



## CITY COUNCIL STAFF REPORT

DATE: September 3, 2014 LEGISLATIVE

SUBJECT: PROPOSED ORDINANCES RELATING TO WATER EFFICIENT LANDSCAPING, WATER CONSERVATION AND WATER WASTE PREVENTION AND CEQA EXEMPTION DETERMINATION.

FROM: David H. Ready, City Manager

BY: Department of Building & Safety and Office of Sustainability

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### SUMMARY

The City Council will consider the introduction of two ordinances as follows: (i) adding Palm Springs Municipal Code Chapter 11.06 regarding water conservation and water waste prevention; and (ii) amending and restating existing regulations for water efficient landscaping, Palm Springs Municipal Code Chapter 8.60.

### RECOMMENDATION:

1. Waive the reading of the text in its entirety and introduce on first reading by title only Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 11.06 TO, AND AMENDING SECTION 14.24.020, 14.24.030 AND 14.24.060 OF, THE PALM SPRINGS MUNICIPAL CODE, REGARDING WATER CONSERVATION AND WATER WASTE PREVENTION."
2. Waive the reading of the text in its entirety and introduce on first reading by title only Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 8.60 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO WATER EFFICIENT LANDSCAPING REGULATIONS AND REQUIREMENTS."
3. Direct Staff to meet with representatives from Desert Water Agency to determine procedural and administrative processes for implementation of Chapter 8.60 Water Efficient Landscaping Regulations.

BACKGROUND AND STAFF ANALYSIS:

In 2014, the California Governor issued a Proclamation and Executive Order declaring a State of Emergency to exist in California due to severe drought conditions, noting that the state is experiencing record dry conditions, with 2014 projected to become the driest year on record.

Additionally, the California State Water Resources Control Board adopted Resolution No. 2014-0038 adopting emergency regulations for statewide urban water conservation. The California State Water Resources Control Board Resolution pertains to water agencies in the state.

On, August 5, 2014, the Desert Water Agency Board of Directors, adopted Resolution No. 1011 declaring a Stage 2 Water Supply Shortage Alert, pursuant to Desert Water Agency Ordinance No. 45, implementing mandatory restrictions on outdoor irrigation and other measures as follows:

1. Washing driveways, parking lots or other hard surfaced area, or building exteriors at any time, except to alleviate immediate fire hazards is prohibited;
2. Parks, golf courses and school grounds are to be irrigated during nighttime hours only between sunset and sunrise;
3. Lawn watering and landscape irrigation is prohibited between the hours of 10:00 a.m. to 5:00 p.m.;
4. Running water shall not be used for washing privately owned vehicles. A bucket may be used for the washing of vehicles and only hoses equipped with shut-off nozzles may be used for rinsing;
5. Restaurants are requested not to provide drinking water to patrons except by request;
6. Commercial nurseries shall use water only during the hours from midnight to 6:00 a.m. Irrigation of propagation beds and watering of livestock is permitted as necessary during any hours.
7. Golf courses using recycled water are exempted from these restrictions.

A City Joint Commission Water Task Force was established (comprised of members from the Planning Commission, Architectural Advisory Commission, Parks and Recreation Commission, Sustainability Commission and the Palm Springs Neighborhood Involvement Committee) to make recommendations regarding water conservation and landscape irrigation as they pertain to current ordinances and

potential new policy initiatives. An "Ordinance Subcommittee" was formed to research and review two draft ordinances. One related to general water conservation and the second related to irrigation and landscaping. The subcommittee met several times throughout the months of July and August to discuss the proposed ordinances.

### **Water Conservation and Waste Water Prevention.**

With the exception of miscellaneous provisions in the Palm Springs Municipal Code regarding water in City streets, roadways or gutters, and the Water Efficient Landscaping Chapter (outlined later in this report), the City has no regulations for water conservation and waste water prevention. Absent provisions in the Code, the City has no authority to issue citations for violations pertaining to water restrictions, such as those recently imposed by Desert Water Agency.

The proposed ordinance declares water waste as unlawful in the City of Palm Springs. Water waste is defined as the use of potable water not in compliance with the water conservation requirements established by the ordinance. Water waste is subject to abatement by the City as other public nuisances, or subject to administrative citation or other legal remedies.

Specifically, the proposed ordinance:

1. Prohibits the watering of landscaped areas from 7:00 a.m. to 7:00 p.m., with exceptions for drip irrigation systems, manual watering with containers and/or hose with shutoff nozzle, maintenance of irrigation systems, and newly planted materials, including annual reseeding of turf and seasonal color.<sup>1</sup>
2. Prohibits over-watering of lawn or landscaped areas.
3. Prohibits watering during rainfall.
4. Requires landscape irrigation system maintenance.
5. Requires fountains and decorative water features recirculate.
6. Allows cleaning of sidewalks, patios and similar areas with low pressure washers or recycled water.
7. Allows vehicle washing with use of a bucket and quick-release shutoff nozzle.

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<sup>1</sup> The Subcommittee discussed and recommended to continue to allow an exemption to the irrigation regulations for annual reseeding of turf and seasonal color. As a policy decision the City Council may be inclined to discuss removing the exemption, which in-turn will make annual reseeding difficult if not impracticable.

8. Requires eating and drinking establishments provide drinking water only by request.

9. Requires hotels and motels to provide customer options for the cleaning and changing of linens and towels.

10. Prohibits water leaks from any exterior or interior pipe.

11. Requires all pools, all spas, and decorative water features (in excess of 1,000 cubic feet of water) be drained into the public sewer system rather than the storm drain system (pending further review by Viola regarding treatment requirements)

The proposed ordinance acknowledges that stricter requirements may be in effect by the Desert Water Agency and/or the State or Federal Government in response to an emergency water supply shortage.

Enforcement of the water conservation and waste water prevention ordinance would be the responsibility of the Code Enforcement Division. Currently, Staff has added a category to the City's Go Request app, *Palm Springs @ Your Service*, which provides for the general public to report water waste. The City's Code Enforcement will notify property owners of possible violations and could also refer the matter to the Desert Water Agency as appropriate.

According to a recent story in the *Los Angeles Times* (attached for reference) public education and notification is the key to a successful water conservation program, as opposed to monetary fines. Since the fall of 2013, the City of Los Angeles has received more than 1,100 reports of water violations. Of those, more than 850 repeat offenders received warnings. None had to be fined for continued violations.

### **Water Efficient Landscaping.**

In 1990, the State enacted AB 325 the Water Conservation in Landscape Act, which required the California Department of Water Resources to develop and adopt a Model Water Efficient Landscape Ordinance by January 1, 1992. The premise was that landscape design, installation and maintenance can and should be water efficient. Additionally, the legislation required all local agencies adopt a water efficient landscape ordinance, considering local climate, geological or topographical conditions, or water availability. If local agencies did not adopt a local ordinance the state model ordinance was in effect for the local agency. As such, Ordinance No. 1463 was adopted, establishing Chapter 8.60 of the Palm Springs Municipal Code, to address specific landscape, irrigation and water conservation measures.

In 2006, the State enacted AB 1881, the Water Conservation in Landscape Act, which required the California Department of Water Resources to update the Model Water Efficient Landscape Ordinance. Similar to the previous legislation, if a local agency did not adopt a local ordinance, the updated State Model Water Efficient Landscape Ordinance would apply within the jurisdiction of the local agency. The City did adopt the State Model Ordinance.

At the time of the original state mandate, cities and water districts seemed to agree the water districts should take the lead, since cities do not necessarily have staff expertise to conduct detailed water evaluations. Currently, the City requires all applicable projects submit plans to the Desert Water Agency for review and compliance. Desert Water Agency reviews and approves the plans, which are filed with the final development plans.

Additionally, City Staff refers landscape plans to the AAC to ensure that irrigation plans meet water efficiency landscape requirements. The City charges a fee for architectural review of projects, which includes the review of the landscape plan, in its existing fee structure.

#### **New Ordinance Provisions.**

City Staff and the Task Force Ordinance Subcommittee recommend the City Council introduce the proposed ordinance amending and restating Chapter 8.60 of the Palm Springs Municipal Code, and to adopt local regulations that exceed the requirements of the Model Water Efficient Landscape Ordinance as follows:

Currently the state model ordinance requires commercial properties to comply with the state water efficient landscape standards. The City's previous ordinance exempted multi-family; the proposed ordinance requires multi-family to comply and now aligns with the state model ordinance.

**Applicability.** Single-family dwellings with landscape area over 5,000 square feet must comply with the water efficient landscape standards. Single-family dwellings with landscape area between 2,500 and 5,000 square feet shall comply with provisions for landscape and irrigation drawing requirements of the proposed code. Currently, the state model code does not pertain to single-family dwellings less than 5,000 square feet, and the City's existing code exempts all single-family dwellings. All local ordinances and the state model ordinance require adherence to the efficient landscape standards when over 5,000 square feet.

A single-family subdivision, when front and/or side yards are landscaped by the developer or contractor must meet the City's proposed water efficient landscape standards. Currently, the state model ordinance and the City's existing code do not provide such a requirement.

Exemptions. In the proposed code only ecological restoration projects and single family projects less than 2,500 square feet are exempt. The state model code and the City's existing code exempts many more sites including historic sites, cemeteries, single-family homes, multi-family, reclaimed water users, botanical gardens, as well as ecological restoration projects.

Plan Check and Review Fees. The state model ordinance does not require Plan Check; however, the current Palm Springs ordinance requires with plan check through Desert Water Agency only if the project is: (a) Over 5,000 square feet; or (b) goes through the City's Lawn Buy Back Program and the Planning Department calls for a Minor Architectural Application. Appropriate fees are required for these reviews.

Turf Allowance. The proposed ordinance is in line with the state model ordinance in that it does not allow turf on slopes greater than 25%. However, the City's proposed ordinance is more restrictive in that it restricts turf coverage by property type. The existing City ordinance has no restrictions on turf.

Planting Requirements. The state did not provide a plant list or require such of new applicants. The current City code also makes no reference to a plant list. The proposed ordinance establishes that an approved plant list be established and adhered to. Moreover, the City's Lawn Buy Back Program requires drawings and a list of plants in the application process.

Irrigation Standards. In the proposed ordinance, irrigation must be designed for hydro-zones and irrigation standards are set for landscape adjacent to hardscape. Subterranean irrigation is required within 36 inches of hardscape. The state model ordinance only requires subterranean irrigation on plantings within 24 inches of hardscape. Smart controllers and master valves are also required on projects that are over 5,000 square feet. The state model ordinance and the City's current ordinance have no such requirements.

Evapotranspiration Rate. The proposed ordinance is more stringent than the state model ordinance and equal to that of other Coachella Valley cities when determining required evapotranspiration factors (ETAF). The ETAF for the state model ordinance is only 0.7, where the local ETAF pursuant to the proposed ordinance is 0.5. This makes the proposed ordinance and local ordinances more water efficient than the state model ordinance.

Overall the City's proposed ordinance is more stringent than the existing City Ordinance, other local ordinances, CVAG's Model Water Efficient Landscape Ordinance and the State Model Ordinance.

### **Building Codes and Standards.**

Current California Building Codes, adopted by the City of Palm Springs, require certain water conservation devices for residential and commercial building.

Effective January 1, 2014, House Bill 4007 (2009) specifically addresses compliance measures related to residential and commercial properties constructed prior to 1994. The new regulations require that all plumbing fixtures, not meeting the current low flow code requirements, must be replaced with compliant fixtures when obtaining a permit for improvements or alterations to any commercial or residential property.

The City's Building and Safety Department is enforcing the new regulations. Any commercial or residential property build prior to 1994, that require a permit for any alteration, must replace all fixtures and/or provide documentation that all plumbing fixtures meet the low flow code requirements.

Furthermore, the new law requires that on or before January 1, 2017, all noncompliant plumbing fixtures in ANY single-family residential real property shall be replaced by the property owner with water-conserving plumbing fixtures. The State did not provide any inspection or enforcement provisions in the legislation.

The law further requires that on or before January 1, 2019, all noncompliant plumbing fixtures in multi-family residential real property and commercial real property shall be replaced by the property owner with water-conserving plumbing fixtures. The State did not provide any inspection or enforcement provisions in the legislation.

Generally, the industry does not provide any plumbing fixture which exceeds the standards contained in the California Building Code, with the exception of waterless toilets. As such, given the provisions enacted in the California Building Codes with respect to plumbing fixtures, Staff has no further recommended actions for Building Codes and Standards.

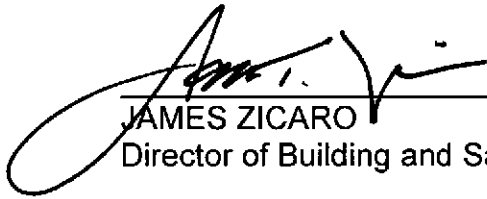
Notwithstanding the above, the City Council may wish to consider directing Staff to prepare an ordinance that further requires additional water saving devices as appropriate. For example, other regulations might include mandates such as: requiring all eating and drinking establishments to replace dishwashing systems with water-efficient dishwashing machines; require lodging facilities and laundry businesses to replace laundry equipment with water efficient washing machines; require all existing conveyor car wash systems to install and operate only water recycling systems, etc.

### **FISCAL IMPACT:**

The Water Efficient Landscaping provisions in the code administered by the Planning Department will be offset by the appropriate fees charged. Such fees are being

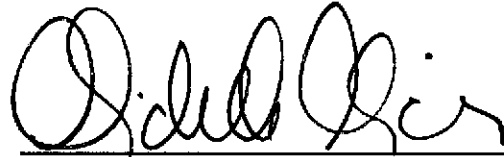
reviewed and Staff will present recommendations for any modifications required to carry out the provisions of the Ordinance.

The Water Conservation and Water Waste Prevention regulations will be enforced by the City's Code Enforcement Division. Additional resources may be required depending upon our overall experience with requests for service and enforcement. Moreover, educational and outreach initiatives will be provided with resources through the Office of Sustainability.



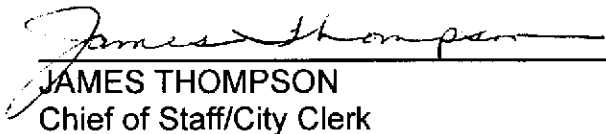
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JAMES ZICARO  
Director of Building and Safety



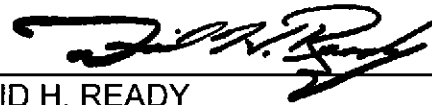
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MICHELE MICIAN  
Sustainability Manager



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JAMES THOMPSON  
Chief of Staff/City Clerk



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DAVID H. READY  
City Manager

Attachments:

- Proposed Water Conservation Ordinance
- Proposed Landscape Ordinance
- PSMC Chapter 8.60
- DWA Resolution No. 1011
- DWA Ordinance No. 45
- Los Angeles Times Story



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 11.06 TO, AND AMENDING SECTIONS 14.24.020, 14.24.030, AND 14.24.060 OF, THE PALM SPRINGS MUNICIPAL CODE, REGARDING WATER CONSERVATION AND WATER WASTE PREVENTION.

**City Attorney Summary**

*This Ordinance promotes water conservation and establishes regulations for water conservation and water waste, including penalties for violation.*

WHEREAS, On January 17, 2014, Governor's Proclamation No. 1-17-2014 was issued, declaring a State of Emergency to exist in California due to severe drought conditions, noting that the state is experiencing record dry conditions, with 2014 projected to become the driest year on record, and called on all Californians to reduce their water usage by 20 percent;

WHEREAS, on January 25, 2014, the California Governor issued an executive order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water. The executive order finds that the continuous severe drought conditions present urgent challenges across the state including water shortages in communities;

WHEREAS, on July 15, 2014, the California State Water Resources Control Board adopted Resolution No. 2014-0038 adopting emergency regulations for statewide urban water conservation; and

WHEREAS, water conservation is one of the easiest, most efficient and cost effective ways to quickly reduce water demand and extend water supplies.

**The City Council of the City of Palm Springs ordains:**

SECTION 1. Chapter 11.06 is added to the Palm Springs Municipal Code to read:

**Chapter 11.06**

**WATER CONSERVATION AND WATER WASTE PREVENTION**

- 11.06.010 Findings.**
- 11.06.020 Purpose and Intent.**
- 11.06.030 Definitions.**
- 11.06.040 Applicability.**
- 11.06.050 Water Conservation Requirements.**

- 11.06.060 Exceptions.**
- 11.06.070 Drought Alert Requirements.**
- 11.06.080 Violations.**

**11.06.010 Findings.**

(a) A reliable supply of potable water is essential to the public health, safety and welfare of the people and economy of the state of California, the southern California region and the City of Palm Springs.

(b) The state of California, the Coachella Valley and the City of Palm Springs suffer from periodic water shortages.

(c) An active water conservation program along with water waste prevention regulations applicable to all sources and uses of water is essential to ensure a reliable supply of water for drinking, sanitation and fire protection, and to protect the public health, safety and welfare.

(d) A water conservation program and water waste prevention regulations are necessary to mitigate effects of water shortages in the City of Palm Springs by reducing water consumption by residents, businesses and visitors, while minimizing the hardship caused to the general public to the greatest extent possible.

**11.06.020 Purpose and Intent.**

(a) The purposes of this Chapter are to increase the conservation of water and provide regulation for the efficient use of potable water, prevent the unreasonable use of water, and maximize the use of recycled water where practicable.

(b) This Chapter is intended solely to further the conservation of water. It is not intended to implement or supersede any federal, state or local statute, ordinance or regulation relating to protection of water quality or control of drainage or runoff.

(c) This Chapter does not modify, terminate or otherwise affect the water services, water rates, or sewer services of any person.

**11.06.030 Definitions.**

The following words, terms and phrases when used in this Chapter have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

“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.

“Positive action quick-release shutoff valve or nozzle” means a hand-held sprayer or similar device that quickly, automatically and absolutely stops the flow of water when the user stops exerting pressure.

“Pressure washer” means a water conserving cleaning device that emits not more than three (3) gallons of water per minute.

“Recycled water” or “recycling system” means the capture, reclamation and reuse of non-potable water for beneficial use.

