

ORDINANCE NO. 15-0008

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH  
AMENDING CHAPTER 7.44 OF THE MANHATTAN BEACH  
MUNICIPAL CODE REGARDING WATER CONSERVATION

WHEREAS, on January 17, 2014, Governor Edmund G. Brown Jr. declared a state of emergency in California due to severe drought conditions and called on all Californians to reduce water usage by twenty percent.

WHEREAS, on April 25, 2014, Governor Brown issued an executive order finding that the continued drought conditions present urgent challenges and called for additional action to address the impacts of the drought.

WHEREAS, on July 15, 2014, the State Water Resources Control Board adopted emergency water conservation regulations (23 California Code of Regulations Section 865), which require urban water suppliers to implement certain water conservation measures in their water shortage contingency plans, including restrictions on outdoor irrigation.

WHEREAS, on March 17, 2015, the State Water Resources Control Board revised and extended the emergency water conservation regulations.

WHEREAS, on April 1, 2015, Governor Brown issued Executive Order B-29-15 that, among other things, directs the State Water Resources Control to impose restrictions to achieve a statewide 25 percent reduction in potable urban usage through February 2016.

WHEREAS, on May 5, 2015, the State Water Resources Control Board approved revised emergency water conservation regulations in order to implement Executive Order B-29-15.

WHEREAS, the City of Manhattan Beach ("City") is an urban water supplier, as defined in Water Code Section 10617, and is required to comply with the State Water Board's emergency water conservation regulations.

WHEREAS, the City has codified the water conservation measures in its water shortage contingency plan at Chapter 7.44 of the Manhattan Beach Municipal Code.

WHEREAS, the City Council wishes to have authority to implement and fairly enforce the water conservation measures identified in Chapter 7.44 of the Manhattan Beach Municipal Code as necessary to ensure a stable and reliable water supply for residents and businesses and to help the State address the ongoing drought.

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

**Section 1.** The City Council hereby amends Chapter 7.44 (“Water Conservation”) of Title 7 (“Public Works”) of the Manhattan Beach Municipal Code in its entirety to read as follows:

**“7.44.010 – General prohibition.**

- A. No person shall cause, use, or permit the use of water from the City water system in a manner contrary to any provision of this Chapter.
- B. No person shall cause, use, or permit the use of water from the City water system in excess of any limit established by the City Council by resolution.

**7.44.020 – Permanent water conservation measures.**

The following water conservation requirements shall apply to all persons within the City of Manhattan Beach:

A. Landscape.

1. Watering Hours. No lawn or landscape area shall be spray irrigated between the hours of 9:00 a.m. and 6:00 p.m. on any day. This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.

2. Irrigation Overspray and Runoff. Water shall not spray or flow to any impermeable private or public surface, including but not limited to, walkways, driveways, sidewalks, alleys, streets, or storm drains.

3. Water Drift. No sprinklers, fountains or other water features shall be operated when winds are so high as to create water drift causing runoff or flow to any impermeable private or public surface, including, but not limited to, walkways, driveways, sidewalks, alleys, streets, or storm drains.

4. Over-Irrigation. It is prohibited to water or irrigate lawns, turf or other landscape beyond saturation causing runoff or flow to any impermeable private or public surface, including, but not limited to, walkways, driveways, sidewalks, alleys, streets, or storm drains.

5. Irrigation During/After a Rain Event. It is prohibited to water or irrigate any landscaping within 48 hours of a one-tenth of an inch (0.10") or greater rainfall event.

B. Cleaning. No person shall:

1. Use water to wash, clean or clear any sidewalks, streets, walkways, patios, driveways, alleys or parking areas, whether paved or unpaved, with a

hose connected to a domestic water source unless through use of a water broom or pressure washer.

2. Wash or clean with water any vehicle, including, but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or unmotorized, except by use of a hand-held bucket or similar container or a hose equipped with a positive action quick release shutoff valve or nozzle. This subsection shall not apply to any commercial car washing facility which utilizes a recycling system to capture or reuse water.

C. Water Features and Water Recreation Facilities. No person shall:

1. Fill any water feature such as a fountain, pond, lake or water display unless the water feature is constructed with a water recirculation system.

2. Fill any water recreation facility such as a hot tub, spa, permanent swimming or wading pool unless the water recreation facility is constructed, installed or equipped with a cover to reduce water loss due to evaporation.

