
Proposed Amendments to PMC Title 13, Chapter 13.10

13.10.020 – Definitions

- Add a definition for Groundwater – any water extracted through an excavation or structure created in the ground within the City of Pasadena.
- Add a definition for “new established drought tolerant landscape”

13.10.030 – Application

- Edit applicability provisions to include “the use of Groundwater” as well as any potable water provided by the Department

13.10.032 – Permanent water conservation requirements

- Add a permanent limit on watering days to 3 days per week year round on a schedule to be determined by the Department General Manager, with exceptions to allow for: (i) watering with a hand held hose equipped with a water shut off nozzle or device, and/or a handheld bucket and then only before 9 a.m. or after 6 p.m.; (ii) the express purpose of adjusting or repairing an irrigation system.
- Add a prohibition of irrigation with potable water of ornamental turf on public street medians.
- Add the requirement that 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.
- **13.10.032 (B):** Amend the prohibition of watering during rain to include the period during and within 48 hours after periods of rain
- **13.10.032 (C):** Refine the definition of what constitutes runoff to read as follows: 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.
- **13.10.032 (J):** For the requirement that Commercial Lodging Establishments Shall Provide Guests Option to Decline Daily Linen Services, amend the notice requirement to read “Commercial lodging establishments must prominently display notice of this option in each ~~bathroom~~ guestroom using clear and easily understood language.”
- **13.10.032 (M):** For the requirement that Commercial Car Wash Systems use recirculated water, strike the July 1, 2011 effective date and the waiver option as obsolete provisions.

13.10.035 – Water Shortage Plan Implementation

- Amend the language to clarify that: Once City Council has conducted a public hearing, declared that a water shortage exists and determined at which level the water shortage plan should be implemented, the City Council may during the period of the declared water shortage take actions to modify the water target, enact 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, without conducting a public hearing. A public hearing would be required prior to the City Council making a finding that a water shortage no longer exists.

Add Section 13.10.037 – Exemptions from Watering Day Limitations

- Include language providing an exemption from more restrictive watering day limitations set forth in subsections 13.10.040 through 13.10.052 (Water Supply Shortage Levels 1 through 4) for the following purposes, as determined by the Department in its sole discretion (note that many of these exemptions are incorporated in the ordinance individually for each Water Supply Shortage Level):
 - Landscape irrigation zones that exclusively use low flow drip type irrigation systems where no emitter produces more than 2 gallons of water per hour;
 - 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;
 - Watering for very short periods of time for the express purpose of adjusting or repairing an irrigation system;
 - Maintenance of trees as necessary to sustain their health and viability;
 - Maintenance of vegetation, including fruit trees and shrubs, intended for consumption;
 - Maintenance of landscape for fire protection;
 - Maintenance of landscape for soil erosion control;
 - Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
 - 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; or,
 - Establishment of newly planted drought tolerant landscape consisting of drought tolerant plants, shrubs, and/or native plants.
 - Actively irrigated environmental mitigation projects

13.10.040 – Level 1 water supply shortage

- **13.10.040 (B)(1):** Replace the watering day limitation exemptions provided with a reference to the new PMC Section 13.10.037.

13.10.045 – Level 2 water supply shortage

- **13.10.045 (B)(1):** Replace the watering day limitation exemptions provided with a reference to the new PMC Section 13.10.037.

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- **13.10.045 (B)(3):** Amend the exemption from the prohibition on filling ornamental lakes or ponds to include “lakes or ponds that may be used for wild fire suppression”

13.10.050 – Level 3 water supply shortage

- **13.10.050 (B)(1):** Replace the watering day limitation exemptions provided with a reference to the new PMC Section 13.10.037.
- **13.10.050 (B)(3):** Amend the exemption from the prohibition on filling ornamental lakes or ponds to include “lakes or ponds that may be used for wild fire suppression”

13.10.052 - Level 4 water supply shortage — Emergency condition.

