

# Conservation & Water Quality Programs Report



2015-2016

Public Works – Environmental Section

Water conservation and water quality protection are a priority for the City of Newport Beach, a desert coastal community. This report summarizes the City's efforts to dramatically reduce water use and continue to improve ocean and bay water quality. The drought impacting California appears to be a major contributing factor to improved water quality at beaches statewide. Record low rainfall and conservation efforts reduce the amount of polluted runoff funneled into our ocean. The bigger question is; can conservation be a sustainable practice or a response to drought cycles?



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# Conservation & Water Quality Programs Report

## PUBLIC WORKS – ENVIRONMENTAL SECTION

### CALIFORNIA'S DROUGHT

The State of California requires all water suppliers to reduce water use twenty-five percent Statewide. The City of Newport Beach was ordered to reduce potable water consumption by twenty-eight percent. This document outlines the efforts made to achieve this reduction requirement, the water quality benefits and projects that benefit our bay and coastline.

### DROUGHT RESPONSE PROGRAM

Water conservation is a priority and long-standing element of the City of Newport Beach water resource portfolio. Beginning in 2001, the City formally signed the Memorandum of Understanding (MOU) regarding urban water conservation as overseen by the California Urban Water Conservation Council. With the passage of Senate Bill 7 (SB X7-7) in November 2009, water utilities throughout the state, including the City of Newport Beach are required to meet specific water conservation savings targets by December 31, 2020 or face potential state, judicial or administrative action. City policy and culture promotes sustainability.

Two years ago, the State declared a drought emergency that led to a series of actions as outlined below:

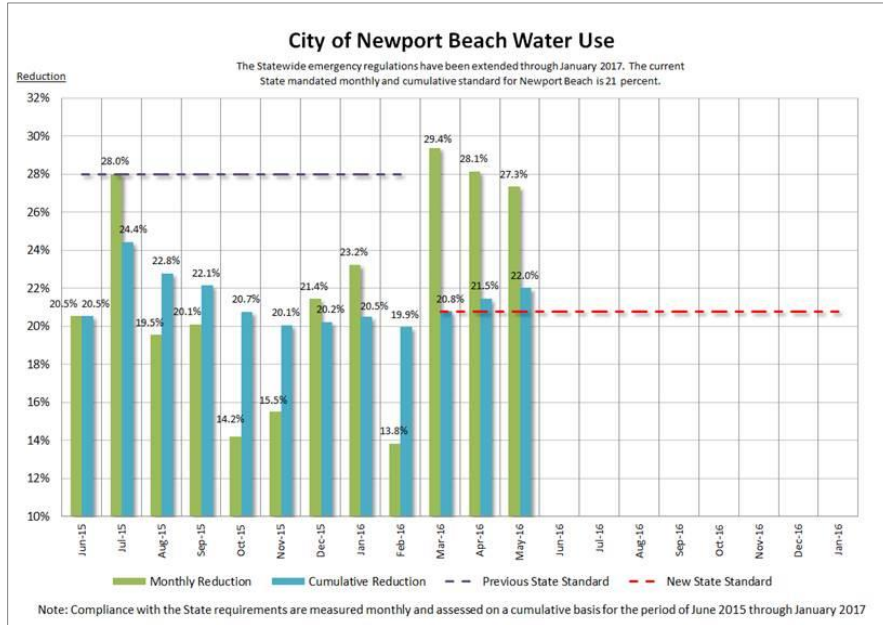
- **January 17, 2014** - Governor Edmund G. Brown Jr. declared a State of Emergency and directed state officials to take all necessary actions to address drought conditions. The proclamation gave state water officials more flexibility to manage water supply throughout California due to the drought.
- **April 25, 2014** - the governor issued an executive order to speed up actions necessary to reduce harmful effects of the drought, and he called on all Californians to redouble their efforts to conserve water.
- **July 15, 2014** - the State Water Resource Control Board (SWRCB) adopts an emergency regulation for statewide urban water conservation (Resolution No. 2014 -0038) and requires water agencies to comply.
- **September 9, 2014** - the City of Newport Beach adopts Resolution 2014-79 declaring a level one water supply shortage. This resolution implemented the following watering restrictions:

- Outside irrigation of landscape restricted to four days a week from April through October and two days a week from November through March;
- No water use greater than 100 percent of a customer's three-year moving average;
- Leaks must be corrected within 72 hours once notified by the City and,
- Swimming pools filled no more than one foot per week
- **December 22, 2014** - Governor Brown issued Executive Order B-28-14. This new Executive Order extended the operation of the provisions of the previous executive orders through May 31, 2016.
- **March 27, 2015** - the State Water Resources Control Board readopted emergency regulations to keep in effect water conservation requirements throughout California.
- **April 1, 2015** - the governor issued Executive Order B-29-15. Key provisions include:
  - Ordering the State Water Resources Control Board to impose restrictions to achieve a 25 percent reduction in potable urban water usage through February 28, 2016
  - Directing the California Department of Water Resources to lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes
  - Directing the California Energy Commission to implement a statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices
- **June 9, 2015** - City Council adopted Resolution No. 2015-51, declaring a level three water supply shortage as defined in Newport Beach Municipal Code Section 14.16. The resolution implemented the following water restrictions to comply with the State's twenty-eight percent reduction:
  - No irrigation between 9 a.m. and 5 p.m.,
  - No water use greater than 75% of the water used in the same billing period as 2013,
  - Outside irrigation of landscape restricted to two days a week from April through October and one day a week from November through March,
  - Leaks must be corrected within 24 hours once notified by the City,
  - Swimming pools can be filled no more than 3 inches per week, and,
  - No outdoor irrigation of landscape within 48 hours of rainfall
- **February 2, 2016** - The SWRCB Water Conservation Regulation adopts extended emergency water conservation regulation. This regulation had the provision for water agencies to apply for percentage relief based upon three factors: climate, population growth and alternative sources of water. Newport Beach is eligible for relief based on the third factor.
- **February 11, 2016** - The SWRCB releases agency reduction requirements. Based upon alternative efficiency measures in place. Newport Beach applied for a seven percent reduction from the original requirement of twenty eight percent.
- **March 31, 2016** – The SWRCB approved of a decrease of seven percent for the City having alternative sources of water found with the Ground Water Replenishment System (GWRS) and our basins. The new reduction requirement for the City of Newport Beach is reduced to twenty-one percent from 2013 water use.
- **May 18, 2016** - The State Water Board adopted an emergency water conservation regulation that replaces the February 2 emergency regulation. The May 2016 regulation will be in effect from June 2016 through January 2017 requiring locally developed conservation standards based upon each agency's specific water demands.

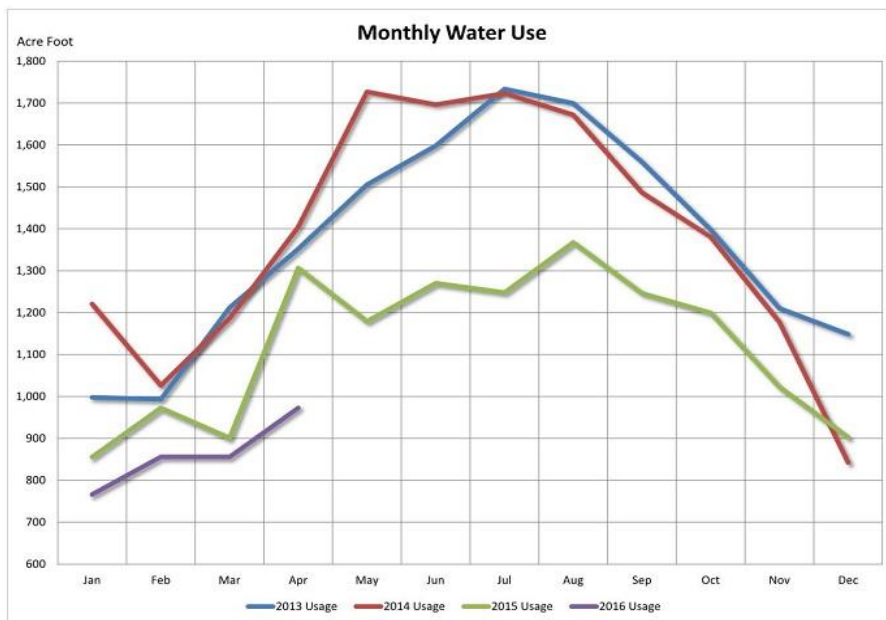
**Conservation & Water Quality Programs Report**

In response to the State’s required twenty-eight percent water use reduction target, a Drought Response Program was created. The program is based upon the City’s Municipal Code (NBMC 14.16) and is consistent with its Urban Water Management Plan (2015). The City’s original twenty-eight percent water savings goal was subsequently reduced to twenty-one percent based on the City’s alternative source of water, i.e. local groundwater. The actions coming out of the Drought Response Program are summarized in the following sections.

At the time of this report, the cumulative water use reduction compared to the year 2013 baseline is twenty-two percent. Figures 1, 2 and 3 demonstrate the overall water saving performance when compared to 2013, a drought response water use, year by year comparison and total gallons saved.



**FIGURE 1**



**FIGURE 2**

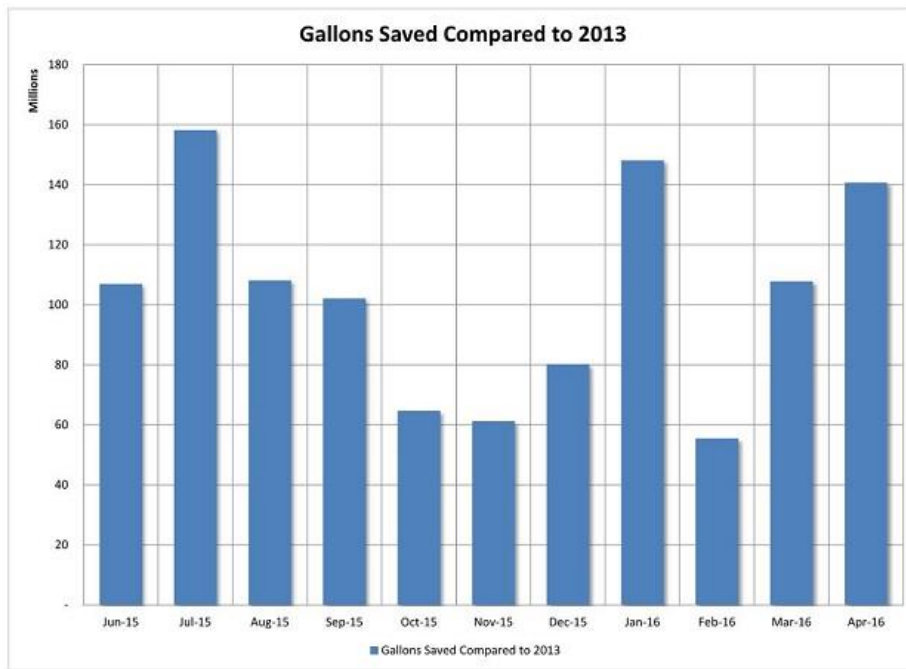


FIGURE 3

## COORDINATED ACTION

In response to the initial twenty-eight percent water reduction goal, a Drought Response Task Force (Task Force) was organized in May 2015. The Task Force chaired by Utilities Director, George Murdoch and supported by Co-chair Shane Burckle, Watershed/Conservation Specialist, is made up of representatives from the City Manager’s office, City Attorney’s Office, Finance Department, Community Development Department, Public Works, and the Municipal Operations Department. The Drought Response Task Force meets monthly to coordinate and implement public education and outreach, customer service, drought enforcement, and data management actions. Task Force members are assigned tasks and deliverables in order to sustain program momentum. Program status, including enforcement progress, is presented to City Council each month. The following sections detail the components of the drought response program.

**Municipal Operations Department** – A portion of the Governor’s order was imposed upon the City. For example all grass medians not served by reclaimed water needed to be turned off immediately. This created opportunities to re-landscape city medians. Taking out water thirsty grass and replacing it with drought tolerant plantings watered by drip and low emitting stream rotors. All parks and city facilities have been audited and reduced water use.

## PUBLIC EDUCATION AND OUTREACH

The Public Information Manager (PIM) works closely with the Task Force in producing meaningful information in eye-catching ways. “Dealing with Drought” was selected to establish a common theme for materials, providing unique colorful pieces conveying the drought and what one must do to save



water. It was determined that Information included in the customer's water bill can often be overlooked. Therefore, unique messaging is sent separately from the usual city correspondence to residents, landlords, commercial customers and vacation rentals. Copies of the informational brochures and postcards can be viewed in this document, (see Appendix B).

Below is an outline of key elements of public outreach efforts accomplished, designed to emphasize the need for concentrated water conservation efforts.

**Media**

- Public Service Announcement (PSA) videos are available on the city's YouTube channel [www.youtube.com/user/newportbeachgov](http://www.youtube.com/user/newportbeachgov)
- Water saving tips, indoor/outdoor, no grass median watering and minimal park watering
- Notifications sent via email or phone message to more than 26,000 customers
- Two conservation PSAs (Pro Surfer Rob Machado and Actor Ed Begley Jr.) are currently shown on all Newport Beach Edwards/Regal Cinemas. Approximate impressions per month: 18,000-20,000.
- NBTV's (Channels 30 and 852) "The Village Green" produced a segment on water conservation and landscaping tips.
- MyWater NB is the new mobile application (iOS and Android) designed to inform customers of their water usage and reduction targets. "Push" notifications alert users of over usage and any outage alerts. Rebates information and reporting of water waste is also a built-in feature.
- Water use website customer facing portal provides current and future reduction goals. [www.newportbeachca.gov/wateruse](http://www.newportbeachca.gov/wateruse).
- City monitors announce drought restrictions and tips for saving water
- Contracted with Smart Utility Systems to provide city facing water use analytics



**CONSERVATION ON NBTV THE VILLAGE GREEN**

**Printed**

- Postcards identifying the individual property watering days were sent to all water customers – June 2015
- Drought informational brochure describing the drought and restrictions were sent to all water customers – June 2015
- Signs posted on all turf medians throughout the city stating "Brown is the New Green" and "Area Irrigated with Recycled Water" – June 2015
- Summer visitor brochure for guests of short term rentals – June 2015 & 2016
- Staff contacted hotels providing information to leave in guest rooms encouraging conservation by inviting guests to limit towel use and linen exchange. Materials provided by the Municipal Water District of Southern California (MWD) – September 2015



**WATERWISE LANDSCAPE TRAINING CLASS**

- Watering day signage placed throughout the city neighborhood entrances have been posted – August 2015
- Drought status signs (3) installed – September 2015
- Stage three drought alert messaging on all envelopes (two day and one day watering day in November)
- New postcard messaging announcing one day watering – November 2015
- 27,000 door hangers (SFR) distributed - December 2015
- 10,000 door hangers distributed for apartments distributed – December 2015
- Door magnets announcing 25% required reduction placed on all city vehicles – September 2015
- Restaurants and food service establishments notified of Governors mandate to only serve water upon request – May 2015

**Community Outreach**

- Public outreach at City sponsored events with staff on hand to answer questions, provide information on customer watering days, and handout water conservation giveaways.
  - Shakespeare in the Park 05, 2015
  - Concerts in the Park 06-09, 2015
  - Movies in the Park 08, 2015
  - Green Expo 09, 2015
  - Coastal Clean Up Day 09, 2015
  - Newport Beach Green Expo 09, 2015
  - OC Board of Realtors 10, 2015
  - CdM Garden Club 03, 2016
  - Kiwanis 02, 2016
  - Rotary Club 03, 2016
  - CdM Resident Association Town Hall 04, 2016
  - Landscape Training Class 04, 2016
  - Earth Day at the Bay 04, 2016
  - Woman’s League 05, 2016



**WOMAN’S LEAGUE PRESENTATION**

- Social media outreach with information posts, short information videos (PSAs) and links to rebates – ongoing effort
- Water management audit performed for Big Canyon HOA (Canyon Island)
- Resident yard signs “Brown is the New Green” (available in Customer Service Bay A)
- Partners with the Department of Education’s (DOE) Foundation - Inside the Outdoors; increasing outreach to high school students promoting and educating value of water efficiency
- Contacting high percentage water use consumers with phone calls, emails and personal visits 11/2015 - current
- Automatic phone calls and email to all customers explaining water use restrictions are in place 12/2015 - current

- Message boards on MacArthur Blvd, Jamboree Rd. and Newport Blvd. “Severe Drought Watering One Day Per Week strictly enforced” 11/2015 – 05/2016
- Contracted with Smart Utility Systems to provide customer facing web portal and mobile app (see media section) up to date water use consumption and target reduction allowances, rebate information and tips

## CUSTOMER SERVICE

Customer service is an integral part of both education and achieving compliance. This may be the initial and perhaps only contact the customer will have with the City. Customer service needs have increased due to the required water use reductions imposed upon our customers. Therefore, five additional staff members working with Code Enforcement and the Finance Department have been hired to assist with both call volume and the issuance of water use notifications and citations. Notable tasks that are cared for are listed below.



CUSTOMER SERVICE TRAINING 2016

- Automatic phone call-outs to 23,000+ customers alerting rain forecast, reminding all to turn off irrigation and general conservation messaging
- Email alerts to 19,000+ customers reminding “no watering during or 48hr after rainfall” and general conservation information
- Providing information for water saving rebates
- Discussing water use history comparing to their baseline water usage
- Issuing Notice of Violation (NOV) warnings and Administrative Citations for watering days and or over use
- Courtesy calls to water high users reminding them of restrictions in place and provide assistance

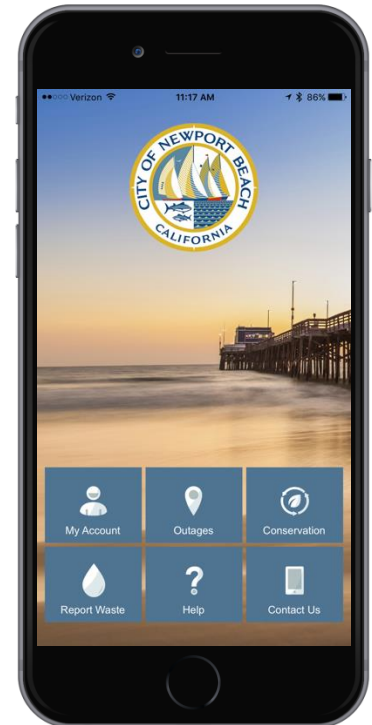
Numerous customer service meetings and training keep to staff alert of any changes, reminders of current law and technology that assists in providing timely information to customers.

## DATA MANAGEMENT

Data Management is an essential factor to the success of the conservation program. The Information Division was assigned the task to optimize the water billing consumption data and allow for a streamlined approach to issue warnings and when necessary administrative citations to customers not responding by reducing their water use. The programming behind gathering and migrating this information enables code enforcement staff to educate and issue violations of the ordinance based upon the customers current water use.

Due to the drought emergency and the sudden required cutbacks for both the City and all customers, data management and presentation was made a priority. The list below outlines the various components accomplished.

- Creating a new web page dedicated to the drought and City regulations. [www.newportbeachca.gov/water](http://www.newportbeachca.gov/water)
- Website city facing analysis <https://apps.newportbeachca.gov/ubconsumption/admin/default>
- Building a web portal for customers to review their water use and budget reductions. [www.newportbeachca.gov/wateruse](http://www.newportbeachca.gov/wateruse)
- Providing an add-on to the existing mobile app allowing complaints of water run-off and similar violations to be reported anonymously
- Customizing data queries to allow for “customer type” analysis
- Contracting with Smart Utility Systems (SUS) to provide an attractive easy to understand way to reach out and inform customers of their water use and comparison data to similar properties and the entire city
- Creating the SUS web page (replacing city web portal noted above) to provide the customer with water use, leak, water outage and general information notifications. See [www.mywaternb.org](http://www.mywaternb.org)
- Providing a new application (replacing MyNB drought add-on noted above) MyWater NB that can be downloaded in both Apple and Android stores.
- MYWater NB app provides alerts based upon the user’s preference, via text or email and allows the user to report water waste by including a photo and geo-tags the location for ease and accuracy for follow-up and enforcement
- Making available a new data tool to the City to allow for details about each parcel’s water needs. With the assistance from the GIS division we will calculate each parcels outdoor water needs



MYWATER NB APPLICATION  
(IOS AND ANDROID)

## DROUGHT ENFORCEMENT

The Community Development Department and its Code Enforcement Division perform a key role in reducing water use in a consistent and fair manner. The authority for the enforcement is provided by the Newport Beach Municipal Code (Chapter 14.16) Water Conservation. and Supply Level regulations.

