

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To: Matthew J. Fertal From: Keith G. Jones  
Dept.: City Manager Dept.: Public Works  
Subject: AMENDMENT AND UPDATE OF THE Date: June 23, 2009  
CURRENT WATER CONSERVATION  
ORDINANCE AND PLAN

OBJECTIVE

To recommend that the City Council approve an amended and updated water conservation ordinance required by the Metropolitan Water District of Southern California (MWD), a water supplier to the City.

BACKGROUND

The City of Garden Grove purchases approximately one third of its water from MWD. The City pumps ground water and pays Orange County Water District (OCWD) for the remainder of its water. Both of these regional water providers have been affected by several years of drought as well as an environmental decision to protect endangered fish. This has resulted in a restricted flow of water from Northern California.

In anticipation of severe water shortage and potential water rationing, MWD has strongly urged local water providers to consolidate, amend and update their existing water conservation ordinance and implementation plan. The amended and updated water conservation ordinance will be required as a qualification for any future MWD grant funding.

DISCUSSION

A key element of the amended water conservation ordinance is the introduction of eight permanent water conservation measures that residents and businesses will be required to follow throughout the year. In the event a more severe stage of water conservation is implemented, more restrictive water conservation measures will replace them. These measures are intended to increase water-use efficiency even in times of plentiful water. These practices will allow a build up of storage supplies for future dry years. The eight permanent measures are as follows:

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- No watering of landscape areas with automatic sprinkling systems between the hours of 10:00 a.m. and 6:00 p.m.
- No watering in excess of 15 minutes per station per day with automatic sprinkler systems unless approved low-flow drip systems or weather based controllers are used.
- No excessive water flow or runoff onto adjoining paved areas will be allowed.
- No washing down hard or paved surfaces.
- Consumers are obligated to fix water leaks, breaks, or malfunctions to their plumbing immediately and in no event will the repair time exceed a period of seven days after receiving a notice by the City to repair the plumbing.
- Re-circulating water is required for fountains and other water decorative features.
- Installation of single pass cooling systems is prohibited in buildings requesting new water service.
- Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry operations.

This ordinance has four stages of response to escalating water shortages. Depending on the severity of water shortage, the City Manager could declare Stage 1, Voluntary Conservation-Water Watch. City Council approval is required for Stage 2, Mandatory Conservation-Water Alert; Stage 3, Mandatory Conservation-Water Warning; and Stage 4, Mandatory Conservation-Water Emergency. At this time, Stage 1, Voluntary Conservation-Water Watch is recommended.

FINANCIAL IMPACT

There is no financial impact to the General Fund.

COMMUNITY VISION IMPLEMENTATION


Amendments and updates to the water conservation ordinance will help to ensure protection of long-term water supply to the benefit, health and safety of the community.

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RECOMMENDATION

It is recommended that the City Council:

- Conduct the first reading of and introduce the amended and updated water conservation ordinance.

  
KEITH G. JONES  
Public Works Director

  
By: David E. Entsminger  
Water Services Manager

**Approved for Agenda Listing**

  
**Matthew Fertal**  
**City Manager**

Attachment: Amended and Updated Water Conservation Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING CHAPTER 40 OF TITLE 15 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO WATER CONSERVATION PROGRAM**

***City Attorney's Summary***

*This ordinance amends and updates the City's current water conservation program to add additional water conservation measures required by the Metropolitan Water District of Southern California, a water supplier to the City.*

**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; and

WHEREAS, as required by Water Code Section 375(a), a public hearing was held and this ordinance was considered for action by the City Council at a regularly scheduled and noticed meeting. The agenda was posted in accordance with Section 54950 et seq. of the California Government Code with opportunity for public review in advance of the meeting and public comment during consideration of the ordinance by the Council; and

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. 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; and

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

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; and

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

WHEREAS, based upon the above findings, the City Council finds that the approval of this ordinance is categorically exempt under the California Environmental Quality Act in accordance with 14 California Code of Regulations 15301 and 15307; and

WHEREAS, the purpose of this ordinance is to amend and revise the City's water conservation and water shortage contingency measures.