- **13.10.052 (B)(1):** Replace the watering day limitation exemptions provided with a reference to the new PMC Section 13.10.037.
- **13.10.052 (B)(3):** Amend the exemption from the prohibition on filling ornamental lakes or ponds to include “lakes or ponds that may be used for wild fire suppression”
- **13.10.052 (B)(4):** Amend the prohibition against filling pools or spas to clarify it applies only to single family residential customers.

13.10.065 – Violations and Penalties

- Amend the language to clarify this section applies to both single family and multifamily residential customers

13.10.075 – Right to hearing – Stay

- Amend this section so that it only applies to those customers receiving a violation notice “with a monetary fine or potential flow restrictor or service disconnection.”

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Water Supply and Conservation Report

California Drought

Droughts are a recurring feature of California's climate. Southern California is currently in its fifth year of severe drought, and the four year period between fall 2011 and fall 2015 was the driest since record keeping began in 1895. The previous declared drought spanned the years 2007-2009, and was the 12th driest three-year period in recorded climatic history, during which Southern California was classified as experiencing severe drought conditions for all three years. The drought history of California reveals that not only do droughts recur, but their severity increases, and it is no longer sufficient for agencies to respond to drought conditions, they must plan for them. Water efficiency must become a way of life for California to become drought resilient.

Water Supplies

Although winter precipitation has contributed to 2016 being southern California's wettest year since the drought began, there has not been sufficient precipitation and runoff throughout the state to ease drought effects. Pasadena Water and Power ("PWP") acquires water from two major sources: imported and local water. On average 60% of PWP's water supply is imported water from the Metropolitan Water District of Southern California ("MWD"). MWD supplies 26 member cities and water agencies with water from storage facilities, the State Water Project ("SWP") and the Colorado River Aqueduct, serving nearly 19 million people in six counties. For the SWP and the Colorado River, both rainfall and snowpack are important to ensure sufficient water is available for the year.

Snowpack

In California, mountain snowpack acts as a natural reservoir that in a normal year can hold as much as a third of the State's water supply, slowly releasing it throughout the spring as seasonal water demand rises. California's water year begins on October 1 and ends on September 30 of the following calendar year. As of January 26th, the water content in the northern Sierra snowpack was 158% of normal for time of the year and the southern Sierra was 223% of normal. The Sierra is an important source of water for the State Water Project which provides water supplies to PWP through the MWD.

Rainfall

California began the water year with descent rainfall totals. Northern California received approximately 53.2 inches of rainfall or 211% of average rainfall for this time of the year, and in the southern Sierra it received 42.9 inches or 221% of average. In the greater Los Angeles region, it received 14.4 inches or 258% of normal rainfall for this time of the year. In Pasadena the total rainfall as of January 26th was 15.2 inches or 156% of average.

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Local Water Supply

Local groundwater from the Raymond Basin aquifer typically supplies 40% of Pasadena's customer demand. PWP pumps water from two sub-aquifers known as the Monk Hill Sub-basin and the Pasadena Sub-basin. Since July 1, 2014, members of the Pasadena Sub-basin agreed to voluntarily reduce each member's pumping rights by 30% to stabilize the aquifer levels. Groundwater levels in the Pasadena Sub-basin is showing initial signs of stabilization, however, it will take several more years to determine the long-term trend if the voluntary reduction has helped the aquifer level. In the Monk Hill Sub-basin, the groundwater levels have dropped by approximately 30 feet. This is primarily due to the lack of run-off in the Arroyo Seco watershed in recent years.

Spreading has been minimal in the recent past winters due to the lack of the precipitation. The winter of 2016/2017 showed a slight improvement but due to the current condition of the stream intake, and the more intense storm flows, it prevented an opportunity to divert greater stream flows.

MWD Storage and Allocation

Due to the lack of snowfall and precipitation in 2015 and in support of Governor Brown's Executive Order B-29-15, MWD initiated its Water Supply Allocation Plan in July 2015. Under water allocation, MWD identified the amount of water that it would sell to its member agencies. An agency that exceeded its allocation could continue to purchase water but at a significant cost. The 2015 winter showed improvements in snowfall and precipitation and reservoirs began a slow recovery. In May 2016, MWD's Board of Directors voted to end the Water Supply Allocation Plan.

MWD owns and manages a number of surface reservoirs including its largest, Diamond Valley Reservoir, located in Hemet California. The combined volume of the three largest reservoirs is 1.04 million AF. As of January 26th the three reservoirs were storing approximately 788,000 AF with Diamond Valley at 72% of its capacity. MWD also has numerous storage and transfer and exchange programs with other water agencies. This past fiscal year (ending June 30, 2016) MWD had approximately 1.3 million AF of water in its storage programs excluding emergency storage of 650,000 AF. Due to improving water levels in Diamond Valley, in May 2016, MWD re-opened the boat ramps for private boats after it closed it down in April 2015 due to lowered water levels.

Bay Delta (State Water Project) Supplies

With the increased precipitation in northern California in early 2016, the DWR announced that the SWP water deliveries would be 60% ending December 31, 2016, which is a significant increase from last year's allocation of 20%. In November 2016, DWR announced its initial SWP allocation of 20% for calendar year 2017. Since then

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precipitation had increased and DWR announced in December an increase in allocation to 45% followed with another increase in January to 60% due to improving conditions. The preliminary allocation of the SWP will be revised throughout the winter season and by spring or early summer the final allocation would be determined.

The State continues to face major political, legal, financial, and environmental challenges as the Department of Water Resources pursues the California WaterFix. The project, in general, proposes to divert water from the Sacramento River approximately 40 miles north of its current pump station and convey it underground in two 40-foot diameter pipelines. The uncertainty of obtaining environmental, funding, and permit approvals by the State could jeopardize the project and the future security of California.

Colorado River Supply

The Colorado River Aqueduct receives much of its water from the upper Colorado basin. As of January 22nd, the Upper Colorado River basin received 14.8 inches of rainfall or 136% of the average for this time of the year. However, historical drawdown from the storage has left the two largest reservoirs, Lake Powell and Lake Mead, with only 43% of their combined maximum storage capacity.

State Actions in Response to Drought

California's response to the current five-year drought has been guided by a series of Plans and Executive Orders issued by Governor Edmund G. Brown Jr. and are summarized as follows:

- In January 2014, Governor Brown released the California Water Action Plan, developed to guide state water policy through 2019 and meet three broad objectives: more reliable water supplies, the restoration of important species and habitat, and a more resilient, sustainably managed water resources system (water supply, water quality, flood protection, and environment) that can better withstand inevitable and unforeseen pressures in the coming decades.
- In January 2014, Governor Brown declared a drought emergency and issued a proclamation which called on Californians to reduce water consumption by 20%, and directed local water suppliers to immediately implement local water shortage contingency plans. The voluntary reduction call had little effect, with less than a 4% water reduction statewide in June 2014.
- On April 1, 2015, Governor Brown issued executive order B-29-15 which called for the State Water Resources Control Board ("State Water Board") to implement mandatory water reductions in cities and towns across California to reduce water usage by 25%. As a result, the State Water Board required the City of Pasadena to reduce water use by 28% by February 2016.

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- In February 2016, as the State continued to experience severe drought the State Water Board adopted an extended and revised emergency regulation to ensure water conservation continued through October 2016. The revised regulation included adjustments to water agency targets if they experienced hotter-than-average climate, population growth, and/or invested in new local, drought resilient water sources. Pasadena's target was adjusted to 26%.
- On May 9, 2016, Governor Brown issued Executive Order B-37-16, which established a new water use efficiency framework for California. The Executive Order resulted in the sunset of the statewide 25% water conservation target; the adoption of a new Reliability Stress Test by the State Water Board; and the establishment of longer term water conservation measures that include permanent monthly water use reporting, permanent water use prohibitions, and improving agricultural water management and drought plans. The new regulations are effective June 1, 2016 through February 28, 2017
- On November 30, 2016, State Agencies released a draft report for Making Conservation a California Way of Life. The draft report addresses elements of Executive Order B-37-16 which asked five state agencies to develop a framework for using water more wisely, eliminating water waste, strengthening local drought resilience, and improving agricultural water use efficiency and drought planning.

