

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 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 unreasonable use of water and to promote water conservation, on or about May 31, 2016, the

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

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

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

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

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

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

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

18 (B) No person shall waste water or use it unreasonably. ~~Unreasonable use of water~~
19 ~~includes, but is not limited to, the following~~ **To prevent the waste and unreasonable use of**
20 **water and to promote water conservation, each of the following actions is prohibited as an**
21 **unreasonable use of water, except where necessary to address an immediate health and safety**
22 **need or to comply with a term or condition in a permit issued by a state or federal agency:**

23 (1) ~~Allowing water to leave the Person's property by drainage onto adjacent~~
24 ~~properties or public or private roadways or streets due to excessive irrigation and/or uncorrected~~
25 ~~leaks~~ **The application of potable water to outdoor landscapes in a manner that causes runoff**
26 **such that water flows onto adjacent property, non-irrigated areas, private and public**
27 **walkways, roadways, parking lots, or structures;**
28

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

4 (3) ~~Using water to wash down sidewalks, driveways, parking areas, tennis~~
5 ~~courts, patios or other paved areas, except to alleviate immediate safety or sanitation hazards~~ **The**
6 **application of potable water to driveways and sidewalks;**

7 (4) ~~Watering outdoor landscaped areas on rainy days and two days thereafter~~
8 **The use of potable water in a fountain or other decorative water feature, except where the**
9 **water is part of a recirculating system;**

10 (5) ~~Failing to adjust sprinklers and irrigation systems to eliminate overspray~~
11 ~~and avoid run-off into streets, sidewalks, parking lots, alleys or other paved surfaces~~ **The**
12 **application of potable water to outdoor landscapes during and within 48 hours after**
13 **measurable rainfall;**

14 (6) ~~Operating a water fountain or other decorative water feature that does not~~
15 ~~use re-circulated water~~ **The serving of drinking water other than upon request in eating or**
16 **drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias,**
17 **bars, or other public places where food or drink are served and/or purchased;**

18 (7) ~~Installing single pass cooling systems in buildings requesting new water~~
19 ~~service~~ **The irrigation with potable water of ornamental turf on public street medians; and;**

20 (8) ~~Installing non re-circulating water systems in new commercial conveyor car~~
21 ~~wash and new commercial laundry systems~~ **The irrigation with potable water of landscapes**
22 **outside of newly constructed homes and buildings in a manner inconsistent with regulations**
23 **or other requirements established by the California Building Standards Commission and the**
24 **Department of Housing and Community Development; and**

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

27 (C) **To promote water conservation, operators of hotels and motels shall provide**
28 **guests with the option of choosing not to have towels and linens laundered daily. The hotel**

1 or motel shall prominently display notice of this option in each guestroom using clear and
2 easily understood language.

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

6 **Section 14.22.020 Water Conservation Program.**

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

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

15 (C) Stage One conservation measures are voluntary, and will be ~~enforced~~ **encouraged**
16 through public outreach, education, and awareness measures by the City.

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

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

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

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

25 (1) ~~Watering lawns and/or ground cover and irrigating landscaping is~~
26 ~~prohibited from 10:00 a.m. to 6:00 p.m.~~ **Non-agricultural irrigation should be done from 6:00**
27 **p.m. to 10:00 a.m.** Pop-up spray-type sprinklers are limited to 15 minute total run-time. Impact
28 and rotor sprinklers are limited to 30 minutes total run-time. Irrigation water cannot leave the

landscaped area. **Landscaped area of properties that are irrigated by drip irrigation or microspray irrigation shall be exempt from these irrigation restrictions.**

(2) ~~All open hoses shall be equipped with automatic, positive shut-off nozzles.~~
Use of graywater, as that term is defined in the California Health & Safety Code, and recycled water for irrigation is permitted on any day and at any time, subject only to any permits issued by the City.

(3) ~~Washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is permitted at any time with a hand held bucket or a hand held hose equipped with an automatic, positive shut-off nozzle for quick rinses. Washing may be done at any time at a commercial car wash or commercial service station, or by a mobile car wash or on-site car wash using high pressure washing 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.~~

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

Section 14.22.040 Stage Two - Minimum Water Shortage.

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

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

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

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

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

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

1 10:00 a.m. **Irrigation of landscaping is prohibited on any day of the week from 10:00 a.m. to**
2 **6:00 p.m.**

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

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

7 ~~(d) Irrigation of landscaping is prohibited on any day of the week from~~
8 ~~10:00 a.m. to 6:00 p.m.~~

9 ~~— (e) All irrigation timers shall be adjusted to comply with the above.~~

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

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

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

20 ~~(5) Eating or drinking establishments, or other public places where food or~~
21 ~~drinks are sold, served, or offered for sale, may only provide drinking water upon specific request.~~

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

26 ~~(7)~~(5) Construction operations receiving water from a construction meter or water
27 truck shall not use water unnecessarily for any purpose, other than those required by regulatory
28 agencies. Construction projects requiring watering for new landscaping materials shall adhere to

the designated non-agricultural irrigation requirements set forth above.

Section 14.22.050 Stage Three - Moderate Water Shortage.

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

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

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

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

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

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

(b) Properties may not be irrigated more than three (3) times per week during the months of April through October and no more than two (2) times per week during the months of November through March. ~~Landscaped area of properties that are irrigated by drip irrigation or microspray irrigation shall be exempt from these irrigation restrictions.~~

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

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

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

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

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

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

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

9 (1) Except as otherwise provided in this Section, all Stage One, Two, and Three
10 conservation measures shall be in full force and effect during Stage Four, **and Stage One**
11 **measures shall be mandatory, not voluntary.**

12 (2) Water customers will reduce their monthly water consumption by ~~twenty to fifty~~
13 ~~percent (20—50 %)~~ **20 to 50 percent** for the duration of Water Conservation Stage Four.

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

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

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

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

23 ~~(4)(d) Use of recycled water for irrigation is permitted on any day and at any time~~
24 ~~notwithstanding (3)(a)—(2)(e) above.~~ **Use of graywater, as that term is identified in the**
25 **California Health & Safety Code, or recycled water for irrigation is permitted on any day**
26 **and at any time, subject only to any permits issued by the City.**

27 (5) All outdoor watering and irrigation of lawns and similar ground covers is
28 prohibited with the exception of plant materials determined by the ~~General~~ **City Manager** to be

1 rare, exceptionally valuable, or essential to the well-being of the public or threatened or
2 endangered animals.

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

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

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

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

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

15 **Section 14.22.070 Water Shortage Emergency.**

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

19 (B) Upon declaration of a Water Shortage Emergency:

20 (1) No new construction meters will be issued.

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

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

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

26 (b) Projects using recycled water for construction.

27 (c) Projects which will not result in a net increase in non-recycled water use.
28

(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~~ **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~~ **may** 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 2. This ordinance and all related approvals and actions, is not subject to or exempt from the California Environmental Quality Act ("CEQA") for the following reasons: The SWRCB, at the direction of the Governor, has issued emergency regulations directing the City to enact the matters in this Ordinance. It is not a discretionary project. According to section 15002(i) of Title 14 of the California Code of Regulations (the "State CEQA Guidelines"), "[w]here the law requires a governmental agency to act on a project in a set way without allowing the agency to use its own judgment, the project is called 'ministerial,' and CEQA does not apply." State CEQA Guidelines section 15369 "describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project" as not being discretionary. This ordinance, and all related approvals and actions, is exempt as an

1 emergency. Public Resources Code section 21080(b)(4) exempts from CEQA “[s]pecific actions
2 necessary to prevent or mitigate an emergency.” This ordinance is exempt as a necessary act
3 following the Governor’s Executive Order B-37-16, and prior Executive Orders and
4 Proclamations, which suspended CEQA’s application to the SWRCB’s adoption of emergency
5 regulations pursuant to Water Code section 1058.5 to prevent the waste, unreasonable use,
6 unreasonable method of use, or unreasonable method of diversion of water, to promote water
7 recycling or water conservation.

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

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

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

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

17
18 _____
19 WILLIAM R. BAILEY, III
Mayor of the City of Riverside

20 Attest:

21
22 _____
23 COLLEEN J. NICOL
City Clerk of the City of Riverside

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

27 Ayes:

28 Noes:

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

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
O:\Cycom\WPDocs\D009\P023\00285219.docx