

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING TITLE 14 OF THE RIVERSIDE MUNICIPAL CODE BY
ADDING A NEW CHAPTER ENTITLED “WATER CONSERVATION”

WHEREAS, on June 4, 2008, the Governor proclaimed a condition of statewide drought, and on February 27, 2009, the Governor proclaimed a state of emergency to exist resulting from below average snow pack, precipitation, dwindling reservoir storage and new biological opinions that have reduced the flexibility of state-wide water operations; and

WHEREAS, although the Governor has recently lifted the state of emergency proclamation regarding the drought, California Constitution, Article X and Water Code section 100 provide that it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, pursuant to Water Code section 350, the City may declare a water shortage emergency to prevail within its jurisdiction when it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the City’s water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, pursuant to Water Code section 375, the City may by public hearing adopt and enforce a water conservation program to reduce the quantity of water used by persons within its jurisdiction for the purpose of conserving the water supplies of the City; and

WHEREAS, pursuant to Water Code section 375, the City may specifically require the installation of water-saving devices which are designed to reduce water consumption for other than agricultural uses.

1 The City Council of the City of Riverside does ordain as follows:

2 Section 1: Upon finding that the ordinary demands and requirements of water consumers
3 cannot be satisfied without depleting the City’s water supply to the extent that there would be
4 insufficient water for human consumption, sanitation, and fire protection, the City Council may
5 declare by resolution a water shortage emergency to prevail within its jurisdiction.

6 Section 2: The City Council, by public hearing, hereby adopts a water conservation
7 program to reduce the quantity of water used by persons within its jurisdiction for the purpose of
8 conserving the water supplies of the City.

9 Section 3: The title section of Title 14, “Public Utilities” shall read as follows:

10 **Title 14**

11 **PUBLIC UTILITIES**

12 **Chapters:**

- 13 **14.04 Sewer Service Charges**
- 14 **14.08 Sewer Connections And Permits**
- 15 **14.12 Discharge Of Wastes Into The Public Sewer And Storm Drain**
- 16 **Systems**
- 17 **14.16 Private Dumping And Disposal Of Sewage**
- 18 **14.20 Water Connections**
- 19 **14.22 Water Conservation**
- 20 **14.24 Underground Utility Installation**
- 21 **14.28 Mandatory Use Of Recycled Water**
- 22 **14.36 Special Tax Financing Law for Sustainable Energy Districts**

23 Section 4: The Riverside Municipal Code Title 14 is hereby amended by adding the
24 following new Chapter 14.22.

25 **Chapter 14.22**

26 **WATER CONSERVATION**

27 **Sections:**

- 28 **14.22.010 Unreasonable Uses of Water.**
- 14.22.020 Water Conservation Program.**
- 14.22.030 Stage One - Normal Water Supply.**
- 14.22.040 Stage Two - Minimum Water Shortage.**
- 14.22.050 Stage Three - Moderate Water Shortage.**
- 14.22.060 Stage Four - Severe Water Shortage.**
- 14.22.070 Water Shortage Emergency.**
- 14.22.080 Enforcement and Severability.**

29 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Section 14.20.010 Unreasonable Uses of Water.

(A) No person shall use or permit the use of water for residential, commercial, industrial, agricultural, or any other purpose, contrary to any provision of this ordinance.

(B) No person shall waste water or use it unreasonably. Unreasonable use of water includes, but is not limited to, the following:

- (1) Allowing water to leave the Person’s property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks
- (2) Failing to timely repair a water leak;
- (3) Using water to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate safety or sanitation hazards;
- (4) Watering outdoor landscaped areas on rainy days and two days thereafter;
- (5) Failing to adjust sprinklers and irrigation systems to eliminate overspray and avoid run-off into streets, sidewalks, parking lots, alleys or other paved surfaces;
- (6) Operating a water fountain or other decorative water feature that does not use re-circulated water;
- (7) Installing single pass cooling systems in buildings requesting new water service;
- (8) Installing non-re-circulating water systems in new commercial conveyor car wash and new commercial laundry systems; and
- (9) Failing to install operational re-circulating water systems for commercial conveyor car wash systems and commercial laundry systems.

Section 14.22.020 Water Conservation Program.

