

ORDINANCE NO. 2016-_____

ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA,
AMENDING SECTIONS 5.03.030 (PERMANENT WATER
CONSERVATION REQUIREMENTS), 5.03.035 (LEVEL 1
WATER SUPPLY SHORTAGE REQUIREMENTS) AND
5.03.040 (LEVEL 2 WATER SUPPLY SHORTAGE
REQUIREMENTS) OF CHAPTER 5.03, WATER
CONSERVATION AND WATER SUPPLY SHORTAGE
PROGRAM, OF THE CULVER CITY MUNICIPAL CODE.

WHEREAS, on November 9, 2009, the City Council adopted Chapter 5.03 of
the Culver City Municipal Code (CCMC), establishing the Culver City Water Conservation
and Water Supply Shortage Program; and

WHEREAS, on January 17, 2014, Governor Jerry Brown declared a drought
emergency urging reduction of water usage statewide by 20%; and

WHEREAS, on March 17, 2015, the State Water Resource Control Board
(Water Board) adopted an expanded emergency regulation to safeguard the state's
remaining water supplies.

WHEREAS, the amount of precipitation received during the winter of 2015
failed to adequately replenish the state's water supplies and, on April 1, 2015, the
Governor enacted mandatory water use restrictions and imposed a mandatory 25%
reduction of water usage statewide; and

WHEREAS, on July 23, 2015, in response to these mandates, the City
Council enhanced its minimum water use restrictions and amended the framework to enact
three additional levels of increasingly restrictive water use limitations (Level 1 being the
least restrictive). Also on July 23, 2015, the City Council declared the existence of a Level
2 water supply shortage condition and required swimming pools and spas be equipped with

1 covers that reduce evaporation. The City also developed (and continues to implement) a
2 citywide Water Conservation Plan, set aside funds to implement projects and programs
3 aimed at reducing water use, and developed a website to keep the community informed of
4 water conservation opportunities, programs and regulatory developments; and

5 **WHEREAS**, on May 9, 2016, in response to the El Niño winter of 2016, which
6 brought a significant amount of precipitation that replenished water supplies primarily
7 located in northern California, the Governor issued an Executive Order (Order) that
8 imposed permanent water use restrictions and instructed the Water Board to adjust
9 existing emergency water conservation regulations through the end of January 2017 that
10 acknowledged the differing water supply conditions across the state. The Order also
11 required the Water Board to work with the California Department of Water Resources
12 (Water Resources) to develop new water use targets as part of a permanent framework to
13 adhere to the Water Conservation Act of 2009 (SB X7-7), which requires a 20% reduction
14 in urban water use by 2020; and

15
16 **WHEREAS**, the Water Board and Water Resources subsequently required
17 water retailers to submit documentation revealing their plan to achieve the 20% urban
18 water use reduction by 2020 and demonstrating their ability to meet the water supply needs
19 of their customers over the following three years (a.k.a. "Stress Test"); and

20
21 **WHEREAS**, Golden State Water (GSW) and the Los Angeles Department of
22 Water and Power (LADWP) submitted Stress Tests adhering to these requirements that
23 were reviewed and approved by Water Board staff. The Stress Test demonstrated
24 LADWP's ability to meet the water needs of their customers over the following three years
25 and eliminated their existing 14% water use reduction mandate, however, Los Angeles
26 Mayor Eric Garcetti announced a voluntary water use reduction target of 20%. Similarly,
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1 GSW's 16% water use reduction mandate became voluntary and they increased their
2 residential landscape watering days from two to three times per week; and

3 **WHEREAS**, on August 10, 2016, in response to these developments, the
4 Sustainability Subcommittee of the City Council recommended: (1) replacing the existing
5 Level 2 water supply shortage condition, with the declaration of a Level 1 water supply
6 shortage condition; and (2) several amendments to CCMC Chapter 5.03, in order to
7 facilitate the City's compliance with the regulations and mandates established by the Order
8 and implemented through the Restrictions.
9

