registered voters within the public agency is presented to the governing board within 30 days following the submission of an application for federal funds.

(e) Notwithstanding the provisions of this section, a public water agency that applied for federal funds for a project before January 1, 1978, may make application to the Director of the Drought Emergency Task Force for extension of the required completion date

specified in paragraph (5) of subdivision (b). Following receipt of an application for extension, the Director of the Drought Emergency Task Force may extend the required completion date specified in paragraph (5) of subdivision (b) to a date not later than September 30, 1978, if the director finds that the project has been delayed by factors not controllable by the public water agency. If the Drought Emergency Task Force is dissolved, the Director of Water Resources shall exercise the authority vested in the Director of the Drought Emergency Task Force pursuant to this section.

(f) For the purposes of this section, "public water agency" means a city, district, agency, authority, or any other political subdivision of the state, except the state, that distributes water to the inhabitants thereof, is otherwise authorized by law to enter into contracts or agreements with the federal government for a water supply or for financing facilities for a water supply, and is otherwise required by law to submit those agreements or contracts or any other project involving long-term debt to an election within that public water agency.

APPENDIX B
CALIFORNIA WATER CODE SECTION 10632

APPENDIX C
FORTUNA MUNICIPAL CODE CHAPTER 13.13

**WATER CODE
SECTION 10632**

10632. (a) The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:

(1) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions that are applicable to each stage.

(2) An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.

(3) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.

(4) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.

(5) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.

(6) Penalties or charges for excessive use, where applicable.

(7) An analysis of the impacts of each of the actions and conditions described in paragraphs (1) to (6), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.

(8) A draft water shortage contingency resolution or ordinance.

(9) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.

(b) Commencing with the urban water management plan update due December 31, 2015, for purposes of developing the water shortage contingency analysis pursuant to subdivision (a), the urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code.

**EXHIBIT A
ORDINANCE 2014-714**

Chapter 13.13

**WATER SHORTAGE AND WATER WASTE
REGULATIONS***

Sections:

- [13.13.010](#) Purpose and Authority
- [13.13.012](#) Promulgation of Rules, Regulations and Rates
- [13.13.015](#) Declaration of a Water Shortage Emergency
- [13.13.018](#) Publication
- [13.13.020](#) Definitions
- [13.13.030](#) Application
- [13.13.040](#) Determination of Stage of Action Necessary
- [13.13.060](#) Water Waste Prohibited
- [13.13.070](#) Prohibitions of Nonessential Water Uses
- [13.13.072](#) Suspension of New Connections to the City's Water System
- [13.13.075](#) Variances
- [13.13.078](#) Limits on Individual Consumption
- [13.13.080](#) Enforcement
- [13.13.100](#) Disconnection for Violation.
- [13.13.110](#) Penalty

* For statutory provisions on municipal water systems, see Government Code § 38730 et seq.; for statutory provisions concerning purity of water and water systems, see Health and Safety Code §§ 4010 through 4037.

13.13.010 Purpose and Authority

This Ordinance is intended to allocate equitably the water available to Fortuna during such emergency to the end that sufficient water will be available for human consumption, sanitation, and fire protection. The specific uses regulated or prohibited in this Ordinance are nonessential, if allowed would constitute wastage of water and should be prohibited pursuant to Water Code Section 350 et seq., Water Code Section 71640 et seq., and the common law. The actions taken hereinafter are exempt from the provisions of the California Environmental Quality Act of 1970 as projects undertaken as immediate action necessary to prevent or mitigate an emergency pursuant to Section 15071 © of the State EIR Guidelines.

This Ordinance is adopted pursuant to Water Code Section 350 to and including 358, and Sections 31026 to and including 31029.

13.13.012 Promulgation of Rules, Regulations and Rates.

The council reserves the right and power to from time to time by resolution to modify the City's Water Shortage Contingency Plan, and may likewise by resolution establish and modify the penalties for violation of any provision of this chapter.

13.13.015 Declaration of a Water Shortage Emergency

The provisions of this chapter shall take effect whenever the City Manager, upon engineering analysis of City water supplies, or due to regulatory requirements, notices, or orders, finds and determines that a water shortage emergency exists or is imminent within the Fortuna water service area and a declaration of a water shortage is made by a resolution of the Fortuna City Council, and they shall remain in effect for the duration of the water shortage set forth in the resolution. The City Manager is authorized to go directly to any conservation stage necessary depending on the drought conditions or water shortage. The City Manager is further authorized to act as quickly as needed to move through the conservation stages, depending on the drought conditions or water shortage.

13.13.018. Publication

Within ten (10) days of adoption the City will publish in a newspaper of general circulation this Ordinance setting forth the restrictions, prohibitions, and exclusions determined by the City to be necessary

13.13.020 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“City” means the City of Fortuna, California.

“Council” means the elected council of the City.

“Customer” means any person using water supplied by the City.

“Manager” means the city manager of the City.

“Nonessential use” means any use not required for human consumption, sanitation, or fire protection.

“Nonessential user” means any user other than a domestic residential customer or facility providing for health and safety.

“Outdoor surface” means any patio, porch, veranda, driveway, or sidewalk.

