

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: JENNIFER BURKE, DIRECTOR, SANTA ROSA WATER
SUBJECT: INTRODUCE AN ORDINANCE AMENDING SANTA ROSA CITY
CODE CHAPTER 14-21 WATER WASTE REGULATIONS

AGENDA ACTION: PUBLIC HEARING ORDINANCE INTRODUCTION

RECOMMENDATION

It is recommended by the Board of Public Utilities and Santa Rosa Water that the Council introduce an ordinance amending Santa Rosa City Code Chapter 14-21 Water Waste Regulations to include administrative fines, provide an exception and an appeals process, and make other clarifying changes.

EXECUTIVE SUMMARY

Santa Rosa City Code Chapter 14-21 Water Waste Regulations was first adopted in 1999 and last revised in 2007. Since Chapter 14-21 was last revised, best practices have changed and staff has identified a need to revise the Water Waste Regulations to allow for issuance of administrative fines, provide an exception and appeals process, and make other clarifying changes.

BACKGROUND

In 1999, the Council of the City of Santa Rosa added Water Waste Regulations, Chapter 14-21 to the Santa Rosa City Code, thereby prohibiting water waste due to unattended open hoses, broken irrigation heads or lines, plumbing leaks, and excessive irrigation running off property or spraying on sidewalks or gutters. The Water Waste Regulations (Regulations) authorize the Director of Santa Rosa Water to issue a written warning and disconnect a customer's water service if a water waste violation is not corrected.

The completion of the City of Santa Rosa's (City) Automatic Metering Infrastructure (AMI) system now provides Santa Rosa Water staff with hourly water usage data. This more granular data has increased the Water Use Efficiency team's ability to identify irregular continuous water use which is used to diagnose and notify customers of water waste issues. Through multiple methods, staff contact customers with irregular continuous use and offer technical assistance to help them resolve the issue in order for the customer to comply with the Regulations. Staff utilize different methods to inform customers including

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phone calls, emails, and physical door tags to reach customers about water waste violations. If the customer does not resolve the irregular usage, or does not respond to staff after multiple attempts, the only enforcement option available under the current Regulations is disconnection of the customer's water service. Of approximately 500 reports of water waste at single family homes per year, about eight per year have resulted in disconnection. This is equal to 1.5 percent of all cases annually.

For Commercial, Industrial, Institutional (CII) customers who are found to be in violation of the Regulations and non-responsive to staff outreach, disconnecting the water service is often not a feasible enforcement option due to potential adverse impacts on health, sanitation, and safety, and/or potential placement of undue hardship on the customer or the public more generally. Many of the CII customer facilities provide essential functions, such as grocery stores, schools, healthcare facilities, and other public and community sector services.

The Regulations do not include a process for a customer to request an exemption due to potential adverse impacts on health, sanitation, and safety, and/or potential placement of undue hardship on the customer or the public, or an appeals process if a customer feels a violation is unwarranted.

PRIOR CITY COUNCIL REVIEW

On June 22, 1999, Santa Rosa City Council, by Resolution No. 3426, amended Section 14-04.210 of the Santa Rosa City Code by adding subsection (E) to provide for disconnection of service for water waste and adding Chapter 14-21 entitled "Water Waste Regulations".

On September 18, 2007, the City Council Santa Rosa City Council, by Resolution No. 3845, approved the inclusion of recycled water into Chapter 14-21 Water Waste Regulations.

ANALYSIS

Staff propose revising the Regulations to broaden the definition of water waste and to include an administrative fine structure as an additional enforcement option to encourage customers to resolve water waste violations. While the possible imposition of administrative fines will apply to every customer class, staff believes this additional enforcement option will likely motivate CII customers to resolve water waste violations while minimizing any potential adverse impacts to essential service providers or disrupting local economic activity. Such administrative fines would be reserved only for instances where a customer is no longer in communication with staff and making progress towards addressing the water waste violation. Once a customer is in communication with staff or has demonstrated that the water waste has been resolved, the administrative fine process will stop.

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Staff also proposes adding a provision to the Regulations that will allow staff the ability to grant exceptions when necessary to avoid potential adverse impacts on health, sanitation, and safety, and/or to avoid placing undue hardship on the customer or the public.

The proposed revisions to Chapter 14-21, Water Waste Regulations, are called out in redline form in Attachment 2. Any funds generated through imposition and collection of an administrative fine would be used to fund water use efficiency programs under JL key 55495.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund. Staff time to enforce the Water Waste Regulations is already budgeted in the Water Department's Operations and Maintenance budget.

Any funds generated through an administrative fine would be used to fund water use efficiency programs under the Water Department JL key 55495.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guidelines Section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On September 12, 2023, the Board of Public Utilities Water Conservation Subcommittee, recommended, by motion, the Board of Public Utilities recommend that the City Council adopt the proposed revisions to Santa Rosa City Code Chapter 14-21 Water Waste Regulations, as described.

On September 21, 2023, the Board of Public Utilities, by resolution, recommended that the City Council adopt the proposed ordinance thereby amending Santa Rosa City Code Chapter 14-21 Water Waste Regulations.

NOTIFICATION

Notice of the public hearing was published in the Press Democrat on Tuesday, October 10, 2023.

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ATTACHMENTS

- Attachment 1 – Board of Public Utilities' Resolution No. 1328
- Attachment 2 – Ordinance No. XX (Redline) of the City of Santa Rosa Amending Chapter 14-21 of the Santa Rosa City Code
- Resolution
- Ordinance

PRESENTER

Deb Lane, Sustainability Representative