

ORDINANCE NO. 09-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING CHAPTER 13.04 (ORDINANCE 538) OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO WATER CONSERVATION

THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

**SECTION 1. Findings**

1. A reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the southern California region.
2. Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, climate change, environmental concerns, and other factors in other parts of the State and western United States, make the region highly susceptible to water supply reliability issues.
3. Careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs.
4. Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, water or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.
5. Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.
6. The adoption and enforcement of water conservation and supply shortage program is necessary to manage the City of Los Alamitos's potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the City of Los Alamitos. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

**SECTION 2. Exemption from California Environmental Quality Act**

The City Council hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.), because pursuant to State CEQA Regulation 15307 (14 Cal. Code Regs., § 15307), this Ordinance is covered by the CEQA Categorical

Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of this Ordinance will result in the enhancement and protection of water resources in the City, and will not result in cumulative adverse environment impacts. It is therefore exempt from the provisions of CEQA. The City Council hereby directs the City Manager or designee to prepare and file a Notice of Exemption as soon as possible following adoption of this Ordinance.

**SECTION 3.** Chapter 13.04 of the Los Alamitos Municipal Code hereby is amended in full and shall read as follows:

**Chapter 13.04 - Water Conservation.**

- 13.04.010 Definitions.
- 13.04.020 Applicability.
- 13.04.030 Exceptions to Provisions.
- 13.04.040 Water User Responsibility
- 13.04.050 Conservation measures.
- 13.04.060 Adequate Water Supply Conditions – Permanent Measures
- 13.04.070 Stage 1 Water Shortage – Restrictions to take effect
- 13.04.080 Stage 2 Water Shortage – Restrictions to take effect
- 13.04.090 Stage 3 Water Shortage – Restrictions to take effect
- 13.04.100 General provisions
- 13.04.110 Failure to Comply —Violations and penalties.

**13.04.010 - Definitions.**

For the purpose of this chapter, the following definitions shall apply:

1. "City Council" means the City Council of the City of Los Alamitos
2. "Conservation Offset" means the implementation of proven conservation techniques which, when installed, will result in no additional demand on water supplies.
3. "Customer" means any person, persons, association, corporation, or governmental agency supplied and/or billed for water service by Golden State Water.
4. "Graywater" means untreated household wastewater which has not come into contact with toilet waste. Graywater includes used water from bathtubs, showers, bathroom wash basins, and clothes washing machines.
5. "Potable Water" means water which is suitable for drinking.
6. "Recycled Water" means treated domestic water (effluent) from a wastewater treatment plant that is suitable for a direct beneficial use or a controlled use that would not otherwise occur.

7. "Single Pass Cooling Systems" means equipment where water is circulated only once to cool equipment before being disposed.
8. "Water Shortage" means a determination by the City in consideration of the existing conditions of water production and/or an announcement by any state water agency, the Metropolitan Water District of Southern California, or any of its water suppliers.
9. "Excess runoff" means water accumulation on streets, gutters, neighboring properties or other areas in an amount sufficient to cause flow.

#### **13.04.020 - Applicability.**

The provisions of this chapter apply to all water users, water users being those persons, customers and property served within the incorporated boundaries of the City.

#### **13.04.030 - Exceptions to Provisions.**

- A. None of the restrictions outlined in this chapter shall apply to the following:
- B. The routine and necessary use of water by a government entity in pursuit of its functions for protecting the public health, safety and welfare. This exception does not apply to landscape irrigation by a government agency.
- C. The necessary use of water for the routine maintenance and/or repair of water distribution facilities, residential and commercial plumbing and existing landscape irrigation systems.
- D. The prohibited uses set forth in this subsection do not apply to Graywater. This provision shall not be construed to authorize the use of Graywater if such use is otherwise prohibited by law.

#### **13.04.040 - Water User Responsibility.**

Water users are deemed to have under control at all times their water distribution systems and facilities and to know the manner and extent of their water use and excess run-off.

#### **13.04.050 - Conservation Measures.**

- A. The City shall periodically monitor the water supply and demand in the City by regular communication with its water supply sources. Upon notification from its water suppliers that a drought or other condition exists of sufficient magnitude and duration to reasonably cause conservation measures to be enforced, the City Council by resolution may implement the conservation measures set forth in Section 13.04.070, 13.04.080 and 13.04.090 and make

such measures mandatory upon all water users in the City. In such event, the penalty provisions of Section 13.04.110 shall be imposed.

- B. Implementation of the provisions of Section 13.04.070 as mandatory measures shall be accomplished as follows:
1. The City Council shall, at a regular or special meeting, review the status of the supply of water in the City and upon its reasonable determination that a drought or other condition exists of sufficient magnitude and duration to cause mandatory enforcement, it shall declare the provisions of Section 13.04.070 mandatory. The determination shall be made by public announcement and shall be published three consecutive times in a newspaper of general circulation in the City.
  2. The conservation measures shall become effective immediately after the Council determination.
  3. At such time as the City Council determines there is a sufficient supply of water to meet the City's demands, it shall repeal its determination and such repeal shall be publicized in the same manner as the implementation.

