
APPENDIX G

WATER SHORTAGE PLAN
ORDINANCE

Search:

Choose search form

Links:

Go to ...

- [Document](#)
- [Prev Chapter](#)
- [Next Chapter](#)
- [Contents](#)
- [Sync TOC](#)
- [Framed Version](#)

Alhambra, California Code of Ordinances
TITLE XV: WATER
CHAPTER 15.25: WATER SHORTAGE PLAN

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Section

- [15.25.010](#) Title
- [15.25.020](#) Declaration of policy
- [15.25.030](#) Declaration of purpose
- [15.25.040](#) Definitions
- [15.25.050](#) Authorization
- [15.25.060](#) Application
- [15.25.070](#) Water shortage plan implementation
- [15.25.080](#) Water shortage plan I; voluntary conservation
- [15.25.090](#) Water shortage plan II; mandatory conservation
- [15.25.100](#) Water shortage plan III; mandatory water rationing
- [15.25.110](#) Penalty
- [15.25.120](#) Notices of violation
- [15.25.130](#) Right of hearing; stay
- [15.25.140](#) Reservation of rights
- [15.25.150](#) Application for relief
- [15.25.160](#) Willful misrepresentation
- [15.25.170](#) Reduction in water supplied
- [15.25.180](#) Public nuisance

§ 15.25.010 TITLE.

This chapter shall be known as the City of Alhambra “Water Shortage Plan.”

(’86 Code, § 15.25.010) (Ord. 4155, passed - -)

§ 15.25.020 DECLARATION OF POLICY.

It is hereby declared that because of the conditions prevailing in the city and in the areas of this state and elsewhere from which the city obtains its water supplies, the general welfare requires that the water resources available to the city be put to maximum use to the extent which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interests of the people of the city and for the public welfare.

('86 Code, § 15.25.020) (Ord. 4155, passed - -)

§ 15.25.030 DECLARATION OF PURPOSE.

The purpose of this chapter is to provide a mandatory water conservation plan to minimize the effect of a shortage of water on the customers of the city and, by means of this chapter, to adopt provisions that will significantly reduce the consumption of water to the customers of the city while reducing the hardship of the city and the general public to the greatest extent possible.

('86 Code, § 15.25.030) (Ord. 4155, passed - -)

§ 15.25.040 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASE. The amount of water used on a customer's premises during the corresponding billing period in the calendar year preceding the water shortage period, as established by the Water Division. Any customer who was not a customer of the Water Division during the base period shall be assigned the same base for such or similar premises as provided above, and the Water Division shall have further discretion to adjust such base in the event such customer's use of the premises is substantially different from the previous use thereof during the base period.

BASE PERIOD. That period of time over which the base is computed.

BILLING UNIT. The unit amount of water used to apply water rates for the purposes of calculating commodity charges for customer water usage and equals 100 cubic feet or 748 gallons of water.

CUSTOMER. Any person, persons, association, corporation, or governmental agency supplied and billed for water service by the Water Division.

PROCESS WATER. Water used to manufacture, alter, convert, clean, heat, or cool a product or the equipment used for such purposes; water used for plant and equipment washing and for transporting raw materials and products; and water used to grow trees or plants for sale or installation.

WATER DIVISION. The Water Division of the Department of Public Works in the City of Alhambra.

WATER SHORTAGE. A condition in which the existing or projected water supply available to the city is not anticipated to meet the ordinary water

requirements of customers of the Department. This condition may be the result of factors including, but not limited to voluntary or mandatory curtailment of the city's water allocation from the Metropolitan Water District, emergency conditions, and/or failure of the city's water distribution system.

WATER SHORTAGE PERIOD. The period beginning on the effective date of the City Council's implementation of a water shortage plan as provided in this chapter and ending on the date of the City Council's finding that a water shortage no longer exists.

('86 Code, § 15.25.040) (Ord. 4155, passed - -)

 **§ 15.25.050 AUTHORIZATION.**

The various officers, departments, commissions, and agencies of the city are authorized and directed to implement the applicable provisions of this chapter upon the effective date hereof.

('86 Code, § 15.25.050) (Ord. 4155, passed - -)

 **§ 15.25.060 APPLICATION.**

The provisions of this chapter shall apply to all customers and property served water by the city wherever situated, and shall also apply to all property and facilities owned, maintained, operated, or under the jurisdiction of the various officers, departments, commissions, and agencies of the city.

('86 Code, § 15.25.060) (Ord. 4155, passed - -)

 **§ 15.25.070 WATER SHORTAGE PLAN IMPLEMENTATION.**

Water Division Staff shall monitor and evaluate the projected supply and demand for water by its customers. In the event of a water shortage, staff will recommend to the City Council such water shortage plan or plans as provided in this chapter which permit Water Division Staff to prudently plan for and supply water to its customers. The City Council may then order implementation of such water shortage plan or plans as provided in this chapter which it deems appropriate to address the water shortage. The order may be made by public proclamation and shall be published one time only in a daily newspaper of general circulation and shall become effective immediately upon such publication. At any time during the water shortage period, the City Council may implement another plan as provided in this chapter. Upon finding by the City Council that a water shortage no longer exists, any water shortage plan then in effect shall terminate.

('86 Code, § 15.25.070) (Ord. 4155, passed - -)

 **§ 15.25.080 WATER SHORTAGE PLAN I; VOLUNTARY CONSERVATION.**

All persons and customers of the Water Division shall, on a voluntary basis, reduce water usage by taking the following water conservation measures:

(A) Refrain from hosing or washing sidewalks, walkways, driveways, parking areas or other paved surfaces;

(B) Refrain from cleaning, filling, or main-taining levels in decorative

fountains, ponds, lakes, and similar structures unless such structure is equipped with a water recycling system;

(C) Refrain from serving drinking water, unless at the express request of a customer, in all restaurant, hotels, cafes, cafeterias, or other public places where food is sold, served, or offered for sale;

(D) Promptly repair all leaks from indoor and outdoor plumbing fixtures, including, but not limited to sprinkler systems;

(E) Refrain from allowing water to runoff any landscape areas into adjoining streets, sidewalks, parking lots or alleys;

(F) Refrain from allowing water to run off into adjoining streets, sidewalks, parking lots or alleys while washing vehicles;

(G) Refrain from landscape watering more often than once every three days;

(H) Refrain from landscape watering between the hours of 10 a.m. and 5 p.m.;

(I) Refrain from filling or refilling a swimming pool, spa or hot tub.

('86 Code, § 15.25.080) (Ord. 4155, passed - -) [Penalty, see § 15.25.110](#)

 **§ 15.25.090 WATER SHORTAGE PLAN II; MANDATORY CONSERVATION.**

(A) No customer of the Water Division shall use or allow the use of water from the city to hose or wash sidewalks, walkways, driveways, parking areas to other paved surfaces.

(B) No customer of the Water Division shall use or allow the use of water from the city to fill or maintain levels in decorative fountains, ponds, lakes, and similar structures unless such structure is equipped with a water recycling system.

(C) No restaurant, hotel, cafe, or cafeteria, or other public place where food is sold, served, or offered for sale shall serve drinking water from the department unless at the request of its customers.

(D) No customer of the Water Division shall allow water from the city to leak from any facility on his premises or on premises under his control or fail to effect a timely repair of any such leak.

(E) No customer of the Water Division shall cause or allow the use of water from the city to run off any landscape areas into adjoining streets, side-walks, parking lots or alleys due to incorrectly directed or maintained sprinklers or excessive watering.

(F) No customer of the Water Division shall use a hose to wash cars, boats, trailers, buses or other vehicles, or to wash building exteriors or other hard-surfaced areas without an operating shut-off valve;

(G) No customer of the Water Division shall use or allow the use of water from the City Water Division for landscape watering more often than every three days.

(H) No customer of the Water Division shall use or allow the use of water for landscape watering between the hours of 10 a.m. and 5 p.m.

(I) No customer of the Water Division shall use or allow the use of water from the city to refill a swimming pool, spa or hot tub emptied after the commencement of a water shortage period.

