



**City of Henderson Department of Utility Services
Conservation Ordinance Acknowledgment**

The City of Henderson adopted drought and conservation measures in conjunction with other member agencies of the Southern Nevada Water Authority (SNWA) on August 1, 2003. Signing of this form is an Acknowledgment of provisions set forth in the City of Henderson Municipal Code, specifically Title 14 UTILITIES, Chapter 14.14 Conservation and Drought.

PERMIT #:	
PROJECT INFORMATION <i>NEW DEVELOPMENT USE</i>	
Final Subdivision Name:	
Site Address:	
Gross Acreage:	
OWNER/BUILDER/ARCHITECT	
Property Owner(s):	
Owner(s) Phone:	Owner(s) Fax:

BUSINESS LICENSE INFORMATION <i>BUSINESS LICENSING USE</i>	
Contractor License #:	COH License #:
Business Name:	
Business Address:	
Business Phone:	Business Fax:
Business Owner Name:	Business Owner Phone:
Business Owner Address:	



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Any turf removed prior to the adoption of the drought plan and declaration of drought status cannot receive credit for the conversion in order to maintain a fountain or water feature. In addition, any turf removed after the adoption of the drought plan and declaration of drought status, which received a rebate through the SNWA Water Smart Landscapes program, cannot receive a credit for the conversion in order to maintain a fountain or water feature.

Any front yard turf installed after January 1, 2004 may be subject to removal and additional enforcement actions up to and including interruption of water service.

In the event it shall become necessary to ration or otherwise curtail water service to property owner or any other water customers of the City, for any reason, said rationing or curtailment shall be applied to the property owner on the same terms and conditions as presently exists with other customers. The parties agree that the City may be required to curtail water service to property owner in order to comply with a water conservation plan or a shortage sharing agreement promulgated by the SNWA. The property owner also understands that the development of the project and the usage of water are also subject to reasonable and necessary exercises of the police power or other governmental powers by the City, the SNWA, the Bureau of Reclamation, or other state or federal agencies, in order to protect the public health, safety and welfare.

The City and applicant(s) recognize that the City has the right to enforce its rules, policies, regulations, ordinances, and the terms of Henderson Municipal Code by seeking an injunction to compel turning off or disconnection of the supply of water provided hereunder. In the event that property owner or any user on the subject property violates the rules, policies, regulations or ordinances of the City, applicable to Conservation and Drought Ordinance as set forth in this Acknowledgment, Henderson Municipal Code, or any other applicable water provisions, the City may, without seeking an injunction and after three (3) days notice to correct the violation, terminate the delivery of water hereunder to the violator until such conditions have been honored by the violator. The City shall be free from any liability arising out of the exercise of its rights under this paragraph.

By signing below, I hereby acknowledge the responsibility of property owner(s) to adhere to requirements listed in Henderson Municipal Code Chapter 14.14- Conservation and Drought.

Signature of Owner(s) or Authorized Agent:

Signed by: _____ Signed by: _____

Print Name: _____ Print Name: _____

Date: _____ Date: _____

Please contact the Department of Utility Services Customer Care Center at 267-5900 with questions regarding this form or for Henderson Municipal Code Conservation Ordinance updates.

Relevant Sections of Henderson Municipal Code Chapter 14.14 attached.

Routing:

- Pages 1-2 Signed original to Customer Service MSC #125
- Pages 1-2 Electronic copy to DUS New Development or Business Licensing
- Pages 3-5 Customer

City of Henderson

Title 14 UTILITIES, Chapter 14.14 Conservation and Drought

14.14.040 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 1st until September 30th 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 eleven a.m. and seven 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. *During a Drought Watch and drought alert stages, 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 14.14.040a.*

**Table 14.14.040a
Water Schedule for Spray Irrigation**

Schedule	Drought Watch	Drought Alert (declared by SNWA, Jan. 1, 2004)
Winter (November--February)	One Assigned Day Per Week*	One Assigned Day Per Week*
Spring (March--April)	Four Assigned Days per Week*	Three Assigned Days per Week*
Summer (May--August)	Any Day	Any Day
Fall (September--October)	Four Assigned Days per Week*	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 during Drought Watch and drought alert stages:*
 - 1. *Hand-watering for the purpose of preserving turf or shrubbery;*
 - 2. *Irrigation of new turf or re-seeding of existing turf, for a period of thirty days from the date of planting or installation, with prior notification to the department of utility services customer care center;*
 - 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. *Landscape irrigation system is being tested. 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.*

14.14.060 Landscape material restrictions.

- A. *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 prior to August 1, 2003, which approved landscaping not in conformance with the restrictions listed in this ordinance will not be subject to these restrictions.*

- B. *The installation of turf in residential front yards, common areas, medians, and non-residential 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 and shall only be considered in accordance with the proper procedures. The following material restrictions also apply to landscaping installed 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. *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 or golf courses.*
 - 3. *Additional Landscape Restrictions During Drought Alert.*
 - a. *Residential Landscape Restrictions.*
 - 1. *The installation of new turf is prohibited in residential front yards.*
 - 2. *For single-family residential lots, the installation of new turf shall not exceed fifty percent of the gross area side and rear yard, or one hundred square feet whichever is greater, provided no turf area dimension is less than ten feet. A maximum of five thousand square feet of turf is allowed.*
 - b. *Non-Residential Landscape Restrictions*
 - 1. *The restrictions defined in Drought Watch shall continue to apply. (Ord. 2676 § 10 (part), 2008; Ord. 2356 § 77, 2006)*

14.14.100 Operation of ornamental fountains and water features.

All fountains and water features owned or operated by any person holding an account with the city are subject to drought restrictions. During Drought Watch or drought alert, the operation of fountains and water features utilizing water provided by the city or water reprocessed by the customer shall be prohibited.

The following shall be exempt from drought restrictions:

- A. *Swimming pools, hot tubs, whirlpool baths, spas, and recreational water parks, both public and private;*
- B. *Fountains or water features at single-family residences of less than two hundred square feet in surface area during Drought Watch and less than twenty-five square feet in surface area during drought alert;*
- C. *Fountains or water features that are necessary and functional components serving other allowable uses such as storage ponds on golf course or aeration devices;*
- D. *Indoor water features that drain to the publicly owned treatment works, also known as the sanitary sewer, or features with the majority of the total water volume contained indoors or underground;*

- E. *Fountains or water features at resort hotels. Resort hotels will be required to submit a water use reduction plan to the department within ninety days after the effective date of the ordinance codified in this section, or the exemption under the ordinance will be immediately revoked. These plans will be considered public documents;*
- F. *Fountains or water features necessary to sustain aquatic animals, provided that such animals are of significant value as determined by the department and have been actively managed within the water feature prior to declaration of drought;*
- G. *Residential and commercial fountains or water features that have the specific turf removal activities outlined:*
 - 1. *Removal of turf or water features from the property where the fountain or water feature located at a 50:1 ratio of turf to fountain surface area. Fifty square feet of turf must be removed for every square foot of fountain or water feature surface area.*
 - 2. *Should the property with the fountain have no turf, a fee of ten dollars per square foot of fountain surface area, must be paid to the city. These fees will be added to the SNWA's water smart landscape program budget to fund future turf removals.*
 - 3. *Should the property with the fountain have some turf, but not enough to meet the 50:1 ratio, all non-functional turf must be removed and the ten dollars per square foot fee must be paid for the remainder of the fountain surface area not covered by the turf conversion.*
 - 4. *Should the fountain be located on a multi-family property, the department will work with the property owner(s) to determine which turf is non-functional and to be removed.*
 - 5. *Any turf removed prior to the adoption of the drought plan and declaration of drought status cannot receive credit for the conversion in order to maintain a fountain or water feature. In addition, any turf removed after the adoption of the drought plan and declaration of drought status, which received a rebate through the SNWA water smart landscapes program cannot receive a credit for the conversion in order to maintain a fountain or water feature.*
- H. *For every subsequent year during Drought Watch or drought alert that the fountain owner operates the fountain, a two hundred dollar fountain permit fee must be submitted to the department by January 1 of the year for which the fountain is to be operated. (Ord. 2676 § 10 (part), 2008; Ord. 2356 § 81, 2006)*

14.14.120 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 proscribed 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 September through May, 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. *It is a violation of this chapter to operate fountains and/or water features other than as allowed in this chapter.*
- 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. 2676 § 10 (part), 2008; Ord. 2356 § 82, 2006)*