

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: May 18, 2009

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING WATER SHORTAGE PROCEDURES ORDINANCE, CHAPTER 13.10 OF THE PASADENA MUNICIPAL CODE, TO ESTABLISH WATER WASTE PROHIBITIONS AND WATER SUPPLY SHORTAGE PLANS.

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING WATER SHORTAGE PROCEDURES, CHAPTER 13.10 OF THE PASADENA MUNICIPAL CODE, TO ESTABLISH WATER WASTE PROHIBITIONS AND WATER SUPPLY SHORTAGE PLANS.

PURPOSES OF THE ORDINANCE:

The City Council directed the preparation of this ordinance on April 13, 2009. The purpose of this ordinance is to replace the water shortage procedures ordinance with permanent water waste prohibitions and to establish a sequential process for handling water supply shortage conditions. A detailed description of how the ordinance will accomplish these purposes is contained in the Agenda Report dated April 13, 2009.

The City Council gave first reading to this ordinance on April 27, 2009; however, the text of the ordinance did not include the option for customers to request water conservation options in lieu of fines which is addressed in the revised Section 13.10.075. This new provision came about as a result of concerns expressed by the City Council and the public about imposing fines and enhances the message that the objective of the ordinance is to conserve water rather than collect fines. The revised ordinance is presented for first reading.

06/01/2009
MEETING OF 05-18-2009
AGENDA ITEM NO. 8.B.1.
~~8.A.1.~~

REASONS WHY LEGISLATION IS NEEDED:

Water shortage procedures are presently set forth in Chapter 13.10 of the Pasadena Municipal Code. Code amendment is necessary to permanently prohibit certain water uses and also to revise the manner in which the Water and Power Department addresses water conservation under water shortage conditions.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

Water customers taking service from the Water and Power Department and persons who use water served by the Department will be responsible to comply with the ordinance. Customers will be subject to monetary penalties for violation and, if needed for compliance, installation of flow restrictors.


FISCAL IMPACT:

As stated in the Agenda Report dated April 13, 2009, the cost of staffing and other resources necessary to implement the proposed ordinance are estimated to be \$810,000 for FY 2010, which includes approximately \$180,000 for equipment and contract resources.

POLICY CHANGES:

This ordinance does not result in any policy changes.

Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Scott D. Rasmussen
Senior Assistant City Attorney

Introduced by _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING WATER SHORTAGE PROCEDURES, CHAPTER 13.10 OF THE PASADENA MUNICIPAL CODE, TO ESTABLISH 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 by Section 508 of the Charter of the City of Pasadena. The approved summary of this ordinance reads as follows:

“SUMMARY

Chapter 13.10. The purpose of Ordinance No. _____ is to amend the Water Shortage Procedures ordinance (Chapter 13.10 of the Pasadena Municipal Code). This ordinance prohibits certain uses of water. The prohibitions include (among others) landscape watering between the hours of 9:00 a.m. and 6:00 p.m. on any day, except by certain specific methods; landscape watering during periods of rain; excessive water flow or runoff; washing down paved surfaces except under limited conditions; and limits on washing vehicles. The ordinance identifies additional prohibited water uses when the City Council after hearing declares the need to implement certain levels of water supply restrictions. The ordinance provides procedures for contesting violations and for seeking relief from the application of the ordinance where certain conditions are found to exist. Finally, the ordinance includes monetary penalties and/or installation of flow restricting devices for any Customer failing to comply with any of its provisions.

This ordinance shall take effect upon the expiration of thirty days from its publication.”

SECTION 2. Title 13, Chapter, 13.10, Section 13.10.010 of the Pasadena Municipal Code is hereby amended to read:

“13.10.010 Short Title

This Chapter shall be known as the City of Pasadena Water Waste Prohibitions and Water Supply Shortage Plans.”

SECTION 3. Title 13, Chapter 13.10, Section 13.10.015 of the Pasadena Municipal Code is hereby amended to read:

“13.10.015 Policy and Purpose

A. The purpose of this Chapter is to establish a water conservation and supply shortage program that will reduce water consumption within the City of Pasadena and its service territory through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City of Pasadena and its service territory to avoid and minimize the effect and hardship of water shortage to the greatest possible extent.

B. This Chapter establishes permanent water waste and conservation standards intended to alter behavior related to water use efficiency at all times and further establishes four levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.”

