

Chapter 13.16 WATER CONSERVATION

13.16.010 Generally

A. Declaration of Policy. It is declared that because of the water conditions prevailing in the city, the general welfare requires that the water resources available to the city, region and state be put to the maximum beneficial use, that the waste or unreasonable use of water be prevented, and that the conservation of water is to be encouraged at all times.

B. Authorization.

1. The city manager shall request the city council to declare that demand for water is anticipated to be in excess of supply, immediately after it appears that such a situation exists or is threatened, if the city council is in session. If the council is not in session, the city manager shall immediately cause a request for a special meeting of the city council to be delivered to each council person who can be located.
2. The city council shall have the power to declare the necessity to implement the applicable provisions of this chapter when in its opinion the demand for water consumption exceeds the city's available supply (allowing for a safe reserve), or threatens to do so, provided there are no immediate resources available to remedy the situation. Such declaration shall be made by public announcement and shall be published in a newspaper of general circulation and shall become effective immediately upon such publication.

C. Application. The provisions of this chapter shall apply to all persons, customers within the city, or property utilizing city water wherever situated.

D. Presumption. For purposes of this title, it shall be presumed that a person, corporation or association in whose name the water utility of the city is or was last billed or who is receiving the economic benefit of the water supply has knowingly made, caused, used or permitted the use of water received from the city for a purpose in a manner contrary to any provision of this title. (Ord. 1786 § 1 (part), 2005: prior code § 7730.0)

13.16.020 Penalties

A. Compliance—Guidelines.

1. No customer of the city or person who uses water within the city shall knowingly use, or permit the use of water in a manner contrary to any provision of this chapter, or in an amount in excess of that use permitted by the provisions of this title or that is reasonably necessary to satisfy the water usage need.
2. Unless otherwise provided, any person, firm or corporation violating any provision of this title as adopted by reference above, other than the provisions of Sections 13.20.010 through 13.20.040 of this code, shall be guilty of an infraction or misdemeanor as hereinafter specified at the city's discretion, and each day or portion thereof such violation is in existence shall be a new and separate offense.

B. Any person so convicted shall be:

1. Guilty of an infraction offense and punished by a fine of not less than \$25.00 but not exceeding \$100.00 for a first violation during any calendar year or declared conservation stage, whichever time period is shorter in duration;
2. Guilty of an infraction offense and punished by a fine not less than \$50.00 and not exceeding \$200.00 for a second violation during any calendar year or declared conservation stage, whichever time period is shorter in duration;
3. On conviction of a third violation, guilty of a misdemeanor offense and shall be punished by a fine not less than \$500.00 nor more than \$1,000.00 during any calendar year or declared conservation stage, whichever time period is shorter in duration.

- C.
1. Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor at the city's sole discretion. In addition to the above penalties, such convicted person, firm, corporation or other entity may, in the discretion of the court, be ordered to reimburse the city for all necessary costs incurred through investigation, discovery, analysis, inspection, abatement and other actual costs incurred by the city or its agents pertaining to the violation.
 2. The court shall fix the amount of any such reimbursements upon submission of proof of such costs by the city. Payment of any penalty herein provided shall not relieve a person, firm or corporation, or other entity from the responsibility of correcting the condition resulting from the violation.

D. In addition to the above, the water utility director is empowered to enact other penalties and restrictive measures that are intended to abate the conductor circumstances comprising the violation, including but not limited to the following: placement of a flow restricting device upon the water service, locking off of water meter, removal of water meter, and shutting off of the service line valve. (Ord. 1812 § 1 (part), 2006: prior code § 7731.00)

13.16.030 Conservation program—Year-round stage.

A. The following activities are prohibited:

1. The washing of sidewalks, walkways, driveways, public and private parking areas and all other impervious hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;
2. Excessive or unreasonable runoff of water or unreasonable spray of the areas being watered. Every customer is deemed to have his or her water system under control at all times, to know the manner and extent of this water use and any runoff, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
3. Allowing, permitting or causing the escape of water through breaks or leaks within the customer's plumbing or private water distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of 72 hours after the customer discovers such a break or leak or receives notice from the city of a break or leak, is a reasonable time within which to correct such break or leak, or, at a minimum, to stop the flow of water from such break or leak;
4. Outdoor irrigation of landscape by sprinklers during the hours of 10:00 a.m. to 6:00 p.m. Citizens are encouraged to avoid the use of sprinklers on windy days. Irrigation by handheld hose,

drip irrigation, hand-held bucket, or similar container or by use of a cleaning machine equipped to recycle any water used are permitted anytime. In no event shall any water so used be permitted to run off into adjacent property, streets, alleys or storm drains;