#### **13.04.060 - Adequate Water Supply Conditions – Permanent Conditions.**

The following activities are hereby prohibited at all times:

- A. Allowing irrigation water to run off into a gutter, ditch, drain, driveway, and sidewalk, street or onto pavement or other hard surface.
- B. Outdoor irrigation of landscape for more than fifteen (15) minutes of watering per day, per station. The restriction does not apply to landscapes that utilize drip irrigation systems.
- C. Watering between the hours of 9 a.m. and 5 p.m. daily.
- D. Automated irrigation of landscape during the hours of 6 a.m. to 8 p.m. Customers are encouraged to avoid the use of sprinklers on windy days. Irrigation by hand held hoses with automatic shutoff nozzles, drip irrigation or hand held buckets is permitted anytime.
- E. Outdoor irrigation of landscape on rainy days.
- F. Washing down hard or paved surfaces, including but not limited to, sidewalks, walkways, driveways, parking areas, patios, and alleys, except when necessary to alleviate safety or sanitary hazards.
- G. Excess use, loss or escape of water through breaks, leaks, or other malfunctions in the plumbing system or distribution system for any period of

time after such escape of water should have reasonably been discovered and corrected.

- H. Washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment unless done with a hand held bucket or hand held hose equipped with a positive shutoff nozzle for quick rinses.
- I. Restaurant serving water to their customers, except when specifically requested by the customers.
- J. Operating a decorative water fountain or feature, built or installed after the adoption of this ordinance, that does not include re-circulated water.
- K. Operating a commercial car wash or laundry, built or installed after the adoption of this ordinance, that does not use re-circulated water.
- L. Operating a single pass cooling system built or installed after the adoption of this ordinance.
- M. Not repair leaks within 7 days of notice.
- N. For hotels to provide daily linen service without offering a waiver option to guests.

#### **13.04.070 - Stage 1 Water Shortage, Restrictions to take effect.**

The following additional measure shall take effect upon a declaration by the City Council that needed supplies are anticipated to be reduced approximately 10% or less. Upon this declaration, the following restrictions shall apply to all users of water.

- A. Restaurants must use water conserving dish spray nozzles.
- B. Ornamental lakes and ponds shall not be filled or refilled with potable water except to the extent needed to sustain aquatic life.
- C. Outdoor irrigation of landscape with potable water will only be allowed three days a week.
- D. Fix leaks within 72 hours.

#### **13.04.080 - Stage 2 Water Shortage - Restrictions to take effect.**

In the event that City Council determines that the measures outlined in Sections 13.04.060 and 13.04.070 do not produce a sufficient reduction in demand, or if the estimated needed supplies are reduced approximately ten (10%) percent to twenty (20%) percent, then the following additional restrictions shall be implemented.

- A. Outdoor irrigation of landscaping with potable water will only be allowed two (2) days a week
- B. Fix leaks within 48 hours
- C. No filling of lakes/ponds
- D. Wash vehicles only at car wash system

**13.04.090 - Stage 3 Water Shortage - Restrictions to take effect.**

In the event that City Council determines that the measures outlined in Sections 13.04.070 and 13.04.080 do not produce a sufficient reduction in demand, or if the estimated needed supplies are reduced approximately twenty (20%) percent or more, then the following additional restrictions shall be implemented.

- A. Potable water service will not be provided to new land development projects except under the following circumstances:
  - 1. A valid building permit has been issued for the project, or
  - 2. The project is necessary to protect public health, safety, and welfare, or
  - 3. The application provides evidence that the project will not include conservation offsets prior to provision of new water service.

**13.04.100 - General Provisions.**

- A. Recycled water shall be used instead of potable water for landscape irrigation construction, dust control, and other approved uses to the extent feasible where recycled water is available to supply all or some of the water demand.
- B. All restrictions resulting from any water shortage stage shall remain in effect with each successive and more severe water shortage stage until such time that the City Council changes a particular restriction or declares that drought conditions no longer exist.
- C. Additional restrictions may be implemented as determined by the City, after notice to users.

**13.04.110 - Notice—Violations and penalties.**

- A. The City Manager, City Building Official, Code Enforcement Officer or law enforcement officer shall give a first-time and second-time violator of this title a warning notice of the violation. Upon a third and subsequent violations, the violator shall receive a citation and fine.

B. The first and second warning notice shall specify the nature of the violation, the date on which they occurred and the corrective measures to be taken. Upon a third violation, the water user shall be charged with an infraction and shall upon conviction be subjected to the following fines:

1. Fifty dollars (\$50.00) for the first conviction;
2. One hundred dollars (\$100.00) for the second conviction;
3. Two hundred dollars (\$200.00) for the third conviction, provided, however, the third and subsequent conviction shall be charged as a misdemeanor.

**SECTION 4.** Severability - if any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is 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, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 5.** The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of December, 2009.

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Troy D. Edgar, Mayor

ATTEST:

\_\_\_\_\_  
Jeffrey L. Stewart, City Clerk

APPROVED AS TO FORM:

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Sandra J. Levin, City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF ORANGE            ) ss.  
CITY OF LOS ALAMITOS         )

I, Jeffrey L. Stewart, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 09-05 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 16th day of November, 2009, and that thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the \_\_\_\_\_ day of December, 2009, by the following roll-call vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

ABSTAIN:        COUNCIL MEMBERS:

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Jeffrey L. Stewart, City Clerk