

CHAPTER 8A: EMERGENCY WATER CONSERVATION

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Sec. 6-8.20. Scope and title.

This Chapter shall be known as “The Water Conservation Plan of the City of Ontario.”

(§ 2, Ord. 2907, eff. June 16, 2009)

Sec. 6-8.21. Statement of policy and declaration of purpose.

(a) Because of the water supply conditions prevailing in the City and/or the area from which the City obtains a portion of its supply, the general welfare requires that the water resources available to the City of Ontario be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use of water be prevented and that the conservation of such water be practiced with a view to that reasonable and beneficial use thereof in the interest of the people of the City.

(b) The purpose of this chapter is to minimize the potential for water shortage through the practice of water conservation, and to minimize the effect of a shortage of water supplies on the water customers of the City. It is furthermore the intent of this chapter to adopt provisions that will significantly reduce the inefficient consumption of water, thereby extending the available water resources necessary for the domestic, sanitation, and fire protection of the community to the greatest extent possible.

(c) This chapter shall be applicable to all water customers. For the purposes of this chapter, any person, business, corporation, or association to whom the city supplies water shall be considered a water customer.

(§ 2, Ord. 2907, eff. June 16, 2009)

Sec. 6-8.22. Authorization.

(a) The City Council may declare a water shortage based on a determination by Metropolitan Water District or the Inland Empire Utilities Agency, or based upon any interruption in water supply or delivery that the City Council determines in its sole discretion necessitates water conservation pursuant to this chapter.

(b) In the event of an unplanned interruption of water supply causing a water shortage, the City Manager or his/her designee is authorized to restrict water use and apportion the available supply of water among its customers in the most equitable manner possible to continue service fairly and without discrimination, except that preference shall be given to such service as is essential to the public interest and to the preservation of life and health.

(c) A notice of a water shortage shall be published in a daily newspaper of general circulation within the City. Any restrictions on the use of water shall become effective immediately upon such publication.

(§ 2, Ord. 2907, eff. June 16, 2009)

Sec. 6-8.23. General prohibitions.

(a) The following are prohibited in new connections:

(1) Non-recycling decorative fountains;

(2) Single-pass cooling systems; and

(3) Conveyor and in-bay vehicle wash and commercial laundry systems which do not reuse water.

(b) No water customer of the City shall make, cause, use, or permit the use of water from the City in a manner contrary to any provision of this chapter or in an amount in excess of the

use permitted by any restriction provisions then in effect pursuant to the provisions of this chapter.

(§ 2, Ord. 2907, eff. June 16, 2009)

Sec. 6-8.24. Exceptions.

(a) The prohibited uses of water and water use restrictions provided within this chapter are not applicable for the use of recycled water or the use of potable water necessary to public health and safety or for essential government services such as police, fire and other similar services.

(b) Nothing contained within this chapter shall be construed to require the city to curtail the supply of water necessary for the health, safety, and welfare of any customer.

(§ 2, Ord. 2907, eff. June 16, 2009)

Sec. 6-8.25. Voluntary conservation.

Water customers are encouraged to voluntarily limit the amount of water used to the amount absolutely necessary for health, business, and irrigation. The following elements of conservation apply at all times on a voluntary basis:

(a) Avoid hose washing of sidewalks, walkways, driveways, parking areas or other paved surfaces, except as required for sanitary purposes.

(b) Wash motor vehicles, trailers, boats and other types of mobile equipment using a hand held bucket or a hose equipped with a positive shutoff nozzle for quick rinses, or at the immediate premises of a commercial car wash or with recycled wastewater for approved uses.

(c) Avoid using water to clean, fill or maintain levels in decorative fountains, ponds, lakes or other

similar aesthetic structures unless such water is part of a recycling system.

(d) Encourage restaurants, hotels, cafés, cafeterias or other public places where food is sold, served or offered for sale, to serve drinking water only to those customers expressly requesting water.

(e) Promptly repair all leaks from indoor and outdoor plumbing fixtures.

(f) Avoid watering lawn, landscape or other turf area more often than every other day and during the hours between 6:00 a.m. and 6:00 p.m.

(g) Avoid causing or allowing the water to run off landscape areas into adjoining streets, sidewalks or other paved areas due to incorrectly directed or maintained sprinklers or excessive watering.

