ITEM NO. 21

STAFF REPORT

CITY OF OCEANSIDE

DATE: June 18, 2008

TO: Honorable Mayor and City Council Members

FROM: Water Utilities Department

SUBJECT: **INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 37 OF THE OCEANSIDE CITY CODE BY REVISING THE EXISTING WATER CONSERVATION PLAN AND ADDING DROUGHT RESPONSE CONSERVATION MEASURES TO BE IMPLEMENTED IN THE EVENT OF MANDATORY WATER REDUCTIONS**

SYNOPSIS

Staff recommends that the City Council introduce an ordinance (Exhibit A) amending Chapter 37 of the Oceanside City Code by revising the existing Water Conservation Plan and adding drought response conservation measures to be implemented in the event of mandatory water reductions imposed by the Metropolitan Water District and the San Diego County Water Authority.

BACKGROUND

Despite early winter rain and snow levels that were at or slightly above normal, the region's imported water supplies are still recovering from historic dry conditions. Many state reservoirs were drawn down significantly to cope with dry conditions across California in 2007, and the Colorado River basin will take many years to recover from eight years of drought. As of January 2008, the two biggest reservoirs along the river, Lake Mead and Lake Powell, were at near record-low levels.

San Diego County's water supplies were cut by recent court-ordered restrictions on water deliveries from Northern California. Combined with dry conditions, these restraints are rapidly depleting water storage levels across much of the state. The court-ordered restrictions are also making the state system for managing water more vulnerable to weather changes. This will make it more difficult to recover from dry conditions in the years ahead.

Water restrictions are not expected in 2008 but the region has entered a multiyear era of diminished core water supplies, increased reliance on using stored resources, and increased water system vulnerability to weather changes. These conditions make it vitally important to keep as much water in storage as possible this year and in years ahead. If the dry conditions do not improve, there is a possibility that local water agencies may face reduced water deliveries and will need to consider mandatory

restrictions on water use. That timetable could be accelerated if legal challenges continue to result in reduced flows from the State Water Project. Water shortages could also be averted if hydrologic conditions improve and State Water Project operations are not significantly impeded through regulatory or judicial restrictions.

ANALYSIS

In May 2006, the Water Authority board of directors approved a Drought Management Plan developed in concert with its 24 member agencies. The plan contains a drought response matrix that includes a list of water supply stages, actions available to the Water Authority during each stage, and guidelines for evaluating and taking such actions. The plan was formally activated in May 2007 in response to worsening water supply conditions.

In March 2008, the Water Authority approved a model drought response conservation ordinance and asked its member agencies to use the model ordinance to update their own ordinances to help provide consistency in drought response levels and water conservation requirements throughout the region. The attached draft City of Oceanside ordinance incorporates the Water Authority's model into the existing conservation plan that the City Council adopted in 1991.

The model ordinance sets up four levels of increasingly higher demand reduction targets and associated water use restrictions that can be implemented. The higher stages of the ordinance include mandatory restrictions with accompanying penalties for noncompliance. The model ordinance also coordinates these steps with the stages of the Water Authority's Drought Management Plan.

The levels in the model ordinance are:

- Level One, Drought Watch, calls for a 10 percent voluntary reduction in water use. This is the level that is currently in effect in San Diego County.

- Level Two, Drought Alert, mandates use restrictions to help achieve up to a 20 percent reduction. These include:
  - Limiting residential and commercial landscape irrigation to three assigned days per week. This does not apply to commercial growers or nurseries.
  - Limiting lawn watering and landscape irrigation to ten minutes per day.
  - Using a bucket, hand-held hose with shut-off nozzle or low-volume non-spray irrigation to water landscaped areas without irrigation systems.
  - Repairing leaks within 72 hours of notification by the City.
  - Stopping the operation of ornamental fountains or decorative water features.

- Level Three, Drought Critical, mandates use restrictions to help achieve up to a 40 percent reduction. These include all of the Level Two restrictions and the following:
  - Reducing residential and commercial landscape irrigation to two assigned days per week. This does not apply to commercial growers or nurseries.
  - Stopping the filling or re-filling of ornamental lakes or ponds except to sustain aquatic life.

- Stopping the washing of vehicles except at commercial carwashes that re-circulate water or use high pressure/low volume wash systems.
- Repair all leaks within 48 hours of notification by the City.

