



STAFF REPORT

Meeting Date: August 19, 2014
To: Honorable Mayor & City Council
From: Trish Rhay, Assistant Director, Public Works Services *TRISH RHY*
Subject: Update on the City's Water Conservation Measures
Attachments:

1. State of California Notice of Approval of Emergency Regulatory Action
2. City's Water Conservation Ordinance
3. Citywide Watering Schedule

INTRODUCTION

This report provides an update to the City's water conservation measures. During the July 29, 2014 City Council meeting discussion about water rates, staff committed to work with the Public Works Commission ("Commission") to clearly define the requirements of the State water conservation regulations, evaluate the revenue impacts, and develop a Water Conservation Plan recommendation for City Council's consideration.

DISCUSSION

On July 28th, 2014, the emergency regulations issued by the State of California Department of Water Resources went into effect that strengthen the voluntary water conservation efforts called for by Governor Brown earlier this year. The State conservation efforts target outdoor water use. Some of the State regulations are as follows:

- Restrict outdoor watering
- Prohibit washing down of driveways and sidewalks
- Prohibit watering of outdoor landscapes that cause excess runoff
- Use a shut-off nozzle when washing vehicles
- Prohibit use of potable water in a fountain or decorative water feature, unless the water is recirculated

For reference, a copy of the State of California Notice of Approval of Emergency Regulatory Action is attached for review. The State conservation measures are currently in effect until April 25, 2015 unless further extended. In addition, the regulations direct each water purveyor to implement their emergency conservation plans to the level needed to require outdoor water restrictions.

At the August 13, 2014 Public Works Commission meeting, the Commission discussed the City's water conservation efforts, and is recommending that the City Council implement a water conservation program (imposing Stage B) similar to what was previously adopted in 2009, with some addendums. The Commission's recommended addendums are to include the State's

regulations, calculate the customer's baseline usage based on last year's data, and reinstate the 2009 outdoor watering schedule and fines. This progressive approach, coupled with public education and outreach, aligns with the water conservation goals outlined in the City's Urban Water Management Plan, a planning document that incorporates the State requirement to reduce water use by 20% by the year 2020.

Furthermore, the Commission strongly urged that the City "lead by example" to meet the 20% goal by the end of the year. This can be achieved by adherence to the outdoor watering schedule, repair of building and irrigation leaks and becoming more water efficient.

By way of background, the Stage B water conservation program in 2009 consisted of a 10% reduction in potable water use; the baseline usage amount was calculated using data from years 2006-2009. Additionally, the water conservation program also sets forth penalty surcharge rates for exceeding certain water usage limits and established a citywide watering schedule. The emergency water conservation provisions of the City's municipal code and the citywide watering schedule are attached to this report as reference.

In order to meet the requirements of the State Water Boards regulations, the Stage B water conservations program must be accompanied by restrictions on outdoor landscape.

The proposed resolution implementing Stage B and the other Commission recommendations will be presented to the City Council for consideration at the September 2nd formal meeting as a noticed public hearing item.

In the interim, the City of Beverly Hills has several programs in place that support the State's emergency declaration. A brief summary of the programs include the following:

- System Water Audits and Leak Detection Program
- Outdoor Water Schedule
- Smart Infrastructure – Water Tracker/Triton
- Partnership with Metropolitan Water District's (MWD) Indoor and outdoor Rebate Programs
- Adoption Smart Landscape Irrigation
- Public Outreach and Education

The Commission will continue to explore other possible conservation approaches, such as a tiered rate system in lieu of the penalty surcharge structure, which may be recommended to the City Council in the future if the City does not meet its conservation target.

FISCAL IMPACT

A 10% reduction with no penalty surcharge for excessive potable water use would negatively impact the City's water revenues. As part of the Stage "B" conservation program, however, customers who use water in excess of 90% of the baseline year amount will be assessed a water penalty surcharge of up to two (2) times their base water rate. Essentially, the revenue loss is expected to be slightly offset by the penalty surcharges from customers who do not comply.



George Chavez

Approved By

Attachment 1



Fact Sheet

The State Water Resources Control Board Adopts Emergency Water Conservation Regulations

On July 15, the State Water Resources Control Board (State Water Board) approved an [emergency regulation](#) to ensure water agencies, their customers and state residents increase water conservation or face possible fines or legal action.

