

## ORDINANCE NO 2009-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF CHINO, CALIFORNIA, AMENDING CHAPTER 13 05  
(ORDINANCE NO 91-21) OF THE CHINO MUNICIPAL  
CODE

The City Council of the City of Chino hereby does ordain as follows:

Section 1. Chapter 13.05 of the Chino Municipal Code hereby is amended in full and it shall read as follows:

## Chapter 13.05

## WATER CONSERVATION

## Sections:

13.05.010	Purpose and Policy
13.05.020	City Council Authority
13.05.030	Definitions
13.05.040	Applicability
13.05.050	Party Responsible for Compliance
13.05.060	Adequate Water Supply Conditions – Permanent Measures
13.05.070	Stage 1 Water Shortage – Restrictions to Take Effect
13.05.080	Stage 2 Water Shortage – Restrictions to Take Effect
13.05.090	Stage 3 Water Shortage – Restrictions to Take Effect
13.05.095	General Provisions
13.05.100	Exceptions to Provisions
13.05.105	Exemptions from Provisions
13.05.110	Hardship and Special Cases – Implementation/Review Board
13.05.120	Failure to Comply – Violation/Penalty

**13.05.010 Purpose and Policy**

It is declared that because of the water conditions prevailing in the State of California, the statewide drought and the declared policy of the state, it is necessary and appropriate for the City to adopt and implement a water conservation program to reduce the quantity of water used by persons in the city. Furthermore, the general welfare requires the reasonable and efficient use of the City's water resources, the waste or unreasonable use of water to be prevented, and the implementation of water conservation measures that will reduce water consumption within the City's service area.

**13.05.020 City Council Authority**

A. The City Council shall authorize and direct implementation of the applicable provisions of this chapter upon determination that such implementation is necessary to

protect the public health, welfare and safety, or when the demand for water consumption threatens to exceed the City's available supply of potable water to the customer

B. When any water shortage stage of this chapter is declared by resolution of the City Council, the specific level called for shall be made by public announcement and shall be published at least twice in a newspaper of general circulation and shall become effective immediately on the date specified in the newspaper publications. When any other water shortage stage is declared or the drought conditions no longer exist, then publication of the applicable portion of this chapter, or a statement stating that the drought conditions no longer exist, shall be published an additional two times.

### **13.05.030 Definitions**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

A. "City Council" means the Council of the City of Chino

B. "Conservation Offset" means the implementation of proven conservation techniques which, when installed, will result in no additional demand on water supplies.

C. "Customer" means any person, persons, association, corporation, or governmental agency supplied and/or billed for water service by the City

D. "Graywater" means untreated household wastewater which has not come into contact with toilet waste. Graywater includes used water from bathtubs, showers, bathroom wash basins, and clothes washing machines.

E. "Potable Water" means water which is suitable for drinking.

F. "Recycled Water" means treated domestic water (effluent) from a wastewater treatment plant that is suitable for a direct beneficial use or a controlled use that would not otherwise occur

G. "Single Pass Cooling Systems" means equipment where water is circulated only once to cool equipment before being disposed.

H. "Water Shortage" means a determination by the City in consideration of the existing conditions of water production and/or an announcement by any state water agency, the Metropolitan Water District of Southern California, or any of its water suppliers.

### **13.05.040 Applicability**

The provisions of this chapter shall apply to all persons, customers, or property, wherever situated, utilizing water provided by the City

**13.05.050 Party Responsible for Compliance**

A. For purposes of this chapter, it shall be presumed that a person, corporation or association in whose name the water service account with the City is or was last billed or who is receiving the economic benefit of said water supply will be responsible for complying with this chapter

B. For the purpose of this chapter, a use of water by a tenant or by an employee, agent, contractor or other acting on behalf of a customer, whether with real or ostensible authority, shall be imputed to the customer

**13.05.060 Adequate Water Supply Conditions – Permanent Measures**

The following activities are hereby prohibited at all times:

A. Allowing irrigation water to run off into a gutter, ditch, drain, driveway, sidewalk, street or onto pavement or other hard surface.

B. Outdoor irrigation of landscape for more than fifteen (15) minutes of watering per day per station. This restriction does not apply to landscapes that utilize drip irrigation systems.

C. Automated irrigation of landscape during the hours of six a.m. to eight p.m. Customers are encouraged to avoid the use of sprinklers on windy days. Irrigation by hand held hoses with automatic shutoff nozzles, drip irrigation, or hand held buckets is permitted anytime.

D Outdoor irrigation of landscape on rainy days.

E. Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, patios, and alleys, except when necessary to alleviate safety or sanitary hazards.

F Excess use, loss or escape of water through breaks, leaks, or other malfunctions in the plumbing system or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected.

G. Washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment, unless done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses.

