

ORDINANCE NO. 183608

An ordinance amending Article I of Chapter XII of the Los Angeles Municipal Code to clarify prohibited uses and modify certain water conservation requirements of the Water Conservation Plan of the City of Los Angeles.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Article I of Chapter XII of the Los Angeles Municipal Code is amended in its entirety to read as follows:

ARTICLE I

EMERGENCY WATER CONSERVATION PLAN

SEC. 121.00. SCOPE AND TITLE.

This Article shall be known as The Emergency Water Conservation Plan of the City of Los Angeles.

SEC. 121.01. DECLARATION OF POLICY.

It is hereby declared that because of the conditions prevailing in the City of Los Angeles and in the areas of this State and elsewhere from which the City obtains its water supplies, the general welfare requires that the water resources available to the City be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interests of the people of the City and for the public welfare.

SEC. 121.02. DECLARATION OF PURPOSE.

The purpose of this Article is to provide a mandatory water conservation plan to minimize the effect of a shortage of water to the Customers of the City and, by means of this Article, to adopt provisions that will significantly reduce the consumption of water over an extended period of time, thereby extending the available water required for the Customers of the City while reducing the hardship of the City and the general public to the greatest extent possible, voluntary conservation efforts having proved to be insufficient.

SEC. 121.03. DEFINITIONS.

The following words and phrases, whenever used in this Article, shall be construed as defined in this section unless from the context a different meaning is

intended or unless a different meaning is specifically defined within individual sections of this Article:

a. **“Article”** means the ordinance providing for **“The Emergency Water Conservation Plan of the City of Los Angeles.”**

b. **“Baseline Water Usage”** means the amount of water necessary for existing landscape based on a water budget developed by the Department.

c. **“Billing Unit”** means the unit amount of water used to apply water rates for purposes of calculating commodity charges for Customer water usage and equals one hundred (100) cubic feet or seven hundred forty-eight (748) gallons of water.

d. **“City”** means the City of Los Angeles.

e. **“City Council”** means the Council of the City of Los Angeles.

f. **“Conservation Phase”** means that level of mandatory water conservation presently required from Customers pursuant to this Article.

g. **“Customer”** means any person, persons, association, corporation or governmental agency supplied or entitled to be supplied with water service by the Department.

h. **“Department”** means the Los Angeles Department of Water and Power.

i. **“Drip Irrigation”** means an efficient and targeted form of irrigation in which water is delivered in drops directly to the plants roots where no emitter produces more than four (4) gallons of water per hour.

j. **“Even-numbered”** means street addresses ending with the following numerals: 0 (Zero), 2 (Two), 4 (Four), 6 (Six), 8 (Eight). Street addresses ending in ½ or any fraction shall conform to the permitted uses for the last whole number in the address.

k. **“Gray Water”** means a Customer’s second or subsequent use of water supplied by the Department on the Customer’s premises, such as the use of laundry or bathing water for other purposes.

l. **“Irrigate”** means any exterior application of water, other than for firefighting purposes, dust control, or as process water, including, but not limited to, the watering of any vegetation whether it be natural or planted.

- m. **“Large Landscape Area”** means an area of vegetation at least three acres in size supporting a business necessity or public benefit uses such as parks, golf courses, schools and cemeteries.
- n. **“Mayor”** means the Mayor of the City of Los Angeles
- o. **“Notice to the Department”** means written communication documenting compliance with all requirements and directed to the Department.
- p. **“Odd-numbered”** means street addresses ending with the following numerals: 1 (One), 3 (Three), 5 (Five), 7 (Seven), 9 (Nine). Street addresses ending in ½ or any fraction shall conform to the permitted uses for the last whole number in the address.
- q. **“Officer”** means every person designated in Section 200 of the Los Angeles City Charter as an officer of the City of Los Angeles.
- r. **“Potable Water”** means water supplied by the Department which is suitable for drinking and excludes recycled water from any source.
- s. **“Private Golf Course”** means a facility with a business license where play is restricted to members and their guests, and does not include personal use facilities such as backyard golf greens or courses.
- t. **“Process Water”** means water used to manufacture, alter, convert, clean, heat or cool a product, or the equipment used for such purpose; water used for plant and equipment washing and for transporting of raw materials and products; and water used for community gardens, or to grow trees, plants, or turf for sale or installation.
- u. **“Recycled Water”** means water which, as a result of treatment of wastewater, is suitable for a direct beneficial use or a controlled use as approved by the California Department of Public Health.
- v. **“Section”** means a section of this Article unless some other ordinance or statute is specifically mentioned.
- w. **“Single Pass Cooling Systems”** means equipment where water is circulated only once to cool equipment before being disposed.
- x. **“Sports Field”** means a public or private facility supporting a business necessity or public benefit use that provides turf areas as a playing surface for individual and team sports, and does not include a facility on a residential property.

