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## Staff Report

ITEM 4-1

**To:** Lemoore City Council

**From:** David Wlaschin, Director of Public Works/Planning 

**Date:** April 11, 2014

**Subject:** Adoption – Amending Chapter 7 of Title 7 of City Municipal Code Entitled Water Conservation – Urgency Ordinance No. 2014-01

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### Discussion:

City Council asked Staff for recommendations to encourage water conservation with the State of California facing water shortfalls in the driest year in recorded state history. At its April 1, 2014 meeting, City Council was presented with a tiered response plan should stronger measures need to be taken to ensure water conservation in the future.

Attached for Council review is Ordinance No. 2014-01 which adds a new Article E to Chapter 7 of Title 7 to the current Water Conservation Ordinance. Since this is an "Urgency Ordinance" it does not require public notice and would take effect immediately upon adoption.

### Budget Impact:

\$4,000 from Water Budget

### Recommendation:

That City Council, by motion, adopt Ordinance No. 2014-01 enacting a tiered Water Conservation Program and authorize budget adjustment up to \$4,000 for publication and enforcement requirements.

**ORDINANCE NO. 2014-01**

**AN URGENCY ORDINANCE OF THE LEMOORE CITY COUNCIL ENACTING  
ARTICLE E OF CHAPTER 7 OF TITLE 7 OF THE LEMOORE MUNICIPAL CODE  
ADOPTING A WATER CONSERVATION PLAN**

**WHEREAS**, the City of Lemoore, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, on January 17, 2014, the Governor of the State of California declared a Drought State of Emergency; and

**WHEREAS**, in order to meet the water needs of residents and businesses in the City and protect the public from potential health hazards, the City must impose more stringent water conservation by customers and recover the cost for such conservation programs; and

**WHEREAS**, immediate enactment of the provisions pertaining to the drought, as set forth in this Urgency Ordinance, will be in the best interest of the public health, safety and general welfare of the public and will help to diminish the risk of personal injury of Lemoore residents in the event of a water outage; and

**WHEREAS**, California Government Code section 36937 empowers cities to adopt by a four-fifths vote, an urgency ordinance which is necessary for the immediate preservation of the public peace, health or safety; and

**WHEREAS**, the City Council has determined that the adoption of this Ordinance is necessary for the immediate preservation of the public peace, health and safety to reduce the risk of personal injuries related to the lack of water supply to the region; and

**NOW, THEREFORE**, the City Council of the City of Lemoore does hereby ordain as follows:

**SECTION 1.** Urgency Findings. The City Council of the City of Lemoore hereby adopts the recitals set forth in the introduction to this Urgency Ordinance as findings to support adoption of the provisions contained herein. This Urgency Ordinance is enacted pursuant to Government Code, Sections 36934 and 36937 for the immediate preservation of the public peace, health and safety.

**SECTION 2.** That Title 7 of the City of Lemoore Municipal Code is hereby amended by adding Article E to Chapter 7 of Title 7 to read as follows:

**“ARTICLE E. WATER CONSERVATION**

Sections:

- 7-7E- 1 Standard Water Conservation Measures.
- 7-7E- 2 Water Efficient Landscape Ordinance Adopted.

7-7E- 3	Findings of Necessity.
7-7E- 4	Water Customer.
7-7E- 5	Application.
7-7E- 6	Exceptions and Exemptions.
7-7E- 7	Authorization.
7-7E- 8	Voluntary Compliance.
7-7E- 9	Level I Conservation Measures.
7-7E-10	Level II Conservation Measures.
7-7E-11	Level III Conservation Measures.
7-7E-12	Penalties.
7-7E-13	Compliance.
7-7E-14	Waiver.

**7-7E- 1 Standard Water Conservation Measures.**

- (a) Definitions: Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this section:

DIRECTOR: The director of public works of the city of Lemoore.

PERSON: Any individual, firm, partnership, association, corporation or political entity.

WATER: Any water obtained from the water department of the city of Lemoore.

