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Water Conservation >>

Chapter 22.170 Water Conservation

[Sec. 22.170.010. Water waste prohibited.](#)

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- A. *Prohibited uses.* No person shall use or permit the use of water:
1. For the watering of turf, ornamental landscape, open ground crops and trees, including agricultural irrigation, in a manner or to an extent which allows water to run to waste;
 2. Such that the escape of water through leaks, breaks or malfunction within the water user's plumbing or distribution system occurs for any period of time beyond which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of 48 hours after the water user discovers such leak, break or malfunction, or receives notice from the city of such condition, whichever occurs first, is a reasonable time within which to correct such condition;
 3. In conjunction with use of a handheld hose to wash automobiles, trucks, trailers, boats, or other types of mobile equipment without the use of a workable positive shutoff nozzle;
 4. For the operation of any ornamental fountain, or similar structures, unless water for such use is recycled for lawful reuse without substantial loss;
 5. For washing of sidewalks, walkways, driveways, parking lots or any other hard-surfaced areas by hose or flooding, except as otherwise necessary to prevent or eliminate conditions dangerous to the public health and safety or for other legitimate necessity;
 6. For serving of water by a restaurant to its customers without first being requested by the customer; or
 7. Knowingly for any indiscriminate running of water or washing with water not otherwise prohibited above which is wasteful and without reasonable purpose.
- B. *Failure to comply.*
1. *Civil penalties.* In addition to any other penalties or sanctions provided by this Code, the following civil penalties shall apply for violation of any of the provisions of this article:
 - (a) For the first violation of any of the provisions of this article a written notice is to be given.
 - (b) For the second violation of any of the provisions of this article a surcharge penalty is hereby imposed in an amount equal to 50 percent of the most recent bimonthly water bill (exclusive of the sewer portion of the bill), or \$25.00, whichever is less, payable as part of the water bill, by the customer at the premises at which the violation occurred.
 - (c) For the third violation of any of the provisions of this article a surcharge penalty is hereby imposed in an amount equal to 25 percent of the most recent bimonthly water bill (exclusive of the sewer portion of the bill), or \$50.00, whichever is greater. This penalty is payable as part of the water bill, by the customer at the premises at which the violation occurred.
 - (d) For a fourth violation of any of the provisions of this article within 12 calendar months, the city will install a flow restricting device of one GPM capacity for services up to 1½ inch size, and comparatively sized restrictors for larger services, on the service of the

customer at the premises at which the violation occurred for a period of not less than 48 hours. The charge for installing such a flow restricting device will be based upon the size of the meter and the actual cost of installation. The charge for removal of the flow restricting device and restoration of normal service shall be based on the actual cost involved. Said charges shall be payable by said customer as part of the water bill. Restoration of normal service will be performed during the hours of 8:00 a.m. to 4:00 p.m. on regular working days. In addition, a surcharge penalty of 50 percent of the most recent water bill shall be imposed for restoration of normal service, payable by said customer as part of the water bill.

- (e) For any subsequent violation after the fourth violation of any of the provisions of this article within 12 calendar months, the city may discontinue water service to the customer at the premises at which the violation occurred.
2. *Notice.* The city will give notice of each violation to the customer at the premises at which the violation occurred, as follows:
 - (a) For a first, second or third violation, the city may give written notice of the fact of such violation to the customer personally or by regular mail.
 - (b) If the penalty assessed is, or includes the installation of a flow restrictor or the discontinuance of water service to the customer for any period of time whatever, notice of the violation will be given in the following manner:
 - (1) By giving written notice thereof to the customer personally; or
 - (2) If the customer is absent from or unavailable at either the customer's place of residence or place of business, by leaving a copy with an adult at either place, and sending a copy through the United States mail addressed to the customer at either the customer's place of business or residence; or
 - (3) If such place of residence and business cannot be ascertained, or an adult cannot be found on the premises, then by affixing a copy in a conspicuous place on the property where the failure to comply has occurred and also by delivering a copy to a person residing at the premises, if such person can be found, and also by sending a copy through the United States mail addressed to the customer at the customer's billing address and to the place where the property is situated;
 - (4) All notices will contain, in addition to the facts of the violation, a statement of the possible penalties for each violation, a statement informing the customer of the customer's right to a hearing on the violation, a brief summary of the appeal process specified herein, and the date and time termination will occur.
3. *Hearing.* Any customer against whom a penalty is to be levied pursuant to this section shall have a right to a hearing, in the first instance by the city water superintendent, with the right of appeal to the city public works director, on the merits of the alleged violation, upon the written request of that customer to the city clerk within 15 days of the date of notification of the violation. Penalties, including termination of water service, will be stayed until any such hearing is conducted and a written decision is made by the city water superintendent or his or her designee.
4. *Appeal of decision of water superintendent.* A request for an appeal must be in writing and filed with the city clerk. The filing by a customer of a request for an appeal for any form of relief must be made within 15 days of the decision of the water superintendent. Filing of such a request will automatically stay the implementation of the proposed course of action, pending the decision of the public works director. No other or further stay will be granted. The appeal hearing will be scheduled to occur within a reasonable, prompt period of time following the written notice of appeal. The water user may present any evidence which would tend to show that the alleged wasteful water use has not occurred. Formal rules of evidence will not apply and all relevant evidence customarily relied upon by reasonable persons in the conduct of

serious business affairs will be admissible, unless a sound objection warrants its exclusion by the city public works director. The decision of the city public works director shall be final.

5. *Reconnection.* Where water service is disconnected, as authorized above, it will be reconnected upon correction of the condition or activity and the payment of the estimated reconnection charge.
 6. *Public health and safety.* Nothing contained in this article shall be construed to require the city to curtail the supply of water to any customer when, in the discretion of the city water superintendent or public works director, such water is required by that customer to maintain an adequate level of public health and safety.
 7. *Reservation of rights.* The rights of the city hereunder shall be cumulative to any other rights of the city to discontinue service. All monies collected by the city pursuant to this article shall be deposited in the city water fund.
- C. *Applicability.* The provisions of this article shall apply to all persons using city water, both in the outside the city, and within the city water service areas. Sections [1.150.010](#) through [1.150.050](#) of the San Buenaventura Ordinance Code shall only apply to water users within the city. Violations of subsection A. shall be punishable as specifically provided in Ordinance Code section 1.150.030.

(Code 1971, § 4591)