



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Cohen and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Environmental Task Force, Water and Stormwater Subcommittee, Robert Siemak, Chairman
Jim Arndt, Department of Public Works
Raul Saenz, Utilities Manager

DATE: November 17, 2009

SUBJECT: Consideration of Environmental Task Force Recommendations to Amend Water Conservation Ordinance

RECOMMENDATION:

- a) Waive further reading;
- b) Introduce Ordinance No. 2131.

FISCAL IMPLICATION:

The City will incur no significant costs as a result of the revisions.

BACKGROUND:

The recommendations contained are those of the Citizen's Committee of the Environmental Task Force (ETF), more specifically, the Water/Stormwater Subcommittee (WSS).

Upon consideration of changes to the Ordinance, the WSS remained committed to the goals originally established, and formed their recommendations and presented them to the ETF on October 15, 2009:

- Reduce water consumption by 20% over the long term.
- Aligning water use restrictions to match the MWD Water Drought Stage in effect.

The ETF voted to pass forward WSS recommended revisions to the Water Conservation Ordinance. Given the ongoing state wide drought, with predictions that it will persist past its fourth consecutive year, the WSS has concluded that no structural changes be made. Rather, the WSS is recommending twenty (20) minor language revisions to the Ordinance that will serve to clarify and/or elaborate upon the language of the existing Ordinance (Attachment 6).

DISCUSSION:

Ordinance Development and Implementation

On May 19, 2009 City Council directed the WSS to develop a Water Conservation Ordinance

that acknowledges:

- *“The need for Californians to **permanently** alter their water use patterns and habits consistent with a region prone to drought conditions, and*
- *The California Department of Water Resources warnings that the State of California is headed toward conditions of **long term drought.**”*

The WSS fulfilled that direction through a Public process that was systematic, deliberate and through consensus with the ETF. On June 2, 2009, the City Council voted unanimously to adopt the Ordinance, which went into effect on July 2, 2009.

The adopted Drought Restriction Stages of the Ordinance were designed to activate concurrently with the Metropolitan Water District’s (MWD) Drought Restriction Stages. **When the City’s Ordinance went into effect, MWD was in Stage 2 Water Restrictions.** Hence, the City’s Ordinance automatically activated its Stage 2 Water Shortage Restrictions, which in addition to the Permanent Water Conservation Requirements, call for:

- Reduction of water usage by 10%, and
- Restriction in water use as follows:
 - (1) No landscape watering with potable water unless a timed sprinkler system is installed or watering is done with a handheld device.
 - (2) Landscape watering with potable water shall be limited to two (2) times per week for not more than **fifteen (15) minutes** per watering zone from:
 - 6 P.M. on Wednesday and 9 A.M. the following Thursday
 - 6 P.M. on Saturday and 9 A.M. the following Sunday

Public Feedback to Current Stage 2 Drought Restrictions/WSS Response:

In the four months since the Ordinance’s implementation:

- The City’s water deliveries have been reduced by an average of 22% per month (See Attachment 1)
- Staff has received telephone calls and emails of inquiry (See Attachment 2)
- Staff has not issued any water waster citations. However, the following have been delivered:
 - 172 First Notification of Wasting Water letters
 - 10 Second Notification of Wasting Water letters
 - 22 Water Waster Door Hangars have been placed on resident’s doors
 - No citations have been issued

The majority of Manhattan Beach water users appear to embrace the Ordinance as is evidenced by the dramatic drop in water use since its implementation on July 2, 2009. However, the WSS and Staff have received some feed back that the watering duration and frequency of the Stage 2 Drought Restrictions should be relaxed.

The requested change effectively mirrors the restrictions under Stage 1 regarding the allowance of landscape irrigation of three days per week. Stage 1 was bypassed on the Ordinance implementation date as a function of how the Ordinance is linked to MWD. As such, the Public’s first exposure to the Ordinance was under Stage 2 Drought Restrictions, which did not offer water users an opportunity to phase into water conservation behaviors of lesser magnitude. The WSS does not support a revision in landscape irrigation practices required in the current Stage 2 Drought

Restrictions in part because:

- The Ordinance suggests the need to shift landscape irrigation practices that will be sustained over the long-term and acknowledge the:
 - Depleted condition of the State’s reservoirs (Attachments 3 & 4)
 - Long term forecast of drought in the State of California, and
 - Environmental degradation of the Sacramento Delta.
- While average water use reductions of 22% have exceeded the 10% demand of the Ordinance, more time is needed to understand long term water use behaviors. The limited window of water use reduction statistics gathered to date does not yet reflect a permanent change in water use culture. Water use reductions may be the result of water conservation information being generated by the City (Attachment 5) and state-wide through a multimillion dollar public media campaign funded by large water agencies, such as MWD, L.A, Department of Water and Power and the California Department of Water Resources. Hardening of long term water conservation practices cannot be accurately predicted in the four months since the Ordinance's implementation.
- The City of Manhattan Beach is a credible leader in environmental issues because it embraces the social and environmental challenges associated with substantive issues, such as water conservation. By adopting a Water Conservation Ordinance that addresses wasteful water use practices that challenge the status quo, the City has reasserted its stated goal of environmental sustainability and stewardship through its legal authority.

