

6/8/24
#609
(O-2026-129)

ORDINANCE NUMBER O- 22105 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 15 2026

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 7, DIVISION 38 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 67.3801, 67.3802, 67.3803, AND 67.3804, BY REPEALING SECTIONS 67.3805, 67.3806, 67.3807, AND 67.3808, BY RETITLING, AMENDING, AND RENUMBERING SECTION 67.3809 TO 67.3805, AND BY AMENDING AND RENUMBERING SECTION 67.3810 TO 67.3806 AND SECTION 67.3811 TO 67.3807, RELATING TO EMERGENCY WATER REGULATIONS.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

- A. The City of San Diego Public Utilities Department (PUD) is responsible for the City's extensive water distribution system and related infrastructure.
- B. Managing the City's water infrastructure requires regulatory compliance and periodic updates to the City's procedures should a drought or shortage occur. The City maintains an Urban Water Management Plan and a Water Shortage Contingency Plan, both of which include all relevant provisions of the California Water Code to be implemented during a water shortage emergency.
- C. PUD is in the process of updating the current Water Shortage Contingency Plan to reflect updates in the California Water Code, including changes to turf maintenance, emergency declarations, and related items.
- D. The proposed changes to San Diego Municipal Code Chapter 6, Article 7, Division 38 are also necessary to reflect changes in the law and the City's Water Shortage Contingency Plan.

E. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. ~~the~~ Chapter 6, Article 7, Division 38 of the San Diego Municipal Code is amended by amending sections 67.3801, 67.3802, 67.3803, and 67.3804, to read as follows:

§67.3801 Declaration of Necessity and Intent ~~in a manner inconsistent with regulations~~

- (a) [No change in text.]
- (b) In addition to the general provisions of section 67.3803, this Division incorporates by reference the City's *Water Shortage Contingency Plan*, which includes all provisions of California Water Code section 10632, as may be amended, to be implemented during times of declared water shortage emergencies. The *Water Shortage Contingency Plan* establishes levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available water supplies.

§67.3802 Definitions ~~states, ordinances, or resolutions relating to particular of water~~
For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Cascading Fountain through *Disaster* [No change in text.]

Drought means any shortage in water supply based upon expected demand that is caused by hydrological, environmental, legislative, judicial actions, or by infrastructure failure.

Functional turf means a ground cover surface of *turf* located in a recreational use area or community space. *Functional turf* does not include *turf* enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly.

Grower means a *customer* engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. *Grower* does not refer to *customers* who purchase water subject to the Metropolitan Interim Agricultural Water Program or the San Diego County Water Authority Special Agricultural Rate Programs.

Industrial Use [No change in text.]

Measurable Rainfall [No change in text.]

Metropolitan [No change in text.]

Non-functional turf means any *turf* that is not *functional turf*, and includes *turf* located within *right-of-way* and parking lots.

Ornamental Fountain through *Potted Plants* [No change in text.]

Recreational Fountain means any recreational structure, other than swimming pools or spa pools, which is open to the general public, or which may be open to the general public, and uses re-circulated water in which people come into contact. This includes water features, interactive fountains, water slides, waterfalls, or combinations of such water features. Water features not intended for human contact, such as *ornamental fountains*, are not included.

Right-of-way has the same meaning as *Public Right-of-way* in San Diego, Municipal Code section 113.0103, as may be amended.

Shortage Response Actions means the supply shortage mitigation tools that can be implemented through the City's *Water Shortage Contingency Plan* and are a mix of prohibitions on end use, consumption reduction methods, supply augmentation, and operational change measures.

Turf means a ground cover surface of grass that is mowed and maintained.

Water Authority through *Water Conservation* [No change in text.]

Water Shortage Contingency Plan means the City's contingency plan in the event of a declared water emergency or enactment of more stringent restrictions on water use as required by the California Department of Water Resources.

Water Shortage Level means the progressive range of water supply shortages and defined shortage response actions as provided in the City's *Water Shortage Contingency Plan*.

§67.3803 Water Waste Prohibitions

To prevent the waste of water and to promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate

health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

- (a) Using potable water for the irrigation of *nonfunctional turf* for commercial, industrial, and institutional properties per timelines and requirements set forth in California Water Code section 10608.14, as may be amended.

Permitting or other barriers to permit

Section 67.3803(a) shall not apply to *turf* irrigated with recycled water or to *functional turf*.

Growth means a customer engaged in

- (b) Applying potable water to outdoor landscapes in a manner that causes irrigation runoff or uncorrected leaks such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
- (c) Failing to repair or stop all water leaks upon discovery or within 72 hours of notification by the City of San Diego.
- (d) Washing down sidewalks, driveways, parking areas, tennis courts or other paved areas without using a power washer or a hose with a shutoff nozzle. Washing any paved areas is only allowed to alleviate immediate safety or sanitation hazards. Wash water shall be collected and prevented from leaving the property and entering the municipal separate storm sewer system under Chapter 4, Article 3, Division 3 of this Code.
- (e) Overfilling swimming pools and spas.
- (f) Using non-recirculating *ornamental fountains* or *cascading fountains*.
- (g) Washing vehicles at non-commercial vehicle washes.

- (h) Using a hose that dispenses potable water to wash a vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
- (i) Using single pass-through cooling systems as part of water service connections. Using non-recirculating systems in all conveyer car wash and commercial laundry systems.
- (j) Serving drinking water other than upon request in eating or drinking establishments, including restaurants, hotels, cafes, cafeterias, bars, and other public places where food or drink are served or purchased.
- (k) Operating a hotel or motel without providing guests the option of choosing not to have towels and linens laundered daily or prominently displaying notice of this option in each guestroom using clear and easily understood language.
- (l) Irrigating *potted plants*, non-commercial vegetable gardens and fruit trees, residential and commercial landscapes, including golf courses, parks, school grounds and recreation fields, from 10:00 a.m. to 6:00 p.m. A *customer* may irrigate at any time the following:
 - (1) through (3) [No change in text.]
 - (4) for landscape establishment following a disaster. Such irrigation is permitted for a period of up to two months, after which a hardship variance is required in accordance with section 67.3806.
 - (5) [No change in text.]