“Water broom” means a water conserving sweeping device with spray jets that emit not more than three (3) gallons of water per minute.

“Water-efficient” means a water conserving fixture, device or system that complies with the water conservation standards of the most current edition of the California Plumbing Code or, if no standard applies, is EPA WaterSense labeled or its equivalent. In no case shall the fixture, device or system use more water than is indicated by the standard stated in this section.

“Water recycling system” means a system that reclaims and reuses non-potable water.

“Water waste” means the use of potable water not in compliance with Section 11.06.050 of this code.

#### **11.06.040 Applicability.**

This Chapter is applicable to every person, commercial business, or other water user, in the use of any water, within the City. The City Council may by Resolution, exempt pilot programs or special programs of limited scope undertaken by the City or undertaken in conjunction with the City’s water provider.

#### **11.06.050 Water Conservation Requirements.**

Water waste is unlawful in the City of Palm Springs. The following water conservation requirements shall apply to all persons:

(a) Watering hours and duration. No lawn or landscaped area shall be irrigated or watered by any means between the hours of 7:00 a.m. and 7:00 p.m. on any day. Above-ground spray irrigation or watering shall not exceed fifteen (15) minutes per irrigation station or area.

This subsection shall not apply to:

1. Drip irrigation systems.
2. Use of a hand-held bucket or similar container.

3. Use of a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle.

4. Irrigation necessary to establish newly planted low water usage plants.

5. Water expended for limited periods of time necessary for irrigation system maintenance or leak repair.

6. Irrigation necessary to establish annual reseeding of seasonal grass and planting seasonal color for a maximum period of fourteen (14) days after the reseeding or the newly planted seasonal color.

(b) Over-watering. No lawn or landscaped area shall be irrigated or watered to the point where excess water ponds, sprays or runs off the lawn or landscaped area onto any walkways, sidewalks, driveways, streets, alleys, storm drains, adjacent property or non-irrigated property.

(c) Irrigation during rainfall. No lawn or landscaped area shall be irrigated or watered during rainfall.

(d) Landscape irrigation system maintenance. Landscape irrigation systems shall be maintained to ensure water efficiency and shall be regularly inspected, maintained and repaired to eliminate leaks and remove obstructions to water emission devices. System maintenance shall include, but is not limited to, resetting the landscape clock monthly.

(e) Water fountains and decorative water features. No person shall operate a fountain or other decorative water feature that does not recycle or recirculate the water utilized by the device. Permits must be obtained for the drainage of water fountain and decorative water features pursuant to Section 14.24.060 of this code

(f) Cleaning. No person shall use water to wash or clean any sidewalks, walkways, patios, driveways, alleys, parking or similar areas, whether paved or unpaved; however, use of water brooms, or pressure washers or similar low flow technology, recycled water, or water recycling systems to clean these surfaces, is permitted. In no case shall such water run off the property or drain onto any walkways, sidewalks, streets, alleys or storm drains.

(g) Car Washing. No person shall use water to wash or clean any motorized or un-motorized vehicle, including but not limited to truck, boat, van, bus, motorcycle, trailer or similar vehicle except by use of a bucket or similar container or hand held hose equipped with a positive action quick-release shutoff valve or nozzle. This subsection shall not apply to any commercial car washing facility that uses a water recycling system to capture or reuse water.

(h) Eating and drinking establishments shall only provide drinking water to customers upon request.

(i) Hotels and motels shall provide customers the option of choosing not to have towels and linens laundered daily and shall prominently display this option in each bathroom and sleeping room using clear and easily understood language.

(j) Water and leaks. No person shall:

1. Cause, permit or allow water to leak from any exterior or interior pipe, hose or plumbing fixture.

2. Cause, permit or allow water to flow from any source on private or public property onto walkways, sidewalks, streets, alleys or storm drains, except as a result of rainfall or pumping excessive groundwater infiltration, such as by means of a sump pump.

(k) Pools and spas. Permits must be obtained for the drainage of pools and spas pursuant to Section 14.24.060 of this code. Pools and spas shall be drained into the public sewer system. It is unlawful to drain a pool or spa directly or indirectly into the storm drainage system or public streets, roadways or gutters.

#### **11.06.060 Exceptions.**

The Water Conservation Requirements contained in Section 11.06.050 are not applicable as follows:

1. For uses of water that are necessary to protect public health and safety or for essential governmental services when such uses of water cannot be reduced.

2. Water used to comply with California Air Quality Management District dust control regulations and requirements.

#### **11.06.070 Drought Alert Requirements.**

(a) The requirements of this Chapter are in addition to, and not in lieu of, the Desert Water Agency Water Supply Plan for Emergency Supply Shortage, adopted by Ordinance No. 45 of the Board of Directors of the Desert Water Agency, as may be amended.

(b) The requirements of this Chapter are in addition to, and not in lieu of, any Federal or state Water Supply Plan or Regulation for Emergency Supply Shortage.

**11.06.080 Violations.**

- (a) Any violation of this Chapter is a public nuisance, and may be subject to the provisions of Chapter 11.72 of this code.
- (b) Any person who violates any provision of this Chapter is guilty of a misdemeanor for each day in which such violation continues. Violations are punishable pursuant to Sections 1.01.140 and 1.01.150 and the administrative citation provisions of Chapter 1.06 of this code.
- (c) The remedies provided for in this Section are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the City to address any violation of this code or other public nuisance.

SECTION 2. Section 14.24.020 of the Palm Springs Municipal Code is amended to read:

Except as expressly permitted by Chapter 11.06, Sections 14.24.030 and 14.24.060, no person shall use water upon any sidewalk, driveway, courtyard, service yard, parkway, lawn or any private premises within the City for any purposes, in such a manner that water is allowed to run into and accumulate in, or flow away in, the public streets, roadways or gutters.

SECTION 3. Section 14.24.030 of the Palm Springs Municipal Code is amended to read:

Between the hours of 5 a.m. and 9 a.m., water may be used to cleanse paved surfaces of public and private premises, using an approved device pursuant to Section 11.06.050(f) of this code; provided it is used only in such quantity and with such pressure necessary to remove dirt or foreign matter from the paved surfaces; and provided that no grease, oil or other petroleum products are washed into the public streets, roadways or gutters.

SECTION 4. Section 14.24.060 of the Palm Springs Municipal Code is amended to read:

No person shall drain or permit to be drained, to a public sewer system any swimming pool, spa, fountain, or decorative water feature owned or controlled by such person, unless and until a permit to do so has been obtained from the Building Official. Such permits shall be issued upon appropriate application therefor, accompanied by such fee as may have been prescribed by resolution of the City Council, and upon the Building Official determining that the time and place when and where such swimming pool, spa, fountain, or decorative water feature draining will be allowed will not be detrimental to the public interest or welfare, will not result in any undue hazard or

inconvenience to the public, and will not result in any damage to public or private property.

For the purposes of this section, fountain or decorative water feature, means a fountain or water feature in excess of 1,000 cubic feet of water.

**SECTION 5.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 17<sup>TH</sup> DAY OF SEPTEMBER, 2014.

\_\_\_\_\_  
STEPHEN P. POUQUET, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

#### CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. \_\_\_\_ is a full, true, and correct copy, and introduced by the City Council at a regular meeting held September 3, 2014, and adopted at a regular meeting of the City Council held on this September 17, 2014, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PALM SPRINGS,  
CALIFORNIA, AMENDING AND RESTATING CHAPTER  
8.60 OF THE PALM SPRINGS MUNICIPAL CODE  
RELATING TO WATER EFFICIENT LANDSCAPING  
REGULATIONS AND REQUIREMENTS.

**City Attorney Summary**

*This Ordinance updates Chapter 8.60 of the Palm Springs Municipal Code relating to Water Efficient Landscaping requirements pursuant to AB 1881 and the California Department of State Resources Model Water Efficient Landscape Ordinance.*

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS HEREBY ORDAINS:

SECTION 1. Chapter 8.60, entitled "Water Efficient Landscaping" of Title 8, "Building and Construction", of the Palm Springs Municipal Code is hereby amended and restated in its entirety to read:

**Chapter 8.60**

**WATER EFFICIENT LANDSCAPING**

**Section:**

<b>8.60.010</b>	<b>Purpose.</b>
<b>8.60.020</b>	<b>Definitions.</b>
<b>8.60.030</b>	<b>Applicability.</b>
<b>8.60.040</b>	<b>Exemptions.</b>
<b>8.60.050</b>	<b>Landscape Document Package Filing Procedure.</b>
<b>8.60.060</b>	<b>Landscape Design Plan.</b>
<b>8.60.070</b>	<b>Irrigation Design Plan.</b>
<b>8.60.080</b>	<b>Certification of Project Completion.</b>
<b>8.60.090</b>	<b>Landscape Audit Schedules.</b>
<b>8.60.100</b>	<b>Fees for Initial Review and Program Monitoring.</b>
<b>8.60.110</b>	<b>Enforcement and Penalties.</b>
<b>8.60.120</b>	<b>Appeals.</b>

**8.60.010 Purpose.**

(a) The purpose and intent of this chapter is to establish minimum water efficient landscape requirements for newly installed and rehabilitated landscapes. It is also the purpose of this Chapter to implement these minimum requirements to meet the state of California Code of Regulations Title 23. Water Division 2. Department of Water Resources Chapter 2.7 Model Water Efficient Landscape Ordinance and the state of



California Water Conservation in Landscaping Act, Reference: California Government Code Sections 65591, 65593, 65596.