The new conservation regulation is intended to reduce outdoor urban water use. The regulation, adopted by the State Water Board, mandates minimum actions to conserve water supplies. Most Californians use more water outdoors than indoors. In some areas, 50 percent or more of daily water use is for lawns and outdoor landscaping.

Many communities and water suppliers have taken bold steps over the years and in this year to reduce water use; however, many have not and much more can and should be done to extend diminishing water supplies.

With this regulation, all Californians will be required to stop using potable water to: wash down sidewalks and driveways; water outdoor landscapes in a manner that causes excess runoff; wash a motor vehicle with a hose, unless the hose is fitted with a shut-off nozzle; and operate a fountain or decorative water feature, unless the water is part of a recirculating system. The regulation makes an exception for circumstances where the action is necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency.

Larger water suppliers will be required to activate their Water Shortage Contingency Plan to a level where outdoor irrigation restrictions are mandatory. In communities where no water shortage contingency plan exists, the regulation requires that water suppliers either limit outdoor irrigation to twice a week or implement other mandatory conservation measures that achieve comparable conservation. Finally, large water suppliers must report water production on a monthly basis to track progress.

Local agencies can fine those who violate the individual prohibitions up to \$500 a day. The State Water Board can issue cease and desist orders against water agencies that don't impose mandatory conservation measures upon their retail customers. Water agencies that violate cease and desist orders are subject to civil liability of up to \$10,000 a day.



Conservation Actions Needed

Because most Californians use more water outdoors than indoors, reducing the amount of water used outdoors can make the biggest difference in water savings.

These emergency conservation measures target both individual water use, by identifying the practices from which every Californian should abstain during this drought emergency, as well as the steps that local water suppliers should be taking to reduce water demand in their service areas. These restrictions set a minimum level of effort in this time of emergency. Everyone should do more voluntarily. As the drought wears on, the State Water Board may revisit these regulations and consider other measures.

Temporary Water Restrictions

All Californians will be affected by the ongoing drought conditions in one form or another, especially if these conditions persist or worsen in 2015. To promote water conservation statewide, the emergency regulations prohibit each of the following, except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency:

- The application of potable water to any driveway or sidewalk.
- Using potable water to water outdoor landscapes in a manner that causes runoff to adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures.
- Using a hose that dispenses potable water to wash a motor vehicle, unless the hose is fitted with a shut-off nozzle.
- Using potable water in a fountain or decorative water feature, unless the water is recirculated. Recycled water is not mandated, but encouraged for fountain use.

Violations of prohibited activities are considered infractions and are punishable by fines of up to \$500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator.

Action by Urban Water Suppliers Required

To promote conservation, the regulations require urban water suppliers to implement their Water Shortage Contingency Plans at a level that triggers mandatory restrictions on outdoor water use. Almost all urban water suppliers (those with more than 3,000 water connections or that supply more than 3,000 acre-feet of water annually) have these plans; about 40 of the larger agencies do not.

If an urban water supplier does not have a Water Shortage Contingency Plan or its Plan does not meet the requirements of the Water Code, the supplier must, within 30 days, require customers to limit outdoor irrigation to no more than two days per week or implement another mandatory

conservation measure to achieve a comparable reduction in water consumption by the people it serves relative to the amount consumed in 2013.

Water suppliers serving 3,000 or fewer connections or that supply 3,000 or fewer acre-feet annually must also, within 30 days, require customers to limit outdoor irrigation to no more than two days per week or implement another mandatory conservation measure to achieve a comparable reduction in water consumption by the people it serves relative to the amount consumed in 2013.

Urban water suppliers that do not take these mandatory actions could be subject to cease and desist orders for violating emergency regulations, violation of which triggers civil liability of up to \$10,000 per day per violation. The State Water Board may also direct the Attorney General to seek an injunction against violators.

Keeping Track of Urban Water Use

Each urban water supplier must report the amount of water it produces in the preceding calendar month and compare that to the amount it produced in the same calendar month in 2013. These reports must be submitted to the State Water Board by the 15th of each month. Effective October 15th, these reports must also include an estimate of gallons of water per person per day used by its residential customers.

Looking Forward

The State Water Board is providing the following tips to water suppliers to educate their customers about the new requirements:

- Retail water suppliers should provide notice of the regulations in English and Spanish in one or more of the following ways: newspaper advertisements, bill inserts, website homepage, social media, notices in public libraries;
- Wholesale suppliers should include reference to the regulations in all of their customer communications;
- All water suppliers should provide signage where recycled or reclaimed water is being used for activities that the emergency regulations prohibit with the use of potable water, such as operation of fountains and other water features;
- All water suppliers should train personnel on the regulations; and
- All water suppliers should set conservation targets, measure their service area's progress and make this information available to their customers.