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

**Section 1.** Chapter 40 of Title 14 of the Garden Grove Municipal Code shall be amended in its entirety to read as follows:

**"CHAPTER 40**

**WATER CONSERVATION PROGRAM**

**Sections:**

- 010: Application**
- 020: Authorization**
- 025: Permanent Water Conservation Requirements – Prohibition Against Waste**
- 030: Mandatory Conservation Phase Implementation**
- 031: Procedure for Declaring the Implementation and/or Termination of Various Water Conservation Stages**
- 032: Announcement of a Water Stage Declaration**
- 040: Water Conservation Stages**
- 041: Stage 1 -- Voluntary Conservation -- Water watch**
- 042: Stage 2 -- Mandatory Conservation -- Water alert**
- 043: Stage 3 --- Mandatory Conservation -- Water warning**
- 044: Stage 4 -- Mandatory Conservation -- Water emergency**
- 050: Notice of Violation**
- 060: Failure to Comply**
- 070: Appeal Procedure**
- 080: Violations**
- 090: Alternative Actions**
- 100: Hardship Waiver**

**Section 14.40.010:            Application**

The provisions of this chapter shall apply to all persons, customers, and property served by city water services.

**Section 14.40.020:            Authorization**

The City Manager or a designated representative is authorized and directed to implement the provisions of this chapter.

**Section 14.40.025: Permanent Water Conservation Requirements – Prohibition Against Waste**

The following water conservation 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. 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 70% efficiency standard.
- (c) **No Excessive Water Flow or Runoff:** Watering or irrigating of any 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 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) **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 (7) 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) **No Installation of Single Pass Cooling Systems:** Installation of single pass cooling systems is prohibited in buildings requesting new water service.

- (h) 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 14.40.030: Mandatory Conservation Phase Implementation**

The city shall monitor the projected supply and demand for water by its customers on a daily basis. The City Manager, with the assistance of the public works director, shall determine the extent of additional conservation required through the implementation and/or termination of particular water conservation stages in order for the city to prudently plan for and supply water to its customers.

**Section 14.40.031: Procedure for Declaring the Implementation and/or Termination of Various Water Conservation Stages**

Based upon the daily monitoring of projected water supply and demand, the City Manager shall recommend the declaration of an appropriate stage of water conservation in accordance with the provisions of this section. A recommendation for implementation of any stage beyond Stage 1 (voluntary compliance--water watch) shall be reported to the city council at its next regular meeting. The city council shall thereupon ratify the declaration, rescind the declaration, or direct the declaration of a different stage. The stage declared and associated regulations shall become effective immediately upon announcement.

**Section 14.40.032: Announcement of a Water Stage Declaration**

The declaration of any water conservation stage beyond Stage 1 shall be made by public announcement or notice. Such announcement or notices shall be published a minimum of three consecutive times in a newspaper of general circulation.

**Section 14.40.040: Water Conservation Stages**

No customer of the city shall knowingly make, cause, use, or permit the use of water supplied by the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner in excess of the amounts authorized by this chapter, or during any period of time other than the periods of time specified in this chapter. At no time shall water be wasted or used unreasonably. The following stages set forth in this chapter shall take effect upon declaration as herein provided.

**Section 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:

- (a) Lawn watering and landscape irrigation should be limited to once every other day, within the hours authorized in Section 14.40.025(a), 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.
- (c) The filling or refilling of swimming pools, spas, ponds, and artificial lakes should be limited to once every other day.
- (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.
- (f) 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 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. During Stage 2, the following water conservation measures shall apply on a mandatory basis, except when reclaimed or recycled water is used.

- (a) Lawn watering and landscape irrigation, including construction meter irrigation, is permitted only on designated irrigation days 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.

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 six p.m. and six 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 six p.m. and six a.m. the following morning.
- (e) Watering of golf course, parks, schools, grounds, and recreational fields is permitted only between the hours of six p.m. and ten a.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 14.40.043: Stage 3 -- Mandatory Conservation -- Water warning**

Stage 3 applies during periods when the city will not be able to meet all of the water demands of its customers. During Stage 3, the following water conservation measures shall apply except when reclaimed water is used:

- (a) Lawn watering and landscape irrigation, including construction meter irrigation, is permitted only on designated irrigation days and only between the hours of six p.m. and six 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.
- (b) Agricultural users and commercial nurseries shall use water only between the hours of six p.m. and six a.m. the following morning. The watering of livestock and the irrigation of propagation beds are permitted at any time.
- (c) Washing of autos, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited.

EXCEPTION:

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

2. 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.

- (d) The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be reduced in volume by twenty percent.
- (e) Filling or refilling of swimming pools, spas, ponds, and artificial lakes is permitted only on designated irrigation days between the hours of ten p.m. and six a.m. the following morning.
- (f) The use of water softening devices is prohibited.
- (g) Watering golf courses, parks, school grounds and recreational fields is permitted only between the hours of six p.m. and six a.m. the following morning.

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

- (h) 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.
- (i) Restaurants shall not serve water to their customers except when specifically requested.
- (j) The operation of any ornamental fountain or similar structure is prohibited.
- (k) All water leaks shall be repaired immediately.
- (l) New construction meters or permits for un-metered services will not be issued. Construction water shall not be used for earth work or road construction purposes.

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 14.40.044: Stage 4 -- Mandatory Conservation -- Water emergency**

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, except when reclaimed or recycled water is used:

- (a) All outdoor irrigation of vegetation is prohibited.
- (b) The use of water for agricultural or commercial nursery purposes, except for livestock watering, is prohibited.
- (c) 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.

- (d) The filling, refilling or adding of water to swimming pools, spas, ponds, and artificial lakes is prohibited.
- (e) The use of water-softening devices is prohibited.
- (f) 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.
- (g) 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.
- (h) Restaurants shall not serve water to their customers except when specifically requested.
- (i) The operation of any ornamental fountain or similar structure is prohibited.
- (j) 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.
- (k) The use of water for commercial, manufacturing, or processing purposes shall be reduced in volume by fifty (50) percent.
- (l) No water shall be used for air conditioning purposes.
- (m) All water leaks shall be repaired immediately.

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 14.40.050:**            **Notice of Violation**

Except as otherwise provided in Section 14.40.090, prior to enforcement, any person who is suspected of violating this chapter shall be given a written notice containing the description of the violation. This person then shall have twenty-four hours to correct the violation.

**Section 14.40.060:**            **Failure to Comply**

Except as otherwise provided in Section 14.40.090, for the first failure to comply, the city may immediately install a flow restricting device in the customer's water service line for a period not less than forty-eight hours and until the customer satisfies the city that failure to comply will not continue. The customer shall pay fifty dollars for installing and removing the flow restricting device prior to the removal of the device.

Except as otherwise provided in Section 14.40.090, for the second or subsequent failure to comply with this chapter, the city may discontinue water service for a period of not less than twenty-four hours and until the customer satisfies the city that failure to comply will not continue. The customer shall pay one hundred fifty dollars for restoration of water service, prior to the restoration of water service.

**Section 14.40.070:**            **Appeal Procedure**

Except as otherwise provided in Section 14.40.090, a customer shall have the right to appeal by filing a written request for appeal within five days with the City Manager or its designee. Within ten days after receipt of a request, a written decision shall be issued. The decision of the City Manager or its designee shall be final.

**Section 14.40.080:**            **Violations**

Any person violating any provision of this chapter or failing to comply with any of the mandatory requirements of this chapter, is guilty of a misdemeanor, regardless of whether a flow restricting device is installed. If, after any order of the city made pursuant to this chapter has become final, the person to whom such order is directed shall fail, neglect, or refuse to obey the order, the person shall also be guilty of a misdemeanor. Violation of any city order issued pursuant to this chapter shall constitute an offense separate from each and every other violation of this chapter. Any person violating any provision of this chapter or any such city order, shall be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued or permitted by any person.

**Section 14.40.090:**            **Alternative Actions**

Nothing in the foregoing sections shall be construed to (1) prevent the filing of a criminal action, or a civil court action or to enjoin any violations, pursuant to applicable law, if deemed legally appropriate by the city attorney; (2) prevent the issuance of administrative citations/ fines authorized by this code; or (3) prevent the city from pursuing any other process or action authorized by law.

**Section 14.40.100:            Hardship Waiver**

- (a) **Undue and Disproportionate Hardship:** 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, then the person may apply for a waiver to the requirements as provided in this section.
  
- (b) **Written Finding:** 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:** Application for a waiver must be on a form prescribed by the city and accompanied by a non-refundable processing fee in an amount set by City Council resolution.
  
  - 2. **Supporting Documentation:** The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant, setting forth the basis for and containing all information supporting the waiver application.
  
  - 3. **Required Findings for Waiver:** An application for a waiver will be denied unless the City Manager or his/her designee 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 or its agent, all of the following:
    - i. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;
  
    - ii. That 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;
  
    - iii. That the authority 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
  
    - iv. That 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. **Approval Authority:** The City Manager or his/her designee shall act upon any completed application no later than ten (10) days after submittal and may approve, conditionally approve, 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 during the period of the mandatory water supply shortage condition. The decision of the City Manager or his/her designee shall be final.

**Section 2. Severability.** 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.