

1 e. Article XI, Section 7 of the California Constitution declares that a city
2 or county may make and enforce within its limits all local, police, sanitary and other
3 ordinances and regulations not in conflict with general laws.

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

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10 **Section 5.03.015. Declaration of Purpose and Intent.**

11 a. The purpose of this chapter is to establish a water conservation and
12 supply shortage program that will reduce water consumption within the City through
13 conservation, enable effective water supply planning, assure reasonable and beneficial
14 use of water, prevent waste of water, and maximize the efficient use of water within the
15 City to avoid and minimize the effect and hardship of water shortage to the greatest
16 extent possible.

17 b. This chapter establishes permanent water conservation standards
18 intended to alter behavior related to water use efficiency at all times and further
19 establishes three levels of water supply shortage response actions to be implemented
20 during times of declared water shortage or declared water shortage emergency, with
21 increasing restrictions on water use in response to worsening drought or emergency
22 conditions and decreasing supplies.
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1 **Section 5.03.020. Definitions.**

2 a. The following words and phrases whenever used in this chapter have
3 the meaning defined in this section:

- 4 1. **"City"** means the City of Culver City, California.
- 5 2. **"Person"** means any natural person or persons, corporation,
6 public or private entity, governmental agency or institution, including
7 all agencies and departments of the City, or any other user of water
8 provided by the Golden State Water Company and/or the Los
9 Angeles Department of Water and Power.
- 10 3. **"Landscape irrigation system"** means an irrigation system
11 with pipes, hoses, spray heads, or sprinkling devices that are
12 operated by hand or through an automated system.
- 13 4. **"Large landscape areas"** means a lawn, landscape, or other
14 vegetated area, or combination thereof, equal to more than one (1)
15 acre of irrigable land.
- 16 5. **"Single pass cooling systems"** means equipment where
17 water is circulated only once to cool equipment before being
18 disposed.
- 19 6. **"Potable water"** means water which is suitable for drinking.
- 20 7. **"Recycled water"** means the reclamation and reuse of non-
21 potable water for beneficial use as defined in Title 22 of the
22 California Code of Regulations.
- 23 California Code of Regulations.

24 **Section 5.03.025. Application.**

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

3 b. The provisions of this chapter do not apply to uses of water
4 necessary to protect public health and safety or for essential government services.

5 c. The provisions of this chapter do not apply to the use of recycled
6 water.

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

10 e. This chapter is intended solely to further the conservation of
11 water. It is not intended to implement any provision of federal, State, or local statutes,
12 ordinances, or regulations relating to protection of water quality or control of drainage or
13 runoff.
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15 **Section 5.03.030. Permanent Water Conservation Requirements —**
16 **Prohibition Against Waste.**

17 The following water conservation requirements are effective at all times and are
18 permanent. Violations of this section will be considered waste and an unreasonable use
19 of water.
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21 a. **Limits on Watering Hours:** Watering or irrigating of lawn,
22 landscape or other vegetated area with potable water is prohibited between the hours of
23 9:00 a.m. and 5:00 p.m. Pacific Standard Time on any day, except by use of a hand-
24 held bucket or similar container, a hand-held hose equipped with a positive self-closing
25 water shut-off nozzle or device, or for very short periods of time for the express purpose
26 of adjusting or repairing an irrigation system.
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1 f. **Re-circulating Water Required for Decorative Water Fountains**
2 **and Decorative Water Features:** Operating a decorative water fountain or other
3 decorative water feature that does not use re-circulated water is prohibited.

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

9 h. **Drinking Water Served Upon Request Only:** Eating or drinking
10 establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, or
11 other public place where food or drinks are sold, served, or offered for sale, are
12 prohibited from providing drinking water to any person unless expressly requested.

13 i. **Commercial Lodging Establishments Must Provide Guests**
14 **Option to Decline Daily Linen Services:** Hotels, motels and other commercial lodging
15 establishments must provide customers the option of not having towels and linen
16 laundered daily. Commercial lodging establishments must prominently display notice of
17 this option in each bathroom using clear and easily understood language.

18 j. **No Installation of Single Pass Cooling Systems:** Installation of
19 single pass cooling systems is prohibited in buildings requesting new water service.