10 **NOW THEREFORE**, the City Council of the City of Culver City, California,
11 **DOES HEREBY ORDAIN** as follows:

12 **SECTION 1.** Section 5.03.030 of the Culver City Municipal Code is hereby
13 amended to read as follows (deletions indicated by ~~striketrough text~~; additions indicated
14 by underlined text):
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16 **§ 5.03.030 PERMANENT WATER CONSERVATION REQUIREMENTS;**
17 **PROHIBITION AGAINST WASTE.**

18 The following water conservation requirements are effective at all
19 times and are permanent. Violations of this Section will be considered waste
and an unreasonable use of water.

20 A. *Limits on watering hours.* Watering or irrigating of lawn,
21 landscape or other vegetated area with potable water is prohibited between
22 the hours of ~~9:00-8:00~~ a.m. and ~~5:00-7:00~~ p.m., Pacific Standard Time, on
23 any day, except by use of a hand-held bucket or similar container, a hand-
24 held hose equipped with a positive, self-closing, water-shut-off nozzle or
device, or for very short periods of time for the express purpose of adjusting
or repairing an irrigation system. Watering outdoor landscaping within 48
hours after measurable precipitation is prohibited.

25 B. *Limit on watering duration.* Watering or irrigating of lawn,
26 landscape or other vegetated area with potable water using a landscape
27 irrigation system or a watering device that is not continuously attended is
28 limited to no more than ~~45-10~~ minutes of watering per day, per station. This
Subsection does not apply to landscape irrigation systems that exclusively

1 use very-low-flow, drip-type irrigation systems, when no emitter produces
2 more than two gallons of water per hour, and weather-based controllers or
3 stream rotor sprinklers that meet a 70% efficiency standard. Public parks and
4 public and school playing fields may be watered in a frequency and duration
5 that maintains their usability, without limitation; however, watering is
6 prohibited between the hours of 8:00 a.m. and 7:00 p.m., Pacific Standard
7 Time, on any day.

8 C. *No excessive water flow or runoff.* Watering or irrigating of any
9 lawn, landscape or other vegetated area in a manner that causes or allows
10 excessive water flow or runoff onto an adjoining sidewalk, driveway, street,
11 alley, gutter or ditch is prohibited.

12 D. *No washing down hard or paved surfaces.* Washing down hard
13 or paved surfaces, including but not limited to, sidewalks, walkways,
14 driveways, parking areas, tennis courts, patios or alleys, is prohibited except
15 when necessary to alleviate safety or sanitary hazards, and then only by use
16 of a hand-held bucket or similar container, a hand-held hose equipped with a
17 positive, self-closing, water-shut-off device, a low-volume, high-pressure
18 cleaning machine equipped to recycle any water used, or a low-volume, high-
19 pressure water broom.

20 E. *Obligation to fix leaks, breaks or malfunctions.* Excessive use,
21 loss or escape of water through breaks, leaks or other malfunctions in the
22 water user's plumbing or distribution system for any period of time after such
23 escape of water should have reasonably been discovered and corrected, and
24 in no event more than seven days of receiving notice from the City, is
25 prohibited.

26 F. *Re-circulating water required for decorative water fountains and*
27 *decorative water features.* Operating a decorative water fountain or other
28 decorative water feature that does not use re-circulated water is prohibited.

G. *Limits on washing vehicles.* Using water to wash or clean a
vehicle, including but not limited to, any automobile, truck, van, bus,
motorcycle, boat or trailer, whether motorized or not, is prohibited, except by
use of a hand-held bucket or similar container, or a hand-held hose equipped
with a positive, self-closing, water-shut-off nozzle or device. This Subsection
does not apply to any commercial car washing facility.

H. *Drinking water served upon request only.* Eating or drinking
establishments, including but not limited to, a restaurant, hotel, cafe,
cafeteria, bar, or other public place where food or drinks are sold, served, or
offered for sale, are prohibited from providing drinking water to any person
unless expressly requested.

