

CHAPTER 5.03: WATER CONSERVATION AND WATER SUPPLY SHORTAGE PROGRAM

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§ 5.03.005 TITLE.

This Chapter will be known as the Culver City Water Conservation and Water Supply Shortage Program.

(Ord. No. 2009-009 § 1 (part))

§ 5.03.010 FINDINGS.

A. A reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the southern California region.

B. Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, climate change, environmental concerns, and other factors in other parts of the state and western United States, make the region highly susceptible to water supply reliability issues.

C. Careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs.

D. Cal. Const. Art. X, § 2 declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.

E. Cal. Const. Art. X, § 7 declares that a city or county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.

F. The adoption and enforcement of a water conservation and supply shortage program is necessary to manage the City's potable water supply in the short- and long-term, and to avoid or minimize the effects of drought and shortage within the City. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

(Ord. No. 2009-009 § 1 (part))

§ 5.03.015 DECLARATION OF PURPOSE AND INTENT.

A. The purpose of this Chapter is to establish a water conservation and supply shortage program that will reduce water consumption within the City through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of

water, and maximize the efficient use of water within the City to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.

B. This Chapter establishes permanent water conservation standards intended to alter behavior related to water use efficiency at all times, and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.

(Ord. No. 2009-009 § 1 (part))

§ 5.03.020 DEFINITIONS.

Whenever used in this Chapter, the following words and phrases shall have the meaning defined in this Section:

CITY. The City of Culver City, California.

LANDSCAPE IRRIGATION SYSTEM. An irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.

LARGE LANDSCAPE AREAS. A lawn, landscape, or other vegetated area, or combination thereof, equal to more than one acre of irrigable land.

PERSON. Any natural person or persons, corporation, public or private entity, governmental agency or institution, including all agencies and departments of the City, or any other user of water provided by the Golden State Water Company and/or the Los Angeles Department of Water and Power.

POTABLE WATER. Water that is suitable for drinking.

RECYCLED WATER. The reclamation and reuse of non-potable water for beneficial use as defined in Cal. Code of Regulations, Title 22.

SINGLE-PASS COOLING SYSTEMS. Equipment where water is circulated only once to cool equipment before being disposed.

('65 Code, § 29-38) (Ord. No. 90-022 § 1 (part); Ord. No. 2009-009 § 1 (part))

§ 5.03.025 APPLICATION.

A. The provisions of this Chapter apply to any person within the geographical boundaries of the City in the use of any potable water provided by the Golden State Water Company and/or the Los Angeles Department of Water and Power.

B. The provisions of this Chapter do not apply to uses of water necessary to protect public health and safety or for essential government services.

C. The provisions of this Chapter do not apply to the use of recycled water.

D. The provisions of this Chapter do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.

E. This Chapter is intended solely to further the conservation of water. It is not intended to implement any provision of federal, state, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff.

(Ord. No. 2009-009 § 1 (part))

§ 5.03.030 PERMANENT WATER CONSERVATION REQUIREMENTS; PROHIBITION AGAINST WASTE.

The following water conservation requirements are effective at all times and are permanent. Violations of this Section will be considered waste and an unreasonable use of water.

A. *Limits on watering hours.* Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 8:00 a.m. and 7:00 p.m., Pacific

Standard Time, on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive, self-closing, water-shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system. Watering outdoor landscaping within 48 hours after measurable precipitation is prohibited.

B. *Limit on watering duration.* Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than 10 minutes of watering per day, per station. This Subsection does not apply to landscape irrigation systems that exclusively use very-low-flow, drip-type irrigation systems, when no emitter produces more than two gallons of water per hour, and weather-based controllers or stream rotor sprinklers that meet a 70% efficiency standard. Public parks and public and school playing fields may be watered in a frequency and duration that maintains their usability, without limitation, however, watering is prohibited between the hours of 8:00 a.m. and 7:00 p.m., Pacific Standards Time, on any day.

