

Oxnard City Code

ARTICLE VIII. WATER WASTE

SEC. 22-135. DECLARATION OF POLICY AND PURPOSE.

The city council hereby declares that because of the normally arid conditions in Southern California, the recurrent critical low levels of precipitation throughout the State, and the limited available supply of local and imported water, the general welfare of the city requires that water resources available to the city be used for the maximum beneficial purpose.

(64 Code, Sec. 33-90) (Ord. No. 2232)

SEC. 22-136. WATER WASTE PROHIBITED.

(A) The city council further declares that any waste or unreasonable use, or unreasonable method of use of water is hereby prohibited and that the conservation of water shall be mandatory on all persons using city water within and outside the city limits.

(B) Therefore, the city council orders that no person shall use, cause the use, or permit the use of water as specified below:

(1) For watering of turf, ornamental landscape, open ground crops and trees (including agricultural irrigation) in a wasteful manner such as, but not limited to, allowing water to run off onto sidewalks, driveways, gutters or streets, or allowing the pooling or puddling of water on any hard-surfaced area.

(2) Such that the escape of water through leaks, breaks or malfunction within a plumbing or water distribution system occurs for any period of time beyond which such leak, break or malfunction should reasonably have been discovered and corrected. A period of 72 hours after a person discovers such leak, break or malfunction, or receives notice from the city of such condition, whichever comes first, shall be presumed to be a reasonable time within which the person shall correct such condition.

(3) In conjunction with the use of a handheld hose, to wash an automobile, truck, trailer, boat, or other type of motor vehicle or mobile equipment:

(a) Without the use of a workable positive automatic shut-off nozzle;

(b) Unless a bucket is used in order that a maximum of five gallons of water is consumed;

(c) Unless the activity occurs at a facility equipped with a water reuse system;

(d) For the operation of any ornamental fountain, or similar structures, unless water for such operation is recycled for reuse and the loss of water does not exceed ten percent, provided that nothing in this subsection shall prevent the operation of any ornamental fountain to operate for up to 20 minutes per week for the purpose of priming and exercising its internal mechanisms;

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(e) For using water to wash sidewalks, walkways, driveways, parking lots, patios, decks, tennis courts, the exterior of any building or structure, or any other hard-surfaced area by hose or flooding, except as necessary to prevent or eliminate conditions dangerous to the public health and safety, as required by the Ventura County Environmental Health Department, provided that nothing in this subsection shall prevent the washing of the exterior of any building or structure when such washing is required as surface preparation for the application of any architectural coating or painting or as may be required for construction projects approved by the city;

(f) For the serving of water by a restaurant, hotel, café, cafeteria, coffee shop, fast-food operation, banquet facility or other public place, where food is served or offered for sale to the customer without the service of water first being requested by the customer;

(g) For the filling and refilling of a swimming pool, with the exception of the first filling of a swimming pool and the occasional adding of small quantities of water to maintain proper water level; and

(h) For any indiscriminate use of water or washing with water not otherwise prohibited above which is unreasonably wasteful, as determined by the city manager.

('64 Code, Sec. 33-91) (Ord. No. 2232, 2265)

SEC. 22-137. FAILURE TO COMPLY.

The following civil remedies shall be imposed against any person for violation of any of the sections of this article:

(A) For the first violation, a written warning shall be entered upon the person's, water service record.

(B) For the second violation during a 12-month period, a surcharge shall be imposed on the customer in an amount equal to 25 percent of the most recent utility bill (exclusive of the sewer and refuse portion of the bill), or \$25, whichever is greater, payable as part of the utility bill for the location at which the violation occurred.

(C) For the third violation during a 12-month period, a surcharge shall be imposed on the customer in an amount equal to 50 percent of the most recent utility bill (exclusive of the sewer and refuse portion of the bill), or, \$50, whichever is greater, payable as part of the utility bill for the location at which the violation occurred.

(D) (1) For a fourth violation during a 12-month period, the city shall be able to install a flow-restricting device of one gpm capacity on the location receiving water service through up to 1½-inch size distribution systems and comparatively sized restricting devices on locations receiving water service through larger distribution systems. These devices shall be installed for a period of not less than 48 hours on the service of the customer at the location at which the violation occurred.

(2) The charge for installation of such a flow-restricting device shall be based upon the size of the customer's meter and the actual cost of installation.

