

Appendix L – Roseville Municipal Code 14.09



Roseville Municipal Code

Title 14 PUBLIC UTILITIES

Chapter 14.09 WATER CONSERVATION

14.09.010 Short title.

This chapter may be cited as the Water Conservation and Drought Mitigation Ordinance. (Ord. 5311 § 2, 2014; Ord. 2413 § 2, 1991.)

14.09.020 General provisions.

A. Purpose. The purpose of this chapter is to ensure compliance with all federal, state and local requirements relating to water conservation and drought mitigation for the protection of public health, safety and welfare by:

1. Reducing the per capita water consumption throughout the City of Roseville (the “city”) during years of normal precipitation and during years of drought;
2. Protecting and conserving the city’s supply of water during specified times of emergency and/or crisis;
3. Minimizing and/or eliminating the waste of water through voluntary compliance or punitive action, if necessary;
4. Promoting the use of drip irrigation and other low volume irrigation methods that reduce outdoor water use by applying water more efficiently than traditional irrigation methods;
5. No person shall use, or cause to be used, any city water for landscape irrigation between the hours of 10:00 a.m. and 8:00 p.m., unless the city manager, or designee provides prior written consent to a different time limitation. A waiver may be granted for turf areas if the landscape contains too many irrigation valves to complete an irrigation event within the watering window.
6. Upon city declaration of a water shortage, the city manager, or designee, may impose revised and/or additional limitations on outdoor water use, as specified in Section 14.09.040, and no person shall use, or cause to be used, city water in violation of such limitations while the water shortage remains in effect.

B. Scope. The provisions of this chapter shall apply to all customers, users and/or recipients (hereinafter “users”) of the city’s potable and recycled water service within the city’s territorial limits.

C. Administration and Enforcement. The city manager, or designee, including, but not limited to, an enforcement officer as defined herein, shall administer, implement, and enforce the provisions of this chapter. For purposes of this chapter an “enforcement officer” means any city employee or agent of the city with the authority to enforce any provision of this chapter and the authority to make any decision on behalf of the city manager required or called for by this chapter.

D. Compliance. All provisions of this chapter are subject to the compliance procedures set forth in this chapter unless otherwise expressly stated herein.

E. Notification. The city manager, or designee, shall determine the means by which the city shall notify its water users of drought stage determinations and any applicable upgrade or downgrade of such determinations or restrictions. Notification may be achieved through mass media, newspaper, public notice, mailings, utility billings or by any combination of such notice, or by other means as determined by

the city manager, or designee. (Ord. 5491 § 1, 2015; Ord. 5311 § 2, 2014; Ord. 4629 § 1, 2008; Ord. 2413 § 2, 1991.)

14.09.030 Definition of water waste.

Any of the following acts or omissions, whether willful or negligent, shall constitute the waste of water:

A. Causing or permitting water to leak, discharge, flow or run to waste into any gutter, sanitary sewer, watercourse or public or private storm drain, or to any adjacent property, from any tap, hose, faucet, pipe, sprinkler, pond, pool, waterway, fountain or nozzle. In the case of irrigation, “discharge,” “flow” or “run to waste”

means that the earth intended to be irrigated has been saturated with water to the point that excess water flows over or through the earth to waste. In the case of washing, “discharge,” “flow” or “run to waste” means that water in excess of that necessary to wash, wet or clean the dirty or dusty object, such as an automobile, sidewalk, or parking area, flows to waste.

B. Allowing water fixtures (including, but not limited to, toilets, faucets, shower heads) or heating or cooling devices to leak or run to waste.

C. Maintaining ponds, waterways, decorative basins or swimming pools without water recirculation devices.

D. Backwashing so as to discharge to waste swimming pools, decorative basins or ponds in excess of the frequency necessary to ensure the healthful condition of the water or in excess of that required by standards for professionally administered maintenance or to address structural considerations, as determined by the city manager, or designee.

E. Operation of an irrigation system that applies water to an impervious surface or that is in disrepair.

F. Use of a water hose not equipped with a control nozzle capable of completely shutting off the flow of water except when positive pressure is applied.

