

ORDINANCE NO. ____

**AN ORDINANCE ADDING A NEW CHAPTER 14.25 ENTITLED
“WATER CONSERVATION REGULATIONS” AUTHORIZING
THE CITY COUNCIL TO DECLARE DROUGHT EMERGENCIES
IN VARIOUS STAGES AND IMPOSING DIFFERENT
CONSERVATION REQUIREMENTS IN RESPONSE TO SUCH
EMERGENCIES.**

The Council of the City of Monterey Park does ordain as follows:

SECTION 1: A new Chapter 14.25 entitled “Water Conservation Regulations” is added to the Monterey Park Municipal Code as set forth in attached Exhibit “A,” which is incorporated by reference.

SECTION 2: *Savings Clause.* Repeal of any provision of the MPMC or any other regulation by this Ordinance does 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 Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 3: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 4: *Validity of Previous Code Sections.* If this the entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the MPMC or other regulation by this Ordinance will be rendered void and cause such MPMC provision or other regulation to remain in full force and effect for all purposes.

SECTION 5: *Effective Date.* This Ordinance will become effective 30 days after its adoption.

SECTION 6: *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 7: *Publication.* The City Clerk must certify as to the adoption of this ordinance and cause the summary thereof to be published within 15 calendar days of the adoption and 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 § 36993, for the City of Monterey Park.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2021.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

EXHIBIT A

“Chapter 14.25 WATER CONSERVATION REGULATIONS

14.25.010 **Purpose.**

This chapter is adopted in accordance with Article XI, § 7 of the California Constitution and Water Code § 375 for the purpose of adopting water conservation regulations.

14.25.020 **Precedence.**

To the extent that any regulation in this chapter conflicts with that of chapter 14.08, the more restrictive regulation favoring water conservation takes precedence. The Director, in consultation with the City Attorney, may make a written determination regarding any such potential conflict and enforce the more restrictive regulation.

14.25.030 **General Prohibition and Enforcement.**

- A. It is unlawful for any person to violate, or fail to comply with, any provision of this chapter. Unless otherwise provided, violations of this chapter constitute an infraction.
- B. Every person violating this chapter is guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by such person.
- C. In addition to these penalties, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a public nuisance and may be abated in accordance with applicable law including, without limitation, this code.
- D. This chapter may also be enforced with administrative citations in accordance with chapter 4.20.

14.25.040 **Penalties.**

- A. Each infraction is punishable as follows:
 - 1. A fine not exceeding \$100.00 for the first violation;
 - 2. A fine not exceeding \$200.00 for a second violation of the same provision within one year;

3. A fine not exceeding \$500.00 for each additional violation of the same provision within one year of the first violation.
- B. If a person violates the same provision a fourth time within one year of the first violation, the City Attorney may, but is not required to, prosecute the violation as a misdemeanor in accordance with applicable law.
- C. Following a duly noticed public hearing, the City Council may, by resolution, adopt additional penalties in accordance with applicable law for violations of this chapter.

14.25.050 Exception; defense.

- A. This chapter does not apply when an action is needed to address an immediate threat to health and safety or to comply with a term or condition in a permit issued by a State or federal agency.
- B. A person may assert such exception as a defense for violations of this chapter.

14.25.060 Definitions.

Words and phrases not defined by this chapter have the meaning set forth in this code, the Water Code, or regulations promulgated by the State Water Resources Control Board in accordance with applicable law.

“Decorative water features” means water features that are artificially supplied with water including, without limitation, ponds, lakes, waterfalls, and fountains, but excluding pools and spas.

“Director” means the Public Works Director, or designee.

14.25.070 Service permits – Application.

Should the City Council declare a Stage 4, Stage 5, or Stage 6 Drought Emergency in accordance with this chapter, it may also direct the Director not to accept any applications for new water service.

14.25.080 Consumer supplying water.

It is unlawful for any person to allow, maintain, or permit leaks or waste of water. When a person’s interior water pipes, those water pipes on the person’s side of the water meter, leak to an extent that water is being wasted and the customer does not repair said leaks, the Director, may, except in a Drought Emergency, give the customer 30 days’ notice to

make such repairs to eliminate said wastage of water. If said repairs are not completed within the 30 days' notice, the water service to the property may be shut off. To have water service restored after such a shutoff, the person must furnish proof of repairs, apply for water service to be reinstated, and pay a reconnection fee established by city council resolution. In a Drought Emergency, the Director may provide less time for compliance as required in accordance with applicable law. Persons must be provided with at least 24 hours to repair.

