

SAMPLE

RULE NO. 14.1

MANDATORY WATER CONSERVATION AND RATIONING PLAN

GENERAL INFORMATION

If water supplies are projected to be insufficient to meet normal customer demand, the utility may elect to implement voluntary conservation using the portion of this plan set forth in Section A of this Rule after notifying the Commission's Water Utilities Branch of its intent. If in the opinion of the utility more stringent water conservation measures are required, the utility shall request Commission authorization to implement the mandatory conservation and rationing measures set forth in Section B.

The Commission shall authorize mandatory conservation and rationing by approving Tariff SCHEDULE NO. 14.1, MANDATORY WATER CONSERVATION AND RATIONING. When Tariff Schedule No. 14.1 has expired or is not in effect, mandatory conservation and rationing measures will not be in force. Tariff Schedule No. 14.1 will set forth water use allocations, excess water use penalties, charges for removal of flow restrictors, and the period during which mandatory conservation and rationing measures will be in effect.

When Tariff Schedule No. 14.1 is in effect and the utility determines that water supplies are again sufficient to meet normal demands and mandatory conservation and rationing measures are no longer necessary, the utility shall seek Commission approval to rescind Tariff Schedule No. 14.1 to discontinue rationing.

In the event of a water supply shortage requiring a voluntary or mandatory program, the utility shall make available to its customers water conservation kits as required by Rule No. 20. The utility shall notify all customers of the availability of conservation kits.

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(continued)

A. CONSERVATION - NONESSENTIAL OR UNAUTHORIZED WATER USE

No customer shall use utility-supplied water for nonessential or unauthorized uses as defined below:

1. Use of water through any connection when the utility has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to make such repairs within 5 days after receipt of such notice.
2. Use of water which results in flooding or run-off in gutters, waterways, patios, driveways, or streets.
3. Use of water for washing aircraft, cars, buses, boats, trailers or other vehicles without a positive shutoff nozzle on the outlet end of the hose, except for the washing of vehicles at commercial or fleet vehicle washing facilities operated at fixed locations where equipment using water is properly maintained to avoid wasteful use.
4. Use of water through a hose for washing buildings, structures, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas in a manner which results in excessive run-off or waste.
5. Use of water for watering streets with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible), or to protect the health and safety of the public.
6. Use of water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or other method can be used.
7. Use of water for more than minimal landscaping in connection with any new construction.

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- A. 8. Use of water for outside plants, lawn, landscape and turf areas more often than every other day, with even numbered addresses watering on even numbered days of the month and odd numbered addresses watering on the odd numbered days of the month, except that this provision shall not apply to commercial nurseries, golf courses and other water-dependent industries.
- 9. Use of water for outside plants, lawn, landscape and turf areas during certain hours if and when specified in Tariff Schedule No. 14.1 when the schedule is in effect.
- 10. Use of water for watering outside plants and turf areas using a hand held hose without a positive shut-off valve.
- 11. Use of water for decorative fountains or the filling or topping off of decorative lakes or ponds. Exceptions are made for those decorative fountains, lakes, or ponds which utilize recycled water.
- 12. Use of water for the filling or refilling of swimming pools.
- 13. Service of water by any restaurant except upon the request of a patron.

B. RATIONING OF WATER USAGE

In the event the conservation measures required by Section A are insufficient to control the water shortage, the utility shall, upon Commission approval, impose mandatory conservation and rationing. The water allocated for each customer, the time period during which rationing shall be in effect, and any additional conditions, will be set forth in Tariff Schedule No. 14.1, which shall be filed for this purpose at the time such rationing is approved by the Commission.

Before rationing is authorized by the Commission the utility shall hold public meetings and take all other applicable steps required by Sections 350 through 358 of the California Water Code.

