

ORDINANCE NO. 1123

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BREA REVISING WATER CONSERVATION AND WATER SUPPLY SHORTAGE PROGRAM REQUIREMENTS, AND AMENDING TITLE 13 OF THE BREA CITY CODE

A. RECITALS:

WHEREAS, the City of Brea depends on imported water from Northern California and the Colorado River to meet approximately half of its supply demand; and

WHEREAS, California has had one of the driest years on record, with eight of the past ten years meeting drought-level conditions; and

WHEREAS, storage in the Colorado River system has dropped to fifty-five percent of total capacity; and

WHEREAS, the flow of the California Aqueduct has been restricted by up to thirty-five percent, due to a federal court ruling to protect the Delta Smelt; and

WHEREAS, the Governor of the State of California proclaimed a statewide drought and issued a State of Emergency to address the California water shortage, requesting that all water users reduce their water use by twenty percent and asking all water agencies to assist their customers in reducing their use through a water conservation program; and

WHEREAS, the Orange County Grand Jury investigated solutions into the looming water crisis in California and recommends in its report for local water agencies a goal of ten percent voluntary conservation, a focus on outdoor usage, the development of monthly allocations for each customer and the implementation of conservation-inducing pricing; and

WHEREAS, the Metropolitan Water District of Southern California is currently in a "Water Supply Alert" phase and urges implementation of "extraordinary conservation measures", such as conservation pricing, outdoor water restrictions, prohibition of runoff, enhanced rebates, and coordination with the Municipal Water District of Orange County to develop a unified regional message and to accelerate media and outreach campaigns; and

WHEREAS, the Metropolitan Water District of Southern California is requiring ordinances from all agencies that receive rebate incentives detailing water conservation measures, prohibitions against water waste and associated penalties; and

WHEREAS, the Municipal Water District of Orange County, the agency responsible for providing the City of Brea with imported water through the Metropolitan Water District, has enacted a resolution asking every Orange County resident and business to immediately reduce their water usage by ten-percent; and

WHEREAS, the adoption of water conservation measures would assist in avoiding or minimizing the effects of water supply restrictions and a water shortage in Southern California.

B. ORDINANCE:

NOW, THEREFORE, the City Council of the City of Brea hereby ordains as follows:

Under the authority of Water Code §§ 350 and 31026, that the City of Brea, does hereby **FIND AND DETERMINE** that matters set forth in the above recitals are true and correct, and that the City of Brea therefore **DECLARES** the existence of an emergency caused by drought or other threatened or existing water shortage; and

THEREFORE, BE IT ORDAINED, under the authority of Water Code §§ 350 and 31026, that the City of Brea, does hereby **FIND, DETERMINE AND DECLARE** that water conservation measures and restriction on the use of water are necessary and appropriate to protect the health and safety of water users within the City of Brea; and

THEREFORE, BE IT ORDAINED, under authority of Water Code §§ 353 and 31026, that the City of Brea, based upon the findings set forth herein, does hereby **PROHIBIT** the wastage of water and does hereby **ORDER** that the following water conservation measures and water use restrictions are necessary and appropriate to prevent the waste of water and to protect the health and safety of water users.

SECTION 1. Chapter 13.20 of Title 13 of the Brea City Code is hereby repealed provided, however, that such repeal shall not affect or excuse any violation thereof occurring prior to the effective date of this Ordinance.

SECTION 2. A new Chapter 13.20 is hereby added to Title 13 of the Brea City Code to read as follows:

CHAPTER 13.20: WATER MANAGEMENT PROGRAM

Sections:

13.20.010	Title.
13.20.020	Findings.
13.20.030	Declaration of Purpose and Intent.
13.20.040	Definitions.
13.20.050	Application.
13.20.060	Permanent Water Conservation Requirements – Prohibition Against Waste.
13.20.070	Phase 1 Water Supply Shortage.
13.20.080	Phase 2 Water Supply Shortage.
13.20.090	Phase 3 Water Supply Shortage.
13.20.100	Phase 4 Water Supply Shortage – Emergency Condition.
13.20.110	Procedures for Determination/Notification of Water Supply Shortage.
13.20.120	Other Provisions.
13.20.130	Hardship Waiver.
13.20.140	Penalties and Violations.

§ 13.20.010 Title.

This chapter will be known as the City of Brea Water Conservation and Water Supply Shortage Program.

§13.20.020 Findings.

- A. A reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the Southern California region.
- B. Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, climate, environmental concerns, and other factors in other parts of the State and western United States, make the region highly susceptible to water supply reliability issues.
- C. Careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs.
- D. Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

- E. Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.
- F. California Water Code section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies.
- G. The adoption and enforcement of a water conservation and supply shortage program is necessary to manage the City's potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the City. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

§13.20.030 Declaration of Purpose and Intent.

- A. The purpose of this chapter is to establish a water conservation and supply shortage program that will reduce water consumption within the City through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.
- B. This chapter establishes permanent water conservation standards intended to alter behavior related to water use efficiency for non-shortage conditions and further establishes three phases of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.

§13.20.040 Definitions.

- A. The following words and phrases whenever used in this chapter have the meaning defined in this section:
 - 1. "City" means the City of Brea
 - 2. "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water provided by the City.

3. "Landscape Irrigation System" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.
4. "Large Landscape Areas" means a lawn, landscape, or other vegetated area, or combination thereof, equal to more than one (1) acre of irrigable land.
5. "Single Pass Cooling Systems" means equipment where water is circulated only once to cool equipment before being disposed.
6. "Potable Water" means water which is suitable for drinking.
7. "Recycled Water" means the reclamation and reuse of non-potable water for beneficial use.
8. "Billing Unit" means the unit of water used to apply water rates for purposes of calculating water charges for a persons water usage and equals seven hundred forty eight (748) gallons of water.

§13.20.050 Application.

- A. The provisions of this chapter apply to any person in the use of any potable water provided by the City.
- B. The provisions of this chapter do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services.
- C. The provisions of this chapter do not apply to the use of recycled water, except where expressly provided.
- D. The provisions of this chapter do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.
- E. This chapter is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

§13.20.060 Permanent Water Conservation Requirements – Prohibition Against Waste.

The following water conservation requirements are effective at all times and are permanent. Violations of this section will be considered waste and an unreasonable use of water.

- A. **Limits on Watering Hours:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 10 a.m. and 4 p.m. Pacific Standard Time on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
- B. **Limit on Watering Duration:** Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard.
- C. **No Excessive Water Flow or Runoff:** Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited.
- D. **No Washing Down Hard or Paved Surfaces:** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume, high-pressure cleaning machine equipped to recycle any water used.
- E. **Obligation to Fix Leaks, Breaks or Malfunctions:** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than 5 days of receiving notice from the City, is prohibited.
- F. **Re-circulating Water Required for Water Fountains and Decorative Water Features:** Operating a water fountain or other decorative water feature that

does not use re-circulated water is prohibited unless a waiver has been obtained.

- G. Limits on Washing Vehicles: Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to any commercial car washing facility.
- H. Drinking Water Served Upon Request Only: Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, cafeteria, bar, club or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.
- I. Commercial Lodging Establishments Must Provide Option to Not Launder Linen Daily: Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.
- J. No Installation of Single Pass Cooling Systems: Installation of single pass cooling systems is prohibited in buildings requesting new water service.
- K. No Installation of Non-re-circulating water systems in Commercial Laundry Systems: Installation of non-re-circulating water systems is prohibited in new commercial laundry systems.
- L. Restaurants Required to Use Water Conserving Dish Wash Spray Valves: Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.
- M. Commercial Car Wash Systems: Effective on July 1, 2009, all new commercial conveyor car wash systems must have installed operational re-circulating water systems, or must have secured a waiver of this requirement from the City.

§13.20.070 Phase 1 Water Supply Shortage.

- A. A Phase 1 Water Supply Shortage condition exists when the City notifies its water users that due to drought or other supply reductions, a consumer demand reduction of up to 10% is necessary to make more efficient use of water and respond to existing water conditions. Upon the declaration of a Phase 1 Water Supply Shortage condition, the City shall implement the

mandatory Phase 1 conservation measures identified in this ordinance. The type of event that may prompt the City to declare a Phase 1 Water Supply Shortage may include, among other factors, a finding that its wholesale water provider calls for extraordinary water conservation.

B. Additional Water Conservation Measures: In addition to the prohibited uses of water identified in Section 13.20.060, the following water conservation requirements apply during a declared Phase 1 Water Supply Shortage:

1. Limits on Watering Days: Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to three days per week on a schedule established and posted by the City. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the City. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
2. Obligation to Fix Leaks, Breaks or Malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two (72) hours of notification by the City unless other arrangements are made with the City.
3. Other Prohibited Uses: The City may implement other prohibited water uses as determined by the City, after notice to customers.

§13.20.080 Phase 2 Water Supply Shortage.

A. A Phase 2 Water Supply Shortage condition exists when the City notifies its water users that due to drought or other supply reductions, a consumer demand reduction of up to 20% is necessary to make more efficient use of water and respond to existing water conditions. Upon declaration of a Phase 2 Water Supply Shortage condition, the City shall implement the mandatory Phase 2 conservation measures identified in this ordinance.

B. Additional Conservation Measures: In addition to the prohibited uses of water identified in Sections 13.20.060 and 13.20.070, the following additional water conservation requirements apply during a declared Phase 2 Water Supply Shortage:

1. **Water Allocations:** The City will implement reduced water allocations for property served by the City using the tiered water rate structure currently in effect. Reduced allocations within each tier of the water rate structure will be based on the percentage reduction within each phase of the Water Conservation and Water Supply Shortage Program. This results in lower thresholds within each tier and further encourages conservation. The City must provide notice of the reduced water allocation by including it in the regular billing statement or by any other mailing to the address to which the City customarily mails the billing statement for fees or charges for on-going water service.

A tiered water rate structure will be established for any water customers not currently in a tiered water rate structure and will be subject to the same provisions herein.

2. **Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to two days per week on a schedule established and posted by the City. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the City. This provision does not apply to landscape or other vegetated area with potable water is limited to no more than one day per week on a schedule established and posted by the City. This provision does not apply to two (2) gallons of water per hour. This provision also does not apply to watering or irrigating by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
3. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight (48) hours of notification by the City unless other arrangements are made with the City.
4. **Limits on Filling Ornamental Lakes or Ponds:** Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage phase under this ordinance.
5. **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to, any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited except by use of a hand-held bucket or similar container, a hand-held

hose equipped with a positive self-closing water shut-off nozzle or device, by high pressure/low volume wash systems, or at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water.

6. Limits on filling Residential Swimming Pools and Spas: Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with potable water is prohibited.

7. Other Prohibited Uses: The City may implement other prohibitions on water uses as determined by the City, after notice to customers.

§13.20.090 Phase 3 Water Supply Shortage.

A. A Phase 3 Water Supply Shortage Emergency exists when the City declares a water shortage emergency condition pursuant to California Water Code section 350 and notifies its residents and businesses that up to 30% consumer demand reduction is required to ensure sufficient supplies for human consumption, sanitation and fire protection. The City must declare a Water Supply Shortage Emergency in the manner and on the grounds provided in California Water Code section 350.

