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ORDINANCE NO.

AN URGENCY ORDINANCE IMPLEMENTING CALIFORNIA STATE WATER RESOURCES CONTROL BOARD MANDATORY EMERGENCY DROUGHT RESPONSE REGULATIONS AND REVISING THE CITY'S WATER SHORTAGE CONTINGENCY PLAN LOCATED IN RIVERSIDE MUNICIPAL CODE SECTIONS 14.22.020, 14.22.040 AND 14.22.050, NECESSARY FOR PRESERVING PUBLIC PEACE, HEALTH, AND SAFETY.

WHEREAS, the City of Riverside ("City") serves more than 3,000 customers and is an "urban water supplier" as defined in Water Code section 10617. The City is subject to the Urban Water Management Planning Act, Water Code Division 6, Part 2.6; and

WHEREAS, pursuant to the Urban Water Management Planning Act, the City has prepared an Urban Water Management Plan ("UWMP"), which includes the City's Water Shortage Contingency Plan ("WSCP"); and

WHEREAS, the City, benefitting from the foresight of its founders, and the forward-looking planning of its City Council and Board of Public Utilities through the years, has secured an adequate and stable supply of groundwater for its citizens; and

WHEREAS, as a result, the City is not directly vulnerable to imported and surface water shortages, and is less vulnerable to drought than many other areas; and

WHEREAS, the City's current WSCP contains four stages, the first two being voluntary and the remaining two being mandatory, and the first mandatory conservation measure drastically restricts outdoor irrigation to a maximum of two days per week; and

WHEREAS, under the current WSCP, the City can only impose mandatory irrigation restrictions if the City Council declares, by resolution, that at least a reasonable probability exists that the City will not be able to meet all of its water demands; and

WHEREAS, California is currently in the third year of a significant drought resulting in severe impacts to California's water supplies and its ability to meet all of the demands for water in the State; and

WHEREAS, on January 17, 2014, Governor Edmund G. Brown, Jr. declared a drought state of emergency; and

WHEREAS, Water Code section 1058.5 grants the State Water Resources Control Board

1 (“SWRCB”) the authority to adopt emergency regulations in years when the Governor has issued
2 a proclamation of emergency based upon drought conditions or when in response to drought
3 conditions that exist, or are threatened, in a critically dry year immediately preceded by two or
4 more consecutive below normal, dry, or critically dry years; and

5 WHEREAS, on April 25, 2014, the Governor signed an Executive Order directing the
6 SWRCB to adopt emergency regulations as it deems necessary, pursuant to Water Code section
7 1058.5, to ensure that urban water suppliers implement drought response plans to limit outdoor
8 irrigation and other wasteful water practices; and

9 WHEREAS, on July 15, 2014, the SWRCB formally adopted emergency rulemaking to
10 enact emergency regulations for urban water suppliers; and

11 WHEREAS, the SWRCB emergency regulations prohibit certain types of water use,
12 order all urban water suppliers to implement mandatory conservation measures, and order water
13 suppliers with 3,000 or more service connections to provide monthly data on water production;
14 and

15 WHEREAS, the SWRCB emergency regulations further mandate that each urban water
16 supplier shall implement all requirements and actions of the stage of its water shortage
17 contingency plan that imposes mandatory restrictions on outdoor irrigation; and

18 WHEREAS, the City is currently able to meet all of its water demands, and therefore the
19 City Council is unable to adopt a resolution implementing the mandatory restrictions on outdoor
20 irrigation set forth in the WSCP; and

21 WHEREAS, staff recommends that the WSCP, as set forth in Riverside Municipal Code
22 section 14.22, be amended in order to allow the City to comply with the SWRCB’s emergency
23 regulations.

24 The City Council of the City of Riverside does ordain as follows:

25 Section 1. Sections 14.22.020, 14.22.040, and 14.22.050 are amended to read as
26 follow:

27 **Section 14.22.020 Water Conservation Program.**

28 (A) This Chapter establishes a Water Conservation Program which uses four stages to

1 address conditions and needs. The Water Conservation Stage shall be set by City Council action.
2 All normal water efficiency programs and water conservation regulations shall remain in force
3 during any stage, unless the City Council directs otherwise.

4 (B) Stage One represents normal conditions; Stages Two, Three and Four represent
5 potential and actual shortages. Stages Two, Three and Four may be triggered by a local or
6 regional water supply shortage; production, treatment, transmission, or delivery infrastructure
7 problems; limited or unavailable alternative water supplies are; or other circumstances.

8 (C) ~~Stages~~ Stage One and Two conservation measures are voluntary, and will be enforced
9 through public outreach, education, and awareness measures by the City.