20 k. **No Installation of Non-re-circulating in Commercial Car Wash**
21 **and Laundry Systems:** Installation of non-re-circulating water systems is prohibited in
22 new commercial conveyor car wash and new commercial laundry systems.

23 l. **Restaurants Required to Use Water Conserving Dish Wash**
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1 **Spray Valves:** Food preparation establishments, such as restaurants or cafes, are
2 prohibited from using non-water conserving dish wash spray valves.

3 m. **Commercial Car Wash Systems:** Effective on January 1, 2012, all
4 commercial conveyor car wash systems must have installed operational re-circulating
5 water systems, or must have secured a waiver of this requirement from the City.

6 **Section 5.03.035. Level 1 Water Supply Shortage.**

7 a. A Level 1 Water Supply Shortage exists when the City determines,
8 in its sole discretion, that due to drought or other water supply conditions, a water
9 supply shortage or threatened shortage exists and a consumer demand reduction is
10 necessary to make more efficient use of water and appropriately respond to existing
11 water conditions. Upon the declaration by the City of a Level 1 Water Supply Shortage
12 condition, the City will implement the mandatory Level 1 conservation measures
13 identified in this section.

14 b. **Additional Water Conservation Measures:** In addition to the
15 prohibited uses of water identified in § 5.03.030, the following water conservation
16 requirements apply during a declared Level 1 Water Supply Shortage:
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- 18 1. **Limits on Watering Days:** Watering or irrigating of lawn,
19 landscape or other vegetated area with potable water is limited to
20 three days per week on a schedule which may be established and
21 posted by the City at the discretion of the Director of Public Works.
22 During the months of November through March, watering or
23 irrigating of lawn, landscape or other vegetated area with potable
24 water is limited to no more than one day per week on a schedule
25 which may be established and posted by the City at the discretion of
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1 the Director of Public Works. This provision does not apply to
2 landscape irrigation zones that exclusively use very low flow drip type
3 irrigation systems when no emitter produces more than two (2)
4 gallons of water per hour. This provision also does not apply to
5 watering or irrigating by use of a hand-held bucket or similar
6 container, a hand-held hose equipped with a positive self-closing
7 water shut-off nozzle or device, or for very short periods of time for
8 the express purpose of adjusting or repairing an irrigation system.

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10 **2. Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks,
11 breaks, or other malfunctions in the water user's plumbing or
12 distribution system must be repaired within seventy-two (72) hours
13 of notification by the City unless other arrangements are made with
14 the City.

15 **Section 5.03.040. Level 2 Water Supply Shortage.**

16 a. A Level 2 Water Supply Shortage exists when the City determines,
17 in its sole discretion, that due to drought or other water supply conditions, a water
18 supply shortage or threatened shortage exists and a consumer demand reduction is
19 necessary to make more efficient use of water and appropriately respond to existing
20 water conditions. Upon the declaration by the City of a Level 2 Water Supply Shortage
21 condition, the City will implement the mandatory Level 2 conservation measures
22 identified in this section.
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24 b. **Additional Conservation Measures:** In addition to the prohibited
25 uses of water identified in § 5.03.030 and § 5.03.035, the following additional water
26 conservation requirements apply during a declared Level 2 Water Supply Shortage:
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1 significant value and have been actively managed within the water
2 feature prior to declaration of a supply shortage level under this
3 ordinance.

4 **4. Limits on Washing Vehicles:** Using water to wash or clean a
5 vehicle, including but not limited to, any automobile, truck, van, bus,
6 motorcycle, boat or trailer, whether motorized or not, is prohibited
7 except by use of a hand-held bucket or similar container, a hand-held
8 hose equipped with a positive self-closing water shut-off nozzle or
9 device, by high pressure/low volume wash systems, or at a
10 commercial car washing facility that utilizes a re-circulating water
11 system to capture or reuse water.

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13 **5. Limits on Filling Residential Swimming Pools & Spas:** Re-
14 filling of more than one foot and initial filling of residential swimming
15 pools or outdoor spas with potable water is prohibited.

16 **Section 5.03.045. Level 3 Water Supply Shortage —**
17 **Emergency Condition.**

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19 a. A Level 3 Water Supply Shortage condition is also referred to as an
20 "Emergency" condition. A Level 3 condition exists when the City declares a water
21 shortage emergency and notifies its residents and businesses that a significant reduction
22 in consumer demand is necessary to maintain sufficient water supplies for public health
23 and safety. Upon the declaration of a Level 3 Water Supply Shortage condition, the City
24 will implement the mandatory Level 3 conservation measures identified in this section.

