ORDINANCE NO. 2009-026

Adopted by the Sacramento City Council

May 12, 2009

AN ORDINANCE REPEALING AND REENACTING ARTICLE XI OF CHAPTER 13.04 OF THE SACRAMENTO CITY CODE, RELATING TO OUTDOOR WATER CONSERVATION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1

Article XI of Chapter 13.04 of the Sacramento City Code is repealed and reenacted to read as follows:

Article XI Outdoor Water Conservation

13.04.830 Legislative Intent.

The city council finds and determines:

A. To prevent waste and ensure reasonable use of water supplied by the city water distribution system, it is necessary and desirable to enact certain limitations to promote water conservation by city customers.

B. These limitations should be focused on outdoor water use, because the maximum demands for water from the city's water distribution system occur during the summer months, with outdoor irrigation use exceeding all other demands.

C. Reduction of water use through water conservation protects and promotes the public health, safety and welfare by conserving a vital resource that is subject to ever-increasing demands.

D. Reduction of water demands through water conservation will reduce the per capita amount of water used by city customers, and also will reduce the city's costs for electrical energy, equipment and chemicals utilized to pump and treat water supplied to the city water distribution system.

E. By reducing the use of electrical energy, equipment and chemicals, the reduction of water demands through water conservation also protects and promotes the public health, safety and welfare by reducing greenhouse gas emissions associated with the production and transport of electrical energy, equipment and chemicals.

13.04.840 Definitions.

When used in this article, the following words or phrases shall have the meanings set forth below:

"City water" shall mean any water delivered by the city's water distribution system.

"Integrated pest management" shall mean a pest control methodology that utilizes a variety of complementary strategies to significantly reduce or eliminate the use of pesticides while at the same time managing pest populations at an acceptable level.

"New landscaping" shall mean any lawn, plants or other landscaping planted after the effective date of the ordinance adopting this section.

"Water waste runoff" shall mean water flowing away from property in any gutter, ditch or other manner over the surface of the ground due to excessive application of city water.

13.04.850 Substandard water fixtures prohibited.

No person shall cause or allow any city water to be wasted due to leaky or faulty water lines, hoses, fixtures or other water using or distributing devices, unless such person shall have first obtained the written consent of the director to do so.

13.04.860 Water runoff prohibited.

No person shall knowingly or willingly cause or allow any city water applied to any landscaping, including new landscaping, or used for any other irrigation purposes, to flow away as water waste runoff from property owned or occupied by such person.

13.04.870 Outdoor conservation of water.

A. No person shall use, or cause to be used, any city water for the purpose of washing down sidewalks, driveways, or parking areas except to alleviate immediate fire, health or sanitation hazards, or to implement an integrated pest management program, unless the director provides prior written consent.

B. No person shall use, or cause to be used, any city water through a hose for the purpose of washing a vehicle unless:

1. The hose is equipped with an automatic shut-off nozzle attachment, and the attachment is being used to shut off the flow of water at all times when the hose is not being used to wash the vehicle; and

2. The vehicle washing is conducted on a day of the week when outdoor irrigation is permitted for the street address where the vehicle is being washed, as specified in this section.

This subsection shall not apply to commercial car washing businesses.

C. Beginning on the day that daylight savings time begins, and extending until the day before daylight savings time ends:

1. No person shall use, or cause to be used, any city water for landscape irrigation between the hours of 10 a.m. and 6:00 p.m., unless the director provides prior written consent to a different time limitation.

2. Residential and commercial locations bearing a street address ending in an odd number shall be permitted to irrigate with city water only on Tuesday, Thursday, and Saturday, and locations bearing a street address ending in an even number shall be permitted to irrigate with city water only on Wednesday, Friday and Sunday, unless the director provides prior written consent to a different irrigation pattern.