G. Irrigation of landscaping during rainfall or 48 hours after a measurable rain event.

H. Overfilling of any pond, pool or fountain which results in water discharging to waste. (Ord. 5491 § 2, 2015; Ord. 5311 § 2, 2014; Ord. 4629 § 1, 2008; Ord. 3834 § 3, 2002; Ord. 2413 § 2, 1991.)

14.09.040 Water conservation and drought stages.

The following water conservation and drought stages are hereby established:

A. Basic Water Conservation Stage (“Basic Stage”). The basic stage shall exist when the city’s water supply is adequate to meet all projected demands as determined by the city manager, or designee.

B. Stage One Drought. A stage one drought shall exist when the city’s water supply is adequate to meet 90 percent of projected demands as determined by the city manager, or designee. An objective of a stage one drought condition is to reduce water usage up to 10 percent. Water shortage surcharges shall be implemented as set forth in Section 14.08.095.

C. Stage Two Drought. A stage two drought shall exist when the city's water supply is adequate to meet 80 percent of projected demands as determined by the city manager, or designee. An objective of a stage two drought condition is to reduce water usage up to 20 percent. Water shortage surcharges and excess water use charges shall be implemented as set forth in Section 14.08.095.

D. Stage Three Drought. A stage three drought shall exist when the city's water supply is adequate to meet 70 percent of projected demands as determined by the city manager or designee. An objective of a stage three drought condition is to reduce water usage up to 30 percent. Water shortage surcharges and excess water use charges shall be implemented as set forth in Section 14.08.095.

E. Stage Four Drought. A stage four drought shall exist when the city's water supply is adequate to meet 60 percent of projected demands as determined by the city manager or designee. An objective of a stage four drought condition is to reduce water usage up to 40 percent. Water shortage surcharges and excess water use charges shall be implemented as set forth in Section 14.08.095.

F. Stage Five Drought. A stage five drought shall exist when the city's water supply is adequate to meet 50 percent or less of projected demands as determined by the city manager, or designee. An objective of a stage five drought condition is to reduce water usage up to 50 percent. Water shortage surcharges and excess water use charges shall be implemented as set forth in Section 14.08.095. (Ord. 5491 § 3, 2015; Ord. 5311 § 2, 2014; Ord. 4724 § 3, 2009; Ord. 4629 § 1, 2008; Ord. 2413 § 2, 1991.)

14.09.050 Determination of drought staging—Effect of well water.

In determining the water conservation and drought stage in effect, the city manager, or designee, shall take into account only surface water available and able to be delivered from the Bureau of Reclamation and the Placer County Water Agency. Well water shall not be considered. In the event that this would result in a determination of a stage three drought or higher, groundwater wells may be activated to increase the supply to a stage two drought level. However, in no case shall well water be considered as an alternative to declaration of a stage one or stage two drought. (Ord. 5311 § 2, 2014; Ord. 4629 § 1, 2008; Ord. 2413 § 2, 1991.)

14.09.060 Basic stage restrictions.

During the basic water conservation stage, the following restrictions shall be in force:

Water shall be used for beneficial purposes only; all unnecessary and wasteful uses (as defined in Section 14.09.030) of water are prohibited.

A. Water shall be confined to the user's property and shall not be allowed to run off to adjoining properties, or to the roadside or to the gutter. Care shall be taken not to water past the point of saturation.

B. Free-flowing hoses for all uses are prohibited. Automatic shut-off devices shall be attached on any hose or filling apparatus in use.

C. All leaks (including irrigation systems, pipes, fixtures, pools, ponds, fountains and waterways) shall be repaired within five calendar days or less if warranted by the severity of the problem as determined in the discretion of the city manager, or designee.

D. All pools, spas, and ornamental fountains/ponds shall be equipped with a recirculation pump and shall be constructed to be leak-proof. Pool draining and refilling shall be allowed only to the extent

required for health, maintenance, or structural considerations, and must otherwise comply with all applicable federal, state and local stormwater management program requirements, including, but not limited to, the urban stormwater quality management and discharge control ordinance set forth in Chapter 14.20 of Title 14 of the City of Roseville Municipal Code.

