

ORDINANCE NO. 4233

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 14.18 OF THE HUNTINGTON BEACH MUNICIPAL  
CODE WATER MANAGEMENT PROGRAM

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 14.18 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**14.18.010 Title**

This Chapter will be known as the Water Shortage Contingency Response.

SECTION 2. Section 14.18.020 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**14.18.020 Purpose and Intent**

A. The purpose of this chapter is to establish a water conservation and supply shortage program that will reduce water consumption within the City of Huntington Beach through conservation, enable effective water supply planning, ensure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City of Huntington Beach to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.

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

C. Pursuant to California Water Code Section 10632.1, the City is required to submit a water shortage assessment "report" to the California Department of Water Resources by July 1 of each year.

D. In addition, in accordance with the California Water Code requirements related to water shortage contingency planning, as part of the 2020 Urban Water Management Plan (UWMP) effort, the City is required to submit a 2020 UWMP Water Shortage Contingency Plan (WSCP) and an Adopted 2020 Water Shortage Contingency Plan (a standalone document from the 2020 UWMP but appended to the 2020 UWMP for submittal).

E. Based on local agency's legal requirement to implement actions within the 2020 WSCP, MWDOC and Arcadis/MWM have prepared a **Model Water Shortage Contingency Response Ordinance** which is the basis for this Ordinance amendment.

SECTION 3. Section 14.18.041 of the Huntington Beach Municipal Code is hereby added to read as follows:

14.18.041 Procedures for Determination of Water Supply Shortage and Level Implementation:

- A. The City of Huntington Beach will follow the written decision-making process defined in the Water Shortage Contingency Plan (WSCP) to assess water supply reliability on an annual basis.
- B. City of Huntington Beach Staff will determine if a water shortage exists based on the water shortage criteria and stages defined in the WSCP.
- C. In the event a water shortage is triggered according to the procedures and conditions defined in the adopted WSCP, the City Manager will declare a shortage according to the defined water shortage levels in the WSCP.
- D. The public will be informed of the shortage according to the Procedures and Protocols for Communication identified in Section 14.18.042.
- E. When the City Manager determines that a sudden event has, or threatens to, significantly diminish the reliability or quality of the City of Huntington Beach water supply, the City Manager may declare a catastrophic water supply shortage and impose whatever emergency water allocation or conservation actions deemed necessary, in the City Manager's professional judgment, to protect the reliability and quality of the City of Huntington Beach water supply, until the emergency passes or the City takes other action.

SECTION 4. Section 14.18.042 of the Huntington Beach Municipal Code is hereby added to read as follows:

**14.18.042 Procedures and Protocols for Communication**

Upon declaration of a Water Shortage, the City Manager will determine the proper mechanism to inform, all relevant stakeholders, such as customers, the public, interested parties, and local, regional, and state governments, of the effective date of the water shortage response actions associated with the relevant stage according to the communication procedures identified in the City of Huntington Beach WSCP, including:

- A. Any current or predicted shortages as determined by the annual water supply and demand assessment.
- B. Any shortage response actions triggered or anticipated to be triggered by the annual water supply and demand assessment.

- C. Any other relevant communications.

SECTION 5. Section 14.18.050 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**14.18.050 Permanent Water Conservation Requirements—Prohibition Against Waste**

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

- A. **Limits on Watering Hours.** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 9:00 a.m. and 5:00 p.m. Pacific Standard Time on any day, except by hand using a bucket and/or by hand using a hose with an automatic shutoff nozzle or a hose-end sprinkler with a radius of not more than 10 feet, if such sprinkler causes no overspray or runoff, 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 10 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 gallons of water per hour and weather based controllers or steam rotor sprinklers that meet a 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, 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 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 five days of receiving notice from the City of Huntington Beach, is prohibited.
- F. **Re-circulating Water Required for Water Fountains and Decorative Water Features.** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.

G. **Limits on Washing Vehicles.** Use of water to wash or clean a vehicle, including, but not limited to, any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.

H. **Drinking Water Served Upon Request Only.** Eating or drinking establishments, including, but not limited to, a restaurant, hotel, café, cafeteria, bar, 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 Guests Option to Decline Daily Linen Services.** Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.

J. **No Installation of Single Pass Cooling Systems to Domestic Water Supplies.** Installation of single pass cooling systems is prohibited in buildings requesting new water service.

K. **No Installation of Non-recirculating Water Systems in Commercial Car Wash and Laundry Systems.** Installation of non-recirculating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.

L. **Restaurants Required to Use Water Conserving Dish Wash Spray Valves.** Food preparation establishments, such as restaurants or cafés, are prohibited from using non-water conserving dish wash spray valves.

M. **Commercial Car Wash Systems.** Effective on January 1, 2010, all new 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 of Huntington Beach.

N. **Construction.** (1) No potable water may be used for compacting or dust control purposes in construction activities where there is a reasonably available source of other non-potable water approved by the California Department of Public Health and appropriate for such use. This condition must be identified and specified on construction drawings submitted to the City for review. (2) All water hoses used in connection with any construction activities shall be equipped with an automatic shut-off nozzle when an automatic shut-off nozzle can be purchased or otherwise obtained for the size or type of hose in use.

O. **Use of Hydrants.** No person may use water from any fire hydrant for any purpose other than fire suppression or emergency aid without first obtaining a City hydrant meter account or written approval from the Director of Public Works/City Engineer or designee.

P. **Indiscriminate Use.** No person shall cause or permit the indiscriminate running of water not otherwise prohibited above which is wasteful and without reasonable purpose.

Q. **Public Health and Safety.** These regulations shall not be construed to limit water use which is immediately necessary to protect health and/or safety.

R. **Measurable Rainfall Event—Watering Prohibited.** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited during a measurable rainfall event, or within 48 hours following the cessation of a measurable rainfall event.

S. **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 72 hours of notification by the City of Huntington Beach unless other arrangements are made with the City of Huntington Beach.

SECTION 6. Section 14.18.060 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**14.18.060 Correlation between City of Huntington Beach Water Supply Shortage Levels and DWR Water Supply Shortage Levels.**

The City Manager is authorized to require or impose reductions in the use of water if such reductions are necessary to comply with Water Supply Shortage conditions as defined in the City of Huntington Beach Water Shortage Contingency Plan.

The shortage response actions must align with each Level of Water Supply Shortage that are defined in the WSCP and include, at a minimum, all of the following:

- A. Locally appropriate supply augmentation actions.
- B. Locally appropriate demand reduction actions to adequately respond to shortages.
- C. Locally appropriate operational changes.
- D. Additional, mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions and appropriate to the local conditions.
- E. For each action, an estimate of the extent to which the gap between supplies and demand will be reduced by implementation of the action.
- F. Each elevated shortage level will include the elements of the previous shortage level(s), including the mandatory restrictions on water waste detailed in the WSCP, and each elevated shortage level is intended to be more restrictive than the previous level(s).
- G. As deemed necessary, an allocation of water supply under a water supply emergency condition beyond WSCP defined actions, may be implemented when water supply conditions dictate necessity.

SECTION 7. Section 14.18.070 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**14.18.070 Procedures for Monitoring Compliance and Reporting to the State**

In order to ensure compliance with state reporting requirements and to customer compliance, the City will ensure the collect, track, and analyze relevant data per the procedures defined in the WSCP.

SECTION 8. Section 14.18.080 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**14.18.080 Reevaluation and Improvement Process of Water Shortage Procedures**

To ensure water shortage risk tolerance is adequate and appropriate water shortage mitigation strategies are implemented as needed, the WSCP will be reviewed and evaluated as defined by the procedures identified in the WSCP.

SECTION 9. Section 14.18.90 of the Huntington Beach Municipal Code is hereby Amended to read as follows:

**14.18.090 Exemption from California Environmental Quality Act**

The City of Huntington Beach finds that this chapter and actions taken hereafter pursuant to this chapter are exempt from the provisions of the California Environmental Quality Act of 1970 as specific actions necessary to prevent or mitigate an emergency pursuant to Section 15307 of the CEQA Guidelines.

SECTION 10. This Ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney *W*

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Public Works

## LEGISLATIVE DRAFT

### HBMC 14.18 WATER MANAGEMENT PROGRAM

#### **4.18.010 Title**

This chapter will be known as the City of Huntington Beach Water Conservation and Water Supply Shortage Program Shortage Contingency Response.

#### **14.18.020 Purpose and Intent**

A. The purpose of this chapter is to establish a water conservation and supply shortage program that will reduce water consumption within the City of Huntington Beach through conservation, enable effective water supply planning, ensure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City of Huntington Beach to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.

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

C. Pursuant to California Water Code Section 10632.1, the City is required to submit a water shortage assessment “report” to the California Department of Water Resources by July 1 of each year.

D. In addition, in accordance with the California Water Code requirements related to water shortage contingency planning, as part of the 2020 Urban Water Management Plan (UWMP) effort, the City is required to submit a 2020 UWMP Water Shortage Contingency Plan (WSCP) and an Adopted 2020 Water Shortage Contingency Plan (a standalone document from the 2020 UWMP but appended to the 2020 UWMP for submittal).

E. Based on local agency’s legal requirement to implement actions within the 2020 WSCP, MWDOC and Arcadis/MWM have prepared a **Model Water Shortage Contingency Response Ordinance** which is the basis for this Ordinance amendment.

#### **14.18.041 Procedures for Determination of Water Supply Shortage and Level Implementation**

A. The City of Huntington Beach will follow the written decision-making process defined in the Water Shortage Contingency Plan (WSCP) to assess water supply reliability on an annual basis.

B. City of Huntington Beach Staff will determine if a water shortage exists based on the water shortage criteria and stages defined in the WSCP.

C. In the event a water shortage is triggered according to the procedures and conditions



defined in the adopted WSCP, the City Manager will declare a shortage according to the defined water shortage levels in the WSCP.

D. The public will be informed of the shortage according to the Procedures and Protocols for Communication identified in Section 14.18.042.

E. When the City Manager determines that a sudden event has, or threatens to, significantly diminish the reliability or quality of the City of Huntington Beach water supply, the City Manager may declare a catastrophic water supply shortage and impose whatever emergency water allocation or conservation actions deemed necessary, in the City Manager's professional judgment, to protect the reliability and quality of the City of Huntington Beach water supply, until the emergency passes or the City takes other action.

#### **14.18.042 Procedures and Protocols for Communication**

Upon declaration of a Water Shortage, the City Manager will determine the proper mechanism to inform, all relevant stakeholders, such as customers, the public, interested parties, and local, regional, and state governments, of the effective date of the water shortage response actions associated with the relevant stage according to the communication procedures identified in the City of Huntington Beach WSCP, including:

- A. Any current or predicted shortages as determined by the annual water supply and demand assessment.
- B. Any shortage response actions triggered or anticipated to be triggered by the annual water supply and demand assessment.
- C. Any other relevant communications.

#### **14.18.050 Permanent Water Conservation Requirements—Prohibition Against Waste**

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

**A. Limits on Watering Hours.** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 9:00 a.m. and 5:00 p.m. Pacific Standard Time on any day, except by hand using a bucket and/or by hand using a hose with an automatic shutoff nozzle or a hose-end sprinkler with a radius of not more than 10 feet, if such sprinkler causes no overspray or runoff, 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 10 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 gallons of water per hour and weather based controllers or steam rotor sprinklers that meet a 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, 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 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 five days of receiving notice from the City of Huntington Beach, is prohibited.

F. **Re-circulating Water Required for Water Fountains and Decorative Water Features.** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.

G. **Limits on Washing Vehicles.** Use of water to wash or clean a vehicle, including, but not limited to, any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.

H. **Drinking Water Served Upon Request Only.** Eating or drinking establishments, including, but not limited to, a restaurant, hotel, café, cafeteria, bar, 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 Guests Option to Decline Daily Linen Services.** Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.

J. **No Installation of Single Pass Cooling Systems to Domestic Water Supplies.** Installation of single pass cooling systems is prohibited in buildings requesting new water service.

K. **No Installation of Non-recirculating Water Systems in Commercial Car Wash and Laundry Systems.** Installation of non-recirculating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.

L. **Restaurants Required to Use Water Conserving Dish Wash Spray Valves.** Food preparation establishments, such as restaurants or cafés, are prohibited from using non-water conserving dish wash spray valves.

M. **Commercial Car Wash Systems.** Effective on January 1, 2010, all new 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 of Huntington Beach.

N. **Construction.** (1) No potable water may be used for compacting or dust control purposes in construction activities where there is a reasonably available source of other non-potable water approved by the California Department of Public Health and appropriate for such use. This condition must be identified and specified on construction drawings submitted to the City for review. (2) All water hoses used in connection with any construction activities shall be equipped with an automatic shut-off nozzle when an automatic shut-off nozzle can be purchased or otherwise obtained for the size or type of hose in use.

O. **Use of Hydrants.** No person may use water from any fire hydrant for any purpose other than fire suppression or emergency aid without first obtaining a City hydrant meter account or written approval from the Director of Public Works/City Engineer or designee.

P. **Indiscriminate Use.** No person shall cause or permit the indiscriminate running of water not otherwise prohibited above which is wasteful and without reasonable purpose.

Q. **Public Health and Safety.** These regulations shall not be construed to limit water use which is immediately necessary to protect health and/or safety.

R. **Measurable Rainfall Event—Watering Prohibited.** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited during a measurable rainfall event, or within 48 hours following the cessation of a measurable rainfall event.

S. **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 72 hours of notification by the City of Huntington Beach unless other arrangements are made with the City of Huntington Beach.

#### **14.18.060 Level 1 Water Supply Shortage Correlation between City of Huntington Beach Water Supply Shortage Levels and DWR Water Supply Shortage Levels**

A. ~~A Level 1 Water Supply Shortage exists when the City of Huntington Beach determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City of Huntington Beach of a Level 1 Water Supply Shortage condition, the City of Huntington Beach will implement the mandatory Level 1 conservation measures identified in this section.~~

B. ~~**Additional Water Conservation Measures.** In addition to the prohibited uses of water identified in Section 14.18.050, the following water conservation requirements apply during a declared Level 1 Water Supply Shortage:~~

1. ~~**Limits on Watering Days.** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to three days per week during the months of April through October on a schedule established and posted by the City of Huntington Beach. 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 two days per week on a schedule established and posted by the City of Huntington Beach. 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 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 72 hours of notification by the City of Huntington Beach unless other arrangements are made with the City of Huntington Beach.

The City Manager is authorized to require or impose reductions in the use of water if such reductions are necessary to comply with Water Supply Shortage conditions as defined in the City of Huntington Beach Water Shortage Contingency Plan.

The shortage response actions must align with each Level of Water Supply Shortage that are defined in the WSCP and include, at a minimum, all of the following:

- A. Locally appropriate supply augmentation actions.
- B. Locally appropriate demand reduction actions to adequately respond to shortages.
- C. Locally appropriate operational changes.
- D. Additional, mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions and appropriate to the local conditions.
- E. For each action, an estimate of the extent to which the gap between supplies and demand will be reduced by implementation of the action.
- F. Each elevated shortage level will include the elements of the previous shortage level(s), including the mandatory restrictions on water waste detailed in the WSCP, and each elevated shortage level is intended to be more restrictive than the previous level(s).
- G. As deemed necessary, an allocation of water supply under a water supply emergency condition beyond WSCP defined actions, may be implemented when water supply conditions dictate necessity.

#### **14.18.070 Level 2 Water Supply Shortage Procedures for Monitoring Compliance and Reporting to the State**

A.— A Level 2 Water Supply Shortage exists when the City of Huntington Beach determines, in its sole discretion that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City of Huntington Beach of a Level 2 Water Supply Shortage condition, the City of Huntington Beach will implement the mandatory Level 2 conservation measures identified in this section.



**B.—Additional Conservation Measures.** In addition to the prohibited uses of water identified in Section 14.18.050 and 14.18.060, the following additional water conservation requirements apply during a declared Level 2 Water Supply Shortage:

- 1.—**Watering Days.** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two days per week during the months of April through October on a schedule established and posted by the City of Huntington Beach. 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 day per week on a schedule established and posted by the City of Huntington Beach. 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 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 48 hours of notification by the City of Huntington Beach unless other arrangements are made with the City of Huntington Beach.
- 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 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 and Spas.** Initial filling of a pool or spa is permitted only if an appropriate cover is in place. Refilling of an existing pool or spa is permitted only if repair of a leak has been made or if the pool or spa was drained to address a health or safety issue.

In order to ensure compliance with state reporting requirements and to customer compliance, the City will ensure the collect, track, and analyze relevant data per the procedures defined in the WSCP.

#### **14.18.080 Level 3 Water Supply Shortage—Emergency Condition Revelation and Improvement of Water Shortage Procedures**

A.— A Level 3 water supply shortage condition is also referred to as an “emergency” condition. A Level 3 condition exists when the City of Huntington Beach declares a water shortage emergency and notifies its residents and businesses that a significant reduction in

consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon the declaration of a Level 3 water supply shortage condition, the City of Huntington Beach will implement the mandatory Level 3 conservation measures identified in this section.

**B.—Additional Conservation Measures.** In addition to the prohibited use of water identified in Sections 14.18.050, 14.18.060 and 14.18.070, the following water conservation requirements apply during a declared Level 3 water supply shortage emergency:

1.—**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 of Huntington Beach has determined that recycled water is available and may be applied to the use:

- a.—Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device;
- b.—Maintenance of existing landscape necessary for fire protection;
- c.—Maintenance of existing landscape for soil erosion control;
- d.—Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
- e.—Maintenance of landscape with active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed two days per week according to the schedule established in Section 14.18.070(B)(1) and time restrictions in Sections 14.18.050(A) and 14.18.060(B)(1);
- f.—Actively irrigated environmental mitigation projects. (3849-1/10)

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 24 hours of notification by the City of Huntington Beach unless other arrangements are made with the City of Huntington Beach.

3.—a.—**New Potable Water Service.** Upon declaration of a Level 3 water supply shortage emergency condition, no new potable water service will be provided, no new temporary meters or permanent meters will be provided, and no statements of immediate ability to serve or provide potable water service (such as, will-serve letters, certificates, or letters of availability) will be issued, 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 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 of Huntington Beach.



This provision does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less.

Or

b.—~~Limits on Building Permits.~~ The City of Huntington Beach will limit or withhold the issuance of building permits which require new or expanded water service, except to protect the public health, safety and welfare, or in cases which meet the City of Huntington Beach's adopted conservation offset requirements.

4.—~~Discontinue Service.~~ The City of Huntington Beach, in its sole discretion, may discontinue service to consumers who willfully violate provisions of this section.

5.—~~New Annexations.~~ Upon the declaration of a Level 3 water supply shortage condition, the City of Huntington Beach 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.

To ensure water shortage risk tolerance is adequate and appropriate water shortage mitigation strategies are implemented as needed, the WSCP will be reviewed and evaluated as defined by the procedures identified in the WSCP.

#### **14.18.090 Procedures for Determination and Notification of Water Supply Shortage Exemption from California Environmental Quality Act.**

A.—The City's Director of Public Works and the City Manager, or their designated representatives, are authorized and directed by the City Council to implement the provisions of this chapter. The Director of Public Works shall make such rules and regulations as may be necessary, reasonable and proper to enforce the provisions of this Code. A copy of any rule or regulation promulgated by the director shall be provided to the City Council.

B.—The City shall monitor the projected supply and demand for water by its customers. The Director of Public Works shall determine the extent of the conservation required through the implementation and/or termination of particular conservation stages in order for the City to prudently plan for and supply water to its customers. The existence of Level 1, Level 2 or Level 3 water supply shortage conditions shall be declared by resolution of the City of Huntington Beach adopted at a regular or special public meeting held in accordance with state law. The mandatory conservation requirements applicable to Level 1, Level 2 or Level 3 conditions, will take effect on the 10th day after the date the shortage level is declared. Within five days following the declaration of the shortage level, the City of Huntington Beach shall publish a copy of the resolution in a newspaper used for publication of official notices. If the City of Huntington Beach activates a water allocation process, it shall provide notice of the activation by including it in the regular billing statement or by any other mailing to the address to which the City of Huntington Beach customarily mails the billing statement for fees or charges for on-going water service. A water allocation process will be effective on the fifth day following the date of mailing or at such later date as specified in the notice.



~~C.— In case of local emergencies as defined under the Huntington Beach Municipal Code, the City Manager shall have the authority to order the implementation of the appropriate level of water conservation subject to ratification by the City Council within seven days thereafter or such order shall have no further force or effect.~~

The City of Huntington Beach finds that this chapter and actions taken hereafter pursuant to this chapter are exempt from the provisions of the California Environmental Quality Act of 1970 as specific actions necessary to prevent or mitigate an emergency pursuant to Section 15307 of the CEQA Guidelines.