

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, 67.3806, 67.3807 AND 67.3808, ALL 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, state requirements for rental properties require giving seventy-two hours of prior notice before accessing rental units; and

WHEREAS, making certain customers expeditiously stop or repair water leaks 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 to 359; NOW, THEREFORE,

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

Section 1. That Chapter 6, Article 7, Division 3, of the San Diego Municipal Code is amended by amending sections 67.3803, 67.3805, 67.3806, 67.3807 and 67.3808, to read as follows:

**§67.3803 Water Waste Prohibitions**

The following restrictions will be in effect at all times:

- (a) [No change in text.]
- (b) *Customers* shall repair or stop all water leaks upon discovery or within seventy-two hours of notification by the City of San Diego.
- (c) through (j) [No change in text.]

**§67.3805 Drought Response Level 1 – Drought Watch Condition**

- (a) [No change in text.]
- (b) [No change in text.]
- (1) through (3) [No change in text.]
- (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. 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 not permitted during a rain event.

**§67.3806 Drought Response Level 2 – Drought Alert Condition**

(a) [No change in text.]

(b) [No change in text.]

(1) through (2) [No change in text.]

(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. 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 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.

(c) [No change in text.]

**§67.3807 Drought Response Level 3 – Drought Critical Condition**

- (a) [No change in text.]
- (b) [No change in text.]
  - (1) through (2) [No change in text.]
  - (3) Stop washing vehicles except at a commercial carwashes that recirculate water, or by high pressure/low volume wash systems.
- (c) – (e) [No change in text.]

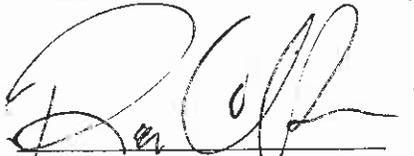
**§67.3808 Drought Response Level 4 – Drought Emergency**

- (a) [No change in text.]
- (b) [No change in text.]
  - (1) [No change in text.]
  - (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.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. 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   
Raymond C. Palmucci  
Deputy City Attorney

RCP:cfq  
7/22/2011  
Or.Dept:PU/Water  
Prolaw 2010-00822

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**

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AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 7, DIVISION 38 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 67.3803, 67.3805, 67.3806, 67.3807 AND 67.3808, ALL RELATING TO EMERGENCY WATER REGULATIONS.

**§67.3803 Water Waste Prohibitions**

The following restrictions will be in effect at all times:

- (a) [No change in text.]
- (b) ~~A customer will not fail to repair or stop a water leak~~Customers shall repair or stop all water leaks upon discovery or within seventy-two hours of notification by the City of San Diego.

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

**§67.3805 Drought Response Level 1 – Drought Watch Condition**

- (a) [No change in text.]
- (b) [No change in text.]
- (1) through (3) [No change in text.]
- (4) ~~Customers shall repair or stop all water leaks upon discovery or within five days of notification by the City of San Diego.~~
- (45) Use recycled or non-potable water for construction purposes when available.

- (56) 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.
- (67) 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.
- (78) Irrigation is not permitted during a rain event.

**§67.3806 Drought Response Level 2 – Drought Alert Condition**

- (a) [No change in text.]
- (b) [No change in text.]
- (1) through (2) [No change in text.]
- ~~(3) — Repair or stop all leaks upon discovery or within seventy two hours of notification by the City of San Diego.~~
- (34) Stop operating ornamental fountains except to the extent needed for maintenance.
- (45) *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.

- (56) 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.

(c) [No change in text.]

**§67.3807 Drought Response Level 3 – Drought Critical Condition**

(a) [No change in text.]

(b) [No change in text.]

(1) through (2) [No change in text.]

~~(3) Customers shall repair or stop all water leaks upon discovery or within forty eight hours of notification by the City of San Diego, with the exception of rental properties, which shall be given seventy two hours to repair interior unit leaks, in order to comply with state requirements of giving prior notice before accessing rental units.~~

(3 4) Stop washing vehicles except at a commercial carwashes that recirculate water, or by high pressure/low volume wash systems.

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

**§67.3808 Drought Response Level 4 -- Drought Emergency**

(a) [No change in text.]

(b) [No change in text.]

(1) [No change in text.]

(2) ~~Customers shall repair or stop all water leaks upon discovery or within twenty-four hours of notification by the City of San Diego, with the exception of rental properties, which shall be given seventy-two hours to repair interior unit leaks, in order to comply with state requirements of giving prior notice before accessing rental units.~~

(~~23~~) Stop filling or refilling residential pools and spas.

(~~34~~) No new commitments or agreements will be entered into to provide water to *customers* or agencies located outside of the City of San Diego.

RCP:ca:cfq  
7/22/11  
Or.Dept:PU/ Water  
O-2011-125  
Prolaw 2010-00822

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, 67.3806, 67.3807 AND 67.3808, ALL RELATING TO EMERGENCY WATER REGULATIONS.

This ordinance amends Chapter 6, Article 7, Division 38 of the San Diego Municipal Code by amending Sections 67.3803, 67.3805, 67.3806, 67.3807 and 67.3808, all relating to emergency water use restrictions.

This ordinance requires a customer to stop or repair all water leaks upon discovery or within seventy-two hours of notification by the City of San Diego. This requirement is consistent with state requirements for rental properties, which requires giving seventy-two hours of prior notice before accessing rental units. The seventy-two hour period applies regardless of whether any Drought Response Level water use restrictions are currently in place.

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  
7/22/2011  
Or.Dept:PU/Water  
Prolaw 2010-00822

