

Introduced by _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 13, CHAPTER 13.10, WATER WASTE PROHIBITIONS AND WATER SUPPLY SHORTAGE PLANS

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and the corresponding costs of publication, will be published by title and summary as permitted by Section 508 of the City Charter. The approved summary of this ordinance reads as follows:

“SUMMARY

The purpose of Ordinance No. _____ is to amend Title 13, Chapter 13.10 of the Pasadena Municipal Code to modify the requirements of the ordinance to align with current state requirements, incorporate conservation measures previously adopted by the City Council to address water shortages, promote more efficient water use on a permanent basis, and provide additional clarity and reflect prior City council direction when implementing Water Supply Shortage Plans.

This ordinance shall take effect upon its publication.”

SECTION 2. Title 13, Chapter 13.10, Section 13.10.020 of the Pasadena Municipal Code is hereby amended to read as follows:

“13.10.020 - Definitions.

The following words and phrases whenever used in this chapter shall have the meanings defined in this section:

- A. "Billing unit" means the unit of water used to apply water rates for purposes of calculating water charges for a customer's water usage and equals one hundred cubic feet (HCF) or 748 gallons.

- B. "Customer" means any person, persons, association, corporation, or governmental agency supplied and billed for water service by the department.
- C. "Department" means the City of Pasadena Water and Power Department.
- D. **"Groundwater" means any water extracted through an excavation or structure created in the ground within the City of Pasadena.**
- E. **"Newly Planted Drought Tolerant Landscape" means a landscape area which has been planted or replanted with native plants with relatively low water requirements or plants that are well adapted to arid climate, within the prior six (6) months.**
- F. ~~D.~~ **"Person" means any individual person or persons, corporation, public or private entity, governmental agency or institution, including all agencies and departments of the City of Pasadena, or any other user of water provided by the department.**
- G. ~~E.~~ **"Potable water" means water that is suitable for drinking.**
- H. ~~F.~~ **"Recycled water" means the reclamation and reuse of non-potable water for beneficial use.**
- I. ~~G.~~ **"Single pass cooling systems" means equipment where water is circulated only once to cool equipment before being disposed.**
- J. ~~H.~~ **"Water conservation target" means the necessary percentage reduction in the department's total water sales to eliminate or mitigate a water supply shortage."**

SECTION 3. Title 13, Chapter 13.10, first clause of Section 13.10.030 of the Pasadena

Municipal Code is hereby amended to read as follows:

"13.10.030 - Application.

The provisions of this chapter apply to any person in the use of **groundwater or** any potable water provided by the department, except for the following water uses:"

SECTION 4. Title 13, Chapter 13.10, Section 13.00.032 of the Pasadena Municipal

Code is hereby amended to read as follows:

"13.10.032 - Permanent water conservation requirements.

The following water conservation requirements are effective at all times and are permanent. Violations of this section constitute waste and an unreasonable use of water.

- A. Limits on Watering Days: Watering or irrigating of lawn, landscape or other vegetated area is limited to 3 days per week year round, on a schedule to be determined by the Department General Manager, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a water**

shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

- BA.** Limits on Watering Hours: Watering or irrigating of lawn, landscape or other vegetated area is prohibited between the hours of 9:00 a.m. and 6:00 p.m. on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
- CB.** No Watering During Periods of Rain: Watering or irrigating of lawn, landscape or other vegetated area during **and within 48 hours after** periods of rain is prohibited.
- DC.** No Water Flow or Runoff: Watering or irrigating any lawn, landscape or other vegetated areas in a manner that causes or allows **runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures is prohibited.** ~~excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.~~
- E.** **No Watering Turf on Public Street Medians: Watering ornamental turf on public street medians with potable water is prohibited.**
- FD.** No Washing Down Hard or Paved Surfaces: Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except as follows: (i) where necessary to alleviate safety or sanitary hazards and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a water shut-off nozzle or device; or (ii) when using a low-volume high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom.
- GE.** Obligation to Fix Leaks, Breaks or Malfunctions: Loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than 7 days of receiving notice from the Department is prohibited.
- HF.** Recirculating Water Required for Water Fountains and Decorative Water Features: Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.
- IG.** Limits on Washing Vehicles: Using water to wash a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.
- JH.** Drinking Water Served Upon Request Only: Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar or other public place where food and drinks are sold, served or offered for sale, are prohibited from providing drinking water to any person unless expressly requested by the patrons.

