

ORDINANCE NO. 214

AN ORDINANCE OF THE CITY OF CHINO HILLS, CALIFORNIA,
REPEALING CHAPTER 13.08 WATER CONSERVATION OF
THE CHINO HILLS MUNICIPAL CODE IN ITS ENTIRETY,
AND ESTABLISHING A NEW CHAPTER 13.08 WATER
CONSERVATION OF THE CHINO HILLS MUNICIPAL CODE.

WHEREAS, it is necessary to minimize the potential for water shortage through the practice of water conservation pursuant to California Water Code § 375 et seq., based upon the need to conserve water supplies and to avoid or minimize the effects of any future shortage; and

WHEREAS, it is further necessary to reduce the potential effect of a water shortage on the residents, businesses and visitors of Chino Hills and to adopt provisions that will significantly reduce the inefficient consumption of water, thereby extending the available water resources necessary for the domestic, sanitation, and fire protection of the community to the greatest extent possible.

THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION 1. That Chapter 13.08 Water Conservation of the Chino Hills Municipal Code is hereby repealed in its entirety.

SECTION 2. That Chapter 13.08 Water Conservation of the Chino Hills Municipal Code is hereby established in its stead and shall read as follows:

Chapter 13.08

WATER CONSERVATION

Sections:

- 13.08.010 Findings of Necessity.
- 13.08.020 Water customer.
- 13.08.030 Application.
- 13.08.040 Exceptions and Exemptions
- 13.08.050 Authorization.
- 13.08.060 Stage I Voluntary Conservation Alert.
- 13.08.070 Stage II Prohibitions and restrictions—Moderate Conservation Alert.
- 13.08.080 Stage III Prohibitions and restrictions—High Water Conservation.
- 13.08.090 Stage IV Prohibitions and restrictions—Severe Water Conservation.
- 13.08.100 Penalties.
- 13.08.110 Compliance

13.08.010 Findings of Necessity.

It is necessary to minimize the potential for water shortage through the practice of water conservation pursuant to California Water Code § 375 et seq., based upon the need to conserve water supplies and to avoid or minimize the effects of any future shortage. It is further necessary to reduce the potential effect of a water shortage on the residents, businesses and visitors of Chino Hills and to adopt provisions that will significantly reduce the inefficient consumption of water, thereby extending the available water resources necessary for the domestic, sanitation, and fire protection of the community to the greatest extent possible. Nothing in this Chapter shall prevent the City from also declaring a water emergency pursuant to Water Code Section 350. (Ord. 135 § 2, 2000: Ord. 83 § 1, 1996)

13.08.020 Water Customer.

Water customer for the purposes of this chapter, shall mean any person, partnership, business, corporation, or association or legal entity to whom the City of Chino Hills (City) supplies water or user of water supplied by the City. (Ord. 135 § 3, 2000: Ord. 83 § 2, 1996)

13.08.030 Application.

This chapter shall be applicable to all water customers. (Ord. 135 § 4, 2000: Ord. 83 § 3, 1996)

13.08.040 Exceptions and Exemptions.

- A. Exceptions: The City Manager or his or her designee shall grant an exception from the requirements of this chapter for any of the following reasons:
1. Water use is necessary to public health and safety or for essential government services; or
 2. Recycled water is being used; or
 3. Water use is necessary due to the medical needs of the water customer.
- B. Exemptions: The Public Works Commission may grant an exemption to the requirements of this Chapter, with or without conditions, if it determines that a water customer would otherwise experience extreme financial hardship that cannot be mitigated. The Public Works Commission shall review any requests for an exemption from compliance with this chapter. A written request for an exemption must be submitted to the Public Facilities and Operations Department a minimum of two weeks prior to the Commission meeting at which the exemption is to be considered. If appropriate, the Public Works Commission may require the customer granted an exemption to reduce water use by other appropriate alternative methods. Notwithstanding any other provision of this Code, there shall be no right to further administrative review or appeal of the determination of exemption of the Public Works Commission. (Ord. 135 § 5, 2000: Ord. 83 § 4, 1996)
The City Council may establish an "exemption processing fee."

13.08.050 Authorization

The City Council may declare the conservation stage based on a determination by Metropolitan Water District or the Inland Empire Utilities Agency, or based upon any interruption in water supply or delivery that the City Council determines in its sole discretion necessitates water conservation pursuant to this

Chapter. As declared, the City Council shall see to the enforcement of all prohibitions and restrictions as outlined in the four stages:

- Stage 1 Voluntary Conservation Alert
- Stage 2 Moderate Conservation Alert
- Stage 3 High Conservation Alert
- Stage 4 Severe Conservation Alert

13.08.060 Stage I Voluntary Conservation Alert.

Chino Hills water customers are requested to voluntarily limit the amount of water used from May 1st through September 30th of each year to the amount absolutely necessary for health, business, and irrigation. (Ord. 135 § 6, 2000: Ord. 83 § 5, 1996) During Stage 1, all elements of the prohibitions and restrictions for moderate, high and severe conservation alerts shall apply on a voluntary basis.

13.08.070 Stage II Prohibitions and Restrictions--Moderate Conservation Alert.

The following restrictions shall be applicable during a moderate water conservation alert as declared by the City Council whenever the city's water supply is anticipated to be reduced by up to ten (10) percent, and voluntary conservation does not achieve the desired reduction:

- A. There shall be no hose washing of sidewalks, walkways, driveways, parking areas, patios, porches or verandas.
- B. No water shall be used to clean, fill, operate or maintain levels in non-residential decorative fountains unless such water is part of a recirculating system. Fountains on residential properties are exempt at this stage only.
- C. No water customer shall permit water to leak on his or her premises. Such leak shall be repaired in a timely manner after notification by the city, but in no case after notification in excess of seventy-two (72) hours.
- D. 1. No water customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, groundcovers, plants, vines, gardens, vegetables, flowers, or any other landscaped or vegetated areas between the hours of 9:00 a.m. and 6:00 p.m. This provision shall not apply to equestrian and livestock businesses, dairies, nurseries, golf courses, or other water dependent industries.
2. The use of a hand held hose with a shut-off valve shall be permitted at any time.
- E. No water customer shall permit noncommercial washing of privately owned livestock, vehicles, trailers, buses or boats, except from a bucket using a hand-held hose equipped with a shut-off nozzle used for a quick rinse.
- F. No restaurants or other public place which serves food shall serve drinking water to any customer unless expressly requested by the customer.
- G. No water customer shall cause or allow water to run off or leak from landscaped areas to adjoining streets, sidewalks, or other paved areas due to incorrectly directed or maintained sprinklers or excessive watering.
- H. The use of water from fire hydrants shall be limited to fire fighting and related activities necessary to maintain the public health, safety, and welfare. An exception may be made for construction use through a proper city-designated meter where recycled water is not available. (Ord. 135 § 7, 2000: Ord. 83 § 6, 1996)

13.08.080 Stage III Prohibitions and Restrictions--High Water Conservation Alert.

The following restrictions shall be applicable during a high water conservation alert as declared by the City Council whenever the city's water supply is anticipated to be reduced by more than 10 percent but less than 25 percent:

- A. All prohibitions and restrictions in Section 13.08.070 shall be in effect.
- B. Commercial nurseries, golf courses, and other water dependent industries shall be prohibited from watering lawn, landscape, or other turf areas more than every other day. Irrigation shall occur between the hours of 6:00 p.m. and 6:00 a.m. only, with the exception of usage of recycled water.
- C. All water customers other than commercial nurseries, golf courses, and other water dependent industries shall be limited in the outdoor use of water for sprinkling, watering, or irrigating any shrubbery, trees, lawns, grass, groundcovers, plants, vines, gardens, vegetables, flowers, or any other landscaped or vegetated areas to a two day per week schedule based on street address. Designated days of irrigation: Residential addresses ending in an even number may use water on Monday and Thursday. Residential addresses ending in an odd number may use water on Tuesday and Friday. Non-residential addresses may water on Wednesday and Saturday, irrespective of address.
- D. No water shall be used to clean, fill, operate or maintain levels in decorative fountains unless such water is part of a recirculating system.
- E. Swimming pool refilling or new construction swimming pool filling shall not occur without permission from the City Manager or his or her designee. The replenishment of swimming pools shall be limited to the same days as set forth in subsection C. above for outdoor use of water.
- F. (Ord. 135 § 8, 2000; Ord. 82 § 7, 1996)
- G. The use of a hand-held hose with shut-off valve shall be permitted at any time.

13.08.090 Stage IV Prohibitions and restrictions--Severe Water Conservation Alert.

In the event of a major earthquake, large-scale fire, or other so called "Act of Nature" which could have serious impacts on the city's total available water storage capacity, whether storage capacities have been reduced or not, or in the case of a reduction in city water supply anticipated to be more than 25 percent, a severe water conservation alert shall be declared by the City Council.

- A. All previous restrictions noted in Sections 13.08.070 and 13.08.080 shall be in effect.
- B. There shall be no outdoor use of water at any time except the minimal amount by hand-held hose equipped with a shut-off nozzle.
- C. Commercial nurseries, golf courses, and other water dependent industries shall be prohibited from the outdoor use of water except by a hand-held hose equipped with a shut-off nozzle.
- D. All nonessential uses of water shall be prohibited including the filling, or refilling of swimming pools, spas, jacuzzis, or other like devices beyond what is necessary for maintenance. (Ord. 135 § 9, 2000; Ord. 83 § 8, 1996)

13.08.100 Penalties.

- A. No water customer of the city shall knowingly use, or permit the use of, water in a manner contrary to any provisions of this chapter, or in an amount in excess of that use permitted by the provisions of this chapter.

- B. Unless otherwise provided, any water customer violating any provision of this chapter shall be guilty of an infraction or misdemeanor as specified in this section, and each day or portion thereof such violation is in existence shall be a new and separate offense.
- C. Any water customer determined to be guilty of a first time violation shall be given a written reminder for compliance. Second and subsequent violations shall be punishable as follows:
1. For a second violation during any period of declared water conservation alert: as an infraction, punishable by a fine of not less than fifty dollars (\$50.00), and not exceeding one hundred dollars (\$100.00).
 2. For a third violation during any period of declared water conservation alert: as an infraction, punishable by a fine not less than one hundred dollars (\$100.00), and not exceeding one hundred fifty dollars (\$150.00).
 3. For a fourth violation during any period of declared water conservation alert: as a misdemeanor, punishable by a fine not less than five hundred dollars (\$500.00), and not exceeding one thousand dollars (\$1,000.00), and placement of a flow restrictor. In addition, the city may discontinue water services.
- D. Notwithstanding the above, the City Attorney or Deputy District Attorney may charge and prosecute second and subsequent offenses as misdemeanors at the city's sole discretion pursuant to California Water Code § 377. In addition to the above penalties, the city may file an action for civil abatement and, at the discretion of the court, be entitled to reimbursement for all necessary costs and attorneys fees incurred through investigation, discovery, analysis, inspection, abatement and other actual costs incurred by the city or its agents pertaining to the violation.
- E. The court shall fix the amount of any such reimbursements upon submission of proof of such costs by the city. Payment of any penalty provided in this section shall not relieve a person, firm or corporation, or other entity from the responsibility of correcting the condition resulting from the violation.
- F. In addition to the above remedies, the City Manager or his or her designee is empowered, to enforce any or all of the following penalties:
1. Place a flow restricting device upon the water service;
 2. Lock off of a water meter;
 3. Remove a water meter;
 4. Shut off the service connection;

All costs or expenses incurred by the city for enforcement of this section shall be borne by the water customer. No water service shall be limited or discontinued until the City Manager or his or her designee provides a written notice of intent to so limit or discontinue such service and the reasons for such decision, and further, provides such water customer notice of the right to request an administrative review and hearing pursuant to the procedures set forth in Section 1.18.090 of this Code, except that any reference to "citation" in that Section shall instead be deemed a reference to a "notice of intent" as described in this section. A written notice of intent shall be provided either by first class mail, by personal service on the water customer, or by posting said notice in a conspicuous place on the property wherein the violation occurred. Notwithstanding any other provision of this Code, there shall be no right to further administrative review or appeal. (Ord. 135 § 10, 2000; Ord. 83 § 9, 1996)

13.08.110 Compliance.

The City Code Enforcement Officer and designee from the City Water Division shall enforce the provisions of this chapter. (Ord. 135 § 11, 2000: Ord. 82 § 10, 1996)

SECTION 3. That Chapter 2.40 of the Chino Hills Municipal Code is hereby amended as follows:

Chino Hills Municipal Code Section 2.40.010 is amended to delete the word "advisory."

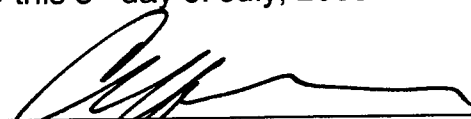
The first sentence of Chino Hills Municipal Code Section 2.40.070 is amended to read as follows:

"The Public Works Commission shall have the general power and duty to act in an advisory capacity to the City Council, and the Commission shall have any additional powers as provided in this Code."

SECTION 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason 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 portion 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 8th day of July, 2008.


CURT HAGMAN, MAYOR

ATTEST:


MARY M. McDUFFEE, CITY CLERK

APPROVED AS TO FORM:


MARK D. HENSLEY, CITY ATTORNEY

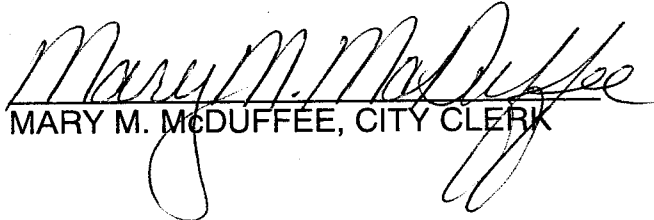
STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.
CITY OF CHINO HILLS)

I, MARY M. McDUFFEE, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. 214 was duly introduced at a regular meeting of the City Council held on the 24th day of June, 2008 and adopted at a regular meeting held on the 8th day of July, 2008, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: HAGMAN, ROGERS, KRUGER,
NORTON-PERRY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: GRAHAM


MARY M. McDUFFEE, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 214 duly passed and adopted by the Chino Hills City Council at their regular meeting held on July 8, 2008 and that Summaries of the Ordinance were published on June 28, 2008, and July 12, 2008 in the Chino Hills Champion Newspaper.


MARY M. McDUFFEE, CITY CLERK

(SEAL)