E. Landscaping.

1. All landscaping installed in the City of Roseville shall comply with the water efficient landscape requirements adopted by resolution of the city council.

2. Irrigation of new landscaping shall be allowed on any day of the week for a period of 30 days after the new landscaping is planted, unless the city manager, or designee, provides prior written consent to extend this time period based on plant type and the season when the new landscaping is planted. After the 30 days, irrigation days and run times should be decreased to settings appropriate for an established landscape.

3. Upon city declaration of a water shortage, the city manager may impose revised and/or additional limitations on the irrigation of new landscaping, as specified in Sections 14.09.060 through 14.09.100, and no person shall use, or cause to be used, city water in violation of such limitations while the water shortage remains in effect. A waiver may be granted to irrigate during an establishment period for actively used turf areas and/or sports fields. Allowance shall also be made for irrigation testing and repairs.

F. All site reviews shall include an evaluation of using recycled water. Recycled water shall be required if economically feasible. (Ord. 5491 § 4, 2015; Ord. 5311 § 2, 2014; Ord. 4629 § 1, 2008; Ord. 2762 § 1, 1993; Ord. 2413 § 2, 1991.)

14.09.070 Stage one drought restrictions.

During a stage one drought, the following restrictions may be required, as determined by the city manager and upon notification pursuant to Section 14.09.020(E):

A. All basic stage restrictions required by Sections 14.09.030 and 14.09.060 shall continue in place, except to the extent they are replaced by more restrictive conditions imposed by this section.

B. Residential users and non-residential users shall reduce water usage up to 10 percent.

C. Residential water users shall be permitted to irrigate with city water on the following schedule, unless the city manager, or designee, provides prior written consent to a different irrigation pattern:

1. 1st day of November – last day of February: up to one day per week irrigation on Monday of each week, if needed.

2. 1st day of March – last day of April and 1st day of September – last day of October: up to two days per week irrigation on Monday and Friday of each week, if needed.

3. 1st day of May – last day of August: up to three days per week irrigation on Monday, Wednesday and Friday of each week, if needed.

D. Nonresidential water users (including without limitation, commercial, industrial, church, cemeteries, and publicly owned users) shall be permitted to irrigate with city water on the following schedule, unless the city manager, or designee, provides prior written consent to a different irrigation pattern:

1. 1st day of November – last day of February: up to one day per week irrigation on Monday of each week, if needed.

2. 1st day of March – last day of April and 1st day of September – last day of October: up to two days per week irrigation on Monday and Thursday of each week, if needed.

3. 1st day of May – last day of August: up to three days per week irrigation on Monday, Thursday and Saturday of each week, if needed.

E. The limitations specified in subsections C and D shall not apply to a properly functioning low volume landscape irrigation system, the irrigation on container plants, or to the irrigation of new landscaping that is subject to the provisions of Section 14.09.060(E). Low volume irrigation means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip or drip lines irrigating at less than two gallons per hour. These systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

F. References in this section to any day of the week shall mean the period beginning at 12:00 a.m. on that day and ending 24 hours later.

G. City park sites shall, as an aggregate, reduce usage up to 10 percent.

H. Washing streets, parking lots, driveways, sidewalks or buildings, except as necessary for health or sanitary purposes or pursuant to a term or condition in a permit issued by a state or federal agency, is prohibited.

I. Water shall not be served at restaurants except by request.

J. Water shortage surcharges shall be implemented as set forth in Section 14.08.095. (Ord. 5491 § 5, 2015; Ord. 5311 § 2, 2014; Ord. 4724 § 3, 2009; Ord. 4629 § 1, 2008; Ord. 2817 § 1, 1994; Ord. 2636 § 1, 1992; Ord. 2413 § 2, 1991.)