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C. ENFORCEMENT OF MANDATORY CONSERVATION AND RATIONING

1. The water use restrictions of the conservation program in Section A of this rule become mandatory when the rationing program goes into effect. These restrictions are applicable whether or not the customer exceeds the monthly water allocation.
2. Upon inception of the mandatory provisions of this Rule the utility may, after one verbal and two written warnings, install a flow-restricting device on the service line of any premises where utility personnel observe water being used for any nonessential or unauthorized use as defined in Section A.
3. A flow restrictor shall not restrict water delivery by greater than 50% of normal flow and shall provide the premises with a minimum of 6 Ccf/month. The restrictor may be removed only by the utility, after a three-day period has elapsed, and upon payment of the appropriate removal charge as set forth in Tariff Schedule No. 14.1.
4. After the removal of a restricting device, if any nonessential or unauthorized use of water continues, the utility may install another flow-restricting device. This device shall remain in place until rationing is no longer in effect and until the appropriate charge for removal has been paid to the utility.
5. Each customer's water allocation shall be shown on the water bill. Water allocations may be appealed in writing as provided in Section D of this Rule. If a customer uses water in excess of the allocated amount, the utility may charge the excess usage penalty shown in Tariff Schedule No. 14.1.
6. Any monies collected by the utility through excess usage penalties shall not be accounted for as income, but shall be accumulated by the utility in a separate account for disposition as directed or authorized from time to time by the Commission.
7. The charge for removal of a flow-restricting device shall be in accordance with Tariff Schedule No. 14.1.

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D. APPEAL PROCEDURE

Any customer who seeks a variance from any of the provisions of this mandatory water conservation and rationing plan or a change in water allocation shall notify the utility in writing, explaining in detail the reasons for such a variation. The utility shall respond to each such request.

Any customer not satisfied with the utility's response may file an appeal with the staff of the Commission. The customer and the utility will be notified of the disposition of such appeal by letter from the Executive Director of the Commission.

If the customer disagrees with such disposition, the customer shall have the right to file a formal complaint with the Commission. Except as set forth in this Section, no person shall have any right or claim in law or in equity, against the utility because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of this mandatory water conservation and rationing plan.

E. PUBLICITY

In the event the utility finds it necessary to implement this plan, it shall notify customers and hold public hearings concerning the water supply situation, in accordance with Chapter 3, Water Shortage Emergencies, Sections 350 through 358, of the California Water Code. The utility shall also provide each customer with a copy of this plan by means of billing inserts or special mailings; notifications shall take place prior to imposing any fines associated with this plan. In addition, the utility shall provide customers with periodic updates regarding its water supply status and the results of customers' conservation efforts. Updates may be by bill insert, special mailing, poster, flyer, newspaper, television or radio spot/ advertisement, community bulletin board, or other appropriate method(s).

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Decision No. _____

Effective _____

**ARTICLE V
SANITATION AND HEALTH**

Chapters

- 2 Collection of Solid Waste and Recyclable Materials**
10 Water Conservation and Sustainability Measure

**CHAPTER 2
COLLECTION OF SOLID WASTE AND RECYCLABLE MATERIALS**

Sections:

- § 5229.2** Seamless Service Requirements. [«Unamended section»](#)

§ 5229.2 Seamless Service Requirements.

[«Unamended section»](#)

(a) Definitions. Whenever the terms set forth below are used in this Section, they shall have the meanings set forth herein below:

(1) "Change in contract" shall mean any change of any provider with whom the City contracts to provide waste collection and recycling services including the pick-up, transfer, disposal and sorting of residential and commercial solid waste and recycling.

(2) "Change in control" shall mean any sale, assignment, transfer, or other disposition of all or substantially all of the assets or a controlling interest (including by consolidation, merger, or reorganization) of the incumbent operator, or any person who controls such incumbent operator, to a new operator.

(3) "City" shall mean the City of Carson.

(4) "Provider" shall mean any corporation, company, partnership, trust, estate, association, joint venture or other legal or commercial entity, as well as any subcontractor of such an entity, operating within the City that employs workers to perform waste collection and recycling services under contract with the City, including the pick-up, transfer, disposal and sorting of residential, commercial, and industrial solid waste and recycling.

(5) "Incumbent operator" shall mean any person, as defined herein, who owns, controls, and/or operates a provider prior to a change in control or change in contract.

(6) "New operator" shall mean any person, as defined herein, who owns, controls, and/or operates any provider following a change in control or change in contract.

(7) "Person" shall mean an individual, corporation, partnership, limited partnership, trust, estate, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

(8) "Qualified displaced worker" shall mean any person employed by an incumbent operator, or any subcontractor of an incumbent operator, who:

(i) Is not an "exempt" employee within the meaning of the Fair Labor Standards Act ("FLSA"); and

(ii) Has been employed at a provider by the incumbent operator, or any subcontractor of the incumbent operator, for at least thirty (30) consecutive calendar days prior to the execution of the transfer document.

