

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO. 2810

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING CERTAIN SECTIONS OF ARTICLES VII, IX AND X OF CHAPTER 22 OF THE CITY CODE, CONCERNING WATER WASTE RESTRICTIONS, REQUIREMENTS FOR WATER CONSERVATION AND WATER SHORTAGE RESPONSE, AND WATER RECYCLING

WHEREAS, the City of Oxnard ("city") is a general law city in Ventura County, California; and

WHEREAS, the city owns and operates a municipal water system providing retail potable water service to the local community; and

WHEREAS, 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; and

WHEREAS, to meet the community's existing demand for water, the city relies on both local and imported water supplies, including groundwater produced and treated from city facilities, as well as water purchased from the United Water Conservation District, and imported supplies purchased from the Calleguas Municipal Water District, a member agency of the Metropolitan Water District of Southern California; and

WHEREAS, Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, environmental concerns, and other factors in other parts of the State and western United States, make the region highly susceptible to year-to-year variations in available water supplies; and

WHEREAS, careful water management that includes active water conservation at all times, is essential to ensure a reliable supply of water to meet current and future water supply needs; and

WHEREAS, 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; and

WHEREAS, 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 optimize the reasonable and beneficial use of water; and

WHEREAS, California Water Code section 375 authorizes water suppliers to adopt and enforce a comprehensive water conservation program to reduce water consumption and conserve supplies; and

WHEREAS, these amendments to the city's water waste and water conservation and supply shortage ordinances are necessary to manage the city's potable water supply to avoid or minimize the effects of drought and water supply variations within the City. This conservation program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare; and

WHEREAS, section 15061, paragraph (b)(3), of the California Environmental Quality Act ("CEQA") Guidelines provides that a project is exempt from CEQA if "the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect to the environment;" and

WHEREAS, this ordinance and its implementation does not result in any changes to existing facilities or any increase in the quantity of water available to city customers and thus, does not create the potential for causing any significant effect to the environment; and

WHEREAS, sections 15307 and 15308 of the CEQA Guidelines provide that a project is categorically exempt from CEQA if the activity is taken "to ensure the maintenance, restoration, or enhancement of natural resources or the environment;" and

WHEREAS, the conservation of water resources that may that result from imposition of this ordinance will help ensure the maintenance and sustainability of certain local and imported water resources.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby find as follows:

The adoption of this ordinance is exempt from CEQA for the following reasons:

CEQA Guidelines section 10561 exempts projects which have no potential for resulting in a physical change in the environment and because this ordinance and its implementation does not result in any changes to existing facilities or any increase in the quantity of water available to City customers, this ordinance does not create the potential for causing any significant effect to the environment.

CEQA Guidelines sections 15307 and 15308 exempt a project if the activity is taken "to ensure the maintenance, restoration, or enhancement of natural resources or the environment" and the conservation of water resources, particularly during water shortage conditions, will help ensure the maintenance and sustainability of certain local and imported water resources.

Purpose and Intent

- (A) The purpose of this ordinance is to amend certain portions of the city code concerning water waste and water conservation and supply shortage, and recycled water programs to manage 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 all water sources within the city to maintain the long-term integrity of the water supplies available to the city, and also minimize the magnitude of drought related water restrictions to the greatest extent possible.

- (B) This ordinance establishes permanent water conservation standards intended to maximize water use efficiency for non-shortage conditions and further refines the existing four levels 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.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. Sections 136, 137(D)(1) and 142 of Article VIII; sections 153,154, and 157(C) of Article IX; and sections 179(B(1) and 182(A)-(B) of Article X, of Chapter 22 of the City Code are repealed.

Part 2. Sections 136, 137(D)(1) and 142 of Article VIII; sections 153,154, and 157(C) of Article IX; and sections 179(B(1) and 182(A)-(B) of Article X, of Chapter 22 of the City Code are adopted to read:

SEC. 22-136. WATER WASTE PROHIBITED.