('86 Code, § 15.25.090) (Ord. 4155, passed - -) [Penalty, see § 15.25.110](#)

 **§ 15.25.100 WATER SHORTAGE PLAN III; MANDATORY WATER RATIONING.**

Customer Percentage Curtailment. No customer shall make, cause, use or permit the use of water from the Water Division for any purpose in an amount in excess of 90% of the amount used during the base period as defined in this chapter.

(A) *Phase 1.* No customer shall use or allow the use of water from the Water Division for any purpose in an amount in excess of 85% of that customer's base, except that process water may be used to the extent of 90% of that customer's base.

(B) *Phase 2.* No customer shall use or allow the use of water from the Water Division for any purpose in an amount in excess of 80% of that customer's base, except that process water may be used to the extent of 85% of that customer's base.

(C) *Phase 3.* No customer shall use or allow the use of water from the Water Division for any purpose in an amount in excess of 75% of that customer's base, except that process water may be used to the extent of 80% of that customer's base.

(D) *Phase 4.* No customer shall use or allow the use of water from the Water Division for any purpose in an amount in excess of 65% of that customer's base.

(E) *Exception.* The prohibited uses of water from the city provided in this chapter are not applicable to that use of water necessary for public health and safety or for essential governmental services such as police, fire, and emergency services. Nothing contained in this chapter shall be construed to require the city to curtail the supply of water to any customer when, in the discretion of the city, such water is required by the customer to maintain an adequate level of public health and safety.

('86 Code, § 15.25.100) (Ord. 4155, passed - -) [Penalty, see § 15.25.110](#)

 **§ 15.25.110 PENALTY.**

It shall be a violation for any customer to fail to comply with any of the provisions of this chapter. Notwithstanding any other provision of the City Municipal Code, the penalties set forth herein shall be exclusive and cumulative with any other penalty prescribed in any other section of this Code. The penalties for failure to comply with any of the provisions of the chapter shall be as follows:

(A) *First violation.* For the first violation by any customer of the Water Division of any of the provisions of this chapter, the Water Division shall issue a written notice of the fact of such violation to the customer.

(B) *Second violation.* For the second violation within a water shortage period by any customer of the Water Division of any of the provisions of this chapter, a surcharge penalty shall be imposed in an amount equal to 15% of the customer's water bill plus an additional \$1 for each billing unit in excess of the percentage

usage of water permitted by the particular conservation phase in which the violation occurred.

(C) *Third violation.* For the third violation within a water shortage period by any customer of the Water Division of any of the provisions of this chapter, a surcharge penalty shall be imposed in an amount equal to 50% of the customer's water bill plus an additional \$2 for each billing unit in excess of the percentage usage of water permitted by the particular conservation phase in which the violation occurred.

(D) *Fourth violation.* For a fourth and any subsequent violation thereafter within a water shortage period by any customer of the Water Division of any of the provisions of this chapter, the Water Division shall install a flow restricting device of 1 gallon per minute capacity for services up to 1½-inch size, and comparatively sized restrictors for larger services, on the service of the customer at the premises at which the violation occurred. The flow restricting device shall remain on customer's service for a period not less than 48 hours. The Water Division shall charge the customer the reasonable costs incurred by the city for installing and removing the flow-restricting device. The charge for restoration of normal service shall be \$25. The charge must be paid before normal service can be restored. In addition, the surcharge penalties in division (C) shall be imposed.

('86 Code, § 15.25.110) (Ord. 4155, passed - -)

§ 15.25.120 NOTICES OF VIOLATION.

The Water Division shall give notice of violation to any customer committing a violation of any of the provisions of this chapter. The notice shall contain, in addition to the facts of the violation, a statement of the possible penalties for each violation and a state-ment informing the customer of his right to a hearing on the merits of the alleged violation. Notice of violation shall be given in the following manner:

(A) By giving written notice thereof 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 regular mail to the address at which the customer is normally billed by the Water Division; or

(C) If a customer of suitable age or discretion cannot be found, then by affixing a copy in a con-spicious place at which the violation occurred and also sending a copy through the regular mail to the address at which customer is normally billed by the Water Division.

