

MEETING DATE: 11/09/09

AGENDA ITEM: Adoption of an Ordinance Amending Chapter 5.03,
Water Conservation, of the Culver City Municipal
Code.

ATTACHMENTS

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1 e. Article XI, Section 7 of the California Constitution declares that a city
2 or county may make and enforce within its limits all local, police, sanitary and other
3 ordinances and regulations not in conflict with general laws.

4 f. The adoption and enforcement of a water conservation and supply
5 shortage program is necessary to manage the City's potable water supply in the short and
6 long-term and to avoid or minimize the effects of drought and shortage within the City.
7 Such program is essential to ensure a reliable and sustainable minimum supply of water
8 for the public health, safety and welfare.
9

10 **Section 5.03.015. Declaration of Purpose and Intent.**

11 a. The purpose of this chapter is to establish a water conservation and
12 supply shortage program that will reduce water consumption within the City through
13 conservation, enable effective water supply planning, assure reasonable and beneficial
14 use of water, prevent waste of water, and maximize the efficient use of water within the
15 City to avoid and minimize the effect and hardship of water shortage to the greatest
16 extent possible.
17

18 b. This chapter establishes permanent water conservation standards
19 intended to alter behavior related to water use efficiency at all times and further
20 establishes three levels of water supply shortage response actions to be implemented
21 during times of declared water shortage or declared water shortage emergency, with
22 increasing restrictions on water use in response to worsening drought or emergency
23 conditions and decreasing supplies.
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1 geographical boundaries of the City in the use of any potable water provided by the
2 Golden State Water Company and/or the Los Angeles Department of Water and Power.

3 b. The provisions of this chapter do not apply to uses of water
4 necessary to protect public health and safety or for essential government services.

5 c. The provisions of this chapter do not apply to the use of recycled
6 water.

7 d. The provisions of this chapter do not apply to the use of water by
8 commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or
9 other vegetation intended for commercial sale.

10 e. This chapter is intended solely to further the conservation of
11 water. It is not intended to implement any provision of federal, State, or local statutes,
12 ordinances, or regulations relating to protection of water quality or control of drainage or
13 runoff.
14

15 **Section 5.03.030. Permanent Water Conservation Requirements —**

16 **Prohibition Against Waste.**

17 The following water conservation requirements are effective at all times and are
18 permanent. Violations of this section will be considered waste and an unreasonable use
19 of water.
20

21 a. **Limits on Watering Hours:** Watering or irrigating of lawn,
22 landscape or other vegetated area with potable water is prohibited between the hours of
23 9:00 a.m. and 5:00 p.m. Pacific Standard Time on any day, except by use of a hand-
24 held bucket or similar container, a hand-held hose equipped with a positive self-closing
25 water shut-off nozzle or device, or for very short periods of time for the express purpose
26 of adjusting or repairing an irrigation system.
27

b. **Limit on Watering Duration:** Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard.

c. **No Excessive Water Flow or Runoff:** Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.

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

e. **Obligation to Fix Leaks, Breaks or Malfunctions:** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than seven (7) days of receiving notice from the City is prohibited.

1 f. **Re-circulating Water Required for Decorative Water Fountains**

2 **and Decorative Water Features:** Operating a decorative water fountain or other
3 decorative water feature that does not use re-circulated water is prohibited.

4 g. **Limits on Washing Vehicles:** Using water to wash or clean a

5 vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or
6 trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or
7 similar container or a hand-held hose equipped with a positive self-closing water shut-off
8 nozzle or device. This subsection does not apply to any commercial car washing facility.
9

10 h. **Drinking Water Served Upon Request Only:** Eating or drinking

11 establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, or
12 other public place where food or drinks are sold, served, or offered for sale, are
13 prohibited from providing drinking water to any person unless expressly requested.

14 i. **Commercial Lodging Establishments Must Provide Guests**

15 **Option to Decline Daily Linen Services:** Hotels, motels and other commercial lodging
16 establishments must provide customers the option of not having towels and linen
17 laundered daily. Commercial lodging establishments must prominently display notice of
18 this option in each bathroom using clear and easily understood language.
19

20 j. **No Installation of Single Pass Cooling Systems:** Installation of

21 single pass cooling systems is prohibited in buildings requesting new water service.

22 k. **No Installation of Non-re-circulating in Commercial Car Wash**

23 **and Laundry Systems:** Installation of non-re-circulating water systems is prohibited in
24 new commercial conveyor car wash and new commercial laundry systems.
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26 l. **Restaurants Required to Use Water Conserving Dish Wash**

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1 **Spray Valves:** Food preparation establishments, such as restaurants or cafes, are
2 prohibited from using non-water conserving dish wash spray valves.

