

ORDINANCE NO. 2151

AN ORDINANCE OF THE CITY OF REDLANDS FINDING
THE NECESSITY FOR AND PROVIDING FOR THE
IMPLEMENTATION AND ENFORCEMENT OF A WATER
CONSERVATION PLAN

BE IT ORDAINED by the City Council of the City of
Redlands as follows:

Section 1. The Redlands Municipal Code is hereby amended
by adding new Chapter 13.06:

CHAPTER 13.06

WATER CONSERVATION PLAN

Sections:

13.06.010	Title.
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13.06.150	Public Health and Safety Not To Be Affected.
13.06.160	Exemption from California Environmental Quality Act.

13.06.010. Title.

This chapter establishes the City of Redlands Water Conservation Plan.

13.06.020. Intent.

The City Council of the City of Redlands declares that the public health, safety and general welfare requires that water resources available to the City be put to maximum beneficial use, that the waste or unreasonable use of water be prevented, and that the conservation of such water must occur to protect the people and property of the City of Redlands.

13.06.030. Purpose and Scope.

(a) The purpose of this ordinance is to reduce the nonessential use of water to conserve City water supplies, thereby minimizing the effect of a shortage of water supplies on City users. The water conservation plan here established is to (1) protect the health, safety, and welfare of the citizens and property owners of the City, (2) assure the maximum beneficial use of City water supplies, and (3) attempt to provide sufficient water supplies to meet the basic needs of human consumption, sanitation and fire protection.

(b) This chapter shall remain in effect until the City Council declares by ordinance that the provisions of this chapter are no longer applicable to existing water supply conditions and

the supply of water available for distribution within the City's service area has been replenished or augmented.

13.06.040. Authorization.

(a) The City is authorized to implement the provisions of this chapter following a public hearing as specified below upon the City Council's determination by majority vote of the entire Council that such implementation is necessary to protect the public health and safety.

(b) A public hearing shall be held to determine whether to adopt a water conservation plan, and, if so, which measures provided herein should be implemented. A similar public hearing shall be held by the City Council prior to the implementation or termination of each incremental water conservation stage pursuant to Section 13.06.080. Notice of the time and place of these public hearings shall be published not less than ten days before the hearing in a newspaper of general circulation.

(c) Upon adoption by the City Council, the provisions of this chapter shall become effective immediately. Notice of the implementation of successive stages of water conservation shall be given to water users immediately both by publication at least once in a newspaper of general circulation within ten days after adoption, and by a notice enclosed with the next regular City invoice for water or utility service.

(d) If the City Council cannot meet in time to act to protect the public interest pursuant to this chapter, the City Manager or his designate is hereby authorized and directed to implement such provisions of this chapter upon his or her written determination that the City cannot supply adequate water to meet the ordinary demands of water consumers, and that such implementation is necessary to protect the public health or safety. Such written determination shall be presented to the City Council at its next meeting for review, revocation or ratification. Such meeting shall be held as soon as possible.

13.06.050. Application.

The provisions of this chapter shall apply to all persons, customers, and property served water by the City wherever situated.

13.06.060. General Prohibition.

No water user shall make, cause, use, or permit the use of water supplied by the City for residential, commercial, industrial, agricultural, governmental or any other use in a manner contrary to this chapter. Waste or the unreasonable or nonbeneficial use of water is prohibited in the City of Redlands.

13.06.070. Mandatory Conservation Stage Criteria.

The Director of the Public Works Department shall recommend guidelines for adoption by the City Council setting forth the criteria to determine when water supply conditions in the City require the implementation or termination of each water conservation stage. Such guidelines shall be updated when the Director determines that water availability so requires. The Director shall include in such guidelines a calendar symbol system designating allowed days for irrigation.

13.06.080. Mandatory Conservation Phase Implementation.

The Public Works Department shall monitor the projected supply and demand for water by its customers on a daily basis during the months of June, July, August, September, and October and shall recommend to the City Manager the extent of conservation required through the implementation and/or termination of particular conservation stages to allow the Department to prudently plan for and supply water to its customers. Thereafter, the City Manager may recommend to the City Council the implementation or termination of the appropriate stage of water conservation in accordance with the applicable provisions of this chapter. The City Council may implement or terminate the appropriate stage pursuant to Section 13.06.040. Notice of the implementation or termination of each stage shall be given pursuant to Section 13.06.040(c).

