

ORDINANCE 16-01

AN ORDINANCE OF THE COUNCIL OF THE CITY OF TULARE AMENDING
TITLE 7 OF THE MUNICIPAL CODE BY AMENDING CHAPTER 7.32
WATER CONSERVATION

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TULARE AS FOLLOWS TO
WIT:

SECTION 1: Title 7 of the Tulare Municipal Code is hereby amended to amend
Chapter 7.32 as follows:

Chapter 7.32 – Water Conservation

Section(s)

- 7.32.010 Purpose.
- 7.32.020 Short title.
- 7.32.030 Authorization.
- 7.32.040 Application.
- 7.32.050 Prohibition on water waste.
- 7.32.060 Outdoor water use – Water conservation stages.
- 7.32.070 Exemptions.
- 7.32.080 Violation – Penalties.

§ 7.32.010 Purpose.

It is the purpose and intent of the ordinance codified in this chapter to eliminate water waste and to minimize outdoor water use and to control unnecessary consumption of the available potable water supplies in the city.

§ 7.32.020 Short title.

The Ordinance codified in this chapter shall be known as the “Water Conservation Ordinance of the City of Tulare”.

§ 7.32.030 Authorization.

The City of Tulare Board of Public Utilities, upon the recommendation of the City Manager, is hereby authorized and directed to implement the applicable provisions of this chapter upon the board’s determination supported by its findings that the implementation is necessary to protect the public welfare and safety including without limitation, the status of the City’s long or short term water supply and water quality or in response to mandates from the State of California.

§ 7.32.040 Application.

The provisions of this chapter shall apply to all persons, customers and property within the limits of the city, and shall be included in any contract pertaining to the provision of water services outside of the City limits.

§ 7.32.050 Prohibition on water waste.

The following uses of water are defined as a “waste of water” and are hereby prohibited, except as otherwise authorized:

- (A) The use of water which allows excess water run off to a gutter, ditch or drain. Excess water runoff is runoff in such quantities that the water runoff is capable of flowing or moving in more than droplets on the impervious surface. Every water user is deemed to have his or her water distribution lines and facilities under his or her control at all times and to know the manner and extent of his or her water use and excess runoff.
- (B) The excessive use, loss or escape of water through breaks, leaks or malfunctions in the water user’s plumbing or distribution facilities after such an event should reasonably have been discovered and corrected. It shall be presumed that a period of 48 hours after discovery is a reasonable time within which to correct the defect causing the water waste to occur.
- (C) The washing of vehicles, building exteriors, sidewalks , driveways, parking areas, tennis courts, patios or other paved areas without the use of a positive shut-off nozzle on the hose, which results in excessive runoff, except where necessary in an emergency or to abate a danger to public health and safety. The watering of lawns, ground cover and shrubbery in violation of the Stage then in effect, as described in this ordinance in section 7.32.060.
- (D) Irrigation within 48 hours of rain event even if it is a designated watering day.

§ 7.32.060 Outdoor water use – Water conservation stages.

No person subject to this ordinance shall knowingly make, cause, use or permit the use of water for residential, commercial, industrial, government or any other purpose in a manner contrary to any provision of this chapter, or in an amount in excess of that use permitted by the conservation stage described immediately below then in effect as determined and declared by the board. Using the City’s water consumption in 2013 (as defined with regard to the Governor’s Water Emergency Executive Order #B-29-15 dated April 1, 2015) under Stage 2 as the baseline, the City’s water conservation targets for each Stage is as follows: Stage 3 (35%), Stage 4 (50%), Stage 5 (over 50%).

- (A) **Stage 1, Voluntary Compliance, Water Alert Condition.** The following restrictions shall apply to all persons year round unless removed by the board

declaring implementation of either Stage 2 or Stage 3 or Stage 4. Upon the board removing all of Stages 2 – 4, Stage 1 shall be in effect.

