

ORDINANCE NO. 2333

AN ORDINANCE OF THE CITY OF MONTEBELLO ESTABLISHING A WATER CONSERVATION AND WATER SUPPLY SHORTAGE PROGRAM AND REGULATIONS TO REPLACE THE EXISTING MANDATORY WATER CONSERVATION ORDINANCE NO. 2108 (CHAPTER 8.28 OF THE CITY OF MONTEBELLO MUNICIPAL CODE)

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the Southern California region;

WHEREAS, Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, climate change, environmental concerns, and other factors in other parts of the State and western United States, make the region highly susceptible to water supply reliability issues;

WHEREAS, careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs;

WHEREAS, Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof;

WHEREAS, California Water Code Section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies; and

WHEREAS, the purpose of this chapter is to replace Chapter 8.28 and to establish a water conservation and supply shortage program that will reduce water consumption within the City of Montebello through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City of Montebello to avoid and minimize the effect and hardship of water shortage to the greatest extent possible; and

WHEREAS, Chapter 8.29 establishes permanent water conservation standards intended to alter behavior related to water use efficiency at all times and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTBELLO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 8.29 is hereby established to the Montebello Municipal Code to read as follows:

8.29.010 Introduction.

This chapter will be known as the City of Montebello Water Conservation and Water Supply Shortage Program. By adoption of this Program by the City Council, existing Chapter 8.28 of the Montebello Municipal Code known as the Mandatory Water Conservation Ordinance is hereby rescinded.

8.29.020 Findings.

- a. A reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the Southern California region and of the City of Montebello.
- b. Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, climate change, environmental concerns, and other factors in other parts of the State and western United States, make the region highly susceptible to water supply reliability issues.
- c. Careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs.
- d. Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water are to be prevented, and conservation of water is to be fully exercised with a view to the reasonable and beneficial use of available water supplies.
- e. Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.
- f. California Water Code Section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies.
- g. The adoption and enforcement of a water conservation and supply shortage program is necessary to manage the City of Montebello's potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the City of Montebello. Such a program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

8.29.030 Declaration of Purpose and Intent.

- a. The purpose of this chapter is to replace Chapter 8.28 and to establish a water conservation and supply shortage program that will reduce water consumption within the City of Montebello through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City of Montebello to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.
- b. This Chapter establishes permanent water conservation standards intended to alter behavior related to water use efficiency at all times and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.

8.29.040 Definitions.

- a. The following words and phrases whenever used in this chapter have the meaning defined in this section:
 1. "City" means City of Montebello and all of its Departments.
 2. "City Council" means the City Council of the City of Montebello.
 3. "Water Purveyor" means the City and any other provider of potable water service in the City of Montebello.

4. "MWD" means the Metropolitan Water District of Southern California.
5. "Section" means a Section of this Chapter unless some other City Ordinance is specifically mentioned.
6. "Fire Department" means the Fire Department of the City of Montebello which serves the City.
7. "Health Department" means the County of Los Angeles Health Services Department, which serves the City and the State of California Department of Health Services, which oversees by permit the operations of potable water systems in the City.
8. "Building Department" means the Building Official and personnel of the Building Department of the City, which serve the City.
9. "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, including all agencies and departments of the City, or any other user of water provided within the City.
10. "Landscape irrigation system" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.
11. "Large landscape areas" means a lawn, landscape, or other vegetated area, or combination thereof, equal to more than 3,000 square feet of irrigable land.
12. "Single pass cooling systems" means equipment where water is circulated only once to cool equipment before being disposed.
13. "Potable water" means water which is suitable for drinking.
14. "Recycled water" means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations.
15. "Billing unit" means the unit of water used to apply water rates for purposes of calculating water charges for a person's water usage.
16. "Station" means a group of irrigation sprinkler spray heads which are controlled through a valve that opens and closes based on a preset time period of an automated time clock or hand operation of a valve.
17. "Water User" means the owner of a property or the tenant of the property which uses potable water provided by a potable water purveyor in the City. A user includes a person or contractor retained by the property owner or tenant to provide landscape maintenance/irrigation services to the property.
18. "Engineering Department/City Engineer" means an established Department of City and a City designated official.
19. "Hot Line" means a telephone, facsimile and/or electronic mail service that is to be installed in the Engineering Department and maintained by the Engineering Department under the direction of the City Engineer for citizens to report apparent violations of this City Ordinance. All information received on the Hot Line shall be reviewed by the City Engineer or his/her designee. Information may be placed on the Hot Line by citizens anonymously.

8.29.050 Application

- a. The provisions of this Chapter apply to any person using any potable water provided by a potable water purveyor in the City.