1 I. *Commercial lodging establishments must provide guests option to*
2 *decline daily linen services.* Hotels, motels and other commercial lodging
3 establishments must provide customers the option of not having towels and
4 linen laundered daily. Commercial lodging establishments must prominently
display notice of this option in each ~~bathroom~~ guest room, using clear and
easily understood language.

5 J. *No installation of single-pass cooling systems.* Installation of
6 single-pass cooling systems is prohibited in buildings requesting new water
service.

7 K. *No installation of non-re-circulating water systems in commercial*
8 *car wash and laundry systems.* Installation of non-re-circulating water
9 systems is prohibited in new commercial conveyor car wash and new
commercial laundry systems.

10 L. *Restaurants required to use water-conserving, dish-wash spray*
11 *valves.* Food preparation establishments, such as restaurants or cafes, are
prohibited from using non-water-conserving, dish-wash spray valves.

12 M. *Commercial car wash systems.* Effective on January 1, 2012, all
13 commercial conveyor car wash systems must have installed operational re-
14 circulating water systems, or must have secured a waiver of this requirement
from the City.

15 N. *Pool and spa covers required.* All swimming pools and spas shall
16 be equipped with a cover of the type that will reduce evaporation.

17 O. *Irrigation Prohibition.* Watering ornamental turf on public street
18 medians is prohibited.

19 **SECTION 2.** Section 5.03.035 of the Culver City Municipal Code is hereby
20 amended to read as follows (deletions indicated by ~~strikethrough text~~):

21 **§ 5.03.035 LEVEL 1 WATER SUPPLY SHORTAGE.**

22 A. *Determination and declaration.* A Level 1 Water Supply Shortage
23 exists when the City determines, at its sole discretion, that, due to drought or
24 other water supply conditions, a water supply shortage or threatened
25 shortage exists and a consumer-demand reduction is necessary to make
26 more efficient use of water and appropriately respond to existing water
27 conditions. Upon its declaration of a Level 1 Water Supply Shortage
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1 condition, the City will implement the mandatory Level 1 conservation
2 measures identified in this Section.

3 B. *Additional water conservation measures.* In addition to the
4 prohibited uses of water identified in § 5.03.030, the following water
5 conservation requirements apply during a declared Level 1 Water Supply
6 Shortage:

7 1. *Limits on watering days.* Watering or irrigating of lawn,
8 landscape or other vegetated area with potable water is limited to three days
9 per week, on a schedule that may be established and posted by the City, at
10 the discretion of the Director of Public Works. ~~During the months of~~
11 ~~November through March, watering or irrigating of lawn, landscape or other~~
12 ~~vegetated area with potable water is limited to no more than one day per~~
13 ~~week, on a schedule that may be established and posted by the City, at the~~
14 ~~discretion of the Director of Public Works.~~ This provision does not apply to
15 landscape irrigation zones that exclusively use very-low-flow, drip-type
16 irrigation systems, when no emitter produces more than two gallons of water
17 per hour. This provision also does not apply to watering or irrigating by use
18 of a hand-held bucket or similar container, a hand-held hose equipped with a
19 positive, self-closing, water-shut-off nozzle or device, or for very short
20 periods of time for the express purpose of adjusting or repairing an irrigation
21 system.

22 2. *Obligation to fix leaks, breaks or malfunctions.* All leaks,
23 breaks, or other malfunctions in the water user's plumbing or distribution
24 system must be repaired within 72 hours of notification by the City, unless
25 other arrangements are made with the City.

