

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 URGENCY ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING RIVERSIDE MUNICIPAL CODE SECTION 14.22.010,
UNREASONABLE USES OF WATER, IN ACCORDANCE WITH STATE
WATER CONSERVATION REGULATION.

WHEREAS, the City of Riverside (“City”) owns and operates a water utility providing its residents with potable and non-potable water taken from local groundwater supplies, and has done so since 1913; and

WHEREAS, California endured six years of significant drought and severe impacts to California's water supplies and its ability to meet all of the demands for water in the State; and

WHEREAS, on April 1, 2015, Governor Brown issued Executive Order B-29-15, directing the Water Board to adopt emergency regulations "to achieve a statewide 25% reduction in potable urban water usage"; and

WHEREAS, SWRCB Resolution 2016-0007, adopted February 2, 2016, imposed statewide conservation for the period March 2016 through October 2016; and

WHEREAS, despite its adequate water supply and progressive water conservation policies, the City earnestly conserved water in accordance with the Governor’s and SWRCB’s directives; and

WHEREAS, following a winter of improved water supply and conditions, on May 9, 2016, Governor Brown issued Executive Order B-37-16 calling on the SWRCB to adjust emergency water conservation regulations through the end of January 2017 in recognition of differing water supply conditions across the state; and

WHEREAS, pursuant to Executive Order B-37-16, on May 21, 2016, the SWRCB adopted certain emergency regulations which prohibit, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency, certain uses of water as waste and unreasonable use; and

WHEREAS, most of those prohibitions are already considered unreasonable use by Riverside, except for potable water irrigation of ornamental turf on public street medians and new construction; and

1 WHEREAS, to comply with the above-noted Executive Orders, SWRCB regulation, and
2 the City’s long-standing commitment to its water resources, staff recommends that the City add
3 certain prohibitions to Section 14.22.010.

4 THE CITY COUNCIL OF THE CITY OF RIVERSIDE DOES ORDAIN AS FOLLOWS:

5 Section 1. Section 14.22.010 is amended to read as follows:

6 Section 14.22.010 Unreasonable uses of water.

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

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

11 (1) Allowing water to leave the Person’s property by drainage onto adjacent
12 properties or public or private roadways or streets due to excessive irrigation and/or uncorrected
13 leaks;

14 (2) Failing to timely repair a water leak;

15 (3) Using water to wash down sidewalks, driveways, parking areas, tennis
16 courts, patios or other paved areas, except to alleviate immediate safety or sanitation hazards;

17 (4) Watering outdoor landscaped areas on rainy days and two days thereafter;

18 (5) Failing to adjust sprinklers and irrigation systems to eliminate overspray
19 and avoid run-off into streets, sidewalks, parking lots, alleys or other paved surfaces;

20 (6) Operating a water fountain or other decorative water feature that does not
21 use re-circulated water;

22 (7) Installing single pass cooling systems in buildings requesting new water
23 service;

24 (8) Installing non-re-circulating water systems in new commercial conveyor car
25 wash and new commercial laundry systems; **and**

26 (9) Failing to install operational re-circulating water systems for commercial
27 conveyor car wash systems and commercial laundry systems-;

28

1 **(10) Irrigation with potable water of ornamental turf on public street**
2 **medians;**

3 **(11) Irrigation with potable water of landscapes outside of newly**
4 **constructed homes and buildings in a manner inconsistent with regulations or other**
5 **requirements established by the California Building Standards Commission and the**
6 **Department of Housing and Community Development and/or inconsistent with Riverside’s**
7 **Water Efficient Landscape Ordinance; and**

8 **(12) The serving of drinking water other than upon request in eating or**
9 **drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias,**
10 **bars, or other public places where food or drink are served and/or purchased.**

11 **(C) To avoid unreasonable use of water, operators of hotels and motels shall**
12 **provide guests with the option of choosing not to have towels and linens laundered daily; the**
13 **hotel or motel shall prominently display notice of this option in each guestroom using clear**
14 **and easily understood language.**

15 Section 2. This ordinance and all related approvals and actions, is not subject to or
16 exempt from the California Environmental Quality Act (“CEQA”) for the following reasons: The
17 SWRCB, at the direction of the Governor, has issued emergency regulations directing the City to
18 enact the matters in this Ordinance. It is not a discretionary project. According to section 15002(i)
19 of Title 14 of the California Code of Regulations (the “State CEQA Guidelines”), “[w]here the
20 law requires a governmental agency to act on a project in a set way without allowing the agency
21 to use its own judgment, the project is called “ministerial,” and CEQA does not apply.” State
22 CEQA Guidelines section 15369 “describes a governmental decision involving little or no personal
23 judgment by the public official as to the wisdom or manner of carrying out the project” as not
24 being discretionary. This ordinance, and all related approvals and actions, as a modification of the
25 City’s UWMP, is exempt from CEQA under State CEQA Guidelines section 15282(v) which
26 exempts “[t]he preparation and adoption of Urban Water Management Plans pursuant to the
27 provisions of Section 10652 of the Water Code.” Water Code section 10652 provides that
28 “[CEQA] does not apply to the preparation and adoption of plans pursuant to this part or to the

1 implementation of actions taken pursuant to Section 10632.” This ordinance, and all related
2 approvals and actions, is exempt as an emergency. Public Resources Code section 21080(b)(4)
3 exempts from CEQA “[s]pecific actions necessary to prevent or mitigate an emergency.” This
4 ordinance is exempt as a necessary act following the Governor’s April 25, 2014 executive order,
5 which suspended CEQA’s application to the SWRCB’s adoption of emergency regulations
6 pursuant to Water Code section 1058.5 to prevent the waste, unreasonable use, unreasonable
7 method of use, or unreasonable method of diversion of water, to promote water recycling or water
8 conservation.

9 Section 3. This ordinance is adopted as an urgency measure pursuant to Section 413
10 of the Riverside City Charter. This ordinance is necessary as an emergency measure for preserving
11 the public peace, health, and safety of the City and its residents.

12 Section 4. Pursuant to Section 416 of the Riverside City Charter, this urgency
13 ordinance shall become effective immediately upon adoption.

14 Section 5. The City Clerk shall certify to the adoption of this ordinance and cause
15 publication once in a newspaper of general circulation in accordance with Section 414 of the
16 Charter of the City of Riverside.

17 ADOPTED by the City Council this _____ day of _____, 2016.

18
19 _____
20 WILLIAM R. BAILEY, III
Mayor of the City of Riverside

21 Attest:

22
23 _____
24 COLLEEN J. NICOL
City Clerk of the City of Riverside

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

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing ordinance was duly and regularly adopted at a meeting of the City Council on the _____ day of _____, 2016, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this _____ day of _____, 2016.

COLLEEN J. NICOL
City Clerk of the City of Riverside

CA #15-0646.5