- b. The provisions of this Chapter do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services.
- c. The provisions of this Chapter do not apply to the use of recycled water, with the exception of Section 8.29.060(a).
- d. The provisions of this Chapter do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.
- e. This Chapter is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff from various sources including rain storms. Refer to the City Engineer or to the State of California Regional Water Quality Control Board for information on any stormwater regulations and stormwater management plans.
- f. The City Building Department, in reviewing applications for building permits for development or redevelopment of property, may require the developer to incorporate in his or her development the use of recycled water at such time as it becomes available to the area of the City in lieu of the use of potable water for construction water and/or potable water for the permanent development. The Building Department and the City Planning Department may require the use of water use efficient equipment and designs for development or redevelopment properties.

8.29.060 Permanent Water Conservation Requirements – Prohibition Against Waste

The following water conservation requirements are effective at all times and are permanent. Violations of this section will be considered waste and an unreasonable use of water.

- a. **Limits on Watering Hours:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 10:00 a.m. and one (1) hour before sunset Pacific Standard Time on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system. Lawns or other irrigated areas shall not be watered more frequently than every other day. Odd-numbered street-addressed properties may water on odd-numbered dates. Even-numbered street-addressed properties may only do so on even-numbered dates. All irrigated areas may be watered on the 29th day of the month of February every fourth (4th) year or the 31st day of the month having 31 days. The provisions of this subsection shall not apply to restrict watering of newly seeded or reseeded lawns once a year, nor to prohibit drip irrigation systems.
- b. **Limit on Watering Duration:** Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour or weather based controllers or stream rotor sprinklers that meet a seventy percent (70%) efficiency standard.
- c. **No Excessive Water Flow or Runoff:** Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining property, or non-landscaped areas such as sidewalks, driveways, streets, alleys, gutters or ditches is prohibited.
- d. **No Washing Down Hard or Paved Surfaces:** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high-pressure cleaning

machine equipped to recycle any water used, or a low-volume high-pressure water broom. Should the use of water for wash-down have to do with an immediate fire or sanitation hazard, written permission shall have been obtained from the Fire Department, the Health Department or the Building Department.

- e. **Obligation to Fix Leaks, Breaks or Malfunctions:** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than seven (7) days of receiving notice from the City, is prohibited. This section also applies to all water purveyors in the City.
- f. **Re-circulating Water Required for Water Fountains and Decorative Water Features:** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.
- g. **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility with an on-site water recycling system. Commercial vehicle washing establishments that do not have on-site water recycling for reuse systems shall meet with City staff within two (2) months of the adoption of this Ordinance to work out a satisfactory schedule for the installation of such a system or the issuance of a waiver under this Ordinance.
- h. **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested by that person or that person's guardian or custodian of care therefor.
- i. **Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services:** Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood English and Spanish languages and any other language commonly used by users of such establishments.
- j. **No Installation of Single Pass Cooling Systems:** Installation of single pass cooling systems is prohibited in buildings requesting new water service.
- k. **No Installation of Non-re-circulating Water Systems in Commercial Car Wash and Laundry Systems:** Installation of non-re-circulating water systems is prohibited in premises with new commercial conveyor car wash or new commercial laundry systems.
- l. **Restaurants Required to Use Water Conserving Dish Wash Spray Valves:** Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.
- m. **Commercial Car Wash Systems:** Effective on January 1, 2011, all commercial car wash systems must have installed operational re-circulating water systems, or must have secured a waiver of this requirement and/or an extension of time for installation from the City.
- n. Construction meters used for landscape irrigation shall not be used between 10:00 a.m. and one (1) hour before sunset.
- o. Filling or refilling of private swimming pools, spas, ponds and artificial lakes is prohibited between 10:00 a.m. and one (1) hour before sunset. Swimming pools and spas shall be equipped with covers to minimize evaporation and such covers shall be used not less than five (5) days a week unless the facility is in use.

8.29.070 Level 1 Water Supply Shortage

- a. A Level 1 Water Supply Shortage exists when the City determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City of a Level 1 Water Supply Shortage condition, the City will implement the mandatory Level 1 conservation measures identified in this section.
- b. **Additional Water Conservation Measures:** In addition to the prohibited uses of water identified in Section 8.29.060, the following water conservation requirements apply during a declared Level 1 Water Supply Shortage:
 1. **Limits on Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to not to exceed three (3) days per week on a schedule established and posted by the City. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one (1) day per week on a schedule established and posted by the City. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
 2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two (72) hours of receipt of written notification by the City unless other arrangements are made with the City. All leaks, breaks or malfunctions in the water purveyor's water system shall be repaired within seventy-two (72) hours of the water purveyor becoming aware thereof.