1 **SECTION 3.** Section 5.03.040 of the Culver City Municipal Code is hereby
2 amended to read as follows (deletions indicated by ~~strikethrough text~~; additions indicated
3 by underlined text):

4 **§ 5.03.040 LEVEL 2 WATER SUPPLY SHORTAGE.**

5 A. *Determination and declaration.* A Level 2 Water Supply Shortage
6 exists when the City determines, at its sole discretion, that, due to drought or
7 other water supply conditions, a water supply shortage or threatened
8 shortage exists and a consumer-demand reduction is necessary to make
9 more efficient use of water and appropriately respond to existing water
10 conditions. Upon its declaration of a Level 2 Water Supply Shortage
11 condition, the City will implement the mandatory Level 2 conservation
12 measures identified in this Section.

13 B. *Additional conservation measures.* In addition to the prohibited
14 uses of water identified in §§ 5.03.030 and 5.03.035, the following additional
15 water conservation requirements apply during a declared Level 2 Water
16 Supply Shortage:

17 1. Limits on watering ~~Watering-days.~~ Watering or irrigating of lawn,
18 landscape or other vegetated area with potable water is limited to two days
19 per week, on a schedule that may be established and posted by the City, at
20 the discretion of the Director of Public Works. ~~During the months of~~
21 ~~November through March, watering or irrigating of lawn, landscape or other~~
22 ~~vegetated area with potable water is limited to no more than one day per~~
23 ~~week, on a schedule that may be established and posted by the City, at the~~
24 ~~discretion of the Director of Public Works.~~ This provision does not apply to
25 landscape irrigation zones that exclusively use very-low-flow, drip-type
26 irrigation systems, when no emitter produces more than two gallons of water
27 per hour. This provision also does not apply to watering or irrigating by use of
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1 a hand-held bucket or similar container, a hand-held hose equipped with a
2 positive, self-closing, water-shut-off nozzle or device, or for very short periods
3 of time for the express purpose of adjusting or repairing an irrigation system.

4 2. *Obligation to fix leaks, breaks or malfunctions.* All leaks, breaks, or
5 other malfunctions in the water user's plumbing or distribution system must
6 be repaired within 48 hours of notification by the City, unless other
7 arrangements are made with the City.

8 3. *Limits on filling ornamental lakes or ponds.* Filling or refilling
9 ornamental lakes or ponds is prohibited, except to the extent needed to
10 sustain aquatic life, provided that such animals are of significant value and
11 have been actively managed within the water feature prior to declaration of a
12 supply shortage level under this Chapter.

13 4. *Limits on washing vehicles.* Using water to wash or clean a
14 vehicle, including but not limited to, any automobile, truck, van, bus,
15 motorcycle, boat or trailer, whether motorized or not, is prohibited, except by
16 use of a hand-held bucket or similar container, a hand-held hose equipped
17 with a positive, self-closing, water-shut-off nozzle or device, by high-pressure,
18 low-volume wash systems, or at a commercial car washing facility that utilizes
19 a re-circulating water system to capture or reuse water.

20 ~~5. *Pool and spa covers required.* All swimming pools and spas shall~~
21 ~~be equipped with a cover of the type that will reduce evaporation.~~

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23 **SECTION 4.** Pursuant to Section 614 of the City Charter, this Ordinance
24 shall be introduced and adopted at one and the same meeting and shall take effect
25 immediately upon its adoption by a four-fifths vote of the City Council. Pursuant to
26 Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after
27 the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be
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1 published in the Culver City News and shall post this Ordinance or a summary thereof in at
2 least three places within the City.

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4 **SECTION 5.** The City Council hereby declares that, if any provision, section,
5 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
6 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
7 reason of any preemptive legislation, then the City Council would have independently
8 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
9 or words of this ordinance and as such they shall remain in full force and effect.

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11 **APPROVED AND ADOPTED** this ____ day of _____, 2016.

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14 _____
JIM B. CLARKE, Mayor
City of Culver City, California

15
16 ATTEST:

APPROVED AS TO FORM:

17
18 _____
JEREMY GREEN, Deputy City Clerk

19 
CAROL A. SCHWAB, City Attorney

20 A16-00822