Council Meeting of
July 21, 2009

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Public Works – Approve a RESOLUTION authorizing activation of a Level 1 Water Supply Shortage Condition in accordance the City's Water Conservation Ordinance 3717 and authorize the implementation of an enhanced conservation program to reduce potable (drinking) water consumption by 10%. Expenditure: None

RECOMMENDATION

Recommendation of the Water Commission and the Public Works Director that the City Council approve a **RESOLUTION** authorizing activation of a Level 1 Water Supply Shortage Condition in accordance with Section 76.4.070 of the City's Water Conservation Ordinance 3717 to declare an urgent water shortage condition and requires that all municipal customers reduce their water consumption by 10%. The activation of the Level 1 shortage condition would increase mandatory measures by limiting outdoor watering to three days per week, prohibit outdoor watering from 9 a.m. until 5 p.m., and require that all water leaks be repaired within seven days.

Funding

There is no additional funding required at this time.

BACKGROUND AND ANALYSIS

The City Council adopted an updated Water Conservation Ordinance (Ordinance Number 3717) on March 24, 2009 to replace an existing Ordinance in place since 1991. The new Ordinance sets forth various water use regulations and restrictions, along with establishing financial penalties for repeated violators who do not comply with water waste prohibitions. The focus of the Ordinance is the elimination of wasteful use of potable (drinking) water supplies. The Ordinance prohibits various wasteful water practices such as excessive watering of landscapes, irrigating landscapes in the late morning and afternoon, washing down exterior hard surfaces and other related inappropriate water use practices. Elimination of wasteful water practices has the potential to cut water use in the region by approximately 10%

A Level 1 Water Supply condition is activated when MWD calls for extraordinary water conservation of up to 15%. Since MWD has declared mandatory reductions in imported water deliveries to all of its member agencies, it is appropriate to activate the Level 1 stage of the City's Conservation Ordinance, in accordance with Section 75.4.070 of the Ordinance. In addition to the permanent measures already in place, the Level 1 stage would: prohibit outdoor watering between the hours of 9 a.m. and 5 p.m.; limit outdoor watering to three days per week; and require all water leaks to be fixed within seven days.

In lieu of penalty rates, it is proposed that TMW implement an enhanced conservation program calling for an additional 10% reduction in potable water use. The conservation program

will be supported by an accelerated community outreach program. Although overuse penalties would not be imposed at this time, municipal customers will have conservation targets posted on their bills. The program will be monitored closely for compliance in meeting prescribed conservation targets. Penalty rates will be considered if the program falls short of our conservation target.

The Water Commission considered this matter at their regular meeting on July 16, 2009. Upon hearing proposals and recommendations from staff and the Commission's Conservation Committee, the Water Commission supported the activation of the Level 1 stage of the Water Conservation Ordinance and the implementation of an enhanced conservation program.

The activation of Level 1 stage of the Water Conservation Ordinance and the implementation of the enhanced conservation program will help foster a new water ethic and improve the City's water supply reliability.

Respectfully submitted,

WATER COMMISSION

Alex See, Chair

ROBERT J. BESTE
Public Works Director

By Charles J. Schaich
Senior Administrative Analyst

CONCUR:

Jack van der Linden
Deputy Public Works Director

Robert J, Beste
Public Works Director

NOTED:

LeRoy J. Jackson
City Manager

Attachments: A. Resolution
B. Conservation Ordinance 3717

RESOLUTION NO. 2009 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING A LEVEL 1 WATER SUPPLY SHORTAGE CONDITION IN ACCORDANCE WITH SECTIONS 76.4.070 AND 76.4.100 OF THE TORRANCE MUNICIPAL CODE

WHEREAS, On March 24, 2009, the City of Council of the City of Torrance adopted Ordinance No. 3717, which was entitled "An Ordinance of the City Council of the City of Torrance Establishing a Water Conservation and Water Supply Shortage and Sustainability Program and Regulations" (Water Conservation Ordinance); and

WHEREAS, The Water Conservation Ordinance establishes certain permanent prohibitions regarding the wasteful uses of water and establishes increased levels of conservation depending on the severity of the drought or other water supply reductions; and

WHEREAS, Torrance Municipal Code section 76.4.070 provides for the declaration of a Level 1 Water Supply Shortage condition in the event that the Metropolitan Water District of Southern California (MWD) calls for extraordinary water conservation and declares up to a 15% mandatory cutback in imported MWD deliveries to its member agencies; and

