

ORDINANCE NO. 2858

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING CHAPTER 40 OF TITLE 14 OF THE GARDEN GROVE MUNICIPAL CODE TO REFLECT RECENT CHANGES IN STATE LAW REGARDING WATER CONSERVATION

**City Attorney Summary**

***This Ordinance amends and updates the City's current Water Conservation Program provisions in Chapter 40 of Title 14 of the Garden Grove Municipal Code to facilitate the implementation of new State-mandated water conservation requirements and regulations.***

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, this Ordinance is enacted pursuant to Section 375 of the California Water Code, and Sections 37100 and 38742 of the California Government Code;

WHEREAS, Article X, Section 2 of the California Constitution and Section 100 of the California Water Code provide that, because of the conditions prevailing in this State, the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of 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 is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare;

WHEREAS, the protection, conservation and management of local and imported water supplies is one of the main functions of the City as a domestic water purveyor, and the City has the power to perform all acts necessary to carry out fully the provisions of California Water Code Section 375, to establish rules and regulations for the distribution and use of water, and undertake a water conservation program to promote efficient water use and reduce water waste;

WHEREAS, wasteful water use practices constitute a potential threat to, and an unacceptable diminution of, the City's water supplies;

WHEREAS, the prevention of water waste is an economically and environmentally feasible way to protect, conserve and prevent unacceptable diminution of the City's water supplies;

WHEREAS, outdoor water use is a primary source of urban runoff, which flows onto the streets, then through storm drains to the beaches and contaminates seawater; it is therefore in the public interest to promote practices that increase water use efficiency, reduce or eliminate runoff;

WHEREAS, contamination, drought or failure of the water system infrastructure may lead to a potable water shortage emergency in the City's water supplies;

WHEREAS, on January 17, 2014, the Governor has declared a state of emergency in response to the State of California's severe drought conditions;

WHEREAS, on July 15, 2014, the State Water Resources Control Board (SWRCB) adopted emergency regulations imposing requirements on urban water suppliers to prohibit certain types of water use;

WHEREAS, on December 9, 2014, the City Council adopted Ordinance No. 2849 amending the City's Water Conservation Program;

WHEREAS, on March 17, 2015, the SWRCB considered and readopted the existing emergency regulation originally adopted on July 15, 2014, with some updates, for an additional 270 days beyond the original April 25, 2015, expiration date. The updated emergency regulation consists of four main types of requirements: a prohibition on certain irrigation practices, restrictions on certain commercial activities, an order for all urban water suppliers to implement mandatory restrictions on outdoor irrigation, and an order for water suppliers with 3,000 or more service connections to provide monthly data on water production, compliance actions, and outdoor water conservation measures being implemented. Concurrently, the SWRCB made a finding that an emergency exists due to severe drought conditions and that adoption of the updated emergency regulation was necessary to address the emergency and that non-emergency regulations cannot timely address the current severe drought emergency;

WHEREAS, on April, 1 2015, the Governor of California issued an Executive Order which requires the State of California to reduce its water consumption by 25% and on June 9, 2015, the SWRCB clarified the reductions and requires the City of Garden Grove to reduce its water consumption by 20% by February of 2016;

WHEREAS, the drought conditions that formed the basis of the Governor's emergency proclamations continue to exist. The present year is critically dry and has been immediately preceded by multiple consecutive below normal, dry, or critically dry years. The drought conditions will likely continue for the foreseeable future;

WHEREAS, the City serves more than 3,000 customers, is an "urban water supplier" as defined in Water Code Section 10617;

WHEREAS, it is necessary and appropriate to update the City's current Water Conservation Program provisions to be consistent with the updated emergency regulations adopted by the SWRCB;

WHEREAS, as required by Water Code Section 375(a), a duly noticed Public Hearing regarding this Ordinance was held on June 23, 2015, and all interested persons were given an opportunity to be heard; and

WHEREAS, it is the intent of the City Council, in enacting this Ordinance, to implement the recently enacted emergency regulations mandated by the State and to provide for the public health, safety, and welfare by discouraging the wasteful use of water in this time of drought.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct and hereby incorporated herein by reference.

SECTION 2: The City Council hereby determines that this Ordinance is categorically exempt from the California Environmental Quality Act ("CEQA"; Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Sections 15301 and 15307 of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.).