- (6) for nursery and commercial *growers* using a hand-held hose equipped with a positive shut-off nozzle, a hand-held container, or when a drip or micro-irrigation system or equipment is used.

Irrigation of nursery propagation beds is permitted at any time.

- (m) The irrigation with potable water of *nonfunctional turf* on public street medians.

- (n) The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

- (o) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.

§67.3804 Application

- (a) [No change in text.]
- (b) This Division is intended solely to further the conservation of water. It is not intended to implement or replace any provision of federal, state, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff.
- (c) Nothing in this Division is intended to affect or limit the ability of the City Manager to declare and respond to an unforeseeable *disaster* or water emergency such as an earthquake, *drought*, aqueduct break, or other major

disruption in the water supply, pursuant to the City Charter or other provisions of this Code.

- (d) This Division is intended to identify permanent water use restrictions applicable to *customers*. The City Manager, at the City Manager's discretion, may implement additional *Shortage Response Actions* through the *Water Shortage Contingency Plan* based on the current state of the City's water supply and statewide restrictions. The *Shortage Response Actions* presented in the City's *Water Shortage Contingency Plan* represent a range of actions that can be used in combination, depending on the severity and duration of the shortage. The mix of *Shortage Response Actions* taken in any given *Water Shortage Level* is designed to produce an additional 10 percent of demand reductions above the previous *Water Shortage Level's* reduction.
- (e) This Division does not apply to use of water from private wells or to reclaimed water, or the use of grey water systems.
- (f) This Division does not apply to use of water that is subject to a special supply program, such as the *Metropolitan Interim Agricultural Water Program* or the *Water Authority Special Agricultural Rate Programs*. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A *customer* using both water subject to a special supply program and other water provided by the City of San Diego is subject to this Division in the use of water provided by the City of San Diego.

(g) The use of potable water by any *customer* for *Industrial Use*, including the evaporative cooling of *Industrial Use* facilities, is exempt from the provisions of Municipal Code section 67.3805 if all of the following conditions are met to the satisfaction of the City Manager:

- (1) The *customer* has satisfactorily implemented the Best Management Practices identified by the City Manager, and Section 1. Chapter 6, Article 7, Division 3
- (2) The *customer* is in compliance with the California Plumbing Code, 67.3801, 67.3802, 67.3803, 67.3804, 67.3805, 67.3806, 67.3807, 67.3808, 67.3809, 67.3810, 67.3811, 67.3812, 67.3813, 67.3814, 67.3815, 67.3816, 67.3817, 67.3818, 67.3819, 67.3820, 67.3821, 67.3822, 67.3823, 67.3824, 67.3825, 67.3826, 67.3827, 67.3828, 67.3829, 67.3830, 67.3831, 67.3832, 67.3833, 67.3834, 67.3835, 67.3836, 67.3837, 67.3838, 67.3839, 67.3840, 67.3841, 67.3842, 67.3843, 67.3844, 67.3845, 67.3846, 67.3847, 67.3848, 67.3849, 67.3850, 67.3851, 67.3852, 67.3853, 67.3854, 67.3855, 67.3856, 67.3857, 67.3858, 67.3859, 67.3860, 67.3861, 67.3862, 67.3863, 67.3864, 67.3865, 67.3866, 67.3867, 67.3868, 67.3869, 67.3870, 67.3871, 67.3872, 67.3873, 67.3874, 67.3875, 67.3876, 67.3877, 67.3878, 67.3879, 67.3880, 67.3881, 67.3882, 67.3883, 67.3884, 67.3885, 67.3886, 67.3887, 67.3888, 67.3889, 67.3890, 67.3891, 67.3892, 67.3893, 67.3894, 67.3895, 67.3896, 67.3897, 67.3898, 67.3899, 67.3900, 67.3901, 67.3902, 67.3903, 67.3904, 67.3905, 67.3906, 67.3907, 67.3908, 67.3909, 67.3910, 67.3911, 67.3912, 67.3913, 67.3914, 67.3915, 67.3916, 67.3917, 67.3918, 67.3919, 67.3920, 67.3921, 67.3922, 67.3923, 67.3924, 67.3925, 67.3926, 67.3927, 67.3928, 67.3929, 67.3930, 67.3931, 67.3932, 67.3933, 67.3934, 67.3935, 67.3936, 67.3937, 67.3938, 67.3939, 67.3940, 67.3941, 67.3942, 67.3943, 67.3944, 67.3945, 67.3946, 67.3947, 67.3948, 67.3949, 67.3950, 67.3951, 67.3952, 67.3953, 67.3954, 67.3955, 67.3956, 67.3957, 67.3958, 67.3959, 67.3960, 67.3961, 67.3962, 67.3963, 67.3964, 67.3965, 67.3966, 67.3967, 67.3968, 67.3969, 67.3970, 67.3971, 67.3972, 67.3973, 67.3974, 67.3975, 67.3976, 67.3977, 67.3978, 67.3979, 67.3980, 67.3981, 67.3982, 67.3983, 67.3984, 67.3985, 67.3986, 67.3987, 67.3988, 67.3989, 67.3990, 67.3991, 67.3992, 67.3993, 67.3994, 67.3995, 67.3996, 67.3997, 67.3998, 67.3999, 67.4000, title 24, part 5 of the California Code of Regulations, including 67.3801, 67.3802, 67.3803, 67.3804, 67.3805, 67.3806, 67.3807, 67.3808, 67.3809, 67.3810, 67.3811, 67.3812, 67.3813, 67.3814, 67.3815, 67.3816, 67.3817, 67.3818, 67.3819, 67.3820, 67.3821, 67.3822, 67.3823, 67.3824, 67.3825, 67.3826, 67.3827, 67.3828, 67.3829, 67.3830, 67.3831, 67.3832, 67.3833, 67.3834, 67.3835, 67.3836, 67.3837, 67.3838, 67.3839, 67.3840, 67.3841, 67.3842, 67.3843, 67.3844, 67.3845, 67.3846, 67.3847, 67.3848, 67.3849, 67.3850, 67.3851, 67.3852, 67.3853, 67.3854, 67.3855, 67.3856, 67.3857, 67.3858, 67.3859, 67.3860, 67.3861, 67.3862, 67.3863, 67.3864, 67.3865, 67.3866, 67.3867, 67.3868, 67.3869, 67.3870, 67.3871, 67.3872, 67.3873, 67.3874, 67.3875, 67.3876, 67.3877, 67.3878, 67.3879, 67.3880, 67.3881, 67.3882, 67.3883, 67.3884, 67.3885, 67.3886, 67.3887, 67.3888, 67.3889, 67.3890, 67.3891, 67.3892, 67.3893, 67.3894, 67.3895, 67.3896, 67.3897, 67.3898, 67.3899, 67.3900, 67.3901, 67.3902, 67.3903, 67.3904, 67.3905, 67.3906, 67.3907, 67.3908, 67.3909, 67.3910, 67.3911, 67.3912, 67.3913, 67.3914, 67.3915, 67.3916, 67.3917, 67.3918, 67.3919, 67.3920, 67.3921, 67.3922, 67.3923, 67.3924, 67.3925, 67.3926, 67.3927, 67.3928, 67.3929, 67.3930, 67.3931, 67.3932, 67.3933, 67.3934, 67.3935, 67.3936, 67.3937, 67.3938, 67.3939, 67.3940, 67.3941, 67.3942, 67.3943, 67.3944, 67.3945, 67.3946, 67.3947, 67.3948, 67.3949, 67.3950, 67.3951, 67.3952, 67.3953, 67.3954, 67.3955, 67.3956, 67.3957, 67.3958, 67.3959, 67.3960, 67.3961, 67.3962, 67.3963, 67.3964, 67.3965, 67.3966, 67.3967, 67.3968, 67.3969, 67.3970, 67.3971, 67.3972, 67.3973, 67.3974, 67.3975, 67.3976, 67.3977, 67.3978, 67.3979, 67.3980, 67.3981, 67.3982, 67.3983, 67.3984, 67.3985, 67.3986, 67.3987, 67.3988, 67.3989, 67.3990, 67.3991, 67.3992, 67.3993, 67.3994, 67.3995, 67.3996, 67.3997, 67.3998, 67.3999, 67.4000 Necessity and Intent using all applicable water-conserving fixtures and fittings on the premises to the fullest extent possible.