- KI.** Restaurants Required to Use Water Conserving Dish Wash Spray Valves: Food preparation establishments, such as restaurants, cafes and cafeterias, are prohibited from using non-water conserving dish wash spray valves.
- LJ.** Commercial Lodging Establishments Shall Provide Guests Option to Decline Daily Linen Services: Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linens laundered daily. Commercial lodging establishments must prominently display notice of this option in each **bathroom/guestroom** using clear and easily understood language.
- MK.** No Installation of Single Pass Cooling Systems: Installation of single pass cooling systems is prohibited in buildings requesting new water service.
- NL.** No Installation of Non-recirculating equipment in Commercial Car Wash and Laundry Systems: Installation of non-recirculating water systems is prohibited in new commercial conveyor car washes and new commercial laundry systems.
- OM.** Commercial Car Wash Systems: ~~Effective July 1, 2011, all~~**All** commercial conveyor car wash systems must have installed operational re-circulating water systems or must have secured a waiver of this requirement from the city of Pasadena.
- P. Multifamily Properties: All master-metered Multifamily properties with four or more dwelling units are required to certify (through a process determined by the Department) that showerheads and aerators are retrofitted to meet current California Green Building Code standards."**

SECTION 5. Title 13, Chapter 13.10, Section 13.10.035 of the Pasadena Municipal

Code is hereby amended to read as follows:

"13.10.035 - Water shortage plan implementation.

The department shall monitor and evaluate the projected supply and demand for water by its customers. In the event of a water shortage, the department shall recommend that the city council make a determination that a water shortage exists and which water shortage level as provided in this chapter permits the department to prudently plan for and supply water to its customers. Prior to implementation of a water shortage level as provided in this chapter, the city council shall hold a public hearing for the purposes of determining: (i) whether a water shortage exists; (ii) the water conservation target that is necessary; and, (iii) which level of water supply shortage provided in this chapter is appropriate to address the water shortage. Notice of the time and place of said public hearing shall be published not less than 10 days before the hearing in a newspaper of general circulation within the city. The city council's determination shall be made by public proclamation and shall become effective immediately upon such publication. **The City Council may during the period of the declared water shortage take actions to modify the water conservation target, implement a different level of water supply shortage, or order the implementation or discontinuation of any additional water conservation measures appropriate to address the water shortage by motion, and**

~~without conducting a public hearing. At any time during the water shortage period the city council may discontinue any level or may implement another level as provided in this chapter. Upon a finding by the city council that a water shortage no longer exists, any water shortage level then in effect shall terminate.”~~

SECTION 6. Title 13, Chapter 13.10, Section 13.10.036 of the Pasadena Municipal Code is hereby added to read as follows:

“13.10.036 - Water shortage termination.

During the course of a water shortage declared pursuant to this chapter, the department shall continuously reevaluate water supply availability. When adequate supplies are available, the department shall recommend that the city council make a determination that a water shortage no longer exists. Prior to terminating a declared water shortage as provided in this chapter, the city council shall hold a public hearing for the purposes of determining whether: (i) the water shortage no longer exists; or (ii) a water shortage plan implementation shall continue. Upon a finding by the city council that a water shortage no longer exists, any water shortage level then in effect shall terminate.”