(9) "Transfer document" shall mean the legal instrument or agreement effecting a change in control or change in contract.

(10) "Wages and benefits" shall mean all wages or compensation, and, where referenced in an applicable collective bargaining agreement, provisions addressing how overtime shall be calculated, employer and employee contributions for medical insurance and retirement benefits, any tool, shoe or uniform allowance, sick leave, vacation time and personal or family leave.

(b) Employee Retention.

(1) An incumbent operator shall, within ten (10) days of the execution of a transfer document, provide the new operator and the Carson City Manager, or his or her designee, a list of all of the employees of the incumbent operator at any provider, including each employee's name, last known address, date of hire and job classification at the time of the transfer. The new operator shall offer employment at a provider to all qualified displaced workers in accordance with the terms of this Section.

(2) All scope of services and work hours performed by an incumbent operator that is to be performed by the new operator shall be performed, to the extent commercially feasible, by qualified displaced workers. Nothing herein shall be construed as requiring the new operator to create new employment positions that the new operator does not need in order to perform waste collection and recycling services under contract with the City. However, prior to reducing the amount of work hours or positions utilized to perform waste disposal services at a provider, a new operator must obtain written approval from the City Manager, which approval shall not be unreasonably withheld.

(3) The new operator is prohibited from discharging any qualified displaced worker offered employment as required herein, except for cause, for at least one hundred eighty (180) days from the effective date of the transfer document, or the date on which the new operator actually begins operating any provider, whichever shall later occur.

(4) At the end of such one hundred eighty (180) day period, the new operator shall perform a written performance evaluation for each qualified displaced worker retained pursuant to this Section. If such qualified displaced worker's job performance during such one hundred eighty (180) day period is deemed to be "satisfactory" or better, the new operator shall offer the employee continued employment consistent with subsection (d) of this Section.

(c) Preferential Hire. In the event that, during the one hundred eighty (180) day transition period described above, the new operator determines that fewer positions are needed in order to perform waste collection and recycling services under contract with the City of Carson, including the pick-up, transfer, disposal and sorting of residential, commercial, and industrial solid waste and recycling, the new operator shall retain qualified displaced workers, as are determined to be commercially needed, by seniority. Seniority shall be determined by reference to any collective bargaining agreement covering the qualified displaced workers or, if no such agreement exists, then by reference to the initial hire date with the incumbent operator of each qualified displaced worker. Any qualified displaced workers not retained by the new operator shall be placed on a preferential hiring list and considered by the new operator for any job openings that may arise.

(d) Maintenance of Wages and Benefits. Each new operator shall provide all employees at a provider with wages and benefits not less than the greater of those (1) in effect at the provider immediately prior to the point of execution of the transfer document or (2) in any collective bargaining agreement, whether effective or expired, between the incumbent operator and any qualified displaced workers.

(e) Retaliation and Discrimination Barred – No Waiver of Rights.

(1) No incumbent operator or new operator shall discharge or otherwise discriminate against any employee, including a qualified displaced worker, for making a complaint, participating in any administrative proceeding, or using any civil remedy to enforce his or her rights, or for otherwise asserting his or her rights under this Section.

(2) Any waiver by a qualified displaced worker of any or all of the provisions of this Section shall be deemed contrary to public policy and shall be void and unenforceable, except where such waiver occurs in a bona fide collective bargaining agreement. Any attempt by an incumbent operator or new operator to have a waste or recycling worker waive rights given by this Section shall be deemed to be in contravention of public policy and shall also constitute a willful violation of this Section.

(f) Enforcement.

(1) Any qualified displaced worker claiming a violation of this Section may bring

an action against an incumbent operator or new operator in the Superior Court of the State of California, to enforce the provisions of this Section. The court is authorized to award liquidated damages for each violation in an amount equivalent to one hundred eighty (180) days of such qualified displaced worker's average regular rate of pay and, where appropriate, back pay, any other actual damages, reinstatement, injunctive relief, punitive damages, and any other legal or equitable relief. The court is further authorized to award treble damages for willful violations of this Section. Violations of this Section are hereby declared to constitute irreparable harm to any qualified displaced worker.

(2) A court in any proceeding to enforce the provisions of this Section shall award reasonable attorneys' fees, expert witness fees, and costs to any plaintiff who prevails in an action to enforce the provisions of this Section.

(3) The rights and remedies set forth herein are in addition to any other rights which an employee might have, under any Federal or State statute or regulation or municipal ordinance or regulation or at common law.

(g) Incorporation Into Any City Franchise or License Agreements. The terms of this Section shall be included, by reference, in all contracts to provide waste disposal services, including the pick-up, transfer, and disposal and recycling of residential and commercial trash, to which any provider is a party. All providers shall include the terms of this Section, by reference, in all subcontracts which any provider may enter into involving the provision of waste disposal services, including the pick-up, transfer, disposal of residential and commercial trash and recyclables. In addition, the following language shall be included in all franchises, licenses, or other agreements for waste disposal services between the City and any provider:

It is understood between the parties that Qualified Displaced Workers, as that term is defined in Carson Municipal Code § 5229.2 are third-party beneficiaries to this contract and Contractor agrees that, as such, Qualified Displaced Workers shall have the right to enforce the provisions of this agreement relating to employee retention and initial wages and benefits. This right shall be independent of the City's right to enforce any and all portions of the contract and shall be in addition to any rights that such workers may have under any other federal, state or local statute or at equity. In the event that a Qualified Displaced Worker prevails in an action to enforce this contract, that Qualified Displaced Worker shall be entitled to his or her costs, including a reasonable attorney's fee, in addition to any other remedies that the worker may be due at law or in equity.

(Ord. 10-1447, § 1)

CHAPTER 10 WATER CONSERVATION AND SUSTAINABILITY MEASURE

Sections:

- § 51000 Title. [«Unamended section»](#)
- § 51001 Findings. [«Unamended section»](#)
- § 51002 Declaration of Purpose and Intent. [«Unamended section»](#)
- § 51003 Definitions. [«Unamended section»](#)
- § 51004 Application. [«Unamended section»](#)
- § 51005 Permanent Water Conservation Measures – Preventing Waste. [«Unamended section»](#)

§ 51000 Title.

[«Unamended section»](#)

This Chapter will be known as the City of Carson water conservation and sustainability measure. (Ord. 09-1433, § 1)

§ 51001 Findings.«Unamended section»

(a) A reliable minimum and sustainable supply of potable water is essential to the public health, safety and welfare of the people and economy of the City of Carson and the Southern California region.

(b) Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, climate change, environmental concerns, and other factors in other parts of the State and western United States make the region highly susceptible to water supply reliability issues.

(c) Careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs.

(d) Chapter XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.

(e) Chapter X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.

(f) The adoption of water conservation and sustainability measures is necessary to reduce the supply of potable water in the short and long term and to avoid or minimize the effects of drought and shortage within the City. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare for current and future generations. (Ord. 09-1433, § 1)

§ 51002 Declaration of Purpose and Intent.«Unamended section»

(a) The purpose of this Chapter is to establish a water conservation and sustainability program that provides guidelines and standards for the reduction of water consumption within the City through conservation, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City to avoid and minimize the effect and hardship of a water shortage to the greatest extent possible.

(b) This Chapter establishes permanent water conservation standards intended to alter behavior related to water use efficiency. (Ord. 09-1433, § 1)

§ 51003 Definitions.«Unamended section»

The following words and phrases whenever used in this Chapter have the meaning defined in this Section:

(a) "Allocation" means a form of water rationing that uses penalty pricing to achieve target reductions in water use.

(b) "City" means the City of Carson.

(c) "Conservation" means the practice of protecting against the loss or waste of natural resources.

(d) "User" means a person or business that uses potable water through a metered service connection.

(e) "Landscape irrigation system" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.

(f) "Large landscape areas" means a lawn, landscape, or other vegetated area, or combination thereof, equal to more than one (1) acre of irrigable land.

(g) "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water within the City.

(h) "Potable water" means water which is suitable for drinking.

(i) "Recycled water" means the reclamation and reuse of nonpotable water for

beneficial use.

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

(k) "Sustainability" means a decision-making concept describing water use that meets present needs without compromising the ability to meet future requirements. (Ord. 09-1433, § 1)

§ 51004 Application.

[«Unamended section»](#)

(a) The provisions of this Chapter apply to any users in the use of any potable water in the City.

(b) The provisions of this Chapter do not apply to users of water necessary to protect public health and safety or for essential government services, such as police, fire, or other similar emergency services.