(h) If a *customer's* premises is located in an area where City reclaimed water is available for *customer* use by direct connection to the City's reclaimed water infrastructure, the use of potable water by that *customer* for *Industrial Use*, including the evaporative cooling of *Industrial Use* facilities, is exempt from the provisions of Municipal Code section 67.3805, if all of the following conditions are met to the satisfaction of the City Manager:

- (1) the *customer* uses reclaimed water on its premises to the fullest extent possible, including in landscape irrigation and evaporative cooling, if applicable; and
- (2) The *customer* is in compliance with the California Plumbing Code, title 24, part 5 of the California Code of Regulations, including

using all applicable water-conserving fixtures and fittings on the premises to the fullest extent possible.

- (i) This Division does not apply to areas serviced by the Parks and Recreation Department, including public *right-of-way*, and street trees, or areas with significant public benefit requiring enhanced irrigation schedules, such as public parks. Irrigation of the areas serviced by the Parks and Recreation Department shall be operated and maintained according to a schedule determined by the City Manager.

Section 2. Chapter 6, Article 7, Division 38 of the San Diego Municipal Code is amended by repealing sections 67.3805, 67.3806, 67.3807, and 67.3808.

Section 3. Chapter 6, Article 7, Division 38 of the San Diego Municipal Code is amended by retitling, amending, and renumbering section 67.3809 to 67.3805, and by amending and renumbering section 67.3810 to 67.3806 and section 67.3811 to 67.3807, to read as follows:

§67.3805 Procedures for Determination and Notification of Water Shortage Level

- (a) The existence of *Water Shortage Levels* 1 or Level 2 may be declared upon recommendation by the City Manager and resolution of the City Council, upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the City Clerk. The City Manager shall publish a notice of the determination of existence of *Water Shortage Level* 1 or Level 2 conditions in a newspaper. The City of San Diego may also post notice of the condition on its website. The Public Utilities Department shall monitor the projected supply and demand for water during periods of emergency or *drought* and shall recommend to the City

Manager the extent of the conservation required. The City Manager shall recommend to the City Council the implementation or termination of the appropriate level of *water conservation* in accordance with this Division.

- (b) The existence of *Water Shortage Levels 3, 4, or 5* may be declared upon recommendation by the City Manager and resolution of the City Council.

The mandatory conservation measures applicable to *Water Shortage Levels 3, 4, or 5* conditions shall take effect on the tenth day after the date

the *Water Shortage Level* is declared by final passage of the resolution.

Within five days following the declaration of the *Water Shortage Level*,

the City Manager shall publish a notice giving the extent, terms and conditions respecting the use and consumption of water a minimum of one time for three consecutive days in a newspaper. If the City Council adopts a water allocation, the City Manager shall publish notice of this adoption in a newspaper. Water allocation shall be effective on the fifth day following the date of publication or at such later date as specified in the notice.

- (c) The existence of a *Water Shortage Level 6* condition may be declared upon recommendation by the City Manager and resolution of the City Council and in accordance with the procedures specified in the California

Water Code and City's *Water Shortage Contingency Plan*. The mandatory conservation measures applicable to *Water Shortage Level 6* conditions will take effect on the tenth day after the date the response level is declared by final passage of the resolution. Within five days following the

declaration of the *Water Shortage Level*, the City Manager shall publish a notice giving the extent, terms and conditions respecting the use and consumption of water in a newspaper. If the City Council adopts a water allocation, the City Manager shall publish notice of the allocation in a newspaper. Water allocation shall be effective on the fifth day following the date of publication or at such later date as specified in the notice.

- (d) The City of San Diego may declare an end to *Water Shortage Levels* 1, 2, 3, 4, 5, and 6 upon recommendation of the City Manager and resolution by the City Council.

§67.3806 Hardship Variance

- (a) If, due to unique circumstances, a specific requirement of this Division would result in undue hardship to a *customer* using City of San Diego water or to property upon which City of San Diego water is used, that is disproportionate to the impacts to City of San Diego water users generally or to similar property or classes of water uses, then the *customer* may apply for a variance to the requirements as provided in this section.
- (b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a *customer* using City of San Diego water or to property upon which City of San Diego water is used, that is disproportionate to the impacts to City of San Diego water users generally or to similar property or classes of water user due to specific and unique circumstances of the user or the user's property.

(1) through (3) [No change in text.]

(4) Required Findings for Variance.

(A) Except as set forth in section 67.3806(b)(4)(B), an application for a variance will be denied unless the City Manager finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the City of San Diego, all of the following:

(i) through (iv) [No change in text.]

(B) An application for variance will be denied unless the City Manager finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the City of San Diego, either of the following:

(i) through (ii) [No change in text.]


(5) No relief will be granted to any *customer* for any reason in the absence of a showing by the *customer* that the *customer* has achieved the maximum practical reduction in water consumption in the *customer's* residential, commercial, industrial, institutional, agricultural or governmental water consumption.

It is unlawful for any *customer* to violate the mandatory provisions of this Division. Violations are subject to criminal, civil, and administrative penalties and remedies as provided in Chapter 1 of this Code. In addition, service of water may be discontinued or appropriately limited through the installation of flow restricting devices to any *customer* who willfully uses water in violation of this Division.

Section 4. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 5. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: HEATHER FERBERT, City Attorney

By 
Justin Edward Stanek
Deputy City Attorney

JES:lmj:cm
April 28, 2026
Or.Dept: PUD
Doc. No. 4349285

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on
JUN 08 2026

DIANA J.S. FUENTES
City Clerk

By *Kim Shell Medina*
Deputy City Clerk

the Water Shortage Contingency

City's water supply and state-

Actions presented in the City's

Approved: *6/15/26*
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 7, DIVISION 38 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 67.3801, 67.3802, 67.3803, AND 67.3804, BY REPEALING SECTIONS 67.3805, 67.3806, 67.3807, AND 67.3808, BY RETITLING, AMENDING, AND RENUMBERING SECTION 67.3809 TO 67.3805, AND BY AMENDING AND RENUMBERING SECTION 67.3810 TO 67.3806 AND SECTION 67.3811 TO 67.3807, RELATING TO EMERGENCY WATER REGULATIONS.

§67.3801 Declaration of Necessity and Intent

- (a) [No change in text.]
- (b) In addition to the general provisions of ~~Section~~ section 67.3803, this Division ~~establishes~~ incorporates by reference the *Water Shortage Contingency Plan*, which includes all provisions of California Water Code section 10632, as may be amended, and regulations to be implemented during times of declared water shortages or declared water shortage emergencies. ~~The *Water Shortage Contingency Plan* establishes four~~ levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available water supplies.
- (c) ~~Drought Response Level I measures are voluntary and will be reinforced through local and regional public education and awareness measures.~~

~~Drought Response condition Levels 2 or higher become increasingly restrictive in order to attain escalating conservation goals.~~

~~(d) During a Drought Response Level 2 condition or higher, the water conservation measures and water use restrictions established by this Division are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies as provided in Chapter 1 of this Code.~~

§67.3802

Definitions

~~The following words and phrases whenever used in this Division will have the meaning defined in this section~~
For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Cascading Fountain through Disaster [No change in text.]

Drought means any shortage in water supply based upon expected ~~demands~~ demand that ~~are~~ is caused by hydrological, environmental, legislative, judicial actions, or by infrastructure failure.

Functional turf means a ground cover surface of *turf* located in a recreational use area or community space. *Functional turf* does not include *turf* enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly.

Grower means a *customer* engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human

consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. *Grower* does not refer to ~~eustomers~~ customers who purchase water subject to the Metropolitan Interim Agricultural Water Program or the San Diego County Water Authority Special Agricultural Rate Programs.

Industrial Use [No change in text.]

Measurable Rainfall [No change in text.]

Metropolitan [No change in text.]

Non-functional turf means any turf that is not functional turf, and includes turf located within right-of-way and parking lots.

Ornamental Fountain through Potted Plants [No change in text.]

Recreational Fountain means any recreational structure, other than swimming pools or spa pools, which is open to the general public, or which may be open to the general public, and uses re-circulated water in which people come into contact. This includes, but is not limited to, zero depth water features, interactive fountains, water slides, waterfalls, or combinations of such water features. Water features not intended for human contact, such as *ornamental fountains*, are not included.