D. Waste, Ponding and Leaks. No person shall:

1. Cause, permit or allow water to leak from any exterior or interior pipe, hose or plumbing fixture of any kind whatsoever.

2. Cause, permit or allow water to flow from any source on private or public property into gutters, streets, alleys or storm drains, except as a result of rainfall or excessive groundwater from a private sump pump or from a nonpotable source of water.

3. Cause, permit or allow water from any source to pond on private or public property, except as a result of rainfall.

4. Cause, permit or allow water to flow from any source on private or public property without beneficial use.

E. Eating and Drinking Establishments.

1. All eating and drinking establishments of any kind whatsoever including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall only provide drinking water to any person upon receipt of an express request.

2. All food service businesses shall install water conserving pre-rinse nozzles.

F. Hotels, Motels, Bed and Breakfast.

1. All hotels, motels and bed and breakfast establishments shall provide customers the option of choosing not to have towels laundered daily. Each establishment shall prominently display notice of this option in each bathroom and sleeping room using clear easily understood language.

2. All guest room toilets shall be low flow toilets utilizing the best available technology at the time of installation.

G. Carwashes. All carwash systems shall use water recirculation systems.

H. Commercial Establishments in General.

1. All nonresidential buildings in the City shall maintain:

a. Public toilets and urinals with best available technology low flow toilets and urinals.

b. Water efficient dishwashers.

2. Water efficient washing machines shall be installed upon replacement of existing or acquisition of new washing machines in nonresidential buildings.

I. Hoses. No person shall allow water to flow freely from a hose that is not equipped with a positive action quick release shutoff valve or nozzle.

J. Landscape Irrigation – 1.) New Construction - Irrigation with potable water outside of newly constructed homes and buildings shall be delivered by drip or microspray irrigation systems for irrigation projects submitted for City review on July 1, 2015 or after; 2.) New Landscape Irrigation – Irrigation with potable water of new landscape, not associated with new construction, shall be delivered by drip or microspray irrigation systems for irrigation projects submitted for City review on July 1, 2015 or after.

K. Exceptions. The provisions of this section are not applicable to the uses of water that are necessary to protect public health and safety or for essential services, such as police, fire, and other similar emergency services. The provisions of this section also do not apply to non-potable water, such as recycled or reclaimed water.

#### **7.44.030 – Drought restrictions.**

In addition to the permanent water restrictions set forth in Section 7.44.020, the City Council may impose the following restrictions after a public hearing, notice of which shall be published not less than 10 days before the hearing in a newspaper of general circulation within the City:

A. Stage 1 Water Shortage. Upon declaration of a Stage 1 Water Shortage, the following restrictions shall apply to the use of water from the City's water system:

1. Landscape irrigation using potable water shall be limited to no more than 15 minutes per watering zone per watering day.

2. Landscape watering with potable water shall be limited to three times per week between:

a. 6:00 p.m. on Monday and 9:00 a.m. the following Tuesday;

b. 6:00 p.m. on Wednesday and 9:00 a.m. the following Thursday; and

c. 6:00 p.m. on Saturday and 9:00 a.m. the following Sunday.

3. This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.

B. Stage 2 Water Shortage. Upon declaration of a Stage 2 Water Shortage, the following restrictions shall apply to the use of water from the City's water system:

1. No landscape watering with potable water unless a timed sprinkler system is installed or watering is done with a handheld device.

2. Landscape watering with potable water shall be limited to two times per week for not more than 15 minutes per watering zone from:

a. 6:00 p.m. on Wednesday and 9:00 a.m. the following Thursday; and

b. 6:00 p.m. on Saturday and 9:00 a.m. the following Sunday.

3. This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.

C. Stage 3 Water Shortage. Upon declaration of a Stage 3 Water Shortage, the following restrictions shall apply to the use of water from the City's water system:

1. Washing of vehicles is prohibited, except at commercial car washes or by mobile high pressure/low volume commercial services.

2. Landscape watering with potable water shall be limited to one time per week for not more than 15 minutes per watering zone as follows:

a. Even numbered addresses from 6:00 p.m. on Wednesday to 9:00 a.m. the following Thursday; and

b. Odd numbered addresses from 6:00 p.m. on Friday to 9:00 a.m. the following Saturday.

