

APPENDIX J
Municipal Code Water Waste Ordinance

City of Roseville Municipal Code
Chapter 14.09

14.09.030 Definition of water waste.

Any of the following acts or omissions, whether willful or negligent, shall constitute the waste of water:

A. Causing or permitting water to discharge, flow or run to waste into any gutter, sanitary sewer, watercourse or storm drain, or to any adjacent property, from any tap, hose, faucet, pipe, sprinkler, or nozzle. In the case of irrigation, "discharge," "flow" or "run to waste" means that the earth intended to be irrigated has been saturated with water to the point that excess water flows over the earth to waste. In the case of washing, "discharge," "flow" or "run to waste" means that water in excess of that necessary to wash, wet or clean the dirty or dusty object, such as an automobile, sidewalk, or parking area, flows to waste.

B. Allowing water fixtures or heating or cooling devices to leak or discharge.

C. Maintaining ponds, waterways, decorative basins or swimming pools without water recirculation devices.

D. Backwashing so as to discharge to waste swimming pools, decorative basins or ponds in excess of the frequency necessary to ensure the healthful condition of the water or in excess of that required by standards for professionally administered maintenance or to address structural considerations, as determined by the director or his or her designee.

E. Operation of an irrigation system that applies water to an impervious surface or that is in disrepair.

F. Use of a water hose not equipped with a control nozzle capable of completely shutting off the flow of water except when positive pressure is applied.

G. Irrigation of landscaping during rainfall.

H. Overfilling of any pond, pool or fountain which results in water discharging to waste. (Ord. 4629 § 1, 2008; Ord. 3834 § 3 (part), 2002; Ord. 2413 § 2 (part), 1991.)

14.09.140 Violations.

It is unlawful for any user and/or person to violate any provision or fail to comply with any of the requirements of this chapter. Causing, permitting, aiding, abetting or

concealing a violation of any provision of this chapter shall constitute a violation of this chapter. A violation of the provisions of this chapter shall occur irrespective of the negligence or intent of the violator and a violation of or failure to comply with any of the requirements of this chapter may be charged as either an infraction or a misdemeanor in the discretion of the city attorney. (Ord. 4629 § 1, 2008; Ord. 3834 § 3 (part), 2002: Ord. 2413 § 2 (part), 1991.)

14.09.150 Enforcement authority.

A. Whenever the director, or designee (including, but not limited to, an enforcement officer), determines that a user and/or person has violated any provision of, or failed to meet a requirement of, this chapter, an administrative citation pursuant to Chapter 2.50 or a written compliance order pursuant to Chapter 2.52 may be issued to any user and/or person responsible for the violation.

B. Any compliance order issued may require without limitation any or all of the following:

1. The allocation of a particular amount of water to a given user and/or person responsible for the violation;
2. Requiring an unmetered user to immediately be metered and transitioned to the metered rate at the sole cost and expense of the user and/or person responsible for the violation;
3. The installation of a flow restriction device;
4. The performance of monitoring, analyses, and reporting;
5. That violations shall cease and desist; and/or
6. The discontinuation of water service.

The compliance order shall set forth a deadline within which the requirements of the compliance order must be completed. Said compliance order shall further advise that, should the violator fail to comply with the compliance order within the established deadline, a hearing on the compliance order shall be set. (Ord. 4629 § 1, 2008; Ord. 3034 § 3 (part), 2002: Ord. 2817 § 1 (part), 1994: Ord. 2413 § 2 (part), 1991.)

14.09.160 Hearing.

If full compliance is not achieved within the time specified in the compliance order, a hearing on the compliance order shall be set pursuant to Chapter 2.52. All penalties and remedies authorized by Chapter 2.52 shall apply to violations of this chapter. (Ord. 4629 § 1, 2008; Ord. 2413 § 2 (part), 1991.)

14.09.170 Appeal.

Any user and/or person receiving a compliance order under Section 14.09.150 may appeal the determination of the director, or his or her designee, to a hearing panel drawn from the membership of the board of appeals. The notice of appeal must be received by the city's environmental utilities department within 10 days from the date of the compliance order. Notice of hearing and hearing on the appeal will be conducted pursuant to the requirements of Chapter 2.52. (Ord. 4629 § 1, 2008; Ord. 2413 § 2 (part), 1991.)

14.09.180 Separate offense for each day.

Any user and/or person that violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such user and/or person commits, continues, permits, or causes a violation thereof, and shall be punished accordingly. (Ord. 4629 § 1, 2008; Ord. 2413 § 2 (part), 1991.)

14.09.190 Public nuisance.

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the city at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be initiated and/or taken by the city. (Ord. 4629 § 1, 2008; Ord. 2413 § 2 (part), 1991.)

14.09.200 Remedies not exclusive.

Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 4629 § 2, 2008.)

14.09.210 Judicial review.

Any decision of the hearing panel shall be final. Any user and/or person aggrieved by an order of the hearing panel may obtain review of the order in the superior court by filing with the court a petition for writ of mandate within 90 days pursuant to California Code of Civil Procedure Section 1094.6. (Ord. 4629 § 2, 2008.)