Right-of-way has the same meaning as *Public Right-of-way* in San Diego

Municipal Code section 113.0103, as may be amended.

Shortage Response Actions means the supply shortage mitigation tools that can be implemented through the *Water Shortage Contingency Plan* and are a mix of

prohibitions on end use, consumption reduction methods, supply augmentation, and operational change measures.

Turf means a ground cover surface of grass that is mowed and maintained.

Water Authority through Water Conservation [No change in text.]

Water Shortage Contingency Plan means the City's contingency plan in the event of a declared water emergency or enactment of more stringent restrictions on water use as required by the California Department of Water Resources.

Water Shortage Level means the progressive range of water supply shortages and defined shortage response actions as provided in the Water Shortage Contingency Plan.

§67.3803 Water Waste Prohibitions

To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(a) Using potable water for the irrigation of non-functional turf for commercial, industrial, and institutional properties per timelines and requirements set forth in California Water Code section 10608.14, as may be amended.

Section 67.3803(a) shall not apply to turf irrigated with recycled water or to functional turf.

(a) (b) Applying potable water to outdoor landscapes in a manner that causes irrigation runoff or uncorrected leaks such that

water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.

~~(b)~~ ~~(c)~~ ~~Customers shall~~ Failing to repair or stop all water leaks upon discovery or within ~~seventy-two~~ 72 hours of notification by the City of San Diego.

~~(e)~~ ~~(d)~~ ~~A customer shall not wash~~ Washing down sidewalks, driveways, parking

areas, tennis courts, or other paved areas without using a power washer or schedule 40

a hose with a shutoff nozzle. Washing any paved areas is only allowed to

alleviate immediate safety or sanitation hazards. Wash water shall be ~~collected and~~ collected and prevented from leaving the property and entering the

municipal separate storm sewer system ~~pursuant to~~ under Chapter 4,

Article 3, Division 3 of this Code.

~~(d)~~ ~~(e)~~ ~~A customer shall not overfill~~ Overfilling swimming pools and spas.

~~(e)~~ ~~(f)~~ ~~A customer shall not use~~ Using non-recirculating *ornamental fountains* or *cascading fountains*.

~~(g)~~ Washing vehicles at non-commercial vehicle washes.

~~(f)~~ ~~(h)~~ Using a hose that dispenses potable water to wash a motor vehicle, except

where the hose is fitted with a shut-off nozzle or device attached to it that

causes it to cease dispensing water immediately when not in use.

~~(g)~~ ~~(i)~~ ~~Single~~ Using single pass-through cooling systems as part of water service

connections shall be prohibited after the effective date of this section

67.3803. ~~Non-recirculating~~ Using non-circulating systems in all conveyer

car wash and commercial laundry systems shall be prohibited after the

effective date of this section 67.3803.

~~(h)~~ (j) Serving drinking water other than upon request in eating or drinking establishments, including ~~but not limited to~~ restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served or purchased.

~~(i)~~ (k) Operating a hotel or motel without providing guests the option of choosing not to have towels and linens laundered daily, or ~~operating a hotel or motel~~ without prominently displaying notice of this option in each guestroom using clear and easily understood language.

~~(j)~~ (l) ~~A customer may only irrigate~~ Irrigating potted plants, non-commercial vegetable gardens and fruit trees, residential and commercial landscapes, including golf courses, parks, school grounds and recreation fields, ~~before~~ from 10:00 a.m. and after to 6:00 p.m. A *customer* may irrigate at any time the following:

(1) through (3) [No change in text.]

(4) for landscape establishment following a disaster. Such irrigation is permitted for a period of up to two months, after which a hardship variance is required in accordance with Section 67.3810 section 67.3806.

(5) [No change in text.]

(6) for nursery and commercial *growers* using a hand-held hose equipped with a positive shut-off nozzle, a ~~hand-held~~ hand-held container, or when a drip or micro-irrigation system or equipment

is used. Irrigation of nursery propagation beds is permitted at any time.

~~(k)~~ (m) The irrigation with potable water of ~~ornamental~~ non-functional turf on public street medians.

~~(l)~~ (n) The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

~~(m)~~ (o) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.

§67.3804 Application

(a) [No change in text.]

~~(b)~~ (b) This Division is intended solely to further the conservation of water. It is not intended to implement or replace any provision of federal, state, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff.

~~(b)~~ (c) Nothing in this Division is intended to affect or limit the ability of the City Manager to declare and respond to an unforeseeable *disaster* or water emergency such as an earthquake, *drought*, aqueduct break, or other major disruption in the water supply, pursuant to the City Charter or other provisions of this Code.

(d) This Division is intended to identify permanent water use restrictions applicable to customers. The City Manager, at the City Manager's discretion, may implement additional *Shortage Response Actions* through the *Water Shortage Contingency Plan* based on the current state of the City's water supply and statewide restrictions.

The *Shortage Response Actions* presented in the *Water Shortage Contingency Plan* represent a range of actions that can be used in combination, depending on the severity and duration of the shortage. The mix of *Shortage Response Actions* taken in any given *Water Shortage Level* is designed to produce an additional 10 percent of demand reductions above the previous *Water Shortage Level's* reduction.

~~(d)~~ (e) This Division does not apply to use of water from private wells or to reclaimed water, or the use of grey water systems.

~~(e)~~ (f) This Division does not apply to use of water that is subject to a special supply program, such as the *Metropolitan Interim Agricultural Water Program* or the *Water Authority Special Agricultural Rate Programs*.

Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A customer using both water subject to a special supply program and other water provided by the City of San Diego is subject to this Division in the use of water provided by the City of San Diego.