14.25.090 **Regulations – Generally.**

- A. Multiple Parcels. It is unlawful for water to be served to two or more parcels of property separately owned through a common service pipe, unless there is no main contiguous to said premises from which service may be had, and further unless the consumer first in order of service from the main provides a written guarantee to pay water rates for all parcels of property so served. Except in a Drought Emergency, the Director, must give 30 days' notice in writing to all consumers served through such service before enforcing chapter 14.08 or chapter 14.12 by discontinuing water service in accordance with this code and Public Utilities Code Sections 10001, *et seq.* In a Drought Emergency, the Director may provide less time for compliance.
- B. Hosing Down. To, among other things, comply with the city's national pollutant discharge elimination system ("NPDES") permit requirements, it is unlawful for any person to hose water or wash down any sidewalk, walkway, driveway, parking area or other paved surface, except as is required for the benefit of public health and safety.
- C. Lawn/Landscape Watering. To, among other things, comply with the City's NPDES permit requirements:
 - 1. It is unlawful for any person to water or cause to be watered any lawn or landscaping between the hours of 9:00 a.m. and 5:00 p.m. of any one day.
 - 2. It is unlawful for any person to water or cause to be watered any lawn or landscaping more than once a day.
 - 3. It is unlawful for any person to water or cause to be watered any lawn or landscaping within 48 hours after measurable precipitation.
 - 4. It is unlawful for any person to water or cause to be watered any lawn or landscaping to such an extent that runoff into any adjoining street, parking lot or alley occurs due to incorrectly directed or

maintained sprinklers or excessive watering.

5. It is the duty of all persons to inspect all hoses, faucets and sprinkling systems for leaks, and to cause all leaks to be repaired as soon as is reasonably practicable.
- D. Indoor Plumbing and Fixtures. It is the duty of all persons to inspect all accessible indoor plumbing and faucets for leaks, and to cause all leaks to be repaired as soon as is reasonably practicable, but not later than seven days after receiving a notice of violation from the Director.
 - E. Washing Vehicles. It is unlawful for any person to wash any motor vehicle, boat, trailer, or other type of mobile equipment unless such vehicle is washed:
 1. At a commercial carwash;
 2. Using only reclaimed water; or
 3. By using a hand-held bucket or a water hose equipped with an automatic shutoff nozzle.
 - F. Running Hose Prohibited. It is unlawful for any person to leave a water hose running while washing a vehicle or at any other time.
 - G. Public Eating Places. It is unlawful for any restaurant, hotel, cafeteria, café, or other public place where food is sold or served to serve drinking water to any customer unless specifically requested to do so by such customer.
 - H. Linen Services. Commercial lodging establishments, including hotels and motels, must offer guests the option of declining daily bed linen and towel laundry services. Each commercial lodging establishment must prominently display notice of this option in each room.
 - I. Decorative Fountains. It is unlawful for any person to use water to clean, fill, or maintain levels in any decorative fountain, pond, lake, or other similar aesthetic structure unless such water flows through a recycling system.
 - J. It is unlawful to install non re-circulating water systems at new commercial car washes and new commercial laundromat facilities.
 - K. Single Pass Cooling Systems. It is unlawful to install single pass cooling systems in new commercial buildings requesting new water utility service.

- L. A written warning must be provided to persons upon the first violation of this section.

14.25.100 Determination of Drought Emergency.

The Director must monitor and evaluate projected available water supplies and estimated water demand of the city's users. Upon the Director determining whether through an independent evaluation or as directed by the State Water Resources Control Board, that a Drought Emergency exists, the City Council must consider declaring a Stage 1, Stage 2, Stage 3, Stage 4, Stage 5, or Stage 6 Drought Emergency by resolution. In addition to the general regulations, restrictions from the previous Drought Emergency State will apply to the next higher stage in addition to a more stringent restriction.

14.25.110 Stage 1 Drought Emergency.

- A. Declaring a Stage 1 Drought Emergency demonstrates the need to reduce the City's water demand by a maximum of 10%.
- B. The resolution declaring a Stage 1 Drought Emergency must direct the Director, to provide public notice regarding appropriate voluntary water use restrictions including, without limitation:
 - 1. Watering outdoors for the purposes of irrigating landscape, lawns, vegetated areas, and plant material without the use of a drip irrigation or micro-spray system should be limited to three times per week. Residents may water and/or irrigate landscape, lawns, vegetated areas, and plant material on Monday, Wednesday, and Friday.

14.25.120 Stage 2 Drought Emergency.

- A. Declaring a Stage 2 Drought Emergency demonstrates the need to reduce the City's water demand between 11% and 20%.
- B. The resolution declaring a Stage 2 Drought Emergency must, in addition to the general prohibitions of this chapter, direct the Director, to impose the following mandatory water use restrictions:
 - 1. Watering outdoors for the purposes of irrigating landscape, lawns, vegetated areas, and plant material without the use of a drip irrigation or micro-spray system is limited to two times per week. Residents may water and/or irrigate landscape, lawns, vegetated

areas, and plant material on Monday and Thursday.