- (b) Application of Regulations: The provisions of this section shall apply to all persons using city supplied water, both inside and outside of the city limits.

- (c) Regulations: In the use of water supplied by the city of Lemoore, the following requirements shall apply:

- (1) No person shall keep, maintain, operate, or use any water connection, hose, faucet, hydrant, pipe, outlet or plumbing fixture which is not tight and free from leakage, dripping or waste of water.
- (2) No person shall allow excessive water to run or waste from his property onto streets or highways.
- (3) No person shall willfully or negligently waste water in any manner.
- (4) Outdoor watering for those with even numbered addresses will be permitted on Tuesday, Thursday and Saturday, while odd numbered addresses may water on Wednesday, Friday and Sunday. Monday will be a day on which no outdoor watering is allowed.
- (5) The public works director may grant a thirty (30) day exception for new lawns not yet established.
- (6) Prohibition of draining of swimming pools with a capacity in excess of five thousand (5,000) gallons more than once every two (2) years, except for structural repairs or to comply with public health standards determined by the county health

officer. Residents with private swimming pools shall file a written application for a permit prior to draining their pools with the public works department. The application shall include information as to reason for draining the pool and in case of repairs, the nature and duration of repairs to be made and the date on which the pool will be drained.

- (7) Washing of exterior asphalt or concrete areas is prohibited except for those businesses that are governed by the food and drug administration or state or county health department requirements that require these areas to be washed for health purposes. Documentation indicating such regulations must be provided to the director.
- (8) The use of water for washing cars, boats or other vehicles is prohibited without the use of a quick acting positive shutoff nozzle on the hose and the use of buckets for washing with water from the hose used for light rinsing. These regulations apply to both residential customers and fundraising events. The business owner at which a fundraising car wash is held is responsible for both the enforcement of these regulations and any citations which may result due to abuse of these regulations.
- (9) All new construction and remodeling or additions to habitable areas with a valuation in excess of five thousand dollars (\$5,000.00) will be required to install or replace existing faucets and showerheads with low flow devices and toilets with ultra low flow units.

#### **7-7E- 2 Water Efficient Landscape Ordinance Adopted.**

This section should be known as "an ordinance of the city of Lemoore adopting the California model water efficient landscape ordinance, California Code of Regulations, title 23, division 2, chapter 2.7" and any amendments thereto by reference. (Ord. 2009-12, 1-5-2010)

#### **7-7E- 3 Findings of Necessity.**

It is necessary to minimize the potential for water shortage through the practice of water conservation pursuant to the provisions of California Water Code § 375 et seq. It is further necessary to reduce the potential effect of a water shortage on the residents, businesses and visitors of Lemoore and to adopt provisions that will significantly reduce the inefficient consumption of water, thereby extending the available water resources necessary for the domestic, sanitation, and fire protection of the community to the greatest extent possible. Nothing in this Chapter shall prevent the City from also declaring a water emergency pursuant to California Water Code Section 350, if circumstances warrant such a declaration.

#### **7-7E- 4 Water Customer.**

Water customer for the purposes of this chapter, shall mean any person, partnership, business, corporation, special district, public agency, or association or legal entity to which the City of Lemoore (City) supplies water or "user" of water supplied by the City.

#### **7-7E- 5 Application.**

This chapter shall be applicable to all water customers.

### **7-7E- 6 Exceptions and Exemptions.**

- (a) Exceptions: The City Manager or his or her designee shall grant an exception from the requirements of this chapter for any of the following reasons:
  - (1) Water use is necessary to public health and safety or for essential government services; or
  - (2) Recycled water is being used; or
  - (3) Water use is necessary due to the medical needs of the water customer.
  - (4) An alternative water source/supply is available for use.
  
- (b) Exemptions: The City Council may grant an exemption to the requirements of this Chapter, with or without conditions, if it determines that a water customer would otherwise experience extreme financial hardship that cannot be mitigated. The City Council shall review any requests for an exemption from compliance with this chapter. A written request for an exemption must be submitted to the City Clerk a minimum of two weeks prior to the regularly scheduled Council meeting at which the exemption is to be considered. If appropriate, the City Council may require the customer granted an exemption to reduce water use by other appropriate alternative methods. Notwithstanding any other provision of this Code, there shall be no right to further administrative review or appeal of the determination of exemption of the City Council. The City Council may establish an “exemption processing fee” by resolution.

