

ORDINANCE NO. 4122

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA AMENDING CHAPTER 62 (“UTILITIES”) OF THE POMONA CITY CODE TO ESTABLISH A WATER CONSERVATION AND WATER SUPPLY SHORTAGE PROGRAM AND REGULATIONS

WHEREAS, from time to time, drought conditions in the State of California have resulted in reduced water supply to the Pomona Valley;

WHEREAS, the water supply from outside sources such as the Bay-Delta Region, the Eastern Sierras, and the Colorado River has become uncertain and unreliable;

WHEREAS, on February 27, 2009, Governor Arnold Schwarzenegger proclaimed a statewide emergency due to the drought resulting from a combination of worsening water supply conditions;

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the City of Pomona (the “City”);

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, currently Chapter 62, Article IV, Division 4 of the Pomona City Code details a water conservation program;

WHEREAS, in order to meet the water needs of City residents and businesses, and the needs of customers of the City’s water utility, and to protect the public from the potential health hazards posed by a drought, the City must impose a stricter, more comprehensive water conservation program; and

WHEREAS, pursuant to California Water Code Section 375 *et seq.*, the City Council desires to adopt and enforce the following water conservation program to reduce water consumption and conserve supplies, and to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pomona as follows:

SECTION 1. That Division of Article IV of Chapter 62 of the Pomona City Code is hereby repealed and replaced with the following:

Division 4. “Water Conservation and Water Supply Shortage Program.”

Section 62-351. Title

This division shall be known as the City of Pomona Water Conservation and Water Supply Shortage Program.

Section 62-352. Definitions

The following words and phrases whenever used in this division shall have the meaning defined in this section:

- (1) "City" means the City of Pomona.
- (2) "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water provided by the City.
- (3) "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.
- (4) "Large Landscape Areas" means a lawn, landscape, or other vegetated area, or combination thereof, equal to more than one (1) acre of irrigable land.
- (5) "Single Pass Cooling Systems" means equipment where water is circulated only once to cool equipment before being disposed.
- (6) "Potable Water" means water which is suitable for drinking.
- (7) "Recycled Water" means the reclamation and reuse of non-potable water for beneficial use.
- (8) "Billing Unit" means the unit of water used to apply water rates for purposes of calculating water charges for a person's water usage and equals one hundred (100) cubic feet or seven hundred forty-eight (748) gallons of water.

Section 62-353. Application

- (a) The provisions of this division apply to any person, customer and property served by the City.
- (b) The provisions of this division 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 division do not apply to the use of recycled water, with the exception of Section 62-354(a).
- (d) The provisions of this division 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) Where any provision of the Pomona City Code is in conflict with any provision of this division, the provision of this division shall take precedence. This includes, but is

not limited to, Chapter 18, Article V (Landscape Maintenance) of this Code, and Section .600 (Exterior Property Maintenance) of the Pomona Zoning Ordinance.

(f) This division 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.

Section 62-354. Permanent Water Conservation Requirements

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 or recycled water is prohibited between the hours of 10 a.m. and 6 p.m. 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.

(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 and 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 sidewalk, driveway, street, alley, gutter, or ditch 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, or a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom.

(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. The City, in its sole discretion, may discontinue service to consumers who willfully violate provisions of this subsection.

(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, effective January 1, 2010.

(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, motor home 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, or at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water.

(h) *Drinking Water Served Upon Request Only.* Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, club or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.

(i) *Commercial Lodging Establishments Must Provide Option to Not Launder Linen Daily.* 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 language. Contingent on available funding and materials as determined by the City in its sole discretion, the City will annually provide display materials to establishments for notice on these items.

(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 new Commercial Car Wash, new Laundry Systems, or other new water intensive operations as determined by the City.* Installation of non re-circulating water systems is prohibited in new commercial conveyor car wash, new commercial laundry systems, or new other water intensive operations as determined by the City.

(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 January 1, 2011, all commercial conveyor car wash systems must have installed operational re-circulating water systems, or must have secured a waiver of this requirement from the City.

Section 62-355. Level 1 Water Supply Shortage

(a) A Level I water shortage may be declared by the City Manager, or designee, if any combination of events or factors threaten the adequacy of foreseeable water supply to customers. Qualifying factors to be considered in making a water shortage declaration

include, but are not limited to: time of year, local rainfall, Metropolitan Water District's / Three Valleys Municipal Water District's Water Supply Allocation Plans, State Water Project Allocations, Groundwater Conjunctive Use (Dry Year Yield) Program, Operating Safe Yield as determined by the respective Chino Basin or Six Basins Watermasters responsible for groundwater allocation in groundwater basins and any major operating emergencies, or natural disasters that cause damage to the water supply or water distribution system. Prior to making a public announcement of a Level I water shortage, the City Manager, or designee, shall document the basis for the water shortage declaration and communicate this information to the City Council. A Level 1 declaration will require a consumer demand reduction of up to 10% to make more efficient use of water and respond to existing water conditions.