3. No landscape irrigation shall be allowed on Mondays.

D. Beginning on the day that daylight savings time ends, and extending until the day before daylight savings time begins:

Residential and commercial locations bearing a street address ending in an odd number shall be permitted to irrigate with city water only on Saturday, and locations bearing a street address ending in an even number shall be permitted to irrigate with city water only on Sunday, and landscape irrigation shall be prohibited on any other days of the week, unless the director provides prior written consent to a different irrigation pattern.

E. The limitations specified in subsections C and D shall not apply to the irrigation of container plants, nor to the irrigation of new landscaping that is subject to the provisions of section 13.04.880.

F. References in this article to any day of the week shall mean the period beginning at 12 a.m. on that day and ending 24 hours later.

G. Upon declaration of a water shortage, the city council may impose revised and/or additional limitations on outdoor water use, as specified in section 13.04.910, and no person shall use, or cause to be used, city water in violation of such limitations while the water shortage remains in effect.

13.04.880 New landscaping.

The following regulations shall apply to the use of city water to irrigate new landscaping:

A. Irrigation of new landscaping shall be allowed on any day of the week for a period of 21 days after the new landscaping is planted, unless the director provides prior written consent to extend this time period based on plant type and the season when the new

landscaping is planted.

B. Any irrigation of new landscaping after expiration of the time period specified in subsection A, and any irrigation of existing landscaping adjacent to the new landscaping, shall be subject to the limitations specified in section 13.04.870.

C. Upon declaration of a water shortage, the city council may impose revised and/or additional limitations on the irrigation of new landscaping, as specified in section 13.04.910, and no person shall use, or cause to be used, city water in violation of such limitations while the water shortage remains in effect.

13.04.890 Penalties for violation.

A. The following penalties shall be imposed for violation of any of the provisions of sections 13.04.850 through 13.04.880, inclusive. Any violations occurring on separate calendar days shall be considered separate violations.

1. First violation during any 12 month period: No penalty shall be imposed, but a written notice describing the violation and the penalties for subsequent violations shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred.

2. Second violation during any 12 month period: A written notice describing the violation and the penalty shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred. A penalty of $25.00 shall be imposed, but this penalty shall be waived if the owner of the premises where the violation occurred, or the occupant (if different than the owner, and the occupant committed the violation), attends a water conservation seminar offered by the department within 60 days after the date of the penalty notice.

3. Third violation during any 12 month period: A written notice describing the violation and the penalty shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred. A penalty of $100 shall be imposed.

4. Fourth violation and any successive violations during any 12 month period: A written notice describing the violation and the penalty shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred. A penalty of $500 shall be imposed.

B. Upon declaration of a water shortage by the city council, as specified in section 13.04.910, the penalty amounts specified in subsection A shall be doubled while the water shortage remains in effect.

C. The violation of any of the provisions of sections 13.04.850 through 13.04.880, inclusive, also shall be deemed to constitute a public nuisance, subject to abatement in accordance with the provisions of chapter 8.04 of this code, as applicable.

D. The foregoing provisions are cumulative and in addition to any other remedies or penalties authorized or imposed under any other provision of this code, including but not limited to section 13.04.270, or any other applicable law or regulation. The provisions of this article may be enforced by the department or by the department of code enforcement.

13.04.900 Appeal.

A. The owner or occupant of the premises where the violation occurred may appeal a notice of violation issued under Section 13.04.890 (A) to the director for review and determination, by filing a written notice of appeal with the director not later than thirty (30) days after the notice of violation is issued. Such notice of appeal shall specify the grounds for appeal and shall provide the appellant's address and telephone number, with a statement that the appellant agrees to accept service at such address of the written notice of the time and place of the appeal hearing and the determination of the director or the director's designee.

B. Upon receipt of a timely notice of appeal, the director or the director's designee shall set the matter for an informal hearing at the earliest practical date. Not less than seven (7) days prior to the date of hearing, the director or the director's designee shall provide written notice of the hearing to the appellant. At the hearing, the director or the director's designee shall hear any relevant evidence presented by the appellant or department staff, and may uphold, modify or rescind the notice of violation, including the penalty imposed by the notice of violation, if any. The person filing the appeal shall be provided written notice of the determination of the director or the director's designee, which shall be the city's final administrative determination of the matter.

