

EXHIBIT A

ACC 13.14.010 Purpose.

It is in the public interest to conserve ~~promote the conservation of~~ the city's water supply in order to protect the health, welfare, and safety of water users. To accomplish this declared purpose, the city ~~exercises reserves the right to exercise~~ its police powers and its State law authority by enacting through emergency measures as set forth in this chapter.

ACC 13.14.020 Authority of Mayor in responding to water shortage or emergency.

~~The mayor may order water use restrictions and conservation measures, when necessary to protect for the protection of the public health, safety, and welfare during a water shortage or emergency caused by drought conditions, city water utility damage or destruction, or any other cause threatening to disrupt or diminish the City's water supply below its ability to meet normal water demands. , shall have the authority to declare various stages of water emergencies and to implement the water conservation measures set forth in this chapter. The mayor shall also have authority to determine whether the various stages of water emergencies and water conservation measures apply to the entire city utility service area or to such portions as may be particularly affected.~~

ACC 13.14.030 Policies and procedures in responding to water shortage or emergency.

The City shall use the following policies and procedures when responding to a water shortage or emergency ~~shall apply during the various stages of water emergencies as set forth in this section:~~

A. Mayor's proclamation of water shortage or emergency. The Mayor may proclaim a water shortage or emergency in response to a current or threatened water supply disruption or diminution as described by ACC 13.14.020.

1. The Mayor's proclamation shall:

a. direct the Department of Public Works to implement water use restrictions and/or conservation measures necessary to address the proclaimed shortage or emergency; and

b. if they can reasonably be determined, identify the geographic area of the proclaimed water shortage or emergency, and specify the duration of any corresponding water use restrictions or conservation measures.

2. Any such proclamation by the Mayor shall at the earliest practicable time be presented to the city council for ratification and confirmation, modification, or rejection and, if rejected, shall thereafter be void.

B. Public Works Department response. Subject to subsection A.2, upon the Mayor's issuance of a water shortage or emergency proclamation, the City's Public Works Department shall implement appropriate water use restrictions and/or conservation measures from the City's Water Shortage Contingency Plan as currently adopted and as amended in the future by the Public Works director. Before implementation of water use restrictions or conservation measures, the Department shall make reasonable attempts to notify any water customers affected by these actions-proclamation and their implementation.

~~Stage I—Anticipated Water Shortage—Internal Preparations. The mayor may declare a Stage I water emergency when a water shortage is anticipated but not immediate. The public works department shall conduct public education efforts regarding the benefits and necessity of conservation by the public.~~

~~B. Stage II—Serious Water Shortage—Voluntary Conservation. The mayor may declare a Stage II water emergency when a water shortage exists such that immediate voluntary reductions in consumption are necessary. The public works department shall conduct an intensified public information campaign and shall coordinate the campaign to encourage voluntary water conservation through news releases and other methods of providing information about conservation methods.~~

C. City not liable. As a result of and/or during a proclaimed water shortage or emergency, the City shall not be responsible or liable for any damage resulting from any interruptions in the water supply.

~~—Stage III—Critical Water Shortage—Limited Outdoor Restrictions. The mayor may declare a Stage III water emergency when a water shortage exists such that water supplies are critically impacted and water demand must be reduced. The mayor is authorized to establish certain specified days or hours for irrigating, sprinkling or watering lawns and gardens, and may prohibit or regulate other nonessential uses of water within the water system during such times as there is an actual or impending water shortage, extreme pressure loss in the distribution system, or for any other reasonable cause. The following nonessential uses of water may be prohibited on all properties connected to the city's water system, whether inside or outside of the city:~~

~~1. Washing sidewalks, walkways, driveways, parking lots, patios, and other exterior paved areas by direct hosing, except as may be necessary to prevent or eliminate materials dangerous to the public health and safety.~~

~~2. Escape of water through breaks or leaks within the customer's plumbing or private distribution system for any period of time beyond which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of 48 hours after the customer discovers a leak or break, or receives notice from the city of~~

~~such leak or break, whichever occurs first, is a reasonable time in which to correct the same.~~

~~3. Noncommercial washing of privately owned motor vehicles, trailers, and boats, except from a bucket or hose using a shutoff nozzle for quick rinses.~~

~~4. Lawn sprinkling and irrigation which allows water to run off or overspray the lawn area. Every customer is deemed to have knowledge of and control over their lawn sprinkling and irrigation at all times.~~