8.29.080 Level 2 Water Supply Shortage

- a. A Level 2 Water Supply Shortage exists when the City determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City of a Level 2 Water Supply Shortage condition, the City will implement the mandatory Level 2 conservation measures identified in this section.
- b. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Sections 8.29.060 and 8.29.070, the following additional water conservation requirements apply during a declared Level 2 Water Supply Shortage:
 1. **Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to not to exceed two (2) days per week on a schedule established and posted by the City. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one (1) day per week on a schedule established and posted by the City. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
 2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight (48) hours of receipt of written notification by the City unless other arrangements are made with the City. All leaks, breaks or malfunctions in the water

purveyor's water system shall be repaired within 48 hours of the water purveyor becoming aware thereof.

3. **Limits on Filling Ornamental Lakes or Ponds:** Filling or re-filling of ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such aquatic life are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage level under this Ordinance.
4. **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to, any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, by high pressure/low volume wash systems, or at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water.
5. **Limits on Filling Residential Swimming Pools & Spas:** Re-filling of more than one (1) foot of depth in a pool or spa and initial filling of residential swimming pools or outdoor spas with potable water is prohibited.

8.29.090 Level 3 Water Supply Shortage – Emergency Condition

- a. A Level 3 Water Supply Shortage condition is also referred to as an “Emergency” condition. A Level 3 condition exists when the City declares a water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon the declaration of a Level 3 Water Supply Shortage condition, the City will implement the mandatory Level 3 conservation measures identified in this section.
- b. **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Sections 8.29.060, 8.29.070, and 8.29.080, the following water conservation requirements apply during a declared Level 3 Water Supply Shortage Emergency:
 1. **No Watering or Irrigating:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited. This restriction does not apply to the following categories of use, unless the City has determined that recycled water is available and may be applied to the use:
 - i. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device;
 - ii. Maintenance of existing landscape necessary for fire protection;
 - iii. Maintenance of existing landscape for soil erosion control;
 - iv. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
 - v. Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed two (2) days per week according to the schedule established in Section 5.29.070(b)(1) and time restrictions in Section 5.29.060(a) and (b)(1);
 - vi. Actively irrigated environmental mitigation projects.
 2. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within twenty-four (24) hours of notification by the City unless other arrangements are made with the City. The same time restrictions shall apply to water systems of water purveyors.

3. a. **No New Potable Water Service:** Upon declaration of a Level 3 Water Supply Shortage
Emergency condition by the City, no new potable water service shall be provided, no new temporary meters or permanent meters are to be provided, and no statements of immediate ability to serve or provide potable water service (such as, will-serve letters, certificates, or letters of availability) are to be issued, except under the following circumstances:
 1. A valid, unexpired building permit has been issued for the project; or
 2. The project is necessary to protect the public health, safety, and welfare; or
 3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the City.

This provision does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less.
- b. **Limits on Building Permits:** The City will limit or withhold the issuance of building permits which require new or expanded water service, except to protect the public health, safety and welfare, or in cases which meet the City's adopted water conservation offset requirements.
4. **Discontinue Service:** The City, in its sole discretion, may order a water purveyor in the City to discontinue service to a water user who, in the opinion of the City, willfully violates provisions of this section.

8.29.100 Procedures for Determination / Notification of Water Supply Shortage

- a. **Declaration and Notification of Water Supply Shortage:** The existence of Level 1, Level 2 or Level 3 Water Supply Shortage conditions may be declared by resolution of the City adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation requirements applicable to Level 1, Level 2 or Level 3 conditions will take effect on the tenth (10th) day after the date the water supply shortage level is declared. Within five (5) days following the declaration of the shortage level, the City and other water purveyors must publish a copy of the resolution in a newspaper used for publication of official notices. If the City activates a water allocation process, it must provide notice of the activation by including it in the regular billing statement or by any other mailing to the address to which the City or other water purveyors customarily mail the billing statement for fees or charges for ongoing water service. A water allocation will be effective on the fifth (5th) day following the date of mailing or at such later date as specified in the notice.

8.29.110 Hardship Waiver

- a. **Undue and Disproportionate Hardship:** If, due to unique circumstances, a specific requirement of this chapter would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply to the City for a waiver to the requirements as provided in this section.
- b. **Written Finding:** The waiver may be granted or conditionally granted by the City only upon a written finding by the City of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.
 1. **Application:** Application for a waiver must be on a form prescribed by the City and accompanied by a non-refundable processing fee in an amount set by City Council resolution.

2. **Supporting Documentation:** The application must be accompanied by photographs, maps, drawings, and other pertinent information, including a written statement of the applicant as to the reasons for the application.
3. **Required Findings for Waiver:** An application for a waiver will be denied unless the City finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the applicant or its Agent, all of the following:
 - i. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other properties and businesses;
 - ii. That because of special circumstances applicable to the property or its use, the strict application of this chapter would have a disproportionate impact on the property or use that exceeds the impacts to properties and businesses generally;
 - iii. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City to effectuate the purpose of this chapter and will not be detrimental to the public interest;
 - iv. That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent or general in nature; and
 - v. That the water user has demonstrated that he or she, prior to or after adoption of this Ordinance, has taken effective measures for purposes of water conservation.
4. **Approval Authority:** The City Engineer must act upon any completed application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver must be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved, the waiver will apply to the subject property during the period of the mandatory water supply shortage condition. The decision of the City Engineer will be final, except that the applicant may file a written appeal to the City Council. The City Council, after due process, may grant, deny or grant with conditions, the appeal.

8.29.120 Penalties and Violations

- a. **Misdemeanor:** Any violation of this chapter may be prosecuted by the City as a misdemeanor punishable by imprisonment in the County Jail for not more than thirty (30) days, or by a fine not exceeding one thousand dollars (\$1,000), or by both.
- b. **Penalties:** Penalties for failure to comply with any provisions of the ordinance are as follows:
 1. **First Violation:** The City will issue a written warning and deliver a copy of this ordinance by United States Postal Service first class (USPS) mail.
 2. **Second Violation:** A second violation within the following twelve (12) calendar months of the first violation is punishable by a fine not to exceed one hundred dollars (\$100.00).
 3. **Third Violation:** A third violation within the following twelve (12) calendar months of the first violation is punishable by a fine not to exceed two hundred and fifty dollars (\$250.00).
 4. **Fourth and Subsequent Violations:** A fourth violation in the following twelve (12) calendar months of the first violation and any subsequent violation thereof is punishable by a fine not to exceed five hundred dollars (\$500.00).
 - i. **Water Flow Restrictor:** In addition to any fines, the City may require the applicable water purveyor to install a water flow restrictor device of approximately one gallon per minute capacity for service pipe up to one and one-half inch size and

comparatively sized restrictors for larger services after issuance by the City of a written notice of intent to install a flow restrictor for a minimum of forty-eight (48) hours.

5. **Discontinuing Service:** In addition to any fines and the installation of a water flow restrictor, the City may require the applicable water purveyor to disconnect a customer's water service for willful violations of mandatory restrictions in this chapter.
- c. **Cost of Flow Restrictor and Disconnecting Service:** A person or entity that violates this ordinance is responsible for payment of the water purveyor's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the water purveyor's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device must be paid to the water purveyor before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of a regular water bill.
- d. **Separate Offenses:** Each day that a violation of this ordinance occurs is a separate offense.
- e. **Notice and Hearing:**
 1. The City will issue a Notice of Violation by USPS first class mail or personal delivery at least ten (10) days before taking enforcement action. Such notice must describe the violation and the date by which corrective action must be taken. A water service user may appeal the Notice of Violation by filing a written notice of appeal with the City Clerk no later than the close of business on the day before the date scheduled for enforcement action. Any Notice of Violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and the City will mail by USPS first class service written notice of the hearing date to the water service user and the serving water purveyor at least ten (10) days before the date of the hearing.
 2. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the City may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violations and the current declared Water Level condition.

8.29.130 Severability

If any section, subsection, sentence, clause or phrase in this Chapter is for any reason held invalid, the validity of the remainder of the Chapter will not be affected. The City Council hereby declares it would have passed this Chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is later declared invalid.

SECTION 2. Chapter 8.28 of the Montebello Municipal Code is hereby repealed in its entirety.

SECTION 3. The City Council hereby declares that it would have passed this ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions of this ordinance are severable and, if for any reason any sentence, paragraph, or section of this ordinance shall be held invalid, such decision will not affect the validity of the remaining parts of this ordinance.

SECTION 4. The City Clerk shall certify to the adoption of this Ordinance. The City Council hereby finds and determines that there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code directs the City Clerk to cause said Ordinance, within fifteen (15) days after its passage, to be posted in at least five (5) public places within the City. This Ordinance shall take effect thirty (30) days after its adoption.

ADOPTED AND APPROVED this 22nd day of July, 2009.



Rosemarie Vasquez
Rosemarie Vasquez, Mayor

ATTEST:

APPROVED AS TO FORM:

Robert J. King
Robert J. King, City Clerk

Arnold M. Alvarez Glasman
Arnold M. Alvarez Glasman, City Attorney