- (A) The city council declares that any waste or unreasonable use, or unreasonable method of use of water is hereby prohibited and that the conservation of water shall be mandatory on all persons using city water within and outside the city limits.
- (B) Therefore, the city council orders the restrictions on water use as specified below:
 - (1) Limits on Watering Hours. Watering of lawns, ornamental turf, trees, shrubs, vegetation, landscape and other outside irrigation is prohibited except between 6:00 p.m. and 9:00 a.m. Testing of repairs to and replacement of irrigation systems may occur outside of the normally allowed irrigation period.
 - (2) No Outdoor Irrigation During Rain. Outdoor irrigation is prohibited during rain.
 - (3) Limits on Watering Duration. Watering or irrigating of lawns, 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 per day per station. This subsection does not apply to landscape irrigation systems that exclusively use high efficiency irrigation equipment, very low-flow drip type irrigation systems when no emitter produces more than two gallons of water per hour, and weather based controllers or high-efficiency stream rotor sprinklers.

- (4) No Run-Off. Watering of turf, ornamental landscape, open ground crops and trees (including agricultural irrigation) in a wasteful manner is prohibited. Wasteful practices include, but are not limited to, allowing water to run off onto sidewalks, driveways, gutters or streets, or allowing the pooling or puddling of water on any hard-surfaced area.
- (5) No Use of Water to Clean Surfaces. The use of running water from a hose, pipe, or faucet to clean buildings, pavement, tile, wood, plastic, driveways, parking lots, and other paved surfaces is prohibited, except for public health and safety reasons and then only with a hose with an automatic shut-off nozzle.
- (6) Recycled Water for Ornamental Ponds and Fountains. Where and when available, approved non-potable water shall be used to fill or refill recreational or ornamental lakes, ponds or fountains. When using non-potable water, the user shall post signs in conspicuous areas identifying the fact that non-potable water is being used. Newly installed or replacement ponds and fountains shall include recirculation pump(s) that maximize the efficiency and reuse of fill water.
- (7) Prompt Leak Repair. All leaks, breaks or malfunction within a plumbing or water distribution system shall be repaired as promptly as practical. All repairs shall be completed within 72 hours after discovery of such leak, break or malfunction, or receipt of notice from the City of such condition, whichever comes first.
- (8) Boat and Vehicle Washing. Boats, vehicles and other mobile equipment shall be washed only at commercial wash facilities that recycle their wash water; by use of a bucket and hose equipped with a self-closing valve that requires operator pressure to activate the flow of water; or by mobile high pressure/low volume professional services.
- (9) Drinking Water Service Upon Request. Service of drinking water at all restaurants, hotels, cafés, cafeterias, coffee shops, fast-food operations, banquet facilities or other public places where food is served or offered for sale, shall only be made upon customer request.
- (10) Commercial Dish Washing. No later than July 1, 2010, all food preparation establishments shall use water conserving dish wash spray valves when washing dishes.
- (11) Commercial Lodging Water Conservation Measure. Operators of hotels, motels, and other commercial establishments offering lodgings shall post in each room prominent notice encouraging water conservation practices, including the option of not having towels and linen laundered daily.
- (12) Commercial / Industrial Cooling Systems. Installation of a new or replacement single pass cooling systems in commercial or industrial buildings is prohibited.

- (13) Commercial Car Wash and Laundry Systems. Installation of new or replacement non re-circulating water systems in commercial conveyor car wash or commercial laundry systems is prohibited.
- (14) Swimming Pools. Filling and refilling of a swimming pool, with the exception of the first filling of a swimming pool and the occasional adding of small quantities of water to maintain proper water level, or for health or safety reasons, is prohibited.
- (15) Waste, Generally. Any indiscriminate use of water not otherwise addressed above and which is wasteful, is prohibited.

SEC. 22-137. FAILURE TO COMPLY.