14.09.080 Stage two drought restrictions.

During a stage two drought, the following restrictions may be required, as determined by the city manager and upon notification pursuant to Section 14.09.020(E):

A. All basic stage and stage one restrictions required by Sections 14.09.060 and 14.09.070 shall continue in place, except to the extent they are replaced by more restrictive conditions imposed by this section.

B. Residential users and non-residential landscapes shall reduce water usage up to 20 percent.

C. City park sites shall, as an aggregate, reduce usage up to 20 percent.

D. Residential water users shall be permitted to irrigate with city water on the following schedule, unless the city manager, or designee, provides prior written consent to a different irrigation pattern:

1. 1st day of November – last day of February: up to one day per week irrigation on Monday of each week, if needed.

2. 1st day of March – last day of April and 1st day of September – last day of October: up to two days per week irrigation on Monday and Friday of each week, if needed.

3. 1st day of May – last day of August: up to three days per week irrigation on Monday, Wednesday and Friday of each week, if needed.

E. Nonresidential water users (including without limitation, commercial, industrial, church, cemeteries, and publicly owned users) shall be permitted to irrigate with city water on the following schedule, unless the city manager, or designee, provides prior written consent to a different irrigation pattern:

1. 1st day of November – last day of February: up to one day per week irrigation on Monday of each week, if needed.
2. 1st day of March – last day of April and 1st day of September – last day of October: up to two days per week irrigation on Monday and Thursday of each week, if needed.
3. 1st day of May – last day of August: up to three days per week irrigation on Monday, Thursday and Saturday of each week, if needed.

F. The limitations specified in subsections D and E shall not apply to a properly functioning low volume landscape irrigation system, the irrigation on container plants, or to the irrigation of new landscaping that is subject to the provisions of Section 14.09.060(E). Low volume irrigation means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip or drip lines irrigating at less than two gallons per hour. These systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

G. References in this section to any day of the week shall mean the period beginning at 12:00 a.m. on that day and ending 24 hours later.

H. Washing of vehicles or boats is prohibited except:

1. When using a hose that is equipped with a control nozzle capable of completely shutting off the flow of water except when positive action or pressure to maintain the flow of water is applied; or
2. When washed in either an automatic or manual commercial car wash that recirculates its water and uses high pressure/low volume wash systems.
3. Temporary car washes, held for fundraising purposes, are encouraged to partner with an automatic commercial car wash that recirculates its water and uses high pressure/low volume wash systems. If run independently, the participants must use a hose nozzle that completely shuts off the flow of water when not in use and must comply with all applicable federal, state and local stormwater management program requirements, including, but not limited to, the urban stormwater quality management and discharge control ordinance set forth in Chapter 14.20 of Title 14 of the City of Roseville Municipal Code.

I. Water shortage surcharges and excess water use charges shall be implemented as set forth in Section 14.08.095. (Ord. 5491 § 6, 2015; Ord. 5311 § 2, 2014; Ord. 4724 § 3, 2009; Ord. 4629 § 1, 2008; Ord. 2611 § 1, 1992.)

14.09.090 Stage three drought restrictions.

During a stage three drought, the following restrictions may be required, as determined by the city manager and upon notification pursuant to Section 14.09.020(E):

- A. All basic stage, stage one, and stage two restrictions required by Sections 14.09.060, 14.09.070 and 14.09.080 shall continue in place, except to the extent they are replaced by more restrictive conditions imposed by this section.
- B. Residential users and non-residential landscapes are to reduce water usage up to 30 percent.

C. City park sites shall, as an aggregate, reduce usage up to 30 percent.

D. Residential water users shall be permitted to irrigate with city water on the following schedule, unless the city manager, or designee, provides prior written consent to a different irrigation pattern:

1. 1st day of September – last day of April: up to one day per week irrigation on Monday of each week, if needed.

2. 1st day of May – last day of August: up to two days per week irrigation on Monday and Friday of each week, if needed.

