


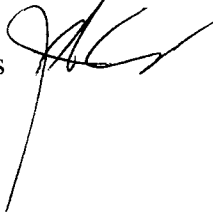


Staff Report

City of Manhattan Beach

TO: Honorable Mayor Cohen and Members of the City Council

THROUGH: Geoff Dolan, City Manager 

FROM: Jim Arndt, Department of Public Works
Raul Saenz, Utilities Manager 

DATE: December 1, 2009

SUBJECT: Adoption of Ordinance Amending the Existing Water Conservation Ordinance

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 2131 – Water Conservation – of the City of Manhattan Beach Municipal Code which rescinds Manhattan Beach Municipal Code Sections 7.44.010, 7.44.053, 7.44.056 and 7.44.090 and amends Manhattan Beach Municipal Code sections 7.44.030, 7.44.040, and 7.44.050.

FISCAL IMPLICATION:

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

BACKGROUND:

At the November 17, 2009 City Council meeting, City Council introduced and waived further reading of Ordinance No. 2131, which rescinds and revises Manhattan Beach Municipal Code Section 7.44 – Water Conservation – of the City of Manhattan Beach Municipal Code. Council directed Staff to submit those revisions to Council at the December 1, 2009 City Council meeting for approval and adoption of the Ordinance.

DISCUSSION:

Based on Council direction, the requested revisions are submitted and contained within Ordinance No. 2131 (attached).

Attachment: Ordinance No. 2131

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 a 0.10 inch or greater rainfall event.

(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

APPROVED AS TO FORM:

By 
City Attorney