URGENCY ORDINANCE NO. 15-009

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DIXON AMENDING SECTION 14.02.905 OF ARTICLE IX "WATER CONSERVATION" OF CHAPTER 14.02 OF THE DIXON MUNICIPAL CODE, EXPANDING TEMPORARY DROUGHT RESTRICTION MEASURES PURSUANT TO STATE WATER RESOURCES CONTROL BOARD REGULATIONS

WHEREAS, on January 17, 2014 Governor Brown issued Proclamation No. 1-17-2014 ("Proclamation") declaring a state of emergency due to drought conditions in the state; and

WHEREAS, following the Proclamation, the State Water Resource Control Board ("SWRCB") adopted regulations to address concerns about the drought and the uncertainty about future precipitation in the state; and

WHEREAS, on March 27, 2015, the Office of Administrative Law approved regulations by the SWRCB to extend and expand the regulations adopted in response to the Proclamation with Office of Administrative Law File No. 2015-0320-01 EE; and

WHEREAS, on April 1, 2015, Governor Brown signed Executive Order B-9-15 ("Executive Order"), directing the SWRCB to impose restrictions to achieve a statewide 25% reduction in potable water usage for each month of June 2015 through February 2016, as compared to the amounts used in the same month of 2013; and

WHEREAS, the SWRCB adopted emergency water conservation regulations ("Emergency Regulations") on May 5, 2015, in response to the Executive Order, to address the continuing drought and the uncertainty about future precipitation; and

WHEREAS, the Emergency Regulations were approved by the Office of Administrative Law on May 18, 2015 and became effective on that date; and

WHEREAS, under the Emergency Regulations, small water suppliers who serve 3,000 or less water connections, such as the City of Dixon, must begin complying with the 25% water use reduction starting June 1, 2015 by limiting outdoor irrigation in addition to other restrictions; and

WHEREAS, pursuant to Water Code section 1058.5(c), the regulations adopted in response to the Proclamation were scheduled to sunset 270 days after their adoption; and

WHEREAS, emergency conservation regulations can be renewed if the SWRCB finds that "conditions which exist, or are threatened, in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act...based on drought conditions" (Water Code §1058.5(a)(2)); and

WHEREAS, on August 26, 2014 the City Council for the City of Dixon adopted an ordinance, adding Section 14.02.905 Temporary Drought Restrictions, to Chapter 14.02, Water, of the Dixon Municipal Code in response to the Emergency Regulations; and

WHEREAS, the revised regulations adopted in response to the Proclamation will expire on December 23, 2015 while the Emergency Regulations with OAL File No. 2015-0506-02 EE will expire at the end of February 2016; and

WHEREAS, the City Council finds and determines that it must amend Section 14.02.905 to comply with state regulations; and

WHEREAS, this ordinance is an ordinance for the immediate preservation of the public peace, health, and safety, and shall take effect immediately (Gov. Code §36937).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DIXON DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 14.02 "Water" of Article IX "Water Conservation" of Title 14 of Dixon's Municipal Code titled "Water and Sewers" shall be amended to read as follows:

Section 14.02.905 "Temporary Drought Restrictions" of Chapter 14.02 "Water" of Article IX "Water Conservation" of Title 14 of Dixon's Municipal Code titled "Water and Sewers" shall be amended to read as follows:

14.02.905 Temporary Drought Restrictions.

Due to the ongoing drought, the following water use restrictions shall remain in effect until December 23, 2015:

A. To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions 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:

(1) 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, roadways, parking lots, or structures; and

(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use; and

(3) The application of potable water to driveways and sidewalks;-

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculation system;

(5) The use of potable water to irrigate outdoor landscapes within 48 hours of a measurable rainfall; and

(6) Serving drinking water at any eating or drinking establishment, unless it is requested.

(7) The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development

B. To promote water conservation, operators of hotels or motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

C. This section shall remain in effect upon the extension, or terminate automatically upon expiration, of the emergency drought regulations proposed by the State Water Resources Control Board pursuant to its Resolution NO. 2015-0013, in accordance with section 1058.5 of the California Water Code.

Section 14.02.910 "Temporary Outdoor Irrigation Restrictions" shall be added to Chapter 14.02 "Water" of Article IX "Water Conservation" of Title 14 of Dixon's Municipal Code titled "Water and Sewers" and read as follows:

14.02.910 Temporary Outdoor Irrigation Restrictions.

Due to the ongoing drought, the following outdoor irrigation schedule shall remain in effect until February 29, 2016.

A. Outdoor landscape watering, unless otherwise specified in subsections B-D below, shall occur no more to two (2) days per week. The schedule for outdoor landscape watering is as follows:

    1. Street address numbers ending in an even number may only water outdoor landscape on Monday and Thursday.

    2. Street address numbers ending in an odd number may only water outdoor landscape on Tuesday and Friday.

B. Except for Hall Park, located at 450 Hall Park Drive, Dixon, Ca 95620, all City parks shall be watered as follows:

    1. Playfield areas shall be watered no more than three (3) days per week on a schedule approved by the Public Works Director or designee.

    2. All non-playfield turf areas shall be watered no more than two (2) days per week on a scheduled approved by the Public Works Director or designee.

C. All outdoor landscape areas included in the City's Landscape and Lighting Districts shall be watered not more than two (2) days per week on a schedule approved by the Public Works Director or designee.

D. Turf areas located on medians located on public rights of way shall no longer be watered to sustain the turf. Where those medians include trees or other outdoor landscape, watering shall take place to maintain the trees or other outdoor landscape.

E. As required under the California Code of Regulations, title 23, section 865, the Public Works Director or designee shall submit a report to the State Water Resources Control Board by December 15, 2015, on a form provided by the

State Water Resources Control Board in compliance with the requirements established under Cal. Code Regs., tit. 23, section 865, subsection (f).

F. This section shall remain in effect upon the extension, or terminate automatically upon expiration, of the emergency drought regulations proposed by the State Water Resources Control Board pursuant to its Resolution NO. 2015-0032, in accordance with section 1058.5 of the California Water Code.

Section 14.02.915 "Enforcement" shall be added to Chapter 14.02 "Water" of Article IX "Water Conservation" of Title 14 of Dixon's Municipal Code titled "Water and Sewers" and read as follows:

14.02.915 Enforcement

The taking of any action prohibited by this chapter or the failure to take any action required by this chapter may be cited as a code violation. The Community Development Director, Building Official, code enforcement personnel and other personnel as designated by the City Council may issue administrative citation to any person, firm or corporation for violations of this section, which may include penalties of up to five hundred dollars ($500) for each day in which the violation occurs, pursuant to Article VI of Chapter 9.01 DMC.

This Ordinance was introduced at a meeting of the City Council of the City of Dixon duly held on the 9th day of June, 2015 and, **as an urgency ordinance, was approved at the same meeting by at least a four-fifths (4/5) vote of the City Council, pursuant to Government Code §36937(b)** by the following roll call vote:

AYES:	Castanon, Hickman, Pederson, Batchelor
NOES:	Bird
ABSENT:	None
ABSTAIN:	None

APPROVED:

Jack Batchelor

Jack Batchelor
Mayor of the City of Dixon

ATTEST:

Suellen Johnston

Suellen Johnston
City Clerk of the City of Dixon

ORDINANCE NO.: 15-009
DATE: JUN 09 2015