- Level Four, Drought Emergency, requires use restrictions to help achieve more than a 40 percent reduction on total consumer use. These include all of the Level Two and Three restrictions and the following:
  - Stopping all landscape irrigation except crops and landscape products of commercial growers and nurseries. Other exceptions to this are:
    - Maintenance of existing landscaping for fire protection or erosion control.
    - Maintenance of rare plant materials or plants essential to rare animals.
    - Maintenance of landscaping within active public parks and playing fields, schools, cemeteries and golf course greens provided irrigation does not exceed two days per week.
    - Watering of livestock.
    - Public works projects and actively irrigated environmental mitigation projects.
  - Repairing all leaks within 24 hours of notification by the City.

If Drought Level Three or Four is declared, no new potable water service and/or temporary and permanent meters will be provided, unless:

- A valid, unexpired building permit has been issued for the project;

- The project is necessary to protect the public's health, safety, and welfare; or

- The applicant provides, to the satisfaction of the City, substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s).

These exceptions assure that the economic benefits of development to the City will continue during mandatory water reductions.

Each level contains water use restrictions that become progressively more significant and are designed to defer economic impacts to more critical shortage conditions. The water use restrictions also focus on prohibiting wasteful water use practices, while avoiding penalizing customers who are already using water wisely. The Water Authority will notify agencies when Drought Levels Two through Four are declared. Each level will become effective after adoption of a resolution by the City Council.

Penalties for violations include:

- A fine not exceeding $100.00 for a first violation;
- A fine not exceeding $200.00 for a second violation of the same article, section or provision within one year;
- A fine not exceeding $500.00 for each violation within one year;
- The fourth and each additional violation within one year is a misdemeanor punishable by a fine not exceeding $1,000.00 or imprisonment for a term not exceeding six months, or by both fine and imprisonment

FISCAL IMPACT

The attached draft Drought Response Conservation Plan is a revision of the adopted City Water Conservation Plan to establish the updated water reduction actions and targets developed for the region by the San Diego County Water Authority. The Oceanside City Code's current provisions for establishing penalties (Section 1.7) and administrative remedies (Section 1.14 through 1.14.8) will apply to violators of the water reduction restrictions. These penalties and remedies will be in addition to any other rate charged for excess water use.

COMMISSION OR COMMITTEE REPORT

The Utilities Commission will review staff's recommendation at its regularly scheduled meeting on June 17, 2008. The Commission's recommendation will be presented orally to the City Council on June 18, 2008.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATIONS

Staff recommends that the City Council introduce an ordinance (Exhibit A) amending Chapter 37 of the Oceanside City Code by revising the existing Water Conservation Plan and adding drought response conservation measures to be implemented in the event of mandatory water reductions imposed by the Metropolitan Water District and the San Diego County Water Authority.

PREPARED BY:

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SUBMITTED BY:

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Lonnie Thibodeaux, Water Utilities Director

Teri Ferro, Financial Services Director

Exhibit A: Ordinance adding Drought Response Conservation Measures to be implemented in the event of mandatory water reductions

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING THE OCEANSIDE CITY CODE, CHAPTER 37, ARTICLE V., BY REVISING THE EXISTING WATER CONSERVATION PROGRAM AND ADDING DROUGHT RESPONSE CONSERVATION MEASURES TO BE IMPLEMENTED IN THE EVENT OF MANDATORY WATER REDUCTIONS

WHEREAS, on March 27, 1991, the City Council adopted Ordinance No. 091-15, which established a water conservation program for the City;

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, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

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

WHEREAS, adoption and enforcement of a comprehensive water conservation program will allow the City of Oceanside 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, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon

imported water supplies, weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's 24 member public agencies, including the City of Oceanside. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Drought Management Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions. This ordinance is intended to be consistent with and to implement the Water Authority's Drought Management Plan; and

WHEREAS, the Water Authority's Drought Management Plan contains three stages containing regional actions to be taken to lessen or avoid water supply shortages. This ordinance contains drought response levels that correspond with the Drought Management Plan stages; and

WHEREAS, the City of Oceanside, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors. The City of Oceanside has adopted an Urban Water Management Plan and a Water Conservation Program (Oceanside City Code, Chapter 37, Article V) that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory. The City of Oceanside's Urban Water Management Plan and Water Conservation Program also include a contingency analysis of actions to be taken in response to water supply

shortages. This ordinance is consistent with the Urban Water Management Plan and the Water Conservation Program adopted by the City of Oceanside; and

WHEREAS, the water conservation measures and progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable the City of Oceanside 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.