C. The failure of the owner or occupant of the premises where the violation occurred to file a timely notice of appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to appeal and a failure to exhaust the owner's and occupant's administrative remedies with regard to the notice of violation.

D. Upon determination after appeal by the director or the director's designee that a penalty shall be imposed, or upon issuance of a notice of violation and penalty and expiration of the appeal period specified in subsection A with no notice of appeal being filed, the penalty amount shall be included on the bill for water service provided to the premises where the violation occurred and shall be collected in accordance with the provisions of chapter 13.12 of this code. Any penalties collected shall be used by the department to fund water conservation programs.

13.04.910 Declaration of water shortage.

In response to any condition necessitating increased water conservation, such as a water shortage due to drought, natural disaster or other reduction of water supply availability, or as may otherwise be required to protect the public health, safety and welfare, the city council may by resolution declare the existence of a water shortage and impose revised and/or additional limitations and time restrictions on outdoor water use while the water shortage remains in effect, and no person shall use, or cause to

be used, city water in violation of such limitations or restrictions while the water shortage remains in effect. Unless the resolution specifies an ending date, the declaration of water shortage shall remain in effect until rescinded or otherwise modified by subsequent resolution of the city council.

13.04.920 Access to customer premises.

A customer receiving city water service shall provide the department's employees and/or contractors access to and use of the premises where city water service is received as may be required by the city's employees or contractors to determine whether there is any violation of any of the provisions of sections 13.04.850 through 13.04.880, inclusive, or to abate any violation thereof. If the customer refuses to allow such access, the city also may seek authorization from any court of competent jurisdiction for such access and abatement. Compliance with the provisions of this article shall be a condition of the customer receiving or continuing to receive city water service.

13.04.930 Fire and other emergencies.

Nothing in this article shall be construed to apply to the use of city water for purposes of extinguishing fire or any other similar emergency.

13.04.940 Consent of director.

Whenever in this article a person is authorized to obtain the consent of the director to do an act otherwise prohibited, the director shall give such consent only where the director determines:

A. There is no practical alternative manner in which the person may accomplish the desired result; and

B. The desired result is of substantial importance when compared with the importance of conserving water resources as set forth in this article.

13.04.950 City water use.

The city of Sacramento, and its officers, employees, and agents when acting in the course and scope of their employment, shall be exempt from the provisions of this article; provided, however, that the city manager shall promulgate administrative regulations governing water use by the city, and its officers, employees, and agents, as may be necessary for the city to achieve the conservation of water resources equal to or greater than the level of conservation achieved by the city's water service customers.

Section 2

The adoption of this ordinance repealing and reenacting Article XI of Chapter 13.04 of the Sacramento City Code is not intended to and does not affect any administrative, civil, or criminal actions or proceedings brought or to be brought to enforce the provisions of Article XI of Chapter 13.04 of the Sacramento City Code, as they existed prior to the effective date of this ordinance. The provisions of Article XI of Chapter 13.04 of the Sacramento City Code as they exist prior to the effective date of this ordinance shall continue to be operative and effective with regard to any violations or acts occurring prior to the effective date of this ordinance.

Adopted by the City of Sacramento City Council on May 12, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.

Mayor Kevin Johnson

Attest:

for Shirley Concolino, City Clerk

Passed for Publication: April 30, 2009
Published: May 1, 2009
Effective: June 11, 2009

Redline

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE REPEALING AND REENACTING ARTICLE XI OF CHAPTER 13.04 OF THE SACRAMENTO CITY CODE, RELATING TO OUTDOOR WATER CONSERVATION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Article XI of Chapter 13.04 of the Sacramento City Code is repealed and reenacted to read as follows:

~~**Article XI Water Conservation**~~

~~**13.04.830 Legislative Intent.**~~

~~The city council finds and determines:~~

~~A. That all municipal purveyors of water should encourage water conservation and prohibit certain domestic water uses inconsistent with water and energy conservation.~~

