Chapter 14.14 - CONSERVATION

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14.14.010 - General provisions.

A. *Purpose and policy.* This chapter sets forth responsibility, authority, and provisions to ensure compliance with all federal, state, and local requirements for the protection of public health, safety and welfare.

B. *Scope.* The provisions of this chapter shall apply to all residents of the city, a responsible party operating, maintaining, repairing, relocating, removing, and/or disconnecting the public water system and/or publicly owned treatment works, and/or users of city-provided utilities.

C. *Administration.* Except as otherwise provided herein, the director shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the director may be delegated by the director to persons acting in the beneficial interest of the city.

D. *Compliance.* All provisions of this chapter are subject to compliance procedures as outlined in this title and the department service rules.

(Ord. 2676, § 10 (part), 2008; Ord. 2536, § 72, 2006)

14.14.020 - Water waste.

A. *Water waste unlawful.*

1. It shall be deemed unlawful for owner, occupant, or manager of real property served by the city 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 director.

2. It shall be deemed unlawful for owner, occupant, or manager of real property served by the city to waste water after a notice has been issued. Water waste includes, but is not limited to the following:

a. Allowing water to flow or spray off private property onto a sidewalk, pavement, gutter, street, alley, right-of-way or drain.

b. Failure to repair a malfunction of an irrigation system or supply line within 48 hours of notification by the city. Such malfunctions may include, but are not limited to: pooling due to broken sprinkler head, geyser or jet of water caused by broken drip irrigation line, etc.

c. Failure to repair a water leak.

B. *Responsibility for 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 a rebuttable presumption that the current owner, account holder, or manager of such property or residence or place of business was responsible for such waste.

(Ord. 2798, § 5, 1-20-2009)

Editor's note— Ord. 2798, § 5, adopted January 20, 2009, repealed the former § 14.14.020, which pertained to stages of water supply conditions and derived from Ord. 2536, § 73, 2006 and Ord. 2676, § 10 (part), 2008. Subsequently, §§ 14.14.030—14.14.120 were renumbered to 14.14.020—14.14.110.

14.14.030 - Landscape watering restrictions.

A. Landscape watering schedules shall apply to all areas, both residential and commercial, including, but not limited to: single family residential properties, multi-family residential properties, commercial properties, common areas, medians, and private parks. Community use recreational turf shall be subject to the provisions outlined in section 14.14.040(E).

B. Beginning May 1 until September 30 of each calendar year, it is deemed unlawful to use water to spray irrigate turf, gardens, trees, shrubbery, or other vegetation between the hours of 11:00 a.m. and 7:00 p.m.

C. In addition to or in lieu of any provisions of this chapter, the department reserves the right to assign specific water budgets to customers for any specified period of time and may prorate the amount of water at its discretion.

D. Residential and non-recreational turf.

1. It shall be deemed unlawful to use water within the city to spray irrigate turf, gardens, trees, grass, shrubbery, or other vegetation in variance with Table 14.14.030a.

Table 14.14.030

Water Schedule for Spray Irrigation	
Schedule	
Winter (November—February)	One assigned day per week*
Spring (March—April)	Three assigned days per week*
Summer (May—August)	Any day
Fall (September—October)	Three assigned days per week*
*Days specified for the group by the city.	

2. Watering schedules during the year will be based upon the customer's location. For the purpose of water conservation, the city may be divided into as many as seven groups.

a. Watering schedules during the spring and fall will be based upon the group and days of

the week.

b. Watering schedule during the winter will be based upon the group and the day of the week.

c. Day of week exemptions to residential landscape watering schedules:

1. Hand-watering using a container or positive shut-off nozzle for the purpose of preserving turf or shrubbery;

2. Irrigation of new turf or re-seeding of existing turf, for a period of 30 days from the date of planting or installation, with prior notification to the department of utility services customer care center. Time of day restrictions still apply;

3. Drip and/or bubbler irrigation systems, provided that they are not run more frequently than the provisions described for spray irrigation;

4. Irrigation of commercial stock by commercial gardens or plant nurseries licensed in accordance with this Code provided the licensee or his representative is personally on the premises at the time the irrigation is taking place;

5. Testing of landscape irrigation system. The tester performing the test must be present and observe sprinkler performance;

6. Municipal operations or procedures that are necessary to protect the health, safety and well being of the public; and

7. The city reserves the right to change or amend groups as deemed necessary with due notice.

E. Community use recreational turf.

1. Community use recreational turf areas must adhere to the following restrictions:

a. During the spring and fall a watering schedule for each area must be submitted to and approved by the department. Watering may not exceed seven days out of 14 days.

b. During the winter a watering schedule for each area must be submitted to and approved by the department. Watering may not exceed twice per week.

c. Irrigation shall commence no earlier than 9:00 p.m. the day prior to the designated day.

d. Schedule of watering shall be submitted to the director. The city may require posting of the schedule at the facility.

e. Community use recreational turf areas are subject to water waste prohibitions are prescribed in section 14.14.020

2. Schools, parks and government facilities may be subject to conservation pricing. Facilities greater than five acres of turf must conduct a self-assessment of water conservation potential and submit a plan that maximizes outdoor water use efficiency to the director. These facilities will have an additional requirement to submit a report of water use reductions to the director.

a. Water waste at these facilities is subject to water waste prohibitions as prescribed in section 14.14.020

3. Water use exemptions for community use recreational turf:

a. Landscape irrigation audits during which the application rate and efficiency of an irrigation system are being tested. The auditor performing the test must be present to monitor sprinkler performance;

b. Hand-watering for the purpose of preserving turf or shrubbery;

c. Temporary day of week exemption for irrigation of new turf or re-seeding of existing turf, for a period of 30 days from the date of planting or installation, provided that prior notification has been given to the department customer care center. Time of day restrictions still apply;

d. Drip and/or bubbler irrigation systems, provided that they are not run more frequently than the provisions described for spray irrigation;

e. Municipal operations or procedures necessary to protect the health, safety and well being of the public;

f. Approval for an alternative day of week and/or time of day watering schedule in lieu of mandatory landscape watering restrictions may be requested by submitting a conservation plan (CP) to the director. The CP shall include the following:

1. Water usage reduction statement;

2. Sites covered by the CP;

3. Central control system standards;

4. Metering;

5. Documentation of baseline water consumption;

6. Irrigation system efficiency; and turf reduction;

7. Employee training;

8. Reporting;

9. New landscape development;

10. Public education;

11. Demonstration of a need based on public usability the facility; and

12. Demonstration that the alternative schedule uses less water than the landscape watering restrictions.

13. City-owned park facilities are exempt from the drought plan requirement.

(Ord. No. 2909, § 1, 3-15-2011; Ord. 2798, § 5, 1-20-2009)

Editor's note— See editor's note for section 14.14.030

14.14.040 - Golf courses.

A. Beginning May 1 until September 30 of each calendar year, it is deemed unlawful for golf courses to use water within the city to spray irrigate turf, trees, grass, shrubbery or other vegetation between the hours of 11:00 a.m. and 7:00 p.m.

B. Golf courses will be water budgeted at 6.3 acre-feet of water (including potable, raw, and reclaimed) for each acre currently being irrigated. The irrigated acreage will include lakes and ponds existing within a golf course and lakes and ponds serving in total or in part, as a golf course irrigation reservoir.

C. In the event a golf course customer contests the calculated irrigated acreage determined by the department, the golf course may provide calculations supported by other methods acceptable to the director. Alternative calculations would need to be performed by an independent consultant, not affiliated with the golf course. In any case however, the director shall have final authority in determining irrigated areas for golf courses. Once determined, the irrigated acreage shall remain fixed.

D. New golf course irrigated acreage shall be determined during the planning process or by other methods acceptable to the department. Upon availability of aerial photography, irrigated acreage for new golf courses shall be recalculated using the procedure outlined above in the golf course water budgets section and the water budget adjusted if needed. If a golf course expands its course by increasing the number of playing holes, a new irrigated acreage shall be determined.

1. Water budgeting pro-ration shall be permitted to allow for startup or addition of playing holes during the calendar year as approved by the director.

2. The department may allocate resources in addition to the water budget for new courses or the addition of playing holes, for a period of six months to allow for an initial grow-in period.

E. Exemption for golf courses on a water budget.

1. Time of day restrictions for syringing of golf course greens is permitted when one station at a time is run manually, or on large irrigation projects by hand-held remote irrigation controllers or computerized central controls, and the individual operating the sprinklers is present to monitor the sprinkler operation.

2. The city will allow golf course properties to utilize budgeted water apportionments to spray irrigate without time of day or day of week restrictions, provided they are in compliance with any and all applicable effluent management plan and/or reuse agreements.

F. Golf courses will be subject to water budgets, with appropriate penalties for any water used over the budgeted amounts. These penalties are outlined in this title and the department service rules, and will be billed monthly after the annual budget is exceeded and will be in addition to the price paid for water.

(Ord. No. 2909, § 1, 3-15-2011; Ord. 2798, § 5, 1-20-2009)

Editor's note— See editor's note for section 14.14.030

14.14.050 - Landscape material restrictions.

A. The original landscaping of any development or facility that has obtained approval of a land use application (i.e. design review, planned unit development, or tentative map plan) or permit for construction which approved landscaping not in conformance with the restrictions listed in this ordinance prior to August 1, 2003, will not be subject to these restrictions.

B. The installation of turf in residential front yards, common areas, medians, and nonresidential developments is prohibited after January 1, 2004. This provision shall not apply to community use recreational turf or golf courses.

C. Water efficient landscaping including but not limited to xeriscape in front yards, common areas, medians, etc., shall not be removed for the purpose of installing turf.

D. 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 require the installation of turf or prevent the utilization of water efficient landscaping, including but not limited to xeriscape, provided such landscaping receives appropriate architectural review approval. In any event, landscaping materials and designs may not be prohibited solely on the basis that they make use of water-efficient landscaping as referenced in this title.

E. There shall be no waivers or variances granted to the standards listed in this section. Such a request shall be considered a request to amend the requirements of this section. The following material restrictions also apply to landscaping installed on or after January 1, 2004.

F. The following additional landscape material restrictions also apply:

1. *Residential landscape restrictions.*

a. The use of drought tolerant landscaping materials is encouraged in residential front yards;

b. Single-family and multi-family developments are prohibited from installing new turf in common areas of residential neighborhoods. This restriction shall not apply to public parks or privately owned and maintained parks, including required usable open space in any new development, provided that no turf area dimension is less than ten feet.

2. *Nonresidential landscape restrictions.*

a. The installation of new turf in nonresidential developments is prohibited. This provision shall not apply to community use recreational turf or golf courses.

3. *Additional landscape restrictions.*

a. *Residential landscape restrictions.*

1. The installation of new turf in residential front yards on or after January 1, 2004, is prohibited, regardless of building permit issue date.

2. The removal of water efficient landscaping, including but not limited to xeriscape, for the purpose of installing turf in residential front yards is prohibited, regardless of building permit issue date.

3. The installation of new turf in side and rear yards of single-family residential lots shall not exceed 50 percent of the gross area of the side and rear yard, or 100 square feet whichever is greater, provided no turf area dimension is less than ten feet. A maximum of 5,000 square feet of turf is allowed at one property.

b. *Nonresidential landscape restrictions.*

1. The removal of water efficient landscaping, including but not limited to xeriscape, for the purpose of installing turf in residential front yards is prohibited, regardless of building permit issue date.

(Ord. 2798, § 5, 1-20-2009)

Editor's note— See editor's note for section 14.14.030

14.14.060 - Mist systems.

A. Mist cooling systems may operate May 1 through September 30 of the calendar year only.

B. Operation of mist cooling systems for animal safety is not restricted.

(Ord. 2798, § 5, 1-20-2009)

Editor's note— See editor's note for section 14.14.030

14.14.070 - Other outdoor water use restrictions.

A. Surface, building and equipment washing (excluding motor vehicles) at commercial or residential properties is prohibited unless the water is contained on site or discharged to a publicly owned treatment works, also known as a sanitary sewer through approved methods as determined by the city.

B. Vehicle washing.

1. Washing of personal vehicles at residential properties is limited to one day per week with the use of a positive shut-off nozzle.

2. Commercial vehicles may only be washed at a commercial facility where water is discharged to the publicly owned treatment works, also known as the sanitary sewer through approved methods or, with the use of a high-pressure, low volume sprayer using less than ten gallons per vehicle.

3. A commercial car wash business (including mobile and stationary operations) with a valid City of Henderson business license may wash personal vehicles with the use of a high-pressure, low volume sprayer, using less than ten gallons per vehicle.

(Ord. 2798, § 5, 1-20-2009)

Editor's note— See editor's note for section 14.14.030

14.14.080 - Conservation rates, fees, and penalties.

A. Consumption will be billed at the rates as indicated in the department service rules.

B. Conservation administrative fees and penalties will be applied as indicated in chapter 14.21 of this

title.

(Ord. 2798, § 5, 1-20-2009)

Editor's note— See editor's note for section 14.14.030

14.14.090 - Reserved.

Editor's note— Ord. No. 2909, § 1, adopted March 15, 2011, repealed the former section 14.14.090 in its entirety, which pertained to the operation of ornamental fountains and water features, and derived from Ord. No. 2798, § 5, adopted January 20, 2009.

14.14.100 - Pool and hot tub draining.

It is unlawful for any person to drain or empty any water from a swimming pool, hot tub, and/or whirlpool bath into the street or storm drain. Swimming pool, hot tub, and/or whirlpool bath water shall be discharged into the publicly owned treatment works, also known as a sanitary sewer, through a private connection such as a sewer lateral access port, sink, toilet, or bathtub. Exception: Properties on a septic system may drain water from a pool, hot tub, and/or whirlpool bath into a street or storm drain provided that prior notification has been given to the department of utility services customer care center.

(Ord. 2798, § 5, 1-20-2009)

Editor's note— See editor's note for section 14.14.030

14.14.110 - Violations.

Any person who fails or refuses to comply with any of the following provisions shall be deemed to be in violation of this title and shall be subject to discontinuance of service, subject to any penalties and charges assessed in accordance with this title and/or department service rules, and subject to all compliance procedures as prescribed within this title.

A. It is a violation of this chapter 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 director.

B. It is a violation of this chapter to water landscaping at times and/or days other than as indicated on the Table 14.14.040a water schedule for spray irrigation.

C. It is a violation of this chapter to exceed a water budget as allowed in this chapter and/or as imposed by the city.

D. It is a violation to utilize landscaping materials other than as allowed by this chapter, and/or to impose landscaping requirements that do not comply with the requirements outlined in this chapter.

E. It is a violation to utilize misting systems October through April, or for use(s) other than for animal safety as outlined in this chapter.

F. Surface, building and equipment washing (excluding motor vehicles) will be prohibited unless the water is contained on site or discharged to a publicly owned treatment works, also known as

the sanitary sewer through approved methods as determined by the city.

G. It is prohibited to wash vehicles by a method other than as allowed in this chapter.

H. Reserved.

I. It is unlawful for any person to drain or empty any water from a swimming pool, hot tub, and/or whirlpool bath into the street or storm drain.

(Ord. No. 2909, § 1, 3-15-2011; Ord. 2798, § 5, 1-20-2009)

Editor's note— See editor's note for section 14.14.030