(§ 2, Ord. 2907, eff. June 16, 2009)

Sec. 6-8.26. Stage 1 water shortage-water supply reduced by up to ten percent (10%).

(a) The following restrictions on the use of potable water shall be applicable when the City Council determines that the City's water conservation goals are not being met by voluntary water conservation measures, or that the City's water supplies are likely to be reduced by up to ten percent (10%).

(1) There shall be no hose washing of sidewalks, walkways, driveways, parking areas or other paved surfaces, except as required for sanitary purposes.

(2) Washing of motor vehicles, trailers, boats and other types of mobile equipment shall be done only with a hand-held bucket or a hose equipped with a positive shutoff nozzle for quick rinses, except that washing may be done at the immediate premises of a commercial car wash or with reclaimed wastewater.

(3) No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures unless such water is part of a recycling system.

(4) No restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale, shall serve drinking water to any customer unless expressly requested.

(5) All water customers of the City shall promptly repair all leaks from indoor and outdoor plumbing fixtures. Such leak shall be repaired in a timely manner after notification by the city, but in no case after notification in excess of seventy-two (72) hours for the first violation and then every seventy-two (72) hours thereafter for the second and third violations.

(6) No person shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, groundcovers, plants, vines, gardens, vegetables, flowers, or any other landscaped or vegetated areas between the hours of 9:00 a.m. and 4:00 p.m. In any event, such watering shall not be in excess of needs nor be of a manner that allows water to flow onto streets. The above mentioned plants may be watered by a hand-held hose equipped with a shut-off nozzle at any time of the day. This provision shall not apply to commercial nurseries, golf courses and other water-dependent industries.

(7) No water customer of the City shall cause or allow the water to run off landscape areas into adjoining streets, sidewalks or other paved areas due to incorrectly directed or maintained sprinkler or excessive watering.

(8) The use of water from fire hydrants shall be limited to fire fighting and related activities necessary to maintain the public health, safety, and welfare. An exception may be made for construction use through a proper city-designated meter. The use of potable water for construction activities shall be restricted in areas where recycled water is available for such use.

(§ 2, Ord. 2907, eff. June 16, 2009)

Sec. 6-8.27. Stage 2 water shortage-water supply reduced by ten percent (10%) to twenty percent (20%).

(a) The following restrictions on the use of potable water shall be applicable when the City Council determines that it is likely that the City will suffer a reduction of more than ten percent (10%) but less than twenty percent (20%) in its water supplies.

(1) All prohibitions and restrictions in § [6-8.26](#) shall be in effect provided that more restrictive measures noted in this section shall take precedence.

(2) Commercial nurseries, golf courses, and other water dependent industries shall be prohibited from watering lawn, landscape, or other turf areas more than every other day. Irrigation shall occur between the hours of 6:00 p.m. and 6:00 a.m. only.

(3) All water customers other than commercial nurseries, golf courses, and other water dependent industries shall be limited in the use of outdoor watering for sprinkling, watering, or irrigating any shrubbery, trees, lawns, grass, groundcovers, plants, vines, gardens, vegetables, flowers, or any other landscaped or vegetated areas to a two (2) day per week schedule between the hours of 4:00 p.m. and 9:00 a.m. based on street address.

(i) All locations ending in an odd number shall have outdoor water scheduled on Mondays and Thursdays.

(ii) All locations ending in an even number shall have outdoor water scheduled on Wednesdays and Saturdays.

(iii) There shall be no outdoor watering on Tuesdays, Fridays, or Sundays.

(iv) The use of a hand-held hose with shut-off valve shall be permitted at any time.

(v) The replenishment of swimming pools shall be limited to the same days as other outdoor watering.

(4) Filling or refilling empty swimming pools shall not occur without permission from the City Manager or his/her designee.

(§ 2, Ord. 2907, eff. June 16, 2009)

Sec. 6-8.28. Stage 3 water shortage-water supply reduced by more than twenty percent (20%).

(a) The following restrictions on the use of potable water shall be applicable when the City Council determines that it is likely that the City will suffer a reduction of more than twenty percent (20%) in its water supplies.

(b) All the prohibitions and restrictions in § [6-8.27](#) shall be in effect provided that the more restrictive measures noted in this section shall take precedence.

(c) Commercial nurseries, golf courses and other water dependent industries shall be prohibited from watering lawn, landscaping and other turf areas more often than every third day. Irrigation shall occur between the hours of 6:00 p.m. and 6:00 a.m. only. There shall be no restriction on watering utilizing recycled water.

(d) The use of water from fire hydrants shall be limited to fire fighting and related activities and other uses of water for municipal purposes shall be limited to activities necessary to maintain the public health, safety and welfare. The use of potable water for construction activities shall be prohibited.

(§ 2, Ord. 2907, eff. June 16, 2009)

Sec. 6-8.29. Stage 4 water shortage-emergency interruption in water supply.

(a) The following restrictions on the use of potable water shall be applicable during an emergency water shortage which may be declared in the event of a major earthquake, large-scale fire, or other so called “Act of God” which could have serious impacts on the city’s total available water supply.

(1) All the prohibitions and restrictions in § [6-8.28](#) shall be in effect provided that the more restrictive measures noted in this section shall take precedence.

(2) There shall be no use of outdoor water at any time except the minimal amount by hand-held hose equipped with a shut-off nozzle.

(3) Commercial nurseries, golf courses, and other water dependent industries shall be prohibited from the use of outside water except by a hand-held hose equipped with a shut-off nozzle.

(4) All nonessential uses of water shall be prohibited including the filling, cycling, filtering, or refilling swimming pools, spas, Jacuzzis, fountains or other like devices.

(§ 2, Ord. 2907, eff. June 16, 2009)

Sec. 6-8.30. Relief from compliance.

(a) A water customer of the City may file a written application for relief in whole or in part, from the water use restriction provisions of this chapter. The City Manager or his/her designee shall review the request for a variance and take such steps as he or she deems reasonable to resolve the application for relief. The decision of the City Manager shall be final.

(b) A relief may be granted if the water customer shows that he or she has achieved the maximum practical reduction in water consumption other than in the specific areas in which

relief is being sought. No relief shall be granted to any water customer who, when requested by the City Manager, fails to provide any information necessary for resolution of the customer's application for relief.

(§ 2, Ord. 2907, eff. June 16, 2009)

Sec. 6-8.31. Failure to comply.

(a) Violations of the provisions of this chapter:

(1) First violation. For a first violation, the City shall issue a written warning to the water customer.

(2) Second violation. For a second violation, the City shall impose a surcharge in an amount of One Hundred Dollars (\$100.00) added to the water customer's water bill.

(3) Third violation. For a third violation, the City shall impose a surcharge in an amount of Two Hundred Dollars (\$200.00) added to the water customer's water bill.

(4) Subsequent Violations. For the fourth and any subsequent violation during, the City shall impose a surcharge in an amount of Five Hundred Dollars (\$500.00) added to the water customer's water bill. In addition to the surcharge, the City may also install a flow restricting device on the service of the customer at the premises at which the violation occurred for a period of not less than forty-eight (48) hours. The City shall charge the water customer the reasonable costs incurred for installing and for removing the flow-restricting devices and for restoration of normal service. The charge shall be paid before normal service can be restored.

(b) The City shall give notice of violation to the water customer committing the violation as follows:

(1) First notice of violation shall be given in writing by regular mail to the address at which the water customer is normally billed.

(2) Notice of second or subsequent violations shall be given in writing by certified mail to the address at which the water customer is normally billed.

(§ 2, Ord. 2907, eff. June 16, 2009)

Sec. 6-8.32. Hearing regarding violations.

(a) Any water customer receiving notice of a violation of §§ 6 8.23, [6-8.26](#), [6-8.27](#), [6-8.28](#), or [6-8.29](#), which includes the imposition of a surcharge, shall have a right to a hearing by the City Manager or his/her designee within fifteen (15) days of mailing or other delivery of the notice of violation.

(b) The water customer's timely written request for a hearing shall automatically stay installation of flow-restricting device on the customer's premises until after the City Manager or his/her designee renders his or her decision.

(c) The water customer's timely written request for a hearing shall not stay the imposition of a surcharge unless within the time period to request a hearing, the water customer deposits with the City money in the amount of any unpaid surcharge due. If it is determined that the surcharge was wrongly assessed, the City will refund any money deposited to the water customer.

(d) The decision of the City Manager or his/her designee shall be final except for judicial review.

(§ 2, Ord. 2907, eff. June 16, 2009)

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