- From June to October 2015, the approach to compliance was to inform the public through printed information provided in municipal statements, on the customer’s door, separate mailings, website, and community events. After months had passed, the cumulative water savings was not achieving our required reduction. Therefore, the Task Force decided to implement the enforcement provision found in the municipal code. Code Enforcement hired two student aids to assist with early morning

investigations. This effort found customers who are not abiding by the assigned watering days, who are using water to wash down the property or other water use violations. Thereafter, in January 2016 it was decided to begin issuing monetary citations that range from \$100, \$200 and \$500. These citations are progressive. When a customer does not reduce to his/her 2013 same period water usage, the owner is issued a NOV. If the violation continues, citations are issued. To date;

- 4359 Notice of Violation's have been issued
- 3345 Administrative Citations have been issued (value \$225,000)

The efforts of the Code Enforcement team have proven effective. In April 2016, the percentage reduction was a cumulative twenty-one percent; the City is currently meeting the required cumulative reduction. March 2016 realized a remarkable twenty-nine percent reduction in water use. A plan outlining the enforcement program is included in this document (Attachment B)

## SUMMARY OF CITYWIDE ACTION

The coordinated planning and actions of the Drought Response Team have resulted in water usage reductions that have been approved by City Council including:

- Increased code enforcement staff to educate and issue violations of the ordinance
- Increased customer service staff to answer the water conservation hotline number
- Developed the water conservation "Relief from Compliance" online registry. This online application provides relief to qualifying customers. (See NBMC 14.16.110)
- Shut off potable water to all ornamental turf at public center medians
- Reduced or eliminated irrigating turf grass in parks resulting in a cumulative twenty eight percent reduction
- Provided comprehensive customer service training
- Implemented the Bonita Creek Turf conversion (160,000 square feet) to artificial turf
- Implemented grass removal at Kings Road park, Spyglass park and various street side landscaping
- Renewed regional rebate participation from FY15-17
- Audited water used at all parks, medians and facilities and established a water budget proscribing a water budget need according to plant type
- Adopted and implemented the revised State Landscape Ordinance 14.17
- Modified requirements for pool permits to first obtain a Relief From Compliance (RFC) prior to final of the pool permit
- Formalized permitting procedures for gray water systems
- Reduced parkway encroachment requirement to install artificial turf in the parkway. Fees were \$900 now \$106, with assigned maintenance agreement including an inspection.



- Revised Council Policy L-6 includes conditions for the installation of artificial turf in parkways, including a maintenance agreement between the resident and the City.
- Increased budget \$500,000 for turf median conversion projects.
- Analyzed City facility and landscape water on a monthly basis.
- Updated our capability to provide monthly water meter readings allowing for customer to view mid-billing water use status.

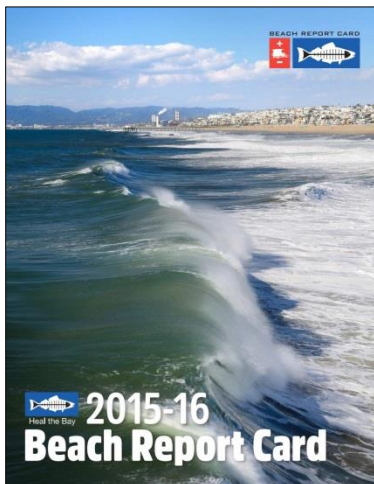
The City’s long-term water conservation program includes measures to educate, incentivize or mandate conservation equitably among customer class including residential, commercial, and irrigation accounts. Water savings will come from the combined efforts of various mechanical and structural components implemented by the Municipal Operations Department, Public Works Department and the Task Force. The latest addition towards tracking water use to a more accurate degree is a phased approach to installing Advance Metering Infrastructure (AMI), water loss reduction plans, successful implementation of programs and measures by the Task Force, and benefits from existing and new plumbing codes and standards.



ADVANCE METERING INFRASTRUCTURE (AMI) WIRELESS WATER CONSUMPTION DATA - HOURLY TRANSMITTAL

## WATER QUALITY PROTECTION

### BEACH AND BAY WATER QUALITY



Beachgoers throughout California have come to rely upon Heal the Bay’s Beach Report Card which provides annual and weekly grades of ocean water quality. The beach report card grades over 300 locations along the West coast year-round on an A-to-F scale. Grades are based upon the risk of adverse health effects to beachgoers. During summer months, over 600 locations are monitored. Grades are based on fecal bacteria pollution concentrations in the wave-wash. Water samples are analyzed for bacteria that indicate pollution from numerous sources, including fecal waste. The better the grade a beach receives, the lower the risk of illness to ocean users.

The following table shows that beaches in and around Newport Beach have very good water quality. Several factors contribute to the improved water quality. Since 2002, the City has implemented bacteria control projects around the Bay and has implemented City-wide programs to reduce pollutant loads entering the storm drain system. Additionally, record low

rainfall and the City’s conservation ordinance limiting outdoor watering to 1-2 days per week have reduced runoff into the storm drains which reduces pesticides and fertilizers flowing to the bay and ocean.

	Summer Dry (Apr-Oct)	Winter Dry (Nov-Mar)	Wet Weather (Year-Round)
<b>Newport Beach</b>			
projection of Orange Street	A	A	F
projection of 52nd/53rd Street	A+	A+	C
projection of 38th Street	A+	A	C
<b>Balboa Beach</b>			
projection of 15th/16th Street	A	A	C
Pier	A+	A+	B
The Wedge	A	A+	B
<b>Newport Bay</b>			
Newport Dunes - North	A	A	F
Newport Dunes - East	A	B	F
Newport Dunes - Middle	A	A+	F
Newport Dunes - West	A	A	F
Bayshore Beach	A+	A+	F
Via Genoa Beach	A	A	F
Lido Yacht Club Beach	A	A	F
Garnet Avenue Beach	A	A	F
Sapphire Avenue Beach		C	F
Abalone Avenue Beach	A	A+	F
Park Avenue Beach	A+	A+	F
Onyx Avenue Beach	A	A+	F
Ruby Avenue Beach	A	A+	F
Grand Canal	A	A	F
43rd Street Beach	A	A	F
38th Street Beach	A	A	F
19th Street Beach	A	A	F
15th Street Beach	A+	A	F
10th Street Beach	A	A+	F
Newport Bay N Street Beach	A+	A	F
Harbor Patrol at Bayside Drive	A+	A	F
Newport Bay Rocky Point Beach	A+	A+	F
<b>Corona Del Mar</b>			
Corona Del Mar (CSDOC)	A+	A	B
Little Corona Beach	B	A	C
<b>Pelican Point</b>			
Pelican Point Beach Pelican Point Beach	A+	A	B

**Crystal Cove State Park**

Crystal Cove State Park (CSDOC)	A+	A+	C
Crystal Cove (weekly)	A	A+	C
Muddy Creek Beach	A+	A+	B
El Moro Beach	A+	A+	A+



**OCEAN WATER QUALITY INSPECTIONS & ENFORCEMENT**

The leading cause of water pollution in local beaches is storm-drain runoff, flowing untreated to the coast and often contaminated with motor oil, pesticides, yard waste, animal waste and other pollutants. The ongoing drought has resulted in a reduction in dry-weather runoff from landscapes flowing into storm drains. The benefits are seen in improved water quality along the Newport Beach watershed.

The following information provides an overview of projects and programs that play a large role in providing clean water along the coast and bay in Newport Beach.

A collaborative and cooperative approach has always been part of the culture found in the City. The departments that work together closely should be recognized. Cooperation from all departments makes successful programs. Two inspectors within Public Works – Environmental Section; Municipal Operations Department, two staff caring for the catch basin maintenance; staff from Community Development Department and four Code Compliance Officers, all work together



and create innovative and collaborative approaches in reducing trash and contaminants that flow to receiving waters. The following list is an outline of interdepartmental cooperation.

**Enforcement Efforts**

- Conducted 1300 “Knock & Talks”, issued 234 Notices of Violation, 40 educational Letters and 51 Administrative Citations (monetary penalties for water quality prohibited discharges);
- Completed all required food facility Inspections (**517 restaurant** Fats Oil & Grease inspections);
- Completed all required Commercial, Industrial and Municipal Inspections;
- Completed all required Construction Site Inspections (private and public – **1256** inspections);
- For the 13th consecutive year inspected and cleaned 100% of the City’s catch basins and v-ditches (**17,107 Ft of channel and 3254 catch basins** cleaned yielding **518 tons** of debris cleared);
- All **435** trash critical catch basin screens are installed;
- 14th consecutive year alley sweeping program (not mandated) completed;
- Street sweeping program logged **35,069 curb miles swept** removing **10,949 Tons** (dry) of debris;
- Municipal Operations Department (MOD) manages a vigorous sanitary system overflow (SSO) prevention plan, including components in the Wastewater Master Plan;
- MOD monitors a vigorous CCTV program of the city storm drain system, and one of the region’s most aggressive catch basin and lift station cleaning programs;
- City Council appointed a nine member citizens Coastal Tidelands Water Quality Committee. The committee meets monthly to monitor water quality progress. Mayor, Diane Dixon chairs the committee.



CITY CONTRACTED STREET SWEEPING

**COMMUNITY INVOLVMENT AND OUTREACH**

- Partnering with the Department of Education’s (DOE) Foundation - Inside the Outdoors; creating meaningful outreach to high school students promoting and educating value of ocean water quality and water efficiency
- Participation and providing content for “The Village Green” which airs on NBTv channel 3 and 852 and streaming video shorts on You Tube
- Numerous water conservation and water quality PSA’s are shown at all Newport Beach cinemas Actor/Environmentalist Ed Begley Jr. currently plays on



HARBOR AND CDM HIGH SCHOOL STUDENT VOLUNTEERS

all Newport Beach Regal Cinemas and [www.watersmartnewport.org](http://www.watersmartnewport.org)

- “Zero Trash Newport” program for trash and debris removal on many of our ocean and bay beaches
- Residential Water Quality letter and fact sheets are sent to residents in the designated environmentally sensitive locations
- Continued support of [www.watersmartnewport.org](http://www.watersmartnewport.org) and [www.cleanwaternewport.com](http://www.cleanwaternewport.com)

## FUTURE WATER QUALITY PROJECTS

The City continues to plan and implement an array of projects to reduce bacterial loads to the Ocean and Newport Bay.

