

ORDINANCE 2020-07

**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

- 7.32.010 Purpose.
- 7.32.020 Short title.
- 7.32.030 Authorization.
- 7.32.040 Application.
- 7.32.045 Definitions.
- 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 City’s long or short term water supply and water quality.

§ 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.

The provisions of this chapter do not apply to uses of water for essential government services such as police, fire, and other similar emergency services.

§ 7.32.045 Definitions.

For the purposes of this chapter, the following terms have the meanings set forth in this section.

- (A) "Commercial nursery" means the use of land, buildings or structures for the growing and/or storing of flowers, fruit trees, ornamental trees, vegetable plants, shrubs, trees and similar vegetation for the purpose of transplanting, for use as stock or grafting, and includes the retail sale or wholesale distribution of such items directly from the premises/lot.
- (B) "Drip irrigation system" means a non-spray, low pressure, and low-volume irrigation system utilizing emission devices with a precipitation or flow rate measured in gallons per hour (GPH), designed to slowly apply small volumes of water at or near the root zone of plants or other landscaping, and in no event, emits more than four (4) gallons of water per hour.
- (C) "Irrigation system" means the components of a system meant to apply water to an area for the purpose of irrigation, including, but not limited to, piping, fittings, sprinkler heads or nozzles, drip tubing, valves and control wiring.
- (D) "Large Landscape Area" means an area of vegetation at least three (3) acres in size supporting a business necessity or public benefit use such as parks, golf courses, schools and cemeteries.
- (E) "Rain event" means any amount of precipitation of more than one-tenth (1/10) of an inch (0.10").
- (F) "Ornamental landscape" means plants for the purpose of improving the aesthetic appearance of property, including but not limited to, tree shrubs, bushes, flowers, ground cover, turf, lawns, and grass, but does not include crops or other agricultural products or special landscape areas.
- (G) "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water within the limits of the City of Tulare.
- (H) "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape onto other areas.
- (I) "Sports Field" means a public or private facility improved with apparatus and/or striping supporting a public benefit use or business necessity that provides turf areas as playing surface for regularly scheduled individual and team sports, and does not include a facility on a residential property.
- (J) "Turf" means a ground cover surface of grass that can be mowed.
- (K) "Water feature" means a design element where open, artificially supplied water performs an aesthetic or recreation function, including, but not limited to, ponds, lakes, waterfalls, fountains and streams.

§ 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 their control at all times and to know the manner and extent of their 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 of ornamental landscape or other vegetated areas within 48 hours of a rain even if it is a designated watering day.

(E) Any watering or irrigation of ornamental landscape, turf, or other vegetated area between the hours of 11 a.m. and 6 p.m. on any day, except by the use of a hand-held bucket or similar container, a hand-held hose fitted with a positive shut-off nozzle or device that causes it to cease dispensing water immediately when not in use, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

(F) Installation of non-recirculating water systems in commercial car wash and laundry systems.

(G) The draining of swimming pools more than once every three years, except for structural repairs, chemical imbalance, or to comply with public health standards determined by the County Health Officer or City code enforcement officer. Any resident whose swimming pool is drained by order of the City or County for failure to maintain it properly will also be issued a notice of violation. The draining of pools for reasons of health and safety hazards as determined by a City officer or Department of Health is permitted. Pool drain permit applications due to structural repairs or chemical imbalance shall include the results of a pool water test conducted by an independent testing organization which shows a cyanuric acid level above 100 parts per million, total dissolved solids over 2,500 parts per million, or calcium over 450 parts per million, or a statement of repairs from a licensed pool contractor stating the nature and duration of repairs to be made and the date on which the pool will be drained.

(H) Operating a water feature that does not use recirculated water

(I) Food preparation establishments, such as restaurants or cafes, using non-water conserving dish-wash spray valves.

§ 7.32.060 Outdoor water use – Water conservation stages.

No person subject to this ordinance shall knowingly make, cause, use or permit the 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.

(A) **Stage 1, Mandatory 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) All outdoor irrigation shall occur only between the hours of 6 p.m. and 10 a.m. on designated days. Outdoor irrigation 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) 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) Dwellings 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 automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is permitted only when using a hand-held hose equipped with a positive shut-off nozzle for quick rinses.

(6) The washing of sidewalks, driveways, parking areas, courts, patios, or other paved areas is prohibited unless an approved or conditionally approved exemption is on file with the Public Works Department.

(7) 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 115921) that use, receive, or discharge water for other than irrigation, or human or animal consumption.

(8) All restaurants are requested to serve water to customers only when specifically requested by customers, and commercial kitchens are required to use pre-rinse spray valves.

(9) Lodging establishments must offer customers the option to not receive linen service between the days of their stay.