(b) The City Council determined the provisions of this Chapter more appropriately address the specific needs of the City, and this Ordinance is more effective in conserving water than the state Department of Water Resources Model Water Efficient Landscape ordinance.

(c) It is the intent of the City Council to promote water conservation through the planning, design, installation, and maintenance of landscapes by the use of climate appropriate plant material and efficient irrigation.

(d) These provisions are supplementary and additional to the subdivision and zoning regulations of this Code and shall be read and construed as an integral part of the regulations and controls established thereby.

#### **8.60.020 Definitions.**

The following words and terms used in this chapter shall be defined as follows:

(a) "Drip irrigation" means a method of irrigation where the water is applied slowly at the base of plants without watering the open space between plants.

(b) "Estimated water use" means the annual total amount of water estimated to be needed to keep the plants in the landscape healthy. It is based upon such factors as the local evapotranspiration (ET) rate, the size of the landscaped area, the types of plants, and the efficiency of the irrigation system.

(c) "Irrigation efficiency" means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from the measurements and estimates of irrigation system characteristics and management practices.

(d) "Irrigation System" means the network of piping, valves and irrigation heads.

(e) "Landscape irrigation audit" means a process to perform site inspections, evaluate irrigation systems, and develop efficient irrigation schedules.

(f) "Landscaped area" means the entire parcel less the building footprint, driveways, non-irrigated portions of the parking lots, hardscapes such as decks and patios, and other nonporous areas.

(g) "Low volume Irrigation" means an irrigation method to distribute irrigation water slowly in small volumes and targeting it to plants' root zones with no runoff or overshooting. Low volume irrigation systems include but are not limited to drip emitters, tickle-"spider spray", micro spray-sprinklers, and or mist emitters.

- (h) "Maximum water allowance" (MAWA) means, for the design purposes, the upper limit of annual applied water for the established landscape area as specified in Div. 2, Title 23, CA. Code of Reg., Chapter 7, Section 702. It is based upon the area's reference evapotranspiration, ET adjustment factor, and the size of the landscaped area.
- (i) Micro-irrigation. See "drip irrigation."
- (j) "Qualified professional" means a person that has been certified by their professional organization or as a person that has demonstrated knowledge and is locally recognized among landscape architects due to long time experience as qualified.
- (k) "Reclaimed water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation. Reclaimed water is not for human consumption.
- (l) "Rehabilitated landscape" means any re-landscaping project that requires a permit.
- (m) "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the area.
- (n) "Smart Controller" means an irrigation scheduling device which incorporates either weather or soil moisture levels into the scheduling of irrigation times.
- (o) "Turf" means a surface of earth containing mowed grass with roots.
- (p) "Valve" means a device used to control the flow of water in the irrigation system.
- (q) "Xeriscape" means the utilization of plants that are appropriate to the local climate and do not require supplemental irrigation.

**8.60.030 Applicability.**

This Chapter shall apply to the following:

- (a) New construction and rehabilitated landscapes for public agencies and private development projects with a proposed cumulative landscape area equal to or greater than 2,500 square feet. These include, but are not limited to, industrial, commercial, public, quasi-public, institutional, residential common areas, multi-family residential development and developer installed front yards;
- (b) New construction of landscapes for single family residences which are homeowner provided or contractor installed on behalf of the homeowner with a total landscape area of equal to or greater than 5,000 square feet;

(c) New construction of landscapes for single family residences which are homeowner provided or contractor installed on behalf of the homeowner with a total landscape area of 2,500 to 5,000 square feet shall comply with the provisions of 8.06.060 and 8.06.070;

(d) New single family residential subdivisions where the front and/or side yards are landscaped by the developer or contractor;

(e) All persons and properties as well as all pre-existing and newly installed or rehabilitated landscape areas shall comply with the water conservation and water waste prevention provisions in Chapter 11.06 of this Code.

**8.60.040 Exemptions.**

This chapter shall not apply to the following:

(a) Homeowner-provided landscaping at single-family projects with a total project landscape area equal to or less than 2,500 square feet;

(b) Ecological restoration projects that do not require a permanent irrigation system.

**8.60.050 Landscape document package filing procedure.**

(a) Prior to the construction and installation of any new or rehabilitated landscaping as specified in Section 8.60.030, a landscape document package shall be prepared and submitted for review and approval. Approval shall be made through the landscape application form provided by the Department of Planning and Zoning. The landscape document package shall include the following elements:

- (1) Water conservation concept statement;
- (2) Calculation of maximum water allowance;
- (3) Calculation of total estimated water use;
- (4) Landscape design plan;
- (5) Landscape grading plan;
- (6) Irrigation design plan,

(A) Showing the location, type and size of all components of the irrigation system that will provide water to the landscape area, including, but not limited to, controller, water lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators and backflow devices.

(B) The irrigation water source and type (potable or recycled), point of connection, the static water pressure at the point of connection, the application rate in inches per hour and the design operating pressure in pounds per square inch for each station.

(C) Irrigation schedule information including typical irrigation schedules that demonstrate that landscape can thrive using the MAWA calculated as part of that package. Include specification notes for routine inspection, repair and replacement of equipment and state the party responsible for maintenance.

(7) Reclaimed water specifications;

(8) Irrigation water specifications;

(9) Soil analysis. (A soil analysis is recommended but not mandatory.)

(b) The landscape application shall be supplemented by additional plans and water calculations, and submitted to the Desert Water Agency or the Coachella Valley Water District, as applicable, with other pertinent information to adequately address all applicable aspects of the application.

(c) Once the project is approved by the applicable water authority, the department of planning and zoning shall review applications and approve, conditionally approve or deny such application and shall assure conformity with this chapter. At the discretion of the director of planning and zoning department, the planning commission may consider and render decisions on landscape applications.

(d) All landscape and irrigation plans for private development projects shall be in conformance with this Chapter and shall be prepared by a registered landscape architect or other qualified professional in a related field and be installed by a licensed contractor, except as provided elsewhere in this Section.

(e) All public agency projects are not required to be prepared by a landscape architect or installed by a landscape contractor or other qualified professional. However, all public agency projects shall be in compliance with the approved plans and installed correctly to specifications and standards approved by the City and in compliance with this Chapter.

**8.60.055 Maintenance schedule.**

(a) Landscape and irrigation system shall be maintained to ensure water efficiency. A regular maintenance schedule shall include, but not be limited to, checking, adjusting and repairing irrigation equipment, resetting the time clocks monthly, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning, and weeding all planted areas.

- (b) Whenever possible, repair of irrigation equipment shall be done with originally specified materials or their equivalents.

**8.60.060 Landscape design plan.**

A landscape design plan satisfying the design guidelines outlined in the landscape application shall be submitted as a part of the landscape document package. Guideline objectives are to ensure that future landscaping projects are designed and constructed to the highest level of aesthetic values and water efficiency, and to make wise water management viable and easy.

- (a) Turf Regulations. The following regulations shall apply to all projects that are required to submit a landscape design package to the City for approval:

(1) Turf shall not be used on slopes greater than 25 percent where the toe of the slope is adjacent to an impermeable surface.

(2) Only low volume irrigation shall be used for turf in a landscape area where any dimension of the landscape area is six feet or less wide.

(3) On commercial, industrial or multi-family landscape no turf shall be installed in a median, parking lot island or parkway unless, if determined by the planning director, limited use of turf is necessary to provide safe access for pedestrians leaving a parked vehicle to reach the sidewalk.

(4) On commercial, industrial or multifamily landscape no turf shall be installed on any portion of the site that is inaccessible or unusable to a person who uses the site.

(5) On commercial or industrial projects, turf shall be limited to a maximum of fifteen percent (15%) of the total landscaped area.

(6) On single family residences, turf shall be limited to a maximum of 15 percent of the total landscaped area. This restriction shall only apply to the front and side street frontage yards.

(7) An athletic field, park, golf course, cemetery or other similar use shall be designed to limit the use of turf to only those areas where it is essential for the operation of the facility, as determined by the planning director. Areas where turf is not essential to the operation of the facility shall be landscaped with plants with lower water use requirements than turf.

(8) No turf shall be allowed in a landscape area that cannot be efficiently irrigated, or where overspray and run off cannot be avoided.

(b) Plant materials. Plant materials shall be selected utilizing the Lush and Efficient Landscape Guidelines, published by the Coachella Valley Water District. A copy of the Coachella Valley Water District Plant Materials shall be on file at the department of planning and zoning for public inspection and review.

**8.60.070 Irrigation design plan.**

(a) An irrigation satisfying the design guidelines outlined in the landscape application shall be submitted as part of the landscape document package. Where irrigation water is taken from the domestic water supply, separate landscape water meters shall be installed for all projects except single-family homes or any project with a landscaped area of less than two thousand five hundred square feet or as directed by the domestic water purveyor. When irrigation water is from a well, the well shall be metered per the requirements of the water purveyor having jurisdiction.