SECTION 4. Title 13, Chapter 13.10, Section 13.20.020 of the Pasadena

Municipal Code is hereby amended to read:

“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. “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.
- E. “Potable Water” means water that is suitable for drinking.
- F. “Recycled Water” means the reclamation and reuse of non-potable water for beneficial use.
- G. “Single Pass Cooling Systems” means equipment where water is circulated only once to cool equipment before being disposed.
- 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 5. Title 13, Chapter 13.10, Section 13.10.030 of the Pasadena

Municipal Code is hereby amended to read:

“13.10.030 Application

The provisions of this Chapter apply to any person in the use of any Potable Water provided by the Department, except for the following water uses:

- A. Water necessary for water system or fire suppression system testing and maintenance, or fire suppression and other similar emergency services affecting public health and safety.
- B. Water necessary to protect public health and safety as determined in the sole discretion of the Department.
- C. Any use of Recycled Water.
- D. The use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial use.”

SECTION 6. Title 13, Chapter 13.10, Section 13.10.32 of the Pasadena Municipal Code is hereby added to read:

“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 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.
- B. No Watering During Periods of Rain: Watering or irrigating of lawn, landscape or other vegetated area during periods of rain is prohibited.

C. No Water Flow or Runoff: Watering or irrigating any lawn, landscape or other vegetated areas in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.

D. 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.

E. 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 seven (7) days of receiving notice from the Department is prohibited.

F. 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.

G. 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.

H. Drinking Water Served Upon Request Only: Eating or drinking establishments, including but not limited to a restaurant, hotel, café, 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.

I. 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.

J. 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 using clear and easily understood language.

K. No Installation of Single Pass Cooling Systems: Installation of Single Pass Cooling Systems is prohibited in buildings requesting new water service.

L. 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.

M. Commercial Car Wash Systems: Effective July 1, 2011, 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.”

SECTION 7. Title 13, Chapter 13.10, Section 13.10.035 is hereby amended to read:

“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 ten (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. 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 8. Title 13, Chapter 13.10, Section 13.10.040 is hereby amended to read:

“13.10.040 Level 1 Water Supply Shortage

A. A Level 1 water supply shortage exists when the City Council determines, in its sole discretion, that due to drought or other water supply conditions a water supply shortage or threatened shortage exists and demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City Council of a Level 1 water supply shortage, the Department shall implement the mandatory Level 1 conservation measures identified in this section.

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 three (3) days per week from April 1 through October 31, and no more than one (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 landscape irrigation zones that exclusively use low flow drip type irrigation systems where no emitter produces more than two (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.

2. Obligation to Fix Leaks, Breaks or Malfunctions: All leaks, breaks or other malfunctions in the water user's plumbing or distribution system shall be repaired within seventy-two (72) hours of notification by the Department unless other arrangements are made with the Department."

SECTION 9. Title 13, Chapter 13.10, Section 13.10.045 is hereby amended to read:

“13.10.045 Level 2 Water Supply Shortage

A. A Level 2 water supply shortage exists when the City Council determines, in its sole discretion, that due to drought or other water supply conditions a water supply shortage or threatened shortage exists and demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City Council of a Level 2 water supply shortage, the Department shall implement the mandatory Level 2 conservation measures identified in this section.

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 two (2) days per week from April 1 through October 31, and no more than one (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 landscape irrigation zones that exclusively use low flow drip type irrigation systems where no emitter produces more than two (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.

2. Obligation to Fix Leaks, Breaks or Malfunctions: All leaks, breaks or other malfunctions in the water user’s plumbing or distribution system shall be repaired within forty-eight (48) hours of notification by the Department unless other arrangements are made with the Department.

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.”

SECTION 10. Title 13, Chapter 13.10, Section 13.10.050 is hereby amended to read:

“13.10.050 Level 3 Water Supply Shortage

A. A Level 3 water supply shortage exists when the City Council determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City Council of a Level 3 water supply shortage, the Department shall implement the mandatory Level 3 conservation measures identified in this section.

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 one (1) day per week, according to a schedule established and posted by the Department. 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 two (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 two (2) days per week, according to a schedule established and posted by the Department.
- ix. Actively irrigated environmental mitigation projects.

2. Obligation to Fix Leaks, Breaks or Malfunctions: All leaks, breaks or other malfunctions in the water user's plumbing or distribution system shall be

repaired within thirty-six (36) hours of notification by the Department, unless other arrangements are made with the Department.