In addition to letting customers know about the new requirements, water suppliers should also:

- Have an easy way for customers to report leaks and water waste via phone or electronic submittal (website form, or email); and
- Request that police and fire departments and other local government personnel report leaks and water waste they encounter during their routine duties/patrols.

If drought conditions continue, additional actions by the State Water Board and local water suppliers might be needed to further increase conservation. All water suppliers are encouraged to be prepared and plan for a possible dry 2015 now.

Background:

On January 17 Governor Edmund G. Brown Jr. issued a drought emergency proclamation following three dry or critically dry years in California. [Extreme drought now covers nearly 80 percent of the state](#) and these conditions will likely continue into the foreseeable future.

More than 400,000 acres of farmland are expected to be fallowed, thousands of people may be out of work, communities risk running out of drinking water and fish and wildlife species are in jeopardy. Many communities are down to 50 gallons a day or less per person for basic sanitation needs. With our inability to predict the effect of the next rainy season, water saved today can improve a region's water security and add flexibility to systems that may need to withstand another year or more with precipitation below average.

There are many ways to boost local water supplies such as recycling treated wastewater and reusing some household or industrial water onsite. However, conservation is the easiest, most efficient and most cost effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. The results of a survey conducted by the State Water Board in June show that while many communities have significantly reduced their water demand over time, it is clear that more can be done.

More information on the adopted emergency regulations can be found [here](#). The adopted regulations are expected to go into effect by August 1, 2014, and be in effect for 270 days, unless further action is taken by the State Water Board.

(This fact sheet was last updated July 22, 2014)

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections: 863, 864, 865

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL File No. 2014-0718-01 E

The State Water Resources Control Board (Board) submitted this emergency action to adopt three sections and a new article in title 23 of the California Code of Regulations pertaining to drought emergency water conservation. The proposed action addresses severe impacts on California's water supplies and its ability to meet all water demands in the state due to the current drought, which was declared to be a state of emergency by Governor Brown in two executive orders issued in 2014. The second executive order, issued April 25, 2014, directed the Board to adopt emergency regulations, pursuant to Water Code section 1058.5, to ensure that urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 7/28/2014 and, pursuant to section 1058.5 of the Water Code, will expire on 4/25/2015. The Certificate of Compliance for this action is due no later than 4/24/2015.

Date: 7/28/2014



Richard L. Smith
Senior Attorney

For: DEBRA M. CORNEZ
Director

Original: Thomas Howard
Copy: Carlos Mejia

NOTICE PUBLICATION/REGULATIONS SUBMISSION

EMERGENCY

instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

| | | | | |
|---|--------------------|--------------------------|------------------|---------------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER | ENDORSED FILED THE OFFICE OF |
| Z- | | | 2014-0718-01E | |
| For use by Office of Administrative Law (OAL) only | | | | 2014 JUL 28 PM 1:30 |
| NOTICE | | REGULATIONS | | |
| AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board | | | | AGENCY FILE NUMBER (if any) |