SECTION 7. Title 13, Chapter 13.10, Section 13.10.037 of the Pasadena Municipal Code is hereby added to read as follows:

“Section 13.10.037 - Exemptions from Watering Day Limitations

The following uses of potable water, as determined by the Department in its sole discretion, are exempt from the more restrictive watering day limitations set forth in sections 13.10.040 through 13.10.052 of this chapter (Water Supply Shortage Levels 1 through 4):

- A. Landscape irrigation zones that exclusively use low flow drip type irrigation systems where no emitter produces more than 2 gallons of water per hour;**
- B. Watering or irrigating by use of a hand-held bucket or similar container, or a hand-held hose equipped with a water shut-off nozzle or device;**
- C. Watering for very short periods of time for the express purpose of adjusting or repairing an irrigation system;**
- D. Maintenance of trees as necessary to sustain their health and viability;**
- E. Maintenance of vegetation, including fruit trees and shrubs, intended for consumption;**
- F. Maintenance of landscape for fire protection;**
- G. Maintenance of landscape for soil erosion control;**
- H. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;**
- I. Maintenance of landscape within active public parks and playing fields including playing fields on school grounds and at day care centers, provided that**

such irrigation is for the express purpose of maintaining the landscape in a condition required for recreation playing fields and athletic events, and does not exceed 3 days per week;

- J. Establishment of newly planted drought tolerant landscape consisting of drought tolerant plants, shrubs, and/or native plants; and
- K. Actively irrigated environmental mitigation projects.”

SECTION 8. Title 13, Chapter 13.10, Section 13.10.040 Subsection B.1 of the Pasadena Municipal Code is hereby amended to read as follows:

“13.10.040 - Level 1 water supply shortage.

B. Water Conservation Measures: The following water conservation requirements apply during a declared level 1 water supply shortage:

1. Limits on Watering Days: Watering or irrigating of lawn, landscape or other vegetated area is limited to 3 days per week from April 1 through October 31, and no more than 1 day per week from November 1 through March 31, on a schedule established and posted by the department. This subsection does not apply to categories of use determined to be exempt under Section 13.10.037 of this chapter-landscape irrigation zones that exclusively use low flow drip type irrigation systems where no emitter produces more than 2 gallons of water per hour. This subsection also does not apply to watering or irrigating by use of a hand-held bucket or similar container, or by use of a hand-held hose equipped with a water shut-off nozzle or device; for very short periods of time for the express purpose of adjusting or repairing an irrigation system; or for maintenance of vegetation, including fruit trees and shrubs, intended for consumption.”

SECTION 9. Title 13, Chapter 13.10, Section 13.10.045 Subsections B.1 and B.3 of the Pasadena Municipal Code are hereby amended to read as follows:

“13.10.045 - Level 2 water supply shortage.

B. Water Conservation Measures: The following water conservation requirements apply during a declared level 2 water supply shortage:

1. Limits on Watering Days: Watering or irrigating of lawn, landscape or other vegetated area with water is limited to 2 days per week from April 1 through October 31, and no more than 1 day per week from November 1 through March 31, on a schedule established and posted by the department. This subsection does not apply to

~~categories of use determined to be exempt under Section 13.10.037 of this chapter. This subsection does not apply to landscape irrigation zones that exclusively use low flow drip type irrigation systems where no emitter produces more than 2 gallons of water per hour. This subsection also does not apply to watering or irrigating by use of a hand-held bucket or similar container or by use of a hand-held hose equipped with a water shut-off nozzle or device; for very short periods of time for the express purpose of adjusting or repairing an irrigation system; or for maintenance of vegetation, including fruit trees and shrubs, intended for consumption.~~

3. Limits on Filling Ornamental Lakes or Ponds: Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, or for lakes and ponds that may be used for wildfire suppression.

SECTION 10. Title 13, Chapter 13.10, Section 13.10.050 Subsections B.1 and B.3 of the Pasadena Municipal Code are hereby amended to read as follows:

“13.10.050 - Level 3 water supply shortage.

