

**ORDINANCE NUMBER 1586**

**AN ORDINANCE OF THE CITY OF SEAL BEACH AMENDING THE SEAL BEACH MUNICIPAL CODE BY REVISING AND SUPPLEMENTING THE CITY'S WATER CONSERVATION PROVISIONS**

THE CITY COUNCIL OF THE CITY OF SEAL BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The Seal Beach Municipal Code is amended by deleting Sections 9.35.095 through 9.35.135 and replacing those sections with new sections (Water Conservation) to read as follows:

**Chapter 9.35 Water and Water Conservation**

**§ 9.35.005 Definitions.**

A. For the purposes of this chapter, "backflow," "designated irrigation days," "director," "local health agency" and "water user" are defined in § 9.35.005.

B. Any word or phrase used in this chapter that is defined in the Health and Safety Code Section 116275 or in California Code of Regulations Title 17, Section 7583 and not defined in § 9.35.005 shall have the meaning set forth in such state law provision.

**§ 9.35.095 Permanent Water Conservation.**

The water conservation requirements set forth in this Chapter are effective at all times and are applicable unless repealed by the City Council. Violations of this Chapter shall be considered waste and an unreasonable use of water.

**§ 9.35.100 Leaks.**

Each water user shall repair all leaks from indoor and outdoor plumbing fixture at the user's premises. Such water user shall eliminate any loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system promptly after discovering the leak and in no event in less than 7 days.

**§ 9.35.105 Runoff.**

No water user shall cause or allow water to run off landscape areas into adjoining streets, sidewalks, driveways, alleys, gutters, ditches or any paved surfaces due to incorrectly maintained sprinklers, excessive watering or use.

**§ 9.35.110 Limits on Watering Hours.**

No water user shall cause or allow watering or irrigating of the user's lawn, landscape or other vegetated area with potable water between 9:00 a.m. and 5:00 p.m. on any day, except by use of a hand-water shut-off nozzle or device, or for a very short period of time for the limited purpose of adjusting or repairing an irrigation system.

**§ 9.35.115 Limit on Watering Duration.**

No water user shall cause or allow 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 for longer than 15 minutes watering per day per station. This section does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour and

weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard.

**§ 9.35.120 Service of Water at Restaurants.**

Restaurants shall not offer water service and shall serve water only to a customer that specifically requests water.

**§ 9.35.125 Re-circulating Water Required for Water Fountains and Decorative Water Features.**

No person shall operate a water fountain or other decorative water feature that does not use re-circulated water.

**§ 9.35.130 No Installation of Single Pass Cooling Systems.**

No person shall install single pass cooling systems in connection with new water service.

**§ 9.35.135 No Installation of Non-re-circulating in Commercial Car Wash and Laundry Systems**

No person shall install non-re-circulating water systems in connection with commercial conveyor car wash and commercial laundry systems. Effective on January 1, 2010, the owner or operator of any commercial conveyor car wash system shall install operational re-circulating water systems, or secure a waiver of this requirement from the Director.

**§ 9.35.140 Washing of Vehicles and Equipment.**

No person shall wash a motor vehicle, trailer, boat or other type of mobile equipment other than by a hand-held bucket or by a hose equipped with a positive shut-off nozzle. This prohibition shall not apply to washing performed at a commercial car wash.

**§ 9.35.145 Determination of Water Conservation Phase.**

A. The city council may by resolution declare a water conservation phase upon making a finding specified in paragraph B. Such resolutions shall specify the start day of the phase and shall be effective upon publication in a daily newspaper of general circulation within the city.

B. The finding necessary for each water conservation phase is as follows:

1. Phase 1: A Phase 1 Water Supply Shortage exists when the city council determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the city council of a Phase 1 Water Supply Shortage condition, the city council will implement the mandatory Phase 1 conservation measures identified in this section.

2. Phase 2: A Phase 2 Water Supply Shortage exists when the city council determines, in its sole discretion, that due to drought or other water supply conditions, a severe water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the city council of a Phase 2 Water Supply Shortage condition, the city council will implement the mandatory Phase 2 conservation measures identified in this section.

3. Phase 3: A Phase 3 Water Supply Shortage condition is also referred to as an “Emergency” condition. A Phase 3 condition exists when the city council 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 Phase 3 Water Supply Shortage condition, the city council will implement the mandatory Phase 3 conservation measures identified in this section.

**§ 9.35.150 Phase 1 Measures.**

The following water conservation measures apply during water conservation phase 1.

A. Irrigation shall not be performed except on designated irrigation days and between the hours of 6:00 p.m. and 6:00 a.m. Irrigation may be performed at any time if done by means of a hand-held hose equipped with a positive shut-off nozzle, a hand-held faucet filled bucket of 5 gallons or less, or a drip irrigation system.

B. Agricultural users and commercial nurseries shall curtail all non-essential water use, but are otherwise exempt from phase 1 measures. Watering of livestock and irrigation of propagation beds are permitted at any time.

C. Washing of motor vehicles, boats, airplanes and other mobile equipment shall be performed only on designated irrigation days and between the hours of 6:00 p.m. and 6:00 a.m. This prohibition shall not apply to the washing of garbage trucks, vehicles used to transport food and perishables and other mobile equipment for which frequent cleaning is essential for the protection of the public health, safety and welfare.

D. Filling or refilling of swimming pools, spas, ponds and artificial lakes shall be performed only on designated irrigation days and between the hours of 6:00 p.m. and 6:00 a.m.

E. Watering golf courses, parks, school grounds and recreational fields shall be performed only between the hours of 6:00 p.m. and 6:00 a.m. This prohibition does not apply to golf course greens.

F. Water shall not be used to wash down sidewalks, hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys. Notwithstanding this prohibition, a water user may wash down such surfaces 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.

G. Ornamental fountains and similar structures shall not be operated.

**§ 9.35.155 Phase 2 Measures.**

The following water conservation measures apply during water conservation phase 2.

A. Irrigation shall not be performed except on designated irrigation days and between the hours of 10:00 p.m. and 6:00 a.m.

B. Agricultural users and commercial nurseries shall use water only between the hours of 6:00 p.m. and 6:00 a.m. Watering of livestock and irrigation of propagation beds are permitted at any time.

C. Washing of motor vehicles, boats, airplanes and other mobile equipment is prohibited except when performed at a commercial car wash. This prohibition shall not apply to the washing of garbage trucks, vehicles used to transport food and perishables and other mobile equipment for which frequent cleaning is essential for the protection of the public health, safety and welfare.

D. Filling or refilling of swimming pools, spas, ponds and artificial lakes shall be performed only on designated irrigation days and between the hours of 10:00 p.m. and 6:00 a.m.

E. Watering golf courses, parks, school grounds and recreational fields shall be performed only between the hours of 10:00 p.m. and 6:00 a.m. This prohibition does not apply to golf course greens.

F. Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts patios or other paved areas except to alleviate immediate fire or sanitation 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. .

G. Restaurants shall not serve water to customers unless specifically requested.

H. Ornamental fountains and similar structures shall not be operated.

I. New construction meters and permits for unmetered service shall not be issued. Construction water shall not be used for earth work or road construction purposes.

J. The use of non-reclaimed and non-recycled water by commercial car washes shall be reduced in volume by 20%.

**§ 9.35.160 Phase 3 Measures.**

The following water conservation measures apply during water conservation phase 3.

A. Outdoor irrigation is prohibited.

B. Use of water for agricultural or commercial nursery purposes is prohibited. This prohibition shall not apply to watering of livestock.

C. Washing of motor vehicles, boats, airplanes and other mobile equipment is prohibited except when performed at a commercial car wash. This prohibition shall not apply to the washing of garbage trucks, vehicles used to transport food and perishables and other mobile equipment for which frequent cleaning is essential for the protection of the public health, safety and welfare.

D. Filling or refilling of swimming pools, spas, ponds and artificial lakes is prohibited.

E. Watering golf course areas, other than greens, is prohibited. Watering of parks, school grounds and recreational fields is prohibited except for plant materials classified as rare, exceptionally valuable or essential to the well being of rare animals.

F. Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts patios or other paved areas except to alleviate immediate fire or sanitation hazards.

G. Restaurants shall not serve water to customers unless specifically requested.

H. Ornamental fountains and similar structures shall not be operated.

I. New construction meters and permits for unmetered service shall not be issued. Construction water shall not be used for earth work or road construction purposes.

J. The use of non-reclaimed and non-recycled water by commercial car washes shall be reduced in volume by 50%.

K. The use of water for commercial manufacturing or processing purposes shall be reduced in volume by 50%.

L. Water shall not be used for air conditioning purposes.

**§ 9.35.165 Relief From Water Conservation Measures.**

A. Within 15 days of the effective date of a resolution declaring the water conservation phase, any water user may apply to the Director for relief from the applicable water conservation measures. Applications shall be filed on a city-provided form and shall be accompanied by an application fee in an amount set by city council resolution.

B. The Director may approve, conditionally approve or deny an application for relief from water conservation measures. In making such determination, the Director shall consider the following factors:

1. Whether additional reduction in water consumption will result in unemployment.
2. Whether additional persons have been added to the household.
3. Whether additional landscaped property has been added to the property since the corresponding billing period of the prior calendar year.
4. Changes in vacancy factors in multi-family housing.
5. Increased number of employees in commercial, industrial and governmental offices.
6. Increased production requiring increased process water.
7. Water uses during new construction.
8. Adjustments to water use caused by emergency health or safety hazards.
9. First filling of a permit-constructed swimming pool.
10. Water use necessary for reasons related to family illness or health.
11. Whether the applicant has achieved the maximum practical reduction in water consumption other than in the specific areas for which relief is sought.

C. The decision of the Director shall be final.

**§ 9.35.170 Enforcement of Water Conservation Requirements.**

A. The penalties set forth in this section shall be exclusive and not cumulative with any other provision of this code.

B. Violation of water conservation measures shall be penalized as follows:

1. *First violation:* the Director shall issue a written notice.

2. *Second violation during a water conservation phase:* the Director shall impose a surcharge in an amount equal to 15% of the violator's water bill.

3. *Subsequent violations during a water conservation phase:* the Director shall install a flow restricting device of one gallon per minute capacity for services up to 1.5 inches size, and a comparatively sized restrictor for larger service, on the service of the violator at the premises at which the violation occurred for a period of not less than 48 hours. The Director shall charge the water user the actual costs of installation and removal of the device and for restoration of normal service. Normal service shall not be restored until all the account has been made current and all charges have been paid.

C. Any person receiving a notice of second or subsequent violation may request a hearing by the Director by filing a written appeal with the city clerk within 15 days of the date of such notice. The appeal fee shall be in an amount set by city council resolution. A timely request for a hearing shall stay the installation of a flow-restricting device on the appellant's premises until a decision has been made on the appeal. If the Director determines that the surcharge was incorrectly assessed, the city shall refund any money deposited by the customer. The Director's decision on the appeal shall be final.

SECTION 2. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part thereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance or any part hereof. The City Council of the City of Seal Beach hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Seal Beach at a meeting thereof held on the 8th day of June, 2009.

Gordon A. Shanks  
Mayor

ATTEST:

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City Clerk

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } SS  
CITY OF SEAL BEACH }

I, Linda Devine, City Clerk of the City of Seal Beach, California do hereby certify that the foregoing Ordinance was introduced for first reading at a meeting held on the 11th day of May, 2009 and was passed, approved and adopted by the City Council at a meeting held on the 8th day of June, 2009 by the following vote:

AYES: Councilmembers: Antos, Levitt, Miller, Shanks, Sloan

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None

And do hereby further certify that Ordinance Number 1586 has been published pursuant to the Seal Beach City Charter and Resolution Number 2836.

Linda Devine  
City Clerk