2014 JUL 18 PM 12:09
OFFICE OF ADMINISTRATIVE LAW

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|---|--|---|-------------------------------|--|
| 1. SUBJECT OF NOTICE Drought Emergency Water Conservation | | TITLE(S) 23 | FIRST SECTION AFFECTED 863 | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON Carlos Mejia | | TELEPHONE NUMBER (916) 341-5184 |
| FAX NUMBER (Optional) (916) 341-5199 | | OAL USE ONLY | | ACTION ON PROPOSED NOTICE |
| <input type="checkbox"/> Approved as Submitted | | <input type="checkbox"/> Approved as Modified | | <input type="checkbox"/> Disapproved/Withdrawn |
| NOTICE REGISTER NUMBER | | PUBLICATION DATE | | |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | | | |
|--|--|---|---|
| 1a. SUBJECT OF REGULATION(S) Drought Emergency Water Conservation | | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) | |
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) | | | |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | | ADOPT 863, 864, 865 | |
| TITLE(S) 23 via 7/10/14 | | AMEND | |
| | | REPEAL | |
| 3. TYPE OF FILING | | | |
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) | | <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. | |
| <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4) | | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) | |
| <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | | <input type="checkbox"/> File & Print | |
| <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | | <input checked="" type="checkbox"/> Other (Specify) <u>Emergency (Wat. Code, §1058.5)</u> | |
| 4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) | | | |
| 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) | | | |
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) | | <input checked="" type="checkbox"/> Effective on filing with Secretary of State | |
| | | <input type="checkbox"/> \$100 Changes Without Regulatory Effect | |
| | | <input type="checkbox"/> Effective other (Specify) | |
| 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY | | | |
| <input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) | | <input type="checkbox"/> Fair Political Practices Commission | |
| <input type="checkbox"/> Other (Specify) <u>request RS</u> | | <input type="checkbox"/> State Fire Marshal | |
| 7. CONTACT PERSON Carlos Mejia | | TELEPHONE NUMBER (916) 341-5184 | FAX NUMBER (Optional) (916) 341-5199 |
| | | E-MAIL ADDRESS (Optional) carlos.mejia@waterboards.ca.gov | |

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

| | |
|--|-------------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE | DATE 7-17-2014 |
| TYPED NAME AND TITLE OF SIGNATORY Caren Trgovcich, Chief Deputy Director, State Water Resources Control Board | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED
JUL 28 2014
Office of Administrative Law

PROPOSED TEXT OF EMERGENCY REGULATIONS

Article 22.5. Drought Emergency Water Conservation.

Section 863. Findings of Drought Emergency.

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;

(4) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

(5) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to further promote conservation.

Note:

Authority: Section 1058.5, Water Code.

Reference: Sections 102, 104 and 105, Water Code.

Section 864. Prohibited Activities in Promotion of Water Conservation.

(a) To promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(3) The application of potable water to driveways and sidewalks; and

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

(b) The taking of any action prohibited in subdivision (a) of this section, in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

Note:

Authority: Section 1058.5, Water Code.

Reference: Sections 102, 104 and 105, Water Code.

Section 865. Mandatory Actions by Water Suppliers.

(a) The term "urban water supplier," when used in this section, refers to a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to

PROPOSED TEXT OF EMERGENCY REGULATIONS

suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water.

(2) As an alternative to subdivision (b)(1), an urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

(c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, within thirty (30) days, limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week or shall implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

(d) In furtherance of the promotion of water conservation each urban water supplier shall prepare and submit to the State Water Resources Control Board by the 15th of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. Beginning October 15, 2014, the monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves. In its initial monitoring report, each urban water supplier shall state the number of persons it serves.

(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or

(2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

Note:

Authority: Section 1058.5, Water Code.

Reference: Sections 102, 104, 105, 350, 10617 and 10632, Water Code.

Attachment 2

Article 3. Emergency Water Conservation Plan

9-4-301: AUTHORITY OF CITY MANAGER:

- A. The city manager is hereby authorized and directed to implement the applicable provisions of this article in order to protect the public health, safety, and welfare under the following conditions:
1. In the event of an unforeseeable disaster or water emergency such as an earthquake, reservoir failure or other major disruption in the water supply, the city manager is authorized to implement the emergency provisions of this article.
 2. In the event of a foreseeable water emergency, such as an extended drought, the city manager is authorized to implement the applicable provisions of this article, after holding a public hearing before the city council.
- B. The city manager is authorized to determine and declare that a water shortage emergency exists in any or all parts of the city of Beverly Hills and upon such determination, to promulgate such regulations, rules and conditions relative to the time of using water, the purpose or purposes for which it may be used and such other necessary limitations as will, in his or her opinion, relieve the water shortage in such part or parts of the city.
- C. The city council may review and affirm, reverse, or modify any determination made or regulations, rules or conditions promulgated by the city manager pursuant to this article.
- D. All references to the city manager in this article shall mean the city manager or his or her designee. (Ord. 92-O-2139, eff. 4-2-1992)

9-4-302: GENERAL PROHIBITION; APPLICABILITY:

No person shall use or permit the use of water from the city for residential, commercial, industrial, governmental, or any other purposes in violation of any provision of this article or in an amount in excess of the use that is permitted by the water conservation stages defined below. The provisions of this article shall apply to all persons, customers and property

served by the city of Beverly Hills, public works department - utilities division wherever situated. (Ord. 92-O-2139, eff. 4-2-1992)

9-4-303: DECLARATION OF WATER CONSERVATION STAGES:

- A. Water conservation stages shall be determined by the amount of water available or the potential for water interruption. The city manager shall monitor the supply and demand for water by customers. When the city manager finds that the guidelines for initiation of any stage, as set forth in this article, have been satisfied, he or she shall recommend to the city council that a resolution to declare the appropriate water conservation stage be adopted.