B. Water Conservation Measures: The following water conservation requirements apply during a declared level 3 water supply shortage:

1. Limits on Watering Days: Watering or irrigating of lawn, landscape or other vegetated area is limited to 1 day per week, according to a schedule established and posted by the department. This subsection does not apply to categories of use determined to be exempt under Section 13.10.037 of this chapter. This subsection does not apply to the following categories of use, as determined by the department in its sole discretion:
 - ~~i. Landscape irrigation zones that exclusively use low flow drip type irrigation systems where no emitter produces more than 2 gallons of water per hour.~~
 - ~~ii. Watering or irrigating by use of a hand-held bucket or similar container, or a hand-held hose equipped with a water shut-off nozzle or device.~~
 - ~~iii. Watering for very short periods of time for the express purpose of adjusting or repairing an irrigation system.~~
 - ~~iv. Maintenance of vegetation, including fruit trees and shrubs, intended for consumption.~~
 - ~~v. Maintenance of existing landscape necessary for fire protection.~~
 - ~~vi. Maintenance of existing landscape for soil erosion control.~~
 - ~~vii. Maintenance of plant materials identified to be rare or essential to the well-being of protected species.~~
 - ~~viii. Maintenance of landscape within active public parks and playing fields, school grounds, golf course greens, and day care centers, provided that such irrigation does not exceed 2 days per week, according to a schedule established and posted by the department.~~
 - ~~ix. Actively irrigated environmental mitigation projects.~~

3. Limits on Filling Ornamental Lakes or Ponds: Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, or for lakes and ponds that may be used for wildfire suppression.”

SECTION 11. Title 13, Chapter 13.10, Section 13.10.052 Subsections B.1, B.3 and B.4

of the Pasadena Municipal Code is hereby amended to read as follows:

“13.10.052 - Level 4 water supply shortage — Emergency condition.

B. Water Conservation Measures: The following water conservation requirements apply during a declared level 4 water supply shortage:

1. No Watering or Irrigating: Watering or irrigating of lawn, landscape or other vegetated area is prohibited. This restriction does not apply to categories of use determined to be exempt under Section 13.10.037 of this chapter.~~the following categories of use, as determined by the department in its sole discretion:~~
 - ~~i. Maintenance of vegetation, including fruit trees and shrubs, vegetation intended for consumption.~~
 - ~~ii. Maintenance of existing landscape necessary for fire protection.~~
 - ~~iii. Maintenance of existing landscape for soil erosion control.~~
 - ~~iv. Maintenance of plant materials identified to be rare or essential to the well-being of protected species.~~
 - ~~v. Maintenance of landscape within active public parks and playing fields, school grounds, golf course greens, and day care centers, provided that such irrigation does not exceed 2 days per week, according to a schedule established and posted by the department.~~
 - ~~vi. Actively irrigated environmental mitigation projects.~~
3. Limits on Filling Ornamental Lakes or Ponds: Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, or for lakes and ponds that may be used for wildfire suppression.
4. Limits on Filling Single Family Residential Swimming Pools and Spas: Refilling of more than 1 foot and initial filling of single family residential swimming pools or outdoor spas is prohibited.

SECTION 12. The first sentence of Title 13, Chapter 13.10, Section 13.10.075 of the

Pasadena Municipal Code is hereby amended to read as follows:

“13.10.075 - Right to hearing—Stay.

Any customer receiving a notice of violation with a monetary fine, potential flow restrictor or service disconnection shall have a right to a hearing by the general manager of the department, or his or her designee, on the merits of the alleged violation upon that customer's written request

to the department.”

SECTION 13. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 14. This ordinance shall take effect upon its publication.

Signed and approved this _____ day of _____, 2017.

Terry Tornek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing Ordinance was adopted by the City Council at its meeting held this _____ day of _____, 2017, by the following votes:

AYES:

NOES:


ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:



Lisa Hosey
Deputy City Attorney