

ORDINANCE NO. 2962

**AN ORDINANCE OF THE CITY OF CORONA,
CALIFORNIA, PRESCRIBING WATER CONSERVATION
RULES AND REGULATIONS, AMENDING CHAPTER
13.26 (WATER CONSERVATION) AND SECTION 1.08.021
OF THE CORONA MUNICIPAL CODE**

WHEREAS, California Constitution article X, section 2 and California Water Code section 100 provide that because of conditions prevailing in the state of California (the “State”), it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, pursuant to California Water Code section 375, the City of Corona (the “City”) is authorized to adopt and enforce a water conservation program to reduce the quantity of water used by persons within its jurisdiction for the purpose of conserving the water supplies of the City; and

WHEREAS, on June 4, 2008, the Governor of the State proclaimed a condition of statewide drought and strongly encouraged local agencies to take aggressive, immediate action to reduce water consumption locally and regionally for the remainder of 2008 and prepare for potentially worsening conditions in 2009; and

WHEREAS, because of the prevailing conditions in the State, the current statewide drought, and the declared policy of the State, the City hereby finds and determines that it is necessary and appropriate for the City to adopt, implement, and enforce a water conservation program to reduce the quantity of water used by consumers within the City to ensure that there is sufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, pursuant to California Water Code section 350 the City Council is authorized to declare a water shortage emergency to prevail within its jurisdiction when it finds and determines that the City will not be able to or cannot satisfy the ordinary demands and requirements of water consumers without depleting the water supply of the City to the extent that there would be insufficient water for human consumption, sanitation, and fire protection, and as more fully set forth in this chapter; and

WHEREAS, in the event the City determines that it is necessary to declare that a water shortage emergency exists, the City will be authorized pursuant to this chapter to implement certain drought response measures and a water conservation and regulatory program to regulate water consumption activities within the City and ensure that the water delivered in the City is put to beneficial use for the greatest public benefit, with particular regard to domestic use, including human consumption, sanitation, and fire protection, and that the waste or unreasonable use of water is prevented; and

WHEREAS, the City is authorized to prescribe and define by ordinance restrictions, prohibitions, and exclusions for the use of water during a threatened or existing water shortage and adopt and enforce a water conservation and regulatory program to: (i) prohibit the wastage of City water or the use of City water during such period; (ii) prohibit use of water during such periods for specific uses which the City may from time to time find nonessential; and (iii) reduce and restrict the quantity of water used by those persons within the City for the purpose of conserving the water supplies of the City; and

WHEREAS, the City hereby finds and determines that pursuant to the provisions of title 13, chapter 13.26 of the City of Corona Municipal Code, as hereby amended, the City shall: (i) implement water conservation and drought response measures; (i) regulate the water consumption activities of persons within the City for the purposes of conserving and protecting the City's water supplies, reducing the quantity of water consumed, and deterring and preventing the waste or unreasonable use or unreasonable method of use of valuable water resources; and (ii) establish and collect regulatory fees and impose fines and penalties as set forth herein to accomplish these purposes and recover the costs of the City's water conservation and regulatory program; and

WHEREAS, the City Council hereby finds and determines that it is desirable to codify the rules and regulations governing its actions, and the actions of persons using and consuming water within the City, particularly during declared water shortages and water shortage emergencies, to protect the general welfare and the City's water supplies, and to reduce water consumption in accordance with the declared policies and laws of the State.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. The City hereby finds and determines that the above recitals are true and correct and incorporated herein.

Section 2. Chapter 13.26 of the Corona Municipal Code is hereby amended in its entirety to read as follows:

Section 13.26.010 Findings and intent.

(A) The City Council finds and determines that because of the prevailing conditions in the State, and the declared policy of the State, it is necessary and appropriate for the city to adopt, implement, and enforce a water conservation program to reduce the quantity of water used by persons within the city to ensure that there is sufficient water for human consumption, sanitation, and fire protection. The City Council further finds and determines that during periods of drought, water shortages, and water shortage emergencies the general welfare requires that the city maximize the beneficial use of its available water resources to the extent that it is capable, and that the waste or unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people of the city and for the public health, safety, and welfare.

(B) This chapter establishes water conservation and drought response measures and regulations to be implemented during declared water conservation stages.

(C) This chapter establishes five stages of water conservation and drought response measures to be implemented by the city, with increasing restrictions on water use in response to decreasing water supplies and worsening drought conditions.

Section 13.26.020 Purpose and scope.

(A) The purposes of the water conservation provisions of this chapter 13.26 are to:

- (1) protect the health, safety, and welfare of the citizens and property owners of the city;
- (2) assure the maximum beneficial use of city water supplies; and
- (3) attempt to provide sufficient water supplies to meet the basic needs of human consumption, sanitation, and fire protection.

(B) This chapter 13.26 is not intended to repeal, abrogate, annul, impair or in any way interfere with the free use of property by covenant, deed, or other private agreement or with restrictive covenants running with the land to which the city provides water services.

(C) The provisions of this chapter 13.26 shall apply to all persons within the city and all property served by the city wherever situated.

