

ORDINANCE NO. 1708 N.C. (2d)

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING CHAPTER 11 OF THE VALLEJO MUNICIPAL CODE RELATED TO DROUGHT RESTRICTIONS AND PENALTIES

WHEREAS, On January 17, 2014, Governor Edmund G. Brown, Jr. issued Proclamation No. 1-17-2014 declaring a State of Emergency to exist in California due to severe drought conditions and calling on Californians to reduce their water usage by 20 percent; and

WHEREAS, On April 25, 2014, the Governor issued an Executive Order to strengthen the State's ability to manage water and directed the State Water Resources Control Board (SWRCB) to adopt emergency regulations as it deems necessary to address water shortage conditions; and

WHEREAS, On July 15, 2014, the SWRCB adopted 23 California Code of Regulations, Sections 863, 864, and 865, emergency regulations finding a drought emergency in California and imposing water conservation measures on individuals and water suppliers, which regulation became effective July 28, 2014, upon approval by the Office of Administrative Law and was scheduled to expire on April 25, 2015; and

WHEREAS, On March 17, 2015, the SWRCB re-adopted and expanded emergency regulations because of the continuing emergency drought conditions, and the need to act to extend the prohibitions before they expired; and

WHEREAS, Section 864 applies to all Californians and prohibits certain activities in promotion of water conservation, and Section 865 requires mandatory outdoor irrigation restrictions and reporting by water suppliers, including urban water suppliers like the City of Vallejo; and

WHEREAS, On March 27, 2015, the State Office of Administrative Law approved the SWRCB's proposed regulations and they became effective; and

WHEREAS, the City Council adopted Resolution No. 14-102 N.C. on August 26, 2014 to implement outdoor water use restrictions in compliance with the July 2014 State emergency drought regulation; and

WHEREAS, the City has promoted conservation and sought voluntary reductions in water use by its customers and City departments and has achieved a 10 percent reduction in 2014 over the same period in 2013; and

WHEREAS, the City's water supply has been limited for extended periods of time in 2014 and will be limited for an extended period of time in 2015 to 100 percent Solano Project (Lake Berryessa); and

WHEREAS, the City is party to the Solano Project Members' Agreement which requires curtailments in the amounts of water taken under the respective member's annual entitlements during certain drought conditions; and

WHEREAS, lake levels in Lake Berryessa have not triggered mandatory curtailments of Solano Project members' annual entitlements; and

WHEREAS, the City's Municipal Code, and Water Shortage Contingency Plan adopted by resolution of City Council in 2006 contain provisions to achieve responsible management of the City's water resources.

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 11.54 of the Vallejo Municipal Code is amended to add the following:

11.54.050 – Drought Restrictions.

Until December 23, 2015, the 270-day period specified in State Water Resources Control Board ("Board") Resolution No. 2015-0013, or as extended by the Board:

- a. No outdoor irrigation of ornamental landscapes or turf with potable water is permitted between the hours of 9:00 a.m. and 6:00 p.m., except for drip irrigation, soaker hoses and hand watering by container or hose equipped with a shut-off nozzle.
- b. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, parking lots, or structures is prohibited.
- c. The application of potable water to driveways and sidewalks is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency.
- d. The use of potable water in a fountain or other decorative feature is prohibited.
- e. The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall is prohibited.
- f. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased, is prohibited.
- g. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily, and the hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.
- h. Irrigation of landscape, pasture, and common areas shall be limited to a maximum of three days per week when necessary based on the following schedule: Customers with street addresses that end with an odd number may irrigate only on Tuesday, Thursday, and Saturday; customers with street addresses that end with an even number may irrigate only on Monday, Wednesday, and Friday. Common areas may be irrigated only on Monday, Wednesday, and Friday.

11.54.060 – Enforcement and Penalties.

Violations of any provision of Section 11.54.050 shall be enforced as follows:

- a. For a first violation, the customer shall receive a notice of violation.
- b. For a second violation, the customer shall receive an administrative citation with a fine of \$200.
- c. For a third violation, the customer shall receive an administrative citation with a fine of \$500.
- d. Administrative citations shall be issued pursuant to chapter 1.15.

SECTION 2. SEVERABILITY


If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid by a 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 and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect and be in full force thirty (30) days from and after its final passage.

FIRST READ at a regular meeting of the Council of the City of Vallejo held on the 28th day of April, 2015 and finally passed and adopted a regular meeting of the Council held on the 12th day of May, 2015 by the following vote:

AYES: Mayor Davis, Vice Mayor Malgapo, Councilmembers Dew-Costa, McConnell, Miessner, Sampayan and Verder-Aliga
NOES: None
ABSTAIN: None
ABSENT: None



OSBY-DAVIS, MAYOR

ATTEST: 

DAWN G. ABRAHAMSON, CITY CLERK