(b) The irrigation design plan shall be drawn on project base sheets. The irrigation design plan shall be separate from, but use the same format as the landscape design plan.

(c) The following techniques and practices shall be incorporated into the design of irrigation systems

(1) The irrigation system shall be designed to conform to the hydrozones of the plants specified in the planting plan.

(2) The irrigation system shall be designed to prevent runoff, over spray, low head drainage and other similar conditions where irrigation water flows or sprays onto area not intended for irrigation and use low volume irrigation for mulched areas wherever feasible.

(3) Portions of irrigation systems containing slopes greater than 25 percent shall utilize a precipitation rate of 0.75 inches per hour or less to prevent runoff.

(4) Sprinkler heads and other low emission devices shall be selected based on what is appropriate for the plant type in the hydrozone and shall have matched precipitation rates unless otherwise directed by the manufacturer's recommendations.

(5) Sprinkler spacing shall be designed to achieve the highest possible distribution uniformity.

(6) The system shall provide that only low volume irrigation is used to irrigate any vegetation within 36 inches of an impermeable surface unless the adjacent impermeable surfaces are designed and constructed to cause water to drain entirely into landscaped areas.

- (7) The irrigation system shall be regulated by means of a smart controller (either evapotranspiration, weather based, soil moisture based or similar.).
- (8) Irrigation projects equal or greater than 5,000 square feet shall include the installation of a master valve and flow sensor to prevent water waste associated with mainline breaks and other failures.
- (9) Water calculations shall include an evapotranspiration factor of .5.
- (10) Trees shall be placed on separate valves from shrubs, groundcover and turf.

**8.60.080 Certification of project completion.**

- (a) For all private development projects, a licensed landscape architect, installing licensed contractor, or other qualified professional in a related field shall conduct a final field observation and shall provide a certificate of completion. The certificate shall specifically indicate that plants were installed as specified. The installing contractor shall certify that the irrigation system was installed as designed pursuant to the approved plan.
- (b) Certification shall be accomplished by completing a certificate of completion and delivering it to the city planning department and to the owner of record.

**8.60.090 Landscape audit schedules.**

- (a) Existing landscaped areas that are irrigated with groundwater that are over sixty thousand square feet in planted area shall have an irrigation audit within five years of the effective date of the ordinance codified in this chapter. The audit shall be submitted to the water authority for review and approval. Those subject to an audit are public agencies, schools, cemeteries, public parks, commercial uses, golf courses, common areas, greenbelts, and multifamily housing with common area.
- (b) Water audits shall be conducted by a certified landscape water auditor in accordance with the current edition of the landscape irrigation auditor handbook as provided by the state of California Landscape Water Management Program.
- (c) A landscape project is exempted from a water audit if the water use is less than the maximum water use allowance during the previous twelve months. To qualify for exemption the owner must submit a request for exemption with square footage (acreage) of property including the amount of water used during the previous twelve months and certified by the water purveyor having jurisdiction.
- (d) An appeal may be filed with the department of planning and zoning regarding ordinary high water use caused by a line breakage or some type of occurrence which results in unavoidable water usage to exceed standards. An appeal shall include

information regarding water usage the previous year, current year, proof of failure and repair bill. An appeal shall be filed pursuant to Section 8.60.120 of this Code.

**8.60.100 Fees for initial review and program monitoring.**

The following fees are determined to be necessary to cover the costs of reviewing landscape applications and monitoring landscape irrigation audits and shall be imposed on the subject applicant, property owner, or designee.

- (a) The city council, by resolution, shall establish the amount of the landscape application fee in accordance with applicable law.
- (b) A landscape application fee shall be due at the time of initial project application submission to the city.
- (c) The water authority may require every five years the project owner to cause a landscape irrigation audit to be completed by a certified landscape irrigation auditor. The sole cost of the water audit will be borne by other than the water purveyor having jurisdiction.
- (d) If a landscape application is not submitted prior to the start of landscape construction work, for those persons required to submit an application, a late submittal fee of twice the review fee shall be required.

**8.60.110 Enforcement and penalties.**

For the purposes of ensuring that persons comply with the provisions of this chapter, the city may, following written notices to subject property owner(s), initiate enforcement action(s) against such property owner(s) or designer(s), which enforcement actions may include, but are not limited to, the following:

- (a) Revocation of a landscape application;
- (b) Withholding issuance of a certificate of use and occupancy or building permit;
- (c) Issuance of a stop work order;
- (d) In addition to any other remedies for violation of city ordinances in force, the city may bring and maintain any action permitted by law to restrain, correct or abate any violation of this chapter, and in the event that legal action is brought by the city, reasonable attorney's fees and court costs shall be awarded to the city and shall constitute a debt owed by the violator to the city. The city may place a lien on the affected property in the event any debts so incurred are not timely paid.



**8.60.120 Appeals.**

A person aggrieved by an action taken by the city may appeal the action pursuant to Chapter 2.05 of this Code.

SECTION 2. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

SECTION 3. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining section, subsection and clauses shall not be affected thereby.

SECTION 4. The amendment to the regulations is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Minor Land Alterations).

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 17<sup>TH</sup> DAY OF SEPTEMBER, 2014.

\_\_\_\_\_  
STEPHEN P. POUINET, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. \_\_\_\_\_ is a full, true, and correct copy, and introduced by the City Council at a regular meeting held September 3, 2014, and adopted at a regular meeting of the City Council held on this September 17, 2014, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California

**Palm Springs Municipal Code**

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Title 8 BUILDINGS AND CONSTRUCTION

**Chapter 8.60 WATER EFFICIENT LANDSCAPING****8.60.005 Purpose and intent.**

The purpose and intent of this chapter is to establish minimum water efficient landscape requirements for all new and rehabilitated landscape projects to meet the minimum requirements of the State of California Water Conservation in Landscaping Act, Government Code Section 65591, et seq. The city's staff has considered the State Model Water Efficient Landscape Ordinance and determined the provisions of this chapter more appropriately address the specific needs of the city. (Ord. 1463 § 1, 1993)

**8.60.010 Definitions.**

The following words and terms used in this chapter shall be defined as follows:

- (a) "Drip irrigation" means a method of irrigation where the water is applied slowly at the base of plants without watering the open space between plants.
- (b) "Estimated water use" means the annual total amount of water estimated to be needed to keep the plants in the landscape healthy. It is based upon such factors as the local evapotranspiration (ET) rate, the size of the landscaped area, the types of plants, and the efficiency of the irrigation system.
- (c) "Irrigation efficiency" means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from the measurements and estimates of irrigation system characteristics and management practices.
- (d) "Landscape irrigation audit" means a process to perform site inspections, evaluate irrigation systems, and develop efficient irrigation schedules.
- (e) "Landscaped area" means the entire parcel less the building footprint, driveways, nonirrigated portions of the parking lots, hardscapes such as decks and patios, and other nonporous areas.
- (f) "Maximum water allowance" means, for the design purposes, the upper limit of annual applied water for the established landscape area as specified in Div. 2, Title 23, CA. Code of Reg., Chapter 7, section 702. It is based upon the area's reference evapotranspiration, ET adjustment factor, and the size of the landscaped area.
- (g) Micro-irrigation. See "drip irrigation."
- (h) "Qualified professional" means a person that has been certified by their professional organization or as a person that has demonstrated knowledge and is locally recognized among landscape architects due to long time experience as qualified.
- (i) "Reclaimed water" means treated or recycled waste water of a quality suitable for nonpotable uses such as landscape irrigation. Reclaimed water is not for human consumption.
- (j) "Recreational area" means areas of active play or recreation such as sports fields, school yards, picnic grounds, or other areas with intense foot traffic.
- (k) "Rehabilitated landscape" means any relandscaping project that requires a permit.
- (l) "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the area.
- (m) "System" means the network of piping, valves and irrigation heads.
- (n) "Turf" means a surface of earth containing mowed grass with roots.
- (o) "Valve" means a device used to control the flow of water in the irrigation system.

(Ord. 1463 § 1, 1993)

**8.60.015 Applicability.**

This chapter shall apply to the following:

- (1) All new and rehabilitated landscaping for public agency projects such as recreational areas and schools;
- (2) All new and rehabilitated landscaping for private development projects such as golf courses, common area landscaping, private schools, businesses; and for multifamily housing that have a landscaped area of two thousand five hundred square feet or more.

(Ord. 1463 § 1, 1993)

**8.60.020 Exemptions.**

This chapter shall not apply to the following:

- (1) Homeowner provided landscaping at single-family and multifamily projects;
- (2) Cemeteries;
- (3) Registered historic sites;
- (4) Ecological restoration projects that do not require a permanent irrigation system;
- (5) Any project with a landscape area less than two thousand five hundred square feet;
- (6) Any project using over fifty percent recycled water is exempt from the maximum water allowance and water audits.

(Ord. 1463 § 1, 1993)

**8.60.025 Landscape document package filing procedure.**

(a) Prior to the construction and installation of any new or rehabilitated landscaping as specified in Section 8.60.015, a landscape document package shall be prepared and submitted for review and approval. Approval shall be made through the landscape application form provided by the department of planning and zoning. The landscape document package shall include the following elements:

- (1) Water conservation concept statement;
- (2) Calculation of maximum water allowance;
- (3) Calculation of total estimated water use;
- (4) Landscape design plan;
- (5) Landscape grading plan;
- (6) Irrigation design plan;
- (7) Irrigation system design;
- (8) Drip irrigation design;
- (9) Reclaimed water specifications;
- (10) Irrigation water specifications;
- (11) Soil analysis. (A soil analysis is recommended but not mandatory.)

