

(O-91-139)

ORDINANCE NUMBER O- 17634 (NEW SERIES)

ADOPTED ON APR 29 1991

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 67.38.2, 67.38.3, 67.38.4, 67.38.5, 67.38.6, 67.38.7 AND 67.38.8, RELATING TO EMERGENCY WATER REGULATIONS.

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

Section 1. That Chapter VI, Article 7, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 67.38.2, 67.38.3, 67.38.4, 67.38.5, 67.38.6, 67.38.7 and 67.38.8, to read as follows:

**SEC. 67.38 EMERGENCY WATER REGULATIONS -
DECLARATION OF EMERGENCY**

That the City Manager be, and he is hereby authorized to determine and declare that a water shortage emergency exists in any and/or all parts of the City of San Diego, and upon such determination, the City Manager is hereby authorized to promulgate such regulations, rules and conditions relative to the time of using water, the purpose or purposes for which it may be used, and such other necessary limitations, and any reasonable exceptions or waivers thereto, as will, in his opinion, relieve the water shortage in any such section or sections of the City.

SEC. 67.38.1 SCOPE

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

Corrected copy.
03/21/91

SEC. 67.38.2 DECLARATION OF POLICY

The City Council, by and through its Water Utilities Department, finds and determines that a water shortage could exist based upon the occurrence of one or more of the following conditions:

a. A general water supply shortage due to increased demand or limited supply.

b. Distribution or storage facilities of the Metropolitan Water District of Southern California, the San Diego County Water Authority, or the City of San Diego become inadequate.

c. A disruption of the supply, storage and distribution facilities of the Metropolitan Water District of Southern California, the San Diego County Water Authority, or the City of San Diego occurs.

It is hereby declared that, because of the conditions prevailing in the City of San Diego, the general welfare requires that the City maximize the beneficial use of its available water resources 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

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Department, and following public notice, is hereby authorized and directed to implement the applicable provisions of Sections 67.38 through 67.38.8 upon his determination that such implementation is necessary to protect the public welfare and safety under the following conditions:

a. In the event of an unforeseeable disaster or water emergency such as an earthquake, aqueduct break, or other major disruption in the water supply, the City Manager, or his designate, is authorized to implement the emergency provisions of Sections 67.38 through 67.38.8 as provided herein. Public notice will follow enactment of said provision.

b. In the event of a foreseeable water emergency such as extended drought conditions, the City Manager, or his designate, may be authorized to implement the applicable provisions of Sections 67.38 through 67.38.8 as provided herein, after holding a public hearing before the City Council.

SEC. 67.38.4 APPLICATION

The provisions of Sections 67.38 through 67.38.8 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 make, cause, use or permit the use of water from the City for residential, commercial, industrial, agricultural, governmental or any other

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purpose in a manner contrary to any provision of Sections 67.38 through 67.38.8, 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 Sections 67.38 through 67.38.8. At no time shall water be wasted or used unreasonably.

(a) Unreasonable uses of water shall include, but are not limited to, the following practices:

(1) A customer shall not let water leave the customer's property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks.

(2) A customer will not fail to repair a water leak.

(3) A customer will not use water to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate safety or sanitation hazards.

The following stages shall take effect upon declaration as herein provided.

(b) Stage 1. Voluntary Compliance - Water Watch.

Stage 1 applies during periods when the possibility exists that the City of San Diego Water Utilities Department will not be able to meet all of the water demands of its customers. All elements of Stage 2 shall during Stage 1 apply on a voluntary basis only.

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

Stage 2 applies during periods when the probability exists that the City of San Diego Water Utilities Department will not be able to meet all of the water demands of its customers.

Upon implementation by the City Manager and publication of notice, the following water conservation measures shall apply except when reclaimed water is used:

(1) Lawn watering and landscape irrigation, including construction meter irrigation, is permitted only during designated hours on designated days.

Watering is permitted at any time if:

- (a) a hand-held hose equipped with a positive shut-off nozzle is used, or
- (b) a hand-held container is used, or
- (c) a drip irrigation system is used.

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

(2) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment, is permitted at any time with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses.

Washing may be done at any time on the immediate premises of a commercial car wash or commercial service station, or by a mobile car wash or on-site car wash using high pressure washing equipment. Further, such

washings are exempt 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 overfilling of swimming pools, spas, ponds and artificial lakes is prohibited.

(4) Irrigation of golf courses, parks, school grounds and recreation fields is permitted only during designated hours on designated days.

(5) Use of water from fire hydrants shall be limited to fire fighting, related activities 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.

(8) Ornamental fountains may operate if they recirculate water. Ornamental fountains that do not recycle water are prohibited.