(A) This Chapter establishes a Water Conservation Program which uses four stages to address conditions and needs. The Water Conservation Stage shall be set by City Council action. All normal water efficiency programs and water conservation regulations shall remain in force during any stage, unless the City Council directs otherwise.

(B) Stage One represents normal conditions; Stages Two, Three and Four represent potential and actual shortages. Stages Two, Three and Four may be triggered by a local or regional water supply shortage; production, treatment, transmission, or delivery infrastructure problems; limited or unavailable alternative water supplies are; or other circumstances.

(C) Stages One and Two conservation measures are voluntary, and will be enforced through public outreach, education, and awareness measures by the City.

1 (D) Stages Three and Four conservation measures are mandatory, and violations are
2 subject to criminal, civil, and administrative.

3 **Section 14.22.030 Stage One - Normal Water Supply.**

4 (A) Stage One applies when the City can meet all of its water demands, but declares, by
5 resolution, that it has determined that certain conservation methods are warranted to preserve
6 existing water supply in the event that the City will be unable to meet future water demands.

7 (B) Upon declaration of Stage One by the City Council, the following water conservation
8 measures shall apply:

9 (1) Watering lawns and/or ground cover and irrigating landscaping is prohibited
10 from 8:00 a.m. to 8:00 p.m. Pop-up spray-type sprinklers are limited to 15 minute total run-
11 time. Impact and rotor sprinklers are limited to 30 minutes total run-time. Irrigation water
12 cannot leave the landscaped area.

13 (2) All open hoses shall be equipped with automatic, positive shut-off nozzles.

14 (3) Washing of automobiles, trucks, trailers, boats, airplanes and other types of
15 mobile equipment, is permitted at any time with a hand-held bucket or a hand-held hose
16 equipped with an automatic, positive shut-off nozzle for quick rinses. Washing may be done
17 at any time at a commercial car wash or commercial service station, or by a mobile car wash
18 or on-site car wash using high pressure washing equipment. Washings necessary for the
19 health, safety, and welfare of the public, such as garbage trucks or vehicles used for food and
20 perishables, are exempt from this section.

21 (4) Construction operations shall not use water unnecessarily. Newly-installed
22 landscaping at construction sites requiring watering are subject to (1) and (2) above.

23 **Section 14.22.040 Stage Two – Minimum Water Shortage.**

24 (A) Stage Two applies when the City Council declares, by resolution that a reasonable
25 probability exists that the City will not be able to meet all of its water demands.

26 (B) Upon declaration of Stage Two by the City Council, the following water conservation
27 measures shall apply:

28 (1) Except as otherwise provided in this Section, all Stage One measures remain
in effect.

(2) Customers will be asked to reduce their monthly water consumption by ten
percent (10%) to fifteen percent (15%).

(3) Non-agricultural irrigation, including construction meter irrigation, is limited
as follows:

(a) Properties with odd number street addresses, parks, and the public
right of ways may be irrigated only on Saturdays, Mondays, and Wednesdays
between the hours of 8:00 p.m. to 8:00 a.m.

1 (b) Properties with even number street addresses may be irrigated only on
2 Sundays, Tuesdays, and Thursdays between the hours of 8:00 p.m. to 8:00 a.m.

3 (c) All automatic irrigation timers shall be adjusted according to changing
4 weather patterns and shall completely eliminate run-off.

5 (d) Irrigation landscaping is prohibited on Fridays and on any day of the
6 week from 8:00 a.m. to 8:00 p.m.

7 (e) All irrigation timers shall be adjusted to comply with the above.

8 (f) Recycled water may be used to irrigate fruit trees, lawns and ground
9 covers, and ornamental trees and shrubs at any time and on any day of the week
10 notwithstanding (a) – (e), above.

11 (4) All plumbing leaks, improperly adjusted sprinklers, or other water
12 appurtenances requiring repair or adjustment shall be corrected to the satisfaction of the City
13 within seventy-two (72) hours of notification by the City. The City will attempt to contact
14 customers by phone, mail or printed “door-hanger” notice. All customers shall ensure that
15 the City has current telephone contact information.

16 (5) Use of water from fire hydrants shall be limited to fire-fighting-related
17 activities, utility operation and repair, or other uses necessary to maintain the health, safety,
18 and welfare of the public.

19 (6) Eating or drinking establishments, or other public place where food or drinks
20 are sold, served, or offered for sale, may only provide drinking water upon specific request.

21 (7) Hotels, motels and other commercial lodging establishments shall provide
22 customers the option of not having towels and linen laundered daily. Commercial lodging
23 establishments shall prominently display notice of this option in each bathroom using clear
24 and easily understood language.

25 (8) Construction operations receiving water from a construction meter or water
26 truck shall not use water unnecessarily for any purpose, other than those required by
27 regulatory agencies. Construction projects requiring watering for new landscaping materials
28 shall adhere to the designated irrigation requirements set forth in (3)(a) – (3)(e), above.

Section 14.22.050 Stage Three - Moderate Water Shortage.

(A) Stage Three applies when the City Council declares, by resolution, that the City will
not be able to meet all of the water demands of its Customers.

(B) Upon declaration of Stage Three by the City Council, the following water
conservation measures shall apply:

(1) Except as otherwise provided in this Section, all Stage One and Two measures
remain in effect.

1 (2) Water customers will reduce their monthly water consumption by fifteen to
2 twenty percent (15 – 20%) for the duration of Stage Three.

3 (3) Non-agricultural irrigation is limited to the following designated hours and
4 designated days:

5 (a) Properties with odd number street addresses, parks, and the public
6 right of ways may be irrigated only on Saturdays and Wednesdays between the hours
7 of 8:00 p.m. to 8:00 a.m.

8 (b) Properties with even number street addresses may be irrigated only on
9 Sundays and Thursdays between the hours of 8:00 p.m. to 8:00 a.m.

10 (c) Pop-up spray-type sprinklers shall be limited to a maximum of fifteen
11 (15) minute total run-time on the allowed days of irrigation. Impact and rotor
12 sprinklers shall be limited to a maximum thirty (300 minute total run-time on the
13 allowed days of irrigation. All automatic irrigation timers shall be adjusted according
14 to changing weather patterns and to completely eliminate run-off.

15 (d) Irrigation is prohibited on Mondays and Fridays and on any day of the
16 week from 8:00 a.m. to 8:00 p.m.

17 (4) Use of recycled water for irrigation is permitted on any day and at any time
18 notwithstanding (3)(a) – (2)(e) above.

19 (5) Washing of automobiles, trucks, trailers, boats, airplanes and other types of
20 mobile equipment is permitted only during the hours of 6:00 a.m. to 6:00 p.m. on Fridays,
21 Saturdays, Sundays, and Mondays with a hand-held bucket or a hand-held hose equipped
22 with an automatic, positive shut-off nozzle for quick rinses. Washing is permitted at any
23 time on the immediate premises of a commercial car wash. Commercial car washes not
24 using partially reclaimed or recycled water shall reduce their water use as determined by the
25 City Council. Washings necessary for the health, safety, and welfare of the public, such as
26 garbage trucks or vehicles used for food and perishables, are exempt from this section.

27 (6) The overfilling of swimming pools and spas is prohibited.

28 (7) The filling or refilling of ponds, streams, and artificial lakes is prohibited.

(8) The operation of any ornamental fountain or similar structure is prohibited.

(9) Construction projects requiring water from a construction meter or a water
truck shall not use water unnecessarily for any purposes, other than those required by
regulatory agencies. Construction projects requiring water for new landscapes shall adhere
to the designated days and times as set forth in Section 8(c)(2) hereof.

Section 14.22.060 Stage Four – Severe Water Shortage.

(A) Stage Four applies when the City Council declares, by resolution, that the City's
ability to meet its water demands is seriously impaired.

1 (B) Upon declaration of Stage Four by the City Council, the following water conservation
2 measures shall apply:

3 (1) Except as otherwise provided in this Section, all Stage One, Two, and Three
4 conservation measures shall be in full force and effect during Stage Four.

5 (2) Water customers will reduce their monthly water consumption by twenty to
6 fifty percent (20 – 50 %) for the duration of Water Conservation Stage Four.

7 (3) Non-agricultural irrigation shall be limited to supporting minimal survival of
8 trees and shrubs. Trees and shrubs may be irrigated, only during the following designated
9 hours and designated days:

10 (a) Properties with odd number street addresses, parks, and public right of
11 ways may irrigate only on Saturdays between the hours of 8:00 p.m. and 8:00 a.m.

12 (b) Properties with even number street addresses may irrigate only on
13 Sundays between the hours of 8:00 p.m. and 8:00 a.m.

14 (c) Irrigation is prohibited on Mondays, Tuesdays, Wednesdays,
15 Thursdays, and Fridays and on any day of the week from 8:00 a.m. to 8:00 p.m.

16 (4) Use of recycled water for irrigation is permitted on any day and at any time
17 notwithstanding (3)(a) – (2)(e) above.

18 (5) All outdoor watering and irrigation of lawns and similar ground covers is
19 prohibited with the exception of plant materials determined by the General Manager to be
20 rare, exceptionally valuable, or essential to the well being of the public or threatened or
21 endangered animals.

22 (6) Washing of automobiles, trucks, trailers, boats, airplanes and other types of
23 mobile equipment is prohibited except at a commercial car wash. Commercial car washes
24 shall only use wholly- or partially-recycled water for washing automobiles, trucks, trailers,
25 boats, airplanes and other types of mobile equipment. Washings necessary for the health,
26 safety, and welfare of the public, such as garbage trucks or vehicles used for food and
27 perishables, are exempt from this section.

28 (7) Filling, refilling, or replenishing swimming pools, spas, ponds, streams, and
artificial lakes is prohibited.

(8) Operation of any ornamental fountain, pond, or similar structure is prohibited.

(9) Use of water for cooling mists is prohibited.

(10) Water used for commercial, manufacturing, or processing purposes shall be
reduced as determined by the City Council.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Section 14.22.070 Water Shortage Emergency.

(A) If the City Council has declared either Stage Three or Stage Four conservation, it may also, by resolution, declare a Water Shortage Emergency. A Water Shortage Emergency may be an immediate emergency, or a threatened future water shortage, or both; and

(B) Upon declaration of a Water Shortage Emergency:

(1) No new construction meters will be issued.

(2) No construction water may be used for earth work such as road construction purposes, dust control, compaction, or trench jetting.

(3) No new building permit(s) shall be issued, except:

(a) Projects found by the City Council to be necessary for public health, safety.

(b) Projects using recycled water for construction.

(c) Projects which will not result in a net increase in non-recycled water use.

(d) Projects with adequate Conservation Offsets, if available. The City, in its sole discretion, may choose to make Conservation Offsets available. Conservation Offset costs shall be based on the cost of conserving the water elsewhere to provide the water needed for a project, the cost of providing an alternative water supply deemed acceptable by the City, or other measures as may be found in the City's Water Use Efficiency Master Plan. Conservation Offset fees will be set forth in the Water Rules and Rate Schedules.

Section 14.22.080 Enforcement and Severability.

(A) Any violation of this article shall be subject to enforcement by issuance of an administrative citation pursuant to Chapter 1.17 of this Code. Prior to issuance of an administrative citation, the City shall give one courtesy notice requesting voluntary correction of the violation. The City Manager, or his or her designee, may enter into a written agreement with a customer to resolve any violation provided that such agreement is consistent with the purpose and intent of this Chapter.

(B) If any phrase, section, sentence, or word of this Ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect any other phrase, section, sentence, or word of the Ordinance that can be given effect without the invalid phrase, section, sentence, or word, and to this end each phrase, section, sentence, or word of this Ordinance is declared to be severable.

Section 5: The City Council has reviewed the matter and, based upon the facts and information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor have a significant impact on the environment.

Section 6: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this _____ day of _____, 2011.

Mayor of the City of Riverside

Attest:

City Clerk of the City of Riverside

1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
3 _____ day of _____, 2011, and that thereafter the said ordinance was duly and
4 regularly adopted at a meeting of the City Council on the _____ day of _____, 2011,
5 by the following vote, to wit:

6 Ayes:

7 Noes:

8 Absent:

9 Abstain:

10
11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
12 City of Riverside, California, this _____ day of _____, 2011.

13
14 _____
15 City Clerk of the City of Riverside

16
17 O:\Cycom\Wpdocs\D002\P012\00070998.DOC
18 10-1081 SDW 6/15/11