5. Washing of automobiles, trucks, trailers, boats, airplanes, and other types of equipment (mobile or otherwise) unless done with a hand-held bucket or hand-held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use to ensure the water supply is shutoff. However, this section does not apply to the washing of the above-listed vehicles or mobile equipment when conducted on the immediate premises of a commercial carwash;

6. All eating and drinking establishments of any kind including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall not provide drinking water to any person unless it is expressly requested.

B. Exceptions. None of these restrictions shall apply to the following:

1. The routine and necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as construction projects and for the cleaning of streets to prevent debris and harmful substances from entering water systems via storm drains;

2. The necessary use of water for the routine maintenance and/or repair of water distribution facilities, residential and commercial plumbing and permanently installed landscaped irrigation systems. (Ord. 1786 § 1 (part), 2005: prior code § 7732.00)

13.16.040 Conservation program—Moderate shortage stage.

A. In the event the city council determines that the measures outlined in Section 13.16.030 fail to produce a sufficient reduction in demand so as to produce a sufficient supply, the use of water within the city shall be additionally restricted and the following provisions shall become effective upon a declaration by the city council and publication of same as follows:

1. The washing of sidewalks, walkways, driveways, public and private parking areas and all other impervious hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety.

2. Excessive or unreasonable runoff of water or unreasonable spray of the areas being watered is prohibited. Every customer is deemed to have his or her water system under control at all times, to know the manner and extent of this water use and any runoff, and to employ available alternatives to apply irrigation water in a reasonably efficient manner.

3. Allowing, permitting or causing the escape of water through breaks or leaks within the customer's plumbing or private water distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of 72 hours after the customer discovers such a break or leak or receives notice from the city of a break or leak, is a reasonable time within which to correct such break or leak, or, at a minimum, to stop the flow of water from such break or leak.

4. Outdoor irrigation of landscape by sprinklers is permitted only on even days of the month for those locations having a street address with an even last digit. Outdoor irrigation by sprinklers is

permitted only on odd days of the month for those locations having a street address with an odd last digit. Outdoor irrigation for locations not having a street address shall occur on even days of the month if located west of San Antonio Avenue or only on odd days of the month if located east of San Antonio Avenue. No outdoor irrigation shall take place between the hours of 10:00 a.m. and 6:00 p.m. Irrigation by hand-held hose, drip irrigation, hand-held bucket, or similar container or by use of a cleaning machine equipped to recycle any water used are permitted anytime. In no event shall any water so used be permitted to run off into adjacent property, streets, alleys or storm drains.

5. Washing of Vehicles, Trailers, Boats, Airplanes and Mobile Equipment.

a. The washing of automobiles, trucks, trailers, boats, airplanes and other types of equipment (mobile or otherwise) is prohibited except on the designated outdoor water use days pursuant to subsection (A)(4) of this section between the hours of 12:00 midnight to 12:00 noon and sundown to 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or hand-held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use to ensure the water supply is shutoff.

b. No individual, firm or business that regularly washes vehicles for remuneration or provides facilities for customers to do so through coin-operated machinery shall be permitted to operate such a business unless their place of business is equipped and operating to approved city standards with equipment to recycle water for use within their facility.

c. Washing trucks, trailers and other types of mobile equipment (such as garbage trucks and vehicles used to transport food and other perishables), when such washing is necessary in order to protect the health, safety and welfare of the public, shall be restricted to the hours of sundown to noon. Such washing, when allowed, shall be done with a hand-held bucket or hand-held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use.

d. Nonprofit and community based organizations' fundraising car washes shall be allowed, provided they are otherwise in accordance with all other provisions of the Upland Municipal Code and this section, and have obtained a permit to operate a nonprofit carwash from the finance department, the cost of same to be \$5.00, which sum is found to cover the city's costs to issue the permit. Such activities shall be limited to no more than two times in one month. Permit shall become void upon the effective date of the declaration of severe shortage.