~~B. That maximum water demands are during the summer months with domestic irrigation demands exceeding all other demands.~~

~~C. That all water waste flows collected by the city's sanitary and combined sewerage systems require treatment and pumping prior to returning to the Sacramento River.~~

~~D. That with increasing costs for personnel, electrical energy, equipment and chemicals, it is desirable to reduce water waste.~~

~~**13.04.840 Substandard water fixtures prohibited.**~~

~~It shall be an infraction for any person to cause or allow any water received by such person to be wasted due to leaky or faulty water fixtures or water using or distributing devices, that are connected to the city water distribution system, unless such person shall have first obtained the consent of the director to do so.~~

~~**13.04.850 Water runoff prohibited.**~~

~~It shall be an infraction for any person to knowingly or willingly cause or allow any~~

~~water delivered by the city water system and received by such person to become water waste runoff and to flow away from property owned or occupied by such person in any gutter, ditch or other manner over the surface of the ground.~~

~~Water waste runoff shall mean water flowing away from property caused by excessive application(s) of water delivered by the city water system beyond reasonable or practical flow rates, water volumes or duration of application.~~

~~13.04.860 Outdoor conservation of water.~~

~~The following regulations shall apply to all water delivered by the city water system. In the event that any person violates the provisions of this section, the penalties specified in Section 13.04.880 shall apply.~~

~~A. No person shall use, or cause to be used, any water for the purpose of washing down sidewalks, driveways, or parking areas except to alleviate immediate fire or sanitation hazards, unless prior written consent of the director has been obtained pursuant to Section 13.04.910.~~

~~B. Landscape irrigation shall be prohibited between the hours of 12 noon and 6:00 p.m. from the last Sunday in April to the last Sunday in October.~~

~~C. Unless prior written consent of the director has been obtained pursuant to Section 13.04.910, residential and commercial locations bearing a street address ending in an odd number shall be permitted to irrigate only on Tuesday, Thursday, and Saturday and locations bearing a street address ending in an even number shall be permitted to irrigate only on Wednesday, Friday and Sunday. There shall be no water irrigation on Mondays.~~

~~13.04.870 Time limit for sprinkling.~~

~~No person shall use, or cause to be used, any city water for the purpose of irrigation or the sprinkling of lawns through an automatic sprinkler for a period exceeding thirty (30) minutes or through a hose for a period exceeding two and one-half hours during each calendar day.~~

~~13.04.880 Violation and penalties.~~

~~In the event any person shall violate any provisions of Sections 13.04.840 through 13.04.870, inclusive, the following shall apply:~~

~~A. For the first violation, the person who committed the violation shall be issued a written notice stating the type of violation.~~

~~B. For the second violation, the person who committed the violation shall be issued another written notice stating the type of violation, and the property owner, if different than the person who committed the violation, shall be issued a written notice.~~

C. For the third violation, the person who committed the violation and the property owner, if different than the person who committed the violation, shall be issued a written notice. For the third violation, the subject property water rates shall be increased to five times the normal monthly rates for the duration of the summer period from the time of third violation to September 15th and then said water rates shall return to their regular schedule.

D. For the fourth violation, the person who committed the violation shall be issued a written notice stating the type of violation, and the property owner, if different than the person who committed the violation, shall be issued a written notice. For the fourth violation, the regular water rates shall be permanently billed at five times the normal monthly rates, as long as the same property owner is recorded on the tax rolls. In the event of a new property ownership or occupancy, the subject water rates may revert to the regular rate schedule upon review and approval by the water waste appeals board.

The foregoing provisions are cumulative and in addition to any other remedies or penalties authorized or imposed under any other provision of this code or other applicable law or regulation.

13.04.890 Water waste appeals board.

A. Any person may appeal a notice of violation issued under Section 13.04.880 to the water waste appeals board for review and final determination by filing a written notice of appeal with the director not later than fifteen (15) days after the notice of violation is issued.

