

O R D I N A N C E N O. 1196

AN ORDINANCE AMENDING THE BOULDER CITY CODE BY ADDING A NEW CHAPTER 14 TITLE 9, ENTITLED "DROUGHT MANAGEMENT PLAN" AND CREATING A DROUGHT PLAN FOR BOULDER CITY

The City Council of Boulder City do ordain:

Section 1. That Title 9 of the City Code, be amended by adding a new Chapter 14, entitled "Boulder City Drought Plan" as follows:

CHAPTER 14

"BOULDER CITY DROUGHT PLAN"

SECTION:

- 9-14- 1: General Provisions
- 9-14- 2: Definitions
- 9-14- 3: Adoption
- 9-14- 4: Plan
- 9-14- 5: Waste of Water Guidelines
- 9-14- 6: Responsibility for Waste
- 9-14- 7: Landscape Watering Restrictions
- 9-14- 8: Landscape Material Restrictions
- 9-14- 9: Other Outdoor Water Use Restrictions
- 9-14-10: Water Budgets for Golf Courses
- 9-14-11: Schools, Parks and Governmental Facilities Provisions
- 9-14-12: Man-Made Lakes Provisions
- 9-14-13: Operation of Ornamental Fountains and Water Features
- 9-14-14: Enforcement
- 9-14-15: Appeals for Reconsideration
- 9-14-16: Legality the Boulder City Drought Ordinance

9-14-1: **GENERAL PROVISIONS:**

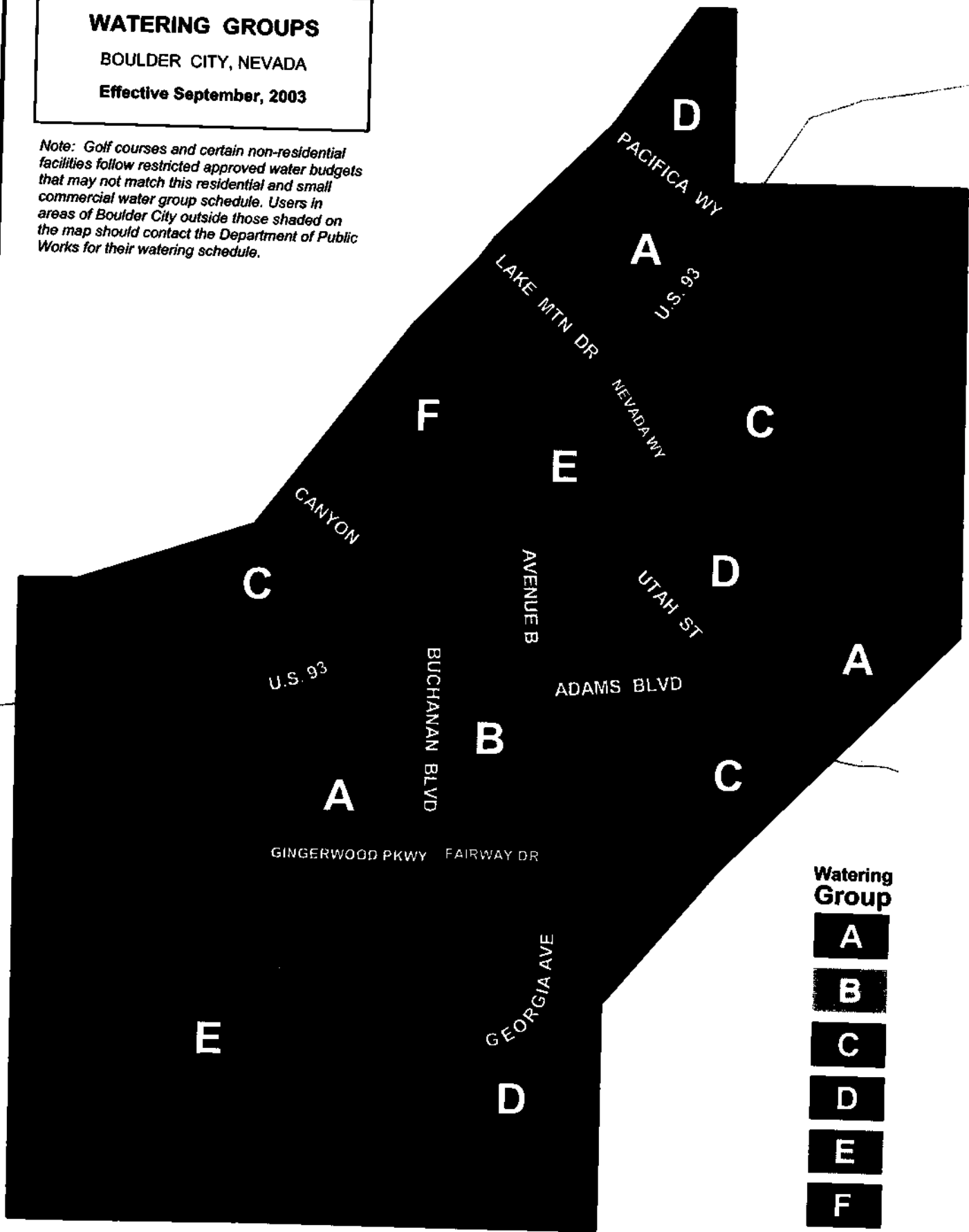
- A. Purpose and Policy: This document is intended to establish measures to enhance the efficient use of water and to prevent and discourage the wasting of water in Boulder City. Conservation is an essential resource to help meet water needs. When drought conditions affect the Colorado River Basin, additional conservation measures must be taken. The measures set forth in this ordinance are to meet the City's responsibility in implementing the Southern Nevada Water Authority's (SNWA) Drought Plan.

