

ORDINANCE NO. 1560

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTIONS 12.20.020, 12.20.021, 12.20.022, 12.20.023, 12.20.024 AND 12.20.040 OF THE RIALTO MUNICIPAL CODE REGARDING WATER CONSERVATION REQUIREMENTS

**WHEREAS**, on January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions; and

**WHEREAS**, on April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions; and

**WHEREAS**, on July 14, 2014, the State Water Resources Control Board adopted emergency drought regulations for statewide urban water conservation; and

**WHEREAS**, on July 28, 2014, the emergency drought regulations were approved by the Office of Administrative Law and became effective; and

**WHEREAS**, on September 9, 2014, the City of Rialto adopted Ordinance No. 1550, amending Sections 12.20.010, 12.20.020, 12.20.021, 12.20.022, 12.20.023, 12.20.024, 12.20.030, 12.20.040, 12.20.050, 12.20.060, 12.20.080, and 12.20.090 of the Rialto Municipal Code regarding water conservation requirements in order to comply with the emergency drought regulations; and

**WHEREAS**, on March 17, 2015, the State Water Resources Control Board amended and re-adopted the emergency drought regulations for statewide urban water conservation; and

**WHEREAS**, on March 27, 2015, the amended emergency drought regulations were approved by the Office of Administrative Law and became effective; and

**WHEREAS**, on April 1, 2015, the Governor issued an Executive Order directing the State Water Resources Control Board to adopt emergency drought conservation regulations that result in a collective Statewide 25% reduction in potable urban water usage as compared to 2013; and

1           **WHEREAS**, on May 5, 2015, the State Water Resources Control Board amended and  
2 re-adopted the emergency drought regulations for statewide urban water conservation; and

3           **WHEREAS**, on May 18, 2015, the amended emergency drought regulations were  
4 approved by the Office of Administrative Law and became effective; and

5           **WHEREAS**, the amended emergency drought regulations adopted by the State Water  
6 Resources Control Board require the City of Rialto to impose restrictions that result in a 28%  
7 reduction in potable water usage as compared to 2013.

8           **NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO FINDS AND**  
9 **ORDAINS AS FOLLOWS:**

10           **Section 1.** The above recitals are all true and correct and are hereby adopted as  
11 findings.

12           **Section 2.** Section 12.20.020 of the Rialto Municipal Code hereby is amended to  
13 read in full as follows:

14           **"12.20.020 - Prohibited uses of water.**

15           The city council shall adopt the applicable conservation stage by resolution, which shall  
16 apply to all persons and property affected by this chapter.

17           The term "base year" shall mean the following:

- 18           A. The year 2013, if the customer occupied the subject real property for the entire year.
- 19           B. If the customer did not occupy the subject real property for the entire year of 2013,  
20 the base year for that customer would be the first twelve (12) months the customer  
21 occupied the subject real property in or after 2013.
- 22           C. If the customer has not occupied the subject real property for a twelve (12) month  
23 period on the adoption of this Ordinance, then the city will determine goals for that  
24 customer, which goals shall be compared to the actual use of the customer on the  
25 subject property. The customer shall have a ten (10) day period after the customer  
26 receives the goals to appeal that determination to the City Administrator, in writing.  
27 If the customer fails to appeal the determination within the ten (10) day period the  
28 goals shall be final. Upon receipt of a timely appeal, the City Administrator shall  
schedule a hearing at which the City Administrator or his/her designated  
representative shall act as the hearing officer. The hearing shall be at least ten (10)  
days following receipt of the appeal, and the city shall mail written notice of the  
hearing to the customer at least ten (10) days before the date of said hearing. The  
determination of the hearing officer with respect to the goals shall be final."

**Section 3.** Section 12.20.021 of the Rialto Municipal Code hereby is amended to

1 read in full as follows:

2 **"12.20.021 Stage 1 - Normal conditions.**

3 Stage 1, normal conditions means normal supply and distribution capacity is available  
4 and the following water conservation measures shall apply:

5 A. Recommendations for Use of Water.

- 6 1. Watering with automatic sprinklers should be done between eight p.m. and six  
7 a.m. Hand watering and non-automatic sprinklers should be done between six  
8 p.m. and eight a.m. Drip irrigation is exempt from this recommendation. Water  
9 being used during repair or maintenance of watering systems is exempt from  
10 this section.
- 11 2. Water conservation should be practiced within the home or business.
- 12 3. All restaurants and food establishments are requested not to serve water to their  
13 customers unless specifically requested by the customer.

14 B. The following uses of water are hereafter considered nonessential to the public  
15 health, safety and welfare and, if practiced, would constitute wastage of water and  
16 is hereby prohibited, pursuant to Water Code Section 350 et seq., Water Code  
17 Section 71640 et seq., and the common law:

- 18 1. There shall be no application of water to sidewalks, walkways, driveways,  
19 parking areas, patios, porches, verandas, tennis courts or other paved, concrete  
20 or other hard surface areas, except that flammable or other similarly dangerous  
21 or unhealthy substances may be washed from said areas by direct hose flushing  
22 for the benefit of public health or safety.
- 23 2. No water shall be used to clean, fill, operate or maintain levels in decorative  
24 fountains unless such water is part of a recirculating system.
- 25 3. No person shall knowingly permit water to leak from any facility, improvement  
26 or plumbing fixture on his/her/its premises; any such leak shall be repaired in a  
27 timely manner.
- 28 4. Washing of automobiles, trucks, trailers, boats, airplanes, and other types of  
mobile equipment is prohibited unless done with a bucket or hand-held hose  
equipped with a shut-off nozzle or device attached to it that causes it to cease  
dispensing water immediately when not in use. This section does not apply to  
the washing of the above-listed vehicles or mobile equipment when conducted  
at a commercial car or truck wash utilizing recirculating systems. Such washings  
are exempted from these regulations when the health, safety, and welfare of the

1 public is contingent upon frequent vehicle cleaning such as garbage trucks and  
2 vehicles used to transport food and perishables.

- 3 5. Use of water for any purpose which results in flooding or run-off in gutters,  
4 driveways or streets is prohibited.
- 5 6. The use of sprinklers for any type of irrigation during high winds, which divert a  
6 significant amount of water away from the intended landscaping, is prohibited.
- 7 7. The irrigation of potable water of ornamental turf on public street medians is  
8 prohibited. The term "median" shall mean the strip of land between street lanes.
- 9 8. The irrigation with potable water of landscape outside of newly constructed  
10 homes and buildings must be consistent with regulations or other requirements  
11 established by the California Buildings Standards Commission, as those  
12 regulations may be modified from time to time."

13 **Section 4.** Section 12.20.022 of the Rialto Municipal Code hereby is amended to  
14 read in full as follows:

15 **"12.20.022 Stage 2 - Water alert.**

16 Stage 2 means that the city may not be able to meet all water demands of all water  
17 customers, or the state of California has adopted regulations requiring the city to  
18 implement requirements and actions of a Stage 2 Water Alert as outlined herein this  
19 Section 12.20.022, regardless of the city's local water supply, and the following water  
20 conservation measures shall apply:

21 **A. Additional reductions.**

- 22 1. All policies and prohibitions listed in Sections 12.20.010 and 12.20.021.
- 23 2. All customers are required to reduce potable water consumption by a minimum  
24 twenty percent compared to their potable water consumption in the base year.
- 25 3. The city shall screen all new applications for water service installations and shall  
26 limit water use to that essential for construction and testing of landscape  
27 plumbing. Limited landscaping for new development shall be allowed as  
28 approved by the city.
4. All landscape irrigation shall be limited to no more than four days per week for  
no more than ten minutes per station per day. This provision does not apply to  
any landscape that has water-efficient devices that are operated properly.  
Water-efficient devices are drip irrigation systems and operational weather-

1 based irrigation controllers. The term "week" is defined as Sunday through  
2 Saturday.

- 3 5. Operators of hotels and motels must provide guests with the option of choosing  
4 not to have towels and linens laundered daily and prominently display notice of  
5 this option.
- 6 6. All restaurants are prohibited from serving water to their customers except when  
7 specifically requested by the customer.
- 8 7. All customers shall repair all leaks within seventy-two (72) hours of notification  
9 by the city, actual notice by the customer, or other notice of such leak, unless  
10 other arrangements are made with the city administrator or his/her designee.
- 11 8. Irrigating turf or ornamental landscapes during or within forty-eight (48) hours  
12 following measurable precipitation in excess of one-quarter ( $\frac{1}{4}$ ) inch is  
13 prohibited.

14 B. The following penalties shall apply:

- 15 1. First Violation: Notice of Non-Compliance—A written "warning" shall be issued  
16 for the first offense.
- 17 2. Second Violation: Warning of Penalties—A written warning notice of the future  
18 imposition of penalties that could be placed on the customer's water bill shall be  
19 issued for the second offense.
- 20 3. Third Violation: A surcharge of one hundred dollars shall be added to that billing  
21 for the third offense occurring within a one year period.
- 22 4. Fourth Violation: A surcharge of three hundred dollars, and installation of a flow  
23 restricting device in the meter for a minimum of ninety-six hours (at customer's  
24 expense) shall be imposed for the fourth offense occurring within a one-year  
25 period. Said restricted flow shall meet minimum county health department's  
26 standards, if any have been established. If said ninety-six hour period ends on  
27 a weekend or holiday, full service will be restored during the next business day.
- 28 5. Fifth Violation: A surcharge of five hundred dollars, and termination of water  
service at customer's expense for a two-day period shall be imposed for the fifth  
offense occurring within a one year period. Prior to the termination of water  
service, the customer may request an administrative hearing pursuant to  
Section 1.10.050."

**Section 5.** Section 12.20.023 of the Rialto Municipal Code hereby is amended to

1 read in full as follows:

2 **"12.20.023 Stage 3 – Water warning.**

3 Stage 3 means that the city is not able to meet all water demands of all water  
4 customers, or the state of California has adopted regulations requiring the city to  
5 implement requirements and actions of a Stage 3 water warning as outlined herein this  
6 Section 12.20.023, regardless of the city's local water supply, and the following water  
conservation measures shall apply:

7 A. Sub-stage 3-A.

- 8 1. All policies and prohibitions listed in Sections 12.20.010, 12.20.021 and  
9 12.20.022.
- 10 2. All customers are required to reduce potable water consumption by a minimum  
11 twenty-five percent compared to their potable water consumption in the base  
12 year.
- 13 3. New water service shall be installed but water shall be used before occupancy  
14 for essential construction only and for testing of landscape irrigation systems.  
15 The installation of new landscaping for all new development/projects must be  
approved by the city.
- 16 4. Swimming pools, ornamental ponds, fountains, water displays, hot tubs, spas  
17 and artificial lakes shall not be filled or refilled after being drained.
- 18 5. All landscape irrigation with potable water shall be limited to no more than three  
19 days per week for no more than ten minutes per station per day. This provision  
20 does not apply to any landscape that has water-efficient devices that are  
21 operated properly. Water-efficient devices are drip irrigation systems and  
operational weather-based irrigation controllers. Week is defined as Sunday  
through Saturday.

22 B. Sub-stage 3-B.

- 23 1. All policies and prohibitions listed in Sections 12.20.010, 12.20.021, 12.20.022,  
24 and sub-section A of this Section, except that all landscape irrigation with  
25 potable water shall be limited to no more than two days per week for no more  
26 than ten minutes per station per day.
- 27 2. Water used for compaction, dust control, and other types of construction shall  
28 be by permit only and will be limited to conditions of the permit or may be  
prohibited as determined by the city administrator, or his/her designee.

1 C. Sub-stage 3-C.

- 2 1. All policies and prohibitions listed in Sections 12.20.010, 12.20.021, 12.20.022,  
3 and sub-sections A and B of this Section, except that all landscape irrigation  
4 with potable water shall be limited to no more than one day per week for no  
5 more than ten minutes per station per day.
- 6 2. Washing of automobiles, trucks, trailers, boats, airplanes and other types of  
7 mobile equipment is prohibited. Washing of the above-listed vehicles or mobile  
8 equipment shall be done only at a commercial car wash where recirculating or  
9 recycled water is being utilized. Such washings are exempt from these  
10 regulations when the health, safety, and welfare of the public is contingent upon  
11 frequent vehicle cleaning such as garbage trucks and vehicles used to transport  
12 food and perishables.

13 D. The following penalties shall apply:

- 14 1. First Violation: Notice of Non-Compliance—A written "warning" shall be issued  
15 for the first offense.
- 16 2. Second Violation: Warning of Penalties—A written warning notice of the future  
17 imposition of penalties that could be placed on the customer's water bill shall be  
18 issued for the second offense.
- 19 3. Third Violation: A surcharge of one hundred dollars shall be added to that billing  
20 for the third offense occurring within a one year period.
- 21 4. Fourth Violation: A surcharge of three hundred dollars, and installation of a flow  
22 restricting device in the meter for a minimum of ninety-six hours (at customer's  
23 expense) shall be imposed for the fourth offense occurring within a one-year  
24 period. Said restricted flow shall meet minimum county health department's  
25 standards, if any have been established. If said ninety-six hour period ends on  
26 a weekend or holiday, full service will be restored during the next business day.
- 27 5. Fifth Violation: A surcharge of five hundred dollars, and termination of water  
28 service at customer's expense for a two-day period shall be imposed for the fifth  
offense occurring within a one year period. Prior to the termination of water  
service, the customer may request an administrative hearing pursuant to  
Section 1.10.050."

**Section 6.** Section 12.20.024 of the Rialto Municipal Code hereby is amended to  
read in full as follows:

**"12.20.024 Stage 4 – Water emergency.**

(Original printed on acid-free paper)

1 Stage 4 means that the city is experiencing a major failure of water supply or  
2 distribution, or the state of California has adopted regulations requiring the city to  
3 implement requirements and actions of a Stage 4 water emergency as outlined herein  
4 this Section 12.20.024, regardless of the city's local water supply, and the following  
5 water conservation measures shall apply:

6 A. Additional reductions.

- 7 1. All policies and prohibitions shown in Sections 12.20.010, 12.20.021, 12.20.022  
8 and 12.20.023.
- 9 2. All customers are required to reduce potable water consumption by a minimum  
10 thirty percent compared to their potable water consumption in the base year.
- 11 3. No water shall be used for construction purposes unless they are using  
12 reclaimed water. All fire hydrant and construction meters shall be locked off or  
13 removed.
- 14 4. Commercial nurseries shall water only between the hours of eleven p.m. and  
15 six a.m. and only with hand-held devices or with drip irrigation.
- 16 5. There shall be no watering of any lawn or landscaped area, except by use of  
17 reclaimed water.
- 18 6. The use of water shall be limited to essential household, commercial,  
19 manufacturing or processing uses only, except where other uses may be  
20 allowed by permit.

21 B. The following penalties shall apply:

- 22 1. First Violation: Notice of Non-Compliance—A written "warning" shall be issued  
23 for the first offense.
- 24 2. Second Violation: Warning of Penalties—A written warning notice of the future  
25 imposition of penalties that could be placed on the customer's water bill shall be  
26 issued for the second offense.
- 27 3. Third Violation: A surcharge of one hundred dollars shall be added to that billing  
28 for the third offense occurring within a one year period.
4. Fourth Violation: A surcharge of three hundred dollars, and installation of a flow  
restricting device in the meter for a minimum of ninety-six hours (at customer's  
expense) shall be imposed for the fourth offense occurring within a one-year  
period. Said restricted flow shall meet minimum county health department's



standards, if any have been established. If said ninety-six hour period ends on a weekend or holiday, full service will be restored during the next business day.

5. Fifth Violation: A surcharge of five hundred dollars, and termination of water service at customer's expense for a two-day period shall be imposed for the fifth offense occurring within a one year period. Prior to the termination of water service, the customer may request an administrative hearing pursuant to Section 1.10.050."

**Section 7.** Section 12.20.040 of the Rialto Municipal Code hereby is amended to read in full as follows:

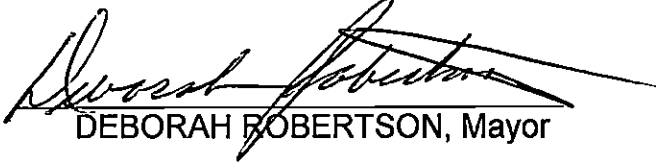
**"12.20.040 - Duration of declaration.**

The declaration of any stage of water supply conditions shall remain in effect until such time as another stage is declared."


**Section 8.** Except as specifically amended by this Ordinance, all remaining provisions of Chapter 12.20 of the Rialto Municipal Code shall remain unmodified and in full force and effect.

**Section 9.** The City Clerk shall certify to the adoption of this Ordinance, and cause the same to be published in the local newspaper, and the same shall take effect thirty (30) days after its date of adoption:

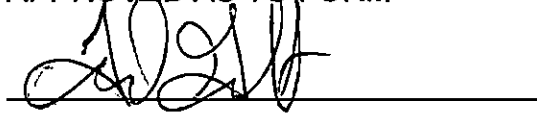
**PASSED, APPROVED AND ADOPTED** this 14th day of July, 2015.

  
DEBORAH ROBERTSON, Mayor

ATTEST:

  
BARBARA McGEE, City Clerk

APPROVED AS TO FORM

  
FRED GALANTE, City Attorney

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF RIALTO )

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing  
5 Ordinance No. 1560 was duly passed and adopted at a regular meeting of the City Council  
6 of the City of Rialto held on the 14th day of July, 2015.

7 Upon motion of Councilmember Baca Jr., seconded by Councilmember O'Connell, the  
8 foregoing Ordinance No. 1560 was duly passed and adopted.

9 Vote on the Motion:

10 AYES: Mayor Robertson, Councilmembers: Baca Jr., Palmer, O'Connell, Scott

11 NOES: None

12 ABSENT: None

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the  
14 City of Rialto, this 28th day of July, 2015.

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Barbara A. McGee, City Clerk