Based on this public feedback, WSS/ETF have recommended Ordinance No. 2131, which is included in this report as Attachment 7.

CONCLUSION:

The ETF and WSS recommend that the City Council adopt the revisions of Chapter 7.44, Water Conservation, of the City of Manhattan Beach Municipal Code described herein.

Staff concurs with the ETF and WSS on their recommendations and adds the following:

- Do not consider amending Drought Stage landscape irrigation regulations until July, 2010 for the following reasons:
 - MWD has locked in Stage 2 Drought Restrictions for one year ending June 30, 2010, regardless of drought conditions or social pressure. For continuity of the Ordinance’s Drought Stages with MWD’s Drought Stages, allow for that period to expire before implementing changes.
 - The one year period would allow for more accurate tracking and understanding of long term conservation behaviors.
 - Avoid confusing messages to the Public at a point where the water conservation message has taken hold.
- Monitoring and Enforcement Challenges – Switching from two to three days for landscape irrigation may pose compliance monitoring challenges.
- Public Outreach – Reeducation of the public of the landscape irrigation day changes would require a public outreach effort equivalent in scale to the first, requiring advertising, letter

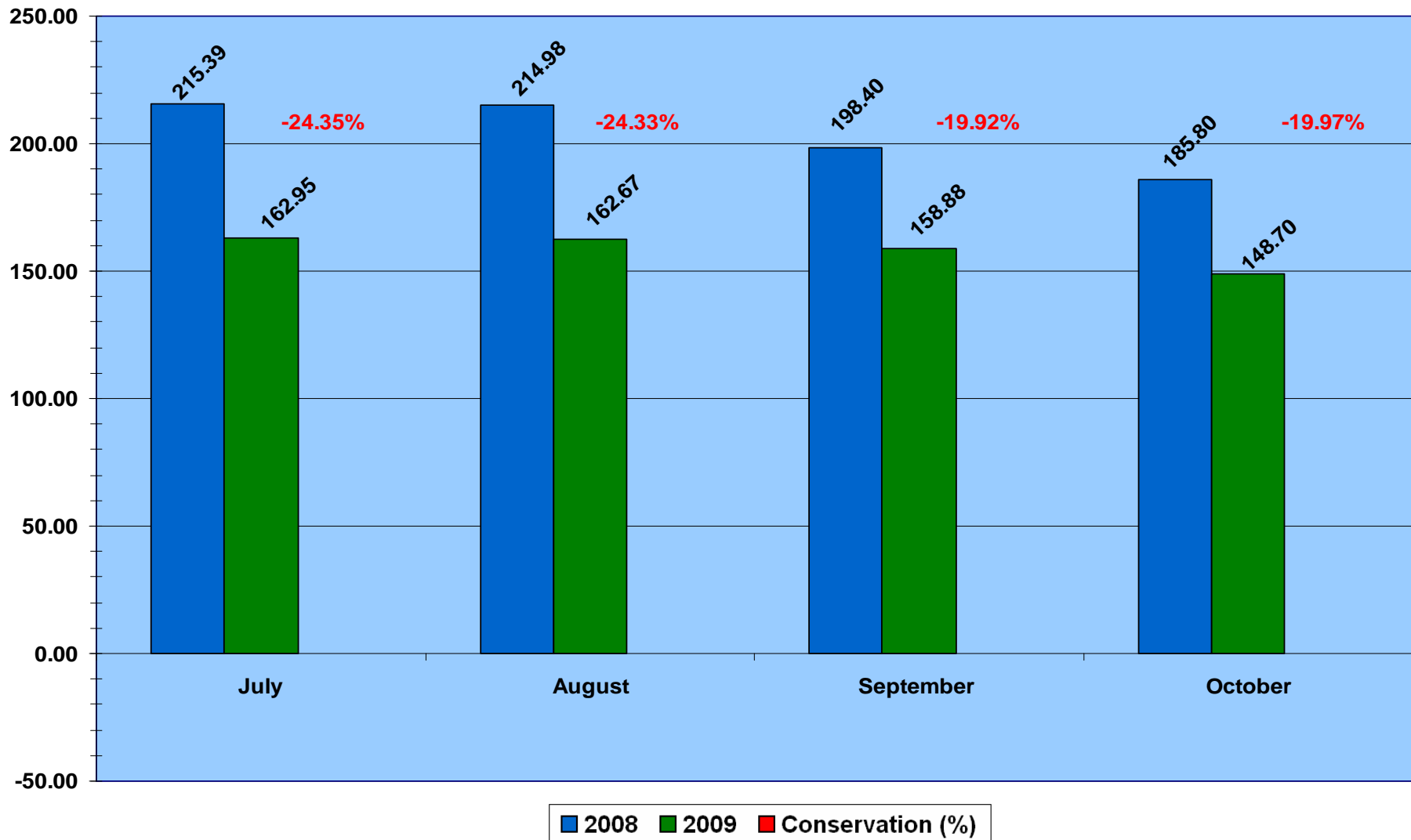
writing, website changes, and a reformatting of established “Water Waster” correspondence. Public confusion is likely with changes to landscape irrigation schedule in the short period of time since the Ordinance’s implementation.

- Stage 2 Drought Restrictions allow for two days of landscape irrigation at fifteen minutes per watering station per day. Requests have been made to increase the landscape irrigation days to three and reduce irrigation times to ten minutes per watering station per day. Proponents of the change advance the position that the irrigation times under both scenarios would be equal. Staff surmises that most customers irrigate their landscapes for times greater than the allotted 15 minutes per station per watering day as called for under the current Stage 2 Drought Restrictions. If the landscape irrigation days are increased to three days from the current two days, it is possible that the same inclination to irrigate landscapes beyond the allotted time under a two day watering restriction will extend into the third day. Hence, water use may increase.

Attachments:

1. Average Water Deliveries
2. Frequently Asked Questions by Public
3. Reservoir Levels
4. MWD Storing Reserves
5. Public Outreach
6. Recommended Ordinance Revisions
7. Ordinance No. 2131

Attachment 1
Average Water Deliveries
2004-2008 vs. Actual 2009
Millions of Gallons



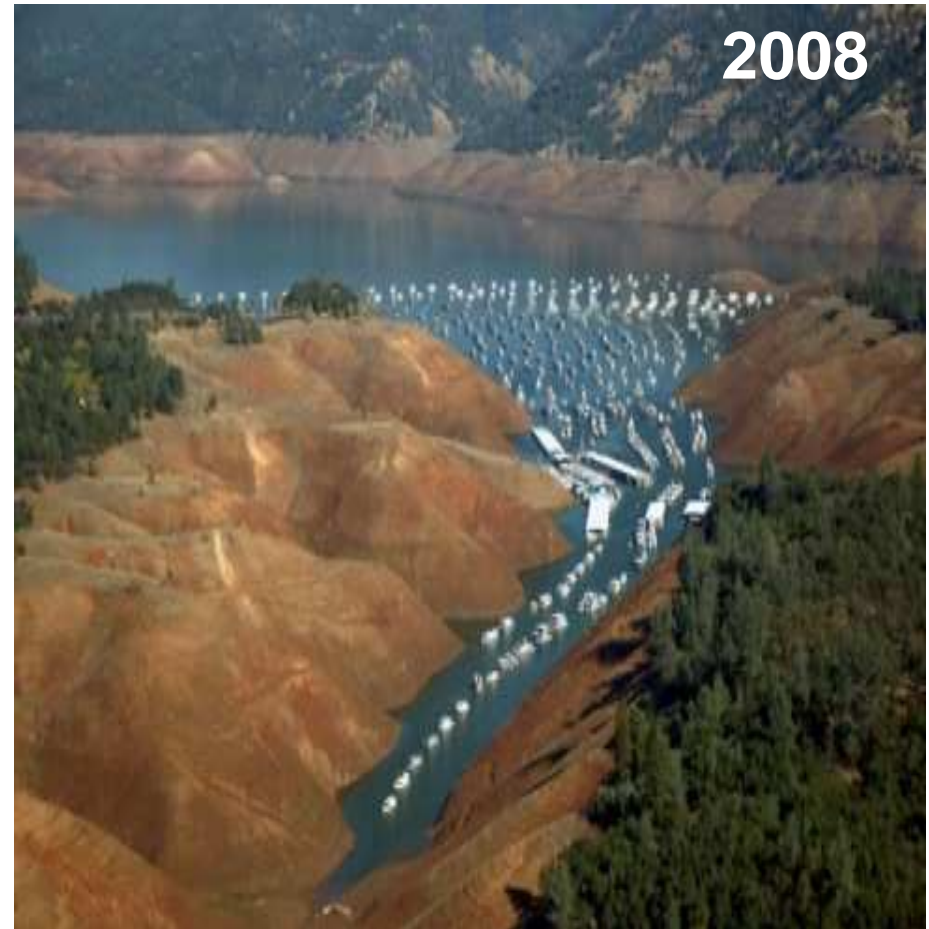
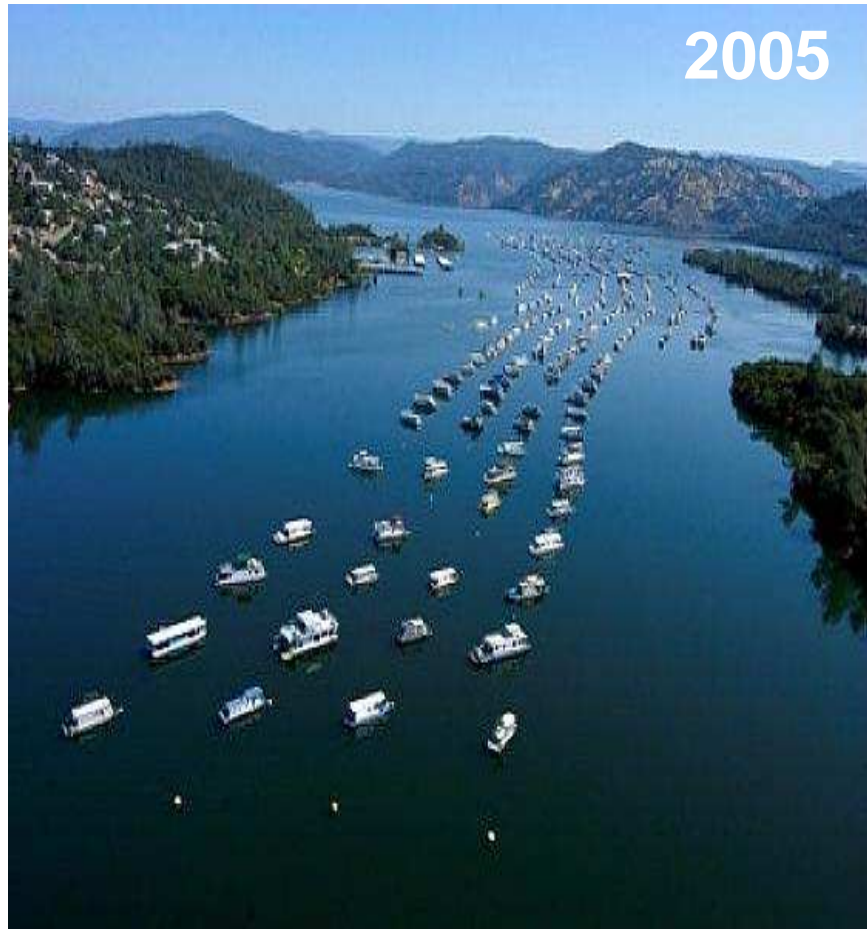
Attachment 2

Frequently Asked Questions by Public

<u>Category</u>	<u>July</u>	<u>August</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Category</u> <u>Total</u>	<u>Percentage</u>
Water Schedule	234	22	3	1	260	56%
1. Which days of the week can we water our lawns? What does 6pm - 9am mean, exactly?						
2. Why only those two days? Why can't we water more frequently, but for less time per day?						
3. What does the 15 minute maximum include?						
Water Waste Reporting	56	27	35	22	140	30%
4. What should I do if I observe a Water Ordinance Violation?						
New Landscaping	6	4	3	1	14	3%
5. What exceptions are being made for those who are planning on replacing or who already have replaced their landscape?						
Water Rate Study	4	1	1	4	10	2%
6. How will this new water conservation ordinance effect our water rates? Will I see fines and penalties in my next bill?						
7. I already conserve and have been conserving for many years, will I still have to cut down by 10%?						
Enforcement	2	3	1	0	6	1%
8. How are we planning on enforcing the water restrictions?						
9. What are the fines and penalties?						
Water Broom	3	0	0	0	3	1%
10 What is a water broom and where can I get one?						
Misc.	<u>31</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>31</u>	<u>7%</u>
Totals/ Month	336	57	43	28	464	100%

<u>Category</u>	<u>July</u>	<u>August</u>	<u>Sept.</u>	<u>Oct.</u>	<u>Category Total</u>	<u>Percentage</u>
Water Schedule	185	49	20	2	256	56%
1. Which days of the week can we water our lawns? What does 6pm - 9am mean, exactly?						
2. Why only those two days? Why can't we water more frequently, but for less time per day?						
3. What does the 15 minute maximum include?						
Water Waste Reporting	56	27	35	22	140	30%
4. What should I do if I observe a Water Ordinance Violation?						
New Landscaping	6	4	3	1	14	3%
5. What exceptions are being made for those who are planning on replacing or who already have replaced their landscape?						
Water Rate Study	4	1	1	4	10	2%
6. How will this new water conservation ordinance effect our water rates? Will I see fines and penalties in my next bill?						
7. I already conserve and have been conserving for many years, will I still have to cut down by 10%?						
Enforcement	2	3	1	0	6	1%
8. How are we planning on enforcing the water restrictions?						
9. What are the fines and penalties?						
Water Broom	3	0	0	0	3	1%
10 What is a water broom and where can I get one?						
Misc.	<u>31</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>31</u>	<u>7%</u>
Totals/ Month	287	84	60	29	460	100%