E. Nonresidential water users (including without limitation, commercial, industrial, church, cemeteries, and publicly owned users) shall be permitted to irrigate with city water on the following schedule, unless the city manager, or designee, provides prior written consent to a different irrigation pattern:

1. 1st day of September – last day of April: up to one day per week irrigation on Monday of each week, if needed.

2. 1st day of May – last day of August: up to two days per week irrigation on Monday and Thursday of each week, if needed.

F. The limitations specified in subsections D and E shall not apply to a properly functioning low volume landscape irrigation system, the irrigation on container plants, or to the irrigation of new landscaping that is subject to the provisions of Section 14.09.060(E). Low volume irrigation means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip or drip lines irrigating at less than two gallons per hour. These systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

G. References in this section to any day of the week shall mean the period beginning at 12:00 a.m. on that day and ending 24 hours later.

H. New or expanded landscaping is limited to drought-tolerant trees, shrubs, and ground-cover and be irrigated using a low volume irrigation system. No new turf shall be planted, hydroseeded, or laid, unless prior written consent is received from the city manager. Low volume irrigation means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip or drip lines irrigating at less than two gallons per hour. These systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

I. Except where recycled water is used, golf courses shall reduce irrigation up to 30 percent.

J. All decorative fountains, decorative (i.e., nonswimming) pools, and decorative waterways shall be drained and made dry. Such fountains, pools, and waterways shall not be refilled until the city has returned to the basic water conservation stage. Fountains, ponds or pools that are filled with recycled water are not subject to this provision. Decorative ponds that contain fish as a feature shall be exempt from this restriction as long as the system is maintained in good working order with measures taken to reduce the volume of makeup water required for evaporative losses.

K. Except where recycled or other non-potable water is used or as otherwise provided in this subsection, use of water for dust control is prohibited. Dust control shall be augmented by hardened, temporary travel routes with materials that are accepted by the city manager, city engineer, or designee. Potable water is allowed for construction water only where and to the extent required for public health and safety reasons.

L. New swimming pools and spas may be filled after construction using customer's metered water at then existing water rates. All new pools must include a means for minimizing evaporative loss, such as a pool cover, at time of final inspection by the city. After being filled with water for the first time, all pools and spas shall be subject to the requirements of Section 14.09.060(D).

M. Water shortage surcharges and excess water use charges shall be implemented as set forth in Section 14.08.095. (Ord. 5491 § 7, 2015; Ord. 5311 § 2, 2014; Ord. 4724 § 3, 2009; Ord. 4629 § 1, 2008; Ord. 2413 § 2, 1991.)

14.09.100 Stage four drought restrictions.

During a stage four drought, the following restrictions may be required, as determined by the city manager and upon notification pursuant to Section 14.09.020(E):

A. All basic stage, stage one, stage two, and stage three restrictions required by Sections 14.09.060, 14.09.070, 14.09.080 and 14.09.090 shall continue in place, except to the extent they are replaced by more restrictive conditions imposed by this section.

B. Residential customers and non-residential landscapes are to reduce water usage up to 40 percent.

C. City park sites shall, as an aggregate, reduce usage up to 40 percent.

D. Residential water users shall be permitted to irrigate with city water on the following schedule, unless the city manager, or designee, provides prior written consent to a different irrigation pattern:

1. 1st day of September – last day of April: No irrigation allowed.

2. 1st day of May – last day of August: up to one day per week irrigation on Monday, if needed.

E. Nonresidential water users (including without limitation, commercial, industrial, church, cemeteries, and publicly owned users) shall be permitted to irrigate with city water on the following schedule, unless the city manager, or designee, provides prior written consent to a different irrigation pattern:

1. 1st day of September – last day of April: No irrigation allowed.

2. 1st day of May – last day of August: up to one day per week irrigation on Monday of each week, if needed.

F. The limitations specified in subsections D and E shall not apply to a properly functioning low volume landscape irrigation system, the irrigation on container plants, or to the irrigation of new landscaping that is subject to the provisions of Section 14.09.060(E). Low volume irrigation means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip or drip lines irrigating at less than two gallons per hour. These systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

G. References in this section to any day of the week shall mean the period beginning at 12:00 a.m. on that day and ending 24 hours later.