(9) Construction operations receiving water from a construction meter or water truck shall not use water unnecessarily for any purposes other than those required by regulatory agencies. Construction projects requiring watering for new landscaping materials should

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adhere to the designated irrigation hours associated with subsection (1) of Stage 2.

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

Stage 3 applies during periods when the City of San Diego Water Utilities Department will not be able to meet all of the water demands of its customers. Upon implementation by the City Manager and publication of notice, the following water conservation measures shall apply except when reclaimed water is used:

(1) Lawn watering and landscape irrigation, including with a hand-held hose equipped with a positive shut-off nozzle, is permitted only during designated hours on designated days. Watering is permitted at any hour, on any day, if a hand-held container or drip irrigation system is used.

(2) Commercial nurseries shall reduce water use by an amount determined by the City Council.

(3) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is permitted only during designated hours on designated days with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Washing is permitted at any time on the immediate premises of a commercial car wash. The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be reduced in volume by an amount determined by the City Council. Further, such washings are exempt 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.

(4) The overfilling of swimming pools and spas is prohibited. The filling or refilling of ponds and artificial lakes is prohibited.

(5) Watering golf courses, parks, school grounds and recreation fields is permitted only during designated hours on designated days, except golf course greens.

(6) Use of water from fire hydrants shall be limited to fire fighting or other activities immediately necessary to maintaining the health, safety and welfare of the citizens of San Diego.

(7) All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.

(8) 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.

(9) The operation of any ornamental fountain or similar structure is prohibited except for short periods of time to prevent damage.

(10) The number of new construction meters shall not exceed the existing number of currently authorized meters. A new meter shall be issued only when an old meter is returned. Construction projects requiring water

from a construction meter or a water truck shall not use water unnecessarily for any purposes other than those required by regulatory agencies. Construction projects requiring water for new landscapes shall adhere to the designated days and times as set forth in subsection (1) of Stage 2. Further, construction projects necessary to maintaining the health, safety and welfare of the public are exempt from these regulations.

(11) The use of water for commercial manufacturing or processing purposes shall be reduced in volume by an amount determined by the City Council.

(e) Stage 4. Mandatory Compliance - Water Emergency.

Stage 4 applies when a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the State Water Project, Metropolitan Water District, San Diego County Water Authority, or City of San Diego water facilities.

Upon implementation by the City Manager and publication of notice, the following measures shall apply except when reclaimed water is used:

(1) All outdoor irrigation of turf and ground covers is prohibited with the exception of plant materials classified to be rare, exceptionally valuable or essential to the well being of the public at large or rare animals. Irrigation of trees and shrubs is permitted only by hand-held hose equipped with a positive shut-off nozzle, hand-held container, or drip irrigation system. Greywater may be used in accordance with Health

Department regulations to irrigate fruit trees, ground covers and ornamental trees and shrubs. Greywater is defined as household wastewater other than toilet waste.

(2) The use of water at commercial nurseries, commercial sod farms and similarly situated establishments shall be reduced in volume by an amount determined by the City Council. Greywater may be used in accordance with Health Department regulations to irrigate fruit trees, ground covers and ornamental trees and shrubs.

(3) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited. The use of water by all types of commercial car washes or commercial vehicle service stations and not in the immediate interest of the public health, safety and welfare shall be reduced in volume by an amount determined by the City Council. Further, such washings are exempt from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleanings such as garbage trucks and vehicles used to transport food and perishables.

(4) The filling, refilling or adding of water to swimming pools, spas, ponds and artificial lakes is prohibited.

(5) The watering of all golf course areas, except greens, is prohibited.

(6) Use of water from fire hydrants shall be limited to fire fighting or other activities immediately

necessary to maintain the health, safety and welfare of the citizens of San Diego.

(7) All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.

(8) 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.

(9) The operation of any ornamental fountain or similar structure is prohibited except for short periods of time to prevent damage.

(10) The use of water for commercial, manufacturing or processing purposes shall be reduced in volume by an amount determined by the City Council.

(11) All sales of non-reclaimed water outside of the City limits shall be discontinued, with the exception of sales previously approved by the City Council.

(12) No new construction meters will be issued. Construction water shall not be used for earth work or road construction purposes. Construction projects necessary to maintaining the health, safety and welfare of the public are exempt from these regulations.

(13) Except as to property for which a building permit has been heretofore issued, no new building permit(s) shall be provided, except in the following circumstances:

(a) For projects necessary to protect the public's health, safety, and welfare;

(b) When using reclaimed water;

(c) When the recipient of the building permit can demonstrate that no net increase in water use will occur; or

(d) Where the recipient of the building permit provides a conservation offset. For purposes of the section, "conservation offset" shall mean the implementation of proven conservation techniques which, when installed, will result in a reduction equal to demand of the proposed use. A conservation offset may be effected by paying a fee established by the City Manager or his designee to the City Treasurer in an amount necessary to cover the cost of implementing such conservation techniques. The fee will be based on the conservation offset required for an equivalent dwelling unit. Such fee shall apply to residential as well as commercial and industrial buildings, and may be adjusted from time to time as determined by the City Manager or his designee.