WATERING GROUPS

BOULDER CITY, NEVADA

Effective September, 2003

Note: Golf courses and certain non-residential facilities follow restricted approved water budgets that may not match this residential and small commercial water group schedule. Users in areas of Boulder City outside those shaded on the map should contact the Department of Public Works for their watering schedule.



Watering Group

- A
- B
- C
- D
- E
- F

if the total is greater than Nevada's 300,000 acre-feet basic Colorado River consumptive use apportionment.

- B. **Drought Watch:** There is over a 50% chance that the BOR will declare a partial domestic surplus operating condition in their next official declaration. Drought Watch is the lowest drought level for demand management purposes in Southern Nevada.
- C. **Drought Alert:** A partial domestic surplus has been declared by the Bureau of Reclamation (BOR), or that there is over a 50% chance that the BOR will declare a "normal" operating condition in their next official declaration. Under a partial domestic surplus operating condition, only half of Nevada's Colorado River consumptive use demands over 300,000 acre-feet can be met.
- D. **Drought Emergency -** This stage implies that a "normal" operating condition exists; however, this is actually the most severe drought level for demand management purposes. Under this stage, customer demands can only be met to the level of Nevada's basic apportionment of 300,000 acre-feet, or some lesser amount to be defined by the circumstances. SNWA will be assisted by a citizens advisory committee in developing Drought Emergency measures.

NON-POTABLE WATER:	Water not suitable for drinking.
ONE ACRE-FOOT OF WATER:	Equivalent to 325,851 gallons of water.
POTABLE WATER:	Water Suitable for drinking.
RAW WATER:	Water not suitable for human consumption without treatment.
RECLAIMED WATER:	Municipal wastewater processed to reduce contaminates. Not suitable for human consumption.
SOUTHERN NEVADA WATER AUTHORITY (SNWA):	An organization formed by local agencies with an inter-local agreement to address Southern Nevada's water needs on a regional basis.
SYRINGING:	Process of applying small amounts of water to wet the turf canopy. Syringing cools the turf through evaporation of water from the leaf surface, which can help turf survive during mid-day stress periods.
XERISCAPE:	A type of landscaping which incorporates drought-tolerant and low water-use plants with an organic or inorganic surface mulch layer as a water efficient

alternative to traditional turfgrass landscaping. Can be referred to a water smart landscaping.

9-14- 3: **ADOPTION:** This document is adopted by the City Council of Boulder City to meet the conditions outlined in the "Drought Plan" published by the SNWA in which Boulder City was an active participant in its development.

9-14- 4: **DROUGHT PLAN:** Boulder City's Drought Plan will provide response to four conditions of water availability on the lower Colorado River.

- A. NO DROUGHT
- B. DROUGHT WATCH
- C. DROUGHT ALERT
- D. DROUGHT EMERGENCY

When the SNWA Board declares a water supply condition, Boulder City will be required to implement the appropriate drought measures. For enforcement purposes, the official date for each drought condition will be the date the SNWA Board declares such drought condition. In the event of a conflict between regulation, the most stringent regulations will prevail.

9-14- 5: **WASTE OF WATER GUIDELINES:**

- A. Under Drought Watch conditions, residents are subject to Title 9 Chapter 8, Section 17 Subsection 1 of Boulder City Code. entitled, "Waste of Water Prohibited".
- B. Under Drought Alert and Drought Emergency, Boulder City residents are subject to the following "Waste of Water Guidelines".
 - 1. It is unlawful for any owner, occupant, or manager of real property served by the City of Boulder City to waste water after a notice has been issued.
 - 2. It shall be deemed unlawful for anyone to permit the excess use, loss or escape of water through breaks, leaks or malfunction in the water user's plumbing or distribution facilities for any period of time after such escape of water should have been reasonably discovered and corrected as determined by the proper Authority
 - 3. Allowing water to flow or spray into a public street, alley, or right-of-way, gutter or drain for more that ten (10) minutes is prohibited.

4. Where sewer receptacles are available, it is recommended that swimming pool water drainage from any filter, scum filter, scum gutter, overflow, or pool emptying line be discharged into the sewer.

9-14- 6: **RESPONSIBILITY OF WASTE:** Any waste of water as set forth in this chapter, together with proof that such waste originated at any residence or place of business, shall constitute, in evidence, a prima facie presumption that the owner, occupant for the time being of such residence or place of business was responsible for such waste.

9-14- 7: **LANDSCAPE WATERING RESTRICTION FOR DROUGHT WATCH AND DROUGHT ALERT (RESIDENTIAL):**

A. During a Drought Watch or Drought Alert, it is deemed unlawful to use water to irrigate exterior lawns, gardens, trees, grass, shrubbery, or other vegetation in variance with the following table:

Water Schedule for Spray Irrigation

Schedule	Drought Watch	Drought Alert
Winter (November – February)	Once Per Week*	Once Per Week*
Spring (March - April)	Four Days per Week*	Three Days per Week*
Summer** (May- August)	Any Day	Any Day
Fall (September** - October)	Four Days per Week*	Three Day per Week*

*Watering schedule can be amended by staff for extreme weather conditions

**Watering between the hours of 11 a.m. through 7 p.m. prohibited.

B. For the purpose of managing the water supply distribution system, specific watering days and/or schedules may be assigned by Boulder City Staff, provided that all affected water users have been provided reasonable notification prior to implementation of the policy. If assigned watering schedules are in effect, it shall be unlawful to irrigate turf, gardens, trees shrubbery, or vegetation, except in compliance with the assigned days, dates times for the specific properties.

C. Regions will be designated and winter watering days assigned as follows:

1. Region A shall water on Monday
 2. Region B shall water on Tuesday
 3. Region C shall water on Wednesday
 4. Region D shall water on Thursday
 5. Region E shall water on Friday
 6. Region F shall water on Saturday
 7. Region G shall water on Sunday
- D. Spring/Fall (March/April and September/October) watering days assigned as follows:
1. A, B, C Monday, Wednesday, Friday *
 2. D, E, F, G Tuesday, Thursday, Saturday *
Sunday is a "free day" for all groups in Drought Watch only.
- E. Community use recreational turf areas, public and private common use recreation turf will be permitted to water four times each 14 days or twice per week during the winter schedule.
- F. Exemptions to time of day restrictions during a Drought Watch stage.
1. Hand watering with hand held hose.
 2. Irrigation of new lawns or re-seeding of an existing lawn (annual), for a period of thirty days from the date of planting or installation.
 3. Drip and/or bubbler irrigation systems.
 4. Irrigation by licensed commercial gardens or plant nurseries.
 5. Landscape irrigation audits where the application rate and efficiency of an irrigation system is being tested. The technician must be present to observe the system performance.
 6. Municipal operations or procedures that are necessary to protect the health, safety and welfare of the community.
 7. Golf courses shall be required to comply with water budgeting policies in lieu of specific water schedules.

9-14- 8: **LANDSCAPE MATERIAL RESTRICTIONS:** Landscape materials for new residences shall be limited as described below. In the case of building permits issued prior to the adoption of these restrictions, the development rules at the time of permitting shall apply.

A. The following landscape material restrictions will apply during Drought Watch.

1. Residential Landscape Restrictions:

a. Single-family and multifamily homes are prohibited from installing new turf in common areas of residential neighborhoods. This restriction shall not apply to public or private community parks.

2. Non-Residential Landscape Restrictions:

a. The installation of new turf in non-residential developments is prohibited, except by permit. Under no circumstances shall a permit allow for over 50 percent of the turf allowed under non-drought conditions. Any development or facility that has obtained a permit for construction prior to Drought Watch will not be subject to these restrictions as long as the turf is considered to be a functional component of the development.

B. The following landscape development restrictions will apply during Drought Alert:

1. Residential Landscape Restrictions:

a. The installation of new turf is limited to 50 percent of turf allowed under non-drought conditions.

b. For Multifamily residential developments, the installation of new turf is limited to 50 percent of turf allowed under non-drought conditions.

c. The planting of cool-season grasses (tall fescue) is permitted only during the months of April through September.

d. The planting of warm-season grasses (i.e. bermuda and zoysia), is permitted throughout the year.

2. Non-Residential Landscape Restrictions:

a. The restrictions defined in Drought Watch shall continue to apply.

C. Under conditions of Drought Watch, Drought Alert and Drought Emergency the following restriction applies:

1. Any person(s) or association(s), regardless of date of establishment, is prohibited from imposing private covenants, conditions, restrictions, deed clauses or other agreements between the parties, which prevent person(s) from utilizing water efficient landscaping including but not limited to xeriscape, provided such landscaping receives appropriate architectural review and approval. In any event, landscaping materials and designs may not be prohibited solely on the basis that they make use of water-efficient landscaping.

9-14- 9: OTHER OUTDOOR WATER USE RESTRICTIONS:

A. Surface, building and equipment washing (excluding motor vehicles).

1. Washing of surface, building and equipment during Drought Watch and Drought Alert conditions is prohibited unless the water is discharged to a sanitary sewer through approved methods or contained on sight.

B. Vehicle Washing

1. Drought Watch.

a. Washing of personal vehicles upon residential properties is limited to once per week per vehicle and requires a positive shut-off nozzle. No limitations if vehicle is washed at a commercial facility, or with the use of a high-pressure, low volume sprayer.

b. Commercial vehicles may only be washed at a commercial facility where water is discharged to the sanitary sewer or when washing is provided by a high-pressure, low volume sprayer.

2. Drought Alert.

a. All vehicles must be washed at a commercial facility or washed by a high-pressure, low volume sprayer.

9-14-10: WATER BUDGET FOR GOLF COURSES:

A. Golf courses will be subject to water budgets, with appropriate surcharges applied to any water used over the budgeted amounts. These surcharges will be calculated on an annual basis, billed monthly after annual water budget is exceeded and will be in addition to the price paid for water as described in the table below.

Table 1

Percentage of budget	101 to 120 percent	121 to 140 percent	Over 140 percent
Surcharge applied to water use in excess of budget	2.0 times the highest rate paid for water within budget	4.0 times the highest rate paid for water within budget	8.0 times the highest rate paid for water within budget

B. Golf courses will be water budgeted based upon acre-feet of water for each acre currently irrigated. Irrigated acreage will be calculated based on irrigated areas as determined from aerial photography and field verification. The irrigated acreage will include lakes and ponds existing within a golf course. Once measured the irrigated acreage shall remain fixed, this creating an incentive for golf courses to convert unneeded turf to other styles of water efficient landscaping. However, if a golf course expands its course by increasing the number of playing holes, a new irrigated acreage will be determined.

C. Water budget is as follows:

- 1. Drought Watch To be determined
- 2. Drought Alert To be determined

D. The water budget will be in effect at the beginning of the first calendar month following the adoption of these ordinances. The water budget for the first 12 months, following the effective date, will be at the drought threshold level as determined at the time of ordinance adoption. At the end of the 12-month cycle, the water budget threshold will be determined by the current drought stage. This threshold will be in effect and prorated for the remainder of the calendar year. Subsequent water budgets will be placed on a full calendar year basis.

Table 2 – Average Monthly Proration Percentages

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
2.26%	3.14%	5.20%	8.51%	11.92	13.88	14.23	13.89	11.59	8.40%	4.46%	2.52%	100%
				%	%	%	%	%				

E. New golf courses shall be exempt from water budgeting for the first two years after seeding to establish turf.

F. Each golf course shall be required to submit its own water use reduction plan. A description of water use reduction strategies and timelines for implementing those strategies are required in the plan.

9-14-11: SCHOOLS PARKS AND GOVERNMENTAL FACILITIES

PROVISIONS: When a Drought Watch is issued schools, government facilities and private parks are subject to drought pricing and are required to comply with mandatory landscape watering restrictions. These facilities must conduct a self-assessment of water conservation potential and implement a plan to maximize outdoor water use efficiency. Under Drought Alert, these facilities will have an additional requirement to submit a report of water use reductions. Under both Drought Watch and Drought Alert, parks and schools must post which days they intend to irrigate in adherence to the watering guideline set forth in section 9-14-7.

Alternative: Facilities can submit a Drought Response Plan (DRP). Under this alternative, facilities conduct a self-assessment of water conservation potential and submit a DRP to the director for approval. The DRP allows a flexible watering schedule to ensure maximum public accessibility to facilities while accomplishing the goals of the Drought Plan. Specific guidelines must be met. These guidelines are available from the director.

9-14-12: MAN-MADE LAKES PROVISIONS: All man-made lakes shall pay Boulder City drought rates on all fill water during Drought Watch, Drought Alert and Drought.

Exemption: Man-made lakes, where all or part of the water is used in whole or in part, as a functional reservoir for a golf course shall be included in the calculation of a golf course water budget.

9-14-13: OPERATION OF ORNAMENTAL FOUNTAINS AND WATER

FEATURES: During a Drought Watch and Drought Alert, fountains and water features utilizing potable or non-potable water provided by the water purveyor shall be prohibited. The following uses shall be exempt:

- A. Swimming Pools.
- B. Fountains and water features of less than 200 square feet surface area at single family residences. Swimming pools are not considered water features.
- C. Fountains or water features that are necessary and functional components serving other allowable uses such as storage ponds on a golf course or aeration devices. Such device must be turned off during high winds.
- D. Indoor water features, or features with the majority of the total water volume contained indoors or underground. If practical alternatives exist for separating indoor and outdoor components, they shall be separated and managed accordingly. (E.g., timers on shut-off valves).
- E. Commercial fountains or water features vital to a core economic function of the region, as determined by the governing jurisdiction on a case by case basis in a process with input from the public, including but not limited to:

1. Recreation water parks, both public and private.
2. Water features integral or vital to an entertainment venue, such that substantial economic harm could be associated with discontinuation of use.

SPECIAL EXEMPTIONS: The Director shall be vested with the authority to make exemptions to the provision of this chapter, when in the opinion of the Director, these exemptions protect the public health, safety and well-being of the purveyor's water system (i.e., hydrant flushing, valve testing and system maintenance).

9-14-14: **ENFORCEMENT:** The Director shall adopt and maintain administrative procedures for the enforcement of water conservation. Water resource impact fees will be assessed where applicable for non-compliance with the provisions set forth in this drought ordinance.

Meter Size	1st Violation	2nd Violation	3rd Violation	4th Violation	5th Violation
1" or less	\$25.00	\$50.00	\$100.00	\$200.00	\$400.00
1" - 3"	\$50.00	\$100.00	\$200.00	\$400.00	\$800.00
3" and Greater	\$100.00	\$200.00	\$400.00	\$800.00	\$1600.00

9-14-15: **APPEALS FOR RECONSIDERTION:** Any User, permit applicant, permit holder, property owner, occupant, or responsible party affected by any decision, action or determination, including any enforcement action made by the City of Boulder City, interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file an appeal. All appeals for reconsideration shall be written requests filed with the Director or designee within ten days of such action, setting forth in detail the facts supporting the user's request for appeal.

The decision of the Director or designee shall be rendered within 10 days of the date of the hearing of the appeal. Such decision shall be deemed to be the final administrative action on such appeal.

9-14-16: **LEGALITIES OF THE BOULDER CITY DROUGHT ORDINANCE:** The City Council of the City of Boulder City has been informed by its legal department as to the constitutionality of this ordinance, and based upon such information, it is adopting this ordinance in good faith with reasonable belief that the actions taken by the City of Boulder City are not in violation of any rights, privileges, or immunities secured by the Constitution or by laws providing for equal rights of citizens or persons.

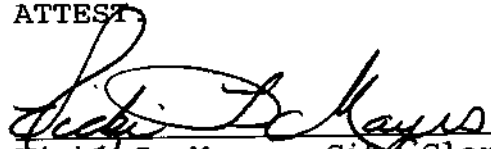
SEVERABILITY If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such sections, paragraph, clause, or provision, shall in no way affect the validity and enforceability of the remaining provisions of this ordinance.

Section 2. EFFECTIVE. This Ordinance shall become effective, after its approval and publication, on the 17 day of September, 2003.

APPROVED: 8/26/03

ATTEST


Robert S. Ferraro, Mayor


Vicki G. Mayes, City Clerk

The foregoing Ordinance was first proposed and read by title to the City Council on the 12th day of August, 2003, which was a regular meeting; thereafter, on the 26th day of August, 2003, a public hearing and regular meeting were held and the proposed Ordinance was adopted by the following vote:

VOTING AYE: ANDERSON, BURTON, FERRARO, PACINI, TOBLER

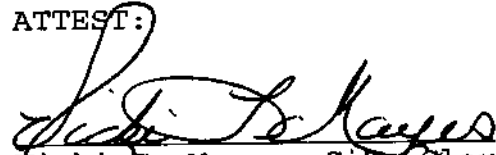
VOTING NAY: NONE

ABSENT: NONE

APPROVED:

ATTEST:


Robert S. Ferraro, Mayor


Vicki G. Mayes, City Clerk

- B. **Scope:** The provisions of this document shall apply to all water services (i.e., recycled, raw potable, and reclaimed, customers).
- C. **Administration:** Except as otherwise provided herein, the Director of Public Works or designee, shall administer, implement and enforce the provisions of this document.
- D. **Enforcement:** Enforcement will be accomplished through water rates and water resource impact fees.
- E. **Waivers:** There shall be no waivers or variances granted to the standards listed in this ordinance. Such a request shall be considered a request to amend the requirements of this ordinance and shall only be considered in accordance with the proper procedures.

9-14- 2: **DEFINITIONS:**

- | | |
|---|--|
| BUREAU OF RECLAMATION (BOR): | Is part of the U.S. Department of the Interior entrusted with the management of the Colorado River. |
| COMMUNITY USE RECREATIONAL TURF: | Any private or public park facility with the following characteristics: <ol style="list-style-type: none"> 1. A turf-dominated, multi-purpose recreational area of at least two-acre but not less than 100 feet wide in any dimension. 2. Accessible to at least twenty-five dwelling units or households. |
| COMMON AREA: | Area held in common by an established Homeowners Association |
| DROUGHT: | A combination of many complex factors acting and interacting with the environment resulting in water supplies not being replenished normally. In simple terms a drought occurs when existing water supplies cannot meet established demands for a period time. |
- A. **No Drought:** The "no drought" stage implies that water supplies from the Colorado River are sufficient to meet Southern Nevada's needs. This state is triggered when a full domestic surplus, quantified surplus or flood control operating condition is declared by the BOR. It represents an optimum water supply situation for Southern Nevada. Local purveyor demands can be met, even