

ORDINANCE NO. 2015-12R

AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
AMENDING ARTICLE 5 OF CHAPTER 31 OF  
THE ESCONDIDO MUNICIPAL CODE TO ADD  
RECENT STATE REQUIREMENTS FOR WATER  
CONSERVATION

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN  
as follows:

SECTION 1. Article 5, Section 31-227 of Chapter 31 of the Escondido Municipal  
Code is hereby amended to read as follow:

**Sec. 31-227. Definitions.**

The following words and phrases whenever used in this chapter shall have the  
meaning defined in this section.

(a) "Baseline period" means the period of time during which a customer's  
water use in prior years shall be used to compare to the same customers water use  
during a declared water shortage. The baseline period will be determined by the City  
Council at the time the City Council declares the appropriate water shortage response  
level, as outlined in section 31-232 of this article.

(b) "City" means the City of Escondido.

(c) "Customer" means any natural person, corporation, public or private entity,  
public or private association, public or private agency, government agency or institution,  
school district, college, or any other user of water provided by the City.

(d) "Department" means the utilities department of the City of Escondido.

- (e) "Director" means the director of utilities of the City of Escondido,
- (f) "IAWP" means the Metropolitan Interim Agricultural Water Program.
- (g) "Measurable rainfall" means total rainfall within a 24 hour period that measures at least 0.2 inches.
- (h) "Metropolitan" means the Metropolitan Water District of Southern California.
- (i) "Water Authority" and "SDCWA" means the San Diego County Water Authority.
- (j) "Wholesale supplier" means the San Diego County Water Authority.

SECTION 2. Article 5, Sections 31-229 – 31-232 of Chapter 31 of the Escondido Municipal Code are hereby amended to read as follows:

**Sec. 31-229. Authorization for exceptions.**

The City Manager or designee is authorized to make minor and limited exceptions to the provisions of this article, on a customer wide basis, to prevent undue hardship or unreasonable restrictions, provided that water shall not be wasted or used unreasonably, and that the purposes of this article can be accomplished. Any such exceptions should be made in writing.

**Sec. 31-230. Water use restrictions and measures (at all times).**

- (a) The following water uses are prohibited:

(1) Watering or irrigating lawns or landscape areas in a manner causing significant runoff.

(2) Operating a fountain or other water feature that does not recirculate water.

(3) Washing any vehicle with a hose not having a water shut-off nozzle.

(4) Allowing water to run continuously from a hose while washing any vehicle.

(5) Washing driveways, sidewalks, parking areas, patios or other hardscape areas with water, except when necessary to alleviate safety or sanitation hazards.

(6) Using water (unnecessarily) for construction operations, receiving water from a construction meter or water truck for any purpose other than those required by regulatory agencies.

(7) Watering or irrigating outdoor landscaping with potable water during a measurable rainfall event or within 48 hours of measurable rainfall.

(8) The installation of single pass cooling systems in buildings requesting new water connections.

(9) The installation of non-recirculating systems in new or remodeled conveyor or automatic car wash systems.

(10) The installation of non-recirculating systems in new commercial laundry systems.

(b) The following water use restrictions are required at all times:

(1) The loss or escape of water by means of breaks, leaks or other malfunctions in the water user's plumbing or distribution system must be repaired within five (5) days of notification by the utilities department, or within such other time as determined by the director of utilities or designee.

(2) Golf courses, parks, school grounds, landscapes, and recreational fields must only be watered between the hours of 6:00 p.m. and 10:00 a.m., except for very short periods of time for the express purpose of adjusting or repairing the irrigation system. Tees and greens may be watered at any time. New plantings including grass may be watered as needed until established.

(3) Recycled water must be used, after the department has provided to the customer an analysis showing that recycled water, if available, is a cost-effective alternative to potable water and the customer has had a reasonable amount of time, as determined by the director or the director's designee to make the conversion to recycled water.

(4) A hotel or motel must provide guests the option of refusing daily laundering of towels and linens. The hotel or motel shall prominently display notice of this option in each bathroom and sleeping room using clear and easily understood language. The department shall make suitable displays available.

(5) Restaurants or other public places where food is served, sold, or offered for sale, will not serve drinking water to any customer unless expressly requested by the customer. The department shall make "table tents" available to restaurants and these types of other public places alerting customers to this restriction.

(6) All conveyor or automatic car wash systems shall have installed operational water recycling systems, or shall have secured a waiver of this requirement from the director

(7) All laundromats shall have converted one hundred (100) percent of their washers to high efficiency models, as determined by the Consortium for Energy Efficiency, by November 22, 2015.

(8) Irrigating landscapes with potable water for new construction must be consistent with regulations by established by the California Building Standards Commission and the Department of Housing and Community Development

**Sec. 31-231. Reserved.**

**Sec. 31-232. Water shortage response levels.**

(a) Response Level One – Water Shortage Watch Condition.

(1) It is the intent of the response level one to achieve up to a ten (10) percent reduction in water use when measured against the baseline period.