B. The water waste appeals board shall be composed of two members, one of whom shall be from the Department of Administrative Services and one shall be from the department. The membership of the board shall be appointed by and shall serve at the pleasure of the city manager.

C. Appeals shall be considered and determined in accordance with regulations promulgated by the city manager.

13.04.900 Fire and other emergencies.

Nothing in this article shall be construed to apply to use of water for purposes of extinguishing fire or any other similar emergency.

13.04.910 Consent of director.

Whenever in this article a person is authorized to obtain the consent of the director to do an act otherwise prohibited, the director shall give such consent only where the director determines:

A. There is no practical alternative manner in which the person may accomplish the desired result; and,

~~B. The desired result is of substantial importance when compared with the importance of conserving water resources and energy as set forth in this chapter.~~

~~**13.04.920 City exempt.**~~

~~The city of Sacramento, its officers, employees, and agents, when acting in the course and scope of their employment, shall be exempt from the provisions of this article; provided, however, the city manager shall make such rules and regulations as may be necessary in order for the city to conserve water resources and energy to the greatest extent practicable.~~

Article XI Outdoor Water Conservation

13.04.830 Legislative Intent.

The city council finds and determines:

A. To prevent waste and ensure reasonable use of water supplied by the city water distribution system, it is necessary and desirable to enact certain limitations to promote water conservation by city customers.

B. These limitations should be focused on outdoor water use, because the maximum demands for water from the city's water distribution system occur during the summer months, with outdoor irrigation use exceeding all other demands.

C. Reduction of water use through water conservation protects and promotes the public health, safety and welfare by conserving a vital resource that is subject to ever-increasing demands.

D. Reduction of water demands through water conservation will reduce the per capita amount of water used by city customers, and also will reduce the city's costs for electrical energy, equipment and chemicals utilized to pump and treat water supplied to the city water distribution system.

E. By reducing the use of electrical energy, equipment and chemicals, the reduction of water demands through water conservation also protects and promotes the public health, safety and welfare by reducing greenhouse gas emissions associated with the production and transport of electrical energy, equipment and chemicals.

13.04.840 Definitions.

When used in this article, the following words or phrases shall have the meanings set forth below:

"City water" shall mean any water delivered by the city's water distribution system.

"Integrated pest management" shall mean a pest control methodology that utilizes a variety of complementary strategies to significantly reduce or eliminate the use of pesticides while at the same time managing pest populations at an acceptable level.

"New landscaping" shall mean any lawn, plants or other landscaping planted after the effective date of the ordinance adopting this section.

"Water waste runoff" shall mean water flowing away from property in any gutter, ditch or other manner over the surface of the ground due to excessive application of city water.

13.04.850 Substandard water fixtures prohibited.

No person shall cause or allow any city water to be wasted due to leaky or faulty water lines, hoses, fixtures or other water using or distributing devices, unless such person shall have first obtained the written consent of the director to do so.

13.04.860 Water runoff prohibited.

No person shall knowingly or willingly cause or allow any city water applied to any landscaping, including new landscaping, or used for any other irrigation purposes, to flow away as water waste runoff from property owned or occupied by such person.

13.04.870 Outdoor conservation of water.

A. No person shall use, or cause to be used, any city water for the purpose of washing down sidewalks, driveways, or parking areas except to alleviate immediate fire, health or sanitation hazards, or to implement an integrated pest management program, unless the director provides prior written consent.

B. No person shall use, or cause to be used, any city water through a hose for the purpose of washing a vehicle unless:

1. The hose is equipped with an automatic shut-off nozzle attachment, and the attachment is being used to shut off the flow of water at all times when the hose is not being used to wash the vehicle; and

2. The vehicle washing is conducted on a day of the week when outdoor irrigation is permitted for the street address where the vehicle is being washed, as specified in this section.

This subsection shall not apply to commercial car washing businesses.

C. Beginning on the day that daylight savings time begins, and extending until the day before daylight savings time ends:

1. No person shall use, or cause to be used, any city water for landscape irrigation between the hours of 10 a.m. and 6:00 p.m., unless the director provides prior written consent to a different time limitation.

2. Residential and commercial locations bearing a street address ending in an odd number shall be permitted to irrigate with city water only on Tuesday, Thursday,

and Saturday, and locations bearing a street address ending in an even number shall be permitted to irrigate with city water only on Wednesday, Friday and Sunday, unless the director provides prior written consent to a different irrigation pattern.

3. No landscape irrigation shall be allowed on Mondays.

D. Beginning on the day that daylight savings time ends, and extending until the day before daylight savings time begins:

Residential and commercial locations bearing a street address ending in an odd number shall be permitted to irrigate with city water only on Saturday, and locations bearing a street address ending in an even number shall be permitted to irrigate with city water only on Sunday, and landscape irrigation shall be prohibited on any other days of the week, unless the director provides prior written consent to a different irrigation pattern.

E. The limitations specified in subsections C and D shall not apply to the irrigation of container plants, nor to the irrigation of new landscaping that is subject to the provisions of section 13.04.880.

F. References in this article to any day of the week shall mean the period beginning at 12 a.m. on that day and ending 24 hours later.

G. Upon declaration of a water shortage, the city council may impose revised and/or additional limitations on outdoor water use, as specified in section 13.04.910, and no person shall use, or cause to be used, city water in violation of such limitations while the water shortage remains in effect.

13.04.880 New landscaping.

The following regulations shall apply to the use of city water to irrigate new landscaping:

A. Irrigation of new landscaping shall be allowed on any day of the week for a period of 21 days after the new landscaping is planted, unless the director provides prior written consent to extend this time period based on plant type and the season when the new landscaping is planted.

B. Any irrigation of new landscaping after expiration of the time period specified in subsection A, and any irrigation of existing landscaping adjacent to the new landscaping, shall be subject to the limitations specified in section 13.04.870.

C. Upon declaration of a water shortage, the city council may impose revised and/or additional limitations on the irrigation of new landscaping, as specified in section 13.04.910, and no person shall use, or cause to be used, city water in violation of such limitations while the water shortage remains in effect.

13.04.890 Penalties for violation.

A. The following penalties shall be imposed for violation of any of the provisions of sections 13.04.850 through 13.04.880, inclusive. Any violations occurring on separate calendar days shall be considered separate violations.

1. First violation during any 12 month period: No penalty shall be imposed, but a written notice describing the violation and the penalties for subsequent violations shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred.

2. Second violation during any 12 month period: A written notice describing the violation and the penalty shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred. A penalty of $25.00 shall be imposed, but this penalty shall be waived if the owner of the premises where the violation occurred, or the occupant (if different than the owner, and the occupant committed the violation), attends a water conservation seminar offered by the department within 60 days after the date of the penalty notice.

3. Third violation during any 12 month period: A written notice describing the violation and the penalty shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred. A penalty of $100 shall be imposed.

4. Fourth violation and any successive violations during any 12 month period: A written notice describing the violation and the penalty shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred. A penalty of $500 shall be imposed.

B. Upon declaration of a water shortage by the city council, as specified in section 13.04.910, the penalty amounts specified in subsection A shall be doubled while the water shortage remains in effect.

C. The violation of any of the provisions of sections 13.04.850 through 13.04.880, inclusive, also shall be deemed to constitute a public nuisance, subject to abatement in accordance with the provisions of chapter 8.04 of this code, as applicable.

D. The foregoing provisions are cumulative and in addition to any other remedies or penalties authorized or imposed under any other provision of this code, including but not limited to section 13.04.270, or any other applicable law or regulation. The provisions of this article may be enforced by the department or by the department of code enforcement.

