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 67.3803, 67.3805 AND 67.3806, RELATING TO EMERGENCY WATER REGULATIONS.

WHEREAS, article 10, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, permanent regulation of the time of certain water use, manner of certain water use, method of application of water for certain uses, installation and use of water-saving devices, provides an effective and immediately available means of conserving water; and

WHEREAS, making certain current temporary restrictions permanent will continue to allow the City of San Diego to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code sections 350 *et seq.*; and

WHEREAS, making certain current temporary restrictions permanent and making improvements to the comprehensive drought response program provides certainty to water users and enables the City of San Diego to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public; NOW, THEREFORE,

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

Section 1. That Chapter 6, Article 7, Division 38 of the San Diego Municipal Code is hereby amended by amending section 67.3803 to read as follows:

§67.3803 Water Waste Prohibitions

(a) [No change in text.]

(b) A *customer* shall repair or stop a water leak upon discovery or within seventy-two hours of notification by the City of San Diego.

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

(j) Customers shall limit all landscape irrigation to no more than three assigned *Days* per week on a schedule established and posted by the Mayor. This limitation does not apply to commercial *growers* or nurseries, nor to the irrigation of golf course greens and tees.

(k) Customers shall limit lawn watering and landscape irrigation using sprinklers to no more than ten minutes maximum per watering station per assigned *Day* during the months of June through October and no more than seven minutes maximum per watering station per assigned *Day* during the months of November through May. This limitation does not apply to landscape irrigation systems using water efficient devices, including drip/micro-irrigation systems and stream rotor sprinklers.

(l) Landscaped areas, including trees and shrubs not irrigated by a landscape irrigation system governed by Section 67.3806(b)(2), shall be watered no more than three 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).

(m) *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. during the months of June through October and only before

10:00 a.m. and after 4:00 p.m. during the months of November through May.

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

(1) as required by a landscape permit;

(2) for erosion control;

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

(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 2. That Chapter 6, Article 7, Division 38, of the San Diego Municipal Code is amended by amending section 67.3805 to read as follows:

§67.3805 Drought Response Level 1 – Drought Watch Condition

(a) through (b) [No change in text.]

(1) 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. during the months of June through October and only before 10:00 a.m. and after 4:00 p.m. during the months of November through May, 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.

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

(3) 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.

(4) 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. during the months of June through October and only before 10:00 a.m. and after 4:00 p.m. during the months of November through May.

(5) Irrigation is not permitted during a rain event.

Section 3. That Chapter 6, Article 7, Division 38, of the San Diego Municipal Code is amended by amending section 67.3806 to read as follows:

§67.3806 Drought Response Level 2 – Drought Alert Condition

(a) [No change in text.]

(b) Driving a Level 2 Drought Alert, all City of San Diego water *customers* shall:

(1) Comply with all Level 1 Drought Watch *water conservation* practices.

(2) Stop operating ornamental fountains except to the extent needed for maintenance.

(c) [No change in text.]

Section 4. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Ray Palmucci
Deputy City Attorney

RCP:cq
06/08/10
Or.Dept:xxx
O-2010-xxx

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By_____
Deputy City Clerk

Approved: _____
(date)

_____
JERRY SANDERS, Mayor

Vetoed: _____
(date)

_____
JERRY SANDERS, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: 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 67.3803, 67.3805 AND 67.3806, RELATING TO EMERGENCY WATER REGULATIONS.

§67.3803 Water Waste Prohibitions

No change in text.

(a) [No change in text.]

(b) A *customer* shall repair or stop a water leak upon discovery or within seventy-two hours of notification by the City of San Diego.

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

(j) Customers shall limit all landscape irrigation to no more than three assigned *Days* per week on a schedule established and posted by the Mayor. This limitation does not apply to commercial *growers* or nurseries, nor to the irrigation of golf course greens and tees.

