

**ORDINANCE NO. 455
AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WHEATLAND
ADOPTING WHEATLAND MUNICIPAL CODE CHAPTER 13.54
CONCERNING WATER CONSERVATION PROGRAM**

The City Council of the City of Wheatland does ordain as follows:

SECTION 1. Purpose and Authority. The purpose of this ordinance is to adopt a water conservation program. This ordinance is adopted pursuant to California Constitution chapter 11, sections 7 and 9, Water Code sections 375 to 378, and other applicable law.

SECTION 2. Findings. The City Council finds and determines as follows:

A. California Constitution chapter 10, section 2 declares that the waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare.

B. Conservation of the City water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare. Regulation of the time of certain water use, the manner of certain water use, the method of application of water for certain uses, and the installation and use of water-saving devices provide an effective and immediately available means of conserving water.

C. Water Code sections 375 to 378 authorize the City to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program.

D. California and the Sacramento Valley are experiencing a serious multi-year drought. The City Council finds that it is necessary and appropriate to adopt this water conservation program in order to conserve the City water supply and establish a program and regulations for the City to address future drought and water supply reduction situations.

E. The City Council has conducted a noticed public hearing regarding this proposed ordinance as required by law.

SECTION 3. Chapter Adopted. Wheatland Municipal Code chapter 13.54 is adopted to read as follows:

Chapter 13.54

WATER CONSERVATION PROGRAM

Sections:

13.54.010	Purpose
13.54.020	Declaration of drought and determination of drought stage regulations
13.54.030	Normal water conditions

13.54.040	Stage 1, water watch
13.54.050	Stage 2, water alert
13.54.060	Stage 3, water emergency
13.54.070	Stage 4, water crisis
13.54.080	Fire and other emergencies
13.54.090	Unlawful to violate sections
13.54.100	Enforcement measures

13.54.010. Purpose and Applicability. This chapter is enacted to establish the city plan and program to respond to drought conditions. It establishes normal water use condition restrictions and a four-stage plan to be implemented during times of a declared drought to accomplish water conservation. The plan establishes four levels of drought response restrictions and actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies. Stage 1, water watch, is intended to achieve a 10% reduction in normal water consumption. Stage 2, water alert, is intended to achieve a 20% reduction. Stage 3, water emergency, is intended to achieve a 30% reduction. Stage 4, water crisis, is intended to achieve a 40% reduction. The chapter applies to any person using the city water supply, who will be referred to as a water consumer.

13.54.020. Declaration of drought condition and determination of drought stage regulations.

A. The city council may, by resolution and after a noticed public hearing, declare that drought conditions exist within the city. Notice of the public hearing shall be given by posting in three public places in the city at least seven days prior to the date of the public hearing. Based on the seriousness of the drought conditions, the city council also will determine whether the Stage 1, 2, 3 or 4 regulations included in this chapter shall become operative and shall remain in full force and effect until the council, by resolution, determines that a different stage is appropriate or that the drought conditions have ceased.

B. A Stage 1 drought condition may be declared in a single-year drought or when there are minimal water supply impairments. A Stage 2 drought condition may be declared when there is a notable water supply reduction, a multi-year drought, or a water shortage condition declared by the City Engineer. A Stage 3 drought condition may be declared when there are substantial water supply reductions or water system impairment, a multi-year drought, or a water shortage or drought emergency declared by the federal or state government. A Stage 4 drought condition may be declared when there are catastrophic water supply reductions or water system impairment or a multi-year drought.

13.54.030. Normal water use conditions. This section applies when the city council has not adopted a resolution under section 13.54.020 declaring that drought conditions exist. All water consumers are encouraged to be aware of water consumption and use water wisely. Water consumers must comply with the following restrictions:

A. Water shall not be wasted. Wasting water includes the watering of landscapes in a manner or to an extent that allows substantial amounts of water to run off the area being watered.

B. When washing down or spraying paved surfaces (including sidewalks, driveways, parking lots, and patios), buildings, structures, vehicles, boats or equipment with a hose, the hose must be equipped with a positive shut-off nozzle.

C. Repair all water leaks within the water consumer's water and irrigation system within a reasonable period time after the leak has been detected.

13.54.040. Stage 1, water watch. The section applies when the city council has adopted a resolution under section 13.54.020 declaring a Stage 1 drought condition. All water consumers shall comply with the following mandatory water conservation measures and restrictions:

A. When washing down or spraying paved surfaces (including sidewalks, driveways, parking lots, and patios), buildings, structures, vehicles, boats or equipment with a hose, the hose must be equipped with a positive shut-off nozzle.

B. When irrigating with a sprinkler system, do not allow water to runoff the property into the street or sidewalk or onto adjacent property and do not overspray onto non-targeted areas such as adjacent property, non-irrigated areas, hardscapes, streets, sidewalks or structures.

C. Landscape irrigation and watering is permitted only between 7:00 p.m. and 10:00 a.m.

D. Repair all water leaks within the water consumer's water and irrigation system within five days after written notification by the City unless other arrangements are made with the City Manager.

As an additional voluntary measure, restaurants and other food service establishments should consider serving and refilling water only upon request.