13.04.900 Appeal.

A. The owner or occupant of the premises where the violation occurred may appeal a notice of violation issued under Section 13.04.890 (A) to the director for review and

determination, by filing a written notice of appeal with the director not later than thirty (30) days after the notice of violation is issued. Such notice of appeal shall specify the grounds for appeal and shall provide the appellant's address and telephone number, with a statement that the appellant agrees to accept service at such address of the written notice of the time and place of the appeal hearing and the determination of the director or the director's designee.

B. Upon receipt of a timely notice of appeal, the director or the director's designee shall set the matter for an informal hearing at the earliest practical date. Not less than seven (7) days prior to the date of hearing, the director or the director's designee shall provide written notice of the hearing to the appellant. At the hearing, the director or the director's designee shall hear any relevant evidence presented by the appellant or department staff, and may uphold, modify or rescind the notice of violation, including the penalty imposed by the notice of violation, if any. The person filing the appeal shall be provided written notice of the determination of the director or the director's designee, which shall be the city's final administrative determination of the matter.

C. The failure of the owner or occupant of the premises where the violation occurred to file a timely notice of appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to appeal and a failure to exhaust the owner's and occupant's administrative remedies with regard to the notice of violation.

D. Upon determination after appeal by the director or the director's designee that a penalty shall be imposed, or upon issuance of a notice of violation and penalty and expiration of the appeal period specified in subsection A with no notice of appeal being filed, the penalty amount shall be included on the bill for water service provided to the premises where the violation occurred and shall be collected in accordance with the provisions of chapter 13.12 of this code. Any penalties collected shall be used by the department to fund water conservation programs.

13.04.910 Declaration of water shortage.

In response to any condition necessitating increased water conservation, such as a water shortage due to drought, natural disaster or other reduction of water supply availability, or as may otherwise be required to protect the public health, safety and welfare, the city council may by resolution declare the existence of a water shortage and impose revised and/or additional limitations and time restrictions on outdoor water use while the water shortage remains in effect, and no person shall use, or cause to be used, city water in violation of such limitations or restrictions while the water shortage remains in effect. Unless the resolution specifies an ending date, the declaration of water shortage shall remain in effect until rescinded or otherwise modified by subsequent resolution of the city council.

13.04.920 Access to customer premises.

A customer receiving city water service shall provide the department's employees and/or contractors access to and use of the premises where city water service is received as may be required by the city's employees or contractors to determine whether there is any violation of any of the provisions of sections 13.04.850 through 13.04.880, inclusive, or to abate any violation thereof. If the customer refuses to allow such access, the city also may

seek authorization from any court of competent jurisdiction for such access and abatement. Compliance with the provisions of this article shall be a condition of the customer receiving or continuing to receive city water service.

13.04.930 Fire and other emergencies.

Nothing in this article shall be construed to apply to the use of city water for purposes of extinguishing fire or any other similar emergency.

13.04.940 Consent of director.

Whenever in this article a person is authorized to obtain the consent of the director to do an act otherwise prohibited, the director shall give such consent only where the director determines:

A. There is no practical alternative manner in which the person may accomplish the desired result; and

B. The desired result is of substantial importance when compared with the importance of conserving water resources as set forth in this article.

13.04.950 City water use.

The city of Sacramento, and its officers, employees, and agents when acting in the course and scope of their employment, shall be exempt from the provisions of this article; provided, however, that the city manager shall promulgate administrative regulations governing water use by the city, and its officers, employees, and agents, as may be necessary for the city to achieve the conservation of water resources equal to or greater than the level of conservation achieved by the city's water service customers.

SECTION 2

The adoption of this ordinance repealing and reenacting Article XI of Chapter 13.04 of the Sacramento City Code is not intended to and does not affect any administrative, civil, or criminal actions or proceedings brought or to be brought to enforce the provisions of Article XI of Chapter 13.04 of the Sacramento City Code, as they existed prior to the effective date of this ordinance. The provisions of Article XI of Chapter 13.04 of the Sacramento City Code as they exist prior to the effective date of this ordinance shall continue to be operative and effective with regard to any violations or acts occurring prior to the effective date of this ordinance.