

**ORDINANCE NO. 1697(22)**

**An Urgency Ordinance of the City Council of the City of Lompoc,  
County of Santa Barbara, State of California,  
Amending Certain Subsections of Section 13.04.060  
of the Lompoc Municipal Code Relating to  
Prohibitions and Restrictions on the Use of Water**

**WHEREAS**, California is currently experiencing its driest year to date over the past 128 years; and

**WHEREAS**, on March 28, 2022, Governor Newsom issued a state of emergency proclamation under the California Emergency Services Act determining that statewide drought conditions will likely continue for the foreseeable future and additional actions are needed by the State Water Resources Control Board (SWRCB) and local water suppliers to further promote water conservation throughout the State of California; and

**WHEREAS**, on June 6, 2022, the SWRCB submitted Emergency Regulation File No. 2022-0606-003(E) to the Office of Administrative Law (OAL) to adopt Subsection 996 in Title 23 of the California Code of Regulations pertaining to drought emergency water conservation; and

**WHEREAS**, on June 10, 2022, the OAL approved the adoption of Emergency Regulation No. 2022-0606-03(E), effective from June 10, 2022, through June 10, 2023; and

**WHEREAS**, Emergency Regulation No. 2022-0606-03(E) requires urban water suppliers to submit preliminary supply and demand assessments to the Department of Water Resources and to implement Level 2 demand reduction actions with the intention of reducing water demand by 10 to 20 percent; and

**WHEREAS**, Emergency Regulation No. 2022-0606-03(E) also bans the irrigation of non-functional turf with potable water in commercial, industrial and institutional sectors; and

**WHEREAS**, the City of Lompoc (City) is an urban water supplier and has maintained an extensive water conservation program since 1990 due to cyclical droughts in California; and

**WHEREAS**, the City has adopted prohibitions and restrictions on the use of water in Section 13.04.060 of the Lompoc Municipal Code (LMC); and

**WHEREAS**, the City has adopted a Water Shortage Level Crosswalk in its 2020 Urban Water Management Plan and currently enforces locally appropriate Level 1 demand reduction actions which complies with the standard Level 2 shortage range; and

**WHEREAS**, amending the City's prohibitions and restrictions on the use of water defined in LMC 13.04.060 to ensure they are consistent with Emergency Regulation No. 2022-0606-03(E) will support the State of California's water conservation goals.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Subsection A.8. is hereby added to LMC Section 13.04.060, to read as follows:

8. The use of potable water for the irrigation of non-functional turf at commercial, industrial, and institutional sites; and provided, further, that the prohibition in this subsection shall not apply to trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.

**SECTION 2.** Subsections 13.04.060 E. through H. of the LMC are amended, and subsection I. is added, to read as follows (underlined text is added; stricken text is deleted):

- ~~E.~~ The Utility Director or his or her designee may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.
- ~~E-F.~~ All development plans submitted for newly constructed residential, commercial, industrial, and public buildings shall comply with current State of California plumbing codes with regard to water conservation.
- ~~F-G.~~ Violation of this Section shall be an infraction with a warning given for the first violation; a fine not exceeding \$50.00 for a second violation within one year; a fine not exceeding \$100.00 for a third violation within one year; and a fine not exceeding \$250.00 for each additional violation within one year. Alternatively, any violation of this Section is punishable by administrative penalty pursuant to Chapter 1.36.
- ~~G-H.~~ The Utility Director or his or her designee may shut off the water service to any property where a violation of this Section occurs, and the City's usual reconnection charge shall be applied upon resumption of service.

~~H.I.~~ The provisions of this Section shall prevail and control in the event of any inconsistency between this Section and any other rule, regulation, ordinance, or code of this City.

**SECTION 3.** Effective Date. This Ordinance is effective on the day of its adoption.

**SECTION 4.** Except as expressly modified pursuant to this ordinance, all other subsections of LMC section 13.04.060 remain unmodified and in full force and effect.

**SECTION 5.** In accordance with Government Code section 36937, this ordinance is effective immediately, as is necessary for the immediate preservation of the public peace, health, and safety. The facts constituting the urgency are that the State OAL approved the emergency regulatory action by the State Water Resources Control Board, based on continued drought conditions. Accordingly, it is necessary the regulations set forth in this ordinance be effective immediately in order to protect the supply of water for human consumption, sanitation and fire protection. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this ordinance and shall cause this ordinance to be posted in the manner required by law.

The foregoing Ordinance was proposed by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on August 2, 2022, by the following vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

\_\_\_\_\_  
Jenelle Osborne, Mayor  
City of Lompoc

ATTEST:

\_\_\_\_\_  
Stacey Haddon, City Clerk  
City of Lompoc