10 (D) Stages Two, Three, and Four conservation measures are mandatory, and violations
11 are may be subject to criminal, civil, and administrative enforcement.

12 **Section 14.22.040 Stage Two - Minimum Water Shortage.**

13 (A) Stage Two applies when the City Council declares, by resolution ~~that,~~ a
14 reasonable probability exists that the City will not be able to meet all of its water demands, ~~or~~
15 other regional or statewide conditions warrant implementation, or the State of California orders
16 implementation.

17 (B) Upon declaration of Stage Two by the City Council, and the following measures
18 shall apply:

19 (1) Except as otherwise provided in this Section, all Stage One measures
20 remain in effect.

21 (2) Customers will be asked to reduce their monthly water consumption ~~by~~
22 ~~ten percent (10%)~~ up to 15-percent ~~(15%).~~

23 (3) Non-agricultural irrigation, including construction meter irrigation, is
24 limited as follows:

25 (a) Properties ~~with odd number street addresses, parks, and the public~~
26 ~~right of ways~~ may be irrigated only ~~on Saturdays, Mondays, and Wednesdays~~ between the hours
27 of 8:00 p.m. to 8:00 a.m.

28 (b) Properties ~~with even number street addresses~~ may not be irrigated

1 ~~only on Sundays, Tuesdays, and Thursdays between the hours of 8:00 p.m. to 8:00 a.m. more~~
2 ~~than four (4) times per week.~~

3 (c) All automatic irrigation timers shall be adjusted according to
4 changing weather patterns and shall completely eliminate run-off.

5 (d) Irrigation landscaping is prohibited on ~~Fridays and on~~ any day of
6 the week from 8:00 a.m. to 8:00 p.m.

7 (e) All irrigation timers shall be adjusted to comply with the above.

8 (f) Recycled water may be used to irrigate fruit trees, lawns and
9 ground covers, and ornamental trees and shrubs at any time and on any day of the week.

10 (4) All plumbing leaks, improperly adjusted sprinklers, or other water
11 appurtenances requiring repair or adjustment shall be corrected to the satisfaction of the City
12 within 72 hours of notification by the City. The City will attempt to contact customers by phone,
13 mail or printed "door-hanger" notice. All customers shall ensure that the City has current
14 telephone contact information.

15 ~~(5) — Use of water from fire hydrants shall be limited to fire-fighting-related~~
16 ~~activities, utility operation and repair, or other uses necessary to maintain the health, safety, and~~
17 ~~welfare of the public.~~

18 ~~(65)~~ Eating or drinking establishments, or other public places where food or
19 drinks are sold, served, or offered for sale, may only provide drinking water upon specific
20 request.

21 ~~(76)~~ Hotels, motels and other commercial lodging establishments shall provide
22 customers the option of not having towels and linen laundered daily. Commercial lodging
23 establishments shall prominently display notice of this option in each bathroom using clear and
24 easily understood language.

25 ~~(87)~~ Construction operations receiving water from a construction meter or
26 water truck shall not use water unnecessarily for any purpose, other than those required by
27 regulatory agencies. Construction projects requiring watering for new landscaping materials shall
28 adhere to the designated non-agricultural irrigation requirements ~~set forth in (3)(a)–~~

1 ~~(3)(e)~~, listed above.

2 **Section 14.22.050 Stage Three - Moderate Water Shortage.**

3 (A) Stage Three applies when the City Council declares, by resolution, that the City
4 will not be able to meet all of the water demands of its Customers.

5 (B) Upon declaration of Stage Three by the City Council, the following measures
6 shall apply:

7 (1) Except as otherwise provided in this Section, all Stage One and Two
8 measures remain in effect.

9 (2) Water customers will be asked to reduce their monthly water
10 consumption by 15 to 20 ~~(15—20%)~~ percent for the duration of Stage Three.

11 (3) Non-agricultural irrigation is limited ~~to the following designated hours and~~
12 ~~designated days~~ as follows:

13 (a) Properties ~~with odd number street addresses, parks, and the public~~
14 ~~right of ways~~ may be irrigated only ~~on Saturdays and Wednesdays~~ between the hours of 8:00
15 p.m. to 8:00 a.m.

16 (b) Properties ~~with even number street addresses~~ may not be irrigated
17 ~~only on Sundays and Thursdays between the hours of 8:00 p.m. to 8:00 a.m.~~ more than three (3)
18 times per week.