~~(f)~~ (g) The use of potable water by any customer for *industrial use Industrial Use*, including the evaporative cooling of *industrial use Industrial Use*

facilities, is exempt from the provisions of ~~Municipal Code~~ section 67.38056(e) if all of the following conditions are met to the satisfaction of the City Manager:

(1) The *customer* has satisfactorily implemented the Best Management Practices identified by the City Manager; and

(2) The *customer* is in compliance with the California Plumbing Code, title 24, part 5 of the California Code of Regulations, including using all applicable water-conserving fixtures and fittings on the premises to the fullest extent possible.

~~(g)~~ (h) If a *customer's* premises is located in an area where City reclaimed water is available for ~~customer~~ use by direct connection to the City's reclaimed water infrastructure, the use of potable water by that *customer* for ~~industrial use~~ Industrial Use, including the evaporative cooling of ~~industrial use~~ Industrial Use facilities, is exempt from the provisions of ~~Municipal Code~~ section 67.38056(e), if all of the following conditions are met to the satisfaction of the City Manager:

(1) The *customer* uses reclaimed water on its premises to the fullest extent possible, including in landscape irrigation and evaporative cooling, if applicable; and

(2) The *customer* is in compliance with the California Plumbing Code, title 24, part 5 of the California Code of Regulations, including using all applicable water-conserving fixtures and fittings on the premises to the fullest extent possible.

~~(h) (i)~~ This Division does not apply to areas serviced by the ~~Park~~ Parks and Recreation Department, including public right-of-way, and street trees, or areas with significant public benefit requiring enhanced irrigation schedules, such as public parks. Irrigation of the areas serviced by the ~~Park~~ Parks and Recreation Department shall be operated and maintained according to a schedule determined by the City Manager, ~~consistent with~~ *only Special Agreements* ~~section 67.3801.~~ *Industrial Use [no change in text.]*

§67.3805

~~Drought Response Level 1—Drought Watch Condition~~ *Measurable Rainfall [No change in text.]*

(a) ~~A Drought Response Level 1 condition is also referred to as a “Drought Watch” condition. The City Manager may recommend, and upon resolution of the City Council, declare a Drought Response Level 1 when there is a reasonable probability, due to *drought*, that there will be a supply shortage and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon such declaration, the City Manager shall take action to implement the voluntary Level 1 conservation practices identified in this Division.~~ *fountains, water of fountains, waterfalls, or o*

(b) ~~During a Level 1 Drought Watch condition, City of San Diego will~~ *tended for human contact*
increase its public education and outreach efforts to increase public awareness of the need to implement the following *water conservation* practices.

- (1) ~~Limit all landscape irrigation to no more than three assigned *days* per week on a schedule established and posted by the City Manager.~~

~~This provision does not apply to commercial growers or nurseries, nor to the irrigation of golf course greens and tees.~~

(2) ~~Use a hand-held hose equipped with a positive shut-off nozzle or hand held container or a garden hose sprinkler system on a timer to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.~~

(3) ~~The washing of automobiles, trucks, trailers, airplanes and other types of mobile equipment is permitted only before 10:00 a.m. or after 6:00 p.m. with a hand-held container or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Boats and boat engines are permitted to be washed down after use. 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 which do not use partially recirculated water will be reduced in volume by an amount determined by resolution of the City Council. Mobile equipment washings are exempt from these regulations where the health, safety and welfare of the public are contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food products, livestock and perishables.~~

(4) ~~Use recycled or non-potable water for construction purposes when available.~~

(5) ~~Use of water from fire hydrants will be limited to fire fighting, meter installation by the Water Department as part of its Fire Hydrant Meter Program, and related activities or other activities necessary to maintain the health, safety and welfare of the citizens of San Diego.~~

(6) ~~Construction operations receiving water from a fire hydrant meter or water truck will not use water beyond normal construction activities, consistent with Section 67.3803 and that required by regulatory agencies. Construction projects requiring watering for new landscaping materials shall adhere to the designated irrigation hours of only before 10:00 a.m. and after 6:00 p.m.~~

§67.3806 Drought Response Level 2 — Drought Alert Condition

(a) A Drought Response Level 2 condition is also referred to as a “Drought Alert” condition. The City Manager may recommend and, upon resolution of the City Council, declare a Drought Response Level 2 when, due to ~~drought~~, a consumer demand reduction of up to 20 percent is required in order to ensure that sufficient supplies will be available to meet the anticipated demands. Upon declaration of Drought Response Level 2, the City Manager shall take action to implement the mandatory Level 2 conservation practices identified in this Division.

(b) All City of San Diego water customers shall comply with all Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following conservation measures:

(1) ~~Limit all landscape irrigation using sprinklers to no more than five minutes per watering station during the two assigned *days* per week on a schedule established and posted by the City Manager. This provision does not apply to landscape irrigation systems using water efficient devices, including drip/micro-irrigation systems and stream rotor sprinklers.~~

(2) ~~Landscaped areas, including trees and shrubs not irrigated by a landscape irrigation system governed by Section 67.3806(b)(1) shall be watered no more than two assigned *days* per week by using a hand held container, hand held hose with positive shut-off nozzle, or low volume non-spray irrigation (soaker hose.)~~

(3) ~~Stop operating *ornamental fountains* except to the extent needed for maintenance.~~

(4) ~~*Potted plants*, non-commercial vegetable gardens and fruit trees may be irrigated on any *day*, but must be irrigated only before 10:00 a.m. or after 6:00 p.m.~~

(5) ~~Irrigation is permitted any *day* at any time, as follows:~~

(A) ~~as required by a landscape permit;~~

(B) ~~for erosion control;~~

(C) ~~for establishment, repair or renovation of public-use fields for schools and parks; or~~

(D) ~~for landscape establishment following a *disaster*. Such irrigation is permitted for a period of up to two months;~~

which a hardship variance is required in accordance with
Section 67.3810.

