

ORDINANCE NO. 1587

AN ORDINANCE OF THE CITY OF BOULDER CITY REVISING
CITY CODE TITLE 9, CHAPTER 12, BOULDER CITY WATER
CONSERVATION PLAN

The City Council of Boulder City do ordain:

Section 1. That Title 9, Chapter 14, Water Conservation Plan be revised as per the attached Exhibit A.

Section 2. VALIDITY. Each section and each provision or requirement of any section of this ordinance shall be considered separable and the invalidity of any portion shall not affect the validity or enforceability of any other portion.

Section 3. PUBLICATION. The City Clerk shall cause this Ordinance to be published in summary on Friday, the 28th day of April, 2017, in the *Las Vegas Review Journal*, a daily newspaper, published in Las Vegas, Nevada.

Section 4. EFFECTIVE. This Ordinance shall become effective, after its approval and publication, on the 18th day of May, 2017.

APPROVED:

ATTEST:

Rodney Woodbury, Mayor

Lorene Krumm, City Clerk

The foregoing Ordinance was first proposed and read by title to the City Council on the 11th day of April, 2017, which was a regular meeting; thereafter, on the 25th day of April 2017, a regular meeting was held and the proposed Ordinance was adopted by the following vote:

VOTING AYE: Leavitt, McCoy, Shuman, Walker, Woodbury

VOTING NAY: None

ABSENT: None

APPROVED:

ATTEST:

Rodney Woodbury, Mayor

Lorene Krumm, City Clerk

CHAPTER 14

“BOULDER CITY WATER CONSERVATION PLAN”

SECTION:

- 9-14- 1: General Provisions
- 9-14- 2: Definitions
- 9-14- 3: Waste of Water Guidelines
- 9-14- 4: Responsibility for Waste
- 9-14- 5: Landscape Watering Restrictions
- 9-14- 6: Landscape Material Restrictions
- 9-14- 7: Other Outdoor Water Use Restrictions
- 9-14- 8: Water Budgets for Golf Courses
- 9-14- 9: Man-Made Lakes Provisions
- 9-14-10: Operation of Ornamental Fountains and Water Features
- 9-14-11: Enforcement
- 9-14-12: Appeals for Reconsideration
- 9-14-13: Legality the Boulder City Conservation 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.
- 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 chapter. Such a request shall be considered a request to amend the requirements of this chapter and shall only be considered in accordance with the proper procedures.

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

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| 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: <ul style="list-style-type: none">1. A turf-dominated, multi-purpose recreational area of at least two-acres 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 |

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 that incorporates drought-tolerant and low water-use plants with an organic or inorganic surface mulch layer as a water efficient alternative to traditional turf grass landscaping. Can be referred to as water smart landscaping.

9-14- 3: WASTE OF WATER GUIDELINES:

A. 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.

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 directly into a public street, alley, or right-of-way, gutter or drain for more than 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- 4: 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- 5: LANDSCAPE WATERING RESTRICTION (RESIDENTIAL):

- A. 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	Watering Restrictions
Winter (November – February)	Once Per Week
Spring (March - April)	Three Days per Week
Summer ¹ (May- August)	Any Day Except Sunday
Fall (September ¹ - October)	Three Day per Week

Note: 1. 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
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
- D. Spring/Fall (March/April and September/October) watering days assigned as follows:
1. A, C, E Monday, Wednesday, Friday
B, D, F Tuesday, Thursday, Saturday
 3. Sunday is a “free day” for all groups.
- 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 restrictions.
1. Hand watering with hand held hose.

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- 6: **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.

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. The installation of new turf is prohibited in residential front yards and the use of drought tolerant landscaping materials is encouraged in residential front yards.
- b. For single-family residential lots, the installation of new turf shall not exceed a maximum of five thousand square feet.

Non-Residential Landscape Restrictions:

- a. The installation of new turf in non-residential developments is prohibited. This provision shall not apply to community use recreational turf, golf courses, or sports complexes.
3. 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- 7: **OTHER OUTDOOR WATER USE RESTRICTIONS:**

A. Vehicle Washing

1. Washing of personal vehicles upon residential properties is limited to once per week per vehicle and requires a positive shut-off nozzle.

Commercial vehicles may be washed at a commercial facility where water is discharged to the sanitary sewer through city approved methods, or by a high-pressure, low volume sprayer using less than ten (10) gallons of waste per vehicle.

9-14- 8: **WATER BUDGET FOR GOLF COURSES:**

- A. Unless otherwise stipulated in existing agreements, private 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. Municipal 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. New golf courses shall be exempt from water budgeting for the first two years after seeding to establish turf. 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.

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- 9: **MAN-MADE LAKES PROVISIONS:** All man-made lakes shall pay Boulder City rates on all fill water.

9-14-10: **OPERATION OF ORNAMENTAL FOUNTAINS AND WATER FEATURES:** 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 twenty-five (25) 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. Allowable uses including but not limited to:
1. Irrigation reservoirs, such as for a golf course, park or cemetery;
An engineered component of a heat exchanger for a cooling system;
 3. An interpretive feature of an educational exhibit.

- 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.
- Water features integral or vital to an entertainment venue, such that substantial economic harm could be associated with discontinuation of use.
- F. Fountains or water features necessary to sustain aquatic animals, provided that the animal population has been actively and continuously managed within the water feature prior to 2003;
- G. Fountains and water features in place prior to September 1, 2009.

Special Exemptions: The Public Works 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). To be granted an exemption, the applicant must:

1. Submit an application to Boulder City Public Works:

Propose a modification to the property that will reduce consumptive demand by 20 times the estimated evaporative loss of the water feature, by participating in one of the following:

- a. Converting irrigated turfgrass upon the property to water efficient landscaping at a ratio of a minimum of 20 square feet converted for each square foot of water surface in the fountain or water feature;
- b. Reducing or eliminating an existing, compliant body of water upon the property that results in a net decrease in water surface area on the property;
- c. Supporting the regional water conservation program by paying a minimum of \$40 for each square foot of water surface in the fountain or water feature to the Southern Nevada Water Authority conservation program.

9-14-11: **ENFORCEMENT:** The Public Works 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 conservation chapter.

Meter Size	1st Violation	2nd Violation	3rd Violation	4th Violation	5th Violation
1" or less	\$75.00	\$125.00	\$200.00	\$300.00	\$600.00
1" - 3"	\$75.00	\$125.00	\$250.00	\$500.00	\$1000.00
3" and Greater	\$150.00	\$300.00	\$500.00	\$1000.00	\$2000.00

9-14-12: **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 chapter 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.

9-14-13: **LEGALITIES OF THE BOULDER CITY CONSERVATION ORDINANCE:** The City Council of the City of Boulder City has been informed by its legal department as to the constitutionality of this chapter, and based upon such information, it is adopting this chapter 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.