19 (c) Pop-up spray-type sprinklers shall be limited to a maximum of
20 ~~fifteen (15)~~ minute total run-time on the allowed days of irrigation. Impact and rotor sprinklers
21 shall be limited to a maximum ~~thirty (30)~~ 30 minute total run-time on the allowed days of
22 irrigation. All automatic irrigation timers shall be adjusted according to changing weather
23 patterns and to completely eliminate run-off.

24 (d) Irrigation is prohibited on Mondays and Fridays and on any day of
25 the week from 8:00 a.m. to 8:00 p.m.

26 (4) Use of recycled water for irrigation is permitted on any day and at any
27 time ~~notwithstanding (3)(a) — (2)(e) above~~.

28 (5) Washing of automobiles, trucks, trailers, boats, airplanes and other types

1 of mobile equipment is permitted only during the hours of 6:00 a.m. to 6:00 p.m. on Fridays,
2 Saturdays, Sundays, and Mondays with a hand-held bucket or a hand-held hose equipped with an
3 automatic, positive shut-off nozzle for quick rinses. Washing is permitted at any time on the
4 immediate premises of a commercial car wash. Commercial car washes not using partially
5 reclaimed or recycled water shall reduce their water use as determined by the City Council.
6 Washings necessary for the health, safety, and welfare of the public, such as garbage trucks or
7 vehicles used for food and perishables, are exempt from this section.

8 (6) **The overfilling of swimming pools and spas is prohibited.**

9 (7) The filling or refilling of ponds, streams, and artificial lakes is prohibited.

10 (8) The operation of any ornamental fountain or similar structure is
11 prohibited.

12 (9) Construction projects requiring water from a construction meter or a water
13 truck shall not use water unnecessarily for any purposes, other than those required by regulatory
14 agencies. Construction projects requiring water for new landscapes shall adhere to the designated
15 days and times as set forth ~~in Section 8(e)(2) hereof~~ above.

16 Section 2. The amended WSCP is hereby adopted as attached.

17 Section 3. This ordinance and all related approvals and actions, is not subject to or
18 exempt from the California Environmental Quality Act (“CEQA”) for the following reasons:
19 The SWRCB, at the direction of the Governor, has issued emergency regulations directing the
20 City to enact the matters in this Ordinance. It is not a discretionary project. According to section
21 15002(i) of Title 14 of the California Code of Regulations (the “State CEQA Guidelines”),
22 “[w]here the law requires a governmental agency to act on a project in a set way without
23 allowing the agency to use its own judgment, the project is called “ministerial,” and CEQA does
24 not apply.” State CEQA Guidelines section 15369 “describes a governmental decision involving
25 little or no personal judgment by the public official as to the wisdom or manner of carrying out
26 the project” as not being discretionary. This ordinance, and all related approvals and actions, as
27 a modification of the City’s UWMP, is exempt from CEQA under State CEQA Guidelines
28 section 15282(v) which exempts “[t]he preparation and adoption of Urban Water Management

1 Plans pursuant to the provisions of Section 10652 of the Water Code.” Water Code section
2 10652 provides that “[CEQA] does not apply to the preparation and adoption of plans pursuant
3 to this part or to the implementation of actions taken pursuant to Section 10632.” This
4 ordinance, and all related approvals and actions, is exempt as an emergency. Public Resources
5 Code section 21080(b)(4) exempts from CEQA “[s]pecific actions necessary to prevent or
6 mitigate an emergency.” This ordinance is exempt as a necessary act following the Governor’s
7 April 25, 2014 executive order, which suspended CEQA’s application to the SWRCB’s adoption
8 of emergency regulations pursuant to Water Code section 1058.5 to prevent the waste,
9 unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, to
10 promote water recycling or water conservation.

11 Section 4. This ordinance is adopted as an urgency measure pursuant to Section 413
12 of the Riverside City Charter. This ordinance is necessary as an emergency measure for
13 preserving the public peace, health, and safety of the City and its residents.

14 Section 5. Pursuant to Section 416 of the Riverside City Charter, this urgency
15 ordinance shall become effective immediately upon adoption.

16 Section 6. The City Clerk shall certify to the adoption of this ordinance and cause
17 publication once in a newspaper of general circulation in accordance with Section 414 of the
18 Charter of the City of Riverside.

19 ADOPTED by the City Council this _____ day of _____, 2014.

21 _____
22 WILLIAM R. BAILEY, III
23 Mayor of the City of Riverside

23 Attest:

24 _____
25 COLLEEN J. NICOL
26 City Clerk of the City of Riverside

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I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing ordinance was duly and regularly introduced and adopted at a meeting of the City Council on the ____ day of _____, 2014, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this ____ day of _____, 2014.

COLLEEN J. NICOL
City Clerk of the City of Riverside

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