

**ORDINANCE NO. 2015-002**  
**(Urgency Ordinance)**

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REEDLEY  
AMENDING SECTION 8-1-12 OF THE REEDLEY MUNICIPAL CODE PERTAINING TO  
THE CITY'S WATER CONSERVATION PROGRAM

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

**Section 1.** Findings. The City Council of the City of Reedley hereby makes the following findings.

1. The Governor of the State of California has declared a State of Emergency to exist throughout the State of California due to severe drought conditions.
2. On April 1, 2015, the Governor issued Executive Order B-29-15, which directed the State Water Resources Control Board (Water Board), to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016.
3. The Water Board has adopted its final regulations, to be effective June 1, 2015, which require the City of Reedley to reduce water usage by 24% as compared to the amount used in 2013.
4. In order to be able to satisfy the State's mandatory reduction in water usage the City must amend its Municipal Code to modify the City's current water conservation program and provide additional methods for the City to impose and enforce restrictions on water use to meet current and future State mandates, respond to drought emergencies, and protect the public health, safety and welfare.
5. Modifying the water conservation program to include levels of increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies will help the City conserve current water supplies and minimize the effects of water supply shortages.
6. Applicable law, including but not limited to California Water Code section 375, authorizes the City to adopt and enforce modifications to the City's current water conservation program to reduce the amount of water used in the City by regulating the time, manner, and application of certain water use.
7. In adopting this urgency ordinance, the City Council finds that it is needed for the immediate preservation of the public peace, health, and safety. This finding is based upon the State of Emergency declared by the Governor for drought conditions, the adopted Water Board regulations that mandate Reedley reduce water usage by as much as 24%, and the need to begin taking steps to meet that reduction in water usage before a regular ordinance can be adopted and made effective, all for the benefit of the community in addressing the drought, and as further supported by the preceding findings.

**Section 2.** Urgency Ordinance. Section 8-1-12 of the Reedley Municipal Code is hereby amended to read as follows:

**WATER CONSERVATION RESTRICTIONS:**

- A. Approved Water Conservation Restriction Level. Notwithstanding any other provision(s) of the Municipal Code, at least one of the following four (4) levels of water conservation restrictions shall apply at all times. The selected level shall be determined by resolution of the City Council based upon a recommendation by the Public Works Director. The current level and any change in level shall be communicated to the public by reasonable means to insure compliance, including but not limited to posting on the City's website, publishing in a local newspaper, and notice included in water bills. All persons using water supplied by the City of Reedley shall comply with the following mandatory conservation measures as imposed by the City Council.
- B. Level 1 Water Conservation Restrictions. During the time in which Level 1 restrictions are imposed the following mandatory conservation measures shall apply:
1. Waste of Water Prohibition: The following uses of water are defined as "waste of water" and are hereby prohibited except as otherwise authorized.
    - a. The use of water which allows excess water to run off to a gutter, ditch, or drain. Every water user is deemed to have his water distribution lines and facilities under his control at all times and to know the manner and extent of his 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 for any period of time after such escape of water should reasonably have been discovered and corrected. It shall be presumed that a period of forty eight (48) hours after discovery is a reasonable time within which to correct such a leak or break.
    - c. The washing of vehicles, building exteriors, sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas without the use of a positive shutoff nozzle on the hose, which results in excessive runoff.
  2. Landscape Irrigation:
    - a. Installation of Lawn Sprinkling Systems: Lawn sprinkling system/devices shall be properly designed, installed, maintained and operated to prevent overuse of water.
    - b. Modifying Duration of Watering: The "water customer" shall modify watering duration and frequency schedules so that the sprinkler's application does not exceed the irrigated area's absorption rate and generate surface runoff.

- c. Hours of Irrigation: All outdoor irrigation of lawns, gardens, landscaped areas, plants, trees, shrubs, or other greenscape areas shall occur only between the hours of twelve o'clock (12:00) midnight and eight o'clock (8:00) a.m., and between eight o'clock (8:00) p.m. and twelve o'clock midnight on designated days during the summer watering schedule (see subsection d below). During the winter watering schedule (see subsection e below), water customers may water anytime during the designated day.
- d. Summer Watering Schedule (April 2 through October 30): All dwellings or establishments with even numbered street addresses (addresses ending with 0, 2, 4, 6, 8) shall water only on Wednesday, Friday and Sunday. Dwellings or establishments with odd numbered addresses (addresses ending with 1, 3, 5, 7, 9) shall water only on Tuesday, Thursday and Saturday. There shall be no watering on Mondays.
- e. Winter Watering Schedule (November 1 through April 1): All dwellings or establishments shall water only on Wednesday or Sunday. Specific irrigation times shall not be enforced. During rain events, water customers should turn automatic sprinkler timers off or place them on pause.

3. Exceptions:

- a. A written application for exception to subsections of this section shall be submitted to the Public Works Director. Exemptions may be granted if:
  - (1) Compliance with this section would cause unnecessary and undue hardship to the applicant, including, but not limited to, adverse economic impacts such as loss of production or jobs; or
  - (2) Compliance with this section would cause a condition adversely affecting the health, sanitation, fire protection, or safety of the applicant or the public.
- b. Commercial nurseries, public parks, cemeteries, and schools are exempt from subsections B.2.(c)-(e) of this section but will be requested to curtail all nonessential water use.