(c) The provisions of this Chapter do not apply to the use of recycled water.

(d) The provisions of this Chapter do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.

(e) This Chapter is intended solely to further the conservation of water. It is not intended to implement any provision of Federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. (Ord. 09-1433, § 1)

§ 51005 Permanent Water Conservation Measures – Preventing Waste.

[«Unamended section»](#)

(a) Recirculating Water Required for Water Fountains and Decorative Water Features. Operating a water fountain or other decorative water feature that does not use recirculated water is prohibited.

(b) Commercial Car Wash Systems. Effective on January 1, 2012, all commercial conveyor car wash systems must have installed and operational recirculating water systems, or must have secured a waiver of this requirement from the City.

(c) Large Landscape Areas – Rain Sensors. It is recommended that effective January 1, 2012, large landscape areas, such as parks, cemeteries, golf courses, school grounds, and playing fields, that use landscape irrigation systems to water or irrigate, use landscape irrigation systems with rain sensors that automatically shut off such systems during periods of rain or irrigation timers which automatically use information such as evapotranspiration sensors to set an efficient water use schedule.

(d) Construction Purposes. Recycled or other approved nonpotable water must be used for construction purposes when available.

(e) Single Pass Cooling Systems. Installation of single pass cooling systems is prohibited in buildings requesting new water service.

(f) Nonrecirculating Water System in Commercial Car Wash and Laundry Systems. Installation of nonrecirculating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems. (Ord. 09-1433, § 1)

Main Code: Current through Ordinance 05-1339, passed October 4, 2005

Pocket Supplement: Current through Ordinance 10-1450, including ordinances passed through July 6, 2010.

Disclaimer: The City Clerk's Office has the official version of the Carson Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Sections of the code which have been amended link to the amended section contained in the pocket supplement. Sections in the pocket supplement link back to the unamended version; if the section is new, the link goes to the beginning of the chapter to which it was added.

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<http://ci.carson.ca.us/>
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ORDINANCE NO. 3717

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING A WATER CONSERVATION AND WATER SUPPLY SHORTAGE AND SUSTAINABILITY PROGRAM AND REGULATIONS

The City Council of the City of Torrance ordains as follows:

SECTION 1

Article 4 of Chapter 6 of Division 7 of the Torrance Municipal Code is repealed.

SECTION 2

A new Article 4 of Chapter 6 of Division 7 of the Torrance Municipal Code is added to read in its entirety as follows:

“Section 76.4.010 Title.

This Article will be known as the City of Torrance Water Conservation and Water Supply Shortage and Sustainability Program.

Section 76.4.020 Findings.

- a) A reliable minimum and sustainable supply of Potable Water is essential to the public health, safety and welfare of the people and economy of the City of Torrance and the southern California region.
- b) Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, climate change, environmental concerns, and other factors in other parts of the State and western United States, make the region highly susceptible to water supply reliability issues.
- c) Careful water management that includes active water Conservation measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs.
- d) Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.
- e) Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and Conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.
- f) California Water Code section 375 authorizes water suppliers to adopt and enforce a comprehensive water Conservation program to reduce water consumption and conserve supplies.
- g) The adoption and enforcement of a Water Conservation and Supply Shortage and Sustainability program is necessary to manage the City’s Potable Water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the City. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare for current and future generations.

Section 76.4.030. Declaration of Purpose and Intent.

- a) The purpose of this Article is to establish a Water Conservation and Supply Shortage and Sustainability program that will reduce water consumption within the City 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 to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.
- b) This Article establishes permanent water Conservation standards intended to alter behavior related to water use efficiency for non-shortage conditions and further establishes three 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 76.4.040. Definitions.

- a) The following words and phrases whenever used in this Article have the meaning defined in this section:
 - 1) **“Allocation”** means a form of water rationing that uses penalty pricing to achieve target reductions in water use.
 - 2) **“Billing Unit”** means the unit of water used to apply water rates for purposes of calculating water charges for a Person’s water usage and equals 100 cubic feet or 748 gallons of water.
 - 3) **“City”** means the City of Torrance.
 - 4) **“Conservation”** means the practice of protecting against the loss or waste of natural resources.
 - 5) **“Customer” or “Water User”** means a Person that uses Potable Water through a metered service connection.
 - 6) **“Landscape Irrigation System”** means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.
 - 7) **“Large Landscape Areas”** means a lawn, landscape, or other vegetated area, or combination thereof, equal to more than one (1) acre of irrigable land.
 - 8) **“Person”** means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water within the City.
 - 9) **“Potable Water”** means water which is suitable for drinking.
 - 10) **“Recycled Water”** means the reclamation and reuse of non-Potable Water for beneficial use.
 - 11) **“Single Pass Cooling Systems”** means equipment where water is circulated only once to cool equipment before being disposed.
 - 12) **“Sustainability”** means a decision making concept describing water use that meets present needs without compromising the ability to meet future requirements.

Section 76.4.050. Application

- a) The provisions of this Article apply to any Person in the use of any Potable Water provided by the City.
- b) The provisions of this Article do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services.

- c) The provisions of this Article do not apply to the use of Recycled Water.
- d) The provisions of this Article do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.
- e) This Article is intended solely to further the Conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff.

Section 76.4.060 Permanent Water Conservation Requirements – Prohibition Against Waste

The following water Conservation requirements are effective at all times and are permanent, unless rescinded by the action of the City Council. Violations of this section will be considered waste and an unreasonable use of water.

- a) **Limits on Watering Hours:** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is prohibited between the hours of 10 a.m. and 4 p.m. on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing 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) **Limit on Watering Duration:** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water using a Landscape Irrigation System or a watering device that is not continuously attended is limited to no more than 15 minutes watering per day per station. This subsection does not apply to Landscape Irrigation Systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard.
- c) **No Excessive Water Flow or Runoff:** Watering or irrigating of any lawn, landscape or other vegetated area 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 when 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 positive self-closing water shut-off device or a low-volume, high-pressure water efficient water broom (Watermiser or equivalent brand) type or cleaning machine equipped to recycle any water used.
- e) **Obligation to Fix Leaks, Breaks or Malfunctions:** Excessive use, 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 15 days of receiving notice from the City, is prohibited.
- f) **Re-circulating 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. This provision will be effective 90 days after adoption of this Ordinance.
- g) **Limits on Washing Vehicles:** Using water to wash or clean 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 positive self-closing 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, club or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any Person unless expressly requested.
- i) **Commercial Lodging Establishments Must Provide Option to Not Launder Linen Daily:** Hotels, motels and other commercial lodging establishments must provide Customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.
- j) **No Installation of Single Pass Cooling Systems:** Installation of Single Pass Cooling Systems is prohibited in buildings requesting new water service.
- k) **No Installation of Non-re-circulating in Commercial Car Wash and Laundry Systems:** Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.
- l) **Restaurants Required to Use Water Conserving Dish Wash Spray Valves:** Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.

Section 76.4.070 Level 1 Water Supply Shortage

- a) A Level 1 Water Supply Shortage exists when the City determines, in its sole discretion, that due to drought or other water supply reductions, a water supply shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City of a Level 1 Water Supply Shortage condition, the City will implement the mandatory Level 1 Conservation measures identified in this section. The type of event that may prompt the City to declare a Level 1 Water Supply Shortage may include, among other factors, a finding that the Metropolitan Water District of Southern California (“MWD”) calls for extraordinary water Conservation and declares up to a 15% mandatory Allocation (rationing) within the MWD service area.

A Level 1 Water Supply Shortage condition exists when the City notifies its Water Users that due to drought or other supply reductions, a Customer demand reduction of up to 15% is necessary to make more efficient use of water and respond to existing water shortage conditions. Upon the declaration of a Level 1 Water Supply Shortage condition, the City shall implement the mandatory Level 1 Conservation measures identified in this ordinance.

- b) **Additional Water Conservation Measures:** In addition to the prohibited uses of water identified in Section 76.4.060, the following water Conservation requirements apply during a declared Level 1 Water Supply Shortage:
 - 1) **Limits on Watering Hours and Watering Duration:** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is prohibited between the hours of 9 a.m. and 5 p.m. on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system. Watering or irrigating of lawn, landscape or other vegetated area with Potable Water using a Landscape Irrigation System is limited to no more than 15 minutes watering per day.

- 2) **Limits on Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is limited to 3 days per week on a schedule established and posted by the City. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
- 3) **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the Water User's plumbing or distribution system must be repaired within 7 days of notification by the City unless other arrangements are made with the City.
- 4) **Other Prohibited Uses:** The City may implement other prohibited water uses as determined by the City, after notice to Customers.