STAGE I. VOLUNTARY CONSERVATION MEASURES

Water users are requested to limit their water use from June 1 to October 1 of each year to an amount necessary for health, safety, economic necessity and irrigation. Water users should use water wisely and prevent its waste or unreasonable use.

The following actions are recommended:

1. Adjust sprinklers and irrigation systems to avoid overspray, runoff, and waste. Avoid watering on windy days;
2. Install water saving devices, such as low flow shower heads and faucet aerators;
3. Select low-water-demand shrubs, groundcovers and trees for new landscaping;
4. Restrict water service in restaurants.

STAGE II. MANDATORY COMPLIANCE - WATER ALERT

When implemented pursuant to Section 13.06.040(b) and noticed pursuant to Section 13.06.040(c), the following restrictions shall apply to the use of water supplied by the City in addition to the recommendations of Stage I:

1. Irrigation of lawns, gardens, landscaped areas, trees, shrubs, or other plants utilizing individual sprinklers or sprinkler systems is allowed only on an irrigation day designated by the City and is prohibited between the hours of 12:00 noon and 8:00 p.m. However, irrigation is permitted at any time if:

- a. a hand-held hose is used, or
- b. A hand-held, faucet-filled bucket containing five (5) gallons or less is used, or
- c. A drip irrigation system is used.

Commercial nurseries, commercial farmers, and grove settings requiring 24-hour irrigation cycles, are exempt from STAGE II irrigation restrictions, but shall curtail all non-essential water use.

2. The washing of automobiles, trucks, trailers, boats, aircraft and other types of mobile equipment is allowed only on designated irrigation days and is prohibited between the hours of 12:00 noon and 8:00 p.m. Mobile equipment washing shall be done only with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses.

Notwithstanding the above, washing of such equipment may be done at any time on the immediate premises of a commercial car wash or commercial service station with washwater recycling facilities. Garbage trucks and vehicles to transport food and perishables are exempt from these regulations if the public health or safety requires frequent vehicle cleaning.

3. The washing or sprinkling of foundations or structures shall be allowed only by City permit. Regulations for such permit shall be enacted by resolution.

4. The refilling or adding of water to uncovered swimming or wading pools or spas is allowed only on designated irrigation

days and is prohibited between the hours of 12:00 noon and 8:00 p.m.

5. The operation of any ornamental fountain or other structure making similar decorative use of water is prohibited, unless the fountain or structure has a recycling system.

6. The use of water for irrigation of golf greens and tees is allowed only on designated irrigation days and is prohibited between 12:00 noon and 8:00 p.m. The irrigation of golf course fairways is absolutely prohibited. The irrigation of golf courses utilizing treated wastewater or reused water is not subject to these prohibitions.

7. Restaurants shall not serve water to customers except upon specific customer request.

8. Failure to repair controllable leaks is prohibited.

9. Use of running water to wash driveways, sidewalks, parking areas, patios, tennis courts and other paved areas is prohibited.

10. Failure to prevent excessive runoff from irrigation activities is prohibited.

11. Use of water from fire hydrants is limited to fire fighting and other activities necessary to maintain the health, safety, and welfare of the citizens of Redlands. The use of water piped from fire hydrants and sprinkled for construction purposes is prohibited.

STAGE III. MANDATORY COMPLIANCE - WATER WARNING.

When implemented pursuant to Section 13.06.040(b) and noticed pursuant to Section 13.06.040(c), the following restrictions, in addition to all elements of Stages I and II, shall apply:

1. All outdoor irrigation of vegetation shall occur only on designated days using hand-held hoses, drip irrigation, or hand-held buckets and is prohibited between the hours of 12:00 noon and 8:00 p.m.

EXEMPTION: Permanently installed automatic sprinkler systems may be used on designated irrigation days but are prohibited between the hours of 12:00 noon and 8:00 p.m.