WHEREAS, Torrance Municipal Code section 76.4.100 provides that the existence of a Level 1 Water Supply Shortage condition may be declared by resolution of the City Council and that the mandatory conservation requirements applicable to a Level 1 Water Supply Shortage condition will take effect immediately upon adoption by the City Council; and

WHEREAS, The State of California is the midst of a third consecutive drought year and the Metropolitan Water District has declared mandatory reductions in MWD imported water supplies to its member agencies; and

WHEREAS, The declaration of Level 1 Water Supply Shortage condition helps mitigate the impacts of the water shortage situation by implementing augmented water use restrictions in addition to current permanent measures including: prohibiting outdoor watering between the hours of 9 a.m. and 5 p.m.; limiting outdoor watering to three days per week; and requiring all water leaks and breaks be repaired within seven days; and

WHEREAS, The current water situation is highly uncertain and it is necessary that an enhanced voluntary conservation program calling for an additional 10% reduction in potable (drinking) water use be implemented concurrently with

the declaration of the Level 1 Water Supply Shortage condition of the Water Conservation Ordinance.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Torrance hereby declares the Level 1 Water Supply Shortage condition of the Water Conservation Ordinance and authorizes the implementation of an enhanced voluntary conservation program calling for an additional 10% reduction in potable water use.

INTRODUCED, APPROVED AND ADOPTED this _____day of_____, 2009.

_____
Frank Scotto
Mayor of the City of Torrance

ATTEST:

_____
Sue Herbers
City Clerk of the City of Torrance

APPROVED AS TO FORM

JOHN L.FELLOWS III
City Attorney

By _____
RONALD T. POHL
Assistant City Attorney

ORDINANCE NO. 3717

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING A WATER CONSERVATION AND WATER SUPPLY SHORTAGE AND SUSTAINABILITY PROGRAM AND REGULATIONS

The City Council of the City of Torrance ordains as follows:

SECTION 1
Article 4 of Chapter 6 of Division 7 of the Torrance Municipal Code is repealed.

SECTION 2
A new Article 4 of Chapter 6 of Division 7 of the Torrance Municipal Code is added to read in its entirety as follows:

"Section 76.4.010 Title.
This Article will be known as the City of Torrance Water Conservation and Water Supply Shortage and Sustainability Program.

Section 76.4.020 Findings.

a) A reliable minimum and sustainable supply of Potable Water is essential to the public health, safety and welfare of the people and economy of the City of Torrance and the southern California region.

b) Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, climate change, environmental concerns, and other factors in other parts of the State and western United States, make the region highly susceptible to water supply reliability issues.

c) Careful water management that includes active water Conservation measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs.

d) Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.

e) Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and Conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.

f) California Water Code section 375 authorizes water suppliers to adopt and enforce a comprehensive water Conservation program to reduce water consumption and conserve supplies.

g) The adoption and enforcement of a Water Conservation and Supply Shortage and Sustainability program is necessary to manage the City's Potable Water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the City. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare for current and future generations.

Section 76.4.030. Declaration of Purpose and Intent.

a) The purpose of this Article is to establish a Water Conservation and Supply Shortage and Sustainability program that will reduce water consumption within the City through Conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.

b) This Article establishes permanent water Conservation standards intended to alter behavior related to water use efficiency for non-shortage conditions and further establishes three 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

Section 76.4.040. Definitions.

a) The following words and phrases whenever used in this Article have the meaning defined in this section:

1) **"Allocation"** means a form of water rationing that uses penalty pricing to achieve target reductions in water use.

2) **"Billing Unit"** means the unit of water used to apply water rates for purposes of calculating water charges for a Person's water usage and equals 100 cubic feet or 748 gallons of water.

3) **"City"** means the City of Torrance.

4) **"Conservation"** means the practice of protecting against the loss or waste of natural resources.

5) **"Customer" or "Water User"** means a Person that uses Potable Water through a metered service connection.

6) **"Landscape Irrigation System"** means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.

7) **"Large Landscape Areas"** means a lawn, landscape, or other vegetated area, or combination thereof, equal to more than one (1) acre of irrigable land.

8) **"Person"** means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water within the City.