“Person” means any person, firm, partnership, association, corporation, company, or organization of any kind.

“Water” means potable water provided by the City through its distribution system.

13.13.030 Application

The provisions of this chapter shall apply to all customers of the city using water both in and outside the city limits. (Ord. 2012-696 § 2 (Exh. A)).

13.13.040. Determination of Stage of Action Necessary

This Ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of response actions to be implemented in times of shortage, as set forth in Section 13.13.70 below, with increasing restrictions on water use in response to worsening drought conditions or decreasing available supplies. Declaration of a water shortage emergency requires a public hearing with a public notice in a newspaper seven days prior to the hearing (California Water Code §352). The public hearing and public notice is not required in the event of a breakage or failure of the water distribution system causing an immediate emergency (California Water Code §351). The City Council, upon recommendation by the City Manager, shall determine, and declare by resolution, the stage of response action necessary. Notice of such determination shall be published in a newspaper of general circulation and shall be effective within five (5) days from the date the declaration is made.

13.13.060 Water Waste Prohibited

No water furnished by the City shall be wasted. Waste of water includes, but is not limited to, the following:

- a. Permitting water to escape (run to waste) down a gutter, ditch, surface drain, or otherwise;
- b. Failure to repair a controllable leak of water; and
- c. Failure to put to reasonable beneficial use any water withdrawn from the City's system.

13.13.070 Prohibitions of Nonessential Water Uses

No water furnished by the City shall be used for any purpose declared to be non-essential as determined by the City Council after considering specific triggers consistent with the Water Shortage Contingency Plan for the Fortuna Service Area.

13.13.072. Suspension of New Connections to the City's Water System

a. From the date the City Council, by resolution, determines a Stage 3 Emergency Water Shortage, defined by the Water Shortage Contingency Plan, actions are to be implemented, until the City Council by resolution declares that the water shortage has ended, this period is hereinafter referred to as the suspension period, the City Manager may prohibit new or enlarged connections to the City's water system except the following:

- (1) connection pursuant to the terms of connection agreements which prior to the date Stage 3 was implemented, had been executed or had been authorized by the City Council to be executed;
- (2) connections of fire hydrants;
- (3) connections of property previously supplied with water from a well which runs dry;

- (4) connection of property for which the Applicant agrees to defer landscape installation until after the suspension period; and
- (5) recycled water connections.

b. During the suspension period applications for water service will be processed only if the Applicant acknowledges in writing that such processing shall be at the risk and expense of the Applicant and that if the application is approved in accordance with the City's regulations, such approval shall confer no right upon the Applicant or anyone else until the suspension period has expired, and that the Applicant releases the City from all claims of damage arising out of or in any manner connected with the suspension of connections.

c. Upon the expiration of the suspension period, the City will make connections to its water system in accordance with its regulations and the terms of connection agreements for all said applications approved during the suspension period. The water supply then available to the City will be apportioned equitably among all the customers then being served by the City without discrimination against services approved during the suspension period.

d. Nothing herein shall prohibit or restrict any modification, relocation or replacement of a connection to the City's system if the City Manager determines that the demand upon the City's water supply will not be increased thereby.

13.13.075 Variances

Applications for a variance from the provisions of Section 13.13.070 of this Ordinance may be made to the City Manager. The City Manager may grant a variance to permit a use of water otherwise prohibited by Section 13.13.070 if the City Manager determines that the variance is reasonably necessary to protect the public health and safety and/or economic viability of commercial operation. Any decision of the City Manager under this section may be appealed to the City Council.

13.13.078. Limits on Individual Consumption

The City Manager may limit the amount of water delivered to customers, whenever the City Manager determines the water available to the City of Fortuna is insufficient to meet the demands of customers of the City and that all water available to said City should be used solely for human consumption, sanitation and fire protection, he may order limits be imposed on individual consumption as determined and specified by resolution of the City Council including penalties. While this Ordinance is in effect, no additional water use by a customer shall be permitted unless the City Manager determines that the health, safety, or welfare of the public might be endangered.

13.13.080 Enforcement.

Each police officer of the city, in connection with his/her duties imposed by law, shall diligently enforce the provisions of this chapter.

The manager and all employees of the city shall have the duty and are authorized to enforce the provisions of this chapter and shall have all the powers and authority set forth in California Penal Code Section 836.5, including the power to issue written notices to appear. (Ord. 2012-696 § 2 (Exh. A)).

13.13.100 Disconnection for Violation.

The manager shall forthwith direct and cause the disconnection of the water service of any person or customer cited for a misdemeanor under this chapter. Such service shall be restored only upon the payment of the reestablishment of service charge fixed by the council by resolution and as provided in this code. (Ord. 2012-696 § 2 (Exh. A)).

13.13.110 Penalty.

Except as otherwise provided in this chapter, violations of any provision of this chapter shall be punished as follows:

Violation	Classification	Penalty*
First violation	Infraction	Verbal or written notice
Second violation	Infraction	\$100
Third violation and subsequent violations within a six-month period	Misdemeanor	\$250

* These penalties and their amounts may be amended from time to time by resolution of the City Council.

Each day any violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 2012-696 § 2 (Exh. A)).