Section 76.4.080 Level 2 Water Supply Shortage

- a) A Level 2 Water Supply Shortage exists when the City determines, in its sole discretion, that due to drought or other supply reductions, a water supply shortage exists and a consumer demand reduction is necessary to make more efficient use of water and respond to existing water conditions. Upon the declaration by the City of a Level 2 Water Supply Shortage condition, the City will implement the mandatory Level 2 Conservation measures identified in this section.

A Level 2 Water Supply Shortage condition exists when the City notifies its Water Users that due to drought or other supply reductions, a Customer demand reduction exceeding 15 % to up to 30% is necessary to make more efficient use of water and respond to existing water shortage conditions. Upon the declaration of a Level 2 Water Supply Shortage condition, the City shall implement the mandatory Level 2 Conservation measures identified in this ordinance.

- b) **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Section 76.4.060 and 76.4.070, the following additional water Conservation requirements apply during a declared Level 2 Water Supply Shortage:
 - 1) **Limits on Watering Hours and Watering Duration** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is prohibited between the hours of 8 a.m. and 6 p.m. on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for a very short periods of time for the express purpose of adjusting or repairing an irrigation system. Watering or irrigating of lawn, landscape or other vegetates area with Potable Water using a Landscape Irrigation System is limited to no more than 10 minutes per day.
 - 2) **Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is limited to 2 days per week on a schedule established and posted by the City. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
 - 3) **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the Water User's plumbing or distribution system must be repaired within four days of notification by the City unless other arrangements are made with the City.

- 4) **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, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage level under this ordinance.
- 5) **Limits on Washing Vehicles:** Using water to wash or clean 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, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, by high pressure/low volume wash systems, or at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water.
- 6) **Limits on Filling Residential Swimming Pools & Spas:** Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with Potable Water is prohibited.
- 7) **Other Prohibited Uses:** The City may implement other prohibitions on water uses as determined by the City, after notice to Customers.

Section 76.4.090 Level 3 Water Supply Shortage – Emergency Condition

a) A Level 3 Water Supply Shortage condition is also referred to as an “Emergency” condition. A Level 3 condition exists when the City declares a water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to make more efficient use of water and respond to existing water conditions. Upon the declaration of a Level 3 Water Supply Shortage Emergency condition, the City will implement the mandatory Level 3 Conservation measures identified in this section.

A Level 3 Water Supply Shortage condition exists when the City notifies its Water Users that due to drought or other supply reductions, a Customer demand reduction exceeding 30% is necessary to make more efficient use of water and respond to existing water shortage conditions. Upon declaration of a Level 3 Water Supply Shortage condition, the City shall implement the mandatory Level 3 Conservation measures identified in this ordinance.

b) **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Section 76.4.060, 76.4.070, and 76.4.080, the following water Conservation requirements apply during a declared Level 3 Water Supply Shortage Emergency:

- 1) **No Watering or Irrigating:** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is prohibited. This restriction does not apply to the following categories of use or to the use of Recycled Water providing it is available and may be lawfully applied to the use:
 - i) Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or a very low-flow drip type irrigation system when no emitter produces more than 2 gallons of water per hour subject to the hour restrictions in Section 76.4.060 (a);
 - 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 rare animals;
 - v) Maintenance of landscape within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed 2 days per week according to the schedule established in Section 76.4.080 (b)(1) and time restrictions in Section 76.4.060 (a) and (b);
 - vi) Public works projects and 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 must be repaired within two days of notification by the City unless other arrangements are made with the City.
- 3) **Discontinue Service:** The City, in its sole discretion, may discontinue service to Customers who willfully violate provisions of this section.
- 4) **Other Prohibited Uses:** The City may implement other prohibited water uses as determined by the City, after notice to Customers.

Section 76.4.100 Procedures for Determination / Notification of Water Supply Shortage

a) Declaration and Notification of Level 1 & 2 Water Supply Shortage:

- 1) The existence of Level 1, Level 2, and Level 3 Water Supply Shortage conditions may be declared by resolution of the City adopted at a regular or special public meeting held in accordance with State law. The mandatory Conservation requirements applicable to Level 1, Level 2 and Level 3 Water Supply Shortage conditions will take effect immediately upon adoption by the City Council.
- 2) In case of emergency, the City Manager will have the authority to declare a Level 1, Level 2, and Level 3 Water Supply Shortage condition subject to ratification by the City Council within 7 days or the order will have no further force or effect.
- 3) The City Council is authorized to implement mandatory Conservation requirements applicable to Level 1, Level 2 and Level 3 Water Supply Shortage conditions in order for the City to comply with water use restrictions imposed by federal, state or regional water agencies or respond to emergency water shortage conditions.