~~5. Sprinkling and irrigation of lawns, ground cover, or other plants, between the hours of 9:00 a.m. and 6:00 p.m. or on any day not authorized by the established rotation schedule.~~

~~6. Such other uses as the mayor deems appropriate.~~

~~D. *Stage IV—Emergency Water Shortage—Mandatory Outdoor Restrictions and Indoor Conservation.* The mayor may declare a Stage IV water emergency when a water shortage exists such that maximum flow reduction is immediately required, water available to the city is insufficient to permit any irrigation, watering, or sprinkling, and all available water is needed solely for human consumption, sanitation, and fire protection. The mayor may prohibit all nonessential uses of water, including but not limited to all vehicle washing, all lawn watering, and all of the uses that may be prohibited for a Stage III water emergency. The public works and utilities department shall disseminate information using every available means to encourage customers to reduce indoor water usage to the maximum extent possible.~~

~~E. *Stage V—Regional Disaster—Water Rationing.* The mayor may declare a Stage V regional disaster water emergency when a water shortage exists such that water rationing must be implemented and emergency water distribution may be necessary for customers without water. The mayor is authorized to restrict water use by rationing the amount of water used by residential users to a certain number of gallons per day per person residing within the dwelling unit, by rationing the amount of water used by nonresidential users based on a percentage of their historical usage as calculated by the city, and by any other type of rationing as the mayor deems necessary and appropriate in the circumstances.~~

~~F. *Implementation Requirements.* Prior to the implementation and enforcement of any of the above stages, the mayor shall take reasonable efforts to have information disseminated to affected customers regarding the rationing plan, which shall include, at a minimum, publication in the official newspaper of the city at least once, not less than one week in advance of the effective date of the declaration, information of the declaration of the applicable stage, a description of the limitations and restrictions that would apply, and identification of the effective date of the declared stage and limitations and restrictions. Notwithstanding the publication requirements set forth herein above, if it is determined by the mayor that exigent circumstances exist that necessitate immediate implementation and enforcement of any particular stages of water~~

~~emergency, notice to affected customers may be provided by personal service of the notice on said customers, or by posting notices at the customers' residences (if the customers' residences are the affected sites), or by posting notices at the locations where the customers' utility services are received (if the affected sites are not their residences).~~

~~G. *Term of Stage and Scope.* The mayor is also authorized to determine the geographic area to which the declared stage shall apply, and to determine the duration for which the declared stage and its limitations and restrictions shall be in effect.~~

13.14.040 — Enforcement.

~~The public works director or designee, code enforcement officers of the building division of the planning department or of the fire department, or police officers of the city shall have the authority to enforce the provisions of this chapter.~~

ACC 13.14.050 Variances.

~~A. *Authority to grant variances.* Unless otherwise ordered by the Mayor, The public works director may grant temporary *written* variances for the *prospective* use of water otherwise prohibited by this chapter. Such *temporary* variances shall *be in writing and shall* be based on *the dDirector's a* determination *by the director* that *, due to* unusual circumstances *exist and that applying*, application of this chapter would cause an extraordinary hardship *that* adversely affectsing the *applicant's or public's* health, sanitation, or fire protection~~ *of the applicant or the public.*

~~B. *Appeal.* The director's determination shall be final unless appealed as follows: a A party adversely affected by the *ddirector's decision determination* may appeal *the determination* to the mayor or designee within 24 hours of the *decision, excluding Saturdays, Sundays and legal holidays.* *director's determination or such later time as the mayor may designate.* The *appeal decision of the mayor or designee's determination* shall be final and non-appealable. *Said 24-hour periods shall exclude Saturdays, Sundays, and legal holidays.*~~

ACC 13.14.060 Enforcement authority and Ppenalties for violation.

~~The provisions of this chapter may be enforced by the Public Works director or designee, code enforcement officers, or police officers.~~ Violations of this chapter shall be punishable as follows:

A. The first violation of any provision of this chapter shall be a civil infraction as proscribed by Chapter 1.25 ACC, and as proscribed by RCW 7.80.120(1)(a), as now enacted or hereafter amended. Infractions shall be processed pursuant to the authority and provisions set forth in Chapter 7.80 RCW, as now enacted or hereafter amended,

Chapter 1.25 ACC, as now enacted or hereafter amended, and the Infraction Rules for Courts of Limited Jurisdiction.

B. For any second or subsequent violation of any provision of this chapter the violator may be charged as a misdemeanor punishable by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or a fine in an amount fixed by the court of not more than \$1,000, or both such imprisonment and fine.