B. Additional Conservation Measures: In addition to the prohibited uses of water identified in Sections 13.20.060, 13.20.070, and 13.20.080, the following water conservation requirements apply during a declared Phase 3 Water Supply Shortage Emergency:

1. No Watering or Irrigating: Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited, except as approved by the City.
2. Obligation to Fix Leaks, Breaks or Malfunctions: All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within twenty-four (24) hours of notification by the City unless other arrangements are made with the City.
3. No New Potable Water Service: Upon declaration of a Phase 3 Water Supply Shortage Emergency condition, no new potable water service will be provided, no new temporary meters or permanent meters will be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) will be issued, except under the following circumstances:
 - a. A valid, unexpired building permit has been issued for the project; or

b. The project is necessary to protect public health, safety, and welfare; or

c. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the City.

This provision does not preclude the resetting or turn-on of meters to provide continuation of water service or the restoration of service that has been interrupted for a period of one year or less.

4. Discontinue Service: The City, in its sole discretion, may discontinue service to consumers who willfully violate provisions of this section.
5. Other Prohibited Uses: The City may implement other prohibited water uses as determined by the City, after notice to customers.

§13.20.100 Phase 4 Water Supply Shortage – Emergency Condition.

- A. A Phase 4 Water Supply Shortage Emergency exists when the City declares a water shortage emergency condition pursuant to California Water Code section 350 and notifies its residents and businesses that up to 40% or more consumer demand reduction is required to ensure sufficient supplies for human consumption, sanitation and fire protection. The City must declare a Water Supply Shortage Emergency in the manner and on the grounds provided in California Water Code section 350.
- B. Additional Conservation Measures: In addition to the prohibited uses of water identified in Sections 13.20.060, 13.20.070, 13.20.080, and 13.20.090 the following water conservation requirements apply during a declared Phase 4 Water Supply Shortage Emergency:
 1. The City may reduce water allocations in all categories to meet the available water supply.
 2. The City may shut off all non-essential water uses.
 3. Other Prohibited Uses: The City may implement other prohibited water uses as determined by the City, after notice to customers.

§13.20.110 Procedures for Determination/Notification of Water Supply Shortage.

- A. Declaration and Notification of Phase 1 and 2 Water Supply Shortage: The existence of Phase 1 and Phase 2 Water Supply Shortage conditions may be

declared by resolution of the City adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation requirements applicable to Phase 1 or Phase 2 conditions will take effect on the tenth (10) day after the date the shortage phase is declared. Within five (5) days following the declaration of the shortage phase, the City must publish a copy of the resolution in a newspaper used for publication of official notices. If the City establishes a water allocation, it must provide notice of the allocation by including it in the regular billing statement or by any other mailing to the address to which the City customarily mails the billing statement for fees or charges for on-going water service. A water allocation will be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

- B. Declaration and Notification of Phase 3 Water Supply Shortage: The existence of a Phase 3 Water Supply Shortage Emergency condition may be declared in accordance with the procedures specified in Water Code Sections 351 and 352. The mandatory conservation requirements applicable to the Phase 3 conditions will take effect on the tenth (10) day after the date the shortage phase is declared. Within five (5) days following the declaration of the shortage phase, the City must publish a copy of the resolution in a newspaper used for the publication of official notices. If the City establishes a water allocation, it will provide notice of the allocation by including it in the regular billing statement or by any other mailing to the address to which the City customarily mails the billing statement for fees or charges for on-going water service. A water allocation will be effective on the fifth (5) day following the date of mailing or at such later date as specified in the notice.

§13.20.120 Other Provisions.

- A. Limits on Building Permits: the City may limit or withhold the issuance of building permits which require new or expanded water service, except to protect the public health, safety and welfare, or in cases which meet the City's adopted conservation offset requirements.
- B. Customer Water Conservation Reports: The City may, by written request, require all commercial, residential and industrial customers using twenty-five thousand (25,000) or more billing units per year to submit a water conservation plan and to submit quarterly progress reports on such plan. The conservation plan must include recommendations for increased water savings, separation of uses including increased water recycling based on feasibility, and the reports must include progress to date on implementation of such recommendations.
- C. Reporting Mechanism – Hotline: The City may establish a water waste hotline for residents to report violations of this chapter.

D. State Model Landscape Ordinance: The Department of Water Resources State Model Landscaping Ordinance is adopted by reference and incorporated as part of this Chapter. The full text of the Model Landscaping Ordinance is available on the City's website at www.cityofbrea.net and a copy is maintained with the City Clerk.

§13.20.130 Hardship Waiver.

- A. Undue and Disproportionate Hardship: If, due to unique circumstances, a specific requirement of this chapter would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property of classes of water users, then the person may apply for a waiver to the requirements as provided in this section.
- B. Written Finding: The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.
1. Application: Application for a waiver must be on a form prescribed by the City and accompanied by a non-refundable processing fee in an amount set by City Council resolution.
 2. Supporting Documentation: The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.
 3. Required Findings for Waiver: An application for a waiver will be denied unless the City Manager finds, based on the information provided in the application supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the City or its Agent, all of the following:
 - a. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;
 - b. That because of special circumstances applicable to the property or its use, the strict application of this chapter would

have a disproportionate impact on the property of use that exceeds the impacts to residents and businesses generally;

- c. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City to effectuate the purpose of this chapter and will not be detrimental to the public interest; and
 - d. That the condition or situation of the subject property of the intended use of the property for which the waiver is sought is not common, recurrent or general in nature.
4. Approval Authority: The City Manager or designee must act upon any completed application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver must be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved, the waiver will apply to the subject property during the period of the mandatory water supply shortage condition. The decision of the City Manager will be final.

§13.20.140 Penalties and Violations.

- A. Violation of any provisions of the ordinance herein must be personally observed by members of the city staff able to personally attest to them. The fines for such violations will be collected on the water bill. Failure to pay a fine amount will be treated as nonpayment of the water bill and water service may be terminated as a result. The fines for such violations are as follows:
1. First Violation: The City will issue a written warning and deliver a copy of this ordinance by mail.
 2. Second Violation: A second violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed one hundred dollars (\$100).
 3. Third Violation: A third violation within the preceding twelve (12) calendar months is punishable by a fine not to exceed two hundred and fifty (\$250).
 4. Fourth and Subsequent Violations: A fourth and any subsequent violation is punishable by a fine not to exceed five hundred (\$500).

- a. Water Flow Restrictor Device: In addition to any fines, the City may install a water flow restrictor device of approximately one gallon per minute.
 - b. Termination of Service: In addition to any fines, the City may disconnect and/or terminate a customer's water service.
- B. Cost of Installing Flow Restrictor or Disconnecting Service: A person or entity that violates this ordinance is responsible for payment of the City's charges for installing a flow restrictor or disconnecting and/or reconnecting service per the City's schedule of charges then in effect. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.
- C. Separate Offenses: Each day that a violation of this ordinance occurs is a separate offense.
- D. Notice and Hearing:
 - 1. The City will issue a Notice of Violation by mail or personal delivery at least ten (10) days before taking enforcement action. Such notice must describe the violation and the date by which corrective action must be taken. A customer may appeal the Notice of Violation by filing a written notice of appeal with the City no later than the close of business on the day before the date scheduled for enforcement action. Any Notice of Violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and the City will mail written notice of the hearing date to the customer at least ten (10) days before the date of the hearing.
 - 2. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the City may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violations and the current declared water Phase condition.

SECTION 3. Severability.

If any section, subsection, sentence, clause or phrase in the chapter hereby adopted is for any reason held invalid, the validity of the remainder of the chapter will not be affected. The City Council hereby declares it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid.

SECTION 4. The City Clerk shall certify to the adoption of this Ordinance.

APPROVED AND ADOPTED this 2nd day of June, 2009.

Mayor

I, Lucinda Williams, City Clerk of the City of Brea, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Brea held on the ____ day of _____ 2009 and was finally passed at a regular meeting of the City Council of the City of Brea held on the ____ day of _____ 2009 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ATTEST: _____
City Clerk

DATE: _____