**Infiltrating Nuisance Water at Little Corona Beach-** This proposed project will install a diversion structure at the upstream side of the existing concrete weir located at the outlet of Buck Gully Creek. An estimated seventy percent of nuisance water will flow through an eight inch pipe then into a forty-eight inch continuous deflection separator (CDS) that will serve to remove sediment. The sediment flows from the CDS unit will then be directed into a 5,200 square-foot underground infiltration system. **Construction Start - November 2016**



LITTLE CORONA BEACH INFILTRATION LOCATION

### Santa Ana Heights – Erosion Control



SANTA ANA HEIGHTS - EROSION CONTROL

In cooperation and partnership with Newport Bay Conservancy, the County of Orange and private property owners created a plan to address storm water quality and erosion issues in the Neighborhood of Santa Ana Heights. This project will improve a site that has experienced significant erosion that began in the early 1950s with the construction of the Bay View Heights on unincorporated land.

**Construction - November 2016**

### Water Wheel

An innovative floating trash collection system, called a “Water Wheel” is currently in the concept development. The Newport Bay Water Wheel in the Upper Newport Bay has the potential to remove hundreds of tons of trash from the entire ecosystem each year.



INSTALLED WATER WHEEL - BALTIMORE

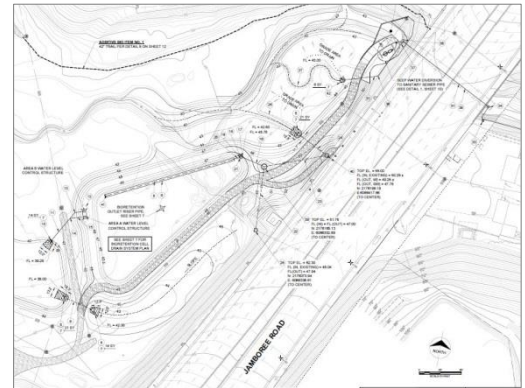
Pretreatment to the Newport Bay Water Wheel would be provided up-stream with two proposed trash booms. The Water Wheel presents no hazard for birds, fish or other

wildlife. Project funding is being sought from the Ocean Protection Council (Proposition 1) grant funding program. Uncollected trash in the Bay degrades and leaches chemicals into the sensitive marine environments. By removing trash from the Newport Bay, a significant source of pollution would be reduced from Newport Bay helping contribute to improving the health of this valuable marine and estuarine ecosystem.

**Big Canyon Water Quality Improvement Project**

This \$2 million project just west of Jamboree Road will capture, treat and infiltrate all storm water runoff from Jamboree Road. Additionally, as part of the City’s selenium mitigation program in Big Canyon, high selenium concentration seeps near Jamboree Road will be isolated and diverted to the sanitary sewer. In conjunction with water quality treatment facilities, approximately six acres of invasive native plants will be removed and replaced with native plants and trees.

**Construction Start – Fall 2016**



**BIG CANYON WQ IMPROVMENT**

**Storm Drain Diversions (at the Arches)**

The last remaining permanent posting for bacterial exceedances is at the outlets of the four “Arches” drains located at the west end of the Turning Basin. These drains capture runoff from a one-square mile area in the cities of Costa Mesa and Newport Beach. Hoag Hospital is within this drainage area as well as Newport Boulevard which is owned by Caltrans. The objective of this project is to capture dry-weather flows from the two largest storm drain systems and divert these flows to the sanitary sewer. These two proposed diversions would capture over ninety percent of all flows from this tributary drainage area.



**STORM DRAIN DIVERSIONS - ARCHES**

The first diversion would be located on Old Newport Boulevard approximately seventy-five feet north of Santa Ana Avenue. Dry weather flows from a box culvert will be diverted to an Orange County Sanitation District’s (OCSD) sewer line. The second diversion would be located on the east side of Hoag Road West; approximately two hundred twenty feet north of Hoag Drive. Dry weather flows from the

City’s storm drain line will be diverted into a sewer main owned by OCSD.

**Semeniuk Slough Tidal Prism Restoration**

The City of Newport Beach is poised to begin operations this year to restore the tidal prism in Semeniuk Slough. As we have seen when the adjacent Newport Slough was excavated two years ago, it is expected that fish and bird populations will flourish once the project is completed. Approximately 8,000 cubic yards of accumulated sediment will be removed.



**SEMENIUK SLOUGH RESTORATION**



## CONCLUSION

Newport Beach is a destination city. The population increases twenty to thirty percent in the summer. Access to information like Heal the Bay's beach report card coupled with heightened environmental awareness assist vacationers in determining where they will visit, largely based upon the water quality grade of a particular beach. Maintaining the high quality of our ocean and bay water are important factors that economically benefit the City by attracting visitors year after year.

This year's winter storms have created a great start in replenishing northern reservoirs which aid our local reservoirs and groundwater basins in Orange County. However, a continued proactive approach and collaborative efforts towards future water supply will be necessary.

Over the years, water has proven to be one of the most cost efficient utilities in California. However, the cost of water and energy is rising. In addition to meeting the challenges of providing high quality water, the City must deal with significant issues that will affect water rates in the future including:

- Increasingly stringent water quality requirements
- Increased cost for imported water supplies
- Increased energy cost
- Aging water facilities and infrastructure
- Competition for supplies among agricultural, urban, and environmental requirements
- Population growth and increasing demands

These and other factors create the need for continued diligence to use water efficiently. Expansion of the Orange County Water District's treatment plant will alleviate import water demand by using the treated water to replenish the groundwater wells. However, this would not completely remove the dependence upon imported water.

To keep efficient water use as a part of the City's culture, initiatives to promote sustainable building, landscape design and further water conservation will continue to be an essential part of our future planning efforts. Behavioral change coupled with mechanical and natural water quality projects will create improved water supply and ocean water quality. By connecting the link between water conservation and clean ocean water, the City can protect the integrity of water resources while improving the water quality in our bay and ocean.

Establishing sustainable behavioral change in the community requires consistent support from the City, its business and residential communities. Conservation will help extend the value and life of infrastructure assets used in both water supply and wastewater treatment, while extending the beneficial investment of public funds.

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Conservation/Watershed Specialist  
City of Newport Beach  
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SBurckle@newportbeachca.gov

## APPENDIX A

### Public Outreach Materials

# Dealing With Drought



[WaterSmartNewport.org](http://WaterSmartNewport.org)





## Dealing With Drought



Citywide water reduction goal

**28%\***



## Water Conservation Measures

California continues to endure one of the most severe droughts in its history. With the state's water supplies at record-low levels, the Governor's Office and water officials took further steps to put additional, mandatory water conservation regulations in place. The City of Newport Beach (City) is the local enforcer of the State's regulations. Local restrictions have been implemented to reduce our community's water use. On the reverse, you will find mandatory restrictions and tips to reduce water usage inside your home.

\*Newport Beach must reduce its water use 28 percent each month and reach a 28 percent cumulative reduction goal by February 2016. To achieve this goal, customers must reduce water use 25 percent during the same period. The City is taking actions to save the remaining three percent.



## Mandatory Water Use Restrictions

- **Reduce your water use 25 percent.** No customer's water use should exceed 75 percent of their "base amount." Base amount is the water used during the same billing period in 2013. Note: The water usage for your property may be combined or paid for by the property manager/owner; however, water conservation by all users is still required.
- Water leaks must be repaired within 24 hours. If you have a water leak, report it to your property manager/owner right away.

## Indoor Water Conservation

Conservation Tips	Estimated Savings Per Day
Run the dishwasher only when full	1-2 gallons
Don't leave the water running when rinsing dishes	5-10 gallons
Turn off the water while brushing your teeth	4 gallons
Take a five minute shower	10 gallons
Don't use the toilet as a wastebasket	2 gallons
Fixing a leaky toilet	30-50 gallons
Fixing a leaky faucet	15-20 gallons
Replacing older, inefficient clothes washers	20-30 gallons
Washing only full loads of clothes	15-48 gallons
Installing aerators on faucets	4 gallons

## For Conservation Questions

[www.newportbeachca.gov/water](http://www.newportbeachca.gov/water)  
or 949-644-3388



**Water Regulations and  
Conservation Information**  
[www.newportbeach.ca.gov/water](http://www.newportbeach.ca.gov/water)  
[www.watersmartnewport.org](http://www.watersmartnewport.org)  
949-644-3388

City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660



# Dealing With Drought

Summer 2015 Update



California continues to endure one of the most severe droughts in its history. With the state's water supplies at record-low levels, the Governor's Office and water officials took further steps to put additional, mandatory water conservation regulations in place. All Californians will feel and see the impact of these water use restrictions.



## June 2015 Changes

(Apply to City of Newport Beach Water Customers Only\*)

**The following temporary measures will be in place through at least February 2016:**

- No landscape watering is allowed between 9 a.m. and 5 p.m.
- Watering lawns and landscaping is limited to two assigned days per week from April through October and one day per week from November through March.
- No customer's water use should exceed 75% of their "base amount." The base amount is the water used during the same billing period in 2013.
- Water leaks must be repaired within 24 hours.
- Ornamental lakes, ponds or fountains can be refilled no more than once every other week.
- Swimming pools/spas can only be filled or refilled three inches per week.

**\*Note:** If you receive water service from an agency other than the City (such as Mesa Water District or Irvine Ranch Water District), please contact your water supplier for their requirements. Mesa Water: 949-631-1200 or IRWD: 949-453-5300

## Exceptions to Restrictions

**Currently exempted:**

- Maintenance of vegetation watered by bucket, hand-held nozzle, or drip system
- Irrigation of food crops
- Maintenance of an irrigation system (testing/repair).

**Always exempt:**

- Water used for public health/safety
- Public pool refilling, operation, and maintenance
- Irrigation of fuel modification areas
- Hospitals and medical facilities
- Businesses whose sole trade is cultivating plants, like nurseries.



The Newport Beach Chamber of Commerce  
and the  
City of Newport Beach  
Present the



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on the  
**green**  
NEWPORT BEACH  
ECO EXPO

Local Businesses and Organizations Showcasing "Green" Practices,  
Innovation, Products, Education and More...

