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.

(Ord. 6275 § 1 (part), 1988)

(Ord. No. 7165, § 2, 6-1-2009)

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.

(Ord. 6275 § 1 (part), 1988)

(Ord. No. 7165, § 3, 6-1-2009)

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. "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. "Potable water" means water that is suitable for drinking.

H. "Recycled water" means the reclamation and reuse of non-potable water for beneficial use.

I. "Single pass cooling systems" means equipment where water is circulated only once to cool equipment before being disposed.

J. "Water conservation target" means the necessary percentage reduction in the department's total water sales to eliminate or mitigate a water supply shortage.

(Ord. 6425 § 1, 1991; Ord. 6275 § 1 (part), 1988)

(Ord. No. 7165, § 4, 6-1-2009; Ord. No. 7298, § 2, 3-13-2017)

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.

(Ord. 6275 § 1 (part), 1988)

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:

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.

(Ord. 6275 § 1 (part), 1988)

(Ord. No. 7165, § 5, 6-1-2009; Ord. No. 7298, § 3, 3-13-2017)

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.

B. Limits on Watering Hours: Watering or irrigating of lawn, landscape or other vegetated area is prohibited be 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 han hose equipped with a water shut-off nozzle or device, or for very short periods of time for the express purp adjusting or repairing an irrigation system.

C. 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.

D. 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.

E. No Watering Turf on Public Street Medians: Watering ornamental turf on public street medians with potable water is prohibited.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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.

K. 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.

L. 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 guestroom using clear and easily understood language.

M. No Installation of Single Pass Cooling Systems: Installation of single pass cooling systems is prohibited in buildings requesting new water service.

N. No Installation of Non-Recirculating Equipment in Commercial Car Wash and Laundry Systems: Installation c recirculating water systems is prohibited in new commercial conveyor car washes and new commercial laun systems.

O. Commercial Car Wash Systems: 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.

(Ord. No. 7165, § 6, 6-1-2009; Ord. No. 7298, § 4, 3-13-2017)

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.

(Ord. 7082 § 6, 2007: Ord. 6289 § 1 (part), 1988: Ord. 6275 § 1 (part), 1988)

(Ord. No. 7165, § 7, 6-1-2009; Ord. No. 7298, § 5, 3-13-2017)

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.

(Ord. No. 7298, § 6, 3-13-2017)

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.

(Ord. No. 7298, § 7, 3-13-2017)

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 categories of use determined to be exempt under Section 13.10.037 of this chapter.

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.

(Ord. 6289 § 1 (part), 1988: Ord. 6275 § 1 (part), 1988)

(Ord. No. 7165, § 8, 6-1-2009; Ord. No. 7298, § 8, 3-13-2017)

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 categories of use determined to be exempt under Section 13.10.037 of this chapter.
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, or for lakes and ponds that may be used for wildfire suppression.

(Ord. 6289 § 1 (part), 1988)

(Ord. No. 7165, § 9, 6-1-2009; Ord. No. 7298, § 9, 3-13-2017)

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 categories of use determined to be exempt under Section 13.10.037 of this chapter.
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, exce extent needed to sustain aquatic life, or for lakes and ponds that may be used for wildfire suppression.

(Ord. 6425 § 2, 1991; Ord. 6289 § 1 (part), 1988: Ord. 6275 § 1 (part), 1988)

(Ord. No. 7165, § 10, 6-1-2009; Ord. No. 7298, § 10, 3-13-2017)

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 categories of use determined to be exempt under Section 13.10.037 of this chapter.
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, 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.
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.

(Ord. No. 7165, § 11, 6-1-2009; Ord. No. 7298, § 11, 3-13-2017)

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.

(Ord. 6289 § 2 (part), 1988: Ord. 6275 § 1 (part), 1988)

(Ord. No. 7165, § 13, 6-1-2009)

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.

(Ord. 6425 § 3, 1991: Ord. 6289 § 2 (part), 1988: Ord. 6275 § 1 (part), 1988)

(Ord. No. 7165, § 14, 6-1-2009)

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.

(Ord. No. 7165, § 15, 6-1-2009)

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 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. 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.

(Ord. 6289 § 2 (part), 1988: Ord. 6275 § 1 (part), 1988)

(Ord. No. 7165, § 17, 6-1-2009; Ord. No. 7298, § 12, 3-13-2017)

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.

(Ord. 6275 § 1 (part), 1988)

(Ord. No. 7165, § 18, 6-1-2009)

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.

(Ord. 6275 § 1 (part), 1988)

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.

(Ord. 6275 § 1 (part), 1988)

(Ord. No. 7165, § 20, 6-1-2009)

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.

(Ord. 6275 § 1 (part), 1988)

(Ord. No. 7165, § 21, 6-1-2009)

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.

(Ord. 6275 § 1 (part), 1988)

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.

(Ord. No. 7165, § 22, 6-1-2009)