Attachment 3 Reservoir Levels



Attachment 4

MWD Storing Reserves

Metropolitan stores water reserves in a network of reservoirs and groundwater basins with a capacity of 1.6 trillion gallons of water.



NOW - 2009
On July 1, 2009, MWD implemented a Water Supply Allocation Plan which initiated mandatory conservation throughout Southern California.

2008
Record dry conditions in Southern California and court-ordered cutbacks in supplies from Northern California create a draw-down on reserves.

2007
MWD has enough non-emergency reserves in storage to handle a full year's demand. A 60 percent supply from the Sacramento-San Joaquin Delta is initially projected

2006
Favorable rain conditions in Northern California helped MWD replenish its storage reserves with 2.44 million acre-feet of water, bringing the total reserves to 3.11 million acre-feet.

Adequate Reserves



Depleting Reserves



Reserves for Emergencies Only
(670,000 AF)



Attachment 5

Public Outreach

- Water conservation link on the City website offering information on the Ordinance, Water Conservation Tips, Rebates, Drought Tolerant Plants, Frequently Asked Questions, Report a Water Waster by email and the telephone number to the Public Works Department.
- Mailer sent to all City water accounts, which contained a summary of the Ordinance, reference to the City website, and Staff contact information.
- Conservation message printed on the back side of all billing envelopes.
- Warning letters
- Door hangars
- Traffic light board that displayed water conservation message to passing motorists.
- Water Conservation Booth at the Hometown Fair on October 2009

Attachment 6
Recommended Ordinance Revisions

The WSS is recommending twenty (20) revisions to the Ordinance that will serve to clarify and/or elaborate upon the language of the existing Ordinance.

PERMANENT WATER CONSERVATION REQUIREMENTS

Revision 1: Permanent Water Conservation Requirements 7.44.030, (a) (3)

From: Water Drift. No sprinklers, fountains or other water features shall be operated when winds are so high as to create water drifting or wasting.

To: Water Drift. No sprinklers, fountains or other water features shall be operated when winds are so high as to create water drifting *causing runoff or flow to any impermeable public surface, including, but not limited to walkways, driveways, sidewalks, alleys, streets, or storm drains as well as private driveways, sidewalks and patios.*

Revision 2: Permanent Water Conservation Requirements 7.44.030, (a) (5)

From: Irrigation During Rain.

To: Irrigation During *After a* Rain Event.

Revision 3: Permanent Water Conservation Requirements 7.44.030 (c) (1)

From: Fill any water feature such as a fountain, pond, lake or water display unless the water feature is constructed with a water recycling system.

To: Fill any water feature such as a fountain, pond, lake or water display unless the water feature is constructed with a water *recirculation* system.

Revision 4: Permanent Water Conservation Requirements 7.44.030 (f)

From: Hotels and Motels.

To: Hotels Motels, *Bed and Breakfast,*

STAGE 1 WATER SHORTAGE

Revision 5: Stage 1 Water Shortage 7.44.040 (a)

From: A. When the Metropolitan Water District implements its Stage 1 Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect:

To: When the Metropolitan Water District implements its Stage 1 **Water** Shortage allocation reduction, the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect:

Revision 6: Stage 1 Water Shortage 7.44.040 (a) (1)

From: Landscape irrigation using potable water shall be limited to no more than fifteen (15) minutes per watering day;

To: Landscape irrigation using potable water shall be limited to no more than fifteen (15) minutes per watering **zone per** watering day.

Revision 7: Stage 1 Water Shortage 7.44.040 (a) (2)

From: Landscape watering with potable water shall be limited to three (3) times per week on Monday, Wednesday and Saturday nights after 6 P.M..

To: Landscape watering with potable water shall be limited to three (3) times per week ***between:***

- ***6 P.M. on Monday and 9 A.M. the following Tuesday***
- ***6 P.M. on Wednesday and 9 A.M. the following Thursday***
- ***6 P.M. on Saturday and 9 A.M. the following Sunday***

Revision 8: Stage 1 Water Shortage 7.44.040 (a) (3)

New: ***This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.***

STAGE 2 WATER SHORTAGE

Revision 9: Stage 2 Water Shortage 7.44.040 (b)

From: A. When the Metropolitan Water District implements its Stage 2 Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to all Stage 1 restrictions:

To: When the Metropolitan Water District implements its Stage 2 ***Water*** Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to all Stage 1 ***Water Shortage*** restrictions:

Revision 10: Stage 2 Water Shortage 7.44.040 (b) (2)

From: Landscape watering with potable water shall be limited to two (2) times per week on Wednesday and Saturday nights after 6 P.M.