### **7-7E- 7 Authorization.**

The City Council may declare the conservation stage based on a determination made by the City Manager, or based upon any reduction in water supply or delivery that the City Council determines in its sole discretion necessitates water conservation pursuant to this Chapter. The City Council may determine and order water prohibitions and restrictions as outlined herein in the following levels:

- Voluntary Compliance
- Level I Conservation Measures
- Level II Conservation Measures
- Level III Conservation Measures

### **7-7E- 8 Voluntary Compliance.**

At this level of the conservation plan, the goal is to inform the public of the pressing need to conserve water. This can be done through information and education measures, which can directly affect water-use habits of the City’s customer base. While education alone may not produce sustained water savings like other measures, it can enhance the effectiveness of other measures. Water bill inserts, pamphlets upon request, partnering with local schools to encourage water conservation practices, creating workshops for local plumbers, plumbing fixture suppliers,

and builders or landscape and irrigation service providers are all examples of education and information measures the City can implement.

The goal of this measure is to have residents and businesses voluntarily comply with best practice water conservation measures, with the goal of reducing average water consumption by 20%. Water tanks and wells will be monitored by the Water Department.

Additionally, landscape watering for municipal parks will be reduced from six to four days or less per week.

#### **7-7E- 9 Level I Conservation Measures.**

When pumping water levels drop 20% below the Baseline Measurement, the following restrictions shall apply:

- (a) The number of days for landscape watering to two days per week, depending upon the type of irrigation and the address. Even numbered addresses would be allowed to water on Tuesday and Saturday while odd numbered addresses would water on Wednesday and Sunday. No watering would be allowed on Monday, Thursday or Friday. Additionally, landscape watering would only be authorized before 10:00 a.m. and after 7:00 p.m. on designated days. Water customers that utilize drip irrigations are exempt from watering day restrictions.
- (b) Hotels, restaurants, and bars encouraged to only provide drinking water to customers upon request
- (c) No water customer shall permit water to leak on his or her premises. Such leak shall be repaired in a timely manner after written notification by the city, but in no case in excess of seventy-two (72) hours after notification.
- (d) Landscape watering for municipal parks to three days or less per week.

#### **7-7E-10 Level II Conservation Measures.**

The following restrictions shall be applicable during a high water conservation alert as declared by the City Council and whenever a recommendation has been made by the City Manager in conjunction with the Chief Plant Operator of the Water Treatment Plant based upon a significant reduction or interruption in water supply or delivery that necessitates increased water conservation efforts:

- (a) All prohibitions and restrictions in Level 1 (section number) shall be in effect.
- (b) The number of days for landscape watering to one day per week, depending upon the type of irrigation and the address. The City would be divided into three sections: one section would be all of the area on the east side of Lemoore Avenue, another section would be the area north of Cinnamon Drive from 19 ½ Avenue to Lemoore Avenue and the third section would be the area south of Cinnamon Drive from 19 ½ Avenue to Lemoore Avenue. Watering between the hours of 10:00 a.m. and 7:00 p.m. is still prohibited.

- (c) The washing of personal vehicles is restricted to once per week, only on permitted watering days, and only with the use of the required quick-acting positive shut off nozzle.
- (d) Hotels are encouraged to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
- (e) Landscape watering for municipal parks is restricted to two days or less per week and restrictions shall be implemented on Gold Course watering.

**7-7E-11 Level III Conservation Measures.**

In the event of a major earthquake, large-scale fire, or other so called “Act of Nature” which has or could have serious impacts on the city’s total available water storage or delivery capacity, whether storage capacities have been reduced or not, or in the case of an unanticipated significant reduction in city water supply, a severe water conservation alert shall be declared by the City Council.