(b) The landscape application may be supplemented by additional plans and submitted to the Desert Water Agency/Coachella Valley Water District with other pertinent information to adequately address all applicable aspects of the application.

(c) The department of planning and zoning shall review applications and approve, conditionally approve or

deny such application and shall assure conformity with this chapter. At the discretion of the director of planning and zoning department, the planning commission may consider and render decisions on landscape applications.

(d) All landscape and irrigation plans for private development projects shall be in conformance with this chapter and shall be prepared by a registered landscape architect or other qualified professional in a related field and be installed by a licensed contractor, except as provided in this Section 8.60.025.

(e) All public agency projects are not required to be prepared by a landscape architect or installed by a landscape contractor or other qualified professional. However, all public agency projects shall be in compliance with the approved plans and installed correctly to specifications and standards approved by the city and in compliance with this chapter. (Ord. 1463 § 1, 1993)

#### **8.60.030 Landscape design plan.**

A landscape design plan satisfying the design guidelines outlined in the landscape application shall be submitted as a part of the landscape document package. Guideline objectives are to ensure that future landscaping projects are designed and constructed to the highest level of aesthetic values and water efficiency, and to make wise water management viable and easy. (Ord. 1463 § 1, 1993)

#### **8.60.035 Irrigation design plan.**

(a) An irrigation satisfying the design guidelines outlined in the landscape application shall be submitted as part of the landscape document package. Where irrigation water is taken from the domestic water supply, separate landscape water meters shall be installed for all projects except single-family homes or any project with a landscaped area of less than two thousand five hundred square feet or as directed by the domestic water purveyor. When irrigation water is from a well, the well shall be metered per the requirements of the water purveyor having jurisdiction.

(b) The irrigation design plan shall be drawn on project base sheets. The irrigation design plan shall be separate from, but use the same format as the landscape design plan. (Ord. 1463 § 1, 1993)

#### **8.60.040 Certification of project completion.**

(a) For all private development projects, a licensed landscape architect, installing licensed contractor, or other qualified professional in a related field shall conduct a final field observation and shall provide a certificate of completion. The certificate shall specifically indicate that plants were installed as specified. The installing contractor shall certify that the irrigation system was installed as designed.

(b) Certification shall be accomplished by completing a certificate of completion and delivering it to the city planning department and to the owner of record. (Ord. 1463 § 1, 1993)

#### **8.60.045 Landscape audit schedules.**

(a) Existing landscaped areas that are irrigated with groundwater that are over sixty thousand square feet in planted area shall have an irrigation audit within five years of the effective date of the ordinance codified in this chapter. The audit shall be submitted to the Desert Water Agency/Coachella Valley Water District for review and approval. Those subject to an audit are public agencies, schools, cemeteries, public parks, commercial uses, golf courses, common areas, greenbelts, and multifamily housing with common area.

(b) Water audits shall be conducted by a certified landscape water auditor in accordance with the current edition of the landscape irrigation auditor handbook as provided by the state of California Landscape Water Management Program.

(c) A landscape project is exempted from a water audit if the water use is less than the maximum water use allowance during the previous twelve months. To qualify for exemption the owner must submit a request for exemption with square footage (acreage) of property including the amount of water used during the previous twelve months and certified by the water purveyor having jurisdiction.

(d) An appeal may be filed with the department of planning and zoning regarding ordinary high water use caused by a line breakage or some type of occurrence which results in unavoidable water usage to exceed standards. An appeal shall include information regarding water usage the previous year, current year, proof of failure and repair bill. An appeal shall be filed pursuant to Section 8.60.065 of this chapter. (Ord. 1463 § 1, 1993)

#### **8.60.050 Water waste prevention.**

Water waste from inefficient landscape irrigation allowing runoff, low head drainage, overspray or other conditions where water flows onto roadways, adjacent property or nonirrigated property is prohibited. (Ord. 1463 § 1, 1993)

#### **8.60.055 Maintenance schedule.**

- (a) Landscape and irrigation system shall be maintained to ensure water efficiency. A regular maintenance schedule shall include, but not be limited to, checking, adjusting and repairing irrigation equipment, resetting the time clocks monthly, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning, and weeding all planted areas.
- (b) Whenever possible, repair of irrigation equipment shall be done with originally specified materials or their equivalents.
- (c) Programmed irrigation should only occur from nine p.m. to nine a.m. during the summer months (May to September). (Ord. 1463 § 1, 1993)

#### **8.60.060 Fees for initial review and program monitoring.**

The following fees are determined to be necessary to cover the costs of reviewing landscape applications and monitoring landscape irrigation audits and shall be imposed on the subject applicant, property owner, or designee.

- (1) The city council, by resolution, shall establish the amount of the landscape application fee in accordance with applicable law.
- (2) A landscape application fee shall be due at the time of initial project application submission to the city.
- (3) The Desert Water Agency and the Coachella Valley Water District may require every five years the project owner to cause a landscape irrigation audit to be completed by a certified landscape irrigation auditor. The sole cost of the water audit will be borne by other than the water purveyor having jurisdiction.
- (4) If a landscape application is not submitted prior to the start of landscape construction work, for those persons required to submit an application, a late submittal fee of twice the review fee shall be required.

(Ord. 1463 § 1, 1993)

#### **8.60.065 Enforcement and penalties.**

For the purposes of ensuring that persons comply with the provisions of this chapter, the city may, following written notices to subject property owner(s), initiate enforcement action(s) against such property owner(s) or designer(s), which enforcement actions may include, but are not limited to, the following:

- (1) Revocation of a landscape application;
- (2) Withholding issuance of a certificate of use and occupancy or building permit;
- (3) Issuance of a stop work order;
- (4) In addition to any other remedies for violation of city ordinances in force, the city may bring and maintain any action permitted by law to restrain, correct or abate any violation of this chapter, and in the event that legal action is brought by the city, reasonable attorney's fees and court costs shall be awarded to the city and shall constitute a debt owed by the violator to the city. The city may place a lien on the affected

property in the event any debts so incurred are not timely paid.

(Ord. 1463 § 1, 1993)

**8.60.070 Appeals.**

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A person aggrieved by an action taken by the city may appeal the action pursuant to Chapter 2.05 of the Palm Springs Municipal Code. (Ord. 1463 § 1, 1993)

**RESOLUTION NO. 1101**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
DESERT WATER AGENCY DECLARING A STAGE 2  
(WATER SUPPLY SHORTAGE ALERT) PURSUANT TO  
THE AGENCY'S WATER SHORTAGE CONTINGENCY  
PLAN**

**WHEREAS**, by Ordinance No. 45 the Board of Directors of Desert Water Agency has adopted a Water Shortage Contingency Plan which provides for certain measures to be implemented upon the declaration of levels of water shortage as set forth in the ordinance; and

**WHEREAS**, Ordinance No. 45 includes a Stage 2 (Water Supply Shortage Alert) with mandatory restrictions on outdoor irrigation;

**WHEREAS**, emergency drought regulations adopted by the State Water Resources Control Board on July 15, 2014, now require the Agency to declare a stage of conservation in Ordinance No. 45 that includes mandatory restrictions on outdoor irrigation; and

**WHEREAS**, as required by Ordinance No. 45, this Board of Directors conducted a public hearing on August 5, 2014, with notice of such hearing published in a newspaper of general circulation as required therein, to consider testimony on the declaration of a Stage 2 (Water Supply Shortage Alert), and has considered the testimony provided at such hearing in light of the mandatory actions required by the emergency drought regulations adopted by the State Water Resources Control Board;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of Desert Water Agency does hereby declare a Stage 2 (Water Supply Shortage Alert) pursuant to Ordinance No. 45, thereby implementing the mandatory restrictions on outdoor irrigation and other measures applicable to that stage within Ordinance No. 45, as follows:

- (1) Washing driveways, parking lots, or other hard surfaced area, or building exteriors at any time, except to alleviate immediate fire hazards is prohibited;
- (2) Parks, golf courses and school grounds are to be irrigated during nighttime hours only, between sunset and sunrise;
- (3) Lawn watering and landscape irrigation, including construction meter use, is prohibited between the hours of 10:00 a.m. to 5:00 p.m.;
- (4) Running water shall not be used for washing privately owned vehicles. A bucket may be used for the washing of vehicles and only hoses equipped with shut-off nozzles may be used for rinsing;
- (5) Restaurants are requested not to provide drinking water to patrons except by request;
- (6) Commercial nurseries shall use water only during the hours from midnight to 6:00 a.m. Irrigation of propagation beds and watering of livestock is permitted as necessary during any hours.

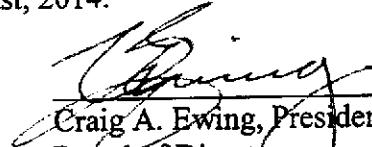


(7) Golf courses using recycled water are exempted from these restrictions.

