

ORDINANCE NO. 15-OR0276-1

AN URGENCY ORDINANCE OF THE CITY OF OCEANSIDE AMENDING  
OCEANSIDE CITY CODE, CHAPTER 37, ARTICLE V REVISING AND  
UPDATING THE WATER CONSERVATION PROGRAM AND THE DROUGHT  
RESPONSE CONSERVATION MEASURES

WHEREAS, on March 27, 1991, the City Council adopted Ordinance No. O91-15, which established a water conservation program for the City; and

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, the State of California is experiencing unprecedented drought conditions with 2014 projected to become the driest year on record; and

WHEREAS, on January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions; and

WHEREAS, on April 1, 2015, the Governor issued an Executive Order that, in part, directs the State Board to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February, 2016; and

WHEREAS, the present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

WHEREAS, the drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to prevent waste and unreasonable use of water and to further promote conservation; and

Whereas, present conditions create an imminent threat to the public health and welfare, and must be addressed immediately. Failure to address present conditions may result in a shortage of water for the Citizens of Oceanside, and could subject the City to substantial fines and penalties.

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

2 SECTION 1. Section 37.101, subdivision (a) of the Oceanside City Code shall be amended to  
3 read as follows:

4 **Sec. 37.101 Declaration of Necessity and Intent**

5 (a) This article establishes water management requirements necessary to conserve water,  
6 enable effective water supply planning, assure reasonable and beneficial use of water,  
7 prevent waste of water, prevent unreasonable use of water, prevent unreasonable method  
8 of use of water within the City of Oceanside in order to assure adequate supplies of water  
9 to meet the needs of the public, and further the public health, safety, and welfare,  
10 recognizing that water is a scarce natural resource that requires careful management not  
11 only in times of drought, but at all times

12 SECTION 2. Sec.37.101.1, subdivisions (a) through (d) shall be amended to read as follows:

13 **"Sec. 37.101.1 Application**

- 14 (a) The provisions of this article apply to any person in the use of any water provided by the  
15 City of Oceanside, except that the provisions of this ordinance do not apply to use of  
16 recycled water.
- 17 (b) This article is intended solely to further the conservation of water. It is not intended to  
18 implement any provision of Federal, State, or local statutes ordinances, or regulations  
19 relating to protection of water quality or control of drainage or runoff. Refer to chapter 40  
20 of the Oceanside City Code or the Regional Water Quality Control Board for information  
21 on any urban runoff/stormwater ordinances or urban runoff/stormwater management  
22 plans.
- 23 (c) Nothing in this article is intended to affect or limit the ability of the City of Oceanside to  
24 declare and respond to an emergency, including an emergency that affects the ability of  
25 the City of Oceanside to supply water.
- 26 (d) Nothing in this article shall apply to use of water that is subject to a special supply  
27 program, such as the Water Authority Special Agricultural Water Rate program. Violations  
28 of the conditions of the special supply program is subject to the penalties established  
under the applicable program.

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

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

4 **“Sec. 37.103**

5 “(c) Water users shall not let water leave the property by draining onto adjacent properties or  
6 public or private roadways for any reason. Spraying hard surfaces during irrigation activities is  
7 prohibited.”

8 SECTION 4. Sec.37.105, subdivision (k) shall be amended by adding the following:

9 **“Sec. 37.105 Definitions**

10 (k) “Grower” refers to those engaged in the growing or raising in conformity with recognized  
11 practices of husbandry, for the purpose of commerce trade or industry, or for use by public  
12 educational or correctional institutions, of agricultural, horticultural or floricultural products,  
13 and produced (1) for human consumption or for the market, or (2) for the feeding of fowl or  
14 livestock produced for human consumption or for the market. *Grower* does not refer to  
15 customers who purchase water subject to the Water Authority Special Agricultural Rate  
16 program. All growers classified for agricultural use must be certified to meet the definition of  
17 Government Code section 51201, subdivision (b) and comply with the San Diego regional  
18 Agricultural Water Management Plan.

19 SECTION 5. Sec. 37.106, subdivisions (b) and (c) shall be amended to read as follows:

20 **“Sec. 37.106. Conservation stages**

21 (b) Drought Response Level 1 – Drought Watch Condition

22 1. A Drought Response Level 1 condition is also referred to as a “Drought Watch”  
23 condition. A Level 1 condition applies when the Water Authority notifies its member agencies that  
24 due to drought or other supply reductions, there is a reasonable probability there will be supply  
25 shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure  
26 that sufficient supplies will be available to meet anticipated demands. The City of Oceanside never  
27 operates below a Level 1 condition in order to encourage water use efficiency and awareness.

28 2. During a Level 1 Drought Watch condition, the City of Oceanside actively promotes water  
efficiency through public education and outreach efforts to emphasize increased public awareness of  
the need to implement the following water conservation practices:

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

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

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

8 d. Stop the application of potable water to driveways and sidewalks.

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

12 f. Irrigate nursery and commercial grower's products before 10:00 a.m. and after 6:00 p.m.  
13 only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off  
14 nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery  
15 propagation beds is permitted at any time. Watering of livestock is permitted at any time. Use re-  
16 circulated water to operate ornamental fountains.

17 g. Use re-circulated water to operate ornamental fountains.

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

22 i. Serve and refill water in restaurants and other food service establishments only upon  
23 request.

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

26 k. Repair all water leaks within five (5) days of notification by the City of Oceanside unless  
27 other arrangements are made with the water utilities director.

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

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

3           (c) Drought Response Level 2 – Drought Alert Condition

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

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

14           a. Limit residential and commercial landscape irrigation to no more than two (2) assigned days  
15 per week on a schedule established by the Water Utilities Director and posted by the City of  
16 Oceanside. This section shall not apply to commercial growers or nurseries unless under direct order  
17 by the Governor or by a State agency acting on his behalf.

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

22           c. Water landscaped areas, including trees and shrubs located on residential and  
23 commercial properties, and not irrigated by a landscape irrigation system governed by subsection  
24 37.106(c)2.a., on the same schedule set forth in subsection 37.106(c)2.a. by using a bucket, hand-  
25 held hose with positive shut-off nozzle, or low-volume non-spray irrigation

26           d. Stop irrigation with potable water of ornamental turf on public street medians when under  
27 direct order by the Governor, or by a State agency acting on his behalf.  
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1 e. Repair all leaks immediately upon notification by the City of Oceanside unless other  
2 arrangements are made with the Water Utilities Director.

3 f. Stop operating ornamental fountains or similar decorative water features unless  
4 recirculated water is used.

5 g. Stop all watering during and forty-eight (48) hours after measureable precipitation.

6 h. Stop irrigation with potable water of landscapes outside of newly constructed homes and  
7 buildings in a manner inconsistent with regulations or other requirements established by the  
8 California Building Standards Commission and the Department of Housing and Community  
9 Development when under direct order by the Governor or by a State agency acting on his behalf.

10 SECTION 6. Severability.

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

17 Section 7. Effective Date.

18 This ordinance shall be effective immediately upon its adoption by 4/5ths vote of the City  
19 Council in accordance with Government Code section 36937.

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1 INTRODUCED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside  
2 held on the 20th day of May, 2015,  
3 by the following vote:

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5 AYES: WOOD, FELLER, KERN, LOWERY, SANCHEZ  
6 NAYS: NONE  
7 ABSENT: NONE  
8 ABSTAIN: NONE

9 s/b Jim Wood  
MAYOR, CITY OF OCEANSIDE

10 ATTEST:

APPROVED AS TO FORM:

11 s/b Zack Beck  
12 CITY CLERK

s/b John P. Mullen  
CITY ATTORNEY

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