3 m. **Commercial Car Wash Systems:** Effective on January 1, 2012, all
4 commercial conveyor car wash systems must have installed operational re-circulating
5 water systems, or must have secured a waiver of this requirement from the City.

6 **Section 5.03.035. Level 1 Water Supply Shortage.**

7 a. A Level 1 Water Supply Shortage exists when the City determines,
8 in its sole discretion, that due to drought or other water supply conditions, a water
9 supply shortage or threatened shortage exists and a consumer demand reduction is
10 necessary to make more efficient use of water and appropriately respond to existing
11 water conditions. Upon the declaration by the City of a Level 1 Water Supply Shortage
12 condition, the City will implement the mandatory Level 1 conservation measures
13 identified in this section.
14

15 b. **Additional Water Conservation Measures:** In addition to the
16 prohibited uses of water identified in § 5.03.030, the following water conservation
17 requirements apply during a declared Level 1 Water Supply Shortage:
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19 1. **Limits on Watering Days:** Watering or irrigating of lawn,
20 landscape or other vegetated area with potable water is limited to
21 three days per week on a schedule which may be established and
22 posted by the City at the discretion of the Director of Public Works.
23 During the months of November through March, watering or
24 irrigating of lawn, landscape or other vegetated area with potable
25 water is limited to no more than one day per week on a schedule
26 which may be established and posted by the City at the discretion of
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1 the Director of Public Works. This provision does not apply to
2 landscape irrigation zones that exclusively use very low flow drip type
3 irrigation systems when no emitter produces more than two (2)
4 gallons of water per hour. This provision also does not apply to
5 watering or irrigating by use of a hand-held bucket or similar
6 container, a hand-held hose equipped with a positive self-closing
7 water shut-off nozzle or device, or for very short periods of time for
8 the express purpose of adjusting or repairing an irrigation system.

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10 **2. Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks,
11 breaks, or other malfunctions in the water user's plumbing or
12 distribution system must be repaired within seventy-two (72) hours
13 of notification by the City unless other arrangements are made with
14 the City.

15 **Section 5.03.040. Level 2 Water Supply Shortage.**

16 a. A Level 2 Water Supply Shortage exists when the City determines,
17 in its sole discretion, that due to drought or other water supply conditions, a water
18 supply shortage or threatened shortage exists and a consumer demand reduction is
19 necessary to make more efficient use of water and appropriately respond to existing
20 water conditions. Upon the declaration by the City of a Level 2 Water Supply Shortage
21 condition, the City will implement the mandatory Level 2 conservation measures
22 identified in this section.
23

24 b. **Additional Conservation Measures:** In addition to the prohibited
25 uses of water identified in § 5.03.030 and § 5.03.035, the following additional water
26 conservation requirements apply during a declared Level 2 Water Supply Shortage:
27

1 **1. Watering Days:** Watering or irrigating of lawn, landscape or
2 other vegetated area with potable water is limited to two days per
3 week on a schedule which may be established and posted by the
4 City at the discretion of the Director of Public Works. During the
5 months of November through March, watering or irrigating of lawn,
6 landscape or other vegetated area with potable water is limited to no
7 more than one day per week on a schedule which may be
8 established and posted by the City at the discretion of the Director of
9 Public Works. This provision does not apply to landscape irrigation
10 zones that exclusively use very low flow drip type irrigation systems
11 when no emitter produces more than two (2) gallons of water per
12 hour. This provision also does not apply to watering or irrigating by
13 use of a hand-held bucket or similar container, a hand-held hose
14 equipped with a positive self-closing water shut-off nozzle or device,
15 or for very short periods of time for the express purpose of adjusting
16 or repairing an irrigation system.

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18 **2. Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks,
19 breaks, or other malfunctions in the water user's plumbing or
20 distribution system must be repaired within forty-eight (48) hours of
21 notification by the City unless other arrangements are made with the
22 City.
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24 **3. Limits on Filling Ornamental Lakes or Ponds:** Filling or re-
25 filling ornamental lakes or ponds is prohibited, except to the extent
26 needed to sustain aquatic life, provided that such animals are of
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significant value and have been actively managed within the water feature prior to declaration of a supply shortage level under this ordinance.

4. **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, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, by high pressure/low volume wash systems, or at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water.

5. **Limits on Filling Residential Swimming Pools & Spas:** Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with potable water is prohibited.