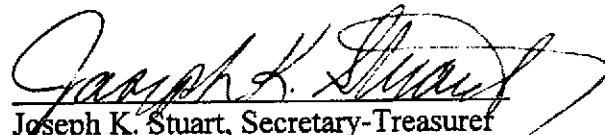
Agency staff are hereby directed to take into consideration state and federal regulatory requirements as well as health and safety needs in the implementation of the restrictions set forth in Ordinance No. 45.

**BE IT FURTHER RESOLVED** that this resolution shall become effective immediately.

**ADOPTED** this 5th day of August, 2014.

  
\_\_\_\_\_  
Craig A. Ewing, President  
Board of Directors  
Desert Water Agency

**ATTEST:**

  
\_\_\_\_\_  
Joseph K. Stuart, Secretary-Treasurer  
Board of Directors  
Desert Water Agency

ORDINANCE NO. 45

ORDINANCE OF THE BOARD OF DIRECTORS OF  
DESERT WATER AGENCY RESTRICTING WATER  
USE DURING WATER SUPPLY EMERGENCIES

WHEREAS, Desert Water Agency (hereinafter "Agency") is a public agency organized under the Desert Water Agency Law, Water Code Appendix Section 100-1, et seq., to provide water service among other purposes to the water users within the boundaries of the Agency; and

WHEREAS, the Agency is authorized by Water Code Appendix Section 100-15 (13) to restrict the use of Agency water during a threatened or existing water shortage, and to prohibit the waste or the use of Agency water during such periods for any purpose other than domestic uses or such other uses as may be determined by the Agency to be necessary; and,

WHEREAS, the Agency is further authorized by Water Code §350 et seq. to declare a water shortage emergency and by Water Code §375-377 to adopt water conservation programs; and

WHEREAS, the Agency finds and determines that the adoption of water conservation rules and regulations is necessary to (1) protect the health, safety and welfare of the inhabitants of the district, (2) assure the maximum beneficial use of the water supplies of the Agency, and (3) ensure that there will be sufficient water supplies to meet

the basic needs of human consumption, sanitation and fire protection; and

WHEREAS, the Agency further finds that the specific rules, regulations and restrictions established herein are necessary in the event of an emergency which is the cause of a water supply shortage;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE DESERT WATER AGENCY AS FOLLOWS:

SECTION 1: DEFINITIONS.

1.1 "Agency" -- Desert Water Agency.

1.2 "Board" -- The Board of Directors of the Desert Water Agency.

1.3 "Emergency Supply Shortage" -- Any water shortage caused by an earthquake, loss of electrical power, pipe line breakage, or any other threatened or existing water shortage caused by a disaster or facility failure which results in Agency inability to meet the water demands of its customers.

1.4 "General Manager" -- The General Manager of the Desert Water Agency.

1.5 "Waste" -- Any unreasonable or nonbeneficial use of water, or any unreasonable method of use of water, including, but not limited to, the specific uses prohibited and restricted by this Ordinance as hereinafter set forth.

1.6 "Water users" -- Any person, firm, partnership, association, corporation or political entity using water obtained from the water system of the Desert Water Agency.

1.7 "Water" -- Water supplied by the Desert Water Agency.

SECTION 2: NOTICED PUBLIC HEARING PRIOR TO MANDATORY CONSERVATION.

Except when an emergency is caused by the breakage or failure of a dam, pump, pipe line or conduit, a noticed public hearing shall be held prior to the adoption of stages 2, 3, or 4 of the Water Supply Plan for Emergency Supply Shortage as set forth in Sections 3.2, 3.3, and 3.4 below. Notice of the time and place of hearing shall be published at least seven days prior to the date of hearing in a newspaper printed, published, and circulated within the area in which the water supply is distributed, or if there is no such newspaper, in any newspaper printed, published, and circulated in the County in which the area is located.

SECTION 3: WATER SUPPLY PLAN FOR EMERGENCY SUPPLY SHORTAGE.

3.1 Stage No. 1. Normal Conditions: Voluntary Conservation Measures.

Normal conditions shall be in effect when the Agency is able to meet all the water demands of its customers in the immediate future. During normal conditions, all

water users should continue to use water wisely, to prevent the waste or unreasonable use of water, and to reduce water consumption to that necessary for ordinary domestic and commercial purposes.

3.2 Stage No. 2.      Water Shortage Alert:  
Mandatory Conservation Measures.

In the event of a sudden and unexpected water supply shortage which could prevent the Agency from meeting the water demands of its customers, the Board of Directors shall immediately hold a public hearing at which consumers of the water supply shall have the opportunity to protest and to present their respective needs to the Board. No public hearing shall be required in the event of a breakage or failure of a dam, pump, pipe line or conduit causing an immediate emergency. The Board may then declare a water shortage emergency condition to prevail, and the following rules and regulations shall be in effect immediately following such declaration.

(1) washing driveways, parking lots, or other hard surfaced area, or building exteriors at any time, except to alleviate immediate fire hazards is prohibited;

(2) parks, golf courses and school grounds are to be irrigated during nighttime hours only, between sunset and sunrise;

(3) lawn watering and landscape irrigation, including construction meter use, is prohibited between the hours of 10:00 a.m. to 5:00 p.m.;

(4) running water shall not be used for washing privately owned vehicles. A bucket may be used for the washing of vehicles and only hoses equipped with shut-off nozzles may be used for rinsing;

(5) restaurants are requested not to provide drinking water to patrons except by request;

(6) commercial nurseries shall use water only during the hours from midnight to 6:00 a.m. Irrigation of propagation beds and watering of livestock is permitted as necessary during any hours.

(7) Golf courses using reclaimed water are exempted from these restrictions.

3.3 Stage No. 3. Water Shortage Warning. The Board of Directors may, following a public hearing as set forth in Section 2.2, declare that an emergency water supply shortage exists, and that the Agency is unable to meet all the water demands of its customers. Immediately thereafter, the following water conservation measures shall apply:

(1) parks and schools shall be watered on alternate days during the hours between sunset to sunrise; The schedule of which shall be set following the public hearing.

(2) golfcourses which utilize domestic water from Desert Water Agency's domestic system may irrigate greens only during the hours between sunset to sunrise. Golf courses utilizing reclaimed water are exempted from this restriction;

(3) other lawn watering and landscape irrigation, including construction meter use are restricted as follows: customers with even numbered street addresses may water only on even numbered days, customers with odd numbered street addresses may water only on odd numbered days, and no watering or irrigation shall be done between the hours of 10:00 a.m. and 5:00 p.m. on any day;

(4) washing down of driveways, parking lots, or other paved surfaces is prohibited;

(5) washing of vehicles is restricted to commercial car wash establishments which recycle their water;

(6) filling or adding water to swimming pools, wading pools, spas, ornamental ponds, fountains and artificial lakes is prohibited;

(7) restaurants shall not serve drinking water to patrons except by request;

(8) no new construction meter permits shall be issued by the Agency;

(9) construction metered water shall not be used for earth work or road construction purposes;

(10) watering of livestock is permitted as necessary during any hours;

(11) commercial nurseries may use water only between the hours of 6:00 p.m. and 6:00 a.m. Irrigation of propagation beds is permitted as necessary during any

hours. Commercial nurseries utilizing reclaimed water are exempted from this restriction.

3.4 Stage No. 4. Mandatory Compliance. Water Shortage Emergency.

Following a declaration by the Board of Directors that an emergency water supply shortage due to a major failure in a supply or distribution facility exists, the following water conservation measures shall apply:

(1) watering of parks, school grounds and golfcourses is prohibited, except for reclaimed water;

(2) lawn watering and landscape irrigation is prohibited;

(3) washing down of driveways, parking lots, or other paved surfaces is prohibited;

(4) washing of vehicles is prohibited, except when done by commercial car wash establishments using recycled or reclaimed water;

(5) filling or adding water to swimming pools, wading pools, spas, ornamental ponds, fountains and artificial lakes is prohibited;

(6) restaurants shall not serve drinking water to patrons except by request;

(7) no new construction meter permits shall be issued by the Agency;

(8) all existing construction meters shall be turned off and locked;



(9) commercial nurseries shall discontinue all watering and irrigation. Those utilizing reclaimed water are exempted from this restriction. Watering of livestock is permitted as necessary.

SECTION 4. BOARD DISCRETION TO MODIFY CONSERVATION MEASURES UPON A SHOWING OF NECESSITY THEREFOR.

The specific requirements of each mandatory conservation stage shall be effective upon adoption by the Board following a public hearing, except that the Board may modify or amend such requirements at the time of adoption upon a showing of the need for such modification or amendment.

SECTION 5. IMPLEMENTATION AND TERMINATION OF MANDATORY COMPLIANCE STAGES.

5.1 The General Manager of the Agency shall monitor the supply and demand for water on a daily basis to determine the level of conservation required by the implementation or termination of the Water Conservation Stages, and shall notify the Board of the necessity for the implementation or termination of each stage. Each declaration of the Board implementing or terminating a water conservation stage shall be published at least once in a newspaper of general circulation, and shall remain in effect until the Board of Directors otherwise declares, as provided herein.

SECTION 6. EXCEPTIONS.

6.1 Application for Exception Permit. The General Manager of the Agency may grant permits for uses of water otherwise prohibited thereby if he/she finds and determines that special circumstances make compliance not reasonably possible, or that restrictions herein would either:

(a) Cause an unnecessary and undue hardship to the water user or the public; or

(b) Cause an emergency condition affecting the health, sanitation, fire protection or safety of the water user or of the public.

Such exceptions may be granted only upon application therefor. Upon granting any such exception permit, the General Manager may impose any conditions he/she determines to be just and proper.

SECTION 7. CRIMINAL PROCEEDINGS FOR VIOLATION.

7.1 The Board of Directors hereby declares that, pursuant to Water Code Section 377, it shall be a misdemeanor for any person to use or apply water contrary to or in violation of any mandatory restriction or requirement established by this ordinance and, upon conviction thereof, that person, firm or corporation shall be punished by imprisonment in the county jail for not more than thirty (30) days or a fine of not more than one thousand dollars (\$1000) or by both such fine and imprisonment.

SECTION 8. CIVIL PROCEEDINGS FOR VIOLATION.

In addition to criminal penalties, violators of the mandatory provisions of this Ordinance shall be subject to civil action initiated by the Agency.

8.1 First Violation. For a first violation, the Agency shall issue a written notice of violation to the water user violating the provisions of this Ordinance.

8.2 Second Violation: 25% Surcharge. For a second violation of this Ordinance within a 12-month period, a one-month surcharge is hereby imposed in an amount equal to 25% of the previous month's water bill for the meter through which the wasted water was supplied.

8.3 Third Violation: 50% Surcharge; Installation of Flow Restrictor. For a third violation of this Ordinance within a 12-month period, a one-month penalty surcharge is hereby imposed in an amount equal to 50% of the previous month's water bill for the meter through which the wasted water was supplied. In addition to the surcharge, the Agency may at its discretion install a flow-restricting device at such meter with a one-eighth inch orifice for services up to one and one-half 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 a flow-restricting device shall be based upon the size of the meter and the cost of installation but shall not

be less than \$25. The charge for removal of the flow-restricting device and restoration of normal service shall be \$25 if restoration of normal service is performed during the hours of 8:00 a.m. to 4:00 p.m. on regular working days. If the removal of the flow-restricting device and restoration of normal service is made after regular working hours, on holidays or weekends, the restoration service charge shall be \$40.

8.4 Subsequent Violations; Discontinuance of Service. For any subsequent violation of this Ordinance within the 24 calendar months after a first violation as provided in Section 6.1 hereof, the penalty surcharge provided in Section 6.3 hereof shall be imposed and the Agency shall discontinue water service to that customer at the premises or to the meter where the violation occurred. The charge for reconnection and restoration of normal service shall be \$25. Such restoration of service shall not be made until the General Manager of the Agency has determined that the water user has provided reasonable assurances that future violations of this Ordinance by such user will not occur.

8.5 Notice. For a first violation, written notice may be given to the customer personally or by regular mail.

If the penalty assessed is a surcharge for a second or third violation, notice may be given by regular mail.

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 shall be given in the following manner:

(a) By giving written notice thereof to the customer personally; or

(b) If he/she is absent from his/her place of residence and from his/her assumed place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy through the United States mail addressed to the customer at either his/her place of business or residence; or

(c) If such place of residence and business cannot be ascertained, or a person of suitable age or discretion there cannot be found, then by affixing a copy in a conspicuous place on the property where the failure to comply is occurring and also by delivering a copy to a person there residing, if such person can be found, and also sending a copy through the United States mail addressed to the customer at the place where the property is situated.

Said notice shall contain, in addition to the facts of the violation, a statement of the possible penalties for each violation and a statement informing the customer of his right to a hearing on the violation.

SECTION 9. HEARING.

9.1 Any customer against whom a penalty is levied pursuant to Section 5 and 6 shall have a right to a hearing, in the first instance by the General Manager, with the right of appeal to the Board of Directors, on the merits of the alleged violation upon the written request of that customer within fifteen (15) days of the date of infraction of the violation.

SECTION 10. RESERVATION OF RIGHTS. The rights of the Agency hereunder shall be cumulative to any other right of the Agency to discontinue service. All monies collected by the Department pursuant to any of the penalty provisions of this Chapter shall be deposited in the Operating Fund as reimbursement for the Agency's costs and expenses of administering and enforcing this Ordinance.

SECTION 11. CONCURRENT AUTHORITY.

11.1 The Desert Water Agency, its manager and designated employees, have the duty and are authorized to enforce all provisions of this Ordinance, with the qualification that the City of Palm Springs through enforcement of Sections 14.24.020-14.24.060 of the Palm Springs Municipal Code, the City of Cathedral City, and the County of Riverside as to unincorporated territory within the Agency, are recognized to have concurrent authority for, and shall have the primary responsibility for the control of water flowing in the streets where such occurs within their respective jurisdictions.

SECTION 12. NO REPEAL OR AMENDMENT OF ORDINANCE

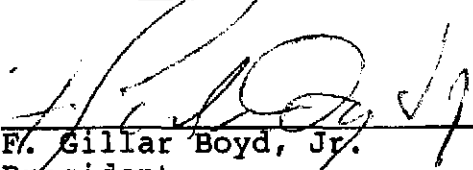
31. This ordinance shall be in addition to Ordinance 31 (prohibiting the waste of water). In the event of conflicting provisions, this ordinance shall prevail.

SECTION 13. SEVERABILITY.

13.1 If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 14. The Clerk of the Desert Water Agency shall attest to the passage of this Ordinance and shall cause the same to be published in a newspaper of general circulation, which is printed, published and circulated in the district within 10 days after its adoption.

ADOPTED this 18th day of October, 1988

  
F. Gillar Boyd, Jr.  
President

Attest:

  
Secretary

# This L.A. cop gets the drop on water offenders



Rick Silva, a water cop in L.A.'s Water Conservation Response Unit, patrols the city's streets in search of wasteful homes or businesses during the state's extreme drought. (Luis Sinco / Los Angeles Times)

By **DASHIELL YOUNG-SAVER**

AUGUST 10, 2014, 3:50 PM

**R**ick Silva began his investigation at the end of an alley, on a hot day in L.A.'s Westlake community. Driving down a busy thoroughfare, he spied water runoff on a sidewalk.

He steered his city-owned Honda Civic into the alley and followed the water to a small plastic pipe adjacent to a convalescent home.

Silva parked and went inside to see the manager. After introducing himself as "LADWP," Silva said loudly, "You know there's a drought."

The manager replied that the runoff was from the cleaning of barrels for sanitation purposes. He added that the facility used water-saving pressure hoses for the job.

Silva smiled. The place checked out.



Silva is a water cop in the city's Water Conservation Response Unit. While other kinds of investigators follow fingerprints or eyewitness accounts, Silva follows the water, patrolling the streets of Los Angeles in search of wasteful homes or businesses during the state's extreme drought.

It's a daunting task — just four people, full time, policing an area of about 460 square miles. For that reason, they mostly respond to calls or emails from people who report their neighbors watering lawns on the wrong days, spraying down sidewalks or allowing street runoff. The agency does not reveal the identity of the tipsters.

If Silva sees other violators while driving to check out tips, he stops to talk to them as well.

The phone lines have been busy since July, when the state announced daily fines of up to \$500 for violators. News reports about the fines raised public awareness, and Silva estimates the number of tips rose fourfold, with about 75% pertaining to violators in single-family homes.

The fines applied to water districts across the state, although not in Los Angeles, which has had restrictions in place since 2009. Los Angeles decreased its water consumption 2.4% in the five months since Gov. Jerry Brown declared the drought last winter, compared with the same period last year.

In L.A., fines of \$100 can be levied for such behavior as using sprinklers more than three days a week, watering outdoors between 9 a.m. and 4 p.m., hosing down sidewalks and allowing water runoff into the streets.

The fines can rise to \$300 for repeat violators. Businesses pay double those amounts.

For the most part, a warning is all that is needed.

Penny Falcon, who manages water conservation policy for the Department of Water and Power, said the agency has found that "once people become educated on what requirements there are, they want to respond and do the right thing." The conservation unit sends out informational letters and gives personal warnings to water wasters, handing out fines only after repeated violations.

Since fall 2013, the city has received more than 1,100 reports of water violations. Of those, more than 850 repeat offenders received warnings. None had to be fined for continued violations.

Rather than ramping up enforcement, the DWP is focusing on educational outreach through Silva's unit, in which he was the lone full-time employee until three others were added in recent weeks.

Silva said he is ready for stricter rules if the drought worsens. If rain and snowfall levels are low again this winter, he said, outdoor irrigation could be further restricted or completely outlawed as early as next summer, leaving almost every lawn in Los Angeles dead. Currently, about 40% of the city's drinking water is used for landscape irrigation.

"If we don't get rain for another two or three years, then everyone becomes a water cop," Silva said. "I don't want my neighbor watering his lawn if I won't have enough water to drink and live."

But for now, even as statewide predictions look bleak, the water cop has hope.

"L.A. gets it — not to the very last person — but on the whole we get it," Silva said. "If everyone contributes, we can go into these regular cycles and everything will be OK."

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