3. Limits on Filing Ornamental Lakes or Ponds: Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life.”

SECTION 11. Title 13, Chapter 13.10, Section 13.10.052 is hereby added to read:

“13.10.052 Level 4 Water Supply Shortage -- Emergency Condition

A. A Level 4 water supply shortage condition is also referred to as an “emergency” condition. A Level 4 condition exists when the City Council declares a Level 4 water supply shortage. Upon the declaration by the City Council of a Level 4 water supply shortage, the Department will implement the mandatory Level 4 conservation measures identified in this section.

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 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 two (2) days per week, according to a schedule established and posted by the Department.
- vi. Actively irrigated environmental mitigation projects.

2. Obligation to Fix Leaks, Breaks or Malfunctions: All leaks, breaks or other malfunctions in the water user's plumbing or distribution system shall be repaired within twenty-four (24) hours of notification by the Department, unless other arrangements are made with the Department.

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 aquatics life.

4. Limits on Filling Residential Swimming Pools and Spas: Refilling of more than one (1) foot and initial filling of residential swimming pools or outdoor spas is prohibited.

5. No New Potable Water Service: Upon declaration of a Level 4 water supply shortage, no new Potable Water service will be provided, no new temporary meters or permanent meters will be provided, and no statements of immediate ability to service or provide Potable Water service will be issued, except under the following circumstances:

- i. A valid, unexpired building permit has been issued for the project;
or
- ii. The project is necessary to protect the public health, safety and welfare; or
- iii. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the Department.

This subsection does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one (1) year or less.”

SECTION 12. Title 13, Chapter 13.10, Section 13.10.055 is hereby repealed.

SECTION 13. Title 13, Chapter 13.10, Section 13.10.60 is hereby amended to read:

“13.10.60 Additional Water Shortage Measures: The City Council may order implementation of other water conservation measures additional to those set forth in this Chapter. Such additional water shortage measures shall be implemented in the manner provided in Section 13.10.035.”

SECTION 14. Title 13, Chapter 13.10, Section 13.10.065 is hereby amended to read:

“13.10.065 Violations and Penalties: Residential Customers and All Other Customers with Water Meters Less than 1-1/2 inch

A. Violation: A Customer shall be responsible for all uses of water served by the Customer's water meter. Violation of any of the provisions of this Chapter shall be the responsibility of the Customer.

B. Penalties: Monetary penalties imposed under this section shall be collected by adding the same to the Customer's water bill and shall be payable at the same time and in the same manner as such bills or by such other method of collection and payment as established by the Department. Penalties for failure to comply are as follows:

1. First Violation: The Department will issue a written notice of violation. Said notice shall contain, in addition to the facts of the violation, a statement of the possible penalties for each violation and a statement informing the Customer of his right to a hearing on the merits of the alleged violation. Notice of violation shall be sent through regular mail to the address at which the Customer is billed by the Department.

2. Second Violation: A second violation within the preceding twelve (12) calendar months is punishable by a fine of one hundred dollars (\$100).

3. Third Violation: A third violation within the preceding twelve (12) calendar months is punishable by a fine of two hundred dollars (\$200).

4. Fourth Violation: A fourth violation within the preceding twelve (12) calendar months is punishable by a fine of three hundred and fifty dollars (\$350).

5. Fifth and Subsequent Violations: A fifth and any subsequent violation is punishable by a fine of five hundred dollars (\$500)."

SECTION 15. Title 13, Chapter 13.10, Section 13.10.067 is hereby added to read:

“13.10.067 Violations and Penalties: Non-Residential Customers With Water Meters 1-1/2 inch or Larger

A. Violation: A Customer shall be responsible for all uses of water served by the Customer’s water meter. Violation of any of the provisions of this Chapter shall be the responsibility of the Customer.

B. Penalties: Monetary penalties imposed under this section shall be collected by adding the same to the Customer’s water bill and shall be payable at the same time and in the same manner as such bills or by such other method of collection and payment as established by the Department. Penalties for failure to comply are as follows:

1. First Violation: The Department will issue a written notice of violation. Said notice shall contain, in addition to the facts of the violation, a statement of the possible penalties for each violation and a statement informing the Customer of his right to a hearing on the merits of the alleged violation. Notice of violation shall be sent through regular mail to the address at which the Customer is billed by the Department.

2. Second Violation: A second violation within the preceding twelve (12) calendar months is punishable by a fine of two hundred dollars (\$200).

3. Third Violation: A third violation within the preceding twelve (12) calendar months is punishable by a fine of four hundred dollars (\$400).

4. Fourth Violation: A fourth violation within the preceding twelve (12) calendar months is punishable by a fine of seven hundred dollars (\$700).

5. Fifth and Subsequent Violations: A fifth and any subsequent violation is punishable by a fine of one thousand dollars (\$1,000).”

SECTION 16. Title 13, Chapter 13.10, Section 13.10.070 is hereby repealed.

SECTION 17: Title 13, Chapter 13.10, Section 13.10.075 is hereby amended to read:

“13.10.075 Right to Hearing - Stay

Any Customer receiving a notice of violation 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. Customer’s written request for a hearing must be received by the Department within ten (10) days of the date of notification of the violation or Customer’s right to a hearing shall be deemed waived. The Customer shall be deemed notified of a violation upon the personal delivery of the notice to Customer or, if personal delivery is not given, the date on which the notice is placed in the regular mail. The Customer’s timely written request for a hearing shall automatically stay the imposition of penalty until the general manager of the Department, or his or her designee, renders a decision. No other or further stay shall be granted by the Department. The Department may issue regulations to govern the contents of the request for hearing and the manner in which such hearings may be conducted.

A Customer may, with the concurrence of the general manager, waive the right to hearing and elect one of the following options in lieu of the imposition of a penalty: (i) complete a water efficiency training class offered by the Department; (ii) complete all recommendations presented in a landscape audit; (iii) retrofit inefficient fixtures or irrigation systems; and/or (iv) timely complete such other water savings program as the

department may establish for the customer. The customer and the department shall establish a timetable for completion of the selected option. In event the customer fails to satisfactorily and completely perform the option within the established timetable, the department shall impose the penalty. A customer shall not be eligible to elect the same option more than once within a twelve month period. "

SECTION 18: Title 13, Chapter 13.10, Section 13.10.080 is hereby amended to read:

"13.10.080 Reservation of rights

The rights of the Department hereunder shall be cumulative to any other right of the Department to discontinue service. All monies collected pursuant to the penalty provisions of this Chapter shall be deposited in the water fund."

SECTION 19. Title 13, Chapter 13.10, Section 13.10.085 is hereby repealed.

SECTION 20. Title 13, Chapter 13.10, Section 13.10.095 is hereby amended to read.

"13.10.095 Flow Restrictors and Disconnecting Service

A. Water Flow Restrictor: Where necessary to achieve compliance, the Department may install a water flow restrictor device of approximately one (1) gallon per minute capacity for services up to one and one-half (1-½) inch meter size and comparably sized restrictors for larger services. The Department will provide the Customer with written notice of intent to install a flow restrictor a minimum of forty-eight (48) hours in advance of installation.

B. The Customer shall be responsible for payment of the Department's charges for installing and removing any flow restrictor device and for disconnection and

reconnecting service. The charge for installing or removing any flow restrictor device must be paid to the Department before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water service billing.

C. Discontinuing Service: In addition to any penalties and/or the installation of a water flow restrictor, the Department may disconnect a Customer's water service for continuing or willful violations of this Chapter."

SECTION 21. Title 13, Chapter 13.10, Section 13.10.100 is hereby amended to read:

"13.10.100 Customer Water Conservation Reports

At the written request of the general manager of the Department, all commercial and industrial Customers using 25,000 billing units per year or more shall submit a water conservation plan to the Department on a form and with a content approved by the Department. These users shall thereafter submit quarterly reports to the Department on the progress of their conservation plans. The conservation plan must include recommendations for increased water savings and the reports must include progress to date on implementation of such recommendations."

SECTION 22. Title 13, Chapter 13.10, Section 13.10.110 is hereby added to read:

"13.10.110 Severability

If any section, subsection, sentence, clause or phrase in this Chapter is for any reason held invalid, the validity of the remainder of the Chapter will not be affected. The City Council hereby declares it would have passed this Chapter and each section,

subsection, sentence, clause or phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or is declared invalid.”

SECTION 23. Ordinance No. _____ shall take effect upon the expiration of thirty (30) days from its publication.

Signed and approved this _____ day of _____, 2009.

William J. Bogaard
Mayor

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its _____ meeting held _____, 2009, by the following vote:

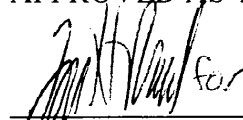
AYES:

NOES:

ABSENT:

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:



Scott D. Rasmussen
Senior Assistant City Attorney