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26 b. **Additional Conservation Measures:** In addition to the prohibited
27 uses of water identified in § 5.03.030, § 5.03.035, and § 5.03.040, the following water

1 conservation requirements apply during a declared Level 3 Water Supply Shortage
2 Emergency:

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

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

12 ii. Maintenance of existing landscape necessary for fire
13 protection;

14 iii. Maintenance of existing landscape for soil erosion
15 control;

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

18 v. Maintenance of landscape within active public parks
19 and playing fields, day care centers, golf course greens, and
20 school grounds, provided that such irrigation does not exceed
21 two (2) days per week according to the time restrictions in §
22 5.03.030 (a) and (b);

23 vi. Actively irrigated environmental mitigation projects.
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1 disproportionate to the impacts to water users generally or to similar property or classes
2 of water use due to specific and unique circumstances of the user or the user's property.

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

7 2. **Supporting Documentation:** The application must be
8 accompanied by photographs, maps, drawings, and other
9 information, including a written statement of the applicant.
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11 3. **Required Findings for Waiver:** An application for a waiver
12 will be denied unless the City Manager or his or her designee finds,
13 based on the information provided in the application, supporting
14 documents, or such additional information as may be requested, and
15 on water use information for the property as shown by the records of
16 the City or its Agent, all of the following:

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

20 ii. That because of special circumstances applicable to
21 the property or its use, the strict application of this chapter
22 would have a disproportionate impact on the property or use
23 that exceeds the impacts to residents and businesses
24 generally;
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26 iii. That the authorizing of such waiver will not be of
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1 substantial detriment to adjacent properties, and will not
2 materially affect the ability of the City to effectuate the
3 purpose of this chapter and will not be detrimental to the
4 public interest; and

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

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9 4. **Approval Authority:** The City Manager or his or her designee
10 must act upon any completed application no later than ten (10) days
11 after submittal and may approve, conditionally approve, or deny the
12 waiver. The applicant requesting the waiver must be promptly
13 notified in writing of any action taken. Unless specified otherwise at
14 the time a waiver is approved, the waiver will apply to the subject
15 property during the period of the mandatory water supply shortage
16 condition. The decision of the City Manager or his or her designee
17 will be final.
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Section 5.03.060. Penalties and Violations

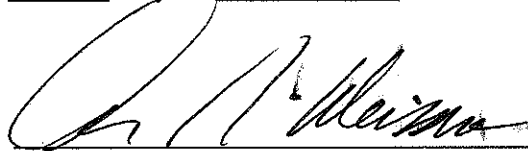
Any violation of this chapter may be prosecuted pursuant to and in accordance with Section 1.02 of the Culver City Municipal Code.

Section 5.03.065. Severability.

If any section, subsection, sentence, clause or phrase in this chapter is for any reason held invalid, the validity of the remainder of the chapter will not be affected. The City Council of the City hereby declares it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases is declared invalid.

SECTION 2. This Ordinance shall take effect thirty (30) days from the date of its adoption and, as required by Section 619 of the City Charter, prior to the expiration of fifteen (15) days from the adoption hereof the City Clerk shall cause this Ordinance to be published in The Culver City News. Additionally, the City Clerk shall post this Ordinance or a summary thereof in at least three public places within the City pursuant to Section 517 of the City Charter.

APPROVED and ADOPTED this 9th day of November, 2009.



ANDREW WEISSMAN, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:



MARTIN R. COLE,
City Clerk
A09-00352



CAROL A. SCHWAB,
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF CULVER CITY)

I, Ela Valladares, Deputy City Clerk of the City of Culver City, California, do hereby certify that the foregoing Ordinance No. 2009-009 was duly and regularly adopted, passed, and approved by the City Council of the City of Culver City, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 9th day of November 2009 by the following Councilmember vote:

AYES: Armenta, Malsin, O'Leary, Silbiger, Weissman
NOES: None
ABSTAIN: None
ABSENT: None

Dated this 11th day of November, 2009



Ela Valladares
Deputy City Clerk and Ex-Officio Clerk of the City Council
City of Culver City, State of California