- B. The resolution by the city council implementing or terminating conservation stages shall be published at least once in a newspaper of general circulation within the city and posted in at least three (3) public places and shall continue to be posted until such time as the restrictions of each stage are repealed by resolution of the city council.

- C. Except as otherwise may be provided by this article or a resolution adopted by the city council, any prohibitions on the use of water shall become effective immediately upon publication in a newspaper of general circulation within the city. Except as otherwise may be provided by a resolution adopted by the city council, any provisions requiring a percentage reduction in the use of water shall become effective at the first full billing period commencing on or after the date of such publication. (Ord. 92-O-2129, eff. 4-2-1992)

9-4-304: REQUIREMENTS FOR WATER CONSERVATION STAGES:

A. Stage A Requirements:

1. A stage A shortage shall be declared when the city manager determines that a five percent (5%) reduction in potable water use is required.

2. Stage A compliance shall consist of voluntary implementation of water conservation elements including, without limitation, reduced irrigation, no washdown of paved areas except to alleviate immediate fire or sanitation hazards, reduced operation of nonrecycling fountains, notification of hotel and restaurant patrons of water

conservation goals, serving of water at restaurants only upon request and use of reclaimed water for construction purposes.

B. Stage B Requirements:

1. A stage B shortage shall be declared when the city manager determines that a ten percent (10%) reduction in potable water use is required.
2. Stage B compliance elements shall include the following mandatory elements:
 - a. Restaurants shall serve water upon request only;
 - b. All public restrooms in the city and private bathrooms in hotels shall notify patrons and employees of water conservation goals;
 - c. Plumbing and irrigation leaks shall be repaired as soon as practicable. The city may issue notices to repair visible leaks;
 - d. Water usage shall be reduced to ninety percent (90%) of the baseline year amount as determined by the city manager.
3. A water penalty surcharge of up to two (2) times the basic water rate shall be charged for water usage in excess of ninety percent (90%) of the baseline year amount as determined by the city manager.
4. Violation by any person of the stage B mandatory requirements shall constitute an infraction and, upon conviction, shall be punished by a fine not to exceed one hundred dollars (\$100.00). The violation of each element, and each separate violation thereof, shall be deemed a separate offense, and shall be punished accordingly.

C. Stage C Requirements:

1. A stage C shortage shall be declared when the city manager determines that a twenty percent (20%) reduction in potable water use is required.
2. Stage C compliance elements shall include the following mandatory elements:
 - a. Restaurants shall serve water upon request only;
 - b. All public restrooms in the city and private bathrooms in hotels shall notify patrons and employees of water conservation goals;
 - c. Plumbing and irrigation leaks shall be repaired as soon as practicable. The city may issue notices to repair visible leaks;
 - d. Water usage shall be reduced to eighty percent (80%) of the baseline year amount as determined by the city manager.

3. A water penalty surcharge of up to three (3) times the basic water rate shall be charged for water usage in excess of eighty percent (80%) and not more than one hundred percent (100%) of the baseline year amount as determined by the city manager. A water penalty surcharge of up to ten (10) times the basic water rate shall be charged for water usage in excess of one hundred percent (100%) of the baseline year amount as determined by the city manager.
4. Violation by any person of the stage C mandatory requirements shall constitute a misdemeanor and, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00). Water supply through irrigation water services may be terminated for continued excessive use. The violation of each element, and each separate violation thereof, shall be deemed a separate offense, and shall be punished accordingly.