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(3) The flow-restricting device shall remain installed until removed as authorized by the city manager. The charge for removal of the flow-restricting device and restoration of normal service shall be based on the city's actual cost. In addition, a surcharge of 50 percent of the most recent utility bill (exclusive of the sewer and refuse portion of the bill) shall be imposed for restoration of service. Both of these charges shall be payable by the customer as part of the utility bill. Restoration of service shall be performed during the hours of 8:00 a.m. to 4:00 p.m. on regular working days.

(5) For any violations after the fourth violation during a 12-month period, the city may discontinue water service to the customer at the location at which the violation occurred, or impose such other penalty as deemed appropriate by the city manager, until such time that the city manager determines that further violations are not likely to occur.

(64 Code, Sec. 33-92) (Ord. No. 2232)

SEC. 22-138. NOTICE TO CUSTOMER.

(A) The city shall provide notice of each violation of this article to the customer of the location at which the violation occurred, as follows:

(1) For a first violation, the city shall give written notice of the fact of such violation to the customer by personal service, by delivery through regular United States mail addressed to the customer's residence, or any other means reasonably designed to notify the customer of the violation.

(2) If a surcharge is to be assessed, or if the installation of a flow restricter is scheduled, or the discontinuance of water service to the customer for any period of time may occur, advance notice shall be given in the following manner:

(a) Written notice to the customer by personal service;

(b) If the customer is absent from or unavailable at either the customer's residence or place of business, by leaving a copy of the notice with an adult at either location, and by delivery of the notice through regular United States mail addressed to the customer at either the customer's place of business or residence; or

(c) If such residence and place of business cannot be ascertained, or an adult cannot be found at the location of the violation, then by affixing a copy of the notice in a conspicuous place at the location where the violation has occurred, and by delivery of a copy of the notice through regular United States mail addressed to the customer at the customer's billing address and to the subject location.

(B) All notices shall contain, in addition to the facts of the violation, a statement of the possible remedies for each violation, a statement informing the customer of his/her right to an administrative hearing on the violation, when the surcharge shall be assessed, and the date and time the water flow shall be restricted, or the water service discontinued.

(64 Code, Sec. 33-93) (Ord. No. 2232)

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SEC. 22-139. RIGHT TO HEARING.

(A) Any customer against whom a surcharge is to be assessed on whose water service is scheduled for flow restriction, or whose water service may be discontinued, shall have a right to a hearing to be conducted by a person selected by the city manager. The customer shall file the written request for a hearing with the city manager's designee within 15 days of the date of notification of the violation and intended remedy. The imposition of any remedy shall be stayed until any such hearing is conducted and a written decision is made by the city manager's designee and written notice of the decision is delivered to the customer by any means specified in section 22-138(A)(2).

(B) (1) The hearing shall be conducted promptly following the request for hearing. The customer may present any relevant evidence at the hearing which tends to show that the alleged violation has not occurred.

(2) The formal rules of evidence shall not apply and all relevant evidence customarily relied upon by reasonable persons in the conduct of serious business affairs shall be admissible, unless a sound objection warrants its exclusion.

(3) The decision of the city manager's designee shall be final and exhaust the administrative process.

(64 Code, Sec. 33-94) (Ord. No. 2232)

SEC. 22-140. RESTORATION OF DISCONTINUED WATER SERVICE.

When water service is discontinued, the service shall be restored upon the following conditions:

(A) Proof submitted by the violator of correction of the condition or activity satisfactory to the city manager; and

(B) Payment of the estimated restoration charge, including the cost of any inspection fees or required staff time, and all other fees and charges still outstanding, including, but not limited to, surcharges and/or installation and removal charges for flow restricters.

(64 Code, Sec. 33-95) (Ord. No. 2232)

SEC. 22-141. LIMITATIONS ON CURTAILMENT.

Nothing contained in this article shall be construed to allow the city to curtail the supply of water to any customer when, in the discretion of the city manager or Ventura County Environmental Health Department, such water is required by that customer to maintain a minimum level of public health and safety.

(64 Code, Sec. 33-96) (Ord. No. 2232)

SEC. 22-142. ENFORCEMENT PERSONNEL.

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The employees of the police department, fire department, building division, code enforcement division and other designated persons shall be responsible for enforcement of the various sections of this article under their respective authority or as is specifically assigned to them by the city manager.

(64 Code, Sec. 33-97) (Ord. No. 2232)