**Saturday, September 19, 2015 • 10 am - 3pm**  
The Civic Green at the Newport Beach Civic Center

Featuring over 35 organizations, including Southern California Edison • The Gas Company • Newport Bay Conservancy  
City of Newport Beach Water Department • Orange Coast River Park • Rainbow Environmental Services

- **Exhibit Booths**
- **FREE to the Public**
- **FREE Electronics Recycling  
& Document Shredding**

Event Hosts



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For more details, contact the Newport Beach Chamber of Commerce at 949-729-4400 or [www.newportbeach.com](http://www.newportbeach.com)



## Dealing With Drought



California is currently in one of the most severe droughts in its history, and the Governor's Office and water officials have taken action to increase water conservation efforts throughout the state.

On July 15, 2014, the State Water Resources Control Board approved an emergency regulation to reduce outdoor urban water use in California. All Californians are now under mandatory water use restrictions. The City of Newport Beach (City) is the local enforcer of these restrictions and is required to implement a water shortage contingency plan that reduces outdoor irrigation.

### What This Means To You

A new set of conservation measures joins an older set. The older measures were adopted by the City Council five years ago and are permanent and pertain to all of Newport Beach. The new measures, just recently approved, are temporary - until State water officials say we are safely out of the current drought. These new measures pertain to Newport Beach water customers only.\*

#### Permanent Conservation Measures In Effect Since 2009

**The first set of restrictions, in place since 2009, pertain to all Newport Beach residents and prohibit the following:**

- Watering over 15 minutes per station for automated irrigation systems
  - Watering outdoor landscapes in a manner that causes excess runoff
  - Washing down of hard surfaces including sidewalks and driveways
  - Not repairing water leaks or breaks quickly
  - Washing a motor vehicle with a hose, unless the hose is fitted with a shut-off nozzle
  - Operating a fountain or decorative water feature, unless the water is part of a recirculating system.
- A link to the complete list of permanent restrictions is available on the City's website at [www.newportbeachca.gov/water](http://www.newportbeachca.gov/water).
- Also in 2009, the City Council adopted a multi-level water shortage contingency plan (NBMC 14.16.050 through 14.16.090) to respond to water supply shortage conditions.

#### September 2014 Changes

The new set of conservation measures supplements the existing restrictions. The key difference is that these new measures only apply to City of Newport Beach water customers.\*

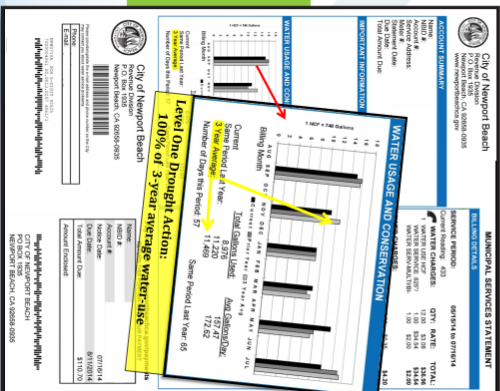
#### They include:

- 1) Lawns and landscaping can only be irrigated a maximum of four days per week from April through October and two days per week from November through March.
- 2) Each customer's water use should not exceed 100% of the "base amount."  
(An explanation of "base amount" is to the right.)
- 3) Water leaks must be repaired within 72 hours.
- 4) Ornamental lakes, ponds or fountains can only be filled once per week.
- 5) Swimming pools/spas can only be filled or re-filled one foot per week.

\***Note:** If you are not a Newport Beach water customer, meaning, you receive your water from an agency other than the City (such as Mesa Water District or Irvine Ranch Water District), please contact your water supplier for more information about conservation regulations specific to you.

### Water Use at 100% of Base Amount

The "base amount" is a three-year, moving average of your water use during that same billing period. For example, we compare water used in July 2014 with the average of water used in the month of July in 2013, 2012, and 2011. If we don't have three years of data for you, the base amount will be an estimate of the water used for a similar property or customer. Your current water usage, your usage during the same billing period last year, and your three-year average water use is already shown on your Municipal Services Statement. (See example below.)



LET'S GET  
**SMART** ABOUT **WATER**





**THE CITY OF NEWPORT BEACH**  
Cordially Invites You to the

*Bonita Creek Park*

**SYNTHETIC TURF FIELDS**

**GRAND REOPENING**

*Tuesday*  
**September 8, 2015**  
**3 p.m. - 5 p.m.**



**3010 LA VIDA**  
**NEWPORT BEACH, CA 92660**

This event is open to the public to learn about  
our new synthetic turf fields.

**For more information please contact**  
**Recreation & Senior Services Department**  
**recreation@newportbeachca.gov or 949-644-3151**

## APPENDIX B

### Water Conservation Implementation Plan

# City of Newport Beach Water Conservation Implementation Plan

The City of Newport Beach has adopted water conservation and supply level regulations and this implementation plan is to be used as a guide in implementing the efforts during a drought.

*Updated November 6, 2015*

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## Section 1 – Introduction

Water covers two-thirds of the planet's surface. It is essential to all forms of life and plays a vital role in the processes and functioning of the Earth's ecosystems. During a drought, the lack of water affects the environment as well as the people living in the area. Drought is defined as a prolonged period of abnormally low rainfall and the shortage of water resulting from this.

In the event of a drought, the City of Newport Beach can implement its Water Conservation and Supply Regulations as part of the Municipal Code (NBMC 14.16). This implementation plan serves as a guideline in enforcing the provisions of the regulations as well as steps taken to implement levels of conservation.

## Section 2 – Background

### *History*

Southern California has suffered numerous water shortages throughout its history, primarily due to its arid climate being unable to provide enough water for its population. Numerous projects during the early to mid-1900s brought water into Southern California to help sustain its growing population. Then, in the 1960s, the Metropolitan Water District (MET) participated in the construction of the State Water Project and Colorado River Project to bring water from hundreds of miles away to meet local demand. In the 1976-77 drought, MET first experienced demands for water exceeding its ability to supply water to Southern California. In order to prevent another occurrence of demand exceeding supply, MET proposed and implemented the first regional drought management plan in 1981.

After the 1987-1992 drought, MET expanded their drought plan. Reductions to water deliveries were identified, pricing incentives for conservation were added, and a coordinated public information program was developed.

In 2007, judicial action required limits on pumping from the Sacramento/San Joaquin Delta which decreased water supplies to Southern California. MET was forced to allocate water based on supply and legislative limits. The MET Board imposed 15% reductions in water supply from these sources in both 2007 and 2015 to its Southern California water agencies.

The City receives a small portion of its water from MET. The majority of the City's water comes from groundwater wells in Fountain Valley. Orange County Water District (OCWD) manages the Orange County Water Basin. Part of the recharge strategy for this water basin depends on MET water to maintain basin levels. Lack of rain also plays a significant role on recharging the basin.

## *Current Drought*

With the ongoing drought, and California reservoir levels near depletion, Governor Brown issued an executive order to the State Water Resources Control Board (Water Board) on April 1, 2015. This order required the implementation of statewide regulations to accomplish a monthly 25% reduction in water use as compared to the same months in 2013. In 2015, the Water Board developed and approved regulations imposing individual reductions for each agency in California ranging from 4% to 36%. The City of Newport Beach is required to reduce water use by 28%. Additionally, the Water Board prohibited water use within 48 hours of measurable rainfall and the use of potable water for irrigating ornamental turf in publicly owned center medians.

Following the Water Board's May 2015 adoption of the current regulations, the Newport Beach City Council approved an amendment to the City's Water Conservation ordinance (NBMC 14.16) to incorporate the Water Board's regulations based on comments and recommendations from City staff, City Council and the public. Additionally, Council approved the "Level Three Mandatory Water Conservation Requirements." Staff distributed postcards and flyers to customers detailing the new regulations. Additional efforts such as a revised web site, public outreach, increased customer service and code enforcement staffing have also been implemented.

## **Section 3 - Implementation Plan**

### **3.1 Drought Response Task Force**

The Municipal Operations Director/Utilities chairs the City's Drought Response Task Force. This Task Force includes representatives from the Municipal Operations Department, Public Works, Community Development, City Attorney's Office, Finance, and City Manager's Office. The Chair shall appoint a vice-chair, typically the Water Conservation Coordinator, to conduct meetings in their absence.

Meetings will be held biweekly and limited to no more than one hour in duration. Discussions will include the current status of the drought, regulations, action items, future goals, timelines, ideas and accomplishments. The Chair may cancel or reschedule meetings in his or her discretion.

The Assistant City Manager will liaise directly with the Chair and the Task Force. The Assistant City Manager will attend meetings and be provided a copy of the action items.

### **3.2 Public Outreach**

After the adoption of a water supply shortage level by City Council, the Task Force shall implement public outreach efforts to notify and educate the customers and public about the current regulations and drought conditions. The first steps may include the following:

- Creation of a drought web page
- Letters or drought brochures sent to each customer

- Postcards identifying watering days if applicable

If the drought continues for an extended time or conditions change such as regulatory requirements implemented from State or Federal Government, then additional actions may be implemented. These include:

- Water conservation hotline number
- Resident door hangers
- Area Signs – informational
- Public Service Announcements (PSAs)
- Social media outreach with information posts, short information videos (PSAs)
- Increase in Code Enforcement staff.
- Increase in customer service staff
- Home Owner Association (HOA) and special interest groups information meetings
- Public outreach at City sponsored events
- Information summer visitor brochure for guests of short term rentals
- Restaurants and food service establishments notified to only serve water upon request.
- Hotels and motels contacted to limit the use towels and linen exchange.

### **3.3 Relief from Compliance**

1. The City understands that water consumption can increase or decrease due to factors unrelated to wasteful water consumption. Residents of Newport Beach may apply for relief from compliance with the current level of water restrictions adopted by resolution of the City Council per NBMC 14.16.110.
2. Applications for relief are accessible from the City's Water Conservation Regulations and Drought Response page at [www.newportbeachca.gov/water](http://www.newportbeachca.gov/water) must be submitted electronically via [www.newportbeachca.gov/water](http://www.newportbeachca.gov/water).
3. The factors to be considered in determining whether an application for relief should be granted are set forth in NBMC Section 14.16.110.
4. The Municipal Operations Director or his/her designee shall approve or disapprove the application for relief within thirty (30) days after it is filed and deemed complete.
5. The Municipal Operations Director or his/her designee shall provide written notification to the resident of the decision on the application via first class mail to the address specified on the application. Electronic notification may also be provided pursuant to the request of the applicant.
6. A resident may appeal the decision of the Municipal Operations Director pursuant to the NBMC 14.16.110.
7. Alternatively, the Municipal Operations Director can enter into a signed agreement with any person or customer regarding a relief from compliance. The agreement will establish the rights of the customer and the City. During the agreement, no further relief from compliance will be granted.