SECTION 3: Section 14.40.025 of Chapter 40 of Title 14 of the Garden Grove Municipal Code is hereby amended as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

**14.40.025: Permanent Water Conservation Requirements—  
Prohibition Against Waste**

The following water conservation ***measures apply on a mandatory basis to the use of potable water supplied by the City, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency. These*** requirements shall be effective at all times, including, but not limited to, during the water conservation stages set forth in this Chapter, and are permanent. Violations of this Section will 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 10:00 a.m. and ~~6:00 p.m.~~ ***5:00 p.m.*** Pacific Time on any day, except by use of a hand-water 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 area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) 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 (2) gallons of water per hour and weather-based controllers or stream rotor sprinklers that meet a seventy percent (70%) efficiency standard.
- C. **NO WATER FLOW OR RUNOFF:** Watering or irrigating of any lawn, landscape, or other vegetated area in a manner that causes or allows 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 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.
- E. **NO WASHING VEHICLES WITH HOSE.** Washing autos, trucks, trailers, boats, airplanes, and other types of mobile equipment with a hose is prohibited, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, or a low-volume, high- pressure cleaning machine equipped to recycle any water used.
- F. ***NO WATERING DURING OR WITHIN 48 HOURS AFTER MEASURABLE RAINFALL. Watering or irrigation of lawn, landscape or other vegetated areas during or within 48 hours of rain is prohibited.***
- G. ***IRRIGATION OF LANDSCAPES OUTSIDE OF NEWLY CONSTRUCTED HOMES AND BUILDINGS MUST COMPLY WITH REGULATIONS ESTABLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT. The irrigation with potable water of***

***landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development is prohibited.***

- H. COMMERCIAL LODGING ESTABLISHMENTS MUST PROVIDE CUSTOMERS THE OPTION OF NOT HAVING TOWELS AND LINEN LAUNDERED DAILY.** *Hotels, motels, and other commercial lodging establishments must provide customers the option of not having towels and linens laundered daily.*
- FI. OBLIGATION TO FIX LEAKS, BREAKS, OR MALFUNCTIONS:** Excessive use, loss, or escape of water through breaks, leaks, or other malfunctions in the water users 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 (7) days of receiving notice from the City, is prohibited.
- GJ. 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.
- HK. NO INSTALLATION OF SINGLE PASS COOLING SYSTEMS:** Installation of single pass cooling systems is prohibited in buildings requesting new water service.
- IL. NO INSTALLATION OF NON-RE-CIRCULATING SYSTEMS IN COMMERCIAL CAR WASH AND LAUNDRY OPERATIONS:** Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry operations.

**SECTION 4:** Section 14.40.041 of Chapter 40 of Title 14 the Municipal Code is hereby amended as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

**14.40.041: Stage 1 – Voluntary Conservation – Water Watch**

Stage 1 applies during times of regional drought when, in the spirit of cooperation, the City desires to assist in overall water conservation and water consumption reduction. During Stage 1, the following water

conservation measures shall apply on a voluntary basis ***to the use of potable water supplied by the City, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:***

- A. Lawn watering and landscape irrigation should be limited to once every other day, ~~within the hours authorized in Section 14.40.025(A),~~ ***All such irrigation is prohibited between the hours of 10:00 a.m. and 5:00 p.m. Pacific Time on any day,*** except by use of a hand-water shut-off nozzle or device or a drip irrigation system, as described in Section 14.40.025(B), or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
- B. The washing of autos, trucks, trailers, boats, airplanes, and other types of mobile equipment should be limited to once every other day unless done at a commercial car wash. Such washing, when allowed by this Chapter, shall be done 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, or a low-volume, high-pressure cleaning machine equipped to recycle any water used.
- C. ~~The filling or refilling of swimming pools, spas, ponds, and artificial lakes should be limited to once every other day.~~ ***The use of a pool/spa cover is encouraged to prevent evaporation water loss.***
- D. Restaurants should avoid serving water to their customers unless the customers specifically request it.
- E. ~~It is recommended that ornamental fountains or similar structures not be operated.~~
- FE. The use of water from fire hydrants should be limited to fire fighting, system testing, and related activities for construction activities, or for other activities necessary to maintain the public health, safety, and welfare.

SECTION 5: Section 14.40.042 of Chapter 40 of Title 14 of the Municipal Code is hereby amended as follows (deletions shown in strikethrough, additions shown in ***bold-italics***):

**14.40.042: Stage 2 – Mandatory Conservation – Water Alert**

Stage 2 applies during periods when the probability exists that the City will not be able to meet all of the water demands of its customers **City 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.** During Stage 2, the following water conservation measures shall apply on a mandatory basis, except when reclaimed or recycled water is used **to the use of potable water supplied by the City, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:**

A. Lawn watering and landscape irrigation, including construction meter irrigation, is permitted only on designated irrigation days **Tuesdays and Saturdays.** within the hours authorized in Section 14.40.025(A) For purposes of Stage 2 regulations, a "designated irrigation day" is determined by the last digit in the street address. Properties with addresses ending in an even number may use water for lawns and landscaping on even numbered days, and properties with addresses ending in an odd number may use water for lawns and landscaping on odd numbered days. **All such irrigation is prohibited between the hours of 10:00 a.m. and 5:00 p.m. Pacific Time on any day, except by use of a hand-water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.**

EXCEPTION: Watering is permitted on any day if a hand water shut off nozzle or device, or a drip irrigation system, as described in Section 14.40.025(B), is used or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

B. Agricultural users and commercial nurseries as defined by the Metropolitan Water District Code are exempt from Stage 2 irrigation restrictions, but are required to curtail all non-essential water use. The watering of livestock and irrigation of propagation beds are permitted at any time.

C. Washing of autos, trucks, trailers, boats, airplanes, and other types of mobile equipment is permitted only on designated irrigation days between the hours of 6:00 p.m. and 6:00 a.m. the following morning. Such washing, when allowed, shall be done 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, or a low-

volume, high-pressure cleaning machine equipped to recycle any water used.

EXCEPTIONS: Washing is permitted at any time on the immediate premises of a commercial car wash. Washing also is permitted at any time where the health, safety, and welfare of the public is contingent upon frequent vehicle cleaning, such as with refuse trucks and vehicles used to transport food and perishables.

~~D. Filling or refilling of swimming pools, spas, ponds, and artificial lakes is permitted only on designated irrigation days between the hours of 6:00 p.m. and 6:00 a.m. the following morning.~~ **The use of a pool/spa cover is encouraged to prevent evaporation water loss.**

E. Watering of golf course, parks, schools, grounds, and recreational fields is permitted only **on Tuesdays and Saturdays** between ~~before~~ the hours of 6:00 p.m. **10:00 a.m.** and **after** 6:00 a.m. ~~p.m. the following morning.~~

EXCEPTION: Golf course greens may be watered on any day.

F. The use of water from fire hydrants shall be limited to fire fighting, system testing, and related activities, for construction activities, or for other activities necessary to maintain the public health, safety, and welfare.

G. Restaurants shall not serve water to their customers except when specifically requested.

~~H. The operation of any ornamental fountain or similar structure is prohibited.~~

SECTION 6: Section 14.40.043 of Chapter 40 of Title 14 of the Garden Grove Municipal Code is hereby amended as follows (deletions shown in strikethrough, additions shown in ***bold-italics***):

**14.40.043: Stage 3 - Mandatory Conservation—Water Warning**

A. Stage 3 applies during periods when the ~~City will not be able to meet all of the water demands of its customers~~ ***there is a critical differential between supply and demand and it is determined that demand cannot be reduced sufficiently through Stage 1 and 2 measures to remain within the available supply.*** During Stage 3, the following water conservation measures shall apply except when reclaimed water is used: ***to the use of potable water***



***supplied by the City, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:***

1. Lawn watering and landscape irrigation, including construction meter irrigation, is permitted only on ~~designated irrigation days and only between the hours of 6:00 p.m. and 6:00 a.m. the following morning.~~ For purposes of Stage 3 regulations, the "designated irrigation day" is determined by the last digit in the street address. ~~Properties with addresses ending in an even number may use water on Tuesdays and Saturdays. Properties with addresses ending in an odd number may use water on Wednesdays and Sundays.~~ ***Tuesdays and Saturdays. All such irrigation is prohibited between the hours of 10:00 a.m. and 5:00 p.m. Pacific Time on any day, except by use of a hand-water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.***

2. Agricultural users and commercial nurseries shall use water only ~~between the hours of 6:00 p.m. and 6:00 a.m. the following morning~~ ***before the hours of 10:00 a.m. and after 6:00 p.m.*** The watering of livestock and the irrigation of propagation beds are permitted at any time.

3. Washing of autos, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited.

EXCEPTIONS:

a. Washing is permitted at any time on the immediate premises of a commercial car wash.

b. Washing also is permitted where the public health, safety, and welfare is contingent upon frequent vehicle cleaning, such as with refuse trucks and vehicles used to transport food and perishables. In each such case, washing shall only be permitted by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, or a low-volume, high-pressure cleaning machine equipped to recycle any water used.

4. The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be reduced in volume by 20%.

5. ~~Filling or refilling of swimming pools, spas, ponds, and artificial lakes is permitted only on designated irrigation days between the hours of 10:00 p.m. and 6:00 a.m. the following morning.~~ ***The use of a pool/spa cover is encouraged to prevent evaporation water loss.***

6. The use of water-softening devices is prohibited.

7. Watering golf courses, parks, school grounds, and recreational fields is permitted only ~~between the hours of 6:00 p.m. and 6:00 a.m. the following morning~~ ***on Tuesdays and Saturdays before the hours of 10:00 a.m. and after 6:00 p.m.***

EXCEPTION: Golf course greens may be watered on any day.

8. The use of water from fire hydrants shall be limited to fire fighting, system testing, and related activities, or to other activities necessary to maintain the public health, safety, and welfare.

9. Restaurants shall not serve water to their customers except when specifically requested.

~~10. The operation of any ornamental fountain or similar structure is prohibited.~~

~~11~~**10.** All water leaks shall be repaired immediately.

~~12~~ **11.** New construction meters or permits for unmetered services will not be issued. Construction water shall not be used for earth work or road construction purposes.

B. The prohibited uses of water as described above are not applicable to that use of water necessary for public health, safety, and welfare or for essential governmental services such as police, fire, and other similar emergency services.

SECTION 7: Section 14.40.044 of Chapter 40 of Title 14 of the Garden Grove Municipal Code is hereby amended as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

**14.40.044: Stage 4 - Mandatory Conservation—Water  
Emergency**

A. Stage 4 applies during periods of severe drought and/or when a major failure of any supply or distribution facility, whether temporary

or permanent, occurs in the water distribution system of the State Water Project, the Metropolitan Water District, the Municipal Water District of Orange County, or City facilities. During Stage 4, the following water conservation measures shall apply ***to the use of potable water supplied by the City, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency,*** ~~except when reclaimed or recycled water is used:~~

1. All outdoor irrigation of vegetation is prohibited.
2. The use of water for agricultural or commercial nursery purposes, except for livestock watering, is prohibited.
3. Washing of autos, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited.

EXCEPTION: Such washings are exempted from the above regulation where the health, safety, and welfare of the public is contingent upon frequent vehicle cleaning, such as with refuse trucks and vehicles used to transport food and perishables. In each such case, washing shall only be permitted by use of a hand-held bucket or similar container; a hand-held hose equipped with a positive self-closing water shut-off device; or a low-volume, high-pressure cleaning machine equipped to recycle any water used.

4. The filling, refilling or adding of water to swimming pools, spas, ponds, and artificial lakes is prohibited.
5. The use of water-softening devices is prohibited.
6. Watering of all golf course areas is prohibited. Watering of parks, school grounds, and recreation fields is prohibited, with the exception of plant materials classified as being rare, exceptionally valuable, or essential to the well being of rare or endangered animals, subject to the requirements of Section 14.40.025.
7. The use of water from fire hydrants shall be limited to fire fighting, system testing, or related activities necessary to maintain the public health, safety, and welfare.
8. Restaurants shall not serve water to their customers except when specifically requested.

~~9.~~ The operation of any ornamental fountain or similar structure is prohibited.

~~10-9.~~ New construction meters or permits for unmetered service will not be issued. Construction water shall not be used for earth work or road construction purposes.

~~11-10.~~ The use of water for commercial, manufacturing, or processing purposes shall be reduced in volume by 50%.

~~12-11.~~ No water shall be used for air conditioning purposes.

~~13-12.~~ All water leaks shall be repaired immediately.

B. The prohibited uses of water as described above are not applicable to that use of water necessary for public health, safety, and welfare, or for essential governmental services such as police, fire, and other similar emergency services.

SECTION 8: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 9: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the \_\_\_\_ day of \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS:  
CITY OF GARDEN GROVE)

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on June 23, 2015, with a vote as follows:

AYES: COUNCIL MEMBERS: (4) BEARD, BUI, PHAN, NGUYEN  
NOES: COUNCIL MEMBERS: (0) NONE  
ABSENT: COUNCIL MEMBERS: (1) JONES