- (1) Irrigation utilizing permanently installed automatic sprinkler system of lawn, gardens, landscaped areas, trees, shrubs or other plants is prohibited between the hours of 10:00 a.m. and 6:00 pm. Irrigation of lawns, gardens, landscaped areas, trees, shrubs or other plants is permitted at any time if:
 - (a) A hand-held faucet filled bucket of five gallons or less is used; or
 - (b) A drip irrigation system is used.
- (2) Irrigation utilizing individual sprinklers not on automatic timing device may be used between the hours of 6:00 a.m. and 10:00 a.m. and/or between the hours of 6:00 p.m. and 10:00 p.m.
- (3) The washing of automobiles, trucks, trailer, boats, airplanes and other types of mobile equipment is permitted only when using a hand-held hose equipped with a positive shutoff nozzle for quick rinses.
- (4) The operation of any ornamental fountain or other water feature structure making similar use of water is prohibited unless the fountain uses a recycling system, such as an electric pump. Water features are any structure other than a swimming pool or spa (as defined in California Health and Safety Code Section 115921) that use, receive or discharge water for other than irrigation or human or animal consumption.
- (5) The washing of sidewalks, driveways, parking areas, courts, patios or other paved areas is only permitted when using a hose equipped with a positive shut-off nozzle.
- (6) All restaurants are requested to serve water to customers only when specifically requested by customers.
- (7) Notwithstanding the provisions above, commercial nurseries, commercial sod farmers, and public parks are exempt from Stage 1 irrigation restrictions, but will be requested to curtail all nonessential water use. All persons, customers and property within the limits of the city shall not commit water waste as identified in 7.32.050 (A).

(B) **Stage 2, Mandatory Compliance, Water Warning Condition.** In addition to all of the provisions included in Stage 1, the following restrictions shall apply upon the board declaring implementation of Stage 2:

- (1) All outdoor irrigation shall occur only between the hours of 6:00 p.m. and 10:00 a.m. on designated days.
- (2) Dwellings or establishments with even-numbered street addresses shall water only on Wednesday, Friday and Sunday, subject to the time restrictions set forth above.

- (3) Dwelling or establishments with odd-numbered street addresses shall water only on Tuesday, Thursday and Saturday subject to the time restrictions set forth above.
- (4) Monday is a non-watering day unless an exemption is on file with the Public Works Department.
- (5) The washing of sidewalks, driveways, parking area, courts, patios or other paved area is absolutely prohibited.
- (6) The use of water for irrigation of golf greens and tees is permitted only on designated irrigation days between the hours of 8:00 p.m. and 10:00 a.m.
- (7) Any person found violating and portion of Stage 2 mandatory compliance more than once will be subject to penalties. All persons, customers and property within the limits of the city shall not commit water waste as identified in 7.32.050 (A).

(C) **Stage 3, Mandatory Compliance, Water Emergency Condition.** In addition to all of the provisions included in Stage 1 and in Stage 2, the following restrictions shall apply upon the board declaring implementation of Stage 3:

- (1) No outdoor irrigation allowed the months of: December and January.
- ~~(2) For the months watering is allowed: All outdoor irrigation shall occur only two (2) days per week as described in section 7.32.060 (C) (1) – (2), between 12:01 a.m. and 7:00 a.m. then again between 7:00 p.m. and 11:59 pm. On the permitted watering days specified in section 7.32.060 (C)(1) – (2) All persons, customers and property within the limits of the city shall not commit water waste as identified in 7.32.050 (A).~~
- (2) *For the months watering is allowed: All outdoor irrigation shall occur only three (3) days per week as described in section 7.32.060 (C) (3) – (4), between 10:00 p.m. and 4:00 a.m. then again between 9:00 a.m. and 11:00a.m. On the permitted watering days specified in section 7.32.060 (C)(3) – (4) All persons, customers and property within the limits of the city shall not commit water waste as identified in 7.32.050 (A).*
- (3) Dwelling or establishment with even-numbered street addresses shall water only on Wednesday, Friday, and Sunday, subject to the permitted time restrictions set forth above.
- (4) Dwelling or establishments with odd-numbered street addresses shall water only on Tuesday, Thursday, and Saturday, subject to the permitted time restrictions set forth above.
- (5) Monday, will be a non-watering day, unless an approved or conditionally approved exemption is on file with the Public Works Department.
- (6) The washing of sidewalks, driveways, parking areas, courts, patios or other paved area is prohibited unless an approved or conditionally approved exemption is on file with the Public Works Department. In addition, the following prohibitions will apply:
 - (a) The washing of automobiles, trucks, trailer, boats, airplanes and other types of mobile equipment is permitted only when using a

hand-held hose equipped with a positive shutoff nozzle for quick rinses and on permitted watering days. No fund raising car washes will be permitted unless an approved or conditionally approved exemption is on file with the Public Works Department.