6. All eating and drinking establishments of any kind including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall not provide drinking water to any person unless it is expressly requested.

7. The refilling or adding of water to swimming pools is prohibited except on designated outdoor water use days, which shall be the same days as outdoor watering is permitted pursuant to subsection (A)(4) of this section.

8. Any non-business, operation-related pond, ornamental fountain or other structure making similar use of water is prohibited.

9. The irrigation of golf course fairways is prohibited. This section shall not apply to the irrigation of any golf course solely with reclaimed wastewater.

10. The use of water from fire hydrants shall be limited to firefighting and emergency-related activities and/or other activities necessary to maintain the health, safety, and welfare of the citizens of Upland. This restriction shall not apply to businesses which require the use of water for land development and building construction processes, pursuant to prior written approval by the review board as defined in Section 13.16.070.

B. Exceptions. None of the moderate shortage restrictions shall apply to the following uses of water:

1. The routine and necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as construction projects and for the cleaning of streets to prevent debris and harmful substances from entering water systems via storm drains;
2. The routine and necessary use of water, other than for landscape irrigation, for land development (e.g., roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes;
3. The necessary use of water for the routine maintenance and/or repair of water distribution facilities, residential and commercial plumbing and permanently installed landscape irrigation systems;
4. The use of water necessary to irrigate large, landscaped areas in commercial and institutional establishments as authorized by the terms and conditions of an approved compliance agreement issued by the review board, as defined in Section 13.16.070;
5. The use of water pursuant to the approved terms and conditions of a variance granted by the review board as defined in Section 13.16.070. (Ord. 1786 § 1 (part), 2005: prior code § 7733.00)

13.16.050 Conservation program—High shortage stage.

A. In the event the city council determines that the measures outlined in Section 13.16.040 fail to produce a sufficient reduction in demand so as to produce a sufficient supply, the use of water within the city shall be additionally restricted and the following provisions shall become effective upon a declaration by the city council and publication of same as follows:

1. The washing of sidewalks, walkways, driveways, public and private parking areas and other impervious hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety is prohibited.
2. Excessive runoff of water or unreasonable spray of the areas being watered is prohibited. Every customer is deemed to have his or her water system under control at all times, to know the manner and extent of this water use and any runoff, and to employ available alternatives to apply irrigation water in a reasonably efficient manner.
3. Allowing, permitting or causing the escape of water through breaks or leaks within the customer's plumbing or private water distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of 72 hours after the customer discovers such a break or leak or receives notice from the city of a break or leak, is a reasonable time within which to correct such break or leak, or, at a minimum, to stop the flow of water from such break or leak.
4. Outdoor irrigation of landscape by sprinklers is permitted only on Wednesday and Sunday for those locations having street address with an even last digit. Outdoor irrigation by sprinklers is permitted only on Tuesday and Saturday for those locations having a street address with an odd last digit. Outdoor irrigation for locations not having a street address shall occur on Wednesday and Sunday if located west of San Antonio Avenue or only on Tuesday and Saturday if located east of San Antonio Avenue. No outdoor irrigation shall take place between 6:00 a.m. until one hour before

sundown. Irrigation by hand-held hose, drip irrigation, or handheld bucket or similar container or by use of a cleaning machine equipped to recycle any water used are permitted anytime. In no event shall any water so used be permitted to run off into adjacent property, streets, alleys or storm drains.

5. Washing of Vehicles, Trailers, Boats, Airplanes and Mobile Equipment.

a. The washing of automobiles, trucks, trailers, boats, airplanes and other types of equipment (mobile or otherwise) is prohibited except on the designated outdoor water use days pursuant to subsection (A)(4) of this section between the hours of 12:00 midnight to 12:00 noon and sundown to 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or hand-held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use to ensure the water supply is shutoff.

b. No individual, firm or business that regularly washes vehicles for remuneration or provides facilities for customers to do so through coin-operated machinery shall be permitted to operate such a business unless their place of business is equipped and operating to approved city standards with equipment to recycle water for use within their facility.

c. Washing trucks, trailers and other types of mobile equipment (such as garbage trucks and vehicles used to transport food and other perishables), when such washing is necessary in order to protect the health, safety and welfare of the public, shall be restricted to the hours of sundown to noon. Such washing, when allowed, shall be done with a hand-held bucket or hand-held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use.

d. Nonprofit and community-based organizations' fundraising car washes shall be allowed, provided they are otherwise in accordance with all other provisions of the Upland Municipal Code and this section, and have obtained a permit to operate a nonprofit carwash from the finance department, the cost of same to be \$5.00, which sum is found to cover the city's costs to issue the permit. Such activities shall be limited to no more than two times in one month. Permit shall become void upon the effective date of the declaration of severe shortage.

6. All eating and drinking establishments of any kind whatsoever including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall not provide drinking water to any person unless it is expressly requested.

7. The refilling or adding of water to existing swimming pools is prohibited except on designated outdoor water use days which shall be the same days as outdoor water is permitted pursuant to subsection (A)(4) of this section. New pool construction filling shall be by permit only.

8. Any non-business, operation-related pond, ornamental fountain or other structure making similar use of water is prohibited.

9. The watering of golf course tee areas and fairways is prohibited unless done with reclaimed wastewater.

10. The use of water from fire hydrants shall be limited to firefighting and emergency-related activities and/or other activities necessary to maintain the health, safety, and welfare of the citizens of Upland. This restriction shall not apply to businesses which require the use of water for land development and building construction processes, pursuant to prior written approval by the review board as defined in Section 13.16.070.

B. Exceptions. None of the high shortage restrictions shall apply to the following uses of water, provided there is prior written approval by the review board as defined in Section 13.16.070:

1. The routine and necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as construction projects and for the cleaning of streets to prevent debris and harmful substances from entering water systems via storm drains;
2. The routine and necessary use of water, other than for landscape irrigation, for land development (e.g., roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes;
3. The necessary use of water for the routine maintenance and/or repair of water distribution facilities, residential and commercial plumbing and permanently installed landscape irrigation systems;
4. The use of water necessary to irrigate large landscaped areas in commercial and institutional establishments as authorized by the terms and conditions of an approved compliance agreement issued by the review board, as defined in Section 13.16.070. (Ord. 1786 § 1 (part), 2005: prior code § 7734.00)

13.16.060 Conservation program—Severe shortage stage.

In the event the city council determines that the measures outlined in Section 13.16.050 fail to produce a sufficient reduction in demand so as to produce a sufficient supply, then the use of water within the city shall be additionally restricted and the following provisions shall become effective upon a declaration by the city council and publication of same as follows:

A. The washing of sidewalks, walkways, driveways, public and private parking areas and other impervious hard surfaced areas by direct hosing when runoff water directly flows to a gutter or storm drain, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety is prohibited.

B. Excessive runoff of water or unreasonable spray of the areas being watered is prohibited. Every customer is deemed to have his or her water system under control at all times, to know the manner and extent of this water use and any runoff, and to employ available alternatives to apply irrigation water in a reasonably efficient manner.

C. Allowing, permitting or causing the escape of water through breaks or leaks within the customer's plumbing or private water distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of 72 hours after the customer discovers such a break or leak or receives notice from the city of a break or leak, is a reasonable time within which to correct such break or leak, or, at a minimum, to stop the flow of water from such break or leak.

D. Outdoor irrigation of landscape by sprinklers is permitted only on Sunday for those locations having street address with an even last digit. Outdoor irrigation by sprinklers is permitted only on Saturday for those locations having a street address with an odd last digit. Outdoor irrigation for locations not having a street address shall occur on Sunday if located west of San Antonio Avenue or only on Tuesday and Saturday if located east of San Antonio Avenue. No outdoor irrigation shall take place between 6:00 a.m. until one hour before sundown. Irrigation by hand-held hose, drip irrigation, or hand-held bucket, or similar container or by use of a cleaning machine equipped to recycle any water used are permitted

anytime. In no event shall any water so used be permitted to run off into adjacent property, streets, alleys or storm drains.