**Section 5.03.045. Level 3 Water Supply Shortage —
Emergency Condition.**

a. A Level 3 Water Supply Shortage condition is also referred to as an "Emergency" condition. A Level 3 condition exists when the City declares a water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon the declaration of a Level 3 Water Supply Shortage condition, the City will implement the mandatory Level 3 conservation measures identified in this section.

b. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in § 5.03.030, § 5.03.035, and § 5.03.040, the following water

conservation requirements apply during a declared Level 3 Water Supply Shortage
Emergency:

1. **No Watering or Irrigating:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited. This restriction does not apply to the following categories of use, unless the City has determined that recycled water is available and may be applied to the use:
 - i. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device;
 - ii. Maintenance of existing landscape necessary for fire protection;
 - iii. Maintenance of existing landscape for soil erosion control;
 - iv. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
 - v. Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed two (2) days per week according to the time restrictions in § 5.03.030 (a) and (b);
 - vi. Actively irrigated environmental mitigation projects.

2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within twenty four (24) hours of notification by the City unless other arrangements are made with the City.

**Section 5.03.050. Procedures for Determination/Notification
of Water Supply Shortage**

a. **Declaration and Notification of Water Supply Shortage:** The existence of Level 1, Level 2 or Level 3 Water Supply Shortage conditions may be declared by resolution of the City adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation requirements applicable to Level 1, Level 2 or Level 3 conditions will take effect on the tenth day after the date the shortage level is declared. Within five (5) days following the declaration of the shortage level, the City must publish a copy of the resolution in a newspaper used for publication of official notices.

Section 5.03.055. Hardship Waiver

a. **Undue and Disproportionate Hardship:** If, due to unique circumstances, a specific requirement of this chapter would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section.

b. **Written Finding:** The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is

1 disproportionate to the impacts to water users generally or to similar property or classes
2 of water use due to specific and unique circumstances of the user or the user's property.

3 1. **Application:** Application for a waiver must be on a form
4 prescribed by the City and accompanied by a non-refundable
5 processing fee in an amount set by resolution of the City Council of
6 the City.

7 2. **Supporting Documentation:** The application must be
8 accompanied by photographs, maps, drawings, and other
9 information, including a written statement of the applicant.
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11 3. **Required Findings for Waiver:** An application for a waiver
12 will be denied unless the City Manager or his or her designee finds,
13 based on the information provided in the application, supporting
14 documents, or such additional information as may be requested, and
15 on water use information for the property as shown by the records of
16 the City or its Agent, all of the following:

17 i. That the waiver does not constitute a grant of special
18 privilege inconsistent with the limitations upon other residents
19 and businesses;
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21 ii. That because of special circumstances applicable to
22 the property or its use, the strict application of this chapter
23 would have a disproportionate impact on the property or use
24 that exceeds the impacts to residents and businesses
25 generally;
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27 iii. That the authorizing of such waiver will not be of
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1 substantial detriment to adjacent properties, and will not
2 materially affect the ability of the City to effectuate the
3 purpose of this chapter and will not be detrimental to the
4 public interest; and

5 iv. That the condition or situation of the subject property or
6 the intended use of the property for which the waiver is sought
7 is not common, recurrent or general in nature.

8
9 4. **Approval Authority:** The City Manager or his or her designee
10 must act upon any completed application no later than ten (10) days
11 after submittal and may approve, conditionally approve, or deny the
12 waiver. The applicant requesting the waiver must be promptly
13 notified in writing of any action taken. Unless specified otherwise at
14 the time a waiver is approved, the waiver will apply to the subject
15 property during the period of the mandatory water supply shortage
16 condition. The decision of the City Manager or his or her designee
17 will be final.
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1 **Section 5.03.060. Penalties and Violations**

2 Any violation of this chapter may be prosecuted pursuant to and in
3 accordance with Section 1.02 of the Culver City Municipal Code.

4 **Section 5.03.065. Severability.**

5 If any section, subsection, sentence, clause or phrase in this chapter is for
6 any reason held invalid, the validity of the remainder of the chapter will not be affected.
7 The City Council of the City hereby declares it would have passed this chapter and each
8 section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one
9 or more sections, subsections, sentences, clauses, or phrases is declared invalid.

10 SECTION 2. This Ordinance shall take effect thirty (30) days from the
11 date of its adoption and, as required by Section 619 of the City Charter, prior to the
12 expiration of fifteen (15) days from the adoption hereof the City Clerk shall cause this
13 Ordinance to be published in The Culver City News. Additionally, the City Clerk shall post
14 this Ordinance or a summary thereof in at least three public places within the City pursuant
15 to Section 517 of the City Charter.
16

17 APPROVED and ADOPTED this _____ day of _____, 2009.
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21 _____
ANDREW WEISSMAN, Mayor
City of Culver City, California

22
23 ATTEST:

APPROVED AS TO FORM:

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25
26 _____
MARTIN R. COLE,
City Clerk
27 A09-00352

28 _____
CAROL A. SCHWAB,
City Attorney