### 3.4 Enforcement

City Council may declare by resolution the existence of a Level One, a Level Two, a Level Three, or a Level Four water supply shortage. In so doing, the Council shall determine that a water supply shortage, or threatened shortage exists, due to drought or other water supply conditions, and that it is necessary to impose mandatory conservation requirements applicable to a particular level of water supply shortage (NBMC 14.16).

The Municipal Operations Director is responsible for the enforcement of Water Conservation and Supply Level Regulations (NBMC 14.16). The water use restrictions outlined in the Newport Beach Municipal Code for a Level One, Level Two, Level Three, or Level Four water supply shortage, will be enforced by the City's Code Enforcement Division. In enforcing these provisions, the Director's intent is to encourage a City-wide decrease in water consumption in order to comply with the reduction mandated by the State of California.

Proactive and regular patrols by Code Enforcement staff will occur to ensure compliance with the City's current regulations. Patrols will typically be performed daily. Code Enforcement staff will provide, so far as reasonable under the circumstances, that persons are notified of violations and provided an opportunity to cure the violation prior to being cited. Prior to issuing citations for water-consumption violations, City staff will analyze customer's water usage and compare current usage to a baseline established by City Resolution. City staff will evaluate water consumption violations based on customer class and exclude reasonable overuse that may have caused non-compliance such as leaks or breaks. In order to enforce violations of the Municipal Code Chapter 14.16, the City may take the following actions:

- 1) Notices of Violation – So far as reasonable under the circumstances, persons will be notified of violations prior to being cited and provided an opportunity to cure the violation. Notification will be provided in writing unless it is unreasonable to do so under the circumstances. City staff anticipates that most notifications and opportunities to cure will be for the following violations:
  - a. Using water in excess of the baseline established by City Council
  - b. Watering on the wrong day
  - c. Watering during the prohibited time of day
  - d. Watering within 48 hours of measureable rainfall
  - e. Utilizing a water hose without a positive shutoff nozzle
  - f. A water line break
  - g. A major leak or break within the irrigation system
- 2) Citations – Administrative Citations will be issued for violations of the water consumption and drought regulations pursuant to Chapter 1.05 of the Newport Beach Municipal Code as follows:
  - a. The first Administrative Citation will be issued in the amount of \$100 per violation.

- b. The second citation for the same offense(s) will be issued in the amount of \$200 per violation.
  - c. For the third and all subsequent violations, citations will be issued for \$500 per violation. These citations may be issued daily.
- 3) Water Flow Restrictors - The City may install a water flow restrictor, reducing flow to approximately one gallon per minute for services up to one and one-half inches in size. Comparatively sized restrictors may be installed for larger services. Prior to installing a flow restrictor, the City shall provide a minimum forty-eight (48) hour notice of the intent to install a water flow restrictor. In the event that a customer or person refuses to permit the installation of a water flow restrictor, the City may terminate the customer's water service.
- 4) Termination of Service - The City may disconnect a customer's water service for willful violations of mandatory restrictions in this chapter.

## **Section 4 - Water Conservation and Supply Level Regulations (NBMC 14.16)**

### **14.16.010 Findings and Purpose.**

- A. The purpose of this chapter is to establish a water conservation and supply shortage program that, to the greatest extent possible, will reduce water consumption within the City of Newport Beach, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, maximize the efficient use of water and minimize the effect and hardship of water shortage.
- B. The water conservation and supply shortage program created by this chapter establishes permanent water conservation requirements intended to alter behavior related to water use efficiency for non-shortage conditions and further establishes four levels of water supply shortage response actions to be implemented during times of declared water shortage.
- C. The City Council finds as follows:
  - 1. A reliable minimum supply of water is essential to the public health, safety and welfare of the people and economy of the Southern California region.
  - 2. 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.
  - 3. 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 supply needs.
  - 4. Article X, Section 2, of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, that waste or unreasonable use or

unreasonable method of use of water is prevented and that conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.

5. Article XI, Section 7, of the California Constitution 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.

6. California Water Code Section 375 authorizes a water supplier to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies.

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

8. Recycled water is supplied in various areas throughout the City to conserve potable water. Recycled water, like potable water, must be used efficiently and is therefore included in this program. (Ord. 2015-14 § 1 (part), 2015: Ord. 2009-24 § 1 (part), 2009)

#### **14.16.020 Definitions.**

In this chapter, the following words and phrases shall have the following meanings:

"Base amount" means a base amount of water usage per billing period to be determined for each customer. For any particular billing period, the base amount shall be as indicated on the customer's municipal services statement for the prior billing period. For customers occupying premises for which the City's water billing history includes 2013, the base amount shall be the amount of water used during the same billing period in 2013. For customers occupying premises for which the City's water billing history does not include the same billing period in 2013, the base amount shall be the estimate of the water usage per billing period of similar premises and users.

"Billing period" means the period of time for which the City calculates monthly water service rates for a particular customer under Section 14.12.020.

"Billing unit" means the unit of water used to apply water rates for purposes of calculating water charges for a person's water usage and equals seven hundred forty-eight (748) gallons.

"City" shall mean the City of Newport Beach.

"City Council" shall mean the City Council of the City of Newport Beach.

"Commercial kitchen" means a facility containing a kitchen in which food is prepared for sale, such as a restaurant, cafe, hotel, catering establishment, or other food preparation establishment.

“Customer” shall mean any person using or receiving water service from the City. The term “customer” shall not include a person receiving water service within the City from the Irvine Ranch Water District or from the Mesa Consolidated Water District.

“Department of Public Health” shall mean the Orange County Department of Health.

“Excessive flow or runoff” shall mean frequent and/or large amounts of runoff from irrigation and/or other outdoor water use.

“Fire Marshal” shall mean the City of Newport Beach’s Fire Marshal or his or her designee.

“Fuel modification zone” shall mean combustible native or ornamental vegetation that has been modified and partially or totally replaced with drought tolerant, fire retardant plants and maintained per Fire Code guidelines.

“Implementation plan” shall mean the plan developed by the Municipal Operations Director that provides the resources (staffing and equipment) required to ensure the fair and timely execution of these requirements, as well as a detailed execution strategy.

“Irrigate” means any exterior application of water, other than for firefighting purposes, including but not limited to the watering of any vegetation whether it be natural or planted.

“Landscape irrigation system” means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by and/or through an automated system.

“MET” shall mean the Metropolitan Water District of Southern California.

“Municipal Operations Director” shall mean the Director of the City of Newport Beach’s Municipal Operations Department or his or her designee.

“Person” shall have the meaning ascribed to it by Section 1.08.120.

“Potable water” means water that is suitable for drinking and excludes recycled water from any source.

“Premises” means a parcel of land, or portion of a parcel, including any improvements located there, that are served by a City water meter.

“Recirculating” means the reuse of existing water, by means of capturing/containing water used, then circulating back to point of origin.

“Recycled water” means the reclamation and reuse of non-potable water and/or wastewater for beneficial use, such as irrigation.

“Safety/sanitary hazards” means the condition that may cause or threaten to cause injury to any person or persons.

“Single pass cooling system” means equipment where water is circulated only once to cool equipment before being disposed.

“Water” shall mean potable water and recycled water.

“Water-conserving kitchen spray valve” means a dishwashing spray valve that uses 1.6 gallons of water or less per minute of use.

“Water conservation plan” means a plan submitted by a customer for the approval of the Utilities Director, in conjunction with a request for an exemption or partial exemption that proposes the maximum feasible reduction in consumption.

“Water consumption restrictions” shall mean those provisions in this chapter that require customers to reduce the amount of water consumed during a water supply shortage in relation to the base amount.

“Water supply shortage” means the effective period of time during which the City Council, by resolution adopted under Section 14.16.050, has declared the existence of a water supply shortage or threatened shortage. The City Council, depending on the severity of conditions, may declare a Level One, Level Two, Level Three, or Level Four water supply shortage. (Ord. 2015-14 § 1 (part), 2015: Ord. 2013-11 §§ 81—83, 2013; Ord. 2009-24 § 1 (part), 2009)

#### **14.16.030 Applicability.**

- A. The provisions of this chapter shall apply to all persons using water in the City.
- B. For the purposes of this chapter, the use of water by a tenant, employee, agent, contractor, representative or person acting on behalf of a customer may, at the City’s election, be imputed to the customer. (Ord. 2015-14 § 1 (part), 2015: Ord. 2009-24 § 1 (part), 2009)

#### **14.16.040 Permanent Mandatory Water Conservation Requirements.**

The following prohibitions and mandatory water conservation requirements are effective at all times, including during a water supply shortage. Violations of this section will be considered waste and an unreasonable use of water.

- A. No customer shall use potable water to irrigate any lawn and/or ornamental landscape area using a landscape irrigation system or a watering device that is not continuously attended unless such irrigation is limited to no more than fifteen (15) minutes watering per station.
  - 1. This restriction does not apply to the following unless the City has determined that recycled water is available and may be lawfully applied to the use:
    - a. Landscape irrigation systems that exclusively use very low-flow drip type irrigation systems in which no emitter produces more than two gallons of water per hour or weather based controllers or stream rotor sprinklers that meet a seventy (70) percent efficiency standard.
- B. No person shall use water to irrigate any lawn and/or ornamental landscape area in a manner that causes or allows excessive flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch.



C. No person shall use water to wash down hard or paved surfaces, including, but not limited to, sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, 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, or a low volume, high-pressure cleaning machine (e.g., “water broom”) equipped to recycle any water used.

D. No person shall permit excessive use, loss or escape of water through breaks, leaks or other malfunctions in the person’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 after receiving notice of the condition from the City.

E. No customer shall use potable water to irrigate lawns, groundcover, shrubbery or other ornamental landscape material during and within forty-eight (48) hours after a measurable rainfall event.

F. By July 1, 2012, all landscape irrigation systems connected to dedicated landscape meters shall include rain sensors that automatically shut off such systems during periods of rain or include evapotranspiration systems that schedule irrigation based on climatic conditions.

G. No customer shall operate a water fountain or other decorative water feature that does not use a recirculating water system.

H. No customer shall use water to clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, 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.

1. This subsection does not apply to any commercial car washing facility.

I. Effective January 1, 2010, all new commercial conveyor car wash systems in commercial car washing facilities shall be operational recirculating water systems.