(10) The use of water for irrigation of golf greens and tees is permitted only on designated irrigation days between the hours of 8 p.m. and 10 a.m.

(11) Any person found violating any portion of Stage 1 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 7.32.50.

The foregoing restrictions do not apply to:

- a. Landscape irrigation zones that exclusively use drip irrigation systems.

- b. Irrigation of ornamental landscapes with the use of an attended hand-held bucket or similar container, or an attended hand-held hose equipped with a positive self-closing shut-off nozzle or device.
- c. Operation for very short periods of time for the express purpose of adjusting or repairing an irrigation system. A sign must be displayed notifying the public of the repairs while the area remains wet.
- d. Sports Fields and public and private golf course greens and tees may deviate from the mandatory irrigation day and time restrictions in order to maintain play areas and accommodated event schedules by submitting to the Public Works Director or designee an alternative watering schedule that reduces overall water use by 10% based on their respective 2013 consumption levels.
- e. Large Landscape Areas may deviate from the mandatory irrigation day restrictions by submitting to the Public Works Director or designee an alternative watering schedule that reduces overall water use by 10% based on their respective 2013 consumption levels. Applicants must reapply for the exception annually and provide documentation that the alternative watering schedule achieved the required water use reduction. Documentation may consist of water utility bills, pump electric utility bills, or other documentation that provides the required information.

(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) No outdoor irrigation allowed during the months of: December, January and February.

(2) For the months watering is allowed: All outdoor irrigation shall occur only three days per week as described in 7.32.060 (B) (3) - (4), between 12 a.m. and 4 a.m., then again between 9 a.m. and 11 a.m., and then again between 10 p.m. and 12 a.m. on the permitted watering days specified in 7.32.060 (B) (3) - (4). All persons, customers and property within the limits of the City shall not commit water waste as identified in 7.32.050.

(3) Dwellings or establishments with even-numbered street addresses shall water only on Wednesday, Friday, and Sunday, subject to the permitted time restrictions set forth above.

(4) Dwellings 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) Overseeding of lawns is prohibited. Exception is provided for maintenance of sports fields, and golf course greens and tees.

(7) The washing of sidewalks, driveways, parking areas, courts, patios, or other paved areas 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, trailers, boats, airplanes, and other types of mobile equipment is permitted only when using a hand-held hose equipped with a positive shut-off nozzle for quick rinses and on one permitted watering days. No fund-raising car washes will be permitted.

(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, sports fields, golf courses, cemeteries, city parks and other large lawn areas will reduce their water consumption by 25% based on their respective 2013 consumption levels.

(8) Any person found violating any 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 7.32.50.

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

(1) No outdoor irrigation allowed during the months of: November, December, January and February.

(2) For the months watering is allowed: All outdoor irrigation shall occur only two days per week as described in 7.32.060 (C) (3) - (4), between 12 a.m. and 4 a.m., then again between 9 a.m. and 11 a.m., and then again between 10 p.m. and 12 a.m. on the permitted watering days specified in 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.

(3) Dwellings or establishments with even-numbered street addresses shall water only on Wednesday and Sunday, subject to the permitted time restrictions set forth above.

(4) Dwellings or establishments with odd-numbered street addresses shall water only on Tuesday and Saturday, subject to the permitted time restrictions set forth above.

(5) Monday, Thursday and Friday are non-watering days, unless an approved or conditionally approved exemption is on file with the Public Works Department.

(6) Any person found violating any portion of Stage 3 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 7.32.50.

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

(1) No outdoor irrigation allowed during the months of: November, December, January, February and March.

(2) For the months watering is allowed: All outdoor irrigation shall occur only one day per week as described in 7.32.060 (D) (3) - (4), between 12 a.m. and 4 a.m., then again between 9 a.m. and 11 a.m., and then again between 10 p.m. and 12 a.m. on the permitted watering days specified in 7.32.060 (D) (3) - (4). All persons,

customers and property within the limits of the City shall not commit water waste as identified in 7.32.050.

(3) Dwellings or establishments with even-numbered street addresses can water landscapes on SUNDAY only.

(4) Dwellings or establishments with odd-numbered street addresses can water landscapes 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 areas is prohibited.

(7) Commercial nurseries and commercial sod farms, sports fields, golf courses, cemeteries, city parks and other large lawn areas will reduce their water consumption by 50% based on their respective 2013 consumption levels.

(9) Any person found violating any portion of Stage 4 mandatory compliance will be subject to penalties. All persons, customers and property within the limits of the City shall not commit water waste as identified in 7.32.50.

(E) **Stage 5, Mandatory Compliance, Water Extreme Emergency Condition, Extreme Drought Emergency.** In addition to all of the provisions included in Stages 1 through Stage 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 a.m. and midnight.