To: Landscape watering with potable water shall be limited to two (2) times per week for not more than fifteen (15) minutes per watering zone from:

- **6 P.M. on Wednesday and 9 A.M. the following Thursday**
- **6 P.M. on Saturday and 9 A.M. the following Sunday**

Revision 11: Stage 2 Water Shortage 7.44.040 (b) (3)

New: ***This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.***

STAGE 3 WATER SHORTAGE

Revision 12: Stage 3 Water Shortage 7.44.040 (c)

From: A. When the Metropolitan Water District implements its Stage 3 Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to the Stage 1 and 2 restrictions:

To: When the Metropolitan Water District implements its Stage 3 **Water Shortage** allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to the Stage 1 and 2 **Water Shortage** restrictions:

Revision 13: Stage 3 Water Shortage 7.44.040 (c) (2)

From: Landscape watering with potable water shall be limited to one (1) time per week on Wednesday nights after 6 P.M.

To: Landscape watering with potable water shall be limited to one (1) time per week ***for not more than fifteen (15) minutes per watering zone from 6 P.M. on Wednesday and 9 A.M. the following Thursday.***

Revision 14: Stage 3 Water Shortage 7.44.040 (c) (3)

New: ***This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.***

STAGE 4 WATER SHORTAGE

Revision 15: Stage 4 Water Shortage 7.44.040 (d)

From: A. When the Metropolitan Water District implements its Stage 4 Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to all Stage, 1, 2 and 3 restrictions:

To: When the Metropolitan Water District implements its Stage 4 **Water Shortage** allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to all Stage, 1, 2 and 3 **Water Shortage** restrictions:

Revision 16: Stage 4 Water Shortage 7.44.040 (d) (3)

From: Landscape watering with potable water shall be limited to one (1) time per week on Wednesday nights after 6 P.M. only drip irrigation or hand held hoses are permitted.

To: Landscape watering with potable water shall be limited to one (1) time per week **from 6 P.M. on Wednesday and 9 A.M. the following Thursday by only** drip irrigation , hand held hoses, **or If reclaimed water is utilized as permitted by law.**

Revision 17: Stage 4 Water Shortage 7.44.040 (d) (4)

New: ***This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.***

STAGE 5 WATER SHORTAGE

Revision 18: Stage 5 Water Shortage 7.44.040 (e)

From: A. When the Metropolitan Water District implements its Stage 5 through 10 Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to all Stage 1, 2, 3, and 4 restrictions:

To: When the Metropolitan Water District implements its Stage 5 through 10 **Water Shortage** allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to all Stage 1, 2, 3, and 4 **Water Shortage** restrictions:

Revision 19: Stage 5 Water Shortage 7.44.040 (e) (2)

From: Landscape irrigation with potable water is prohibited except with a watering can using water reclaimed from indoor use;

To: Landscape irrigation with potable water is prohibited except with a watering can using water **captured** from indoor use.

Revision 20: Stage 5 Water Shortage 7.44.040 (d) (4)

New: ***This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.***

ORDINANCE NO. 2131

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, RESCINDING MANHATTAN BEACH MUNICIPAL CODE SECTIONS 7.44.010, 7.44.053, 7.44.056 AND 7.44.090 AND AMENDING MANHATTAN BEACH MUNICIPAL CODE SECTIONS 7.44.030, 7.44.040 AND 7.44.050 REGARDING AMENDMENT TO THE CITY'S WATER CONSERVATION ORDINANCE

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The Manhattan Beach City Council hereby finds as follows:

- a. Judicial rulings have reduced the availability of water from Northern California and the Colorado River to Southern California;
- b. Because of the reduced availability of water it is necessary to change consumption practices in order to reduce water usage on a permanent basis as well as insure that emergency procedures are in place for severe water shortages;
- c. It is therefore necessary and in the best interest of the health and welfare of the residents of Manhattan Beach to amend the City's existing water conservation ordinance to provide for best practices of water conservation to be memorialized as enforceable rules governing the use of water in the City;
- d. This ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines sections 15061(b)(3), 15307 and 15308.

SECTION 2. Sections 7.44.010, 7.44.053, 7.44.056 and 7.44.090 of the Manhattan Beach Municipal Code are hereby rescinded in their entirety.