- (b) Use of water from fire hydrants shall be limited to fire fighting and/or testing activities necessary to maintain the health, safety and welfare of the citizens of Tulare.
- (c) Commercial nurseries and commercial sod farms, golf courses, cemeteries, City Parks and other large lawn areas will reduce their water consumption by 35%.
- (d) The Draining and subsequent refilling of swimming pools, wading pools and /or spas is only permitted upon the obtaining of a permit issued by the City of Tulare and the payment of the applicable processing fee, and such permits will be issued no more frequently than one time per-year except in the case of damage to the structure where the repairs require drainage and refilling as part of the repair.

- (7) Any person found violating any portion of Stage 3 mandatory compliance will have one (1) warning, on the second will be subject to penalties.

(D) **Stage 4, Mandatory Compliance, Water Emergency Condition. Drought Emergency.** In addition to all of the provisions included in Stages 1 - 3, the following restrictions shall apply upon the board declaring implementation of Stage 4:

- (1) **No outdoor irrigation in the months of :** November, December, January, and February
- (2) **For the months watering is allowed:** All outdoor irrigation shall be allowed only ONE DAY PER WEEK on the permitted watering days described in sections 7.032.060 (D) (2) – (3). All persons, customers and property within the limits of the city shall not commit water waste as identified in 7.32.050 (A).
- (3) Dwellings or establishments with even- numbered addresses can water landscapes on SUNDAY ONLY.
- (4) Dwellings or establishments with odd- numbered addresses can water landscape on SATURDAY ONLY.
- (5) Monday, Tuesday, Wednesday, Thursday and Friday, are non-watering days unless an approved or conditionally approved exemption is on file with the Public Works Department.
- (6) The washing down of sidewalks, driveways, parking areas, courtyards, patios, or any other paved area is prohibited.
- (7) The washing of automobiles, trucks, trailer, boats, airplanes and other types of mobile equipment is permitted only when using a hand-held hose equipped with a positive shutoff nozzle for quick rinses and on permitted watering days.

- (8) Commercial nurseries and commercial sod farms, golf courses, cemeteries, City Parks and other large lawn areas will reduce their water consumption by 50%.
 - (9) Lodging establishments must offer customers the option to not receive linen service between the days of their stay.
 - (10) Restaurants shall not serve customers with water unless specifically requested by their customers that water be served, and commercial kitchens are required to use pre-rinse spray valves.
- (E) Stage 5, Mandatory Compliance, Water Extreme Emergency Condition. Extreme Drought Emergency. In addition to all of the provisions included in Stages 1-4, the following restrictions shall apply upon the board declaring implementation of Stage 5.
- (1) Dwellings or establishments with even- numbered addresses can hand water trees and large shrubs on SUNDAY ONLY, between the hours of 7:00 a.m. – 11:59 p.m.
 - (2) Dwellings or establishments with odd- numbered addresses can hand water trees and large shrubs on SATURDAY ONLY, between the hours of 7:00 a.m. – 11:59 p.m.
 - (3) The washing of automobiles, trucks, trailers, boats, airplanes and any other types of mobile equipment not occurring upon the immediate premises of commercial car washes and commercial services centers. No fundraising car washes will be permitted unless an approved or conditionally approved exemption is on file with the Public Works Department.

§ 7.32.070 Exemptions.

Exemptions from any provision of this ordinance may be requested upon the filing of an application and the payment of the application processing fee. The Public Works Director will, within 30 days after submission of the completed application either reject the request, or approve or conditionally approve the application upon a finding that such an exemption is within the intent of this ordinance and that unusual circumstances make it otherwise impossible or commercially infeasible for the applicant to comply. Where no decision is issued the request will be deemed denied. Appeals of an adverse decision by the Public Works Director may be taken to the board for final decision.

§ 7.32.080 Violations—Penalties.