C. *No excessive water flow or runoff.* Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.

D. *No washing down hard or paved surfaces.* Washing down hard or paved surfaces, including but not limited to, sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive, self-closing, water-shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume, high-pressure water broom.

E. *Obligation to fix leaks, breaks or malfunctions.* Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected, and in no event more than seven days of receiving notice from the City, is prohibited.

F. *Re-circulating water required for decorative water fountains and decorative water features.* Operating a decorative water fountain or other decorative water feature that does not use re-circulated water is prohibited.

G. *Limits on washing vehicles.* Using water to wash or clean a vehicle, including but not limited to, any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited, except by use of a hand-held bucket or similar container, or a hand-held hose equipped with a positive, self-closing, water-shut-off nozzle or device. This Subsection does not apply to any commercial car washing facility.

H. *Drinking water served upon request only.* Eating or drinking establishments, including but not limited to, a restaurant, hotel, café, cafeteria, bar, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.

I. *Commercial lodging establishments must provide guests option to decline daily linen services.* Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each guest room, using clear and easily understood language.

J. *No installation of single-pass cooling systems.* Installation of single-pass cooling systems is prohibited in buildings requesting new water service.

K. *No installation of non-re-circulating water systems in commercial car wash and laundry systems.* Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.

L. *Restaurants required to use water-conserving, dish-wash spray valves.* Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water-conserving, dish-wash spray valves.

M. *Commercial car wash systems.* Effective on January 1, 2012, all commercial conveyor car wash systems must have installed operational re-circulating water systems, or must have secured a waiver of this requirement from the City.

N. *Pool and spa covers required.* All swimming pools and spas shall be equipped with a cover of the type that will reduce evaporation.

O. *Irrigation prohibition.* Watering ornamental turf on public street medians is prohibited. ('65 Code, § 29-39) (Ord. No. 90-022 § 1 (part); Ord. No. 2006-009 § 22 (part); (Ord. No. 2009-009 § 1 (part); Ord. No. 2016-010 § 1)

§ 5.03.035 LEVEL 1 WATER SUPPLY SHORTAGE.

A. *Determination and declaration.* A Level 1 Water Supply Shortage exists when the City determines, at its sole discretion, that, due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer-demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon its declaration of a Level 1 Water Supply Shortage condition, the City will implement the mandatory Level 1 conservation measures identified in this Section.

B. *Additional water conservation measures.* In addition to the prohibited uses of water identified in § [5.03.030](#), the following water conservation requirements apply during a declared Level 1 Water Supply Shortage:

1. *Limits on watering days.* Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to three days per week, on a schedule that may be established and posted by the City, at the discretion of the Director of Public Works. This provision does not apply to landscape irrigation zones that exclusively use very-low-flow, drip-type irrigation systems, when no emitter produces more than two gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive, self-closing, water-shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

2. *Obligation to fix leaks, breaks or malfunctions.* All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within 72 hours of notification by the City, unless other arrangements are made with the City. (Ord. No. 2009-009 § 1 (part); Ord. No. 2016-010 § 2)

§ 5.03.040 LEVEL 2 WATER SUPPLY SHORTAGE.

A. *Determination and declaration.* A Level 2 Water Supply Shortage exists when the City determines, at its sole discretion, that, due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer-demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon its declaration of a Level 2 Water Supply Shortage condition, the City will implement the mandatory Level 2 conservation measures identified in this Section.

B. *Additional conservation measures.* In addition to the prohibited uses of water identified in §§ [5.03.030](#) and [5.03.035](#), the following additional water conservation requirements apply during a declared Level 2 Water Supply Shortage:

1. *Limits on watering days.* Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two days per week, on a schedule that may be established and posted by the City, at the discretion of the Director of Public Works. This provision does not apply to landscape irrigation zones that exclusively use very-low-flow, drip-type irrigation systems, when no emitter produces more than two gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive, self-closing, water-shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

2. *Obligation to fix leaks, breaks or malfunctions.* All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within 48 hours of notification by the City, unless other arrangements are made with the City.