D. Stage D Requirements:

1. A stage D shortage shall be declared when the city manager determines that a thirty percent (30%) or higher reduction in potable water use is required.
2. Stage D compliance elements shall include the following mandatory elements:
 - a. Restaurants shall serve water upon request only;
 - b. All public restrooms in the city and private bathrooms in hotels shall notify patrons and employees of water conservation goals;
 - c. Plumbing and irrigation leaks shall be repaired as soon as practicable. The city may issue notices to repair visible leaks;
 - d. Landscape irrigation shall be restricted to selected days and times as determined by the city manager, unless such irrigation uses reclaimed wastewater;
 - e. Refilling of swimming pools, spas or ponds shall be prohibited unless required for health reasons;
 - f. Operation of water fountains shall be prohibited;
 - g. Exterior washdown of buildings and washdown of vehicles shall be prohibited, unless:
 - (1) The washing is done on the immediate premises of a commercial car wash or commercial service station or with reclaimed wastewater; or
 - (2) The health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as the cleaning of garbage trucks and vehicles to transport food and perishables;
 - h. Water usage from fire hydrants shall be limited to firefighting, related activities or other activities necessary to maintain the public health, safety and welfare;

- i. Water usage shall be reduced to seventy percent (70%) of the baseline year amount as determined by the city manager.
3. A water penalty surcharge of up to four (4) times the basic water rate shall be charged for water usage in excess of seventy percent (70%) but not more than one hundred percent (100%) of the baseline year amount as determined by the city manager. A water penalty surcharge of up to ten (10) times the basic water rate shall be charged for water usage in excess of one hundred percent (100%) of the baseline year amount as determined by the city manager.
4. Violation by any person of the stage D mandatory requirements shall constitute a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00). Continued excessive use may result in termination of water supply through irrigation water services and/or restriction of water supply through domestic meters. The violation of each element, and each separate violation thereof, shall be deemed a separate offense, and shall be punished accordingly.

E. Stage E Requirements:

1. A stage E shortage shall be declared when the city manager determines that a catastrophic interruption of potable water supply has occurred or is foreseen.
2. The city manager shall have emergency water allocation authority in the case of a stage E declaration. This authority shall include the authority to interrupt service to any property or city service zone in order to provide the maximum water supply for human health and safety needs.
3. In allocating water, the city manager shall give first priority to health and safety needs of water utility customers. Subsequent water uses are prioritized to provide water supply first to maintain and expand commerce within the city, then to enhance the aesthetics of the environment, and then to facilitate construction activities.
4. Violation by any person of the stage E emergency water conservation regulations shall constitute a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) and six (6) months in jail. Continued excessive use may result in termination of water supply through irrigation water services and/or restriction of water supply through domestic meters. The violation of each element, and each separate violation thereof, shall be deemed a separate offense, and shall be punished accordingly. (Ord. 92-O-2139, eff. 4-2-1992)

9-4-305: NOTICE OF VIOLATION:

- A. The city shall give notice of violation to the person committing a violation of this article as follows:
1. Notice of violation of any water usage percentage reduction provisions shall be given in writing by regular mail.
 2. Notice of violation of any other mandatory requirement listed in section 9-4-304 of this article shall be given in writing in the following manner:
 - a. By giving the notice to the customer personally; or
 - b. If the customer is absent from or unavailable at the premises at which the violation occurred, by leaving a copy with some person of suitable age and discretion at the premises and sending a copy through the regular mail to the address at which the customer is normally billed; or
 - c. If a person of suitable age or discretion cannot be found, then by affixing a copy in a conspicuous place at the premises at which the violation occurred and also sending a copy through the regular mail to the address at which the customer is normally billed.
- B. The notice shall contain a brief description of the facts of the violation, a statement of the possible penalties for each violation and a statement informing the customer of his or her right to a hearing on the merits of the violation pursuant to section 9-4-306 of this article. (Ord. 92-O-2139, eff. 4-2-1992)

9-4-306: HEARINGS:

Any person receiving notice of a violation of any water usage percentage reduction provision set forth in section 9-4-304 of this article shall have the right to request a hearing to appeal the imposition of the water penalty surcharge. The city council shall establish the appeal procedures by resolution. (Ord. 09-O-2567, eff. 6-27-2009)

9-4-307: ADDITIONAL WATER CONSERVATION MEASURES:

After holding a public hearing before the city council, the city manager may order implementation of water conservation measures including or in addition to those set forth in section 9-4-304 of this article, in order to encourage proper potable water use or to meet water conservation goals, regardless of supply. (Ord. 92-O-2139, eff. 4-2-1992)

9-4-308: EXCEPTIONS:

Nothing in this article shall be construed to require the city to curtail the supply of water to any customer when such water is required by that customer to maintain an adequate level of public health and safety. (Ord. 09-O-2567, eff. 6-27-2009)

Attachment 3



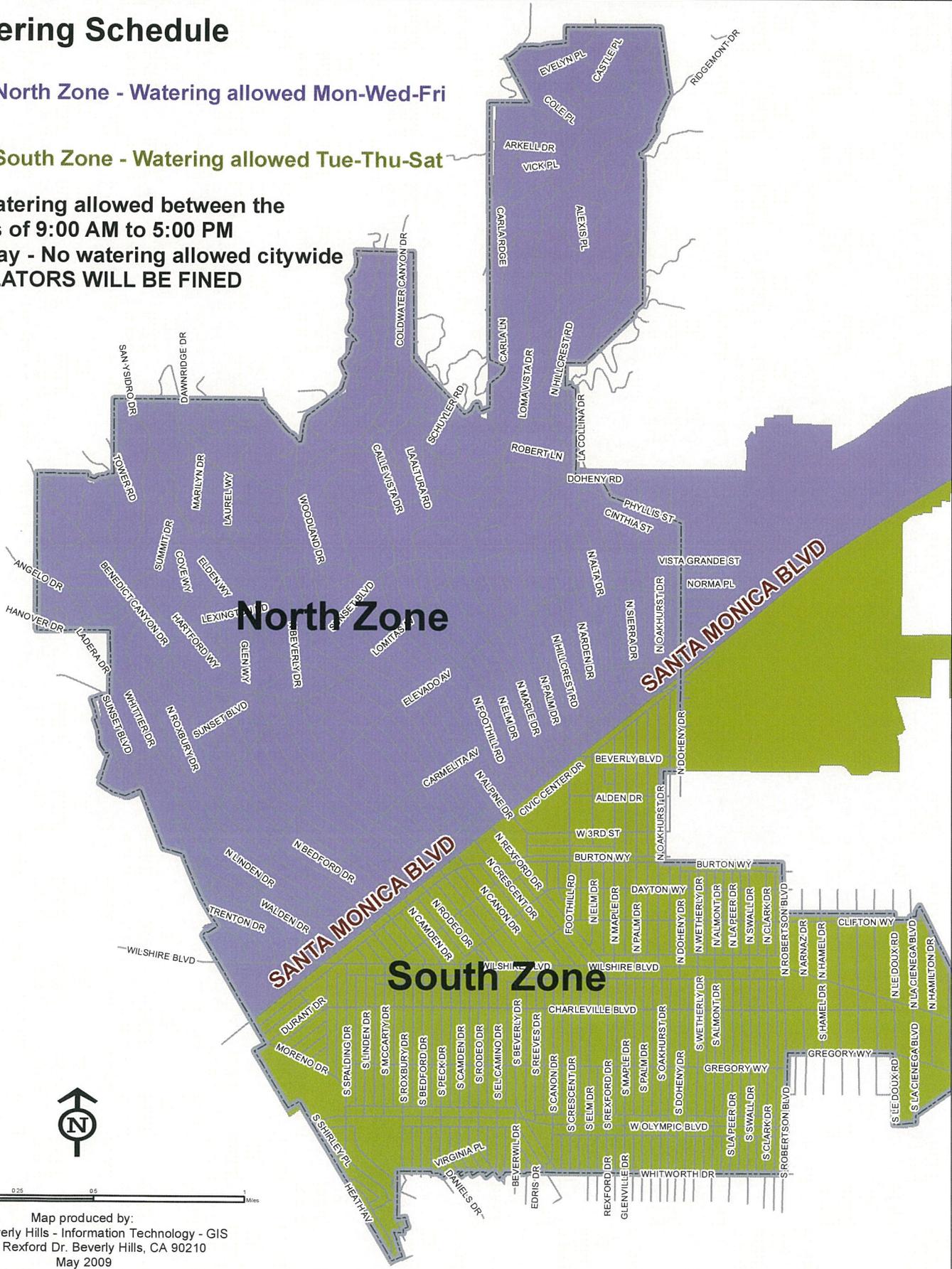
Stage B Declaration - Citywide Watering Schedule Beverly Hills, California (Effective July 1, 2009)

Watering Schedule

 North Zone - Watering allowed Mon-Wed-Fri

 South Zone - Watering allowed Tue-Thu-Sat

No watering allowed between the hours of 9:00 AM to 5:00 PM
Sunday - No watering allowed citywide
***VIOLATORS WILL BE FINED**



Map produced by:
City of Beverly Hills - Information Technology - GIS
455 N. Rexford Dr. Beverly Hills, CA 90210
May 2009