J. By January 1, 2013, all commercial conveyor car wash systems in commercial car washing facilities shall be operational recirculating water systems, or the customer must have secured an exemption from this requirement pursuant to Section 14.16.100.

K. Customers operating eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drinks are sold, served, or offered for sale, shall not provide drinking water to any person unless expressly requested by the person.

L. Customers operating hotel, motel, and other commercial lodging establishments shall provide persons the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option.

M. No customer shall install a new single pass cooling system in a building or premises requesting new water service. This provision shall not prevent the replacement or repair of single pass cooling systems that were installed prior to December 31, 2009.

N. Effective January 1, 2010, all new washing machines installed in commercial and/or coin-operated laundries shall be ENERGY STAR® and CEE Tier III qualified. By January 1, 2014, all washing machines installed in commercial and/or coin-operated laundries shall be ENERGY STAR® and CEE Tier III qualified.

O. No customer shall use water from any fire hydrant for any purpose other than fire suppression or emergency aid without first: (1) requesting and posting the appropriate fees at the City, and (2) obtaining a hydrant meter to record all water consumption for a specified project. Absent a meter, water theft and meter tampering fees will be applied as appropriate.

P. No person shall water with potable water the landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission.

Q. Construction Site Requirements. The requirements of this subsection apply to persons engaged in construction activities. A permittee's refusal or failure to comply with these requirements shall constitute grounds for revocation of a construction or grading permit. In addition, the City may withhold occupancy and inspections until such time as the permit holder has complied.

1. No person shall use potable water for soil compaction or dust control in a construction site where there is an available and feasible source of recycled water or non-potable water approved by the Department of Public Health and appropriate for such use.

2. No person shall operate a hose within a construction site that is not equipped with an automatic shut-off nozzle, provided that such devices are available for the size and type of hose in use.

R. Commercial Kitchen Requirements. No customer may operate a commercial kitchen that does not comply with the following requirements:

1. Water-Conserving Pre-Rinse Kitchen Spray Valves. New or remodeled commercial kitchens shall be equipped with water-conserving kitchen spray valves. By January 1, 2010, all valves with water-conserving kitchen spray valves.

2. Best-Available Water-Conserving Technology. New or remodeled commercial kitchens shall ensure that all water-using equipment in new or remodeled commercial kitchens uses the best-available, waterconserving technology.

3. No customer operating a commercial kitchen shall defrost food or allow food to be defrosted with running water.

4. Scoop sinks shall be set at minimum water flow at all times of use and shut off during nonworking hours.

5. When hosing or washing kitchen or garbage areas or other areas for sanitary reasons as required by the Department of Health, hoses shall be equipped with positive self-closing nozzles. (Ord. 2015-14 § 1 (part), 2015: Ord. 2009-24 § 1 (part), 2009)

#### **14.16.050 Procedure for Declaration of Water Supply Shortage**

A. From time to time, the City Council may declare by resolution the existence of a Level One, a Level Two, a Level Three, or a Level Four water supply shortage. In so doing, the Council shall determine that a water supply shortage or threatened shortage exists, due to drought or other water supply conditions, and that it is necessary to impose the mandatory conservation requirements applicable to the particular level of water supply shortage. It will be necessary to make more efficient use of water and appropriately respond to conditions created by the water supply shortage. Prior to adopting a resolution declaring the existence of a water supply shortage, the City Council shall enact a resolution indicating its intention to do so, the conditions necessitating the declaration, the nature of the mandatory conservation restrictions proposed to be imposed, including the specifics of any proposed water consumption restrictions, and the day, hour and place when and where persons may appear before the City Council and be heard on whether resolution declaring the water supply shortage should be enacted. The resolution of intention shall direct the City Clerk to publish said resolution at least once, within fifteen (15) days of the passage thereof, in a newspaper of general circulation in the City. Said notice shall be published at least ten (10) days prior to the date of hearing. Within ten (10) days of the adoption of a resolution declaring a water supply shortage, the City Clerk shall cause the resolution to be published or posted in the manner required by California Water Code Section 376.

B. The mandatory conservation requirements that become effective following the adoption of a resolution declaring the existence of a particular level of water supply shortage shall remain in full force and effect until the resolution is repealed or until new mandatory conservation requirements become effective following the adoption of a subsequent resolution declaring the existence of a water supply shortage.

C. During the existence of a water supply shortage, the Municipal Operations Director shall provide periodic reports to the City Council regarding compliance with the mandatory conservation requirements of the level of water supply shortage, current and anticipated allocations of water from MET, and any change in circumstances that could warrant a position of more stringent measures or relaxation of measures then in effect. (Ord. 2015-14 § 1 (part), 2015: Ord. 2009-24 § 1 (part), 2009)

#### **14.16.060 Level One Mandatory Water Conservation Requirements.**

On the tenth day after a resolution declaring the existence of a Level One water supply shortage becomes effective, the following mandatory water conservation requirements shall take effect:

A. No customer shall use potable water to irrigate any lawn, landscape or other vegetated area except on the scheduled irrigation days established for each customer by the Municipal Operations Director. During a Level One water supply shortage, the schedule established by the Municipal Operations Director shall specify for each customer (1) four irrigation days per week during the months of April, May, June, July, August, September, and October and (2) two irrigation days per week during the months of November, December, January, February, and March. Prior to the foregoing restriction becoming effective, the Municipal Operations Director shall have notified the customer of the scheduled irrigation days by mail, which may be done by an indication on the customer's municipal services statement. This restriction does not apply to the following unless the City has determined that recycled water is available and may be lawfully applied to the use:

1. Maintenance of vegetation including trees and shrubs that is watered using a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or a very low-flow drip type irrigation system when no emitter produces more than two gallons of water per hour.
2. Irrigation of food crops (including fruit trees and vegetable gardens).
3. Short periods of irrigation for the exclusive purpose of adjusting or repairing an irrigation system.

B. No customer shall use more water during any billing period than the percentage of the base amount established in the resolution declaring the Level One water supply shortage, which percentage shall be in the range from one hundred (100) percent to ninety (90) percent of the base amount.

C. No person shall permit excessive use, loss or escape of water through breaks, leaks or other malfunctions in the user's plumbing or distribution system for more than seventy-two (72) hours after receiving notice of the condition from the City.

D. No customer may use potable water to fill or refill an ornamental lake, pond, or fountain, more than once per week, except to the extent needed to sustain aquatic life, provided that such animals were being actively managed within the water feature at the time of the City's initial declaration of a then continuing water supply shortage.

E. No customer may use more than one foot of potable water per week to fill or refill a residential swimming pool or outdoor spa. (Ord. 2015-14 § 1 (part), 2015: Ord. 2009-24 § 1 (part), 2009)

#### **14.16.070 Level Two Mandatory Water Conservation Requirements.**

On the tenth day after a resolution declaring the existence of a Level Two water supply shortage becomes effective, the following mandatory water conservation requirements shall take effect:

A. No customer shall use potable water to irrigate any lawn, landscape or other vegetated area between the hours of 9:00 a.m. and 5:00 p.m. Pacific 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 short periods of irrigation for the exclusive purpose of adjusting or repairing an irrigation system.

B. No customer shall use potable water to irrigate any lawn, landscape or other vegetated area except on the scheduled irrigation days established by City Council resolution. During a Level Two water supply shortage, the schedule established by City Council resolution shall specify for each customer (1) three irrigation days per week during the months of April, May, June, July, August, September, and October and (2) one irrigation day per week during the months of November, December, January, February, and March. Prior to the foregoing restriction becoming effective, the City shall notify the customer of the scheduled irrigation days by mail, which may be done by an indication on the customer's municipal services statement. This restriction does not apply to the following unless the City has determined that recycled water is available and may be lawfully applied to the use:

1. Maintenance of vegetation, including trees and shrubs, that is watered using a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or a very low-flow drip type irrigation system when no emitter produces more than two gallons of water per hour.
2. Irrigation of food crops (including fruit trees and vegetable gardens), provided that such irrigation does not exceed five times per week on a schedule established and posted by the City's Municipal Operations Department.
3. Short periods of irrigation for the exclusive purpose of adjusting or repairing an irrigation system.

C. No customer shall use more water during any billing period than the percentage of the base amount established in the resolution declaring the Level Two water supply shortage, which percentage shall be in the range from ninety (90) percent to seventy-five (75) percent of the base amount.

D. No person shall permit excessive use, loss or escape of water through breaks, leaks or other malfunctions in the user's plumbing or distribution system for more than forty-eight (48) hours after receiving notice of the condition from the City.

E. No customer may use potable water to fill or refill an ornamental lake, pond, or fountain more than once every other week, except to the extent needed to sustain aquatic life, provided that such animals were being actively managed within the water feature at the time of the City's declaration of the water supply shortage under this chapter.

F. Customers may use no more than six inches of potable water per week to fill or refill a residential swimming pool or outdoor spa. (Ord. 2015-14 § 1 (part), 2015: Ord. 2009-24 § 1 (part), 2009)

#### **14.16.080 Level Three Mandatory Water Conservation Requirements.**

On the tenth day after a resolution declaring the existence of a Level Three water supply shortage becomes effective, the following mandatory water conservation requirements shall take effect:

A. No customer shall use potable water to irrigate any lawn, landscape or other vegetated area between the hours of 9:00 a.m. and 5:00 p.m. Pacific 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 short periods of irrigation for the exclusive purpose of adjusting or repairing an irrigation system.

B. No customer shall use potable water to irrigate any lawn, landscape or other vegetated area except on the scheduled irrigation days established by City Council resolution. During a Level Three water supply shortage, the schedule established by City Council resolution shall specify for each customer (1) two irrigation days per week during the months of April, May, June, July, August, September, and October and (2) one irrigation day per week during the months of November, December, January, February, and March. Prior to the foregoing restriction becoming effective, the City shall notify the customer of the scheduled irrigation days by mail, which may be done by an indication on the customer's municipal services statement. This restriction does not apply to the following unless the City has determined that recycled water is available and may be lawfully applied to the use:

1. Maintenance of vegetation, including trees and shrubs, that is watered using a hand-held bucket or similar container or hand-held hose equipped with positive self-closing water shut-off nozzle or device, or a very low-flow drip type irrigation system when no emitter produces more than two gallons of water per hour.
2. Irrigation of food crops (including fruit trees and vegetable gardens), provided that such irrigation does not exceed three days per week on a schedule established and posted by the City's Municipal Operations Department.
3. Short periods of irrigation for the exclusive purpose of adjusting or repairing an irrigation system.