2. The watering of golf tee areas is prohibited except with treated wastewater or reused water.

STAGE IV. MANDATORY COMPLIANCE - WATER EMERGENCY.

Pursuant to California Water Code Section 350 et seq., the City Council may declare a water shortage emergency upon its determination that the ordinary demands of City water users cannot be satisfied without depleting the City water supply to a point of insufficient water for human consumption, sanitation and fire protection. When implemented pursuant to Section 13.06.040(b) and noticed pursuant to Section 13.06.040(c), the following restrictions, in addition to all elements of Stages I, II and III, shall apply:

1. All outdoor irrigation of vegetation shall be allowed only between the hours of 8:00 p.m. and 12:00 midnight on designated irrigation days.

2. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment not occurring upon the immediate premises of commercial car washes and commercial service stations and not in the immediate interest of the public health or safety is prohibited.

3. The washing of automobiles, trucks, trailers, boats, airplanes, or other types of mobile equipment upon the immediate premises of commercial car washes and commercial service stations shall occur only between the hours of 12:00 noon and 6:00 p.m.

4. Commercial nurseries and commercial farmers using City water shall water only on designated irrigation days between the hours of 10:00 a.m. and 6:00 p.m. and shall use only hand-held hoses, drip irrigation systems, or hand-held buckets.

5. The filling, refilling, or adding of water to uncovered swimming or wading pools and spas is prohibited at any time of day or night.

6. The operation of any ornamental fountain or similar structure is prohibited.

7. The issuance of new service connections and meters is prohibited.

13.06.090. Relief From Compliance.

A City water user may file a request for relief from any provision of this chapter. The City Manager shall review all requests and hold a hearing with each applicant. The City Manager may grant relief from the provisions of this chapter if he determines that special circumstances make compliance not reasonably possible, or that the restrictions herein would either:

- (a) Cause an unnecessary and undue hardship to the water user or the public; or
- (b) Cause an emergency condition affecting the health, sanitation, fire protection or safety of the water user or of the public.

Such relief may be granted only upon written request to the City. Upon granting such relief, the City Manager may impose any conditions he determines to be just and proper. The City Manager shall make his determination within fourteen (14) days of receipt of the request for relief and shall inform the applicant of the decision in writing.

An applicant shall have the right to appeal the City Manager's decision regarding his or her application to the City Council or its designate. The appeal must be in writing and received by the City within ten (10) days of the date of the City Manager's written decision. The appeal shall be heard by the City Council or its designate within a reasonable period of time

from the date the appeal is filed. The City shall provide written notice to the applicant of the time and date of the hearing. The City Council or its designate, at its discretion, may affirm, reverse or modify the City Manager's decision and impose any conditions it deems proper. The decision of the City Council shall be final.

13.06.100. Failure to Comply.

Violation by any customer of the water use prohibitions of this chapter shall be penalized as follows:

(a) **First Violation - Notice of Non-Compliance.** The City Manager is authorized and directed to issue a written notice of non-compliance to any water user who, in the reasonable judgment of the City Manager, has failed or refused in a significant way to comply with those water use curtailment provisions of this chapter currently in effect. Any such notice of violation shall specify the time, place and manner of non-compliance, and shall specify a reasonable period to achieve compliance. Any notice of non-compliance shall be directed to the customer of record for the premises where the non-compliance was observed. Delivery may be through regular mail or by personal delivery with a declaration of delivery returned to the City Manager.

(b) **Second Violation - Warning of Penalties.** For a second violation by any customer of the water use curtailment provisions of this chapter currently in effect, a written warning notice of

the future imposition of penalties on the customer's water bill shall be issued. Any such warning notice shall specify the time, place and manner of non-compliance and shall require compliance within two days. Any warning notice shall be directed to the customer of record for the premises where the violation has occurred. Delivery will be made by personal delivery with a declaration of delivery returned to the City Manager.

(c) **Third Violation - Imposition of Penalties.**

(1) For a third violation by any customer of this chapter, a citation shall be issued and a surcharge imposed on the customer's next regular water bill. The surcharge shall consist of a percentage of the customer's commodity charge as shown on the most recent water bill, based upon the water conservation stage then in effect at the time of the most recent violation. The penalty surcharge for each stage is shown below:

STAGE II		25%
STAGE III		50%
STAGE IV		75%

As an example, if a water user's most recent commodity charge is \$25, a third violation while the City is in Stage III would result in the imposition of a \$12.50 surcharge.

(2) If a water customer cited for a third violation fails or refuses to comply with the requirements of this chapter or to pay any outstanding water bills including surcharges, the City Manager is hereby granted discretionary authority pursuant to California Water Code Section 375 to cause a flow-restricting

device to be installed at the meter to reduce water availability to the customer's service address. Pursuant to California Water Code Section 35423, if installation of a flow restrictor is infeasible, impractical or is unlikely to induce compliance with this ordinance, the City Manager may authorize a shutoff of service to the premises involved.

13.06.110. Hearing Regarding Violations.

(a) Any customer receiving notice of a second or subsequent violation pursuant to section 13.06.090 shall have a right to a hearing by the City Manager within fifteen (15) days of mailing or other delivery of the notice of violation.

(b) The customer's written request for a hearing within the fifteen (15) day period shall automatically stay the imposition of monetary penalties on the customer's water bill until the City Manager renders his decision.

(c) The decision of the City Manager may be appealed to the City Council.

13.06.120. City Manager Delegation.

The City Manager may delegate all duties and responsibilities hereunder.

13.06.130. Severability.

If any provision, section, subsection, sentence, clause, or phrase of this chapter, or the application of same to any person or set of circumstances is held to be unconstitutional, void, or invalid, such decision shall not affect the remaining portions of this chapter which shall remain in full force and effect, and all provisions of this chapter are declared to be severable for that purpose.

13.06.140. Incompatible Provisions.

To the extent any provision of this ordinance is incompatible with or at variance with any prior adopted ordinance or resolution, the provisions of this ordinance shall take precedence, and all prior ordinances and resolutions shall be interpreted to harmonize with and not change the provisions of this ordinance.

13.06.150. Public Health and Safety Not To Be Affected.

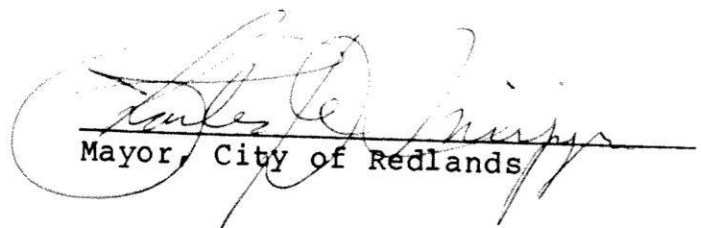
Nothing in this ordinance shall be construed to require the City to curtail the supply of water to any customer when such water is required by that customer to maintain an adequate level of public health or public safety.

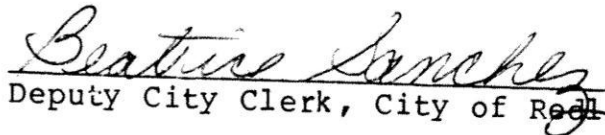
13.04.160. Exemption from California Environmental Quality Act.

The City Council hereby determines that the adoption of this ordinance and implementation of the measures set forth herein are exempt from review under the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.) because it is an action taken to mitigate or prevent a water shortage emergency, and to protect natural resources. The City Council hereby directs the City Manager or his designate to prepare and file a Notice of Exemption as soon as possible following adoption of this ordinance.

Section 2. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it to be published once in a newspaper of general circulation within the City within ten days after adoption, and thereafter this ordinance shall take effect in accordance with law.

ATTEST:


Mayor, City of Redlands


Deputy City Clerk, City of Redlands

I, Beatrice Sanchez, Deputy City Clerk of the City of Redlands, hereby certify that foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 14th day of May, 1991, by the following vote:

AYES: Councilmembers Cunningham, Larson, Milson;
Mayor DeMirjyn
NOES: None
ABSENT: Councilmember Beswick
ABSTAINED: None

Beatrice Sanchez
Deputy City Clerk, City of Redlands