SECTION 3. Sections 7.44.030, 7.44.040 and 7.44.050 of the Manhattan Beach Municipal Code are hereby amended in their entirety to read as follows:

7.44.030 Permanent Water Conservation Requirements.

The following water conservation requirements shall apply to all persons within the City of Manhattan Beach:

(a) Landscape.

(1) Watering Hours.

No lawn or landscape area shall be spray irrigated between the hours of nine a.m. and six p.m. on any day. This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.

(2) Irrigation Overspray and Runoff.

Water shall not spray or flow to any impermeable private or public surface including but not limited to walkways, driveways, sidewalks, alleys, streets, or storm drains.

(3) Water Drift.

No sprinklers, fountains or other water features shall be operated when winds are so high as to create water drifting causing runoff or flow to any impermeable public surface, including, but not limited to walkways, driveways, sidewalks, alleys, streets, or storm drains as well as private driveways, sidewalks and patios.

(4) Over-Irrigation.

It is prohibited to water or irrigate lawns, turf or other landscape beyond saturation causing runoff or flow to any impermeable public surface, including, but not limited to walkways, driveways, sidewalks, alleys, streets, or storm drains as well as private driveways, sidewalks and patios.

(5) Irrigation During/After a Rain Event.

It is prohibited to water or irrigate any landscaping within 24 hours of measurable rainfall.

(b) Cleaning.

No person shall:

(1) Use water to wash, clean or clear any sidewalks, streets, walkways, patios, Driveways, alleys or parking areas, whether paved or unpaved, with a hose connected to a domestic water source unless through use of a water broom.

Exception: Pressure washing may be permitted.

(2) Wash or clean with water any vehicle, including, but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or unmotorized, except by use of a hand-held bucket or similar container or a hose equipped with a positive action quick release shutoff valve or nozzle. This subsection shall not apply to any commercial car washing facility which utilizes a recycling system to capture or reuse water.

(c) Water Features and Water Recreation Facilities.

No person shall:

(1) Fill any water feature such as a fountain, pond, lake or water display unless the water feature is constructed with a water recirculation system.

(2) Fill any water recreation facility such as a hot tub, spa, permanent swimming or wading pool unless the water recreation facility is constructed, installed or equipped with a cover to reduce water loss due to evaporation.

(d) Waste, Ponding and Leaks.

No person shall:

(1) Cause, permit or allow water to leak from any exterior or interior pipe, hose or plumbing fixture of any kind whatsoever.

(2) Cause, permit or allow water to flow from any source on private or public property into gutters, streets, alleys or storm drains except as a result of rainfall or excessive groundwater from a private sump pump or from a nonpotable source of water.

(3) Cause, permit or allow water from any source to pond on private or public property except as a result of rainfall.

(4) Cause, permit or allow water to flow from any source on private or public property without beneficial use.

(e) Eating and Drinking Establishments.

1.) All eating and drinking establishments of any kind whatsoever including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall only provide drinking water to any person upon receipt of an express request.

2.) All food service businesses shall install water conserving pre-rinse nozzles.

(f) Hotels, Motels, Bed and Breakfast.

1.) All hotels, motels and bed and breakfast establishments shall provide customers the option of choosing not to have towels laundered daily. Each establishment shall prominently display notice of this option in each bathroom and sleeping room using clear easily understood language.

2.) Within five years from the effective date of this ordinance, July 2, 2009, all guest room toilets shall be replaced with the best available technology low flow toilets.

(g) Carwashes.

1.) Any new carwash system shall have a water recirculation system.

2.) Within five years from the effective date of this ordinance, July 2, 2009, all existing carwash systems shall have installed water recirculation systems.

(h) Commercial Establishments In General.

1.) All nonresidential buildings in the City shall within five years from the effective date of this ordinance, July 2, 2009, replace all:

i.) Public toilets and urinals with best available technology low flow toilets and urinals.

ii.) Dishwashers with water efficient dishwashers.

2.) Water efficient washing machines shall be installed upon replacement of existing or acquisition of new washing machines in nonresidential buildings.

(i) Hoses.

No person shall allow water to flow freely from a hose that is not equipped with a positive action quick release shutoff valve or nozzle.

(j) Exceptions.

The provisions of this Section are not applicable to the uses of water which are necessary to protect public health and safety or for essential services, such as police, fire and other similar emergency services.

7.44.040 Drought Restrictions

In addition to the permanent water restrictions set forth in section 7.44.030 above the following restrictions shall be imposed upon declaration by the Metropolitan Water District of a phased water shortage:

(a) Stage 1 Water Shortage:

When the Metropolitan Water District implements its Stage 1 Water Shortage allocation reduction, the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect:

(1) Landscape irrigation using potable water shall be limited to no more than fifteen (15) minutes per watering zone per watering day.