9) **"Potable Water"** means water which is suitable for drinking.

10) **"Recycled Water"** means the reclamation and reuse of non-Potable Water for beneficial use.

11) **"Single Pass Cooling Systems"** means equipment where water is circulated only once to cool equipment before being disposed.

12) **"Sustainability"** means a decision making concept describing water use that meets present needs without compromising the ability to meet future requirements.

Section 76.4.050. Application

a) The provisions of this Article apply to any Person in the use of any Potable Water provided by the City.

b) The provisions of this Article do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services.

c) The provisions of this Article do not apply to the use of Recycled Water.

d) The provisions of this Article do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.

e) This Article is intended solely to further the Conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff.

Section 76.4.060 Permanent Water Conservation Requirements – Prohibition Against Waste
The following water Conservation requirements are effective at all times and are permanent, unless rescinded by the action of the City Council. 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 10 a.m. and 4 p.m. on any day, 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, 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 15 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 2 gallons of water per hour and weather based controllers or stream 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 or a low-volume, high-pressure water efficient water broom (Watermiser or equivalent brand) type or cleaning machine equipped to recycle any water used.

e) **Obligation to Fix Leaks, Breaks or Malfunctions:** Excessive use, 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 15 days of receiving notice from the City, 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. This provision will be effective 90 days after adoption of this Ordinance.

g) **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 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, cafe, cafeteria, bar, club 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 Option to Not Launder Linen Daily**: 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**: Installation of Single Pass Cooling Systems is prohibited in buildings requesting new water service.

k) **No Installation of Non-re-circulating in Commercial Car Wash and Laundry Systems:** Installation of non-re-circulating 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 cafes, are prohibited from using non-water conserving dish wash spray valves.

Section 76.4.070 Level 1 Water Supply Shortage

a) A Level 1 Water Supply Shortage exists when the City determines, in its sole discretion, that due to drought or other water supply reductions, a water supply 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 a Level 1 Water Supply Shortage condition, the City will implement the mandatory Level 1 Conservation measures identified in this section. The type of event that may prompt the City to declare a Level 1 Water Supply Shortage may include, among other factors, a finding that the Metropolitan Water District of Southern California ("MWD") calls for extraordinary water Conservation and declares up to a 15% mandatory Allocation (rationing) within the MWD service area.

A Level 1 Water Supply Shortage condition exists when the City notifies its Water Users that due to drought or other supply reductions, a Customer demand reduction of up to 15% is necessary to make more efficient use of water and respond to existing water shortage conditions. Upon the declaration of a Level 1 Water Supply Shortage condition, the City shall implement the mandatory Level 1 Conservation measures identified in this ordinance.

b) **Additional Water Conservation Measures:** In addition to the prohibited uses of water identified in Section 76.4.060, the following water Conservation requirements apply during a declared Level 1 Water Supply Shortage:

1) **Limits on Watering Hours and Watering Duration:** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is prohibited between the hours of 9 a.m. and 5 p.m. on any day, 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, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system. Watering or irrigating of lawn, landscape or other vegetated area with Potable Water using a Landscape Irrigation System is limited to no more than 15 minutes watering per day.

2) **Limits on Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is limited to 3 days per week on a schedule established and posted by the City. 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 2 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.

3) **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 7 days of notification by the City unless other arrangements are made with the City.

4) **Other Prohibited Uses:** The City may implement other prohibited water uses as determined by the City, after notice to Customers.

Section 76.4.080 Level 2 Water Supply Shortage

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

A Level 2 Water Supply Shortage condition exists when the City notifies its Water Users that due to drought or other supply reductions, a Customer demand reduction exceeding 15 % to up to 30% is necessary to make more efficient use of water and respond to existing water shortage conditions. Upon the declaration of a Level 2 Water Supply Shortage condition, the City shall implement the mandatory Level 2 Conservation measures identified in this ordinance.

b) **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Section 76.4.060 and 76.4.070, the following additional water Conservation requirements apply during a declared Level 2 Water Supply Shortage:

1) **Limits on Watering Hours and Watering Duration** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is prohibited between the hours of 8 a.m. and 6 p.m. on any day, 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, or for a very short periods of time for the express purpose of adjusting or repairing an irrigation system. Watering or irrigating of lawn, landscape or other vegetates area with Potable Water using a Landscape Irrigation System is limited to no more than 10 minutes per day.

2) **Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with Potable Water is limited to 2 days per week on a schedule established and posted by the City. 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 2 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.

3) **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 four days of notification by the City unless other arrangements are made with the City.

4) **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.

5) **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.

6) **Limits on Filling Residential Swimming Pools & Spas:** Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with Potable Water is prohibited.

7) **Other Prohibited Uses:** The City may implement other prohibitions on water uses as determined by the City, after notice to Customers.

Section 76.4.090 Level 3 Water Supply Shortage – Emergency Condition

a) A Level 3 Water Supply Shortage condition is also referred to as an "Emergency" condition. A Level 3 condition exists when the City declares a water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to make more efficient use of water and respond to existing water conditions. Upon the declaration of a Level 3 Water Supply Shortage Emergency condition, the City will implement the mandatory Level 3 Conservation measures identified in this section.

   A Level 3 Water Supply Shortage condition exists when the City notifies its Water Users that due to drought or other supply reductions, a Customer demand reduction exceeding 30% is necessary to make more efficient use of water and respond to existing water shortage conditions. Upon declaration of a Level 3 Water Supply Shortage condition, the City shall implement the mandatory Level 3 Conservation measures identified in this ordinance.

b) **Additional Conservation Measures:** In addition to the prohibited uses of water identified in Section 76.4.060, 76.4.070, and 76.4.080, the following water Conservation requirements apply during a declared Level 3 Water Supply Shortage Emergency:

   1) **No 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 or to the use of Recycled Water providing it is available and may be lawfully applied to the use:

      i) 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, or a very low-flow drip type irrigation system when no emitter produces more than 2 gallons of water per hour subject to the hour restrictions in Section 76.4.060 (a);

      ii) Maintenance of existing landscape necessary for fire protection;

      iii) Maintenance of existing landscape for soil erosion control;

      iv) Maintenance of plant materials identified to be rare or essential to the well being of rare animals;

      v) Maintenance of landscape within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed 2 days per week according to the schedule established in Section 76.4.080 (b)(1) and time restrictions in Section 76.4.060 (a) and (b);

      vi) Public works projects and actively irrigated environmental mitigation projects.

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 two days of notification by the City unless other arrangements are made with the City.

3) **Discontinue Service**: The City, in its sole discretion, may discontinue service to Customers who willfully violate provisions of this section.

4) **Other Prohibited Uses:** The City may implement other prohibited water uses as determined by the City, after notice to Customers.

Section 76.4.100 Procedures for Determination / Notification of Water Supply Shortage

a) **Declaration and Notification of Level 1 & 2 Water Supply Shortage:**

1) The existence of Level 1, Level 2, and Level 3 Water Supply Shortage conditions may be declared by resolution of the City adopted at a regular or special public meeting held in accordance with State law. The mandatory Conservation requirements applicable to Level 1, Level 2 and Level 3 Water Supply Shortage conditions will take effect immediately upon adoption by the City Council.

2) In case of emergency, the City Manager will have the authority to declare a Level 1, Level 2, and Level 3 Water Supply Shortage condition subject to ratification by the City Council within 7 days or the order will have no further force or effect.

3) The City Council is authorized to implement mandatory Conservation requirements applicable to Level 1, Level 2 and Level 3 Water Supply Shortage conditions in order for the City to comply with water use restrictions imposed by federal, state or regional water agencies or respond to emergency water shortage conditions.

Section 76.4.110 Other Provisions

a) **Commercial Car Wash Systems**: Effective on January 1, 2012, all commercial conveyor car wash systems must have installed and operational re-circulating water systems, or must have secured a waiver of this requirement from the City.

b) **Large Landscape Areas – Rain Sensors**: Effective January 1, 2012, Large Landscape Areas, such as parks, cemeteries, golf courses, school grounds, and playing fields, that use Landscape Irrigation Systems to water or irrigate, must use Landscape Irrigation Systems with rain sensors that automatically shut off such systems during periods of rain or irrigation timers which automatically use information such as evapotranspiration sensors to set an efficient water use schedule.

c) **Construction Purposes**: Recycled or other approved non-Potable Water must be used for construction purposes when available.

d) **Limits on Building Permits**: The City 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's adopted Conservation offset requirements.

e) **Water Recycling Required if Alternative Available**: The use of Potable Water, other than Recycled Water, is prohibited for specified uses after the City has provided to the Customer an analysis showing that Recycled Water is a cost-effective alternative to Potable Water for such uses and the Customer has had a reasonable time, as determined by the Public Works Director, to make the conversion to Recycled Water.

f) **Water Recycling – New Service:** Prior to the connection of any new water service, an evaluation must be done by the City to determine whether Recycled Water exists to supply all or some of the water needed and Recycled Water must be utilize to the extent feasible.

Section 76.4.120 **Hardship Waiver**

a) **Undue and Disproportionate Hardship:** If, due to unique circumstances, a specific requirement of this Article would result in undue hardship to a Person using water or to property upon which water is used, that is disproportionate to the impacts to Water Users generally or to similar property or classes of Water Users, then the Person may apply for a waiver to the requirements in accordance with administrative procedures established by the City.

Section 76.4.130 **Penalties and Violations**

a) **Misdemeanor:** Any Person who violates any provision of this Article is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 30 days, or by a fine not exceeding $1,000, or by both fine and imprisonment.

b) **Civil Penalties:** In additional to all other remedies, the City may issue civil penalties for failure to comply with any provisions of this Article are as follows:

   1) **First Violation:** The City will issue a written warning and deliver a copy of this ordinance by mail.

   2) **Second Violation:** The City will issue a second written warning and deliver a copy of this ordinance by mail.

   3) **Third Violation:** A third violation within the preceding 12 calendar months is subject to fine not to exceed $100. This fine will incorporated into the Customer's water bill. Non payment will be subject to the same remedies as non payment of basic water rates.

   4) **Fourth Violation:** A fourth violation within the preceding 12 calendar months is subject to a fine not to exceed $250. This fine will be incorporated into the Customer's water bill. Non payment will be subject to the same remedies as non payment of basic water rates.

   5) **Fifth and Subsequent Violations:** A fifth and subsequent violation is subject to a fine not to exceed $500. This fine will be incorporated into the Customer's water bill. Non payment will be subject to the same remedies as non payment of basic water rates.

      i) **Water Flow Restrictor:** In addition to any fines, the City may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and comparatively sized restrictors for larger services after written notice of intent to install a flow restrictor for a minimum of 48 hours.

      ii) **Termination of Service:** In addition to any fines and the installation of a water flow restrictor, the City may disconnect and/or terminate a Customer's water service.

c) **Cost of Flow Restrictor and Disconnecting Service:** A Person or entity that violates this Article is responsible for payment of the City's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the City's schedule of charges then in effect. The charge for installing and/or removing any flow restricting device must be paid to the City before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.

d) A violation of this Article is declared to be a public nuisance and may be abated by the City in accordance with its authority to abate nuisances.

e) The penalties and remedies listed in this Article are not exclusive of any other penalties and remedies available to the City under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative penalties and remedies."

SECTION 3
Any inconsistent provisions of the Torrance Municipal Code, or any other inconsistent ordinances of the City, are repealed, to the extent of the inconsistencies.

SECTION 4
If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect that validity of the remaining portion of this Ordinance. The City Council of the City of Torrance hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or other portions might subsequently be declared invalid or unconstitutional.

SECTION 5
This ordinance will take immediate effect upon its adoption pursuant to Water Code section 376. Within ten days following adoption, this ordinance will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED, APPROVED, and ADOPTED the 24th day of March, 2009.

/s/ Frank Scotto
Mayor Frank Scotto
ATTEST:

APPROVED AS TO FORM:
JOHN FELLOWS III, City Attorney

by /s/ Ronald Pohl
Ronald T. Pohl, Assistant City Attorney

/s/ Sue Herbers
Sue Herbers, City Clerk

TORRANCE CITY COUNCIL ORDINANCE NO. 3717

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Sue Herbers, City Clerk of the City of Torrance, California, do hereby certify that the foregoing Ordinance was duly adopted and passed by said Council at a regular meeting held on the 24th day of March 2009 by the following roll call vote:

AYES:	COUNCILMEMBERS:	Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.
NOES:	COUNCILMEMBERS:	None.
ABSTAIN:	COUNCILMEMBERS:	None.
ABSENT:	COUNCILMEMBERS:	None.

/s/ Sue Herbers
Sue Herbers,
City Clerk of the City of Torrance