C. No customer shall use more water during any billing period than the percentage of the base amount established in the resolution declaring the Level Three water shortage, which percentage shall be in the range from seventy-five (75) percent to sixty (60) percent of the base amount.

D. No person shall permit excessive use, loss or escape of water through breaks, leaks or other malfunctions in the user's plumbing or distribution system for more than twenty-four (24) hours after receiving notice from the City.

E. No customer may use potable water to fill or refill an ornamental lake, pond, or fountain more than once every other week except to the extent needed to sustain aquatic life, provided



that such animals were being actively managed within the water feature at the time of the City's declaration of the water supply shortage under this chapter.

F. Customers may use no more than three inches of potable water per week to fill or refill a residential swimming pool or outdoor spa. (Ord. 2015-14 § 1 (part), 2015: Ord. 2009-24 § 1 (part), 2009)

#### **14.16.090 Level Four Mandatory Water Conservation Requirements.**

On the tenth day after a resolution declaring the existence of a Level Four water supply shortage becomes effective, the following mandatory water conservation requirements shall take effect:

A. No customer shall use potable water to irrigate any lawn, landscape or other vegetated area. This restriction does not apply to the following categories of use unless the City has determined that recycled water is available and may be lawfully applied to the use:

1. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device;
2. Maintenance of existing landscape to the extent necessary for fire protection;
3. Maintenance of existing landscape to the extent necessary for soil erosion control;
4. Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;
5. Maintenance of landscape within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two times per week on a schedule established by resolution of the City Council and posted by the Municipal Operations Director;
6. Public works projects and actively irrigated environmental mitigation projects;
7. Food crops (including fruit trees and vegetable gardens); provided, that such irrigation does not exceed two times per week on a schedule established and posted by the City's Municipal Operations Department.

B. The City will not (1) provide new potable water service, new temporary meters, or new permanent meters or (2) issue statements of immediate ability to serve or to provide potable water service, except under the following circumstances:

1. A valid, unexpired building permit has been issued for the project; or
2. The project is necessary to protect public health, safety, and welfare; or

3. The applicant provides substantial evidence of an enforceable commitment that ensures to the satisfaction of the Municipal Operations Director the water demands for the project will be offset prior to the provision of a new water meter(s).

This restriction does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less.

C. No customer shall use more water during any billing period than the percentage of the base amount established in the resolution declaring the Level Four water shortage, which percentage shall be less than sixty (60) percent of the base amount.

D. No person shall permit excessive use, loss or escape of water through breaks, leaks or other malfunctions in the user's plumbing or distribution system for more than twenty-four (24) hours after receiving notice from the City.

E. No customer may use potable water to fill or refill an ornamental lake, pond, or fountain, except to the extent needed to sustain aquatic life, provided that such animals were being actively managed within the water feature at the time of the City's declaration of the water supply shortage under this chapter.

F. No customer may use potable water to fill or refill a residential swimming pool or outdoor spa. (Ord. 2015-14 § 1 (part), 2015: Ord. 2009-24 § 1 (part), 2009)

#### **14.16.100 Exemptions.**

A. The provisions of this chapter do not apply to any of the following:

1. Uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services.
2. The filling, operation, and maintenance of a swimming pool that is open to the public at rates of charge deemed reasonable by the City Council.
3. The washing of refuse, sanitation and service vehicles owned and operated by a public entity to the extent necessary to ensure public health, safety and welfare, provided that recycled water or a recirculating water system will be used where feasible.

B. Any restrictions imposed by this chapter that require the reduction of consumption shall not be applicable to any of the following:

1. Customers who have participated in a fuel load modification program and have received an exemption from the Municipal Operations Director and Fire Marshal. The Municipal Operations Director and Fire Marshal shall only grant exemptions necessary to mitigate the impacts of participation in the fuel modification zone program, such as the need to irrigate replacement vegetation.

2. Customers that operate hospitals, medical care facilities, nurseries or other businesses whose main stock and trade consists of the sale or cultivation of plants and vegetation, and businesses in which water consumption is an integral part of production or manufacturing, provided that such customers shall first submit a water conservation plan to, and obtain the approval of, the Municipal Operations Director. This exemption does not extend to the use of potable water for the irrigation of landscape areas.

C. The Municipal Operations Director shall approve a water conservation plan only if the plan proposes the maximum feasible reduction in consumption. As a condition of approving the water conservation plan, the Municipal Operations Director may require the use of water conservation devices or practices as he or she deems appropriate to result in the maximum feasible reduction in consumption. (Ord. 2015-14 § 1 (part), 2015: Ord. 2009-24 § 1 (part), 2009)

#### **14.16.110 Relief from Compliance.**

A. Intent and Purpose. The City Council recognizes that water consumption can increase or decrease because of factors unrelated to wasteful water use practices. Many customers have installed water-saving devices and adopted water conservation practices that make it difficult to satisfy the water consumption restrictions required by this chapter. This section recognizes that adjustments to the base amount may be necessary to ensure that application of this chapter to any particular customer does not produce unjust or inequitable results. In addition, this section recognizes unique circumstances may result in undue or disproportionate hardship as to a person using water which is different from the impacts to water users generally. As a general rule, the Municipal Operations Director should not grant relief to any person or customer for any reason in the absence of showing that the person or customer has achieved the maximum feasible reduction in water consumption other than in the specific area or areas for which relief is requested.

B. Procedures. A person or customer may file an application for relief from the provisions of this chapter with the Municipal Operations Director. The application shall be submitted in writing to the Municipal Operations Department. The Municipal Operations Director may require the submission of additional supporting documentation that he or she deems necessary to grant the application for relief. The Municipal Operations Director shall approve or disapprove the application for relief within thirty (30) days after it is filed and deemed complete.

C. Factors to Be Considered.

1. Relief from Water Consumption Restrictions. In determining whether relief should be granted from water consumption restrictions, the Municipal Operations Director shall consider all relevant factors including, but not limited to, the following:

a. Whether compliance with the water conservation requirements then in effect would result in unemployment or layoff of workers;

- b. Whether additional persons are now living or working in the customer's premises that were not living or working in the premises during all or a portion of the billing periods used to calculate the base amount;
- c. For residential customers, whether the usage in the prior billing period was equivalent to or less than ten (10) billing units for customers billed on a monthly basis, or twenty (20) billing units for customers billed on a bi-monthly basis;
- d. Whether customer had, during all or a portion of the billing periods used to calculate the base amount, begun using water conservation practices that remain in use and that reduced the customer's water usage by an amount equivalent to the reduction required by the water supply shortage;
- e. Whether any current or anticipated increase in production or manufacturing will require the use of additional water;
- f. The extent to which irrigation or watering of landscaping has been made necessary by compliance with fuel load modification programs; and
- g. The extent to which customer needs to use water to mitigate any emergency health or safety hazards.

2. Relief from All Other Requirements. In determining whether relief should be granted from all requirements other than water consumption restrictions, the Municipal Operations Director must find, based on the application and supporting documentation, that:

- a. The relief does not constitute a grant of special privilege inconsistent with the limitations imposed by this chapter on other persons and customers;
- b. Because of special circumstances applicable to the customer or person's property or its use, the strict application of this chapter would have an impact on the person or customer that is disproportionate to the impact on other similarly situated persons or customers;
- c. The condition or situation of the person or customer's premises for which the relief is sought is not common or general in nature; and
- d. The person or customer has achieved or will achieve the maximum feasible reduction in water consumption other than in the specific area or areas from which relief is requested.

D. Agreement. The Municipal Operations Director is empowered to enter into an agreement with any person or customer to resolve the application for relief. The agreement shall be memorialized in writing signed by the person or customer. The agreement shall fix the rights of the person or customer and the City. During the effectiveness of the agreement, the person or customer shall have no further right to seek relief pursuant to the provisions of this section.

E. Final Decision. The Municipal Operations Director shall notify the person or customer of the decision on the application for relief by mailing a notice of the decision to the person or customer by means of first class, postage prepaid, to the address specified on the application.

F. Appeal of Final Decision. A person or customer may appeal the decision of the Municipal Operations Director by submitting a written request within ninety (90) days of the date of the Municipal Operations Director's written decision. A written appeal request shall be submitted to the City Manager and include the reasons for the request and signature of the person or customer submitting the request. The City Manager may approve or disapprove the appeal within thirty (30) days from receipt of a request. The decision of the City Manager shall be final.

G. Willful Misrepresentation. Notwithstanding any other provision of law, no person shall make any willful misrepresentation of a material fact with respect to any application for relief submitted pursuant to this section. Any violation of the provisions of this subsection shall be considered a misdemeanor, punishable as otherwise provided in this Code. (Ord. 2015-14 § 1 (part), 2015: Ord. 2009-24 § 1 (part), 2009)

#### **14.16.120 Enforcement.**

A. Responsibility—Implementation Plan. The Municipal Operations Director shall be responsible for the enforcement of this chapter. The Municipal Operations Director shall develop an implementation plan to be used as a guideline for enforcing the provisions of this chapter. The implementation plan shall provide the resources (staffing and equipment) required to ensure the fair and timely execution of these requirements, as well as a detailed execution strategy. In addition, the implementation plan shall ensure, so far as is reasonable under the circumstances, that persons are notified of violations and are provided an opportunity to cure the violation prior to being cited.

B. Additional Enforcement Options. In addition to the means of ensuring compliance set forth in Section 1.04.010, the City may elect to impose the following requirements on a customer in the event of a continuing violation:

1. Water Flow Restrictors. The City may install a water flow restrictor of approximately one gallon per minute for services up to one and one-half inches in size and comparatively sized restrictors for larger services. Prior to doing so, the City shall first provide a minimum of forty-eight (48) hours' notice of its intent to install a water flow restrictor. In the event that a customer refuses to permit the installation of a water flow restrictor following the City's election to do so, the City may terminate the customer's water service.

2. Termination of Service. The City may disconnect a customer's water service for willful violations of mandatory restrictions in this chapter. (Ord. 2015-14 § 1 (part), 2015: Ord. 2009-24 § 1 (part), 2009)

#### **14.16.130 State of Emergency.**

If the Governor of the State of California proclaims a state of emergency and thereby issues orders or other general laws that mandate adoption of regulations by the State Water Resources Control Board and/or water conservation efforts by customers, it is a violation of this

section for any customer to violate any such emergency order or general law lawfully adopted by the State of California. (Ord. 2015-14 § 1 (part), 2015)