(2) Landscape watering with potable water shall be limited to three (3) times per week between:

- 6 P.M. on Monday and 9 A.M. the following Tuesday
- 6 P.M. on Wednesday and 9 A.M. the following Thursday
- 6 P.M. on Saturday and 9 A.M. the following Sunday

(3) This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.

(b) Stage 2 Water Shortage:

When the Metropolitan Water District implements its Stage 2 Water Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to all Stage 1 Water Shortage restrictions:

(1) No landscape watering with potable water unless a timed sprinkler system is installed or watering is done with a handheld device.

(2) Landscape watering with potable water shall be limited to two (2) times per week for not more than fifteen (15) minutes per watering zone from:

- 6 P.M. on Wednesday and 9 A.M. the following Thursday
- 6 P.M. on Saturday and 9 A.M. the following Sunday

(3) This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.

(c) Stage 3 Water Shortage:

When the Metropolitan Water District implements its Stage 3 Water Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to the Stage 1 and 2 Water Shortage restrictions:

- (1) Washing of vehicles is prohibited except at commercial car washes or by mobile high pressure/low volume commercial services.
- (2) Landscape watering with potable water shall be limited to one (1) time per week for not more than fifteen (15) minutes per watering zone from 6 P.M. on Wednesday and 9 A.M. the following Thursday.
- (3) This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.

(d) Stage 4 Water Shortage:

When the Metropolitan Water District implements its Stage 4 Water Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to all Stage, 1, 2 and 3 Water Shortage restrictions:

- (1) Home reverse osmosis treatment units and water softeners shall be disconnected or turned off.
- (2) Watering of nonpublic playing fields with potable water is prohibited.
- (3) Landscape watering with potable water shall be limited to one (1) time per week from 6 P.M. on Wednesday and 9 A.M. the following Thursday by only drip irrigation , hand held hoses, or If reclaimed water is utilized as permitted by law.
- (4) This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.

(e) Stage 5 Water Shortage or above:

When the Metropolitan Water District implements its Stage 5 through 10 Water Shortage allocation reduction the following restrictions on the use of water from the Manhattan Beach Water System shall be in effect in addition to all Stage 1, 2, 3, and 4 Water Shortage restrictions:

- (1) Filling of residential swimming pools or spas with potable water is prohibited.
- (2) Landscape irrigation with potable water is prohibited except with a watering can using water captured from indoor use..
- (3) Any additional water conservation measures adopted by the Director of Public Works or his or her designee deemed necessary for the preservation of public health, safety and welfare.

(4) This subsection shall not apply to any drip irrigation system, irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.

7.44.050 Penalties and Remedies.

(a) Violation of this section shall constitute an infraction and shall be punishable as described in Section 1.04.010(B) of this Code. Any offense which would otherwise constitute an infraction shall be deemed a misdemeanor if a defendant has been convicted of two (2) or more prior violations of this chapter within the twelve (12) month period immediately preceding the commission of the offense. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged. Each day that a violation occurs shall constitute a separate offense.

(b) In addition to any other surcharge or penalty as may be provided for in this Chapter or Code, any customer who fails to comply with any provision of Section 7.44.030 or 7.44.040 may be assessed a surcharge of seventy-five dollars (\$75) or two hundred percent (200%) of the customer's total water bill for the most recent billing period, whichever is greater. Any customer against whom this fine is assessed shall be entitled to prior notice and may request a hearing regarding imposition of the fine.

(c) It shall constitute a misdemeanor punishable by a fine not to exceed five hundred dollars or by imprisonment for a period not to exceed six months or both, for any person to knowingly misrepresent any material fact to any employee, agent or representative of the City in any attempt or effort to circumvent or otherwise diminish the effectiveness of any of the requirements imposed by any part of this Chapter.

(d) A violation of any provision of this Chapter is declared to be a public nuisance and the City Attorney is authorized to abate such violation(s) by means of a civil action.

(e) The penalties and remedies established by the Chapter shall be cumulative.

SECTION 4. Each and every other provision of Chapter 7.44 shall continue in full force and effect.

SECTION 5. Each and every other provision of the Manhattan Beach Municipal Code shall continue in full force and effect.

SECTION 6. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 7. This notice shall be published by one insertion in *The Beach Reporter*, the official newspaper of the City, and this ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

SECTION 8. The City Clerk shall certify to the adoption of this ordinance; shall cause the same to be entered in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted;

and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published by one insertion in *The Beach Reporter*, the official newspaper of the City and a weekly newspaper of general circulation, published and circulated within the City of Manhattan Beach hereby designated for that purpose.

PASSED, APPROVED, and ADOPTED this 1st day of December, 2009.

Ayes:
Noes:
Absent:
Abstain:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk