



Information Item

January 2, 2014

To: Mayor and City Council
From: Dean Kubani, Manager – Office of Sustainability and the Environment
Subject: Changes Regarding Enforcement of the Water Conservation Ordinance

Introduction

This information item describes changes to the procedures to enforce [SMMC Section 7.16](#), which bans the wasteful use of potable water.

Background

The City of Santa Monica first adopted restrictions on water wasting in 1988, and has subsequently adopted numerous changes to the ordinance, the most recent on [June 10, 2008](#). The ordinance bans many wasteful water use practices, such as hosing hardscapes, irrigation overspray and leaks. The municipal code does not require a warning to be issued before citing a violator. The City's enforcement practice has been to provide at least one warning, whether the violation is witnessed by a private citizen or City employee. Issuing a citation requires that the water wasting activity be witnessed by a City employee and the violating party had previously received at least one warning. Violation of the ordinance results in an infraction or misdemeanor, punishable by fine starting at \$250.

Discussion

The past enforcement practice for any violation of the ordinance has included a courtesy warning letter sent to the water customer that includes a list of possible solutions, and a two-week compliance period to correct the violation. If compliance is not demonstrated within two weeks, a citation would be issued. If more time is required to comply, violators could contact the City for an extension. If assistance is required to develop an acceptable solution, City staff is available for as many onsite consultations as necessary. Incentives and educational guidelines exist to encourage property owners to switch to more water

efficient strategies and avoid water wasting violations. These programs allow for the education of property owners and landscapers about the requirements of the water conservation ordinance, and for readily accessible financial assistance, facilitating compliance.

The Office of Sustainability and the Environment (OSE) had overseen enforcement since the ordinance was adopted in 1988. On July 1, 2013, Code Compliance took over enforcement of this code, as well as codes regulating urban runoff, leaf blowers, and plastic bags and polystyrene food containers. During April-June 2013, OSE and Code Compliance staff met regularly to review the code requirements and enforcement practices in advance of the change.

A summary of SMMC 7.16 violations over the past 10 plus years is presented below in Tables 1 and 2. Number of Water Citations and Warnings by Year
(through June 2013)

Year	Issued Citations		Year	Issued Warnings
2003	11		2003	711
2004	61		2004	998
2005	18		2005	306
2006	31		2006	292
2007	128		2007	1,585
2008	36		2008	935
2009	24		2009	871
2010	18		2010	399
2011	1		2011	1,611
2012	2		2012	2,006
2013	8		2013	773
Totals	338		Totals	10,487
Average	32		Average	999

In 2007, both warnings and citations peaked, coinciding with OSE staff being more active in enforcement. The following years saw a reduction in enforcement and focus on

developing more effective water efficiency and educational programs, including incentives. A spike in warnings has continued annually since the governor publicly ended the drought in mid-2010. As of June 2013 before Code Compliance assumed enforcement responsibility, warnings were on pace to match 2007. An upturn in 2013 water citations coincides with more aggressive enforcement activities in conjunction with leaf blower enforcement and with water violations at properties with past warnings.

The water conservation ordinance has been in effect for 24 years, and the City has enforced this code using warnings for decades. During this period the City has distributed educational materials and done extensive publicity throughout the community about water wasting violations and solutions. In addition, the City offers incentives to residents and businesses to switch to water-efficient landscape practices. However the present enforcement process has not been effective at reducing the amount of water wasting violations in the City, as illustrated in Tables 1 and 2. It is clear that the issuance of warnings has not provided a significant deterrent and water wasting violations have continued at a relatively high level throughout the community as a result.

The proposed changes for enforcement of SMMC Section 7.16 described below mirror similar changes to leaf blower enforcement initiated last year (Information Item [November 6, 2012](#)), which has resulted in increased compliance with that ordinance.

Beginning January 1, 2014, OSE and Code Compliance modified water wasting enforcement to align with the self-sufficiency goal of the 2020 Sustainable Water Master Plan (Plan) and to be consistent with the leaf blower enforcement practices. Water conservation and minimization of water wasting in the community are essential for the City to meet its self-sufficiency goals. To facilitate this, staff now follow two new enforcement strategies:

1. For sprinkler overspray-related violations, after verifying that a valid violation exists, Code Compliance staff will issue a seven-day compliance order. If compliance is not met, an administrative citation will be issued to the property owner. Staff will

continue to promote the city's water efficient landscape-irrigation guidelines and its incentive programs.

2. For violations related to hosing of hardscapes, to irrigation system leaks, and to pool, tub, fish ponds, fountains and other water features draining, staff will no longer issue a courtesy warning and instead will immediately issue a citation to the property owner.

An appeal process is available to any property owner who believes he or she has been issued a citation in error.

The goal of changing to a more aggressive enforcement practice is to dramatically reduce water waste. Reducing water use is one of the City Council-approved strategies to support the Plan. More aggressive enforcement will assist residents and businesses in implementing water efficiency practices and technologies, reducing water waste and saving water.

To prepare the community for this change, during January-March 2014, OSE staff will conduct extensive outreach, education and publicity about the change in enforcement procedures. Staff will also include concentrated outreach to the major gardening and landscaping companies, and multi-family residential management companies.

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