(b) In addition to the prohibited uses of water identified in Section 62-354, 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 during the months of April through October is limited to three (3) days per week on a schedule established and posted/noticed by the City. (By way of example - Odd addresses on Monday, Wednesday, and Friday; even addresses on Tuesday, Thursday, and Saturday.) 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 noticed by the City. (By way of example - Odd addresses on Tuesday, even addresses on Thursday.) 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 notification by the City unless other arrangements are made with the City.

(3) *Other Prohibited Uses.* The City may implement other prohibitions on water uses as determined by the City, upon reasonable notice to customers.

Section 62-356. Level 2 Water Supply Shortage

(a) A Level 2 Water Supply Shortage exists when the City determines, in its sole discretion, that due to such factors as outlined in Section 62-355(a), a water supply shortage exists and a consumer demand reduction of eleven percent (11%) to thirty percent (30%) is necessary to make more efficient use of water and respond to existing water conditions. Upon the declaration by the City of a Level 2 Water Supply Shortage

pursuant to Section 62-358(a), the City will implement the mandatory Level 2 conservation measures identified in this section.

(b) In addition to the prohibited uses of water identified in Section 62-354, the following additional water conservation requirements apply during a declared Level 2 Water Supply Shortage:

(1) *Limits on Watering Days.* Watering or irrigating of lawn, landscape or other vegetated area with potable water during the months of April through October is limited to two (2) days per week on a schedule established and posted/noticed by the City. (By way of example - Odd addresses on Monday and Thursday, even addresses on Tuesday and Friday). 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/noticed by the City. (By way of example - Odd addresses on Tuesday, even addresses on Thursday). 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 notification by the City unless other arrangements are made with the City.

(3) *Limits on Filling Ornamental Lakes or Ponds.* Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals 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, motor home 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 per week, and initial filling of residential swimming pools or outdoor spas with potable water is prohibited, except upon written authorization from the City Manager or designee.

(6) *Other Prohibited Uses.* The City may implement other prohibitions on water uses as determined by the City, upon reasonable notice to customers.

Section 62-357. Level 3 Water Supply Emergency Shortage

(a) A Level 3 Water Supply Emergency Shortage exists when the City declares a water shortage emergency due to such factors as outlined in Section 62-355(a) and notifies its residents and businesses that a significant reduction in consumer demand of more than thirty percent (30%) is necessary to make more efficient use of water and respond to existing water conditions. Upon the declaration by the City of a Level 3 Water Supply Emergency Shortage pursuant to Section 62-358(b), the City will implement the mandatory Level 3 conservation measures identified in this section.

(b) In addition to the prohibited uses of water identified in Section 62-354, the following water conservation requirements apply upon the City's declaration of a Level 3 Water Supply Emergency Shortage:

(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 lawfully applied to the use:

- i. Maintenance of vegetation excluding turf, but 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, or a very low-flow drip type irrigation system when no emitter produces more than two (2) gallons of water per hour subject to the hour restrictions in Section 62-354(a);
- 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 rare animals;
- v. Maintenance of landscape within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established in Section 62-356(b)(1) and time restrictions in Section 62-354(a) and (b)(1);

(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.

(3) *New Potable Water Service.* Pursuant to Section 356 of the California Water Code, the City, dependant on an analysis of water supply, may decide not to (a) provide new potable water service; (b) provide new temporary meters or permanent meters, and (c) issue any statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability), except under the following circumstances:

- i. A valid, unexpired building permit has been issued for the project; or
- ii. The project is necessary to protect the public's health, safety, and welfare;
or
- iii. 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 (1) year or less, or as determined by City Manager or designee.

(4) *Discontinue Service.* Pursuant to Section 356 of the California Water Code, the City, in its sole discretion, may discontinue service to consumers who willfully violate provisions of this section.

Section 62-358. Declaration and Notification of Water Supply Shortage

(a) *Declaration and Notification of Levels 1 & 2 Water Supply Shortage.* The existence of Level 1 or Level 2 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 or Level 2 conditions will take effect on the tenth (10th) day after the date the shortage level is declared. Within seven (7) days following the declaration of the shortage level, the City must publish a copy of the resolution in a newspaper used for publication of official notices. If the City establishes a water allocation, it must provide notice of the allocation by including it in the regular billing statement or by any other mailing to the address to which the City customarily mails the billing statement for fees or charges for on-going 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.

(b) *Declaration and Notification of Level 3 Water Supply Shortage.* The existence of a Level 3 Water Supply Emergency Shortage may be declared by resolution in accordance with the procedures specified in Sections 351 and 352 of the Water Code. The mandatory conservation requirements applicable to the Level 3 conditions will take effect on the tenth (10th) day after the date the shortage level is declared. Within seven (7) days following the declaration of the shortage level, the City must publish a copy of the resolution in a newspaper used for the publication of official notices. If the City establishes a water allocation, it will provide notice of the allocation by including it in the regular billing statement or by any other mailing to the address to which the City customarily mails the billing statement for fees or charges for on-going 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.

(c) *Declaration and Notification that the Water Supply Shortage Situation Has Ended.* The City of Pomona may declare an end to Water Supply Shortage Levels 1, 2 and 3, as well as any Water Watch voluntary compliance, upon recommendation by the

City Manager, or designee, and resolution by the City Council at any regular or special meeting of the City Council.

Section 62-359. Other Provisions

(a) *Commercial Car Wash Systems.* Effective on January 1, 2011, all commercial conveyor car wash systems must have installed operational re-circulating water systems, or must have secured a waiver of this requirement from the City.

(b) *Large Landscape Areas; Rain Sensors.* Large landscape areas, such as parks, cemeteries, golf courses, school grounds, and playing fields, that use landscape irrigation systems to water or irrigate, may be required to use landscape irrigation systems with rain sensors that automatically shut off such systems during periods of rain or irrigation timers which automatically use information such as evapotranspiration sensors to set an efficient water use schedule.

(c) *Construction Purposes.* Recycled or non-potable water must be used for construction purposes when available.

(d) *No New Annexations.* Upon the declaration of a Level 3 Water Supply Shortage condition, the City will suspend consideration of annexations to its service area. This subsection does not apply to boundary corrections and annexations that will not result in any increased use of water.

(e) *Limits on Building Permits.* Based on the availability of the water supply, the City will administratively limit, or withhold the issuance of building permits, which require new or expanded water service, except to protect the public health, safety and welfare.

(f) *Water Recycling Required if Alternative Available.* The use of potable water, other than recycled water, is prohibited for specified uses after the City has provided to the customer an analysis showing that recycled water is a cost-effective alternative to potable water for such uses and the customer has had a reasonable time, as determined by the City Manager, to make the conversion to recycled water.

(g) *Water Recycling; New Service.* Prior to the connection of any new water service, an evaluation must be done by the City to determine whether recycled water exists to supply all or some of the water needed and recycled water must be utilized to the extent feasible.

(h) *Customer Water Conservation Reports.* The City may, by written request, require all commercial, residential and industrial customers using twenty five thousand (25,000) or more billing units per year to submit a water conservation plan and to submit quarterly progress reports on such plan. The conservation plan must include recommendations for increased water savings, including increased water recycling based on feasibility, and the reports must include progress to date on implementation of such recommendations.

(i) *Water Conserving Plumbing Standards*

(1) **Retrofits Upon Sale or Transfer:** It is strongly encouraged that structures sold or transferred meet current City and Plumbing codes for water-conserving plumbing fixtures.

(2) **Change in Service:** Upon the establishment of new water service or a change in water service from one person to another non-family member, the customer will be encouraged to retrofit plumbing fixtures with water-conserving plumbing fixtures.

(j) *Reporting Line.* The City will establish a water waste reporting line for residents to report violations of this division.

(k) *State Model Landscape Ordinance.* The City will utilize the Department of Water Resources State Model Landscaping Ordinance as a reference in the development of future revisions.

(l) *Restrictions and Rates.* The City Council may, in its sole discretion, adopt a resolution to impose additional restrictions or prohibitions on the use of water to achieve reductions, or make additional adjustments to the water rates, based on the City's increased costs to provide water to its customers.

(m) *Voluntary Compliance.* The City Manager, or designee, may recommend, and upon resolution of the City Council, declare a Water Watch condition when there is a reasonable probability that there will be a water supply shortage and that a consumer demand reduction of up to ten (10) percent is required in order to ensure sufficient supplies will be available to meet anticipated demands. Upon such declaration, the City Manager, or designee, shall take action to implement the conservation practices outlined in a Level 1 Water Supply Shortage, on a voluntary basis.

(n) *Emergency Implementation.* Pursuant to Water Code Section 351, should a failure in the water system occur causing an immediate emergency, the City Manager, or designee, may declare a need to immediately enact the mandatory requirements of any of the levels designated herein. The required measures of the designated shortage level will be effective immediately and will be communicated to the public. The emergency implementation will be ratified by resolution of the City Council at its next meeting.

Section 62-360. Hardship Waiver

(a) *Undue and Disproportionate Hardship.* If, due to unique circumstances, a specific requirement of this division 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 for a waiver pursuant to the requirements as provided in this section.

(b) *Written Finding.* The waiver may be granted or conditionally granted only upon a written finding 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 information, including a written statement of the applicant.

(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 City 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 residents and businesses;
- ii. That because of special circumstances applicable to the property or its use, the strict application of this division would have a disproportionate impact on the property or use that exceeds the impacts to residents 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 division and will not be detrimental to the public interest; and
- 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.

(4) **Approval Authority:** The City Manager or designee must act upon any completed application no later than ten (10) business 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 Manager, or designee, shall be final.

Section 62-361. Penalties and Violations

(a) Any violation of this division may be prosecuted as a misdemeanor or as an infraction, at the discretion of the City, pursuant to Article X of this Code. Pursuant to Section 1-7 of this Code, a misdemeanor is 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) The City Manager and respective departments shall have the authority to administer and enforce this division.

(c) Pursuant to Section 1-7(d) of this Code, penalties for failure to comply with any provisions of the ordinance are as follows:

(1) A fine not exceeding \$100.00 for a first violation.

(2) A fine not exceeding \$200.00 for a second violation of the same provision within one year.

(3) A fine not exceeding \$500.00 for each additional violation of the same provision within one year.

i. Water Flow Restrictor: In addition to any fines, the City may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and comparatively sized restrictors for larger services after written notice of intent to install a flow restrictor for a minimum of forty eight (48) hours.

ii. Termination of Service: In addition to any fines and the installation of a water flow restrictor, the City may disconnect and/or terminate a customer's water service.

(d) A person or entity that violates this ordinance is responsible for payment of the City's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the City's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device must be paid to the City before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.

(e) Pursuant to Section 1-7(f) of this Code, each day that a violation of this ordinance occurs is a separate offense.

(f) Notice and Hearing:

(1) The City will issue a Notice of Violation by 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 customer may appeal the Notice of Violation by filing a written notice of appeal, pursuant to Section 2-1188 et seq. of this Code.

(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.

SECTION 3. If any section, subsection, sentence, clause or phrase in this division is for any reason held invalid, the validity of the remainder of the division will not be affected. The City Council hereby declares it would have passed this division 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 declared invalid.

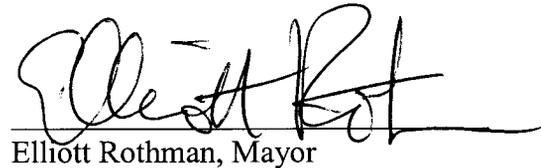
SECTION 4. The City Clerk shall attest to the adoption of this ordinance, causing it to be posted, and it shall be in full force immediately upon its adoption.

PASSED AND ADOPTED THIS 15th DAY OF JUNE 2009.

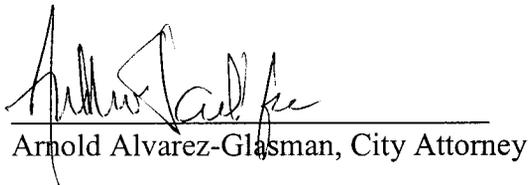
ATTEST

CITY OF POMONA


Marie Michel Macias, City Clerk


Elliott Rothman, Mayor

APPROVED AS TO FORM


Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

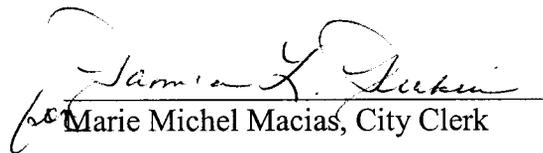
I, MARIE MICHEL MACIAS, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading on the 1st day of June 2009 and adopted at second reading at a regular meeting of the City Council of the City of Pomona on the 15th day of June, 2009.

AYES: COUNCILMEMBERS: Soto, Rodriguez, Carrizosa, Lantz, Saunders, Atchley, Rothman

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None


Marie Michel Macias, City Clerk