E. Washing of Vehicles, Trailers, Boats, Airplanes and Mobile Equipment.

1. The washing of automobiles, trucks, trailers, boats, airplanes, and other types of equipment (mobile or otherwise) is prohibited except as provided elsewhere in this section.

2. No individual, firm or business that regularly washes vehicles for remuneration or provides facilities for customers to do so through coin-operated machinery shall be permitted to operate such a business unless their place of business is equipped and operating to approved city standards with equipment to recycle water for use within their facility. Washing of vehicles in such facilities shall occur only between the hours of 6:00 a.m. and 12:00 noon.

3. Washing trucks, trailers, and other types of mobile equipment (such as garbage trucks and vehicles used to transport food and other perishables), when such washing is necessary in order to protect the health, safety and welfare of the public, shall be restricted to the hours of sundown to 12:00 noon. Such washing when allowed, shall be done with a hand-held bucket or hand-held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use.

F. All eating and drinking establishments of any kind including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall not provide drinking water to any person unless it is expressly requested.

G. Washing sidewalks, driveways, public and private parking areas, tennis courts, patios, or other paved areas, except to alleviate an immediate health hazard, is prohibited.

H. The refilling or adding of water to existing swimming pools is prohibited except on designated outdoor water use days which shall be the same days as outdoor water is permitted pursuant to subsection D of this section. New pool construction filling shall be by permit only.

I. Any non-business, operation-related pond, ornamental fountain or other structure making similar use of water is prohibited.

J. The watering of golf course tee areas and fairways is prohibited unless done with reclaimed wastewater. (Ord. 1786 § 1 (part), 2005; prior code § 7735.00)

13.16.070 Implementation.

A. Review Board—Variances, Permits and Compliance Agreements. A review board is established to review special cases which cannot follow the letter of this chapter. The review board shall consist of the water utility director, the city engineer, the fire chief, the city planning director and the city attorney, or their appointed representative.

B. Appeal of review board decisions shall be made to the city council. It is the purpose of the review board to review special cases and to determine whether or not such cases warrant a variance, permit or compliance agreement including conditions of approval. The board shall consider the facts of each case and decide whether to grant a variance or a permit or to enter into a compliance agreement within five working days of the receipt of a properly completed application for variance/permit/compliance agreement form.

C. A variance shall be granted only for reasons of economic hardship, which is defined as a threat to an individual business's primary source of income. (Under no circumstances shall inconvenience or the potential for damage of landscaping be considered an economic hardship, which justifies a variance.) The

board shall authorize only the implementation of equitable water use restrictions which further the purpose and intent of the water conservation plan. The special water use restrictions authorized by the board in each case shall be set forth on the face of the variance, permit or compliance agreement. A nonrefundable fee of \$50.00 per permit application for all requests shall be assessed to reimburse the city for administrative costs.

- D.
1. A variance or permit issued under moderate shortage shall not be valid upon implementation of high or severe shortage stages unless the permit specifically addresses either or both of those stages upon initial issuance. The multistage permit would have to reflect significant additional savings of water, or nonuse of water, under progressively more critical shortage stages. A variance or permit shall expire under its own terms and conditions and/or when another water conservation stage is in effect.
 2. Exception. If, within the period of the permit, the conservation stage for which the permit was originally issued is reinstated, the permit will be considered valid until the original expiration date, as long as that conservation stage is in effect.

E. Any person, corporation or association who is issued a variance or permit and makes use of water pursuant to the variance, permit or compliance agreement shall provide proof of the variance, permit or compliance agreement upon demand by any peace officer or person authorized by the city to enforce this title.

F. Upon conviction of a person, corporation or association of violating any provision of this chapter, the review board shall revoke any permit, variance, or compliance agreement previously granted. However, the board shall notify applicant of the proposed revocation 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.

G. Persons wishing to appeal the decision of the review board shall have the right of appeal to the city council. Appeal shall be made in writing within 10 working days of the review board decision. The decision of the city council shall be final. (Ord. 1786 § 1 (part), 2005: prior code § 7736.00)