(2) Dwellings or establishments with odd-numbered addresses can hand-water trees and large shrubs on SATURDAY ONLY, between the hours of 7 a.m. and midnight.

(3) Any person found violating any portion of Stage 5 mandatory compliance will be subject to penalties. All persons, customers and property within the limits of the City shall not commit water waste as identified in 7.32.50.

§ 7.32.070 Exemptions.

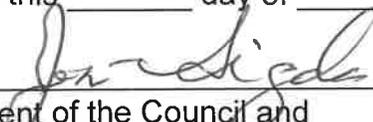
Exemptions from any provision of this ordinance may be requested upon the filing of an application and the payment of the application processing fee. The Public Works Director or designee will, within 30 days after submission of the completed application either reject the request, or approve or conditionally 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 or designee 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.

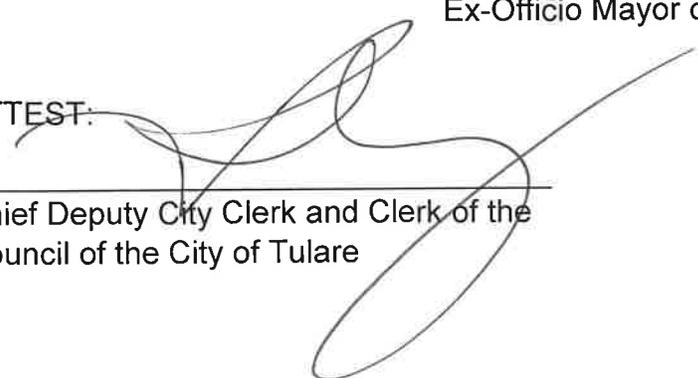
SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its passage, adoption, and approval.

PASSED, ADOPTED AND APPROVED this 21st day of July, 2020.

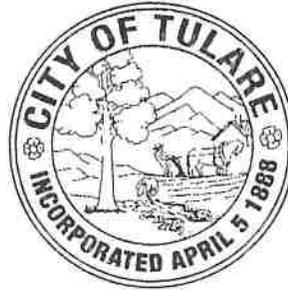


President of the Council and
Ex-Officio Mayor of the City of Tulare

ATTEST:



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



ORDINANCE NO. 2020-07

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 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, Rob A. Hunt, City Manager / 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 **7th day of July 2020**, the foregoing **Ordinance No. 2020-07** 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:

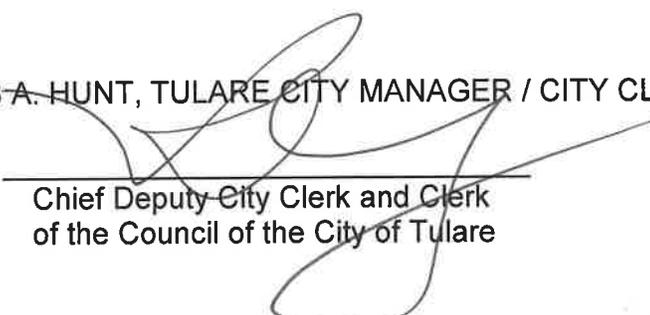
**AYES: COUNCIL MEMBERS: Dennis Mederos
Terry Sayre
Carlton Jones
Greg Nunley
Jose Sigala**

NOES: COUNCIL MEMBERS: None

ABSTAIN/RECUSE: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ROB A. HUNT, TULARE CITY MANAGER / CITY CLERK

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

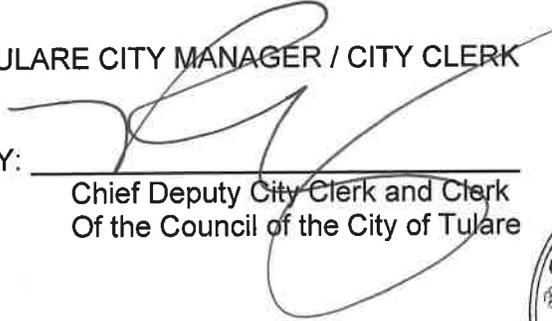


STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF TULARE)

I, Rob Hunt, City Manager / City Clerk of the City of Tulare and Clerk of the Council of said city, do hereby certify that the foregoing **Ordinance No. 2020-07** was duly adopted by the City Council of said city and was signed by the President of said Council at a regularly scheduled meeting of said City Council held on the **21st day of July, 2020** and was approved by the following vote:

AYES:	COUNCIL MEMBERS:	Dennis Mederos Jose Sigala Terry Sayre Carlton Jones Greg Nunley
NOES:	COUNCIL MEMBERS:	None
ABSTAIN/RECUSED:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

TULARE CITY MANAGER / CITY CLERK

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