- (a) All previous restrictions noted above in Level I and Level II shall be in effect.
- (b) Irrigation of landscapes is prohibited between the hours of 8:00 a.m. and 8:00 p.m.
- (c) Landscape watering for municipal parks shall be limited to one day per week.
- (d) Swimming pool refilling or new construction swimming pool filling is not authorized.
- (e) The City shall discontinue washing city vehicles or equipment except for health, safety or critical maintenance reasons.
- (f) Restrictions on Golf Course watering shall be increased.

**7-7E-12 Penalties.**

- (a) No water customer of the City shall knowingly use, or permit the use of, water in a manner contrary to any provisions of this Article, or in an amount in excess of that use permitted by the provisions of this Article.
- (b) Unless otherwise provided, any water customer violating any provision of this chapter shall be guilty of an infraction, and each day or portion thereof such violation is in existence shall be a new and separate offense.
- (c) Any water customer determined to be guilty of a first time violation shall be given a written reminder for compliance. Second and subsequent violations shall be punishable as follows:
  - (1) Second Violation: A written notice of such violation shall be given of a second violation, and a charge shall be added to the water bill of such person as a onetime penalty as follows:
    - (i) Fifteen dollars (\$15.00) if the City is subject to Standard Conservation Measures or if the City Council has enacted Level I Conservation Measures.

- (ii) Thirty dollars (\$30.00) if the City Council has enacted Level II Conservation Measures.
  - (iii) Forty-Five dollars (\$45.00) if the City Council has enacted Level III Conservation Measures.
- (2) Third Violation: A written notice of such violation shall be given and a penalty shall be added to the water bill of such person as a onetime penalty as follows:
  - (i) Twenty Five dollars (\$25.00) if the City is subject to Standard Conservation Measures or if the City Council has enacted Level I Conservation Measures.
  - (ii) Fifty dollars (\$50.00) if the City Council has enacted Level II Conservation Measures.
  - (iii) Seventy Five dollars (\$75.00) if the City Council has enacted Level III Conservation Measures.
- (3) Fourth Violation: A written notice of such violation shall be given and a charge shall be added to the water bill of such person as a onetime penalty.
  - (i) Fifty dollars (\$50.00) if the City is subject to Standard Conservation Measures or if the City Council has enacted Level I Conservation Measures.
  - (ii) One Hundred dollars (\$100.00) if the City Council has enacted Level II Conservation Measures.
  - (iii) One Hundred Fifty dollars (\$150.00) if the City Council has enacted Level III Conservation Measures.
- (4) Fifth Violation: A written notice will be given of a fifth violation and the consumer shall have a flow restrictor placed in their service until such time that they can assure the public works director that no more waste will occur. All costs, including overhead, for this installation shall be billed to the customer.
- (d) Determination Of Number Of Offenses: To determine whether a violation is other than a first offense, only notices issued within one year after the date of the first notice will be considered.
- (e) In addition to the above remedies, the City Manager or his or her designee is empowered, to enforce any or all of the following penalties:
  - (1) Place a flow restricting device upon the water service;
  - (2) Lock off of a water meter;
  - (3) Remove a water meter;
  - (4) Shut off the service connection;
- (f) All costs or expenses incurred by the city for enforcement of this section shall be borne by the water customer. No water service shall be limited or discontinued until the City Manager or his or her designee provides a written notice of intent to so limit or discontinue such service and the reasons for such decision, and further, provides such

water customer notice of the right to request an administrative review and hearing pursuant to the procedures set forth in Title 1, Chapter 10 of this Code.

**7-7E-13 Compliance.**

The City Manager or his or her designee shall enforce the provisions of this chapter.

**7-7E-14 Waiver.**

To apply for a full or partial waiver of the mandatory water conservation requirements to accommodate your disability, you must submit a letter explaining your need for additional water use based on your disability. Send your letter requesting a waiver of the mandatory water conservation requirements to the City Manager.