City of Pasadena Water Conservation Actions

The City of Pasadena has a history of being proactive in its conservation and sustainability efforts. Early actions to reduce water use include:

- In 2006 the City Council adopted a Green City Action Plan, with an Action to reduce per capita potable water use by 10% by 2012.
- On April 13, 2009 the City Council adopted a Comprehensive Water Conservation Plan that included six water conservation approaches to meet the City's water conservation targets
- On June 1, 2009 the City Council adopted a Water Waste Prohibition and Water Shortage Plan ordinance that contains virtually all of the requirements of the State Water Board's Emergency Regulations. The ordinance went into effect on July 4, 2009.
- In January 2011, the City Council adopted PWP's Water Integrated Resource Plan ("WIRP"). The WIRP includes an aggressive program to meet about 20% of forecast demand with new conservation, and identifies several supply initiatives (e.g., reclaimed and storm water capture projects) to reduce potable water use by another 10% or more.

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Current Drought Related Actions

- On July 28, 2014 the City Council made a determination that a water shortage exists, adopted a 20% water conservation target, and approved the Level 1 Water Supply Shortage Plan.
- On June 1, 2015, the City Council adopted a 28% water conservation target compared to calendar year 2013; approved the Level 2 Water Supply Shortage Plan; and adopted additional mandatory water conservation measures

In addition to the above actions, PWP implemented a variety of new programs and enhancements in response to drought conditions, a summary of which includes:

- **Water Conservation Rebates:** PWP continues to offer numerous incentives in partnership with the Metropolitan Water District (“MWD”) for both residential and commercial customers.
- **Workshops and Online Support:** PWP offers workshops on efficient irrigation; turf removal and drought tolerant gardens; edible gardens; and installing greywater systems. In addition to the workshops, PWP developed an online resource guide that features sample landscape designs, turf removal options, irrigation retrofit instructions, a list of resources, and a link to an interactive plant palette website.
- **Laundry to Landscape:** in FY16, PWP launched its Laundry-to-Landscape (“L2L”) Greywater Program, offering workshops, onsite support, and incentives for residential L2L system installations. Pasadena was selected to receive a grant in the amount of \$100,000 from the United States Bureau of Reclamation, to expand the L2L Greywater Program in Fiscal Years 2017 and 2018.
- **Landscape Audits for High Water Users:** in FY16 PWP sent letters to the top single family residential water users, urging them to conserve and offering a free landscape audit. Dozens of customers requested and received audits.
- **Drought Tolerant Demonstration Gardens at City Facilities:** PWP partnered with the Pasadena Fire Department and the Housing Department to develop drought-tolerant demonstration gardens at five Pasadena Fire Stations. This project is part of Pasadena’s continuing commitment to maximize water savings throughout the City and to support water-saving opportunities at city facilities.
- **Under One Roof:** PWP expanded its partnership with MASH to include free turf removal to income qualified homes. MASH removes the turf, retrofits the existing inefficient irrigation to a drip system, and installs the new drought tolerant landscape.
- **Water Waste Enforcement:** PWP enhanced Water Waste enforcement by hiring several additional temporary water conservation team members and enhancing water waste patrolling to night time hours. In FY16, PWP received over 5,455 water waste reports, issued 2,236 violation letters, and 283 fines. Reports received marked a 60% increase over FY15 and an 1100% increase over FY14.

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- WaterSmart: PWP has launched a water conservation behavior efficiency program that compares the water usage of each Pasadena residential account holder to homes with similar characteristics and provides each home with a water usage ranking. PWP customers received welcome letters introducing them to the program, and a survey to assess their household water use.

Long Term Planning Goals

PWPs long term water conservation planning goals are guided by the Water Integrated Resource Plan (“WIRP”) and the Urban Water Management Plan (“UWMP”). The WIRP adopted by City Council on January 31, 2011, provides a long-term water resource strategy through the year 2035 and contains information on water demands, water supply and conservation options, and an implementation strategy and schedule.

