

(O-87-194)

ORDINANCE NUMBER O- 16878 (NEW SERIES)

ADOPTED ON JUN 22 1987

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 7,
DIVISION 38, OF THE SAN DIEGO MUNICIPAL CODE
BY ADDING SECTIONS 67.38.1 THROUGH 67.38.8
RELATING TO WATER CONSERVATION.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter VI, Article 7, Division 38, of the San Diego Municipal Code be and the same is hereby amended by adding Sections 67.38.1 through 67.38.8 to read as follows:

SEC. 67.38.1 Scope.

There is hereby established a City of San Diego Comprehensive Water Conservation Plan.

SEC. 67.38.2 Declaration of Policy.

It is hereby declared that, because of the conditions prevailing in the City of San Diego, the general welfare requires that the water resources available to the City be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use of water be prevented and the conservation of such water is to be extended with a view to the reasonable and beneficial use thereof in the interests of the people of the City of San Diego and for the public welfare.

SEC. 67.38.3 Authorization.

The City Manager, or his designate, upon the recommendation of the Director of the Water Utilities Department, and following a public hearing on the situation, is hereby authorized and directed to implement the applicable provisions of this Chapter upon his determination that such implementation is necessary to protect the public welfare and safety.

SEC. 67.38.4 Application.

The provisions of this Chapter shall apply to all persons, customers and property served by the Department of Water Utilities wherever situated.

SEC. 67.38.5 Water Conservation Stages.

No customer of the City of San Diego Water Utilities Department shall knowingly make, cause, use or permit the use of water from the City for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this Chapter, or in an amount in excess of that use permitted by the following conservation stages which are in effect pursuant to action taken by the City Manager, or his designate, in accordance with the provisions of this Chapter.

(a) **Stage 1. Normal Supply Level Available.**

Stage 1 applies during periods when a normal supply and distribution capacity is available, while at the same time demand levels are not expected to significantly increase in the immediate future.

Elements of Stage 1 include:

- (1) Implementation of the City's Urban Water Management Plan and Conservation Program.
- (2) Adoption of a Council Policy which is an Action Plan for Implementation of Water Conservation Techniques.
- (3) Failure to repair a controllable leak is defined as "waste of water" and is prohibited.

(b) Stage 2. Mandatory Compliance-Water Alert.

Upon implementation by the City Manager and publication of notice, the following restrictions shall apply to all persons.

Elements of Stage 2 include:

- (1) Irrigation utilizing individual sprinklers or sprinkler systems for lawns, gardens, landscaped areas, trees, shrubs or other plants is prohibited except on a designated day which shall be once every five (5) days, and only then during the hours of 6:00 p.m. to 11:00 a.m.; provided, however, irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at anytime if:
 - (a) a hand-held hose is used, or
 - (b) a hand-held, faucet filled bucket of five (5) gallons or less is used, or
 - (c) a drip irrigation system is used, or

(d) reclaimed wastewater is used.

EXCEPTION: Commercial nurseries, commercial sod farmers and similarly situated establishments are exempt from Stage 2 irrigation restrictions but will be requested to curtail all nonessential water use.

- (2) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, unless wash water is recycled or reclaimed wastewater is used, is prohibited except on designated irrigation days between the hours of 6:00 p.m. and 11:00 a.m. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle shall be removed when the hose is not in use.

EXCEPTION: Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station or with reclaimed wastewater. Further, such washings are exempted from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.

- (3) The filling, refilling or adding of water to uncovered outdoor swimming pools, wading pools or spas is prohibited except on designated irrigation days between the hours of 6:00 p.m. and 11:00 a.m.
- (4) The use of water for irrigation of golf courses is prohibited except on designated irrigation days between the hours of 6:00 p.m. and 11:00 a.m.; however, the irrigation of golf courses utilizing reclaimed wastewater shall not be subject to irrigation prohibitions.
- (5) Use of water from fire hydrants shall be limited to fire fighting, related activities and/or other activities necessary to maintain the health, safety and welfare of the citizens of San Diego.
- (6) All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.
- (7) Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire or sanitation hazards or unless reclaimed wastewater is used.

(c) Stage 3. Mandatory Compliance-Water Warning.

Upon implementation by the City Manager and publication of notice, the following restrictions shall apply to all persons.

Elements of Stage 3 include:

- (1) All outdoor irrigation of vegetation shall occur only between the hours of 11:00 p.m. and 9:00 a.m. on designated days and must utilize hand-held hoses, drip irrigation or hand-held buckets.

EXCEPTION: Permanently installed sprinkler systems may be used during the hours of 11:00 p.m. and 7:00 a.m. on designated days; however, irrigation using reclaimed wastewater is not subject to irrigation prohibitions.

- (2) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment not occurring upon the immediate premises of commercial car washes and commercial service stations and not in the immediate interest of the public health, safety and welfare shall be prohibited, unless reclaimed wastewater is used or wash water is recycled.
- (3) The filling, refilling or adding of water to uncovered outdoor swimming pools, wading pools or spas is prohibited.

- (4) The watering of all golf course areas, except greens, is prohibited unless done with reclaimed wastewater. Irrigation of golf greens shall occur only between the hours of 11:00 p.m. and 6:00 a.m. unless done with reclaimed wastewater.
 - (5) Use of water from fire hydrants shall be limited to fire fighting and/or other activities immediately necessary to maintaining the health, safety and welfare of the citizens of San Diego.
 - (6) All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.
 - (7) Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas except to alleviate immediate fire or sanitation hazards or unless reclaimed wastewater is used.
 - (8) The operation of any ornamental fountain or similar structure is prohibited, unless reclaimed wastewater is used.
- (d) Stage 4. Mandatory Compliance-Water Emergency.

