

## **WATER CONSERVATION REGULATIONS (as passed by Utility Board)**

### **A. Outdoor vegetation watering restrictions.**

1. All outdoor vegetation on residential and commercial properties located (i) at an even numbered street address shall be watered only on Tuesdays, Thursdays and Saturdays, and (ii) at an odd numbered address shall be watered only on Wednesdays, Fridays and Sundays.
2. For corner buildings or properties having both odd and even numbers, the number shown on the City's or the franchised water companies' utility records shall control.
3. Outdoor vegetation shall not be watered on Mondays without a written variance from the City's Water Conservation Coordinator.
4. From April 1 to September 30, all outdoor watering of vegetation is prohibited between the hours of 10:00 a.m. and 6:00 p.m. without a variance from the City's Water Conservation Coordinator.

### **B. Water wasting restrictions.**

1. The washing of vehicles and other types of mobile equipment shall be done only with a handheld bucket or a handheld hose equipped with a functioning shutoff nozzle for quick rinses. This restriction does not apply to the washing of vehicles or mobile equipment at a commercial carwash or commercial service station. When used in this subsection, the term "bucket" means a container holding five gallons of water or less.
2. The following uses of water are defined as wasting water and are prohibited:
  - a. Allowing water to flow onto adjacent property or onto any street, alley or other public right-of-way.
  - b. Watering outdoor vegetation excessively so that water ponds on site.
  - c. Failing to repair a water leak within five working days of the discovery of the leak.
  - d. Washing sidewalks, driveways, parking areas, tennis courts, patios and other impervious surfaces with a hose, except in emergencies to remove spills of hazardous materials or to eliminate dangerous conditions which threaten the public health, safety or welfare. When used in this subsection, the term "impervious surface" means any surface covered with nonporous material.

### **C. Exceptions to compliance.**

1. The following shall constitute exceptions from compliance with these regulations concerning outdoor vegetation watering restrictions and water wasting restrictions:
  - a. The water flow is a result of natural events such as rain or snow, unless the water customer is watering at the same time.

- b. The water flow is a result of temporary malfunctions of or vandalism to the municipal or to a franchised water utility's water supply system.
- c. The water flow is a result of water used for firefighting purposes, including the inspection and pressure testing of fire hydrants, or the use of water for firefighting training activities.
- d. The use of water is required for the control of dust or the compaction of soil as may be required by municipal codes.
- e. The water is used to wash down areas where flammable or otherwise hazardous material has spilled and created a dangerous condition.
- f. The water is used to prevent or abate public health, safety or accident hazards when alternate methods are not available.
- g. The water is used for routine inspection or maintenance of the municipal or franchised water utility's water supply system.
- h. The water is used to facilitate construction within a public right-of-way in accordance with City requirements and good construction practices.
- i. The use of the water is permitted under a written variance granted by the City's Water Conservation Coordinator. The variance may be revoked in a declared water emergency.
- j. The water is used for street sweeping, sewer maintenance or other established utility practices.
- k. Minimal water flow onto a street, alley, or other public right-of-way from a residential property where a vehicle is being washed on a sloping driveway and water is flowing off the premises despite the correct use of a handheld bucket or a handheld hose equipped with a functioning shutoff nozzle for quick rinse.
- l. The water flow is from an apparent unoccupied residential property. The City may shut off water to the apparent unoccupied property for public safety, and shall thereafter attempt to notify the property owner, the customer if different from the property owner, or an agent such as realtor. Fees associated with the cost of shutting the water off and turning it back on may be billed to the water utility customer for City water or to the property owner for non-City water.

**D. Variances.**

1. A person seeking a variance from the outdoor vegetation water restrictions or from the water wasting restrictions shall complete a form provided by the City's Water Conservation Coordinator, who shall grant, deny or modify the requested variance within fifteen (15) days of receipt of the completed form.
2. A variance shall remain in effect for the period stated in the variance not to exceed one calendar year from the date of issue.

3. The standard variances shall be as follows:
  - a. After chemical application – 1 day;
  - b. To establish new sod – 30 days;
  - c. To establish reseeded turf grass – 45 days;
  - d. To establish newly seeded turf grass – 120 days; and
  - e. Other at the discretion of the Water Conservation Coordinator.

#### **E. Violation Compliance Procedures**

1. The responsible parties from whom compliance shall be sought are specified in LCMC Section 28-302(c).
2. Violations of the water conservation regulations may be reported on the City's water waste hotline, on a designated City web page, or by other reporting methods, which shall be referred to hereafter as "reported violations," or the violations may be observed by City compliance staff or other City staff, which shall be referred to hereafter as "observed violations."
3. When a reported violation is received, compliance staff may contact the responsible party either in person or by leaving a door hanger or by telephone or by mail, and explain that a violation was reported and the nature of the violation; or compliance staff may visit the site, observe the violation, and thereafter follow the procedure for observed violations.
4. For the first observed violation, compliance staff shall document the violation as effectively as possible with existing equipment, and shall then contact the responsible party in person, if possible, otherwise by leaving a door hanger or by telephone or by mail, and shall explain that a violation was observed and the nature of the violation. Compliance staff shall also inform the responsible party by giving him or her a form letter in person or by mailing the form letter that he or she has 48 hours from receipt of the hand delivery of the form letter or seven (7) days from the date on the mailed form letter to correct the violation by changing the water schedule or duration, by fixing the system malfunction, by shutting off the irrigation system until the problem can be resolved, or by securing a variance at the discretion of the Water Conservation Coordinator.
5. For a second or subsequent observed violation, compliance staff shall send a letter to the responsible party informing him or her of the nature of the violation and referencing the prior observed violations, and informing the responsible party that an administrative fee shall be assessed on and added to the City utility account for the property with the water meter registering the violation. For example, if water flowed onto a City street from a malfunctioning sprinkler system located at 123 Smith Lane, then the City utility account with the water meter registering the water wasting violation will be assessed the administrative fee.

6. For a second or subsequent reported violation, compliance staff shall send a letter to the responsible party informing him or her of the nature of the violation and referencing the prior reported violations, and informing the responsible party that an administrative fee shall be assessed on and added to the City utility account for the property with the water meter registering the violation.
7. For responsible parties who are customers of franchised water utilities with an active City utility account for other City utility services, the administrative fees will be assessed on the City utility bill.
8. For responsible parties who are customers of franchised water utilities without an active City utility account for other City utility services, the violations shall be referred to the City's Codes Section for compliance through its standard procedures including but not limited to issuing a citation.

#### **F. Administrative Fees**

1. Violators are subject to progressively higher administrative fees until the violation ceases or until a variance is granted. The administrative fees shall be progressively higher for violations separated by less than five (5) years. Fees shall be suspended pending the outcome of an appeal or variance request.
2. Fees assessed on active City utility accounts shall be paid within the normal payment period for the billing system.
3. The responsible person will also be sent a written notice that the City utility account will be or has been assessed an administrative fee.
4. In lieu of paying the first administrative fee, the responsible person may have a landscape water audit performed by a landscape irrigation auditor certified by an organization recognized by the City's Water Conservation Coordinator. Documentation of the audit and subsequent changes to correct the violation shall be submitted to compliance staff before the normal billing payment due date for the account.
5. No administrative fees will be assessed for reported violations unless the reporter leaves contact information and signs an affidavit documenting the time, date and nature of the violation hereafter referred to as a "documented reported violation."
6. The schedule for assessment of administrative fees shall be as follows:
  - a. First observed violation and first reported violation whether or not documented – no charge.
  - b. Second observed violation and second documented reported violation - \$20
  - c. Third observed violation and third documented reported violation - \$30
  - d. Fourth observed violation and fourth documented reported violation - \$40
  - e. Fifth and subsequent observed or documented reported violation - \$50

**G. Codes Section Compliance Option:**

1. Compliance staff may refer any violation, whether reported or observed, of the City's Water Conservation Regulations to the City's Codes Section for compliance.
2. The Codes Section with or without a referral from Utilities Department compliance staff may respond to violations and seek compliance through its standard procedures including but not limited to issuing a citation.
3. The Codes Section in coordination with Utilities Department compliance staff may respond to violations and seek compliance through the Violation Compliance Procedures set forth in Section E above.

**H. Appeals to the Utilities Board.**

1. A person who received a notice of the administrative fee assessment may appeal the administrative fee within thirty-five days from the date of the notice. The appeal shall be made on a form provided by the Utilities Department's Water Conservation Coordinator, which form will also be available on the Utilities Department website. The completed appeal form shall be mailed to and received by, or hand delivered to the Water Conservation Coordinator during regular business hours within the thirty-five day period. If the period ends on a weekend or holiday, the period shall be extended to the next regular business day.
2. The Water Conservation Coordinator shall schedule an appeal hearing at the next regularly scheduled Utilities Board meeting and shall so notify the person who may request a one month extension to the next regularly scheduled Utilities Board meeting.
3. The Utilities Department shall have the burden to prove by a preponderance of the evidence that a violation of a water conservation regulation occurred. The person shall have the burden of proof to prove any defense by a preponderance of the evidence.
4. The person may be represented at the hearing by a third party if he or she resides out of state or is otherwise unable to attend the hearing.
5. The decision of the Utilities Board shall be final.