Any violation of the provisions of this Article may be prosecuted under the provisions of section 1-10 of this code. In addition, the following remedies may be imposed against any person for violation of any of the sections of this Article:

(D)(1) For a fourth violation during a 12-month period, the city shall be able to install, at the expense of the customer, a flow- restricting device of one gpm capacity on the location receiving water service through up to 1½-inch size distribution systems and comparatively sized restricting devices on locations receiving water service through larger distribution systems. These devices shall be installed for a period of not less than 48 hours on the service of the customer at the location at which the violation occurred

SEC. 22-142. ENFORCEMENT PERSONNEL.

The employees of the police, fire, development services and public works departments and other designated persons shall be responsible for enforcement of the various sections of this Article under their respective authority or as is specifically assigned to them by the city manager.

SEC. 22-153. GENERAL PROHIBITION: ENFORCEMENT.

(A) No customer shall make, cause, use, or permit the use of water in a manner contrary to any provision of this Article or Article VIII in an amount in excess of any reduction levels described in a city council adopted water shortage condition resolution. Any violation of the provisions of this Article or Article VIII may be prosecuted under the provisions of section 1-10 of this code, and each violation of each during which such unauthorized use occurred, continued or was permitted shall be considered a separate violation.

(B) In addition to prosecution under the provisions of section 1-10, any unauthorized water use in violation of this Article shall be a public nuisance. The city may prosecute any violation of the use restrictions set forth in this Article by means of criminal and civil filings, as deemed appropriate by the city attorney.

SEC. 22-154. MANDATORY WATER CONSERVATION MEASURES.

- (A) Whenever the city council declares that water shortage conditions exist, the city council shall also designate the severity of the shortage conditions and establish mandatory conservation measures.
- (B) The severity of each water shortage condition shall be designated in stages, from 1 to 4. Each stage shall correspond to the degree to which the city has or is likely to suffer reduced availability of water supplies, as follows:

Stage	Severity: Reduction in Available Supplies
1	Up to 15%
2	15-25%
3	25-35%
4	Greater than 35%

- (C) Each resolution declaring or modifying a water shortage condition shall include mandatory water use restrictions. Any required reductions in water use shall begin with the customer's next full billing period following the declaration, or as otherwise provided in the resolution. In addition to the restrictions set forth in section 22-136, the required water use restrictions may include, but are not limited to the following:
 - (1) Maximum allowed water use. The manager shall establish a method of determining each customer's water use (baseline use) against which any required reductions shall be measured. The methodology for determining each customer's baseline use shall be described in the water shortage resolution, and shall include historical use and usage for similar situated customers. To the extent practical, customers who have already implemented up-to-date conservation practices shall not be penalized in establishing their baseline use.
 - (2) One-Time and Short-Term Uses:
 - (a) The manager shall grant prior approval for water to be used on a one-time or short-term basis for construction and dust control. The user shall submit to the manager its water use plan at least 30 days in advance of the proposed use.
 - (b) The use of potable water for sanitation, irrigation and construction purposes, including but not limited to dust control, settling of backfill, flushing of plumbing lines, and washing of equipment, buildings and vehicles, shall be prohibited in all cases where the manager has determined that use of reclaimed, recycled or other forms of nonpotable water use is a feasible alternative.