Upon implementation by the City Manager and publication of notice, the following restrictions shall apply to all persons.

Elements of Stage 4 include:

- (1) All outdoor irrigation of vegetation shall be allowed only between the hours of 11:00 p.m. and 6:00 a.m. on designated days, unless done with reclaimed water.
- (2) Commercial nurseries, commercial sod farmers and similarly situated establishments shall water only on designated days between the hours of 6:00 a.m. and 11:00 a.m. and shall use only hand-held buckets, hoses or drip irrigation unless done with reclaimed water.
- (3) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment not occurring upon the immediate premises of commercial car washes and commercial vehicle service stations and not in the immediate interest of the public health, safety and welfare shall be prohibited, unless done with reclaimed water or wash water is recycled.
- (4) The washing of automobiles, trucks, trailers, boats, airplanes or other types of mobile equipment upon the immediate premises of commercial car washes and commercial vehicle service stations in the immediate interest of the public health, safety and welfare, shall occur only between the hours of 12:00 noon and 6:00 p.m., unless done with reclaimed water.

- (5) The filling, refilling or adding of water to swimming pools, wading pools or spas is prohibited.
- (6) The watering of all golf course areas, except greens, is prohibited unless done with reclaimed wastewater. Irrigation of golf greens shall occur only between the hours of 11:00 p.m. and 6:00 a.m. unless done with reclaimed wastewater.
- (7) Use of water from fire hydrants shall be limited to fire fighting and/or other activities immediately necessary to maintaining the health, safety and welfare of the citizens of San Diego.
- (8) Restaurants are prohibited from serving water to their customers except when specifically requested by the customers.
- (9) Water shall not be used to wash down sidewalks, driveways, parking areas, except to alleviate immediate fire or sanitation hazards, or unless done with reclaimed wastewater.
- (10) The operation of any ornamental fountain or similar structure is prohibited, unless done with reclaimed wastewater.
- (11) The use of water for construction, commercial, manufacturing or processing purposes shall be

reduced in volume by 50%, unless done with reclaimed wastewater.

(12) No water will be used for air conditioning purposes.

(13) All sales of non-reclaimed water outside of the City limits shall be discontinued, with the exception of the City of Del Mar and the Cal-American Water District.

SEC. 67.38.6 Mandatory Conservation Phase Implementation.

The Water Utilities Department shall monitor the projected supply and demand for water by its customers on a daily basis during periods of emergency or drought and shall recommend to the City Manager the extent of the conservation required through the implementation and/or termination of particular conservation stages in order for the Department to prudently plan for and supply water to its customers.

Thereafter, the City Manager may order that the appropriate phase of water conservation be implemented or terminated in accordance with the applicable provisions of this Chapter. Said order shall be made by public announcement and shall be published a minimum of one (1) time in a daily newspaper of general circulation and shall continue to be published on a daily basis until such time as all restrictions are removed and shall become effective immediately upon such publication.

SEC. 67.38.7 Penalty.

Any person, corporation or association violating any provision of this ordinance shall constitute an offense, and, upon conviction, shall be punished by a fine not to exceed Six Hundred Dollars (\$600.00). The violation of each provision, and each separate violation thereof, shall be deemed a separate offense, and shall be punished accordingly, provided, however, compliance may be further sought through injunctive relief in the Superior Court.

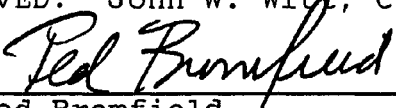
SEC. 67.38.8 Severability.

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances if for any reason is held to be unconstitutional, void or invalid, the invalidity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof, or provisions, or regulation contained herein, shall become inoperative, or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By



Ted Bromfield
Chief Deputy City Attorney

TB:js:441
04/23/87
Or.Dept:W.Util.
O-87-194
Form=o.none

51

JUN 22 1987

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Baxter* Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 1 1987, and on JUN 22 1987

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Baxter* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16878 Adopted JUN 22 1987

RECEIVED
CITY CLERK'S OFFICE
1937 MAY 20 PM 4:44
SAN DIEGO, CALIF.

107 1 081

107 1 081

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: BARBARA BAXTER

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 7, DIVISION
38, OF THE SAN DIEGO MUNICIPAL CODE

ORDINANCE NUMBER O-16878 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 7, DIVISION 38, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 67.38.1 THROUGH 67.38.8 RELATING TO WATER CONSERVATION.
This ordinance defines and imposes progressive water conservation stages to preserve the water supply. Restrictions are correlated with the respective conservation stage with the penalty for violation being a monetary fine.
A complete copy of the Ordinance is on file in the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
Introduced JUN 1 1987
Passed and adopted by the Council of The City of San Diego JUN 22 1987
AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
(SEAL)
By BARBARA BAXTER Deputy
Pub. July 6 84424

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

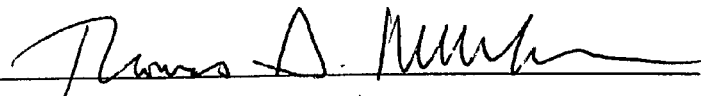
ORDINANCE NUMBER O-16878 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

JULY 6

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 6 day of JULY, 19 87.


(Signature)

2" x 10²⁴ x 2 = \$40⁹⁶