H. Restaurants serving water to their customers, except when specifically requested by their customers.

I Operating a decorative water fountain or feature, built or installed after the adoption of this ordinance, that does not include re-circulated water

J. Operating a commercial car wash or laundry, built or installed after the adoption of this ordinance, that does not use re-circulated water

K. Operating a single-pass cooling system built or installed after the adoption of this ordinance.

#### **13.05.070 Stage 1 Water Shortage – Restrictions to Take Effect**

The following additional measures shall take effect upon a declaration by the City Council that needed supplies are anticipated to be reduced approximately ten percent or less. Upon this declaration, the following restrictions shall apply to all customers or persons who use the water utility of the City:

A. Restaurants shall not use non-conserving dish spray valves.

B. Ornamental lakes or ponds shall not be filled or refilled with potable water, except to the extent needed to sustain aquatic life.

C. Outdoor irrigation of landscape with potable water will only be allowed every other day from May 1st through September 30th.

#### **13.05.080 Stage 2 Water Shortage – Restrictions to Take Effect**

In the event the City Council determines that the measures outlined in Sections 13.05.060 and 13.05.070 do not produce a sufficient reduction in demand, or if the estimated needed supplies are reduced approximately ten percent to twenty percent, then the following additional restrictions shall be implemented:

A. Outdoor irrigation of landscape with potable water will only be allowed every other day

B. Hotels, motels, and other commercial lodging establishments shall not launder towels and linen daily, except when specifically requested by their customer

#### **13.05.090 Stage 3 Water Shortage – Restrictions to Take Effect**

In the event the City Council determines that the measures outlined in Sections 13.05.060, 13.05.070 and 13.05.080 do not produce a sufficient reduction in demand or if the estimated needed supplies are reduced approximately twenty percent or more, then the following additional restriction shall be implemented:

A. Potable water service will not be provided to new land development projects except under the following circumstances:

1. A valid building permit has been issued for the project, or

2. The project is necessary to protect public health, safety, and welfare, or

3. The applicant provides evidence that the project will include conservation offsets prior to the provision of new water service.

**13.05.095 General Provisions**

- A. Recycled water shall be used instead of potable water for landscape irrigation, construction, dust control, and other approved uses to the extent feasible where recycled water is available to supply all or some of the water demand.
- B. All measures and restrictions outlined in this chapter shall apply to recycled water use except for Subsections 13.05.070(B), 13.05.070(C), 13.05.08(A), and 13.05.090(A).
- C. All restrictions resulting from any water shortage stage shall remain in effect with each successive and more severe water shortage stage until such time that the City Council changes a particular restriction or declares that drought conditions no longer exist.
- D. Additional restrictions may be implemented as determined by the City, after notice to customers.

**13.05.100 Exceptions to Provisions**

None of the restrictions outlined in this chapter shall apply to the following:

- A. The routine and necessary use of water by a governmental entity in pursuit of its functions for protecting the public health, safety and welfare. This exception does not apply to landscape irrigation by a governmental agency
- B. The necessary use of water for the routine maintenance and/or repair of water distribution facilities, residential and commercial plumbing, and existing landscape irrigation systems.
- C. The prohibited uses set forth in this subsection do not apply to Graywater. This provision shall not be construed to authorize the use of Graywater if such use is otherwise prohibited by law

**13.05.105 Exemptions from Provisions**

Nothing contained in Sections 13.05.070 through 13.05.090 shall require any single-family residential customer to reduce the customer's consumption of water to any amount less than nine billing units per month (two hundred twenty-four gallons per day) during any billing period.

**13.05.110 Hardship and Special Cases – Implementation/Review Board**

A. A Review Board is established to review hardship and special cases which cannot follow the letter of this chapter. The Review Board shall consist of any two of the following or their respective designees: Director of Community Development, Director of Finance, or Director of Public Works. Appeal of any Board decision shall be made to the City Manager.

B. It is the purpose of the Review Board to review hardship or special cases and to determine whether or not said case warrants an exemption. The decision of the Review Board shall be prepared in writing, include terms and conditions, if any, set forth findings in support of the decision, and are promptly sent to the applicant. The Board shall consider the facts of each case and decide whether to grant an exemption within five working days of the receipt of a properly completed "Application for Exemption from Mandatory Water Restrictions" form. The application must include pertinent information and a written statement from the applicant. An exemption shall be granted for reasons of economic hardship which is defined as, but not limited to, a threat to an individual business's primary source of income (but under no circumstances shall inconvenience or the potential for damage of landscaping be considered an economic hardship which justifies an exemption.) An exemption may also be granted in instances where the water use restrictions cannot be met without threatening public health or safety, or there has been a significant change in the customer's circumstances. No exemption will be granted to any customer for any reason in the absence of a demonstration that the customer has achieved the maximum practical reduction in water consumption. The Board shall authorize only the implementation of equitable water use restrictions which further the purpose and intent of the emergency water conservation plan. The special water use restrictions authorized by the Board in each special or hardship case shall be set forth on the face of the exemption.