3. *Limits on filling ornamental lakes or ponds.* Filling or refilling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage level under this Chapter.

4. *Limits on washing vehicles at commercial car washing facilities.* Using water to wash or clean a vehicle, including but not limited to, any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited at a commercial car washing facility that does not utilize a re-circulating water system to capture or reuse water.

(Ord. No. 2009-009 § 1 (part); Ord. No. 2015-003 § 1; Ord. No. 2016-010 § 3)

§ 5.03.045 LEVEL 3 WATER SUPPLY SHORTAGE; EMERGENCY CONDITION.

A. *Determination and declaration.* A Level 3 Water Supply Shortage condition is also referred to as an “emergency” condition. A Level 3 condition exists when the City declares a water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon its declaration of a Level 3 Water Supply Shortage condition, the City will implement the mandatory Level 3 conservation measures identified in this Section.

B. *Additional conservation measures.* In addition to the prohibited uses of water identified in §§ [5.03.030](#), [5.03.035](#), and [5.03.040](#), the following water conservation requirements apply during a declared Level 3 Water Supply Shortage Emergency:

1. *No watering or irrigating.* Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited. This restriction does not apply to the following categories of use, unless the City has determined that recycled water is available and may be applied to the use:

a. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive, self-closing, water-shut-off nozzle or device;

b. Maintenance of existing landscape necessary for fire protection;

c. Maintenance of existing landscape for soil erosion control;

d. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;

e. Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed two days per week, according to the time restrictions in § [5.03.030](#)A. and B.;

f. Actively irrigated environmental mitigation projects.

2. *Obligation to fix leaks, breaks or malfunctions.* All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within 24 hours of notification by the City, unless other arrangements are made with the City.

(Ord. No. 2009-009 § 1 (part))

§ 5.03.050 PROCEDURES FOR DETERMINATION AND NOTIFICATION OF WATER SUPPLY SHORTAGE.

Declaration and notification of water supply shortage. The existence of Level 1, Level 2 or Level 3 Water Supply Shortage conditions may be declared by resolution of the City, adopted at a regular or special public meeting held in accordance with state law. The mandatory conservation requirements applicable to Level 1, Level 2 or Level 3 conditions will take effect on the tenth day after the date the shortage level is declared. Within five days following the declaration of the shortage level, the City must publish a copy of the resolution in a newspaper used for publication of official notices.

(Ord. No. 2009-009 § 1 (part))

§ 5.03.055 HARDSHIP WAIVER.

A. *Undue and disproportionate hardship.* If, due to unique circumstances, a specific requirement of this Chapter would result in undue hardship to a person using water, or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this Section.

B. *Written finding.* The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water, or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. *Application.* Application for a waiver must be on a form prescribed by the City, and accompanied by a non-refundable processing fee in an amount set by resolution of the City Council.

2. *Supporting documentation.* The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. *Required findings for waiver.* An application for a waiver will be denied unless the City Manager, or his or her designee, finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property, as shown by the records of the City or its agent, all of the following:

a. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;

b. That because of special circumstances applicable to the property or its use, the strict application of this Chapter would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally;

c. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City to effectuate the purpose of this Chapter, and will not be detrimental to the public interest; and

d. That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent or general in nature.

4. *Approval authority.* The City Manager or his or her designee must act upon any completed application no later than ten days after submittal, and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver must be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved, the waiver will apply to the subject property during the period of the mandatory water supply shortage condition. The decision of the City Manager or his or her designee will be final. ('65 Code, § 29-40) (Ord. No. 90-022 § 1 (part); Ord. No. 2006-009 § 22 (part); Ord. No. 2009-009 § 1 (part))

 **§ 5.03.060 PENALTIES AND VIOLATIONS.**

Any violation of this Chapter may be prosecuted pursuant to and in accordance with [Chapter 1.02](#) of the Culver City Municipal Code.

('65 Code, § 29-41) (Ord. No. 90-022 § 1 (part); Ord. No. 2009-009 § 1 (part))