(14) Stage 4 unless sooner terminated by the City Council, shall terminate September 30, 1991, unless prior to said date the Council acts to extend it.

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 to prudently plan and supply water to its customers. Thereafter, the City Manager may order the implementation or termination of the appropriate phase of water conservation in accordance with the applicable provisions of Sections 67.38 through 67.38.8. The declaration of any stage beyond Stage 1 shall be made by public announcement and shall be published a minimum of one (1) time for three (3) consecutive days in a daily newspaper of general circulation. The stage designated shall become effective immediately upon announcement.

SEC. 67.38.7 PENALTY

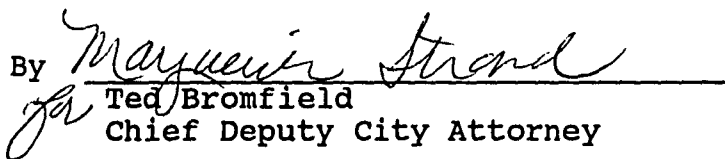
It shall be unlawful for any person, corporation or association to violate the provisions of Sections 67.38 through 67.38.8. Violations of these provisions shall be a misdemeanor subject to penalties provided in San Diego Municipal Code section 13.0201. The Water Utilities Department can alternatively seek injunctive relief in the Superior Court pursuant to San Diego Municipal Code section 13.0202 or pursue any administrative remedy provided in Chapter I, Division 3. In addition to any other remedies which the Water Utilities Department may have for the enforcement of Sections 67.38 through 67.38.8, service of water shall be discontinued or appropriately limited to any customer who willfully uses water in violation of any provision hereof.

SEC. 67.38.8 SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase of Sections 67.38 through 67.38.8, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the invalidity of the remaining portions of Sections 67.38 through 67.38.8 shall not be affected, it being the intent of the City Council in adopting Sections 67.38 through 67.38.8 that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of Sections 67.38 through 67.38.8 are declared to be severable for that purpose.

Section 2. This emergency ordinance shall take effect and be in force on the day of its adoption by the Council of The City of San Diego in accordance with Charter section 17.

APPROVED: JOHN W. WITT, City Attorney

By 
Ted Bromfield
Chief Deputy City Attorney

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03/12/91
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Passed and adopted by the Council of The City of San Diego on APR 29 1991
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"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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.

(Seal)

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

By Linda Luzano, 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

APR 12 1991, and on APR 29 1991

~~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 Linda Luzano, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-17634</u>	Adopted <u>APR 29 1991</u>

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
91 MAY 15 AM 9:33
SAN DIEGO, CALIF.

95

CITY CLERK'S OFFICE
CITY ADMN. BLDG.
202 C ST.
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 7, OF THE
SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 67.38.2, 67.38.3,...

ORDINANCE NUMBER 0-17634 (NEW SERIES)

**AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 7, OF THE
SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS
67.38.2, 67.38.3, 67.38.4, 67.38.5, 67.38.6, 67.38.7 AND 67.38.8,
RELATING TO EMERGENCY WATER REGULATIONS.**

This ordinance amends on an emergency basis Chapter VI, Article 7, of the San Diego Municipal Code to amend the emergency water conservation regulations in Sections 67.38.2, 67.38.3, 67.38.4, 67.38.5, 67.38.6, 67.38.7 and 67.38.8. The amended sections will provide the City with greater administrative ease when implementing various stages of the ordinance by defining unreasonable uses of water, explaining the circumstances invoking the four stages of water conservation compliance, adding a provision regarding issuance of new construction meters, and adding a provision which would allow greywater to be used for outdoor irrigation.

A complete copy of this ordinance is available for inspection in the City Clerk's office, City of San Diego, City Administration Building, 202 C Street, San Diego, CA 92101.

INTRODUCED ON APR 12 1991
Passed and Adopted by the Council of The City of San Diego on APR 29 1991

AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
By Linda Lugano, Deputy
218005

(SEAL)
Pub. May 13

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

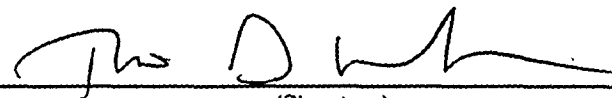
ORDINANCE NUMBER 0-17634 (NEW SERIES)

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:

MAY 13

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

Dated at San Diego, California this 13TH day of MAY, 19 91.


(Signature)

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