(D) Nothing in this chapter 13.26 is intended to affect or limit the ability of the city to respond to an emergency, including an emergency that affects the ability of the city to supply water.

Section 13.26.030 Definitions. For the purposes of this chapter 13.26, the following words, terms, and phrases shall have the following meanings:

(A) “Appellant” means the person appealing a decision of the approving authority, General Manager, or other designated city official for relief from the requirements of this chapter 13.26.

(B) “Approving authority” means the General Manager or his or her designee, charged with approving or denying written applications for relief.

(C) “Base year consumption amount” means the total amount of water delivered to the property of each customer in the prior fiscal year, as determined by the city.

(D) “Conservation offset” means the implementation of proven conservation techniques which, when installed, will result in a reduction equal to demand of the proposed use.

(E) "Enforcement officer" means any individual employed or otherwise charged by the city to inspect or enforce codes, ordinances, mandates, regulations, resolutions, rules or other laws adopted by the City Council or other regulatory bodies.

(F) “General Manager” means the General Manager of the Department of Water & Power or his or her authorized designee.

(G) “Person” means any natural person, firm, joint venture, joint stock company, partnership, public or private association, club, company, corporation, business trust, organization, public or private agency, government agency or institution, school district, college, university, any other user of water provided by the city, or the manager, lessee, agent, servant, officer or employee of any of them or any other entity which is recognized by law as the subject of rights or duties.

(H) “Potable water” means water which conforms to federal, state, and local standards for human consumption.

(I) “Property owner” or “owner” means the record owner of real property as shown on the most recently issued equalized assessment roll.

(J) “Recycled water” means water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource.

(K) “Recycled water distribution system” means a piping system intended for the delivery of recycled water exclusively and which is separate from any potable water distribution system.

(L) “Relief” means excuse from compliance with the regulations and restrictions on water use contained in this chapter 13.26.

(M) “Responsible person” shall mean a natural person or legal entity who causes, maintains or allows a violation(s) of the city code to occur or continue by action or failure to act. A responsible person includes, but is not limited to, the owner, tenant, co-tenant, lessee, sub-lessee or other person with any right to possession of the property where a city code violation that is related to the use or condition of property occurs, the on-site manager who normally works daily at the site when the business is open and is responsible for the activities at such premises, and the owner, majority stockholders, corporate officers, trustees and general partners of a legal entity. There may be more than one responsible person for a violation.

(N) “State” means the state of California.

(O) “Water customer” or “customer” means a person who, according to the city’s records, receives water service to a parcel of property.

(P) “Water shortage emergency” means a condition existing within the city in which the ordinary water demands and requirements of persons within the city cannot be satisfied without depleting the water supply of the city to the extent that there would be insufficient water for human consumption, sanitation, and fire protection. A water shortage emergency includes both an immediate emergency, in which the city is unable to meet current water needs of persons within the city, as well as a threatened water shortage, in which the city determines that its supply cannot meet an increased future demand.

(Q) “Watering Window” means a period of time established by the city within a particular water conservation stage regarding allowed water usage for outdoor irrigation.

Section 13.26.040 Water Conservation and unreasonable uses of water.

(A) It is unlawful at any time for any person to make, cause, or use or permit the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this chapter 13.26, or in an amount in excess of that use permitted by the water conservation stages which are in effect pursuant to this chapter 13.26 or by action taken by the City Council in accordance with this chapter 13.26. The water conservation and drought response measures set forth in this Section 13.26.040 shall be in effect at all times.

(B) It is unlawful at any time for any person to waste water or to use it unreasonably. Unreasonable uses of water shall include, but are not limited to, the following practices:

(1) allowing water to leave a person's property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks;

(2) failing to repair a water leak; and

(3) using water to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate safety or sanitation hazards.

(C) A water conservation stage shall be determined in accordance with the provisions of this chapter 13.26. A water conservation stage shall remain in full force and effect until otherwise determined or discontinued by resolution of the City Council declaring that existing water supply conditions and the supply of water available for distribution within the city's service area has been replenished or augmented.

(D) The city may declare a water shortage emergency during any water conservation stage.

(E) During Water Conservation Stage 1, the water conservation and drought response measures of Water Conservation Stage 2 are voluntary and will be enforced through local and regional public education and awareness measures by the city.

(F) During Water Conservation Stages 2 through 5, the water conservation and drought response measures are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies as specified in this chapter 13.26 and State law.

Section 13.26.050 Water Conservation Stage 1. – Normal Water Supply.

Water Conservation Stage 1 is also referred to as a "Normal Water Supply" and applies during periods when the city is able to meet all of the water demands of its customers. Water Conservation Stage 1 is in effect at all times unless the City Council otherwise declares that another water conservation stage is in effect pursuant to this chapter 13.26. Water is a limited natural resource and must be used efficiently and economically to meet the health and safety needs of the community. All normal water efficiency programs and water conservation regulations of the city, including the city's landscape design guidelines for commercial and industrial developments as may be adopted from time to time, will be in full force and effect during Water Conservation Stage 1.

Section 13.26.060 Water Conservation Stage 2. – Minimum Water Shortage.

(A) Water Conservation Stage 2 is also referred to as a "Minimum Water Shortage" and applies during periods when a reasonable probability exists that the city will not be able to meet all of the water demands of its customers. Water Conservation Stage 2 may be caused by, but is not limited to, any or all of the following circumstances or events:

(1) a regional water supply shortage exists and a regional public outreach campaign is being implemented asking or requiring all persons to reduce water use;

(2) groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination);

(3) alternative water supplies are limited or unavailable; and

(4) groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the California Department of Water Resources, the Department of Public Health, the State or Regional Water Quality Control Board, Riverside County, or some other regulatory body.

(B) The objective of the measures undertaken in Water Conservation Stage 2 is to reduce water system consumption within the city by ten to fifteen percent as determined and recommended by the General Manager.

(C) Except as otherwise provided in this Section 13.26.060, all water conservation and drought response measures of Water Conservation Stage 1 shall be in full force and effect during Water Conservation Stage 2. Upon declaration of a Water Conservation Stage 2 by the City Council, implementation by the city and publication of notice, the following water conservation and drought response measures shall apply:

(1) The city shall determine the base year consumption amount. Water customers shall reduce their water consumption by ten to fifteen percent, as determined and recommended by the General Manager, from the base year consumption amount for the duration of Water Conservation Stage 2. Provided, however, the base year consumption amount for any subsequent fiscal year shall be determined by the city as appropriate in the event that the city is required to continue the Water Conservation Stage 2 for more than twelve months.

(2) Lawns and/or ground covers may be watered and landscaping may be irrigated, including construction meter irrigation, for a maximum of twenty minutes per day only during the following designated watering windows and designated days:

(a) lawns and/or ground cover may be watered and landscaping may be irrigated for properties with odd number street addresses, parks, and the public right-of-ways, only on Saturdays, Mondays, and Wednesdays between the hours of 8:00 p.m. and 10:00 a.m.;

(b) lawns and/or ground cover may be watered and landscaping may be irrigated for properties with even number street addresses only on Sundays, Tuesdays, and Thursdays between the hours of 8:00 p.m. and 10:00 a.m.; and

(c) watering lawns and/or ground cover and irrigating landscaping is prohibited on Fridays and on any day of the week outside of the designated watering windows set forth in Section 13.26.060(C)(2)(a) and (b) hereof.

(3) All irrigation timers shall be adjusted to comply with the provisions of Section 13.26.060(C)(2) hereof.

(4) Notwithstanding the provisions of Section 13.26.060(C)(2), the use of recycled water to irrigate fruit trees, lawns and ground covers, and ornamental trees and shrubs is permitted on any day and at any time. Recycled water shall not be permitted to run into city streets or the city storm water conveyance system.

(5) All open hoses shall be equipped with automatic, positive, shut-off nozzles.

(6) All swimming pools, spas, ponds, and fountains shall be equipped with re-circulating pumps.

(7) All plumbing leaks, improperly adjusted sprinklers, or other water conduits/fixtures that require repair or adjustment shall be corrected to the satisfaction of the city.

(8) No person shall use water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved or hard surface areas, except to alleviate immediate fire or sanitation hazards.

(9) No person shall allow water to leave his or her property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks.

(10) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is permitted at any time with a hand-held bucket or a hand-held hose equipped with an automatic, positive, shut-off nozzle for quick rinses. Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station, or by a mobile car wash or on-site car wash using high pressure washing equipment.

(11) Use of water from fire hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain the health, safety, and welfare of the public.

(12) All restaurants are prohibited from serving water to their patrons except when specifically requested by the patrons.

(13) Construction operations receiving water from a construction meter or water truck shall not use water unnecessarily for any purpose other than those required by regulatory agencies. Construction projects requiring watering for new landscaping materials shall adhere to the designated irrigation requirements set forth in Section 13.26.060(C)(2) hereof.

Section 13.26.070 Water Conservation Stage 3. - Moderate Water Shortage.

(A) Water Conservation Stage 3 is also referred to as a “Moderate Water Shortage” and applies during periods when the city will not be able to meet all of the water demands of its customers. Water Conservation Stage 3 may be caused by, but is not limited to, any or all of the following circumstances or events:

(1) a regional or statewide water supply shortage exists and a regional public outreach campaign is being implemented asking or requiring all persons to reduce water use;

(2) groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination);

(3) alternative water supplies are limited or unavailable; and

(4) groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the California Department of Water Resources, the Department of Public Health, the State or Regional Water Quality Control Board, Riverside County, or some other regulatory body.

(B) The objective of the measures undertaken in Water Conservation Stage 3 is to reduce water system consumption within the city by sixteen to twenty percent as determined and recommended by the General Manager.

(C) Except as otherwise provided in this Section 13.26.070, all water conservation and drought response measures of Water Conservation Stages 1 and 2 shall be in full force and effect during Water Conservation Stage 3. Upon declaration of a Water Conservation Stage 3 by the City Council, implementation by the city and publication of notice, the following water conservation and drought response measures shall apply:

(1) Water customers shall reduce their water consumption by sixteen to twenty percent, as determined and recommended by the General Manager, from the base year consumption amount for the duration of Water Conservation Stage 3. Provided, however, the base year consumption amount for any subsequent fiscal year shall be determined by the city as appropriate in the event that the city is required to continue the Water Conservation Stage 3 for more than twelve months.

(2) Lawns and/or ground cover may be watered and landscaping may be irrigated, including construction meter irrigation, for a maximum of twenty minutes per day only during the following designated watering windows and designated days:

(a) lawns and/or ground cover may be watered and landscaping may be irrigated for properties with odd number street addresses, parks, and public right-of-ways, only on Saturdays and Wednesdays between the hours of 8:00 p.m. and 10:00 a.m.;

(b) lawns and/or ground cover may be watered and landscaping may be irrigated for properties with even number street addresses only on Sundays and Thursdays between the hours of 8:00 p.m. and 10:00 a.m.; and

(c) watering lawns and/or ground cover and irrigating landscaping is prohibited on Mondays, Tuesdays and Fridays and on any day of the week outside of the designated water windows set forth in Section 12.26.070(C)(2)(a) and (b) hereof.

(3) Notwithstanding the provisions of Section 13.26.070(C)(2) hereof, the use of recycled water to irrigate fruit trees, lawns and ground covers, and ornamental trees and shrubs is permitted on any day and at any time. Recycled water shall not be permitted to run into city streets or the city storm water conveyance system.

(4) Irrigation timers shall be adjusted to comply with the provisions of Section 13.26.070(C)(2) hereof.

(5) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is permitted only during the hours of 9:00 a.m. to 6:00 p.m. on Saturdays, Sundays, and Mondays with a hand-held bucket or a hand-held hose equipped with an automatic, positive, shut-off nozzle for quick rinses. Washing is permitted at any time on the immediate premises of a commercial car wash. The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be reduced in volume by an amount determined by the City Council. Further, such washings are exempt from these regulations where the health, safety, and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles used to transport food and perishables.

(6) The overfilling of swimming pools and spas is prohibited. The filling or refilling of ponds, streams, and artificial lakes is prohibited.

(7) The operation of any ornamental fountain or similar structure is prohibited except for short periods of time to prevent damage.

(8) The number of new construction meters shall not exceed the number of currently authorized meters removed from service. A new meter shall be issued only when an old meter is returned. Construction projects requiring water from a construction meter or a water truck shall not use water unnecessarily for any purposes other than those required by

regulatory agencies. Construction projects requiring water for new landscapes shall adhere to the designated days and watering windows as set forth in Section 13.26.070(C)(2) hereof. Further, construction projects necessary to maintain the health, safety, and welfare of the public, as determined by the city, are exempt from these regulations.

Section 13.26.080 Water Conservation Stage 4. – Severe Water Shortage.

(A) Water Conservation Stage 4 is also referred to as a “Severe Water Shortage” and applies during periods when the city will not be able to meet all of the water demands of its customers. Water Conservation Stage 4 may be caused by, but is not limited to, any or all of the following circumstances or events:

(1) a regional or statewide water supply shortage exists and a regional public outreach campaign is being implemented asking or requiring persons to reduce water use;

(2) groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination);

(3) alternative water supplies are limited or unavailable;

(4) groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the California Department of Water Resources, California Department of Public Health, the Regional Water Quality Control Board, Riverside County, or some other regulatory body; and

(5) a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the State, the Metropolitan Water District of Southern California, the Western Municipal Water District, or city water facilities.

(B) The objective of the measures undertaken in Water Conservation Stage 4 is to reduce water consumption within the city by twenty-one to forty percent as determined and recommended by the General Manager.

(C) Except as otherwise provided in this Section 13.26.080, all water conservation and drought response measures of Water Conservation Stages 1, 2, and 3 shall be in full force and effect during Water Conservation Stage 4. Upon declaration of a Water Conservation Stage 4 by the City Council, implementation by the city and publication of notice, the following water conservation and drought response measures shall apply:

(1) Water customers shall reduce their water consumption by twenty to forty percent from the base year consumption amount for the duration of the Water Conservation Stage 4. Provided, however, the base year consumption amount for subsequent

fiscal years shall be determined by the city as appropriate in the event that the city is required to continue the Water Conservation Stage 4 for more than twelve months.

(2) Irrigation of landscaping shall be limited to supporting minimal survival of trees and shrubs. Landscaping may be irrigated, including construction meter irrigation, for a maximum of twenty minutes per day only during the following designated watering windows and designated day:

(a) properties with odd number street addresses, parks, and public right of ways may irrigate landscaping only on Saturdays between the hours of 8:00 p.m. and 10:00 a.m.;

(b) properties with even number street addresses may irrigate landscaping and pastures only on Sundays between the hours of 8:00 p.m. and 10:00 a.m.; and

(c) irrigating landscaping is prohibited on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays and outside the designated watering windows set forth in Section 13.26.080(C)(2)(a) and (b).

(3) Notwithstanding the provisions of Section 13.26.080(C) hereof, the use of recycled water to irrigate fruit trees, lawns and ground covers, and ornamental trees and shrubs is permitted on any day and at any time. Recycled water shall not be permitted to run into city streets or the city storm water conveyance system.

(4) All outdoor watering and irrigation of lawns and ground covers is prohibited with the exception of plant materials classified and determined by the City Manager to be rare, exceptionally valuable, or essential to the well being of the public at large or rare animals, and for which relief has been otherwise granted pursuant to Section 13.26.150.

(5) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited. Washing is permitted at any time on the immediate premises of a commercial car wash. Commercial car washes shall only use partially reclaimed or recycled water for washing automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment. Further, such washings are exempt from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles used to transport food and perishables.

(6) The filling, refilling, or adding of water to swimming pools, spas, ponds, streams, and artificial lakes is prohibited.

(7) The operation of any ornamental fountain, pond, or similar structure is prohibited except for short periods of time to prevent damage.

(8) The use of water for cooling mists is prohibited.

(9) The use of water for commercial, manufacturing, or processing purposes shall be reduced in volume by an amount determined by the City Council and/or as recommended by the General Manager.

(10) No new construction meters will be issued. Construction water shall not be used for earth work, road construction purposes, dust control, compaction, or trenching jetting. Construction projects necessary to maintaining the health, safety, and welfare of the public, as determined by the city, are exempt from these regulations.

(11) Provided the City Council has declared a water shortage emergency pursuant to California Water Code sections 350 *et seq.*, except as to property for which a building permit has been heretofore issued, no new building permit(s) shall be provided, except in the following circumstances:

(a) for projects necessary to protect the public's health, safety, and welfare, as determined by the city;

(b) when using recycled water;

(c) when the recipient of the building permit can demonstrate that no net increase in water use will occur; or

(d) where the recipient of the building permit provides a conservation offset. A conservation offset may be effected by paying a fee established by the city in an amount necessary to cover the cost of implementing conservation techniques or acquiring alternative water sources. The fee will be based on the conservation offset required for an equivalent dwelling unit. Such fee shall apply to residential as well as commercial and industrial buildings, and may be adjusted from time to time as determined by the city.

Section 13.26.090 Water Conservation Stage 5. – Critical Water Shortage.

(A) Water Conservation Stage 5 is also referred to as a “Critical Water Shortage” and applies during periods when the city will not be able to meet all of the water demands of its customers. Water Conservation Stage 5 may be caused by, but is not limited to, any or all of the following circumstances or events:

(1) a regional or statewide water supply shortage exists and a regional public outreach campaign is being implemented asking or requiring all persons to reduce water use;

(2) groundwater wells are inoperable or unusable (such as by power outages, mechanical failure, or contamination);

(3) alternative water supplies are limited or unavailable;

(4) groundwater levels or groundwater quality is approaching levels which may require augmentation of the groundwater basin or other actions necessary to protect the groundwater basin as prescribed by the California Department of Water Resources, California Department of Public Health, Regional Water Quality Control Board, Riverside County, or some other regulatory body; and

(5) a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the State, the Metropolitan Water District of Southern California, the Western Municipal Water District, or city water facilities and the city cannot meet all of the water demands of its customers.

(B) The objective of the measures undertaken in Water Conservation Stage 5 is to reduce water consumption by forty percent or more as determined and recommended by the General Manager.

(C) Except as otherwise provided in this Section 13.26.090, all water conservation and drought response measures of Water Conservation Stages 1, 2, 3, and 4 shall be in full force and effect during Water Conservation Stage 5. Upon declaration of a Water Conservation Stage 5 by the City Council, implementation by the city and publication of notice, the following water conservation and drought response measures shall apply:

(1) Water customers shall reduce their water consumption by forty-one percent or more from the base year consumption amount for the duration of Water Conservation Stage 5. Provided, however, the base year consumption amount for subsequent fiscal years shall be determined by the city as appropriate in the event that the city is required to continue the Water Conservation Stage 5 for more than twelve months.

(2) All outdoor watering and irrigation of lawns and ground cover, and landscaping is prohibited, with the exception of the use of recycled water to irrigate fruit trees, lawns and ground covers, and ornamental trees and shrubs, which is permitted on any day and at any time. Recycled water shall not be permitted to run into city streets or the city storm water conveyance system.

(3) Provided the City Council has declared a water shortage emergency pursuant to California Water Code sections 350 *et seq.*, the city shall not allow any new connections to the water system during Water Conservation Stage 5.

Section 13.26.100 Mandatory Conservation Phase Implementation.

(A) The General Manager, or his or her designee, shall monitor the projected supply and demand for water by its customers on a daily basis during periods of a water shortage or drought and shall recommend to the City Council the extent of the conservation required

through the implementation and/or termination of particular water conservation stages to prudently plan and supply water to its customers. Thereafter, the City Council may order the implementation or termination of the appropriate water conservation stage.

(B) The declaration of any stage beyond Water Conservation Stage 1 shall be made by the recommendation of the General Manager and resolution of the City Council. Within ten (10) days of the adoption of the resolution declaring the applicable Water Conservation Stage, the city shall make a public announcement of the applicable Water Conservation Stage, which shall be published a minimum of one (1) time for three (3) consecutive days in a daily newspaper of general circulation. Such declaration and notice shall provide the extent, terms, and conditions respecting the use and consumption of water in accordance with the applicable water conservation stage as provided in this chapter 13.26. Upon such declaration and publication of such notice, due and proper notice shall be deemed to have been given each and every person supplied water within the city. The water conservation stage designated shall become effective immediately upon announcement.

(C) The declaration of a water shortage emergency during any water conservation stage shall be made in accordance with California Water Code sections 350 *et seq.*

Section 13.26.110 Violations and remedies.

(A) It shall be unlawful for any person to willfully violate the provisions of this chapter 13.26. A violation of any of these provisions shall be a misdemeanor subject to imprisonment in the county jail for not more than thirty days or by fine not to exceed \$1,000, or by both, as provided in California Water Code section 377.

(B) In addition to any remedies or enforcement measures provided by State law or in this chapter 13.26, any violation of this chapter 13.26 is subject to the provisions of chapters 1.08 and 1.09 of the Corona Municipal code.

(C) In addition to any other remedies provided in this Code or available under applicable law, the city can alternatively seek injunctive relief in the Superior Court or take enforcement action, including discontinuing or appropriately limiting water service to any customer, for violations of this chapter 13.26.

Section 13.26.120 Notices and additional enforcement measures.

(A) In addition to or in conjunction with the notice of violation provided pursuant to the provisions of chapter 1.08, for a first violation of any provision of this chapter 13.26, within two weeks of the violation:

(1) the city may send an enforcement officer or provide written notice to the property owner, customer, occupant, or responsible person of the property where the violation occurred to advise such person of:

(a) the water conservation stage then in effect and the provisions of this chapter 13.26 relating thereto;

(b) water conservation and drought response measures that are required and may be implemented pursuant to this chapter 13.26;

(c) possible consequences and actions which may be taken by the city for future violations of this chapter 13.26, including discontinuance of water service;

(d) penalties that may be imposed for the specific violation and any future violations of this chapter 13.26; and

(2) if the General Manager or his or her designee deems it to be appropriate, the city may order the installation of a flow-restricting device on the service line for any person who violates any term or provision of this chapter 13.26.

(B) In addition to or in conjunction with the notice of violation provided pursuant to the provisions of chapter 1.08, for a second or any subsequent violation of this chapter 13.26, within two weeks of the violation:

(1) the city may send an enforcement officer or provide written notice to the property where the violation occurred to notify the property owner, customer, occupant of the property, or responsible person where the violation occurred to advise such person of:

(a) the water conservation stage then in effect and the provisions of this chapter 13.26 relating thereto;

(b) the water conservation and drought response measures that are required and may be implemented by such person; and

(c) possible consequences, which may occur in the event of any future violations of this chapter 13.26;

(2) if the General Manager or his or her designee deems it to be appropriate, the city may order the installation of a flow-restricting device on the service line for any person who violates any term or provision of this chapter 13.26; and

(3) if the General Manager or his or her designee deems it to be appropriate, the city may discontinue water service at the location where the violation occurred.

(C) The city may, after one written notice of violation, order that a special meter reading or readings be made in order to ascertain whether wasteful or unreasonable use of water is occurring.

(D) All moneys collected under this Section 13.26.140 shall be deposited in a special account of the city and shall be made available for enforcement of this chapter 13.26.

(E) The city may, at its option, elect to petition the Superior Court to confirm any order establishing administrative penalties and enter judgment in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive, of the California Code of Civil Procedure.

Section 13.26.130 Civil actions.

(A) In addition to any other remedies provided in the Code, any violation of this chapter 13.26 may be enforced by civil action brought by the city.

(B) In any such action, the city may seek, and the court may grant, as appropriate, any or all of the following remedies:

(1) a temporary and/or permanent injunction;

(2) assessment of the violator for the costs of any investigation, which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this Section 13.26.130;

(3) any other costs incurred in enforcing the provisions of this chapter 13.26; and

(4) any other action the city deems appropriate to protect the general welfare and the City's water supplies, and to reduce water consumption in accordance with this chapter 13.26 and the declared policies and laws of the State.

(c) Assessments under this subsection shall be paid to the city to be used exclusively for costs associated with implementing or enforcing the water conservation and regulatory provisions of this chapter 13.26.

Section 13.26.140 Recovery of costs.

(A) The General Manager or his or her designee shall serve an invoice for costs upon the person or responsible person who is subject to a notice of violation, a cease and desist order, or an administrative compliance order. An invoice for costs shall be immediately due and payable to the City. If any person or responsible person fails to either pay the invoice for costs or appeal successfully the invoice for costs in accordance with this chapter 13.26, then the City may institute collection proceedings. The invoice for costs may include reasonable attorneys' fees.

(B) The city shall impose any other penalties or regulatory fees, as fixed from time to time by resolution of the City Council, for a violation or enforcement of this chapter 13.26.

(C) In addition to the costs which may be recovered pursuant to Section 1.08.022 of the Code, and in order to recover the costs of the water conservation regulatory program set forth in this chapter 13.26, the City Council may, from time to time, fix and impose by resolution fees and charges. The fees and charges may include, but are not limited to, fees and charges for:

(1) any visits of a water conservation specialist, enforcement officer, or other city staff for time incurred for meter reading, follow-up visits, or the installation or removal of a flow-restricting device;

(2) monitoring, inspection, and surveillance procedures pertaining to enforcement of this chapter 13.26;

(3) enforcing compliance with any term or provision of this chapter 13.26;

(4) reinitiating service at a property where service has been discontinued pursuant to this chapter 13.26;

(5) processing any fees necessary to carry out the provisions of this chapter 13.26; and

(6) any other necessary and appropriate fees and charges to recover the cost of providing the city's water conservation regulatory program.

Section 13.26.150 Relief from compliance.

Consideration of written applications for relief from compliance ("relief") regarding the regulations and restrictions on water use set forth in this chapter 13.26 may be made by the city.

(A) Written applications for relief shall be accepted, and may be granted or denied, by the approving authority at his or her sole discretion. The application shall be in a form prescribed by the city and shall be accompanied by a non-refundable processing fee in an amount as determined by resolution of the City Council for the purpose of defraying the costs incidental to the review proceedings related thereto.

(B) The grounds for granting or conditionally granting an application for relief are:

(1) a customer has reduced water usage to the minimum feasible level but cannot reduce usage by the amount required by then-current mandatory water conservation stage declared pursuant to this chapter due to the number of people in the household or medical necessity, where “reduced water usage to the minimum feasible level” shall mean that the customer has installed xeriscaping or other low-water landscaping (or has ceased watering other types of landscaping), high efficiency water-using appliances, water-efficient toilets, water-saving faucet devices, and low-flow shower heads, and is complying in all other respects with the requirements of this chapter; or

(2) due to unique circumstances other than those described in subsection (1) above, a specific requirement of this chapter 13.26 would result in undue hardship to a person using city water or to property upon which city water is used, that is disproportionate to the impacts to other city water users generally or to similar property or classes of water users; or

(3) failure to grant a relief would adversely affect the health, sanitation, fire protection, or safety of the applicant or the public.

(C) The application for a relief shall be accompanied, as appropriate, with photographs, maps, drawings, and other information substantiating the applicant’s request, including a statement of the applicant. Provided, however, the city may request such other additional information as it deems appropriate in order to process and/or review the application for relief.

(D) An application for a relief shall be denied unless the approving authority finds, based on the information provided in the application, supporting documentation, or such other additional information as may be requested, and on water use information for the property as shown by the records of the city, all of the following:

(1) That the relief does not constitute a grant of special privilege inconsistent with the limitations upon other city customers.

(2) That because of special circumstances applicable to the property or its use, comprising any of the circumstances set forth in subsection (B) of this section, the strict application of this chapter 13.26 would have a disproportionate impact on (a) the property or use that exceeds customers generally, or (b) the applicant’s health that exceeds customers generally.

(3) That the authorization of such relief will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the city to effectuate the purposes of this chapter 13.26 and will not be detrimental to the public interest.

(4) That the condition or situation of (a) the subject property or the intended use of the property for which the relief is sought is not common, recurrent, or general in nature, or (b) the applicant’s health or safety is not common, recurrent, or general in nature.

(E) The denial or grant of a relief shall be acted upon within fifteen (15) business days of the submittal of the complete application, including any photographs, maps, drawings, and other information substantiating the applicant's request and the statement of the applicant. The application may be approved, conditionally approved, or denied, subject to subsection (G) of this section. The decision of the approving authority shall be prepared in writing, include terms and conditions, if any, set forth findings in support of the decision, and be promptly sent to the applicant.

(F) The denial of a request for a relief may be appealed in writing to the City Manager. An appeal shall be made in accordance with the following procedures:

(1) The appellant shall complete and submit in writing a form provided by the city for such purpose and shall state in such form the grounds for his or her appeal. The form shall be accompanied by a non-refundable processing fee in an amount as determined by resolution of the City Council for the purpose of defraying the costs incidental to the proceedings. All appeals shall be submitted to the City Clerk within thirty (30) calendar days of the date of the notice of the denial of the request for a relief.

(2) The City Manager, or his or her designee, shall review the appeal and any related information provided, and, if necessary, cause an investigation and report to be made concerning the request for a relief. The City Manager, or his or her designee, shall have fifteen (15) calendar days from the submission of the appeal to render a decision on whether to grant or deny the appeal and mail notice thereof to the appellant. The decision shall be prepared in writing, include terms and conditions, if any, and set forth findings in support of the decision.

(3) The decision of the City Manager, or his or her designee, may be appealed by the appellant to the City Council. Such appeal must be submitted in writing on the appropriate city form and filed with the City Clerk within fifteen (15) calendar days of the date of decision of the City Manager, or his or her designee. The form shall be accompanied by a non-refundable processing fee in an amount as determined by resolution of the City Council for the purpose of defraying the costs incidental to the proceedings. The City Council shall conduct a hearing on such appeal at its next regularly scheduled City Council meeting; provided, however, the City Council shall have received the notice of appeal at least fifteen (15) calendar days prior to such meeting. If the appeal is not submitted within at least fifteen (15) calendar days prior to a regularly scheduled City Council meeting, then the hearing shall be held at the following regularly scheduled City Council meeting. A notice of the hearing shall be mailed to the appellant at least ten (10) calendar days before the date fixed for the hearing. The City Council shall review the appeal de novo. The determination of the City Council shall be conclusive. Notice of the determination by the City Council shall be mailed to the appellant within ten (10) calendar days of such determination, indicate whether the appeal has been granted in whole or in part, set forth the terms and conditions of the relief, if any, granted to the appellant, and set forth findings in support of the decision. If the appeal is denied in its entirety, the appellant shall comply with all terms and conditions of this chapter 13.26 and the applicable water conservation stage then in effect.

(4) Until the conclusion of the appeal process, all provisions and decisions under appeal shall remain in full force and effect until the conclusion of the appeal process.

(G) Any grant of a request for relief shall be conditioned upon the continued existence of the facts and circumstances which formed the grounds for granting relief, as provided in this section. The approving authority may revoke any grant of relief if such facts and circumstances are determined no longer to exist.

Section 13.26.160 Water Conservation Programs.

(A) Subject to available funds, the City Manager, or his or her designee, is authorized to develop, promote, and administer water conservation programs to encourage and assist persons in conserving water. The water conservation programs may include, but are not limited to, the following:

(1) installing, or providing rebate programs for the installation of, water saving devices and irrigation systems in the landscaped areas of residential, commercial, industrial, and public property and public rights-of-way;

(2) replacing landscaping and turf with drought tolerant plant material and water efficient landscaping;

(3) developing educational programs to promote water conservation;
and

(4) converting, where financially and technically feasible, potable water distribution systems to recycled water distribution systems for landscaped areas of residential, commercial, industrial, and public property and public rights-of way.

(B) The City Manager shall prepare and implement policies and procedures governing any water conservation program established pursuant to this Section 13.26.160.

(C) The City Manager is authorized to enter into agreements relating to such water conservation programs, provided such agreements are approved as to form by the City Attorney.

(D) The expenditure of funds for any water conservation program shall be subject to the provisions of Chapter 3.08, as applicable, and any other provisions of the Municipal Code restricting the expenditure of city funds.

Section 13.26.170 Conflicting Provisions.

If provisions of this chapter 13.26 are in conflict with each other, other provisions of the Code, any other resolution or ordinance of the city, or any State law or regulation, the more restrictive provisions shall apply.

Section 13.26.180 Severability.

If any provision, section, subsection, sentence, clause or phrase or sections of this chapter 13.26, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the invalidity of the remaining portions of sections of this chapter 13.26 shall not be affected, it being the intent of the City Council in adopting this chapter 13.26 that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of this chapter 13.26 are declared to be severable for that purpose.

Section 3. Section 1.08.021(C) of the Corona Municipal Code is hereby amended by adding subsection (29) to read:

(29) Chapter 13.26 (Water Conservation)

Section 4. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto, and pursuant to California Water Code section 376, this Ordinance shall be effective immediately upon its adoption. Within ten (10) days after its adoption, the City Clerk shall cause this Ordinance to be published once pursuant to California Government Code section 6061 and California Water Code section 376 in full in a newspaper of general circulation which is printed, published, and circulated in the city.

ADOPTED this 7th day of January, 2009.



Mayor of the City of Corona, California

ATTEST:



City Clerk of the City of Corona, California

CERTIFICATION

I, VICTORIA J. WASKO, City Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly introduced at an adjourned regular meeting of the City Council of the City of Corona, California, duly held the 17th day of December, 2008, and thereafter at a regular meeting thereof held on the 7th day of January, 2009, it was duly passed and adopted by the following vote of the Council:

AYES: MONTANEZ, SCOTT, SKIPWORTH, SPIEGEL
NOES: NONE
ABSENT: NOLAN
ABSTAINED: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 7th day of January, 2009.


City Clerk of the City of Corona, California

(SEAL)

SUMMARY

On January 7, 2009, the Corona City Council will consider adopting an Ordinance to establish water conservation rules and regulations, including authorizing the City Council to declare water conservation stages and water emergencies.

The City Council meets at 7:00 p.m. in the Council Chambers in the Corona City Hall, located at 400 South Vicentia Avenue. The City Clerk's office is located in City Hall near the Council Chambers.