C. An exemption to any element of this ordinance granted under any adequate water supply condition or water shortage condition shall not be valid upon implementation of any more severe water supply condition of this chapter. An exemption expires under its own terms and conditions and/or when the next higher stage of the emergency water conservation ordinance takes effect. A separate application for exemption must be submitted at each higher stage of the water conservation ordinance unless the exemption conditions specifically do not require such separate application.

D. Any person, corporation or association who is granted an exemption and makes use of the water utility of the City pursuant to said exemption shall provide proof of said exemption upon demand by any peace officer or person authorized by the City to enforce this chapter. Upon conviction of any person, corporation or association for violating any provision of this part, the Review Board shall revoke any exemption previously granted. However, the Board shall notify applicant of the proposed revocation in writing no less than five working days before taking such action, and applicant shall be given the opportunity to be heard by the Review Board prior to its taking such action.

E. Persons wishing to appeal the decision of the Board shall have the right of appeal to the City Manager. Appeal shall be made in writing within ten working days of the Board decision. The decision of the City Manager shall be final.

### **13.05.120 Failure to Comply – Violation /Penalty**

A. Penalties. It is unlawful for any water customer to fail to comply with any of the provisions of this chapter. Notwithstanding any other provision of the City Code, the penalties set forth herein shall be exclusive and not cumulative with any other provisions of this code. Furthermore, any and all violations that occur on any one day shall be treated as one violation for the purposes of determining a penalty under Subsection B. The penalties for failure to comply with the provisions of this chapter shall be as set out in subsection B of this section.

#### **B. Range of Penalties**

1. For the first violation by any customer of any of the provisions of sections 13.05.060, 13.05.070, 13.05.080, or 13.05.090, the City shall issue a written notice of the fact of such violation to the customer.

2. For a second violation by any customer of any of the provisions of sections 13.05.060, 13.05.070, 13.05.080, or 13.05.090 within the same twelve month period beginning with the first violation, the City shall issue a final written notice of the fact of such violation to the customer.

3. For a third violation by any customer of any of the provisions of sections 13.05.060, 13.05.070, 13.05.080, or 13.05.090 within the same twelve month period beginning with the first violation, a surcharge in the amount of fifty dollars shall be added to the customer's water bill.

4. For a fourth violation by any customer of any of the provisions of sections 13.05.060, 13.05.070, 13.05.080, or 13.05.090 within the same twelve month period beginning with the first violation, a surcharge in the amount of one hundred dollars shall be added to the customer's water bill that follows the customer's water bill containing the fifty dollar surcharge for the third violation.

5. For a fifth and any subsequent violation by any customer of any of the provisions of sections 13.05.060, 13.05.070, 13.05.080, or 13.05.090 within the same twelve month period beginning with the first violation, a surcharge in the amount of one hundred and fifty dollars shall be added to the customer's water bill that follows the customer's water bill containing the one hundred dollar surcharge for the fourth violation.

6. After a fifth violation of sections 13.05.060, 13.05.070, 13.05.080 or 13.05.090 within the same twelve month period beginning with the first violation, the City may install a flow restricting device of one gallon per minute (1 GPM) capacity for services up to one and one-half inch size and comparatively sized restrictors for larger services. Such action shall be taken only after a hearing.

held by the Review Board where the customer has an opportunity to respond to the City's information or evidence that the customer has repeatedly violated this chapter's rules regarding the conservation of water and that such action is reasonably necessary to assure compliance with this chapter regarding the conservation of water. Appeal of Board decisions shall be made in writing to the City Manager within ten working days of the Board hearing. The decision of the City Manager shall be final. Any such restricted service may be restored upon application of the customer made not less than forty-eight hours after the implementation of the action restricting service and only upon a showing by the customer that the customer is ready, willing and able to comply with the provisions of this chapter's rules regarding the conservation of water. Prior to any restoration of service, the customer shall pay all City charges for any restriction of service and its restoration as provided for in a separate ordinance.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have enacted this Ordinance and each section, subsection, sentence, clause and phrase hereof irrespective of any determination of invalidity.

Section 3. The City Clerk of the City of Chino shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in a newspaper of general circulation, printed and published within said City in accordance with the provisions of the Government Code.



APPROVED AND ADOPTED THIS 5<sup>th</sup> DAY OF MAY 2009

  
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DENNIS R. YATES, MAYOR

ATTEST

  
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LENNA J. TANNER, CITY CLERK

State of California            )  
County of San Bernardino    ) §  
City of Chino                 )

I, Lenna J. Tanner, City Clerk of the City of Chino, do hereby certify the foregoing Ordinance was duly adopted by the Chino City Council at a regular meeting held on the 5<sup>th</sup> day of May 2009, by the following votes:

AYES:            COUNCIL MEMBERS: YATES , DUNCAN , ELROD , HAUGHEY , ULLOA  
NOES:            COUNCIL MEMBERS: NONE  
ABSENT          COUNCIL MEMBERS: NONE

  
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LENNA J. TANNER, CITY CLERK