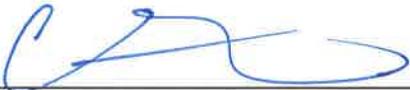
Any person violating any provision of this chapter shall be subject to penalties and fees as determined by the board by resolution or by the City Council by ordinance or resolution. All remedies provided for herein shall be cumulative and not exclusive.

SECTION 2: If any provision of the Tulare Municipal Code or Title 7 of the Ordinance Code of Tulare County (as applied through Section 7.32, et. seq. of this Code) whether

approved or adopted prior to or subsequent to this Chapter 7.32 is in conflict with the provisions of this Chapter 7.32, the provisions of this Chapter shall govern.

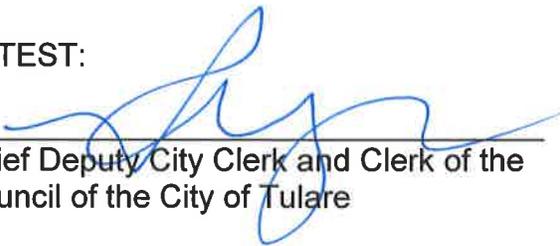
SECTION 3: This ordinance shall be in full force and effect thirty (30) days from and after its passage, adoption and approval.

PASSED, ADOPTED AND APPROVED this 16 day of Feb, 2016.



Pro Tem President of the Council and Ex-Officio Mayor
of the City of Tulare

ATTEST:



Chief Deputy City Clerk and Clerk of the
Council of the City of Tulare

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF TULARE)

I, DON DORMAN, City Clerk of the City of Tulare and Clerk of the Council of said city, do hereby certify that at a regular meeting of said City Council held on the **2nd day of January 2016**, the foregoing **Ordinance No. 16-01** was duly and regularly introduced, passed-to-print and ordered published in the Tulare Advance Register, a newspaper of general circulation published in the City of Tulare, by the following vote:

AYES:	COUNCIL MEMBERS:	Shea Gowin Maritsa Castellanoz Craig Vejvoda Carlton Jones David Macedo
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

DON DORMAN, CITY CLERK

BY: 

Chief Deputy City Clerk and Clerk
Of the Council of the City of Tulare



ORDINANCE NO. 16-01

Summary of Ordinance:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF TULARE AMENDING
TITLE 7 OF THE MUNICIPAL CODE BY AMENDING CHAPTER 7.32
WATER CONSERVATION**

It is the purpose and intent of the ordinance codified in this chapter to eliminate water waste and to minimize outdoor water use and to control unnecessary consumption of the available potable water supplies in the city.

Copy of full ordinance will be made available at the office of the City Clerk, City Hall, 411 East Kern Avenue, Tulare.

**STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF TULARE)**

I, DON DORMAN, City Clerk of the City of Tulare and Clerk of the Council of said city, do hereby certify that at a regular meeting of said City Council held on the **2nd day of January 2016**, the foregoing **Ordinance No. 16-01** was passed-to-print and ordered published in the Tulare Advance Register, a newspaper of general circulation published in the City of Tulare, by the following vote:

AYES:	COUNCIL MEMBERS:	Shea Gowin Maritsa Castellanoz Craig Vejvoda Carlton Jones David Macedo
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

DON DORMAN, CITY CLERK

BY: Roxanne Yoder
Chief Deputy City Clerk and Clerk
of the Council of the City of Tulare



STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF TULARE)

I, DON DORMAN, City Clerk of the City of Tulare and Clerk of the Council of said city, do hereby certify that the foregoing **Ordinance No. 16-01** was duly adopted by the City Council of said city and was signed by the President of said Council at a regular meeting of said City Council held on the **16th day of February, 2016** and was approved by the following vote:

AYES:	COUNCIL MEMBERS:	Shea Gowin Maritsa Castellanoz Craig Vejvoda Carlton Jones
NOES:	COUNCIL MEMBERS:	N/A
ABSTAIN:	COUNCIL MEMBERS:	N/A
ABSENT:	COUNCIL MEMBERS:	David Macedo

DON DORMAN, CITY CLERK

BY: _____

Chief Deputy City Clerk and Clerk
Of the Council of the City of Tulare