WHEREAS, the City Council has determined that the water conservation program shall be amended by including revised methods to reduce under certain circumstances potable water use and establishing a Drought Response Conservation Program to be implemented in the event of mandatory water reductions as determined by the Metropolitan Water District of Southern California and the San Diego County Water Authority, which are the City's external water providers.

NOW, THEREFORE, the City Council of the City of Oceanside DOES ORDAIN as follows:

SECTION 1. Sec. 37.101 of the Oceanside City Code shall be amended to read as follows:

"Sec. 37.101 Declaration of Necessity and Intent

"(a) This ordinance establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the City of Oceanside in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management in times of drought, but at all times.

(b) This ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It 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 supplies.

(c) Level 1 condition drought response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by the City of Oceanside. During drought response conditions Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and 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 ordinance are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies specified in this ordinance and as provided in the Oceanside City Code."

SECTION 2. Sec.37.101.1 shall be added and shall read as follows:

"Sec. 37.101.1 Application

(a) The provisions of this ordinance apply to any person in the use of any water provided by the City of Oceanside.

(b) This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to Chapter 40 of the Oceanside City Code or the Regional Water Quality Control Board for information on any urban runoff/stormwater ordinances or urban runoff/stormwater management plans.

(c) Nothing in this ordinance is intended to affect or limit the ability of the City of Oceanside to declare and respond to an emergency, including an emergency that affects the ability of the City of Oceanside to supply water.

(d) The provisions of this ordinance do not apply to use of water from private wells or to recycled water.

(e) Nothing in this ordinance shall 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 the special supply programs are subject to the penalties established under the applicable program. A

person using water subject to a special supply program and other water provided by the City of Oceanside is subject to this ordinance in the use of the other water."

SECTION 3. Sec. 37.103 (c) shall be amended to read as follows:

"(c) Water users shall not let water leave the property by draining onto adjacent properties or public or private roadways due to irrigation or failure to correct known leaks. Spraying hard surfaces during irrigation activities is prohibited."

SECTION 4. **Sec. 37.105. Definitions** shall be amended by adding the following:

" (j) *DMP* means the Water Authority's Drought Management Plan in existence on the effective date of this ordinance and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

(k) *Grower* refers to those 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 Water Authority Special Agricultural Rate programs.

(l) *Metropolitan* means the Metropolitan Water District of Southern California.

(m) *Person* means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the City of Oceanside.

(n) *Water Authority* means the San Diego County Water Authority."

SECTION 5. Sec. 37.106 shall be amended to read as follows:

"**Sec. 37.106. Conservation levels**

(a) General conditions. Customers are always asked to use water wisely and to practice water conservation measures so that water is not wasted. Under these conditions, the City of

Oceanside has sufficient water supplies to meet normal and local emergency water supply needs. To protect and to enhance the city's overall use of local water supply, water treatment devices that waste potable water or that degrade wastewater so that it cannot be utilized for reclaimed water or local basin recharge will not be sold to or utilized by any users unless necessary for authorized medical reasons. The City encourages customers to follow the water conservation practices listed in Drought Response Level 1 at all times.

(b) Drought Response Level 1 – Drought Watch Condition

1. A Drought Response Level 1 condition is also referred to as a "Drought Watch" condition. A Level 1 condition applies when the Water Authority notifies its member agencies that due to drought or other supply reductions, there is a reasonable probability there will be supply shortages 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. The Water Utilities Director shall declare the existence of a Drought Response Level 1 and take action to implement the Level 1 conservation practices indentified in this ordinance.

2. During a Level 1 Drought Watch condition, the City of Oceanside will increase its public education and outreach efforts to emphasize increased public awareness of the need to implement the following water conservation practices:

a. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.

b. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

c. Irrigate residential and commercial landscape before 10:00 a.m. and after 6:00 p.m. only.

d. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

e. Irrigate nursery and commercial grower's products before 10:00 a.m. and after 6:00 p.m. only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.

f. Use re-circulated water to operate ornamental fountains.

g. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Avoid washing during hot conditions when additional water is required due to evaporation.

h. Serve and refill water in restaurants and other food service establishments only upon request.

i. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily.

j. Repair all water leaks within five (5) days of notification by the City of Oceanside unless other arrangements are made with the Water Utilities Director.

k. Use recycled or non-potable water for construction purposes when available.

