



Meeting Date: 4/6/10

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Study Session

Prepared By: Anthony Emmert, Water Resources Manager Agenda Item No. I-6

Reviewed By: [Signature] City Manager [Signature] City Attorney SMF Finance [Signature] Public Works [Signature]

DATE: March 26, 2010

TO: City Council

FROM: Mark S. Norris, Assistant Public Works Director
Public Works Department, Utilities Services Branch [Signature]

SUBJECT: **Adopt Ordinance Amending Subsection (1) of Subdivision (B) of Section 22-136 and Section 22-142 of the Oxnard City Code Concerning Water Conservation**

RECOMMENDATION

That City Council approve the first reading by title only and subsequent adoption of the Ordinance Amending Subsection (1) of Subdivision (B) of Section 22-136 and Section 22-142 of the Oxnard City Code Concerning Water Conservation.

BACKGROUND

In June 2009, in response to State and regional requirements to reduce water use through more stringent water conservation regulation, the Oxnard City Council adopted a Water Conservation Ordinance (Ordinance No. 2810). The Ordinance amended sections of Articles VII, IX, and X of Chapter 22 of the City Code concerning water waste restrictions, requirements for water conservation, water shortage response, and water recycling. In general, Ordinance No. 2810 prohibited certain forms of water waste within the City limits. Violation of the Ordinance was made punishable by a series of increasingly steeper penalties, including written warnings, utility bill surcharges, and curtailment of water services.

The Water Resources Division took primary responsibility for enforcement of the Water Conservation Ordinance. Division employees, including water conservation staff, meter reading and repair workers, distribution and treatment operators and source control and stormwater quality staff, were trained to identify water waste as defined in the Ordinance and issue warnings to violators. Information regarding the Ordinance was distributed widely to the community through City newsletters, newspaper ads, utility billing inserts, the City's website, Neighborhood Council presentations, and local TV and radio stations. Residents were encouraged to report water waste to the Public Works Call Center for investigation and follow up. Weekend water waste patrols were established to ensure that the Ordinance was enforced 7 days a week and that water waste reports were responded to in a timely manner through face-to-face interaction. In addition, the Water Resources Division maintained an

open line of communication with Code Compliance to coordinate enforcement of the Water Conservation Ordinance. Division staff recorded all reported or observed violations and associated citizen contacts in a computer database, in order to facilitate tracking of education efforts and violations.

Efforts to enforce the Water Conservation Ordinance have been a large success. Since the Ordinance became effective in July 2009, over 1,000 Water Waste Alerts have been issued. The Water Waste Alert door hanger is used as an educational opportunity to inform residents and business representatives of the Ordinance. When staff observes a second violation at the same address, the Division mails a formal written violation letter to the water customer. Twenty-nine written violations have been mailed to date. This indicates that most water customers made efforts to discontinue their water wasting behaviors after receiving a Water Waste Alert. Thus far, it has not been necessary to levy any utility bill surcharges for water waste violations. However, fair and complete enforcement of the Ordinance could necessitate surcharges if any of the customers that have already received written notices violate the Ordinance again within a 12 month period.

The Division continues its educational and enforcement efforts associated with implementation of the Water Conservation Ordinance, and anticipates that water waste reports will increase again as spring approaches and the days become longer and warmer. The Water Conservation Ordinance has proven to be an effective tool for reducing the amount of water wasted in our community and has helped Oxnard stay within water use allocations imposed by Calleguas Municipal Water District and Metropolitan Water District of Southern California.

DISCUSSION

While the Water Conservation Ordinance is largely a success, the Water Resources Division's experience enforcing the Ordinance has illuminated a few minor modifications necessary to make the Ordinance easier for residents to understand and comply with. As such, the Division recommends the following amendments to subsection (1) of subdivision (B) of section 22-126 of the Oxnard City Code:

- Restrict watering between the hours of 9 a.m. to 4 p.m., instead of 9 a.m. to 6 p.m.
- Allow testing of, repairs to and replacement of irrigation systems during normally restricted hours.
- Allow watering during normally restricted hours for newly established landscapes.
- List the Public Works Department as the primary entity responsible for Ordinance enforcement.

By restricting watering between the hours of 9 a.m. and 4 p.m., rather than 9 a.m. and 6 p.m., residents will have the opportunity to water in the daylight during the shorter days of the winter months. A survey of water conservation ordinances enacted by other southern California cities revealed that 4 p.m. was a common cut off time for restricted watering hours, as it gives residents a bit more flexibility in their watering schedule, yet still restricts watering during the hottest, windiest part of the day when a large amount of water is lost to evaporation.

The Division recommends adding an exception to the watering hours limits for newly installed plants. While it is important to restrict watering hours during the hottest part of the day for established landscapes, newly installed plants require continually moist soil in order to establish a healthy, deep root system. As such, newly installed plants often require short periods of irrigation throughout the day for up to one year from the date of installation. Watering newly installed plants properly during the first year of establishment saves water over the life of the plant because plants with healthy, deep root systems require less water overall. The exception would allow watering during the day only for newly installed plants, for a limited period of time. Staff enforcing the Ordinance will make notation of the use of the new plants exception and add it to the computer database.

Finally, the Ordinance currently lists enforcement personnel in the following order: Police, Fire, Development Services and Public Works Departments and other designated persons. Despite extensive public outreach efforts, a few residents have become confused as to who they should report water waste to. Since the Water Resources Division is the primary entity responsible for enforcement of the Water Conservation Ordinance, the Division recommends listing enforcement personnel in the following order to avoid any confusion the language of the ordinance may be causing: Public Works, Police, Fire, and Development Services Departments and other designated persons.

The goal of the Water Resources Division is to enforce a Water Conservation Ordinance that is pragmatic in its attempt to reduce unnecessary water waste. An ordinance that is easy to understand and reasonable in its requirements will be better received by the community, contributing to its overall success.

FINANCIAL IMPACT

There is no financial impact from this recommendation.

AAE:drc;joh

Attachment #1 Ordinance of the City Council of the City of Oxnard Amending Subsection (1) of Subdivision (B) of Section 22-136 and Section 22-142 of the Oxnard City Code Concerning Water Conservation

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. __

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
AMENDING SUBSECTION (1) OF SUBDIVISION (B) OF SECTION
22-136 AND SECTION 22-142 OF THE OXNARD CITY CODE
CONCERNING WATER CONSERVATION

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The City Council of the City of Oxnard does ordain as follows:

Part 1. Subsection (1) of subdivision (B) of section 22-136 of the Oxnard City Code is hereby amended to read as follows:

“(1) Limits on Watering Hours. Watering of lawns, ornamental turf, trees, shrubs, vegetation, landscape and other outside irrigation is prohibited except between 4:00 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. The irrigation of newly installed landscapes may occur outside of the normally allowed irrigation period for no longer than one year after installation of said landscape.”

Part 2. Section 22-142 of the Oxnard City Code is hereby amended to read as follows:

“The employees of the public works, police, fire, and development services 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.”

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Part 3. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. ___ was first read on _____, 20__ and finally adopted on _____, 20__ to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney