

Article 11. Water Conservation

Findings (Uncodified)

The City Council of Thousand Oaks finds:

- (a) 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; and
- (b) Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, 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; and
- (c) 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; and
- (d) Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste 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; and
- (e) 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; and
- (f) California Water Code section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies; and
- (g) The adoption and enforcement of a water conservation and supply shortage program is necessary to manage the City's potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the City. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

Now therefore the City Council of Thousand Oaks does ordain as follows:

Sec. 10-2.1101. Conservation Measures Established

Mandatory water conservation measures are hereby established as set forth in this article.

Sec. 10-2.1102. Application

(a) To the extent authorized by law, this article shall apply to all customers and property within the City and the City's water service area, with no distinction as to whether service is provided by the City or a private water purveyor of potable water that operates water service systems within the City.

(b) The provisions of this article do not apply to uses of water necessary to protect public health and safety or for essential health care or government services such as police, fire and other similar emergency services.

Sec. 10-2.1103. General Prohibition: Enforcement, Penalties

(a) No customer of the City water system or of a water purveyor serving customers within the City shall make, cause, use, or permit the use of potable water in a manner contrary to any provision of this article. Any violation of the use restrictions set forth in this article shall be reported to the City by the water purveyor. Each customer shall be guilty of a separate offense for each day during which such unauthorized use occurred, continued or was permitted.

(b) Any violation of the water use restrictions set forth in this article shall be subject to prosecution and fines and penalties as set forth in Title 1, Chapter 2, Articles 1 and 2 of this code. Furthermore, any violation of the water use restrictions set forth in this article is a public nuisance under TOMC Section 1-6.01 et seq.

(c) Water Flow Restrictors: In addition to any fines or penalties, the City may install a water flow restrictor device for willful violations of mandatory water use restrictions set forth in this article.

(d) Disconnecting Service: In addition to any fines and the installation of a water flow restrictor, the City may disconnect a customer's water service for continued willful violations of mandatory water use restrictions set forth in this article.

(e) Cost of Flow Restrictor and Disconnecting Service: A person or entity that violates this ordinance is responsible for payment of charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the City's schedule of charges then in effect. Such charges must be paid to the City before the flow restricting device is removed or the water service is reconnected. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.

Sec. 10-2.1104. Permanent Water Conservation Requirements: Prohibition Against Waste

The following water conservation requirements are effective at all times and are permanent. Violations of this section shall 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 9:00 a.m. and 5:00 p.m. on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for 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 use highly efficient components such as low volume drip type irrigation, stream rotator sprinklers and/or soil moisture-based or weather-based controllers.

(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 for safety or sanitary purposes, 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. The discharge of pollutants to the storm drain system is prohibited pursuant to section 7-8.201 of this code.

(e) **Obligation to Fix Leaks, Breaks or Malfunctions:** Excessive use, loss or release of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such release 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 Decorative Water Fountains and Features:** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.

(g) **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off

nozzle or device. This subsection does not apply to any commercial car washing facility.

(h) **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, shall only provide drinking water to any person upon request.

(i) **Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services:** Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.

(j) **No Installation of Single Pass Cooling Systems:** Installation of single pass cooling systems is prohibited in buildings requesting new water service.

(k) **No Installation of Non-recirculating Commercial Car Wash and Laundry Systems:** Installation of non-recirculating water systems is prohibited in new commercial car wash and new industrial laundry systems.

(l) **Restaurants Required to Use Water Conserving Dish Wash Spray Valves:** Effective on January 1, 2010, food preparation establishments such as restaurants must use water conserving dish wash spray valves.

(m) **Commercial Car Wash Systems:** Effective on January 1, 2010, all commercial conveyor car wash systems must have installed operational re-circulating water systems, or must have secured a waiver of this requirement from the City.

Sec. 10-2.1105. Level 1 Water Conservation Measures

(a) **A Level 1 Water Supply Shortage exists** when the City Council determines, that due to drought or other water supply conditions, a moderate water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City Council of a Level 1 Water Supply Shortage condition, the City will implement mandatory Level 1 conservation measures identified in this section.

(b) **Additional Water Conservation Measures:** In addition to the prohibited uses of water identified in Section 10-2.1104, the following water conservation requirements apply during a declared Level 1 Water Supply Shortage:

(1) **Limits on Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to three days per week. During November through March, watering or irrigating of lawn, landscape or other vegetated area with

potable water is limited to no more than two days per week. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for short periods of time for the express purpose of adjusting or repairing an irrigation system.

(2) **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two (72) hours of notification by the City unless other arrangements are made with the City.

Sec. 10-2.1106. Level 2 Water Conservation Measures

(a) A Level 2 Water Supply Shortage exists when the City Council determines, that due to drought or other water supply conditions, a severe water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City Council of a Level 2 Water Supply Shortage condition, the City will implement mandatory Level 2 conservation measures identified in this section.

(b) **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Sections 10-2.1104 and 10-2.1105, the following additional water conservation requirements apply during a declared Level 2 Water Supply Shortage:

(1) **Limits on Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two days per week. During November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for short periods of time for the express purpose of adjusting or repairing an irrigation system.

(2) **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight (48) hours of notification by the City unless other arrangements are made with the City.

(3) **Limits on Filling Ornamental Lakes or Ponds:** Filling or re-filling ornamental lakes or ponds with potable water is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively

managed within the water feature prior to declaration of a supply shortage level under this article.

(4) Limits on Filling Residential Swimming Pools & Spas: Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with potable water is prohibited.

Sec. 10-2.1107. Level 3 Water Conservation Measures

(a) A Level 3 Water Supply Shortage condition is also referred to as an "Emergency" condition. A Level 3 condition exists when the City Council declares a critical water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon the declaration of a Level 3 Water Supply Shortage condition, the City will implement mandatory Level 3 conservation measures identified in this section.

(b) Additional Conservation Measures: In addition to the prohibited uses of water identified in Sections 10-2.1104, 10-2.1105, and 10-2.1106, the following water conservation requirements apply during a declared Level 3 Water Supply Shortage Emergency:

(1) No Watering or Irrigating: Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited. This restriction does not apply to the following categories of use:

(i) Maintenance of trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device;

(ii) Maintenance of existing landscape necessary for fire protection;

(iii) Maintenance of existing landscape for soil erosion control;

(iv) Maintenance of plant materials identified to be rare or essential to the well-being of protected species;

(v) Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed two days per week in accordance with the time restrictions in Section 10-2-1104;

(vi) Actively irrigated environmental mitigation projects.

(vii) Maintenance of landscaping installed for the purpose of mitigating the effects of stormwater pollution.

(2) **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within twenty four (24) hours of notification by the City unless other arrangements are made with the City.

(3) **No New Potable Water Service:** Except for the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less, no new potable water service will be provided, no new temporary meters or permanent meters will be provided, and no statements of immediate ability to serve or provide potable water service (such as, will-serve letters, certificates, or letters of availability) will be issued, except under the following circumstances:

- (i) A valid, unexpired building permit has been issued for the project; or
- (ii) The project is necessary to protect the public health, safety, and welfare; or
- (iii) The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the City.

(4) **Limits on Building Permits:** The City will limit or withhold the issuance of building permits which require new or expanded water service, except to protect the public health, safety and welfare, or in cases which meet the City's adopted conservation offset requirements.

(5) **Discontinue Service:** The City may discontinue service to consumers who willfully violate provisions of this section.

Sec. 10-2.1108. Procedures for Determination: Notification of Water Supply Shortage

Declaration and Notification of Water Supply Shortage: The existence of Level 1, Level 2 or Level 3 Water Supply Shortage conditions shall be declared by resolution of the City Council adopted at a regular or special public meeting held in accordance with State law.

Sec. 10-2.1109 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 should include photographs, maps, drawings, and other information, including a written statement of the applicant.

(3) Required Findings for Waiver: An application for a waiver will be denied unless the City 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 water use records, 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 authorizing 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

(4) Approval Authority: The Public Works Director must act upon any completed application no later than fourteen (14) 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.

Sec. 10-2.1110. Additional Water Conservation Measures

The City Council upon adoption of a resolution may implement additional water conservation measures in addition to the prohibited uses of water identified in Sections 10-2.1104, 10-2.1105, 10-2.1106 and 10-2.1107.

Part 3
Continuation
(Uncodified)

Repeal of any provision of Chapter 1, Wastewater, of Title 10 of the Municipal

Code herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

Part 4

Severability
(Uncodified)

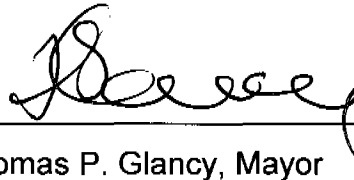
If any section, sentence, clauses, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council hereby declares that it would have passed this ordinance, and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clause, or phrases be declared invalid or unconstitutional.

Part 5

Effective Date

This Ordinance shall take effect on the thirty-first (31st) day from the date of its adoption.

PASSED AND ADOPTED this 5th day of May, 2009.



Thomas P. Glancy, Mayor
City of Thousand Oaks, California

ATTEST:



Linda D. Lawrence, City Clerk

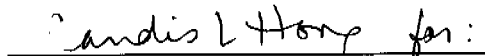
APPROVED AS TO FORM:

Office of the City Attorney



Amy Albano, City Attorney

APPROVED AS TO ADMINISTRATION:



Scott Mitnick, City Manager

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF THOUSAND OAKS)

I, LINDA D. LAWRENCE, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 1516-NS, that was introduced by said City Council at a regular meeting held April 21, 2009 and adopted by said City Council at a regular meeting held on May 5, 2009 by the following vote:

AYES: Councilmembers Irwin, Fox, Bill-de la Peña, Gillette and Mayor Glancy

NOES: None

ABSENT: None

I further certify that said Ordinance No. 1516-NS was published as required by law in the THOUSAND OAKS STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Thousand Oaks, California.



Linda D. Lawrence, City Clerk
City of Thousand Oaks, California