13.54.050. Stage 2, water alert. The section applies when the city council has adopted a resolution under section 13.54.020 declaring a Stage 2 drought condition. All water consumers shall comply with the mandatory water conservation measures and restrictions in this section. The Stage 1 drought response water conservation measures and restrictions also apply, except as modified by this section.

A. Landscape irrigation and watering is permitted only from 12-midnight to 10:00am and from 7:00pm to 12-midnight and no more frequently than two days per week. The City Manager is authorized and directed to establish a landscape irrigation schedule for different areas throughout the City and to notify residents about their water and no-water days.

B. Irrigate no longer than 30 minutes per watering zone or station per water-day.

C. Landscape irrigation and watering is prohibited during and within 48 hours after measurable rainfall.

D. Repair all water leaks within the water consumer's water and irrigation system within 72 hours after written notification by the City unless other arrangements are made with the City Manager.

E. When using water for construction-related purposes, use recycled or non-potable water when available.

13.54.060. Stage 3, water emergency. The section applies when the city council has adopted a resolution under section 13.54.020 declaring a Stage 3 drought condition. All water consumers shall comply with the mandatory water conservation measures and restrictions in this section. The Stage 1 and 2 drought response water conservation measures and restrictions also apply, except as modified by this section.

A. The use of running water from a hose, pipe, or faucet for the purpose of cleaning or washing down paved surfaces (including sidewalks, driveways, parking lots, and patios), buildings, structures, vehicles, boats or equipment is prohibited. Vehicles, boats and equipment may be washed only if using a bucket and hose equipped with a positive shut-off nozzle.

B. Landscape irrigation and watering is permitted only from 12-midnight to 10:00am and from 7:00pm to 12-midnight and no more frequently than two days per week from June through October and one day per week November through May. The City Manager is authorized and directed to establish a landscape irrigation schedule of the days per week for the different seasons and for different areas throughout the City and to notify residents about their water and no-water days.

C. Irrigate no longer than 10 minutes per watering zone or station per water-day.

D. Restaurants and other food service establishments shall serve and refill water only upon request.

E. Repair all water leaks within the water consumer's water and irrigation system within 48 hours after written notification by the City unless other arrangements are made with the City Manager.

F. Upon the approval of the City Engineer, the City may deny new water service connections to new construction and the issuance of water "will-serve" letters regarding proposed construction or development.

G. Such other and further regulations as the city council may determine and approve in the resolution adopted under section 13.54.020.

13.54.070. Stage 4, water crisis. This section applies when the city council has adopted a resolution under section 13.54.020 declaring a Stage 4 drought condition. All water consumers shall comply with the mandatory water conservation measures and restrictions in this section. The Stage 1, 2 and 3 drought response water conservation measures and restrictions also apply, except as modified by this section.

A. The use of running water from a hose, pipe, or faucet for the purpose of cleaning or

washing down paved surfaces (including sidewalks, driveways, parking lots, and patios), buildings, structures, vehicles, boats or equipment is prohibited.

B. Landscape irrigation and watering is prohibited, except as permitted by the Fire Chief as appropriate to prevent fire hazards.

C. Repair all water leaks within the water consumer's water and irrigation system within 24 hours after written notification by the City unless other arrangements are made with the City Manager.

13.54.080. Fire and other emergencies. Nothing in this chapter shall apply to the use of water for purposes of extinguishing fires or responding to other emergency condition.

13.54.090. Unlawful to violate sections. Upon adoption of a resolution by the city council declaring a Stage 1, 2, 3 or 4 drought condition and making operative that the applicable water conservation measures and restrictions, it shall be unlawful for any person to fail to comply or otherwise violate any section or provision of the operative section or sections of this chapter.

13.54.100. Enforcement measures.

A. Each violation of this chapter may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by a fine not exceeding \$1,000, or by both, as provided in Water Code section 377.

B. Administrative penalties may be levied for each violation of this chapter in accordance with Wheatland Municipal Code chapter 1.18.

C. For a violation of this chapter during a declared Stage 3 or 4 drought condition, the City may terminate water service to the property where the violation occurs.

D. Each day that a violation of this chapter occurs is a separate offense.

E. The remedies provided in this section are cumulative and are in addition to all other remedies provided by law.

F. The City Manager is authorized to adopt and implement enforcement guidelines for City staff consistent with this section, which guidelines may incorporate progressive enforcement and penalty principles.

SECTION 4. This ordinance shall take effect immediately upon adoption pursuant to Water Code section 376.

SECTION 5. Within 10 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

INTRODUCED by the City Council on the 12th day of May 2015.

PASSED AND ADOPTED by the City Council of the City of Wheatland on the 9th day of June 2015 by the following vote:

AYES: Pendergraph, Henderson, Coe, McIntosh, West

NOES:

ABSTAIN:

ABSENT:



Rick West, Mayor

Attest:



Lisa J. Thomason, City Clerk

I hereby certify that the foregoing is a true and correct copy of City of Wheatland Ordinance No. 455, which ordinance was duly introduced, adopted and posted pursuant to law.



Lisa J. Thomason, City Clerk