('86 Code, § 15.25.120) (Ord. 4155, passed - -)

§ 15.25.130 RIGHT OF HEARING; STAY.

Any customer against whom a penalty is levied pursuant to this chapter shall have a right to a hearing by the General Manager of the Water Division or his designee, on the merits of the alleged violation upon the written request of that customer within 15 days of the date of notification of the violation. Customer's timely written request for a hearing shall automatically stay the imposition of penalty until the General Manager, or his designee, renders a decision. No other further stay shall be granted by the Water Division.

('86 Code, § 15.25.130) (Ord. 4155, passed - -)

 **15.25.140 RESERVATION OF RIGHTS.**

The rights of the Water Division shall be cumulative to any other right of the Water Division to discontinue service. All moneys collected by the Water Division pursuant to any of the penalty provisions of this chapter shall be deposited in the Water Fund as reimbursement for the Water Division's costs and expenses of administering and enforcing this chapter.

('86 Code, § 15.25.140) (Ord. 4155, passed - -)

 **§ 15.25.150 APPLICATION FOR RELIEF.**

(A) A customer may file with the Water Division an application for relief from the Water Division's application of the provisions of this chapter. The Water Division shall have the power to take such steps as it deems reasonable and to set up such procedures as it considers necessary to resolve such application for relief. In determining whether to grant relief and the nature of the relief to grant, the Water Division shall take into consideration all factors relevant to the customer's water usage including, but not limited to:

(1) Whether any additional reduction in the customer's water consumption will result in unemployment;

(2) Whether any additional members have been added to the customer's household;

(3) Whether any additional landscape area has been added to the customer's property subsequent to the base period;

(4) Changes in vacancy factors in multi-family housing;

(5) Increased number of employees in commercial, industrial and governmental offices;

(6) Increased production requiring increased process water;

(7) Water uses during new construction;

(8) Adjustments to water use caused by emergency, health or safety hazards;

(9) First filling of a permit constructed swimming pool;

(10) Water use necessary for reasons related to family illness or health; or

(11) Whether the customer had, prior to the water shortage, taken measures to reduce his water consumption to the greatest extent possible.

(B) No relief shall be granted to any customer for any reason in the absence of a display by the customer that he has achieved the maximum practical reduction in water consumption in his residential, commercial, industrial, agricultural, or governmental water consumption, as the case may be, other than in the specific area in which relief is being sought. No relief shall be granted to any customer, who, when requested by the Water Division, fails to provide the Water Division with the

information whereby the services provided to him can be classified for the purpose of establishing an appropriate base or classification pursuant to the provisions of this chapter. If an action for relief is mutually agreed upon between the Water Division and the customer, the agreement shall be in writing and signed by the customer.

('86 Code, § 15.25.150) (Ord. 4155, passed - -)

§ 15.25.160 WILLFUL MISREPRESENTATION.

Notwithstanding any other provision of law, and in addition thereto, and not in lieu thereof, any willful misrepresentation of a material fact by any person to the Water Division, made for the purpose of securing relief from the provisions of this chapter for any customer, is unlawful. A violation of this section shall constitute a misdemeanor punishable as set forth in § [1.12.010](#).

('86 Code, § 15.25.160) (Ord. 4155, passed - -) [Penalty, see § 1.12.010](#)

§ 15.25.170 REDUCTION IN WATER SUPPLIED.

If any customer fails to comply with any provision of this chapter, the Water Division may reduce the amount of water provided to that customer to the level which that customer would be using the water if he were complying with the provisions of this chapter. The provisions of this section shall be applied in lieu of, or in addition to, any other penalties provided in this chapter, in the discretion of the Water Division, and shall be applied without regard to the status or nature of the customer.

('86 Code, § 15.25.170) (Ord. 4155, passed - -)

§ 15.25.180 PUBLIC NUISANCE.

In addition to the penalties provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this chapter shall be deemed a public nuisance and may be summarily abated by the city as such, and each day such condition continues shall be regarded as a new and separate offense.

('86 Code, § 15.25.180) (Ord. 4155, passed - -) [Penalty, see § 1.12.010](#)

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