3. During a Drought Response Level 2 condition or higher, all persons shall be required to implement the conservation practices established in a Drought Response Level 1 condition.

(c) Drought Response Level 2 – Drought Alert Condition

1. A Drought Response Level 2 condition is also referred to as a "Drought Alert" condition. A Level 2 condition applies when the Water Authority notifies its member agencies that due to cutbacks caused by drought or other reduction in supplies, a consumer demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands. The Oceanside City Council shall adopt a resolution declaring the existence of a Drought Response Level 2 condition and implementing the mandatory Level 2 conservation measures indentified in this ordinance.

2. All persons using City of Oceanside water shall comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:

a. Limit residential and commercial landscape irrigation to no more than three (3) assigned days per week on a schedule established by the Water Utilities Director and posted by the City of Oceanside. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the Water Utilities Director and posted by the City of Oceanside. This section shall not apply to commercial growers or nurseries.

b. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per water station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather-based controllers, drip/micro/irrigation systems or stream rotor sprinklers.

c. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by subsection 37.106(c)2.a., on the same schedule set forth in subsection 37.106(c)2.a. by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

d. Repair all leaks within seventy-two (72) hours of notification by the City of Oceanside unless other arrangements are made with the Water Utilities Director.

e. Stop operating ornamental fountains or similar decorative water features unless recycled water is used.

(d) Drought Response Level 3 – Drought Critical Condition

1. A Drought Response Level 3 condition is also referred to as a "Drought Critical" condition. A Level 3 condition applies when the Water Authority notifies its member agencies that due to increasing cutbacks caused by drought or other reduction of supplies, a consumer demand reduction of up to 40 percent is required in order to have sufficient supplies available to meet anticipated demands. The Oceanside City Council shall adopt a resolution declaring

the existence of a Drought Response Level 3 condition and implementing the Level 3 conservation measures identified in this ordinance.

2. All persons using City of Oceanside water shall comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices during a Drought Response Level 3 condition, and shall also comply with the following additional mandatory conservation measures:

a. Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the Water Utilities Director and posted by the City of Oceanside. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the Water Utilities Director and posted by the City of Oceanside. This section shall not apply to commercial growers or nurseries.

b. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by subsection 37.106(d)2.a., on the same schedule set forth in subsection 37.106(d)2.a. by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

c. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

d. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

e. Repair all leaks within forty-eight (48) hours of notification by the City of Oceanside unless other arrangements are made with the Water Utilities Director.

3. Upon the declaration of a Drought Response Level 3 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will-serve

letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

a. A valid, unexpired building permit has been issued for the project; or

b. The project is necessary to protect the public's health, safety, and welfare; or

c. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of the City of Oceanside.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

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

e. The City of Oceanside may establish a water allocation for property served by the City of Oceanside using a method that does not penalize persons for the implementation of conservation methods or the installation of water saving devices. If the City of Oceanside establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the City of Oceanside customarily mails the billing statement for the fees or charges for on-going water service. The notice of allocation may also include notice that water usage in excess of the allocation will be subject to a penalty in a specified amount for each billing unit of water used in excess of the allocation. The penalty for excess water use shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

(e) Drought Response Level 4 – Drought Emergency Condition

1. A Drought Response Level 4 condition is also referred to as a "Drought Emergency" condition. A Level 4 condition applies when the Water Authority Board of Directors declares a water shortage emergency pursuant to California Water Code section 350 and notifies its member agencies that a Level 4 requires a demand reduction of more than 40 percent in order for the City of Oceanside to have maximum water supplies available to meet anticipated

demands. The City of Oceanside shall declare a Drought Emergency in the manner and on the grounds provided in California Water Code section 350.

2. Upon declaration of a Drought Emergency, all persons using City of Oceanside water shall comply with 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:

a. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the City of Oceanside has determined that recycled water is available and may be lawfully applied to the use.

(1) Maintenance of trees and shrubs that are watered on the same schedule set forth in subsection 37.106(d)2.a. by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;

(2) Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshall of the local fire protection agency having jurisdiction over the property to be irrigated;

(3) Maintenance of existing landscaping for erosion control;

(4) Maintenance of plant materials identified to be rare or essential to the well-being of rare animals;

(5) 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 (2) days per week according the schedule established under subsection 37.106(d)2.a.;

(6) Watering of livestock; and

(7) Public works projects and actively irrigated environmental mitigation projects.

b. Repair all leaks within twenty-four (24) hours of notification by the City of Oceanside unless other arrangements are made with the Water Utilities Director.