Section 76.4.110 Other Provisions

- a) **Commercial Car Wash Systems:** Effective on January 1, 2012, all commercial conveyor car wash systems must have installed and operational re-circulating water systems, or must have secured a waiver of this requirement from the City.
- b) **Large Landscape Areas – Rain Sensors:** Effective January 1, 2012, Large Landscape Areas, such as parks, cemeteries, golf courses, school grounds, and playing fields, that use Landscape Irrigation Systems to water or irrigate, must use Landscape Irrigation Systems with rain sensors that automatically shut off such systems during periods of rain or irrigation timers which automatically use information such as evapotranspiration sensors to set an efficient water use schedule.
- c) **Construction Purposes:** Recycled or other approved non-Potable Water must be used for construction purposes when available.
- d) **Limits on Building Permits:** The City will limit or withhold the issuance of building permits which require new or expanded water service, except to protect the public health, safety and welfare, or in cases which meet the City's adopted Conservation offset requirements.
- e) **Water Recycling Required if Alternative Available:** The use of Potable Water, other than Recycled Water, is prohibited for specified uses after the City has provided to the Customer an analysis showing that Recycled Water is a cost-effective alternative to Potable Water for such uses and the Customer has had a reasonable time, as determined by the Public Works Director, to make the conversion to Recycled Water.
- f) **Water Recycling – New Service:** Prior to the connection of any new water service, an evaluation must be done by the City to determine whether Recycled Water exists to supply all or some of the water needed and Recycled Water must be utilized to the extent feasible.

Section 76.4.120 Hardship Waiver

- a) **Undue and Disproportionate Hardship:** If, due to unique circumstances, a specific requirement of this Article would result in undue hardship to a Person using water or to property upon which water is used, that is disproportionate to the impacts to Water Users generally or to similar property or classes of Water Users, then the Person may apply for a waiver to the requirements in accordance with administrative procedures established by the City.

Section 76.4.130 Penalties and Violations

- a) **Misdemeanor:** Any Person who violates any provision of this Article is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 30 days, or by a fine not exceeding \$1,000, or by both fine and imprisonment.
- b) **Civil Penalties:** In addition to all other remedies, the City may issue civil penalties for failure to comply with any provisions of this Article are as follows:
- 1) **First Violation:** The City will issue a written warning and deliver a copy of this ordinance by mail.
 - 2) **Second Violation:** The City will issue a second written warning and deliver a copy of this ordinance by mail.
 - 3) **Third Violation:** A third violation within the preceding 12 calendar months is subject to fine not to exceed \$100. This fine will be incorporated into the Customer's water bill. Non payment will be subject to the same remedies as non payment of basic water rates.
 - 4) **Fourth Violation:** A fourth violation within the preceding 12 calendar months is subject to a fine not to exceed \$250. This fine will be incorporated into the Customer's water bill. Non payment will be subject to the same remedies as non payment of basic water rates.
 - 5) **Fifth and Subsequent Violations:** A fifth and subsequent violation is subject to a fine not to exceed \$500. This fine will be incorporated into the Customer's water bill. Non payment will be subject to the same remedies as non payment of basic water rates.
 - i) **Water Flow Restrictor:** In addition to any fines, the City may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and comparatively sized restrictors for larger services after written notice of intent to install a flow restrictor for a minimum of 48 hours.
 - ii) **Termination of Service:** In addition to any fines and the installation of a water flow restrictor, the City may disconnect and/or terminate a Customer's water service.
- c) **Cost of Flow Restrictor and Disconnecting Service:** A Person or entity that violates this Article is responsible for payment of the City's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the City's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device must be paid to the City before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.
- d) A violation of this Article is declared to be a public nuisance and may be abated by the City in accordance with its authority to abate nuisances.
- e) The penalties and remedies listed in this Article are not exclusive of any other penalties and remedies available to the City under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative penalties and remedies."