- (e) The City Manager may recommend and, upon resolution of the City Council, implement a water allocation per *customer* account served by the City of San Diego, and a schedule of surcharges or penalties for exceeding the water allocation. If the City Council adopts or modifies water allocations, the City Manager will post notice of the water allocation prior to the effective date(s). Following the effective date(s) of the water allocation as established by the City Council, any *customer* that uses water in excess of the allocation will be subject to a surcharge or penalty for each billing unit of water in excess of the allocation. The surcharge or penalty for excess water usage will be in addition to any other remedy or penalty that may be imposed for violation of this Division. The *water conservation* measures required under Level 1 Drought Watch and Level 2 Drought Alert conditions, may be suspended by resolution of the City Council during the period a water allocation is in effect.

§67.3807

Drought Response Level 3—Drought Critical Condition

- (a) A Drought Response Level 3 condition is also referred to as a “Drought Critical” condition. The City Manager may recommend and, upon resolution of the City Council, declare a Drought Response Level 3 when, due to *drought*, there will be a supply shortage and that a consumer demand reduction of up to 40 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon

declaration of Drought Response Level 3, the City Manager shall take action to implement the mandatory Level 3 conservation practices identified in this Division.

(b) All City of San Diego water customers shall comply with all Level 1 Drought Watch and Level 2 Drought Alert water conservation practices during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:

- (1) Limit all landscape irrigation to no more than five minutes per watering station during the two assigned days per week on a schedule established and posted by the City Manager. This provision will not apply to commercial growers or nurseries, nor to the irrigation of golf course greens. Customers with irrigation systems that use non-standard spray heads, such as impact rotors, rotating nozzles or micro-spray heads shall limit irrigation to no more than 18 minutes per day total on assigned watering days.
- (2) Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain plants or animals that have been actively managed within the water feature prior to declaration of a drought response level under this Division.
- (3) Stop washing vehicles except at commercial carwashes that recirculate water, or by high pressure/low volume wash systems.
- (4) Stop operating cascading fountains and recreational fountains except to the extent needed for maintenance.

(c) Upon the declaration of a Drought Response Level 3 condition requiring a 30 percent or greater demand reduction, new potable water services, temporary or permanent water meters, and statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) will be allowed only under the

circumstances listed below. This provision does not preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted.

- (1) A valid building permit has been issued for the project; or
- (2) The project is necessary to protect the public's health, safety, and welfare; or
- (3) The number of new fire hydrant meters will not exceed the existing number of currently authorized fire hydrant meters. A new fire hydrant meter will be issued only when an old meter is returned; or
- (4) The applicant provides substantial evidence satisfactory to the City Manager of an enforceable commitment that the new water demands for the project will be offset prior to the provision of new water meter(s). Such offset shall be in the form of additional conservation measures, the provision of recycled water use in place of existing potable water demands, or other such offsets developed and approved by the City Manager. These offsets shall be reflected in a reduced capacity fee from the project's initially calculated demand (for example, an offset of 75 equivalent

dwelling units ("edu") is provided so that the project's 200-edu demand is reduced to 125 edus and fees are paid on 125 edus but the service and meter will be sized at 200 edus):

Development projects with approved tentative maps and related entitlements shall have their maps and related entitlement's expiration dates tolled for the period of time that the Drought Response Level 3 condition is in place but not to exceed 5 years, unless the development project applicant chooses to proceed with development under subsections (c)(1) through (c)(4) above.

(d) Upon the declaration of a Drought Response Level 3 condition, the City Manager will suspend consideration of annexations to its service area.

(e) The City Manager may recommend and, upon resolution of the City Council, implement a water allocation per *customer* served by the City of San Diego, and a schedule of surcharges or penalties for exceeding the water allocation. If the City Council adopts or modifies a water allocation, the City Manager will post notice of the allocation prior to the effective date(s). Following the effective date(s) of the water allocation as established by the City Council, any *customer* that uses water in excess of the allocation will be subject to a surcharge or penalty for each billing unit of water in excess of the allocation. The surcharge or penalty for excess water usage will be in addition to any other remedy or penalty that may be imposed for violation of this Division. The *water conservation* measures required under Level 1 Drought Watch, Level 2 Drought Alert, and Level

3-Drought Critical conditions may be suspended by resolution of the City Council during the period a water allocation is in effect.

§67.3808 Drought Response Level 4—Drought Emergency

(a) A Drought Response Level 4 condition is also referred to as a “Drought Emergency” condition. The City Manager may recommend and, upon resolution of the City Council, declare a water shortage emergency pursuant to California Water Code section 350 and declare a Drought Response Level 4 when there is a reasonable probability that there will be a supply shortage and that a consumer demand reduction of more than 40 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon declaration of a Drought Response Level 4, the City Manager shall take action to implement the mandatory Level 4 conservation practices identified in this Division and on the grounds provided in California Water Code section 350.

(b) All City of San Diego water customers shall comply with all water conservation measures required during Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical conditions and shall also comply with the following additional mandatory conservation measures:

- (1) Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction does not apply to:
 - (A) Maintenance of trees and shrubs that are watered no more than two assigned days per week on a schedule established

and posted by the City Manager, and by using a hand held container, hand-held hose with an automatic shut-off nozzle, or low-volume non-spray irrigation;

- (B) Maintenance of existing landscaping necessary for fire protection;
 - (C) Maintenance of existing landscaping for erosion control;
 - (D) Maintenance of plant materials identified to be rare, protected by City Council Policy or essential to the well being of rare animals;
 - (E) Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two days per week according to the schedule established under Section 67.3807(b)(1);
 - (F) Watering of livestock; and
 - (G) Public works projects and actively irrigated environmental mitigation projects.
- (2) Stop filling or refilling residential pools and spas.
 - (3) No new commitments or agreements will be entered into to provide water to *customers* or agencies located outside of the City of San Diego.

