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ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING RIVERSIDE MUNICIPAL CODE CHAPTER 14.22, "WATER
CONSERVATION", IN ACCORDANCE WITH STATE WATER
CONSERVATION REGULATIONS

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 July 26, 2011, the City adopted Riverside Municipal Code Chapter 14.22, entitled "Water Conservation", which declared certain uses of water to be unreasonable and set forth a four stage water conservation plan, with each particular stage to be implemented by the City Council by resolution depending upon the severity of a water shortage or drought; 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, State Water Resources Control Board ("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 and in order to prevent the waste and

1 unreasonable use of water and to promote water conservation, on or about May 31, 2016, the
2 SWRCB reaffirmed certain emergency regulations which prohibit, except where necessary to
3 address an immediate health and safety need or to comply with a term or condition in a permit
4 issued by a state or federal agency, certain uses of water (California Code of Regulations, Title
5 23, Section 864); and

6 WHEREAS, to comply with the above-noted Executive Orders, SWRCB regulation, and
7 the City's long-standing commitment to its water resources, staff recommends that the City
8 revise Section 14.22.010 "Unreasonable Uses of Water" and model it on Section 864 of the
9 SWRCB emergency regulations (California Code of Regulations, Title 23, Section 864); and

10 WHEREAS, staff noted that certain inconsistencies in the language of the ordinance
11 regarding voluntary compliance with Stage 1 measures, use of drip and microspray irrigation,
12 and allowing the use of "gray water" or recycled water during all stages, which should be
13 clarified

14 THE CITY COUNCIL OF THE CITY OF RIVERSIDE DOES ORDAIN AS
15 FOLLOWS:

16 Section 1. Riverside Municipal Code Chapter 14.22, "Water Conservation", is
17 amended to read as follows:

18 **Section 14.22.010 Unreasonable uses of water.**

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

21 (B) No person shall waste water or use it unreasonably. To prevent the waste and
22 unreasonable use of water and to promote water conservation, each of the following actions is
23 prohibited as an unreasonable use of water, except where necessary to address an immediate
24 health and safety need or to comply with a term or condition in a permit issued by a state or
25 federal agency:

26 (1) The application of potable water to outdoor landscapes in a manner that
27 causes runoff such that water flows onto adjacent property, non-irrigated areas, private and
28 public walkways, roadways, parking lots, or structures;

1 (2) The use of a hose that dispenses potable water to wash a motor vehicle,
2 except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to
3 cease dispensing water immediately when not in use;

4 (3) The application of potable water to driveways and sidewalks;

5 (4) The use of potable water in a fountain or other decorative water feature,
6 except where the water is part of a recirculating system;

7 (5) The application of potable water to outdoor landscapes during and within
8 48 hours after measurable rainfall;

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

12 (7) The irrigation with potable water of ornamental turf on public street
13 medians; and;

14 (8) The irrigation with potable water of landscapes outside of newly
15 constructed homes and buildings in a manner inconsistent with regulations or other requirements
16 established by the California Building Standards Commission and the Department of Housing
17 and Community Development.

18 (C) To promote water conservation, operators of hotels and motels shall provide
19 guests with the option of choosing not to have towels and linens laundered daily. The hotel or
20 motel shall prominently display notice of this option in each guestroom using clear and easily
21 understood language.

22 (D) A splash pad shall be defined as a recreational feature and includes any pavement
23 or sidewalk area that is part of the splash pad. Operation of a splash pad is not prohibited by this
24 ordinance as an unreasonable use of water.

25 **Section 14.22.020 Water Conservation Program.**

26 (A) This Chapter establishes a Water Conservation Program which uses four stages to
27 address conditions and needs. The Water Conservation Stage shall be set by City Council action.
28 All normal water efficiency programs and water conservation regulations shall remain in force

1 during any stage, unless the City Council directs otherwise.

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

6 (C) Stage One conservation measures are voluntary, and will be encouraged through
7 public outreach, education, and awareness measures by the City.

8 (D) Stages Two, Three, and Four conservation measures are mandatory, and
9 violations may be subject to criminal, civil, and administrative enforcement.

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

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

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

16 (1) Non-agricultural irrigation should be done from 6:00 p.m. to 10:00 a.m.
17 Pop-up spray-type sprinklers are limited to 15 minute total run-time. Impact and rotor sprinklers
18 are limited to 30 minutes total run-time. Irrigation water cannot leave the landscaped area.
19 Landscaped area of properties that are irrigated by drip irrigation or microspray irrigation shall
20 be exempt from these irrigation restrictions.

21 (2) Use of graywater, as that term is defined in the California Health & Safety
22 Code, and recycled water for irrigation is permitted on any day and at any time, subject only to
23 any permits issued by the City.

24 **Section 14.22.040 Stage Two - Minimum Water Shortage.**

25 (A) Stage Two applies when the City Council declares, by resolution, a reasonable
26 probability exists that the City will not be able to meet all of its water demands, other regional or
27 statewide conditions warrant implementation, or the State of California orders implementation.

28 (B) Upon declaration of Stage Two by the City Council, and the following measures

1 shall apply:

2 (1) Except as otherwise provided in this Section, all Stage One measures
3 remain in effect but shall be mandatory, not voluntary.

4 (2) Customers will be asked to reduce their monthly water consumption up to
5 15 percent.

6 (3) Non-agricultural irrigation is limited as follows:

7 (a) Properties may be irrigated only between the hours of 6:00 p.m. to
8 10:00 a.m. Irrigation of landscaping is prohibited on any day of the week from 10:00 a.m. to
9 6:00 p.m.