(2) Declaration. The City Council shall declare a water shortage response level one – water shortage watch condition by resolution when the City Council determines, in its sole discretion that a declaration will help to avoid or lessen the impact of an impending water supply shortage. The types of events which may prompt the City Council to declare a water shortage response level one – water shortage watch condition may include, among other factors, a finding that the City's wholesale supplier

or metropolitan experiences shortages in their imported water supply, or must remove water from storage to meet normal demands.

(3) Public Awareness/Education. During a water shortage response level one – water shortage watch condition, the City will increase its public awareness and education efforts of water use restrictions and measures as outlined in this article.

(b) Response Level Two – Water Shortage Alert Condition.

(1) It is the intent of response level two to achieve up to a twenty (20) percent reduction in water use when measured against the baseline period.

(2) Declaration. The City Council shall declare a water shortage response level two – water shortage alert condition by resolution when response level one actions have been taken, but the City Council determines, in its sole discretion, that there are still insufficient supplies available to meet anticipated demands. The City Council may then determine that the actions outlined in this section are necessary.

(3) In addition to the water use restrictions and measures identified in subsection a, the following restrictions and measures shall be applicable:

(A) Irrigating landscape with potable water shall be limited in frequency as determined necessary by the City Council by resolution.

(B) Irrigating landscapes shall not exceed ten (10) minutes per station. This provision does not apply to irrigating landscapes using water efficient devices including, but not limited to, drip-micro-irrigation systems and stream rotor sprinklers.

(C) Operating irrigation systems that result in water not being applied to the landscaped area by virtue of any or all of the following: excessive over spray, misting, over pressurization, misaligned or tilted spray heads, or any other malfunction or out-of-adjustment condition, is prohibited.

(D) Water from a construction meter or water truck for irrigation purposes must be applied between the hours of 6:00 p.m. and 10:00 a.m. Note: if the City is notified in writing that initial landscape materials will be adversely affected by these restrictions, the City may establish a reasonable schedule for initial irrigation. The City has the right to inspect all construction sites using water from a city construction meter for the efficient use of water.

(c) Response Level Three – Water Shortage Critical Condition.

(1) It is the intent of response level three to achieve up to a forty (40) percent reduction in water use when measured against the baseline period.

(2) The City Council shall declare a water shortage response level three – water shortage critical condition by resolution when response level two actions have been taken, but the City Council determines, in its sole discretion, that there are still insufficient supplies available to meet anticipated demands. The City Council may then determine which actions listed below are necessary by resolution.

(3) In addition to water use restrictions and measures identified in subsections a and b, the following requirements shall be applicable as determined by resolution:

(A) Maintaining ornamental lakes, ponds, or fountains is prohibited, except to the extent needed to sustain aquatic life, provided that such aquatic life is of significant value and have been actively managed within the water feature prior to declaration of a water shortage response level under this policy;

(B) A pool or spa must be covered during non-use periods;

(C) Any washing of vehicles must be done at commercial car washes or by mobile high pressure/low volume commercial services that recycle water;

(D) Annexations to the City's water service area will be suspended;

(E) Other water uses may be prohibited as determined by the director, after public notice to customers; and

(F) 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. This does not apply when (1) a valid, unexpired building permit has been issued prior to the level three declaration for the project or (2) the project is necessary to protect the public's health, safety and welfare.

This subsection (c)(3)(F) 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 up to a period of one (1) year.



(d) Response Level Four – Water Shortage Emergency Condition.

(1) Prohibited Uses of Water in a Water Shortage Response Level Four – Water Shortage Emergency Condition. This level will achieve the maximum possible percentage reduction in water use from the baseline period.

(2) Declaration. The City Council shall declare a water shortage response level four – water shortage emergency condition by resolution when all response level three actions have been taken, but the City Council determines, in its sole discretion, that there are still insufficient supplies available to meet anticipated demands. The City Council may then determine that the actions outlined in this section are necessary.

(3) Restrictions and Rates. In addition to all prohibited uses of water identified in subsections a through c, the City Council may, in its sole discretion, adopt a resolution to impose additional restrictions or prohibitions on the use of water to achieve reductions from the baseline period, or make additional adjustments to the water rates based on the City's increased costs to provide water to its customers.

SECTION 3. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 4. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 10<sup>th</sup> day of June, 2015 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MORASCO, MASSON, ABED

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the  
City of Escondido, California

ATTEST:



DIANE HALVERSON, City Clerk of the  
City of Escondido, California

\*\*\*\*\*

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO : ss.  
CITY OF ESCONDIDO )

I, DIANE HALVERSON, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2015-12 passed at a regular meeting of the City Council of the City of Escondido held on the 10<sup>th</sup> day of June, 2015, after having been read at the regular meeting of said City Council held on the 3<sup>rd</sup> day of June, 2015.



DIANE HALVERSON, City Clerk of the  
City of Escondido, California

ORDINANCE NO. 2015-12 R