C. Level 2 Water Conservation Restrictions. During any time in which Level 2 restrictions are imposed the following mandatory conservation measures shall apply in addition to all non-conflicting Level 1 restrictions:

1. Washing paved surfaces is prohibited, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
2. Two Day Summer Watering Schedule (April 2 through October 30) for all residential and commercial landscape irrigation. All landscape irrigation watering in the City shall be limited to two days per week as follows: dwellings, establishments, and properties with even numbered street addresses (addresses ending in 0, 2, 4, 6, 8) shall water only on Wednesdays and Sundays. Dwellings, establishments, and properties with odd numbered addresses (addresses ending with 1, 3, 5, 7, 9) shall water only on Tuesdays and Saturdays. There shall be no outdoor landscape irrigation watering on Mondays, Thursdays, and Fridays.
2. All outdoor landscape irrigation watering shall be limited to using sprinklers for no more than ten (10) minutes per watering station. This provision does not apply to landscape irrigation systems using drip/micro-irrigation systems.
3. Hours of Irrigation: All outdoor irrigation of lawns, gardens, landscaped areas, plants, trees, shrubs, or other greenscape areas shall occur between the hours of twelve o'clock (12:00) midnight and eight o'clock (8:00) a.m. and between eight o'clock (8:00) p.m. and twelve o'clock midnight on designated days during both the summer and winter watering schedules.
4. Any outdoor watering of landscaped areas, including trees and shrubs located on residential and commercial properties, which are not irrigated by an automated landscape irrigation system shall be watered only by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.
5. No outdoor watering allowed within 48 hours after a measurable rain event.
6. Rain capture systems are encouraged and any associated building permits for such systems will be expedited and permit fees waived. An administrative processing fee will still be applicable.

D. Level 3 Water Conservation Restrictions. During any time in which Level 3 restrictions are imposed the following mandatory conservation measures shall apply in addition to all non-conflicting Level 1 and Level 2 restrictions:

1. The filling or re-filling of ornamental lakes or ponds shall be prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

2. The washing of vehicles is prohibited, except at commercial carwashes that recirculate water, or by high pressure/low volume wash systems.
3. All leaks detected in landscape irrigation systems or water systems shall be repaired within forty-eight (48) hours of notification by the City of Reedley unless other arrangements are made with the Public Works Director.
4. 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, except under the following circumstances:
  - a. A valid, unexpired building permit has been issued for the project; or
  - b. The project is necessary to protect the public's health, safety, and welfare; or
  - c. The applicant provides a substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new meter(s) to the satisfaction of the City of Reedley.

This provision 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 a period of one year or less.

**E. Level 4 Water Conservation Restrictions.** During any time in which Level 4 restrictions are imposed the following mandatory conservation measures shall apply in addition to all non-conflicting Level 1, Level 2, and Level 3 restrictions:

1. All landscape irrigation shall be prohibited, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use(s) unless the City of Reedley has determined that recycled water is available and may be lawfully applied to the use(s):
  - a. Maintenance of trees and shrubs that are watered on the same schedule set forth in subsection C.4. above by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;
  - b. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;
  - c. Maintenance of existing landscaping for erosion control;
  - d. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;
  - e. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that

such irrigation does not exceed two (2) days per week according to the schedule established under subsection C.2. above;

- f. Watering of livestock; and
- g. Public Works projects and activity irrigated environmental mitigation projects.

2. All leaks detected in landscape irrigation systems or water systems shall be repaired within twenty-four (24) hours of notification by the City of Reedley unless other arrangements are made with the Public Works Director.

F. Request for Exemption from Water Conservation Restrictions. Unless expressly excepted as noted in this Section, exemption from applicable requirements, restrictions, and/or prohibitions under this Section shall be subject to the approval of the Public Works Director after receipt of a written request for exemption, and may be granted only if the Public Works Director determines either of the following:

1. Compliance with this section would cause unnecessary and undue hardship to the applicant, including, but not limited to, adverse economic impacts such as loss of production or jobs; or
2. Compliance with this section would cause a condition adversely affecting the health, sanitation, fire protection, or safety of the applicant or the public.

G. Enforcement; Penalties. It is one of the objectives of the City Council of the City of Reedley that the citizens of Reedley are encouraged to voluntarily comply with this section. Therefore, in furtherance of said objective, the enforcement of this section shall be as follows:

1. First Violation: A verbal warning of such violation shall be issued by Public Works Department personnel or a designated official of the City of Reedley. Documentation shall be noted on the work order or complaint form retained by the City.
2. Second Violation: A written notice of such violation shall be issued by Public Works Department personnel or a designated official of the City of Reedley the Police Department personnel.
3. Third Violation: A written notice of such violation accompanied by an administrative citation and fine of \$200.00 in accordance with Section 1-12-8(A) of the Municipal Code.
4. Fourth and Subsequent Violations: A written notice of such violation accompanied by an administrative citation and fine of \$500.00 in accordance with Section 1-12-8(A) of the Municipal Code.
5. Fifth and Subsequent Violations: A written notice of such violation accompanied by an administrative citation and fine of \$1,000.00 in accordance with Section 1-12-8(A)

of the Municipal Code. Additionally, the notice may require termination of all water service to the customer. Water service termination shall be at the discretion of the Public Works Director. Restoration of water service after termination shall be at the discretion of the Public Works Director. Restoration of water service after termination shall be contingent on an agreement by the customer to adhere to the provisions of this section. Any and all costs incurred by the City to enforce termination of water service for shall be billed to and paid by the water customer.

6. Determination of Number of Violations. Violations of any provisions of this Section within any twelve (12) month period shall be deemed a next violation in the progressive violation schedule described above.

**Section 3.** This Ordinance shall take effect immediately upon adoption and be in full force and operation.

I hereby certify that the foregoing Ordinance No. 2015-002 was introduced and adopted at a regular meeting of the City Council held on May 26, 2015, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Ray Soleno, Mayor

ATTEST:

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Sylvia Plata, City Clerk