(k) Customers shall limit lawn watering and landscape irrigation using sprinklers to no more than ten minutes maximum per watering station per assigned *Day* during the months of June through October and no more than seven minutes maximum per watering station per assigned *Day* during the months of November through May. This limitation does not apply to landscape irrigation systems using water efficient devices, including drip/micro-irrigation systems and stream rotor sprinklers.

(l) Landscaped areas, including trees and shrubs not irrigated by a landscape irrigation system governed by Section 67.3806(b)(2), shall be watered no more than three 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).

(m) *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. during the months of June through October and only before 10:00 a.m. and after 4:00 p.m. during the months of November through May.

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

(1) as required by a landscape permit;

(2) for erosion control;

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

(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.

§67.3805 Drought Response Level 1 – Drought Watch Condition

(a) through (b) [No change in text.]

~~(1) Irrigate *potted plants*, non-commercial vegetable gardens and fruit trees, residential and commercial landscapes, including golf courses, parks, school grounds and recreation fields, only before 10:00 a.m. and after 6:00 p.m. during the months of June through October and only before 10:00~~

~~a.m. and after 4:00 p.m. during the months of November through May, except for renovation or repair of the irrigation system with an operator present.~~

~~(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) Irrigate nursery and commercial *grower's* products only before 10:00 a.m. and after 6:00 p.m. during the months of June through October and only before 10:00 a.m. and after 4:00 p.m. during the months of November through May. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a hand held container, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time.~~

(~~1~~4) 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. during the months of June through October and only before 10:00 a.m. and after 4:00 p.m. during the months of November through May, 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.

~~(5) *Customers* shall repair or stop all water leaks upon discovery or within five days of notification by the City of San Diego.~~

(2~~6~~) Use recycled or non-potable water for construction purposes when available.

(3~~7~~) 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.

(4~~8~~) 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. during the months of June through October and only before 10:00 a.m. and after 4:00 p.m. during the months of November through May.

(5~~9~~) Irrigation is not permitted during a rain event.

§67.3806 Drought Response Level 2 – Drought Alert Condition

(a) [No change in text.]

(b) Driving a Level 2 Drought Alert, ~~A~~all City of San Diego water *customers* shall:

(1) 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 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) Limit lawn watering and landscape irrigation using sprinklers to no more than ten minutes maximum per watering station per assigned *Day* during the months of June through October and no more than seven minutes maximum per watering station per assigned *Day* during the months of November through May. This provision does not apply to landscape irrigation systems using water efficient devices, including drip/micro-irrigation systems and stream rotor sprinklers.~~

~~(3) Landscaped areas, including trees and shrubs not irrigated by a landscape irrigation system governed by Section 67.3806(b)(2) shall be watered no more than three 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.)~~

~~(4) Repair or stop all leaks upon discovery or within seventy-two hours of notification by the City of San Diego.~~

(2)~~(5)~~ Stop operating ornamental fountains except to the extent needed for maintenance.

~~(6) *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. during the months of June through October and only before 10:00 a.m. and after 4:00 p.m. during the months of November through May.~~

~~(7) 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, after which a hardship variance is required in accordance with Section 67.3810.~~

(c) [No change in text.]

RCP:cq
06/08/10
Or.Dept:xxx
O-2010-xxx

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 7, DIVISION 38 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 67.3803, 67.3805 AND 67.3806, RELATING TO EMERGENCY WATER REGULATIONS.

This ordinance amends the Municipal Code by amending Sections 67.3803, 67.3805 and 67.3806 and repealing Sections 67.3806 (b) (1) through (7) and Sections 67.3805 (b) (1) through (3) and (5), all relating to Drought Response Level 1 and 2 water use restrictions.

This ordinance makes Drought Response Level 2 water use restrictions which are currently temporary, permanent, by repealing Sections 67.3806 (b) (1) through (7) in Level 2 and placing them in Section 67.3803, which delineates permanent, year-round water use restrictions. It also repeals Sections 67.3805 (b) (1) through (3) and (5), of Drought Response Level 1, as they are less restrictive than the new sections.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

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

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

RCP:cfq
06/08/2010
Or.Dept:xxx
O-2010-xxx