y. "Station" means those sprinklers or other water-emitting devices controlled by a single valve.

SEC. 121.04. AUTHORIZATION.

The various officers, boards, departments, bureaus and agencies of the City are hereby authorized and directed to immediately implement the applicable provisions of this Article upon the effective date hereof.

SEC. 121.05. APPLICATION.

The provisions of this Article shall apply to all Customers and property served by the Department wherever situated, and shall also apply to all property and facilities owned, maintained, operated or under the jurisdiction of the various officers, boards, departments, bureaus or agencies of the City.

SEC. 121.06. WATER CONSERVATION PHASES.

A. No Customer of the Department shall make, cause, use or permit the use of water from the Department for any residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Article. The waste or unreasonable use of water is prohibited.

B. For the purposes of this Article, a use of water by a tenant or by an employee, agent, contractor or other acting on behalf of a Customer whether with real or ostensible authority shall be imputed to the Customer. Nothing contained in this Article shall limit the remedies available to a Customer under law or equity for the actions of a tenant, agent, contractor or other acting on behalf of a Customer.

SEC. 121.07. CONSERVATION PHASE IMPLEMENTATION.

A. Notwithstanding any other provisions of this Article, the provisions of Section 121.08A shall take effect immediately upon the effective date of this Article, shall be permanent and shall not be subject to termination pursuant to the provisions of this Article providing for the termination of a conservation phase.

B. The Department shall monitor and evaluate the projected supply and demand for water by its Customers monthly, and shall recommend to the Mayor and Council by concurrent written notice the extent of the conservation required by the Customers of the Department in order for the Department to prudently plan for and supply water to its Customers. The Mayor shall, in turn, independently evaluate such recommendation and notify the Council of the Mayor's determination as to the particular phase of water conservation, Phase I through Phase VI, that should be implemented. Thereafter, the Mayor may, with the concurrence of the Council, order that the appropriate phase of water conservation be implemented in accordance with the applicable provisions of this Article. Said order shall be made by public proclamation

and shall be published one time only in a daily newspaper of general circulation and shall become effective immediately upon such publication. The prohibited water uses for each phase shall take effect with the first full billing period commencing on or after the effective date of the public proclamation by the Mayor.

In the event the Mayor independently recommends to the Council a phase of conservation different from that recommended by the Department, the Mayor shall include detailed supporting data and the reasons for the independent recommendation in the notification to the Council of the Mayor's determination as to the appropriate phase of conservation to be implemented.

C. Phase Termination.

1. At such time as the Department reports an April 1 forecast of annual Owens Valley and Mono Basin Runoff equal to or exceeding 110 percent of normal and the Metropolitan Water District of Southern California officially states that the sum of its Colorado River and State Water Project supplies exceeds 100 percent of projected demand, the Mayor shall forthwith recommend to the Council the termination of any Customer curtailment phase then in effect. Said recommendation to terminate shall take effect upon concurrence of the Council.

2. The provisions of Subsection C1, above, shall not preclude the Department on the basis of information available to it from recommending to the Mayor the termination of a water conservation phase then in effect. The Mayor shall forward said recommendation to the Council, and it shall take effect upon concurrence by the Council.

SEC. 121.08. WATER CONSERVATION PHASES.

A. PHASE I – Prohibited Uses Applicable to All Customers.

1. No Customer of the Department shall use a water hose to wash any paved surfaces including, but not limited to, sidewalks, walkways, driveways and parking areas, except to alleviate immediate safety or sanitation hazards. This section shall not apply to Department-approved water-conserving spray cleaning devices. Use of water-pressure devices for graffiti removal is exempt. A simple spray nozzle does not qualify as a water-conserving spray cleaning device.

2. No Customer of the Department shall use water to clean, fill or maintain levels in decorative fountains, ponds, lakes or similar structures used for aesthetic purposes unless such water is part of a recirculating system.

3. No restaurant, hotel, café, cafeteria, or other public place where food is sold, served or offered for-sale, shall serve drinking water to any person unless expressly requested.
4. No Customer of the Department shall permit water to leak from any pipe or fixture on the Customer's premises. Failure or refusal to affect a timely repair of any leak of which the Customer knows or has reason to know shall subject said Customer to all penalties provided herein for a prohibited use of water.
5. No Customer of the Department shall wash a vehicle with a hose if the hose does not have a self-closing water shut-off or device attached to it, or otherwise allow a hose to run continuously while washing a vehicle.
6. No Customer of the Department shall irrigate during periods of rain and within 48 hours after a measurable rain event.
7. No Customer of the Department shall water or irrigate lawn, landscape or other vegetated areas between the hours of 9:00 a.m. and 4:00 p.m. During these hours, public and private golf course greens and tees and professional Sports Fields may be irrigated in order to maintain play areas and accommodate event schedules. Supervised testing or repairing of irrigation systems is allowed anytime with proper signage.
8. All irrigating of landscape with potable water using spray head sprinklers and bubblers shall be limited to no more than ten (10) minutes per watering day per station. All irrigating of landscape with potable water using standard rotors and multi-stream rotary heads shall be limited to no more than fifteen (15) minutes per cycle and up to two (2) cycles per watering day per station. Exempt from these landscape irrigation restrictions are irrigation systems using very low-flow drip-type irrigation when no emitter produces more than four (4) gallons of water per hour and micro-sprinklers using less than fourteen (14) gallons per hour.
9. No Customer of the Department shall use water in a manner that causes or allows excess or continuous water flow or runoff onto an adjoining sidewalk, driveway, street, gutter or ditch.
10. No installation of single pass cooling systems shall be permitted in buildings requesting new water service.
11. No installation of non-recirculating systems shall be permitted in new conveyor car wash and new commercial laundry systems.
12. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel

shall prominently display notice of this option in each bathroom using clear and easily understood language. The Department shall make suitable displays available.

13. No Large Landscape Areas shall have irrigation systems without rain sensors that shut off the irrigation systems. Large Landscape Areas with approved weather-based irrigation controllers registered with the Department are in compliance with this requirement.

B. PHASE II

1. **Prohibited Uses Applicable to All Customers.** Should Phase II be implemented, uses applicable to Phase I of this section shall continue to be applicable, except as specifically provided below.

2. **Non-Watering Days.** No landscape irrigation shall be permitted on any day other than Monday, Wednesday or Friday for odd-numbered street addresses, and Tuesday, Thursday or Sunday for even-numbered street addresses. Street addresses ending in ½ or any fraction shall conform to the permitted uses for the last whole number in the address. Watering times shall be limited to:

(a) Non-conserving nozzles (spray head sprinklers and bubblers) – no more than eight (8) minutes per watering day per station for a total of 24 minutes per week.

(b) Conserving nozzles (standard rotors and multi-stream rotary heads) – no more than fifteen (15) minutes per cycle and up to two (2) cycles per watering day per station for a total of 90 minutes per week.

(With the above watering times, water consumption used for both types of nozzles is essentially equal.)

3. Upon written Notice to the Department, irrigation of Sports Fields may deviate from the non-watering days to maintain play areas and accommodate event schedules; however, to be eligible for this means of compliance, a Customer must reduce their overall monthly water use by the Department's Board of Water and Power Commissioners (Board)-adopted degree of shortage plus an additional five percent from the Customer Baseline Water Usage within 30 days.

4. Upon written Notice to the Department, Large Landscape Areas may deviate from the non-watering days by meeting the following requirements: 1) must have approved weather-based irrigation controllers registered with the Department (eligible weather-based irrigation controllers are those approved by the Metropolitan Water District of Southern California or the Irrigation Association