2. Install non drip irrigation or micro-spray systems used in watering outdoors for purposes of irrigating landscape, lawns, vegetated areas, and plant material in new commercial and residential developments requesting new water utility service is unlawful.
- C. It is unlawful to use potable water to irrigate ornamental turf on public street medians within the City's service boundaries.

14.25.130 **Stage 3 Drought Emergency.**

- A. Declaring a Stage 3 Drought Emergency demonstrates the need to reduce the City's water demand between 21% and 30%.
- B. The resolution declaring a Stage 3 Drought Emergency must, in addition to the general prohibitions of this chapter, direct the Director, to impose the following mandatory water use restrictions:
1. Watering outdoors for the purposes of irrigating landscape, lawns, vegetated areas, and plant material without the use of a drip irrigation or micro-spray system is limited to one time per week. Persons are permitted to water and/or irrigate landscape, lawns, vegetated areas, and plant material on Monday.
 2. Filling swimming pools, spas, hot tubs, jacuzzis, or children's wading pools is limited to not more than one time per week on Mondays.
 3. Using potable water from fire hydrants is limited to firefighting and emergency related activities and/or other activities necessary to maintain public health, safety, and welfare including, without limitation, flushing utility distribution pipelines; constructing water distribution and production facilities; and maintaining street sweeping services. If there is a need for acquiring fire hydrant and flow testing services, the applicant is required to have the test completed by the Director, through the water system computer model in-lieu of having an actual real-time field test completed. The expense incurred by the City for completing a fire hydrant and flow test using the City water system computer model will be paid by the applicant.
- C. Declaring a Stage 3 Drought Emergency makes it is unlawful to:
1. Install non drip irrigation or micro-spray systems used in watering

outdoors for purposes of irrigating landscape, lawns, vegetated areas, and plant material in new commercial and residential developments requesting new water utility service.

2. Use potable water to irrigate ornamental turf on public street medians within the City's service boundaries.
3. Wash any motorized vehicle or non-motorized equipment including, without limitation, automobiles, trucks, vans, buses, motorcycles, boats, or other motorized and non-motorized equipment unless performed at commercial car wash facilities.

14.25.140 **Stage 4 Drought Emergency.**

- A. Declaring a Stage 4 Drought Emergency demonstrates the need to reduce the City's water demand between 31% and 40%, or more.
- B. The resolution declaring a Stage 4 Drought Emergency must, in addition to the general prohibitions of this chapter, direct the Director, to impose the following mandatory water use restrictions:
 1. Using potable water from fire hydrants is limited to firefighting and emergency related activities and/or other activities necessary to maintain public health, safety, and welfare including, without limitation, flushing utility distribution pipelines; constructing water distribution and production facilities; and maintaining street sweeping services. If there is a need for acquiring fire hydrant and flow testing services, the applicant is required to have the test completed by the Director, through the water system computer model in-lieu of having an actual real-time field test completed. The expense incurred by the City for completion of a fire hydrant and flow test using the City water system computer model will be paid by the applicant.
- C. Declaring a Stage 4 Drought Emergency makes it unlawful to:
 1. Water without a drip irrigation or micro-spray system.
 2. Install non drip irrigation or micro-spray systems used in watering outdoors for purposes of irrigating landscape, lawns, vegetated areas, and plant material in new commercial and residential developments requesting new water utility service.
 3. Use potable water to irrigate ornamental turf on public street medians within the City's service boundaries.

4. Fill swimming pools, spas, hot tubs, and/or jacuzzis of any kind whether in-ground or above-ground structures, including children's wading pools.
5. Wash any motorized vehicle or non-motorized equipment including, without limitation, automobiles, trucks, vans, buses, motorcycles, boats, or other motorized and non-motorized equipment unless performed at commercial car wash facilities.

14.25.150 Stage 5 Drought Emergency.

Declaring a Stage 5 Water Shortage demonstrates the need to reduce the City's water demand between 41% and 50%. All prohibitions and restrictions for a Stage 4 Drought Emergency are applicable to a Stage 5 Drought Emergency and must be incorporated into the resolution adopted by the city council.

14.25.160 Stage 6 Drought Emergency.

Declaring a Stage 6 Water Shortage demonstrates the need to reduce the City's water demand more than 50 percent. All prohibitions and restrictions for a Stage 5 Drought Emergency are applicable to a Stage 6 Drought Emergency and must be incorporated into the resolution adopted by the city council."