- (c) Depending upon the severity of the water shortage, the city may not issue new construction meters or allow short term water use unless reclaimed or non-potable water is used, unless potable water use is necessary to protect the health, safety or welfare.
- (3) Fire Hydrants: The use of water from fire hydrants shall be limited to fire fighting and related activities and other uses of water for municipal purposes shall be limited to activities necessary to maintain the public health, safety and welfare.
- (4) Exceptions for Fire/Erosion Protection. Irrigation may be permitted for ground cover for fire protection purposes and erosion control. Depending on the severity of the water shortage conditions, outside residential, municipal or commercial landscape irrigation may be limited or prohibited.
- (5) Expeditious Leak Repair. All leaks, breaks or malfunction within a plumbing or water distribution system shall be repaired as expeditiously as practical. All repairs shall be completed within 48 hours after discovery of such leak, break or malfunction, or receipt of notice from the city of such condition, whichever comes first.
- (6) Restrictions on Potable Water Use for Irrigation. Depending upon the drought severity, the use of potable water for irrigation uses may be restricted or prohibited. The manager shall have the right to shut off water service to any such irrigation service upon seven days advance notice to the customer.
- (7) Limits on Swimming Pools. Watering to maintain the level of water in swimming pools shall occur only when essential. A pool cover shall be used to conserve water at all times. Draining of pools or refilling shall be done only for health or safety reasons as determined by the health department or manager. Depending on the severity of the declared drought emergency, the introduction of water into residential swimming pools and spas may be prohibited.
- (8) Limits on Agricultural Use. Agricultural customers, commercial nurseries and livestock facilities shall use water only when necessary. The water shortage resolution may invoke appropriate measures to limit or prohibit certain use of potable water for commercial agricultural use.
- (9) Irrigation of Public Works. Irrigation of parks, school ground areas, and road median landscaping will not be permitted more than twice a week and only if necessary. Depending on the severity of the drought emergency, these water uses may be prohibited unless recycled water is used.
- (10) Limits on Golf Courses. Golf course water use shall be limited based upon the severity of the drought. To the extent potable water is used for golf course irrigation, limitation on the irrigation of roughs shall be implemented before limitations on fairway irrigation. Efficient use of recycled water on any golf course shall not be limited.

- (11) Limit New Water Service. Depending on the severity of the drought, issuance of building permits which require new or expanded water service may be limited or withheld, except to protect the public's health, safety and welfare, or in cases which meet City Council adopted conservation offset requirements.
- (12) Other Prohibited Uses. The city may implement other water-related restrictions or prohibitions based on the severity of the emergency.
- (D) Each water shortage condition resolution shall set forth a scheduled time for its expiration or further review of the water shortage situation.

SEC. 22-157. ENFORCEMENT.

In addition to the remedies provided pursuant to section 1-10 of the city code, the manager shall take the following steps in response to the failure of any customer to comply with water use restrictions established in any water shortage conditions resolution.

- (C) The city shall charge the customer for the costs incurred for installing and removing the flow-restricting devices and for restoration of normal service. The charge and any surcharges shall be paid before normal service is restored.

SEC. 22-179. RECYCLED WATER MASTER PLAN

- (B) The recycled water master plan shall include, but not be limited to, the following:

- (1) Policies encouraging the use of recycled water. This includes requiring the use of recycled water when the manager has provided the customer an analysis showing that recycled water is a cost-effective alternative to potable water for such uses and the customer has had a reasonable time to make the conversion to recycled water.

SEC. 22-182. DEVELOPMENT AND WATER SERVICE APPROVALS

- (A) Upon application for any new industrial, commercial, or residential subdivision or building permit located within a designated recycled water use area, the manager shall, based upon the recycled water master plan, make a determination whether the proposed use of the property shall include the use of recycled water. All applicable subdivisions and building permits shall include, as a condition of approval, the requirement for construction of:

- (1) Recycled water transmission facilities which shall be dedicated to the city as city-owned recycled water facilities, and
- (2) On-site recycled water facilities, as may be necessary to allow for the delivery and use of recycled water.

- (B) When a customer applies for a permit for the alteration or remodeling of a multi-family, commercial, or industrial structure, the manager shall make a determination consistent with the recycled water master plan whether the project permit shall include, as a condition of approval, the requirement for construction of on-site recycled water facilities necessary to allow for the delivery and use of recycled water.

Severability. If any provision of this ordinance, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected, but shall remain in full force and effect, and to this end the provisions of this ordinance are severable.

Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation in the City. Ordinance No. ____ was read on ____, 2009, and finally adopted on ____, 2009, to become effective thirty (30) days thereafter.

Passed and adopted this __ day of __, 2009 by the following vote:

AYES: Councilmembers:

NOES:

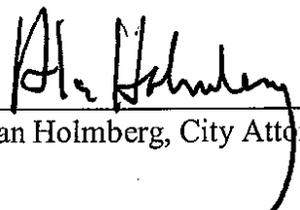
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney