

ORDINANCE NO. 09-1973

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF COVINA, CALIFORNIA AMENDING TITLE 13 OF THE COVINA
MUNICIPAL CODE PERTAINING TO WATER SERVICES PROVIDED
BY THE CITY AND WATER CONSERVATION**

THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1: Chapter 13.06 of Title 13 of the Covina Municipal Code is hereby added
to read as follows:

“Chapter 13.06

WATER CONSERVATION”

Sections:

13.06.010	Purpose and Intent
13.06.020	Definitions
13.06.030	Application
13.06.040	Permanent Water Conservation Requirements – Prohibition Against Waste
13.06.050	Level 1 Water Supply Shortage
13.06.060	Level 2 Water Supply Shortage
13.06.070	Level 3 Water Supply Shortage – Emergency Condition
13.06.080	Declaration and Notification of Water Supply Shortage
13.06.090	Hardship Waiver
13.06.100	Penalties and Violations

13.06.010 Purpose and Intent. A. The purpose of this chapter is to establish a water conservation and supply shortage program that will reduce water consumption within the city of Covina’s jurisdiction through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the city of Covina to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.

B. This chapter establishes permanent water conservation standards intended to alter behavior related to water use efficiency at all times and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.

13.06.020 Definitions. The following words and phrases whenever used in this chapter shall have the meaning defined by this section:

A. "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, including all agencies and departments of the city of Covina or any other user of water provided by the city of Covina.

B. "Landscape irrigation system" means an irrigation system with pipes, hoses, tubing, spray heads, or sprinkling devices that are operated by hand or through an automated system.

C. "Large landscaped areas" means a lawn, landscape, or other vegetated area, or combination thereof, equal to or greater than one (1) acre of irrigable land.

D. "Single pass cooling systems" means equipment where water is circulated only once to cool equipment before being disposed.

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

F. "Recycled water" means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations.

G. "Billing unit" means the unit of water used to apply water rates for purposes of calculating water charges for a person's water usage and equals 100 cubic feet of water.

13.06.030 Application. A. The provisions of this chapter apply to any person in the use of potable water provided by the city of Covina.

B. The provisions of this chapter do not apply to the following:

1. Uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services.

2. The use of recycled water, with the exception of Section 13.06.040(A).

3. The use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.

13.06.040 Permanent Water Conservation Requirements – Prohibition Against Waste.

The following water conservation requirements are effective at all times and are permanent. Violations of this Section shall be considered waste and an unreasonable use of water.

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

B. Limit on watering duration. Watering or irrigating of lawn, landscape, or other vegetated areas with potable water using a landscape irrigation system or water device that is not continuously attended is limited to no more than fifteen 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 gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a seventy percent efficiency standard.

C. No excessive water flow or runoff. Watering or irrigating 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 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 days of receiving notice from the city is prohibited.

F. Re-circulating water required for water fountains and decorative water features. Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.

G. 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 the use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing, shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.

H. Drinking water served upon request only. Eating or drinking establishments, including but not limited to a restaurant, hotel, café, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested. This subsection does not apply to permanently installed public drinking fountains.

I. Commercial lodging establishments must provide guests option to decline daily linen services. Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.

J. No installation of single pass cooling systems. Installation of single pass cooling systems is prohibited in buildings requesting new or increased capacity water service.

K. No installation of non-re-circulating in commercial car wash and laundry systems. Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.

L. Restaurants required to use water conserving dish wash spray valves. Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.

M. Commercial car wash systems. Effective on January 1, 2011, all commercial conveyor car wash systems must have installed operational re-circulating water systems, or must have secured a waiver from this requirement from the city.

13.06.050 Level 1 Water Supply Shortage. A. A Level 1 Water Supply Shortage exists when the City Manager or designee thereof determines that due to drought or other water supply conditions, a water supply shortage or threatened water supply 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 of a Level 1 Water Supply Shortage condition, mandatory Level 1 conservation measures identified in this section shall become effective immediately.

B. In addition to the prohibited uses of water identified in Section 13.06.040, the following water conservation requirements shall be in effect during a declared Level 1 Water Supply Shortage:

1. Watering or irrigating of lawn, landscape, or other vegetated area with potable water is limited to three days per week on a schedule establishes and posted by the Director of Public Works. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the Director of Public Works. This subsection does not apply to landscape irrigation zones that exclusively use very low-flow drip irrigation systems when no emitter uses more than two gallons of water per hour. This subsection also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing, shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

2. All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two hours of notification by the city unless other arrangements are made with the city.

C. In addition to the prohibited uses of water identified in Section 13.06.040 and the water conservation requirements identified within this subsection, Tier II Water Supply Shortage rates identified within Section 13.12.200 shall be in effect.

Section 13.06.060 Level 2 Water Supply Shortage. A. A Level 2 Water Supply Shortage exists when the City Manager or designee thereof determines that due to drought or other water supply conditions, a water supply shortage or threatened water supply 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 of a Level 2 Water Supply Shortage condition, mandatory Level 2 conservation measures identified in this section shall become effective immediately.

B. In addition to the prohibited uses of water identified in Sections 13.06.040 and 13.06.050, the following additional water conservation requirements shall be in effect during a declared Level 2 Water Supply Shortage:

1. Watering or irrigating of lawn, landscape, or other vegetated area with potable water is limited to two days per week on a schedule establishes and posted by the Director of Public Works. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the Director of Public Works. This subsection does not apply to landscape irrigation zones that exclusively use very low-flow drip irrigation systems when no emitter uses more than two gallons of water per hour. This subsection also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing, shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

2. All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight hours of notification by the city unless other arrangements are made with the city.

3. Filling or re-filling ornamental lakes or ponds is prohibited except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage level.

4. 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 the use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing, 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. Re-filling or more than one foot and initial filling of residential swimming pools or outdoor spas with potable water is prohibited.

C. In addition to the prohibited uses of water identified in Section 13.06.040 and the water conservation requirements identified within this subsection, Tier III Water Supply Shortage rates identified within Section 13.12.200 shall be in effect.

Section 13.06.070 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 Manager or designee thereof declares a water shortage emergency and notifies residents and businesses that a significant reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon declaration of a Level 3 Water Supply Shortage condition, the Director of Public Works will implement the mandatory Level 3 conservation measures identified in this section.

B. In addition to the prohibited uses of water identified in Sections 13.06.040, 13.06.050, and 13.06.060, the following water conservation requirements shall apply during a declared Level 3 Water Supply Shortage Emergency:

1. Watering or irrigating lawn, landscape, or other vegetated area with potable water is prohibited. This restriction shall not apply to the following categories of use, unless the Director of Public Works has determined that recycled water is available and may be applied to the use:

a. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing shut-off nozzle or device.

b. Maintenance of existing landscape necessary for fire protection.

c. Maintenance of existing landscape for soil erosion control.

d. Maintenance of plant materials identified to be rare or essential to the well-being of protected species.

e. Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, or school grounds, provided that such irrigation does not exceed two days per week according to the schedule established in Section 13.06.060(B)(1) and time restrictions in Section 13.06.040(A) and (B).

f. Actively irrigated environmental mitigation projects.

2. All leaks, breaks, or other malfunctions in the water user’s plumbing or distribution system must be repaired within twenty-four hours of notification by the city unless other arrangements are made with the city.

3. Upon declaration of a Level 3 Water Supply Shortage Emergency condition, no new potable water service will be provided, no new temporary meters or permanent meters will be provided, and no statements of immediate ability to serve or provide potable water service, such as will-serve letters, certificates, or letters of availability, will be issued, except under the following circumstances:

- a. A valid, unexpired building permit has been issued for the project; or
 - b. The project is necessary to protect the public health, safety, and welfare, or
 - c. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the Director of Public Works.
- This subsection does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of six months or less.
- 4. The Director of Public Works, in his or her sole discretion, may discontinue service to consumers who willfully violate provisions of this section.
 - 5. Upon the declaration of a Level 3 Water Supply Shortage condition, the city will suspend consideration of annexations to its service area. This subsection does not apply to boundary corrections and annexations that will not result in any increased use of water.

Section 13.06.080 Procedures for notification of water supply shortage. The existence of a Level 1, Level 2 or Level 3 water supply shortage conditions will take effect on the tenth day after the date the shortage is declared. Within five days following the declaration of the shortage level, the Director of Public Works or designee thereof must publish a notice of the declaration of water supply shortage in a newspaper used for publication of official notices, post the notice in the same location and manner as other official notices of the City are posted, and use whatever means are reasonably available, including but not limited to the City’s website, the emergency telephone notification system, and regular billing statements, to notify customers of the shortage declaration.

Section 13.06.090 Hardship waiver. A. 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, the person or property owner may apply for a waiver to the requirements as provided in this section.

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

- 1. Application for waiver must be on a form prescribed by the city and accompanied by a non-refundable processing fee in an amount set by resolution of the Covina city council.
- 2. The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.
- 3. An application for waiver will be denied unless the Director of Public Works finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the city, all of the following:
 - a. The waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;

b. Because of special circumstances applicable to the property or its use, the strict application of this chapter would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally;

c. The authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the city to effectuate the purpose of this chapter and will not be detrimental to the public interest; and

d. The condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent, or general in nature.

4. The Director of Public Works or designee thereof must act upon any completed application no later than ten days after submittal and may approve, conditionally approve, modify, or deny the waiver. The applicant requesting the waiver must be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved, the waiver will apply to the subject property or use during the period of the mandatory water supply shortage condition. The decision of the Director of Public Works may be appealed as provided within the water utility's approved rules and regulations.

Section 13.06.100 Penalties and Violations. A. At the sole discretion of the city, any violation of this chapter may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty days or by a fine not exceeding one thousand dollars, or by both.

B. At the sole discretion of the city, in lieu of prosecution as a misdemeanor, any violation of this chapter may result in a penalty being assessed to a person's water utility bill, as follows:

1. First Violation. The city will issue a written warning and deliver a copy of this ordinance either by mail or by hand delivery to the property.

2. Second Violation. A second violation within the preceding twelve calendar months is punishable by the levying of an assessment of \$50.00 upon the responsible person's water bill.

3. Third Violation. A third violation within the preceding twelve calendar months is punishable by the levying of a non-compliance assessment of \$100.00 upon the responsible person's water bill.

4. Fourth and Subsequent Violations. A fourth and any subsequent violation is punishable by the levying of a non-compliance assessment of \$250.00 upon the responsible person's water bill.

5. Water Flow Restrictor. In addition to or in place of any non-compliance assessments, the city, in its sole discretion, may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and comparatively sized restrictors for larger services forty-eight hours after written notice of intent to install a flow restrictor is issued.

6. Discontinuing Service. In addition to or in place of any non-compliance assessments and/or the installation of a water flow restrictor, the city may, in its sole discretion, disconnect a customer's water service for willful violations of mandatory conservation measures contained within this chapter.

C. A person or entity that violates any of the provisions of this chapter is responsible for payment of the city's charges for installing and/or removing any flow restricting

device and for disconnecting and/or reconnecting service per the city's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device must be paid to the city before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.

D. Each day that a violation of this chapter occurs is a separate offense.

E. A consumer may appeal a Notice of Violation or violation penalty assessment by filing a written appeal as prescribed within the water utility's approved rules and regulations."

Section 2: Deletions. Title 13 of the Covina Municipal Code is hereby amended by deleting Sections 13.04.030 through 13.04.090, 13.04.110, 13.12.040 through 13.12.200, 13.24.015, 13.24.020, 13.24.040, and Chapters 13.08, 13.16, and 13.20 thereof in their entirety.

Section 3: Renumbering. Title 13 of the Covina Municipal Code is hereby amended by renumbering existing Sections, as follows:

A. Existing Section 13.04.100 is renumbered as 13.04.030.

B. Existing Section 13.04.120 is renumbered as 13.04.040.

C. Existing Section 13.24.030 is renumbered as 13.24.020

D. Existing Section 13.24.050 is renumbered as 13.24.030

E. Existing Section 13.24.060 is renumbered as 13.24.040

Section 4: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional or void.

Section 5: Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passes and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local weekly newspaper of general circulation and which is designated for that purpose.

ORDINANCE PASSED AND APPROVED on this 7th day of July, 2009.

Walter Allen, III
Mayor

ATTEST:

Toni Taber
City Clerk

APPROVED AS TO FORM:

City Attorney