§67.38095 **Procedures for Determination and Notification of Drought Response Water Shortage Level**

(a) The existence of a ~~Drought Response Level~~ Water Shortage Levels 1 or 2 condition may be declared upon recommendation by the City Manager and resolution of the City Council, upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination ~~will~~shall be filed with the City Clerk.

The City Manager ~~will~~shall publish a notice of the determination of ~~existence of Drought Response Level~~ Water Shortage Level ~~condition or~~ 2 conditions in the City's official newspaper. The City of San Diego ~~may~~ also post notice of the condition on its website. The ~~Water~~ Public Utilities Department ~~will~~shall monitor the projected supply and demand for water during periods of emergency or *drought* and ~~will~~shall recommend to the City Manager the extent of the conservation required. The City Manager ~~will~~shall recommend to the City Council the implementation or termination of the appropriate level of *water conservation* in accordance with this Division.

(b) The existence of ~~Drought Response Level 2 or Level~~ Water Shortage Levels 3, 4, or 5 conditions may be declared upon recommendation by the City Manager and resolution of the City Council. The mandatory conservation measures applicable to ~~Drought Response Level 2 or Level~~ Water Shortage Levels 3, 4, or 5 conditions ~~will~~shall take effect on the tenth day after the date the response-level Water Shortage Level is declared by final passage of the resolution. Within five days following the declaration of the response-level Water Shortage Level, the City Manager

~~will~~shall publish a notice giving the extent, terms and conditions respecting the use and consumption of water a minimum of one time for three consecutive days in ~~the City's official~~a newspaper. If the City Council adopts a water allocation, the City Manager ~~will~~shall publish notice of this adoption in ~~the City's official~~a newspaper. Water allocation ~~will~~shall be effective on the fifth day following the date of publication or at such later date as specified in the notice.

- (c) The existence of a ~~Drought Response Level 4~~ Water Shortage Level 6 condition may be declared upon recommendation by the City Manager and resolution of the City Council and in accordance with the procedures specified in the California Water Code Sections 351 and 352 and Water Shortage Contingency Plan. The mandatory conservation measures applicable to ~~Drought Response Level 4~~ Water Shortage Level 6 conditions will take effect on the tenth day after the date the response level Water Shortage Level is declared by final passage of the resolution. Within five days following the declaration of the response level Water Shortage Level, the City Manager ~~will~~shall publish a notice giving the extent, terms and conditions respecting the use and consumption of water in ~~the City's official~~a newspaper. If the City Council adopts a water allocation, the City Manager ~~will~~shall publish notice of the allocation in ~~the City's official~~a newspaper. Water allocation ~~will~~shall be effective on the fifth day following the date of publication or at such later date as specified in the notice.

- (d) The City of San Diego may declare an end to ~~Drought Response Levels~~ Water Shortage Levels 1, 2, 3 and 4, 5, and 6 upon recommendation of the City Manager and resolution by the City Council ~~at any regular or special meeting of the City Council.~~

§67.381006 Hardship Variance

- (a) If, due to unique circumstances, a specific requirement of this Division ~~would result in undue hardship to a customer using City of San Diego, additional water or to property upon which City of San Diego water is used, that is disproportionate to the impacts to City of San Diego water users generally or to similar property or classes of water uses, then the customer may apply for a variance to the requirements as provided in this Section section 67.3806.~~

- (b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a *customer* using City of San Diego water or to property upon which City of San Diego water is used, that is disproportionate to the impacts to City of San Diego water users generally or to similar property or classes of water user due to specific and unique circumstances of the user or the user's property.

(1) through (3) [No change in text.]

(4) Required Findings for Variance.

- (A) Except as set forth in Section ~~67.3810(B)~~ section 67.3806(b)(4)(B), an application for a variance will be

denied unless the ~~approving authority~~ City Manager finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the City of San Diego,

all of the following:

(i) through (iv) [No change in text.]

(B) An application for variance will be denied unless the ~~existence of a Drought Key~~ ~~approving authority~~ City Manager finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the City of San Diego, either of the following:

(i) through (ii) [No change in text.]

(5) No relief will be granted to any *customer* for any reason in the ~~ten~~ days following the absence of a showing by the *customer* that the *customer* has ~~reached~~, the City Manager achieved the maximum practical reduction in water consumption in ~~and~~ conditions of the *customer's* residential, commercial, industrial, institutional, agricultural, or governmental water consumption.

§67.38407 Violations and Penalties

It is unlawful for any *customer* to violate the mandatory provisions of this Division. Violations are subject to criminal, civil, and administrative penalties and

remedies as provided in Chapter 1 of this Code. In addition, service of water may be discontinued or appropriately limited through the installation of flow-restricting devices to any *customer* who willfully uses water in violation of this Division.

JES:lmj:cm

April 28, 2026

Or.Dept: Public Utilities

Doc. No. 4345648

dates listed for the period of its
condition is in place but not in
project applicant chooses to pr

date(s). Following the effective
established by the City Council

609

Passed by the Council of The City of San Diego on June 8, 2026, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 15 2026 An application for variance will be denied unless the

(Please note: When an ordinance is approved by the Mayor, the date of final passage is the date the approved ordinance was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By [Signature], 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

MAY 12 2026 absence of a majority by the council on JUN 15 2026 has

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number **O-22105**