The City will consider each application for a full or partial waiver of the water restrictions on an individual basis. The City may request that you provide medical information to support your need for an exemption to the current water restrictions. Responses to waiver requests will be provided in 30 days. All waiver requests that have been granted are subject to review and cancellation. If any waivers are obtained based on inaccurate information, applications may be subject to fines and additional charges.”

SECTION 3. Sections 7-7A-8.1 and 7-7A-8.2 of the Lemoore Municipal Code are hereby repealed.

SECTION 4. This Urgency Ordinance shall take effect immediately upon its adoption.

SECTION 5. The City Clerk shall certify the adoption of this Urgency Ordinance and shall cause the same to be published as required by law.

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The foregoing Urgency Ordinance was passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on the 6<sup>th</sup> day of May, 2014, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

\_\_\_\_\_  
William M. Siegel, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Mary J. Venegas, City Clerk

CERTIFICATE

STATE OF CALIFORNIA )  
COUNTY OF KINGS ) ss.  
CITY OF LEMOORE )

I, **MARY J. VENEGAS**, City Clerk of the City of Lemoore do hereby certify the foregoing Urgency Ordinance of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on the 6<sup>th</sup> day of May, 2014.

DATED: May 6, 2014

\_\_\_\_\_  
Mary J. Venegas, City Clerk

**Mayor**  
William Siegel  
**Mayor Pro Tem**  
Lois Wynne  
**Council Members**  
John Gordon  
Eddie Neal  
Willard Rodarmel



**Public Works  
Department**

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## Staff Report

ITEM 4-3

**To:** Lemoore City Council  
**From:** David Wlaschin, Director of Public Works/Planning  
**Date:** March 27, 2014  
**Subject:** Water Conservation Measures

### Discussion:

The City Council has requested recommendations for a tiered response to both encourage and ensure water conservation in the future. Although California has faced drought conditions before, the record low rainfall in 2013-2014 coupled with the alarmingly low Sierra snowpack levels necessitates measures beyond those taken in the past.

During the City Council meeting, the City Council was informed by the Public Works Director that the City adopted a Municipal Code which sets several measures to minimize excessive water usage. The following proposed response plan assumes these measures to be the baseline of residential and commercial water usage.

### VOLUNTARY COMPLIANCE

In order to engage both residential and commercial customers in the conservation of water, the first step in the City's conservation plan is to inform the public of the pressing need to conserve water. This can be done through information and education measures, which can directly affect water-use habits of the City's customer base. While education alone may not produce sustained water savings like other measures, it can enhance the effectiveness of other measures. Generally, when utility customers are informed and involved, they are more likely to support a utility's conservation planning goals. Water bill inserts, pamphlets upon request, partnering with local schools to encourage water conservation practices, creating workshops for local plumbers, plumbing fixture suppliers, and builders or landscape and irrigation service providers are all examples of education and information measures the City can implement. The goal of this measure is to have residents and businesses voluntarily comply with best practice water conservation measures, with the goal of reducing average water consumption by 20%. Water tanks and wells will be monitored by the Water Department.

Additionally, landscape watering for municipal parks will be reduced from six to four days or less per week.

### LEVEL I

When pumping water levels drop 20% from the April 15 levels, the City Council may adopt stronger measures to facilitate water conservation in the community. Water conservation measures within Level I would restrict:

- The number of days for landscape watering to two days per week, depending upon the type of irrigation and the address. Even numbered addresses would be allowed to water on Tuesday and Saturday while odd numbered addresses would water on Wednesday and Sunday. No watering would be allowed on Monday, Thursday or Friday. Additionally, landscape watering would only be authorized before 10:00 a.m. and after 7:00 p.m. on designated days.
  - Water customers that utilize drip irrigations are exempt from watering day restrictions.
- Water customers are required to repair all detectable leaks within 72 hours of discovery.
- Hotels, restaurants, and bars encouraged to only provide potable water to customers upon request
- Landscape watering for municipal parks to three days or less per week.

It is recommended that City Council adopt Water Waste Fees for households and businesses that violate the watering restrictions.

### LEVEL II

When well water levels drop 50% below the April 15 levels, the City Council may adopt Level II drought response measures, which would maintain Level I restrictions, and further restrict the following activities:

- The number of days for landscape watering to one day per week, depending upon the type of irrigation and the address. The City would be divided into three sections: one section would be all of the area on the east side of Lemoore Avenue, another section would be the area north of Cinnamon Drive from 19 ½ Avenue to Lemoore Avenue and the third section would be the area south of Cinnamon Drive from 19 ½ Avenue to Lemoore Avenue. Watering between the hours of 10:00 a.m. and 7:00 p.m. is still prohibited.
- The washing of personal vehicles to once per week, only on permitted watering days, and only with the use of the required quick-acting positive shut off nozzle.
- Hotels are encouraged to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
- Landscape watering for municipal parks to two days or less per week.
- Implement restrictions on Golf Course watering.

It is recommended that the Water Waste Fees for violations be doubled under Level II conditions.

### LEVEL III

If the standing water levels fall to 70%, the next level of drought response would require City Council to adopt Level III drought response measures, which would maintain Level II restrictions and further restrict the following activities:

- The hours of authorized watering of landscapes. Residents and businesses may irrigate their landscapes before 8:00 a.m. and after 8:00 p.m.
- Landscape watering for municipal parks to one day per week.
- The filling of swimming pools is not authorized.
- The City shall discontinue washing city vehicles or equipment except for health, safety or critical maintenance reasons.
- Increase restrictions on Golf Course watering.

It is recommended that Water Waste Fees for violations be tripled under Level III conditions.

In addition to these drought response measures, the City can take additional steps to reduce water demand; however, as most of these activities require City funds, it is also recommended

that Council determine the amount of money they are willing to allocate for water conservation efforts. These activities include:

1. Installing water meters at all City Parks and the Golf Course. Currently, the majority of unmetered water in the City is utilized for landscaping of the City Parks and the Lemoore Municipal Golf Course. In order to accurately account for all water used, it is recommended that meters be installed on any and all public-use facilities that are currently unmetered. These meters will help provide a proper baseline of current use, and can notify Water or Parks personnel when there are leaks in the system.
2. Establish a meter testing program as meters can be damaged and deteriorate with age, thereby providing inaccurate readings which give misleading information making leak detection difficult and possibly resulting in lost revenue. All meters, especially older meters, should be tested for accuracy on a regular basis.
3. Evaluating water rates and adjusting if necessary. Costing and Pricing are conservation strategies because they determine the true value of water and convey information about that value, through prices, to water customers. The City should consider whether their current rate structures promote water usage over conservation, or vice versa. The pricing strategy must be consistent with the City of Lemoore's goals.
4. Water-Use Audits can provide information about how water is used and how usage might be reduced through specific conservation strategies. A water audit should identify areas in which overall water use efficiency can be improved through alternative technologies or practices, and focus on the largest volume users. Additionally, audits of older homes can be beneficial in terms of identifying and fixing plumbing leaks.
5. Implement a retrofit program, primarily targeting plumbing fixtures, which can include low-flow faucet aerators, low-flow showerheads, leak detection tablets, and replacement flapper valves for toilets. These are often less costly than replacement of existing equipment, and can be provided free or at cost to residents and businesses. As both industrial and commercial customers have existing fixtures, both can benefit from these types of programs as well.
6. Rebate program to promote water efficient landscaping. Programs can provide an incentive to residents who replace sprinkler systems with drip irrigation, or provide incentives to water customers that replace a minimum area of grass with xeriscaping, which reduces or eliminates the need for supplemental water for irrigation by installation drought-tolerant plants, cacti, and/or decorative rocks.
7. Replace grass and high water-use portions of parkways, medians, and/or park space with xeriscaping or artificial turf and capping the associated irrigating systems.

**Budget Impact:**

None at this time.

**Recommendation:**

That City Council, by motion, direct the City Manager to draft an Ordinance related to Drought Response Measures. Additionally, Council should discuss whether they are partial to allocating funds towards the additional steps mentioned above.