

ORDINANCE NO. 2026-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADOPTING AND ADDING TO THE ESCONDIDO MUNICIPAL CODE CHAPTER 31, ARTICLE 5, SECTIONS 31-232 WATER SHORTAGE

WHEREAS, the California Water Code § 10632 requires all urban water suppliers providing water for municipal purposes to more than 3,000 customers to prepare and adopt an Urban Water Management Plan every five years, demonstrating water supply reliability in normal, single dry, and multiple dry water years; and

WHEREAS, the City of Escondido has approximately 27, 170 active water service connections; and

WHEREAS, the City of Escondido's Urban Water Management Plan must be submitted to the Department of Water Resources by July 1 of years ending in 1 and 6, aligning with the statewide planning cycle; and

WHEREAS, the Water Shortage Contingency Plan is a standalone operational document that outlines the City of Escondido's staged response to temporary water shortages, whether caused by drought, supply interruptions, infrastructure failures, or regulatory constraints; and

WHEREAS, the City of Escondido relies on state grant and loan programs, including those administered by the Department of Water Resources, the State Water Resources Control Board, and other agencies; and

WHEREAS, adoption of the Water Shortage Contingency Plan, as part of the Urban Water Management Plan, ensures compliance with the California Water Code requirements and maintains eligibility for state-funded drought relief and infrastructure grants; and

WHEREAS, the Utilities Department, Environmental Programs, is proposing to add two shortage response levels to Chapter 31, Article 5, Section 31-232, for a total of six water shortage response levels, which indicate the gap in supply compared to the normal year availability, to align with the San Diego County Water Authority's shortage stages.

NOW, THEREFORE, the City Council of the City of Escondido, California, does ordain as follows:

SECTION 1. That the above recitations are true.

SECTION 2. That Escondido Municipal Code Chapter 31, Article 5, Section 31-232, regulates water shortage response levels, is hereby amended as set forth in Exhibit "A" to this Ordinance, which is attached hereto and incorporated by this reference as though fully set forth herein.

SECTION 3. SEVERABILITY. 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. As of the effective date of this Ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. The City Clerk is hereby directed to certify 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 for the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 3rd day of JUNE, 2026 by the following vote to wit:

AYE : Councilmembers: FITZGERALD, GARCIA, GARCIA, MARTINEZ, WHITE

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:
Dane White
19FFE5DB8C3B409...
DANE WHITE, Mayor of the
City of Escondido, California

ATTEST:

DocuSigned by:
Zack Beck
A58535D0BDC1430...
ZACK BECK, City Clerk of the
City of Escondido, California

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

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2026-10 passed at a regular meeting of the City Council of the City of Escondido held on the 3rd day of June, 2026.

DocuSigned by:
Zack Beck
A58535D0BDC1430...
ZACK BECK, City Clerk of the
City of Escondido, California

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ARTICLE 5 WATER CONSERVATION PLAN

§ 31-225. Scope.

There is hereby established a water conservation and water shortage response plan (the "plan"), pursuant to California Water Code Section 375 et seq. (Ord. No. 2008-30(R), § 2, 10-22-08)

§ 31-226. Objectives.

The objectives of the plan are:

- (a) To prevent water supply shortages through aggressive and effective water management programs such as water conservation, water education and use restrictions;
- (b) To minimize the impact of a water supply shortage on the city's population and economy;
- (c) To provide first for public health and fire protection and other essential services, then to provide for the economic health of the city, and then to provide for other uses of water;
- (d) To ensure that water users who have implemented exemplary conservation practices during normal-year hydrology and wet-year hydrology are not disadvantaged by the plan during shortages, a "lifeline allowance" will be established to reflect the minimum amount necessary to sustain an average household. This allowance will be established periodically by resolution of the city council.

(Ord. No. 2008-30(R), § 2, 10-22-08)

§ 31-227. Definitions.

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

"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 customer's 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.

"City" means the City of Escondido.

"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.

"Department" means the utilities department of the City of Escondido.

"Director" means the director of utilities of the City of Escondido.

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"IAWP" means the Metropolitan Interim Agricultural Water Program.

"Measurable rainfall" means total rainfall within a 24 hour period that measures at least 0.2 inches.

"Metropolitan" means the Metropolitan Water District of Southern California.

"Water authority" and "SDCWA" means the San Diego County water authority.

"Wholesale supplier" means the San Diego County water authority.

(Ord. No. 2008-30(R), § 2, 10-22-08; Ord. No. 2015-12R, § 1, 6-10-15)

§ 31-228. Exemptions and applications.

- (a) The provisions of this article shall apply to all persons and property served water by the City of Escondido wherever situated, unless an exemption or variance clearly applies.
- (b) The provisions of this article do not apply to use of water from private wells or to recycled water.
- (c) Nothing in this chapter shall apply to use of water that is subject to a special supply program, such as the IAWP or the SDCWA special agricultural rate programs. Violations of the conditions of special supply programs are subject to the penalties established under such applicable program. A customer using water subject to a special supply program and water provided by the city is subject to this article only with respect to the customer's use of water provided by the city.

(Ord. No. 2008-30(R), § 2, 10-22-08)

§ 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.

(Ord. No. 2008-30(R), § 2, 10-22-08; Ord. No. 2015-12R, § 2, 6-10-15)

§ 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

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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 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.

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- (7) All laundromats shall have converted 100% 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 established by the California Building Standards Commission and the department of housing and community development.
(Ord. No. 2008-30(R), § 2, 10-22-08; Ord. No. 2009-16, § 1, 6-3-09; Ord. No. 2009-28, § 1, 1-6-10; Ord. No. 2015-12R, § 2, 6-10-15)

§ 31-231. (Reserved)

Editor's note: Section 31-231, Additional water use restrictions, derived from Ord. Nos. 2008-30(R), 2009-16 and 2009-28, was repealed by Ord. No. 2015-12R, § 2, 6-10-15.

§ 31-232. Water shortage response levels.

- (a) Response level one—Water shortage watch condition.
 - (1) It is the intent of response level one to achieve up to a 10% 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 20% 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

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(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 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 40% 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;

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- (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 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.
- (e) Response level five—Water shortage severe condition.
 - (1) It is the intent of response level five to achieve a demand reduction greater than 40% and up to 50% when measured against the baseline period.
 - (2) Declaration. The city council shall declare a water shortage response level five—water shortage severe condition by resolution when the city receives notification from its wholesale water authority of an anticipated or actual water supply reduction specific to the city requiring a demand reduction greater than 40% and up to 50% in order to balance water demands with reduced supplies.
- (f) Response level six—Water shortage extreme condition.
 - (1) It is the intent of response level six to achieve a demand reduction greater than 50% when measured against the baseline period.
 - (2) Declaration. The city council shall declare a water shortage response level

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six—water shortage extreme condition by resolution when the city receives notification from its wholesale water authority of an anticipated or actual water supply reduction specific to the city requiring a demand reduction greater than 50% in order to balance water demand with reduced supplies.

(Ord. No. 2008-30(R), § 2, 10-22-08; Ord. No. 2009-16, § 3, 6-3-09; Ord. No. 2009-28, § 3, 1-6-10; Ord. No. 2015-12R, § 2, 6-10-15)

§ 31-233. Sudden catastrophic water supply shortage.

In accordance with the department's emergency response plan and at the direction of the city manager, the director may determine that a sudden event has diminished, or threatens to significantly diminish, the reliability or quality of the city's water supply. The director may declare a catastrophic water supply shortage and impose whatever emergency water allocation or conservation actions are deemed necessary, in the director's professional judgment, to protect the reliability and quality of the city's water supply, until the emergency passes, or until the city council may be convened to adopt a resolution or declaration of emergency, or to take other action.

(Ord. No. 2008-30(R), § 2, 10-22-08)

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§ 31-234. Notification.

- (a) When a water shortage response level one—water shortage watch condition, a water shortage response level two—water shortage alert condition, a water shortage response level three—water shortage critical condition, a water shortage response level four—water shortage emergency condition, or a sudden catastrophic water supply shortage is declared, the city shall: (1) prior to the declaration provide notice of a public hearing, pursuant to California Water Code Section 352(2); and after the declaration, publish the water shortage level in a local newspaper of general circulation, including the implementation date of the declaration. All media will be notified by e-mail and/or fax. Notification will also be posted on the city's website, the water conservation hot line and on the customer's utility bills.
- (b) The department will inform its customers of the effective date, of the prohibited uses of water associated with the relevant stage, and encourage its customers to take additional voluntary actions to conserve water.
- (c) The department will inform and prepare its customers about possible restrictions on use of water and rate increases related to the higher levels of water conservation required by this plan. The department will continue to educate its customers for the duration of an impending and actual water supply shortage.

(Ord. No. 2008-30(R), § 2, 10-22-08)

§ 31-235. Enforcement, civil and criminal penalties.

- (a) Any person, who uses, causes to be used, or permits the use of water in violation of this article is guilty of an offense punishable as provided herein.
- (b) Each day that a violation of this article occurs is a separate offense.
- (c) Administrative fines may be levied for each violation of any provision of this article, pursuant to the procedures outlined in Chapter 1A of the Escondido Municipal Code, in the following amounts:
 - (1) One hundred dollars for a first violation;
 - (2) Two hundred dollars for a second violation of any provision of this article during a level two—water shortage alert condition within one year;
 - (3) Three hundred dollars for a second violation of any provision of this article during a level three—water shortage critical condition within one year;
 - (4) Four hundred dollars for a second violation of any provision of this article during a level four—water shortage emergency condition within one year;
 - (5) Five hundred dollars for each additional violation of any provision of this article within one year.
- (d) Pursuant to California Water Code Section 377, any customer failure to implement any of the conservation measures outlined in sections 31-230 through 31-233 above may be prosecuted as a misdemeanor. Upon conviction thereof, such person may

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be punished by imprisonment in the county jail for not more than 30 days, or by fine not exceeding \$1,000, or both.

- (e) Violation of any provision of this policy is subject to enforcement through installation of a flow-restricting device in the meter, pursuant to California Water Code Section 356.
- (f) Willful violations of the mandatory conservation measures and water use restrictions set forth in section 31-232(d)(3) and applicable during a level four water shortage emergency condition may be enforced by discontinuing service to the property at which the violation occurs, as provided by California Water Code Section 356.
- (g) All remedies provided for herein both civil and criminal shall be cumulative, and not exclusive.

(Ord. No. 2008-30(R), § 2, 10-22-08)

§ 31-236. Surcharges; Additional charges.

The city council shall establish the additional charges by resolution as follows:

- (a) A water rate penalty for excess water usage during a response level two—water shortage watch condition;
- (b) A water rate penalty for excess water usage during a response level three—water shortage critical condition;
- (c) A water rate penalty for excess water usage during a response level four—water shortage emergency condition; or
- (d) A surcharge for excess water use that reflects the city's increased wholesale costs of purchasing water to provide to its customers.

(Ord. No. 2008-30(R), § 2, 10-22-08)

§ 31-237. Variance for hardship or pending appeal.

- (a) **Hardship.** The director or designee may grant a variance in cases of hardship for uses of water otherwise prohibited by the regulations. Water customers who feel they need an adjustment in the prohibitions must complete an application for a variance, stating the justification and circumstances. If the variance is not granted, the customer may ask for a review in writing. If the variance is granted, it shall be temporary, and last only as long as the hardship shall continue.
- (b) **Interim Measures.** Pending receipt of a request for a hardship variance, or pending a hearing following the appeal of an administrative citation pursuant to Section 1A-9 of this code, the director, the director's designee, or enforcement officer may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violation and the current declared water condition.
- (c) **Offsets.** The city council shall establish by resolution a program to provide water

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use credits, new meter connections, or a variance from the prohibitions of this article where water customers can demonstrate that they will offset their water use with other conservation measures.

(Ord. No. 2008-30(R), § 2, 10-22-08)

§ 31-238. through § 31-249. (Reserved)