H. Installation of any new landscaping is prohibited unless irrigation is provided through connection to an active recycled water system. In the case of new construction, the city's building official will issue a temporary final upon completion of the structural development of the property. When the city has returned to a stage two drought restriction, landscaping installation can be completed and a building final will become available upon inspection by the city.

- I. Except where recycled water is used, golf courses shall reduce irrigation up to 40 percent.
- J. Automobiles or equipment shall be washed only at commercial establishments that recycle their water or by equipment and means that separates debris and recycles wash water for continual use.
- K. Existing pools shall not be emptied and refilled using city water unless required for health or safety reasons until the city has returned to a stage two drought restriction. Pools may be re-filled only to the extent necessary to replace evaporative losses.
- L. No commitments shall be made to provide water service as part of any new land use entitlement (general plan, specific plan or amendments requesting new water allocations) until the city has returned to a stage two drought restriction. Currently approved specific plans with accompanying development agreements and projects or properties that have received water allocations in advance of full entitlements may be issued building permits so long as they comply with the remainder of this chapter.
- M. Water shortage surcharges and excess water use charges shall be implemented as set forth in Section 14.08.095. (Ord. 5491 § 8, 2015; Ord. 5311 § 2, 2014; Ord. 4724 § 3, 2009; Ord. 4629 § 1, 2008; Ord. 2413 § 2, 1991.)

14.09.110 Stage five drought restrictions.

During a stage five drought, the following restrictions may be required, as determined by the city manager and upon notification pursuant to Section 14.09.020(E):

- A. All basic stage, or stage one, stage two, stage three and stage four restrictions required by Sections 14.09.060, 14.09.070, 14.09.080, 14.09.090 and 14.09.100 shall continue in place, except to the extent they are replaced by more restrictive conditions imposed by this section.
- B. Residential users are to reduce water usage up to 50 percent.
- C. Except where recycled water is used, water users shall reduce landscape irrigation as follows:
 - 1. Turf shall not be irrigated.
 - 2. Trees and shrubs may be irrigated with a properly functioning low volume landscape irrigation system or by use of a handheld hose equipped with a nozzle capable of completely shutting off the flow of water except when positive action or pressure to maintain the flow of water is applied. Low volume irrigation means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip or drip lines irrigating at less than two gallons per hour. These systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- D. Filling new or existing swimming pools and spas with city water is prohibited.
- E. Water shortage surcharges and excess water use charges shall be implemented as set forth in Section 14.08.095. (Ord. 5491 § 9, 2015; Ord. 5311 § 2, 2014; Ord. 4724 § 3, 2009; Ord. 4629 § 1, 2008; Ord. 2413 § 2, 1991.)

14.09.120 Determination of drought tolerance.

Where this chapter permits or prohibits acts based upon whether or not a planting, tree, shrub, or groundcover is “drought tolerant” the determination shall be made based upon Sunset’s *Western Garden Book* (most recent edition), or UC Davis Arboretum’s “All Stars” plant database (www.arboretum.ucdavis.edu). Where this chapter permits or prohibits acts based upon whether a form of

irrigation is “low volume drip irrigation” the determination shall be made by the director, or designee, whose determination shall be final. (Ord. 5311 § 2, 2014; Ord. 4629 § 1, 2008; Ord. 2413 § 2, 1991.)

14.09.130 Determination of landscape water consumption reductions.

Whenever this chapter requires a reduction in consumption of water for irrigation purposes, the base year for measurement shall be the last year that the basic water conservation stage was in effect or a date specified by the Governor or state agency. If that data is not available for a property, allocations will be based on water use for similar properties. The city manager or designee may elect to base a reduction on the base year or on a landscape water consumption calculation if use was, in the city manager’s or designee’s, sole opinion, either excessive or extraordinarily low. For landscaping installed subsequent to the base year, the calculations shall be based on landscape water consumption calculations submitted with the landscape plan, or water consumption the previous year, whichever is less. (Ord. 5491 § 10, 2015; Ord. 5311 § 2, 2014; Ord. 4629 § 1, 2008; Ord. 2817 § 1, 1994; Ord. 2413 § 2, 1991.)

14.09.140 Violations.

It is unlawful for any user and/or person to violate any provision or fail to comply with any of the requirements of this chapter. Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of this chapter. A violation of the provisions of this chapter shall occur irrespective of the negligence or intent of the violator and a violation of or failure to comply with any of the requirements of this chapter may be charged as either an infraction or a misdemeanor in the discretion of the city attorney. (Ord. 5311 § 2, 2014; Ord. 4629 § 1, 2008; Ord. 3834 § 3, 2002; Ord. 2413 § 2, 1991.)

14.09.150 Enforcement authority.

A. Whenever the city manager, or designee (including, but not limited to, an enforcement officer), determines that a user and/or person has violated any provision of, or failed to meet a requirement of, this chapter, an administrative citation pursuant to Chapter 2.50 or a written compliance order pursuant to Chapter 2.52 may be issued to any user and/or person responsible for the violation.

B. Any compliance order issued may require without limitation any or all of the following:

1. The allocation of a particular amount of water to a given user and/or person responsible for the violation;
2. The issuance of a fine;
3. The installation of a flow restriction device;
4. The performance of monitoring, analyses, and reporting;
5. That violations shall cease and desist; and/or
6. The discontinuation of water service.

The compliance order shall set forth a deadline within which the requirements of the compliance order must be completed. Said compliance order shall further advise that, should the violator fail to comply with the compliance order within the established deadline, a hearing on the compliance order shall be set.



(Ord. 5491 § 11, 2015; Ord. 5311 § 2, 2014; Ord. 4629 § 1, 2008; Ord. 3034 § 3, 2002; Ord. 2817 § 1, 1994; Ord. 2413 § 2, 1991.)

14.09.160 Hearing.

If full compliance is not achieved within the time specified in the compliance order, a hearing on the compliance order shall be set pursuant to Chapter 2.52. All penalties and remedies authorized by Chapter 2.52 shall apply to violations of this chapter. (Ord. 5311 § 2, 2014; Ord. 4629 § 1, 2008; Ord. 2413 § 2, 1991.)

14.09.170 Appeal.

Any user and/or person receiving a compliance order under Section 14.09.150 may appeal the determination of the director, or designee, to a hearing panel drawn from the membership of the board of appeals. The notice of appeal must be received by the city's environmental utilities department within 10 days from the date of the compliance order. Notice of hearing and hearing on the appeal will be conducted pursuant to the requirements of Chapter 2.52. (Ord. 5311 § 2, 2014; Ord. 4629 § 1, 2008; Ord. 2413 § 2, 1991.)

14.09.180 Separate offense for each day.

Any user and/or person that violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such user and/or person commits, continues, permits, or causes a violation thereof, and shall be punished accordingly. (Ord. 5311 § 2, 2014; Ord. 4629 § 1, 2008; Ord. 2413 § 2, 1991.)

14.09.190 Public nuisance.

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the city at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be initiated and/or taken by the city. (Ord. 5311 § 2, 2014; Ord. 4629 § 1, 2008; Ord. 2413 § 2, 1991.)

14.09.200 Remedies not exclusive.

Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 5311 § 2, 2014; Ord. 4629 § 2, 2008.)

14.09.210 Judicial review.

Any decision of the hearing panel shall be final. Any user and/or person aggrieved by an order of the hearing panel may obtain review of the order in the Superior Court by filing with the Court a petition for



writ of mandate within 90 days pursuant to California Code of Civil Procedure Section 1094.6. (Ord. 5311 § 2, 2014; Ord. 4629 § 2, 2008.)

14.09.220 Chapter severable.

The provisions of this chapter are severable. The city council declares that it would have adopted the remainder of this chapter even if any of its provisions are declared unlawful or unenforceable. (Ord. 5311 § 2, 2014; Ord. 4629 § 2, 2008.)