3. The City of Oceanside may establish a water allocation for property served by the City of Oceanside. If the City of Oceanside establishes a water allocation it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the City of Oceanside customarily mails the billing statement for the fees or charges for on-going water service. The notice of allocation may also include notice that water usage in excess of the allocation will be subject to a penalty in a specified amount for each billing unit of water used in excess of the allocation. The penalty for excess water use shall be cumulative to any other remedy or penalty that may be imposed for violation of this ordinance.

SECTION 6. Sec. 37.107 shall be amended to read as follows:

"Sec. 37.107. Correlation between Drought Management Plan and Drought Response Levels

(a) The correlation between the Water Authority's DMP stages and the City of Oceanside's drought response levels identified in this ordinance is described herein. Under DMP Stage 1, the City of Oceanside would implement Drought Response Level 1 actions. Under DMP Stage 2, the City of Oceanside would implement Drought Response Level 1 or Level 2 actions. Under DMP Stage 3, the City of Oceanside would implement Drought Response Level 2, Level 3, or Level 4 actions.

(b) The drought response levels identified in this ordinance correspond with the Water Authority DMP as identified in the following table:

Drought Response Levels	Use Restrictions	Conservation Target	DMP Stage
1 – Drought Watch	Voluntary	Up to 10%	Stage 1 or 2
2 – Drought Alert	Mandatory	Up to 20%	Stage 2 or 3
3 – Drought Critical	Mandatory	Up to 40%	Stage 3
4 – Drought Emergency	Mandatory	Above 40%	Stage 3

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SECTION 7. Sec. 37.108 shall be amended to read as follows:

"**Sec. 37.108. Procedures for Determination and Notification of Drought Response Level.**

(a) The existence of a Drought Response Level 1 condition may be declared by the Water Utilities Director upon a written determination of the facts and circumstances supporting the determination. A copy of the written determination shall be filed with the Oceanside City Clerk and provided to the Oceanside City Council. The Water Utilities Director may publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the City of Oceanside. The City of Oceanside may also post notice of the condition on its website.

(b) The existence of Drought Response Level 2 or Level 3 conditions may be declared by resolution of the Oceanside City Council adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to Drought Response Level 2 or Level 3 conditions shall take effect on the tenth (10) day after the Oceanside City Council adopts a resolution declaring the response level. Within five (5) days following the declaration of the response level, the City of Oceanside shall publish a copy of the resolution in a newspaper used for publication of official notices.

(c) The existence of a Drought Response Level 4 condition may be declared in accordance with the procedures specified in California Water Code Sections 351 and 352. The mandatory conservation measures applicable to Drought Response Level 4 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the City of Oceanside shall publish a copy of the resolution in a newspaper used for publication of official notices. If the City of Oceanside establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement for the fee or charge or by any other mailing to the address to which the City of Oceanside customarily mails the billing statement for the fees or charges for on-going water service. Water allocation shall be effective on the fifth (5) day following the date of the mailing or at such later date as specified in the notice.

(d) The Oceanside City Council may declare an end to the Drought Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law."

SECTION 8. Subsection (a) of 37.109 shall be amended to read as follows:

"Sec. 37.109. **Violation, remedies.**

(a) The penalties for violations of this article are set forth in Section 1.7 and Section 1.14 et seq. of the City Code."

SECTION 9. **Severability.**

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional."

SECTION 10. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof as a summary, pursuant to state statute, once within ten (10) days after its passage in the North County Times, a newspaper of general circulation published in the City of Oceanside.

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SECTION 11. This ordinance shall take effect and be in force upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside held on the _____ day of _____, 2008, and, thereafter,

PASSED, AND ADOPTED by the City Council of the City of Oceanside, California this _____day of _____, 2008, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_____
MAYOR, CITY OF OCEANSIDE

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING THE OCEANSIDE CITY CODE, CHAPTER 37, ARTICLE V., BY REVISING THE EXISTING WATER CONSERVATION PROGRAM AND ADDING DROUGHT RESPONSE CONSERVATION MEASURES TO BE IMPLEMENTED IN THE EVENT OF MANDATORY WATER REDUCTIONS

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