3. This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.

D. Stage 4 Water Shortage. Upon declaration of a Stage 4 Water Shortage, the following restrictions shall apply to the use of water from the City's water system:

1. Washing of vehicles is prohibited, except at commercial car washes or by mobile high pressure/low volume commercial services.

2. Home reverse osmosis treatment units and water softeners shall be disconnected or turned off.

3. Watering of nonpublic playing fields with potable water is prohibited.

4. Landscape watering with potable water shall be limited to one time per week only by drip irrigation, hand held hoses, or if reclaimed water is utilized as permitted by law as follows:

a. Even numbered addresses from 6:00 p.m. on Wednesday to 9:00 a.m. the following Thursday, and

b. Odd numbered addresses from 6:00 p.m. on Friday to 9:00 a.m. the following Saturday.

5. This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.

E. Stage 5 Water Shortage or Above. Upon declaration of a Stage 5 Water Shortage, the following restrictions shall apply to the use of water from the City's water system:

1. Washing of vehicles is prohibited, except at commercial car washes or by mobile high pressure/low volume commercial services.

2. Home reverse osmosis treatment units and water softeners shall be disconnected or turned off.

3. Filling of residential swimming pools or spas with potable water is prohibited.

4. Landscape irrigation with potable water is prohibited, except with a watering can using water captured from indoor use.

5. Any additional water conservation measures adopted by the Director of Public Works or his or her designee deemed necessary for the preservation of public health, safety, and welfare.

6. This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.

F. Exceptions. The provisions of this section are not applicable to the uses of water that are necessary to protect public health and safety or for essential services, such as police, fire, and other similar emergency services. The provisions of this section also do not apply to non-potable water, such as recycled or reclaimed water.

#### **7.44.040 – Penalties.**

A. The city prosecutor, any peace officer or city code enforcement officer shall have the authority to enforce the provisions of this chapter.

B. Notice of First Violation. The City shall issue a written notice to a violator of a first violation and provide the violator with a period of seven days to correct the violation.

C. A failure to timely correct a first violation and all subsequent violations of this Chapter shall constitute an infraction and may, at the City's discretion, be punishable by a fine of not more than One Hundred (\$100.00) Dollars for a first violation, a fine of not more than Two Hundred (\$200.00) Dollars for a second violation of the same provision of this chapter within one year, or a fine of not more than Five Hundred (\$500.00) Dollars for each additional violation of the same provision of this chapter within one year. Any offense that would otherwise constitute an infraction shall be deemed a misdemeanor if a defendant has been convicted of two or more prior violations of this Chapter within the 12-month period immediately preceding the commission of the offense. Each day that a violation occurs shall constitute a separate offense.

D. Punishment under this chapter shall not preclude punishment pursuant to any provision of state law pertaining to water conservation or any other remedies, penalties or procedures provided by law.

#### **7.44.050 – Relief from compliance.**

A. Within 20 days after the date of a first notice of violation, a person may file an application for relief from any provision of this Chapter. The City Manager or his or her designee shall grant, conditionally grant, or deny the application.

B. In determining whether to grant relief and the nature of any relief, the City Manager or his or her designee shall take into consideration all relevant factors including, but not limited to, the following:

1. Water uses during construction; and
2. Adjustments to water use caused by emergency health or safety hazards.

#### **7.44.060 – Conflict of Laws.**

The provisions of this Chapter are intended to supplement and be in addition to any other adopted building code or regulation contained in Title 9 of this Code. In the event of a conflict, the provisions of Title 9 shall prevail over the provisions of this Chapter.”

**Section 2.** **CEQA Finding.** The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. It is, therefore, exempt from California Environmental Quality Act review pursuant to Section 15061(b)(3) of the CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000 *et seq.*). In addition, this Ordinance is exempt under CEQA Guidelines Sections 15307 and 15308 because the Ordinance amends the City’s water conservation regulations in a manner that would protect natural resources and the environment.

**Section 3.** If any part of this Ordinance or the application thereof to any person or circumstances is for any reason held invalid by a court of competent jurisdiction, the validity of the remainder of this Ordinance or the application of such provision to other persons or circumstances shall not be affected.

**Section 4.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

**Section 5.** This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.



PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ of \_\_\_\_\_, 2015.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
WAYNE POWELL  
Mayor

ATTEST:

\_\_\_\_\_  
LIZA TAMURA  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
QUINN M. BARROW  
City Attorney