

DRAFT 9.01.22 URGENCY ORDINANCE NO. XXXX

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMARILLO, CALIFORNIA, DECLARING WATER CONSERVATION MEASURES WITH A GOAL OF 20-30% REDUCTION IN WATER USE

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

SECTION 1. Findings.

- A. The City Council has adopted a water conservation ordinance, codified in Chapter 14.12 the Camarillo Municipal Code (CMC), and an Urban Water Management Plan (UWMP) that includes a Water Shortage Contingency Plan.
- B. CMC Chapter 14.12 includes permanent as well as additional water conservation measures for a range of water supply conditions.
- C. On January 12, 2022, the City of Camarillo declared a Stage 2 Water Supply Condition under the City's Water Shortage Contingency Plan implementing water conservation measures as defined by Chapter 14.12 of the CMC. Among other conservation measures, the Stage 2 Water Supply Condition restricts outdoor watering to three days per week.
- D. In response to continued drought and water shortage conditions in California, Governor Newsom issued Executive Order N-7-22 on March 28, 2022, calling for all urban water suppliers to implement actions to reduce water use by 20-30 percent of the water use in 2020, depending on local conditions.
- E. On April 26 and April 27, 2022, the Metropolitan Water District of Southern California (Metropolitan) and Calleguas Municipal Water District (CMWD) respectively, adopted resolutions declaring a Water Shortage Emergency Condition requiring water purveyors to immediately implement measures to reduce water usage by up to 30 percent and either restrict outdoor watering to one day per week, or comply with volumetric allocation limits.
- F. On June 10, 2022, the State Water Resources Control Board (SWRCB) adopted an emergency regulation, effective immediately, prohibiting the watering of non-functional turf with potable water at commercial, industrial, and institutional sites including homeowners' associations, condominiums, retirement communities, and other housing developments comprised of individually owned units and shared facilities. The SWRCB regulation defines non-functional turf as turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events.

- G. On June 14, 2022, Metropolitan notified agencies that watering restrictions must include a limit of watering duration to no more than 10 minutes, which must be implemented no later than September 1, 2022.
- H. CMC Chapter 14.12 and the UWMP do not define a stage or level of water supply condition that restricts outdoor watering to one day per week, therefore, an urgency ordinance is required to comply with current state, Metropolitan and CMWD water conservation requirements.
- I. The City intends to comply with state and local water conservation mandates by implementing this Urgency Ordinance with a goal of reducing water use by 20-30 percent of the water use in 2020, and limiting outdoor watering to one day per week and other water conservation measures as set forth in this Urgency Ordinance.
- J. The permanent water conservation measures in CMC Section 14.12.030 remain in effect.
- K. Additional water use restrictions are anticipated to be issued by the State of California, Metropolitan, and/or CMWD. If future water restrictions require additional water conservation measures, the City Manager is authorized to implement those requirements upon written notification to the City Council. The City Manager shall submit any additional water conservation measures to the City Council for ratification in its discretion at a future meeting after the notification.
- L. Any violation of this Urgency Ordinance shall be subject to civil fines and penalties as described in CMC 14.12.050, and administrative review and appeals of penalties shall follow CMC 14.12.060.
- M. Government Code section 36937 authorizes the adoption of an urgency ordinance for the immediate preservation on the public peace, health or safety
- N. The City Council determines that the CMC must be further reviewed and possibly revised to protect the public against potential negative health, safety, and welfare impacts associated with the severe water shortage if water conservation goals are not achieved or additional conservation measures are mandated.
- O. The City intends to study, within a reasonable time, amendments required to the CMC to effectively meet state and local water conservation mandates.

SECTION 2. Environmental Findings. The City Council exercises its independent judgment and finds that this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects

which have the potential for causing a significant effect on the environment. Because there is no possibility that this ordinance may have a significant adverse effect on the environment, the adoption of this ordinance is exempt from CEQA.

SECTION 3. Declaration of Urgency Ordinance. In accordance with Government Code Section 36937, and pursuant to the findings stated above, the City Council hereby finds that this Urgency Ordinance is necessary for the immediate preservation of the public peace, health or safety; declares:

- A. Urgency water conservation measures with a 20-30% water supply reduction goal from the date this Urgency Ordinance is adopted.
- B. City staff is directed to study appropriate modifications to the CMC regarding water conservation measures.
- C. Pending the completion of such studies and the adoption of an ordinance amendment to establish appropriate water conservation measures, it is necessary for the immediate preservation of the public peace, health or safety that this Urgency Ordinance takes effect immediately.
- D. This Urgency Ordinance will take effect immediately upon adoption by a four-fifths vote of the City Council.
- E. This Urgency Ordinance applies to all City water customers.

SECTION 4. Water Conservation Measures. The following water conservation measures take effect immediately upon the adoption of this Urgency Ordinance:

- A. Outdoor watering is limited to one day per week except as provided below. Addresses ending with even number permitted to water on Tuesdays and addresses ending with an odd number permitted to water on Thursdays.
- B. Outdoor residential watering is prohibited between the hours of 8:00 a.m. and 6:00 p.m., and irrigation is limited to no more than 10 minutes of watering per station per day.
- C. Functional turf including community parks, community event and recreational areas, athletic fields and golf courses may be irrigated only as necessary to maintain the health of the functional turf with a goal of 30% reduction in water use.
- D. Watering of non-functional turf with potable water is prohibited in commercial, industrial, and institutional sites including homeowners' associations, condominiums, retirement communities and other housing developments comprised of individually owned units and shared facilities.

E. Drip type irrigation systems with emitters producing less than two gallons of water per hour are exempt from the one-day-per week watering restriction.

F. Hand watering of trees, shrubs and groundcover is exempt from the one-day-per week watering restriction and may be watered using a hand-held bucket or hand-held hose equipped with a positive self-closing water shut-off nozzle. Irrigation of trees, shrubs and groundcover must be minimized to only water to maintain plant health and prevent soil erosion and fire hazards. Overwatering is prohibited.

G. Watering in a manner that results in overspray or excessive runoff onto paved or hardscaped areas is prohibited.

H. Use of potable water for agricultural irrigation must be reduced by 20-30 percent of the water use in 2020.

I. Restrictions under this Urgency Ordinance do not apply to the use of recycled water.

J. No new turf may be planted and planting of other new landscaping is discouraged while this urgency ordinance is in effect.

K Leaks in distribution, irrigation, or plumbing systems must be promptly corrected after discovery, and in no event more than 24 hours after receiving notice from the City unless other arrangements are made with the City.

L. Filling or refilling ornamental lakes or ponds 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 this Urgency Ordinance.

SECTION 5. Repeal of Urgency Ordinance No. 1195. As of the effective date of this Urgency Ordinance, Urgency Ordinance No. 1195 is repealed.

SECTION 6. Severability. If any section, subsection, sentence, clause, or phrase of this Urgency Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Urgency Ordinance. The City Council declares that it would have passed this Urgency Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Urgency Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. Effective Date and Duration. This Urgency Ordinance is an urgency ordinance enacted under Government Code Section 36937. This urgency ordinance is effective immediately after approval by a four-fifths vote of the City Council and will remain in effect unless and until it is repealed by a future ordinance.

SECTION 6. Publication. The City Clerk is directed to certify this Urgency Ordinance and cause it to be published in the manner required by law.

SECTION 7. Study. Staff is directed to study and analyze issues related to water conservation within the City, including but not limited to, potential future amendments to the CMC to change the number of watering days per week for various stages of water supply conditions, and determining ways to meet state and local water conservation mandates.

PASSED, AND ADOPTED August 24, 2022.

Mayor

Attested to on _____.

City Clerk

I, Kristy Buxkemper, City Clerk of the City of Camarillo, certify Urgency Ordinance No. 1195 was adopted by the City Council at a regular meeting held on August 24, 2022, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

City Clerk