10 (b) Properties may not be irrigated more than four times per week.

11 (c) All automatic irrigation timers shall be adjusted according to
12 irrigation time restrictions and changing weather patterns, and shall completely eliminate run-off.

13 (d) Use of graywater, as that term is defined in the California Health &
14 Safety Code, and recycled water for irrigation is permitted on any day and at any time, subject
15 only to any permits issued by the City.

16 (e) Landscaped area of properties that are irrigated by drip irrigation
17 or microspray irrigation shall be exempt from these irrigation restrictions.

18 (4) All plumbing leaks, improperly adjusted sprinklers, or other water
19 appurtenances requiring repair or adjustment shall be corrected to the satisfaction of the City
20 within 72 hours of notification by the City. The City will attempt to contact customers by phone,
21 mail or printed "door-hanger" notice. All customers shall ensure that the City has current
22 telephone contact information.

23 (5) Construction operations receiving water from a construction meter or
24 water truck shall not use water unnecessarily for any purpose, other than those required by
25 regulatory agencies. Construction projects requiring watering for new landscaping materials shall
26 adhere to the designated non-agricultural irrigation requirements set forth above.

27 **Section 14.22.050 Stage Three - Moderate Water Shortage.**

28 (A) Stage Three applies when the City Council declares, by resolution, a reasonable

1 probability exists that the City will not be able to meet all of its water demands, other regional or
2 statewide conditions warrant implementation, or the State of California orders implementation.

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

5 (1) Except as otherwise provided in this Section, all Stage One and Two
6 measures remain in effect, and Stage One measures shall be mandatory, not voluntary.

7 (2) Water customers will be asked to reduce their monthly water consumption
8 by 15 to 20 percent for the duration of Stage Three.

9 (3) Non-agricultural irrigation is limited as follows:

10 (a) Properties may be irrigated only between the hours of 6:00 p.m. to
11 10:00 a.m.

12 (b) Properties may not be irrigated more than three (3) times per week
13 during the months of April through October and no more than two (2) times per week during the
14 months of November through March.

15 (c) Landscaped area of properties that are irrigated by drip irrigation
16 or microspray irrigation shall be exempt from these irrigation restrictions.

17 (d) Pop-up spray-type sprinklers shall be limited to a maximum 15
18 minute total run-time on the allowed days of irrigation. Impact and rotor sprinklers shall be
19 limited to a maximum 30 minute total run-time on the allowed days of irrigation. All automatic
20 irrigation timers shall be adjusted according to changing weather patterns and to completely
21 eliminate run-off.

22 (e) Use of graywater, as that term is defined in the California Health &
23 Safety Code, or recycled water for irrigation is permitted on any day and at any time, subject
24 only to any permits issued by the City.

25 **Section 14.22.060 Stage Four - Severe Water Shortage.**

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

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

3
4 (1) Except as otherwise provided in this Section, all Stage One, Two, and Three
5 conservation measures shall be in full force and effect during Stage Four, and Stage One
6 measures shall be mandatory, not voluntary.

7 (2) Water customers will reduce their monthly water consumption by 20 to 50 percent
8 for the duration of Water Conservation Stage Four.

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

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

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

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

18 (d) Use of graywater, as that term is identified in the California Health & Safety
19 Code, or recycled water for irrigation is permitted on any day and at any time, subject only to
20 any permits issued by the City.

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

25 (6) Washing of automobiles, trucks, trailers, boats, airplanes and other types of
26 mobile equipment is prohibited except at a commercial car wash. Commercial car washes shall
27 only use wholly- or partially-recycled water for washing automobiles, trucks, trailers, boats,
28 airplanes and other types of mobile equipment. Washings necessary for the health, safety, and

welfare of the public, such as garbage trucks or vehicles used for food and perishables, are exempt from this section.

(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.

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.

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3 **Section 14.22.080 Enforcement and Severability.**

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

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

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:
17 The SWRCB, at the direction of the Governor, has issued emergency regulations directing the
18 City to enact the matters in this Ordinance. It is not a discretionary project. According to section
19 15002(i) of Title 14 of the California Code of Regulations (the "State CEQA Guidelines"),
20 "[w]here the law requires a governmental agency to act on a project in a set way without
21 allowing the agency to use its own judgment, the project is called 'ministerial,' and CEQA does
22 not apply." State CEQA Guidelines section 15369 "describes a governmental decision involving
23 little or no personal judgment by the public official as to the wisdom or manner of carrying out
24 the project" as not being discretionary. This ordinance, and all related approvals and actions, is
25 exempt as an emergency. Public Resources Code section 21080(b)(4) exempts from CEQA
26 "[s]pecific actions necessary to prevent or mitigate an emergency." This ordinance is exempt as
27 a necessary act following the Governor's Executive Order B-37-16, and prior Executive Orders
28 and Proclamations, which suspended CEQA's application to the SWRCB's adoption of

1 emergency regulations pursuant to Water Code section 1058.5 to prevent the waste, unreasonable
2 use, unreasonable method of use, or unreasonable method of diversion of water, to promote
3 water recycling or water conservation.

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

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

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

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

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15 _____
16 WILLIAM R. BAILEY, III
Mayor of the City of Riverside

17 Attest:

18
19 _____
20 COLLEEN J. NICOL
City Clerk of the City of Riverside

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

24 Ayes:

25 Noes:

26 Absent:

27 Abstain:

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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

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