

ORDINANCE NO. 09-962 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
MAKING CERTAIN REVISIONS TO CHAPTER 14.02 TO THE MUNICIPAL CODE
OF THE CITY OF EL PASO DE ROBLES REGARDING A WATER CONSERVATION
AND WATER SHORTAGE CONTINGENCY PLAN AND DECLARING THAT THIS
IS AN ORDINANCE NECESSARY FOR THE PRESERVATION OF THE PUBLIC
HEALTH, SAFETY AND WELFARE

WHEREAS, the City Council adopted urgency Ordinance No. 956 on June 2, 2009, which adopted a water conservation and water shortage contingency plan; and

WHEREAS, the adoption and enforcement of a water conservation and supply shortage program is necessary to manage the City of El Paso de Robles' water demand and supply to minimize the effects of water shortages within Paso Robles. Such program is essential to ensure a reliable minimum supply of water for the public health, safety, and welfare; and

WHEREAS, the City Council has determined that certain provisions of the water conservation and supply shortage program should be clarified.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS::

SECTION 1. Paragraph B. of Section 14.02.060 of Title 14 of the Municipal Code of the City of El Paso de Robles is hereby revised to read as follows:

"14.02.060 Level 2 Water Supply Shortage – Mandatory Reductions

B. During the period of a declared Level 2 Condition, all water customers shall be required to comply with all Level 1 Condition measures, set forth in Section 14.020.050, and also shall comply with the following conservation measure:

1. The City may establish and post a schedule for the months in which all landscape irrigation shall be limited to no more than three assigned days per week and on an every other day basis. Such schedule shall also specify any limited exceptions to such restrictions."

Section 2. Paragraph B of Section 14.02.090 of title 14 of the Municipal Code of the City of El Paso de Robles is hereby revised to read as follows:

"14.02.090 Procedures for Determination and Notification of Water Supply Shortage Level

...

B. The existence of a Level 2 or Level 3 Condition may be declared upon recommendation by the City Manager and notification of the City Council. The mandatory conservation measures applicable to Level 2 or Level 3 Condition, as applicable, will take effect on the tenth day after the date the shortage level is declared. Within five days following the declaration of the applicable Condition, the City Manager or his designee will publish a notice providing the extent, terms and conditions, and any applicable exceptions respecting the use and consumption of water. In addition, the City shall provide 30 days notice of any changes to such water use measures and exceptions. Notices shall be published, at a minimum, for three consecutive days in the newspaper used for official City notices. The City may also post notice of the Condition and applicable water use measures on its website and/or include it in its regular billing statement."

SECTION 3. Severability

If any action, subsection, sentence, clause or phrase of this ordinance is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. Publication

The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California, and cause the same to be published once in a newspaper of general circulation, published and circulated in the City of El Paso de Robles.

SECTION 5. Effective Date.

This Ordinance will take effect thirty (30) days after its final passage.

Introduced at a regular meeting of the City Council held on October 6, 2009 for first reading by the City Council of the City of El Paso de Robles, and adopted on the 20th day of October, 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy David, Deputy City Clerk