The UWMP documents PWP’s requirements for and compliance with Senate Bill (SB) X7-7, which requires urban water suppliers to reduce their per capita water use by 20% by 2020. Key actions included in the UWMP for the next five years are:

- Reduce baseline* daily per capita water use of 211 gallons per capita per day (“GPCD”) by 20% by 2020 to 169 GPCD.
- Supplement supplies and reduce PWP’s reliance on imported water through the implementation of the first phase of the Recycled Water Project.
- Implement additional water conservation Best Management Practices in addition to current conservation efforts.
- Advance the planning of other major projects that will increase PWP’s water supply reliability such as the Arroyo Seco Canyon Project.

**the UWMP identifies the baseline period from 1995-2004*

Chapter 13.10 - WATER WASTE PROHIBITIONS AND WATER SUPPLY SHORTAGE PLANS

Sections:

13.10.010 - Short title.

This chapter shall be known as the city of Pasadena Water Waste Prohibitions and Water Supply Shortage Plans.

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.

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.

13.10.025 - Authorization.

The various officers, departments, commissions, and agencies of the city are authorized and directed to implement the applicable provisions of this chapter upon the effective date hereof.

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.

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 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, 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.
- 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.

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. 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.

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 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 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.
 - 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 72 hours of notification by the department unless other arrangements are made with the department.

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 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 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.

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 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.

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 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 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.
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 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.

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 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 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 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 1 year or less.

13.10.055 - Reserved.

Editor's note— Ord. No. 7165, § 12, adopted June 1, 2009, repealed § 13.10.055. Former § 13.10.055 pertained to exception and derived from Ord. No. 6275, § 1 (part), adopted in 1988.

13.10.060 - 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.

13.10.065 - Violations and penalties: Residential customers and all other customers with water meters less than 1-½ 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 12 calendar months is punishable by a fine of \$100.00.
3. Third Violation: A third violation within the preceding 12 calendar months is punishable by a fine of \$200.00.
4. Fourth Violation: A fourth violation within the precluding 12 calendar months is punishable by a fine of \$350.00.
5. Fifth and Subsequent Violations: A fifth and any subsequent violation is punishable by a fine of \$500.00.

13.10.067 - Violations and penalties: Non-residential customers with water meters 1-½ 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 12 calendar months is punishable by a fine of \$200.00.
 3. Third Violation: A third violation within the preceding 12 calendar months is punishable by a fine of \$400.00.
 4. Fourth Violation: A fourth violation within the preceding 12 calendar months is punishable by a fine of \$700.00.
 5. Fifth and Subsequent Violations: A fifth and any subsequent violation is punishable by a fine of \$1,000.00.

13.10.070 - Reserved.

Editor's note— Ord. No. 7165, § 16, adopted June 1, 2009, repealed § 13.10.070. Former § 13.10.070 pertained to notices of violation and derived from Ord. No. 6275, § 1 (part), adopted in 1988; and Ord. No. 6289, § 2 (part), adopted in 1988.

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 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 12-month period.

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.

13.10.085 - Reserved.

Editor's note— Ord. No. 7165, § 19, adopted June 1, 2009, repealed § 13.10.085. Former § 13.10.085 pertained to application for relief and derived from Ord. No. 6275, § 1 (part), adopted in 1988; and Ord. No. 6289, § 3, adopted in 1988.

13.10.090 - Willful misrepresentation.

Notwithstanding any other provision of law, and in addition thereto, and not in lieu thereof, any willful misrepresentation of a material fact by any person to the department, made for the purpose of securing relief from the provisions of this chapter for any customer, is unlawful. A violation of this section shall be punishable by a fine not exceeding the sum of \$500, or by imprisonment in the county jail for a period not to exceed 6 months, or by both such fine and imprisonment.

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 1 gallon per minute capacity for services up to 1½-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 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.

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.

13.10.105 - Public nuisance.

In addition to the penalties provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this chapter shall be deemed a public nuisance and may be, by the city, summarily abated as such, and each day such condition continues shall be regarded as a new and separate offense.

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.