

Chapter 13.20

WATER CONSERVATION

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13.20.010 Purpose.

It is the purpose and intent of this chapter to prevent waste or unreasonable use or unreasonable method of use of water in the city.

(Ord. 2019-11, 2019; Ord. 2015-07 § 2, 2015)

13.20.020 Short title.

This chapter shall be known as the "Water Conservation Ordinance of the City of Visalia."

(Ord. 2019-11, 2019; Ord. 2015-07 § 2, 2015)

13.20.030 Authorization.

The City Manager, or designee, is authorized and directed to implement the applicable provisions of this chapter upon their determination that such implementation is necessary to protect the public welfare and safety.

(Ord. 2019-11, 2019; Ord. 2015-07 § 2, 2015)

13.20.040 Application.

A. The provisions of this chapter shall apply to all persons, customers, and property within the limits of the City.

B. The provisions of this chapter do not apply to uses of water where necessary to protect public health and safety or for essential government services such as police, fire, and other similar emergency services.

(Ord. 2019-11, 2019; Ord. 2015-07 § 2, 2015)

13.20.050 Definitions.

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

"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.

"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.

"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.

"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.

“Measureable rainfall” means any amount of precipitation of more than one- quarter (1/4) inch (0.25”).

“Ornamental landscape” means plants for the purpose of improving the aesthetic appearance of property, including but not limited to, trees, shrubs, bushes, flowers, ground cover, turf, lawns, and grass but, does not include crops or other agricultural products or special landscape areas.

“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 Visalia.

“Plumbing fixture” means a receptacle or device that is connected to a water supply system, including, but not limited to, pipes, toilets, urinals, showerheads, faucets, washing machines, water heaters, tubs, and dishwashers.

“Potable water” means water which conforms to the federal and state standards for human consumption.

“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.

“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 (at least weekly) individual and team sports, and does not include a facility on a residential property.

“Turf” means a ground cover surface of grass that can be mowed.

“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.

“Overseeding” means the process of planting new cool climate tolerant grasses (Fescue, Ryegrass, Kentucky Bluegrass, etc.), to help combat growth and appearance when traditional turf grass goes dormant during the fall and winter months.

(Ord. 2019-11, 2019; Ord. 2016-08 § 2 (part), 2016)

13.20.060 Permanent water conservation requirements--Prohibition against waste.

The following water conservation requirements are effective at all times and are permanent. Violations of this section shall be considered waste and an unreasonable use of water. The prohibitions shall apply to all persons year round unless modified by adoption of a more stringent water conservation stage.

A. *Limits on watering hours.* Watering or irrigating of ornamental landscape, turf, or other vegetated area is prohibited between the hours of 8:00 a.m. and 6:00 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.

B. *No use of unattended hose without timer.* Irrigation utilizing an unattended hose sprinkler, soaker hose, or other irrigation system is prohibited unless the hose is fitted with a hose faucet timer.

C. *No excessive water flow or runoff.* The use of water which causes water to flow or run off onto adjacent property, non-irrigated areas, sidewalk, driveway, street, parking lot, alley, gutter, ditch, or drain, etc., is prohibited. Every water user is deemed to have his/her water distribution lines and facilities under his/her control at all times and to know the manner and extent of his/her water use and runoff.

D. *No watering during rain.* Irrigation of ornamental landscape or other vegetated areas is prohibited during and within 48 hours of measureable rainfall.

E. *Limits on washing down paved surfaces and buildings.* The washing of building exteriors, sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas is prohibited except where the hose is fitted with a positive shut-off nozzle or device that causes it to cease dispensing water immediately when not in use.

F. *Obligation to fix leaks, breaks or malfunctions.* 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 is prohibited. It shall be presumed that a period of forty-eight (48) hours after discovery is a reasonable time within which to correct such leak or break.

G. *Recirculating water required for water features.* Operating a water feature that does not use recirculated water is prohibited.

H. *Limits on washing vehicles.* Using water to wash or clean automobiles, trucks, motorcycles, trailers, boats, airplanes, or other types of mobile equipment is prohibited, except by use of a hand-held bucket or similar container or hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to commercial car washing facilities.

I. *Drinking water served upon request only.* Eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drinks are sold, served, or offered for sale, are required to serve drinking water only upon request.

J. *Commercial lodging establishments must provide guests option to decline daily linen services.* Hotels, motels and

other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.

K. *No installation of single pass cooling systems.* Installation of single pass cooling systems is prohibited in new buildings.

L. *No installation of non-recirculating water systems in commercial carwash and laundry systems.* Installation of non-recirculating water systems is prohibited in new commercial conveyor carwash and new commercial laundry systems.

M. *Restaurants required to use water conserving dish wash spray valves.* Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish-wash spray valves.

N. 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, shall be prohibited. 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.

O. *New pools and spas required to have covers.* A cover must be installed when constructing a new pool or spa or when a City building permit is issued for repair or remodeling a pool or spa.

(Ord. 2019-11, 2019; Ord. 2016-08 § 2 (part), 2016)

13.20.070 Water conservation stages.

A. Stage 1. Water Watch. Upon implementation by the City Manager and publication of notice, the following restrictions shall apply to all persons in addition to the prohibited uses in Section 13.20.060.

1. Irrigation of ornamental landscapes is limited to three (3) days per week in the months of March through November, and one (1) day per week in December, January, and February, as follows:

a. Locations bearing a street address ending in an odd number shall be permitted to irrigate only on Tuesday, Thursday and Saturday in March through November, and only on Saturday in December, January and February.

b. Locations bearing a street address ending in an even number shall be permitted to irrigate only on Wednesday, Friday and Sunday in March through November, and only on Sunday in December, January and February.

c. The foregoing restrictions do not apply to:

i. Landscape irrigation zones that exclusively use drip irrigation systems.

ii. 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.

iii. Operation for very short periods of time for the express purpose of adjusting or repairing an irrigation system. A City of Visalia sign or equivalent must be displayed notifying the public of the repairs while the area remains wet.

2. Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose fitted with a positive shut-off nozzle or device, or a low-flow high-pressure washer.

3. Overseeding of lawns is prohibited. Exception is provided for maintenance of Sports Fields and golf course greens and tees.

4. Stage 1 of this ordinance will be enforced by the issuance of one warning for violation before the issuance of a citation in accordance with Section 13.20.090. Citations will be issued without a warning for willful and egregious violations. Willful and egregious violations include draining a pool without a permit or other violations as determined by the City Manager or designee.

B. Stage 2. Water Alert. Upon implementation by the City Manager, publication of notice, and ratification by resolution of the City Council, the following restrictions shall apply to all persons in addition to the prohibited uses in section 13.20.060. Stage 2 shall terminate one (1) year after implementation unless reauthorized by the City Council by resolution.

1. Irrigation of ornamental landscapes is prohibited in the months of December, January and February, and is limited two (2) days per week in March through November, as follows:

a. Locations bearing a street address ending in an odd number shall be permitted to irrigate only on Tuesday and Saturday in March through November; no irrigation is allowed in December, January, or February.

b. Locations bearing a street address ending in an even number shall be permitted to irrigate only on Wednesday and

Sunday in March through November; no irrigation is allowed in December, January, or February.

c. The foregoing restrictions do not apply to:

- i. Landscape irrigation zones that exclusively use drip irrigation systems.
- ii. Irrigation of non-turf 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.
- iii. Operation for very short periods of time for the express purpose of adjusting or repairing an irrigation system. A City of Visalia sign or equivalent must be displayed notifying the public of the repairs while the area remains wet.
- iv. 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 City Manager or designee an alternative watering schedule that reduces overall water use by 20% from the average used the year prior to Stage 2 (Stage 4 in prior ordinance) declaration. 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.
- v. Large Landscape Areas may deviate from the mandatory irrigation day restrictions by submitting to the City Manager or designee an alternative watering schedule that reduces overall water use by 30% from the average used the year prior to the Stage 2 (Stage 4 in prior ordinance) declaration. 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.
- vi. A plant establishment exception for new permanent landscapes is allowed by permit. The plant establishment exception allows for irrigation on non-watering days for a period of 21 days. Plant establishment permits are issued for new or rehabilitated landscape projects that have been approved by the Community Development Department in accordance with the State Model Water Efficient Landscape Ordinance, unless and until the City adopts a local Water Efficient Landscape Ordinance, in which case the local ordinance shall apply. Otherwise, the plant establishment exception does not apply to installation of turf or annual plants. and no more than one (1) plant establishment permit will be issued for an address per year.

2. Overseeding of lawns is prohibited. Exception is provided for maintenance of Sports Fields and golf course greens and tees.

3. Filling or re-filling ornamental lakes or ponds is 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 implementation of Stage 2 or higher in this chapter.

4. The washing of sidewalks, driveways, parking areas, courts, patios, or other paved areas is absolutely prohibited, unless it is necessary for the health and safety of the public, in which case a low-flow high-pressure washer must be used.

5. Washing of buildings is prohibited unless preparing the building for sale or for painting, in which case a low-flow high-pressure washer must be used.

6. All outdoor mist cooling systems related to human comfort are prohibited.

7. Use of temporary water slides is prohibited.

8. Stage 2 of this ordinance will be enforced by the issuance of one warning for violation before the issuance of a citation in accordance with Section 13.20.090. Citations will be issued without a warning for willful and egregious violations. Willful and egregious violations include draining a pool without a permit or other violations as determined by the City Manager or designee.

C. Stage 3. Water Warning. Upon implementation by the City Manager, publication of notice, and ratification by resolution of the City Council, the following restrictions shall apply to all persons in addition to the prohibited uses in section 13.20.060. Stage 3 shall terminate one (1) year after implementation unless reauthorized by the City Council by resolution.

1. Irrigation of ornamental landscapes is prohibited in the months of December, January and February, and is limited to one (1) day per week in March through November, as follows:

a. Locations bearing a street address ending in an odd number shall be permitted to irrigate only on Saturday in March through November; no irrigation is allowed in December, January, or February.

b. Locations bearing a street address ending in an even number shall be permitted to irrigate only on Sunday in March through November; no irrigation is allowed in December, January, or February.

c. The foregoing restrictions do not apply to:

- i. Landscape irrigation zones that exclusively use drip irrigation systems.
- ii. Irrigation of non-turf 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.
- iii. Operation for very short periods of time for the express purpose of adjusting or repairing an irrigation system. A

City of Visalia sign or equivalent must be displayed notifying the public of the repairs while the area remains wet.

iv. 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 City Manager or designee an alternative watering schedule that reduces overall water use by 50% from the average used the year prior to Stage 2 declaration, or 30% from the average used the year prior to the Stage 3 declaration. 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.

v. Large Landscape Areas may deviate from the mandatory irrigation day restrictions by submitting to the City Manager or designee an alternative watering schedule that reduces overall water use by 60% from the average used the year prior to Stage 2 declaration, or 60% from the average used the year prior to the Stage 3 declaration. 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.

vi. A plant establishment exception for new permanent landscapes is allowed by permit. The plant establishment exception allows for irrigation on non-watering days for a period of 21 days. Plant establishment permits are issued for new or rehabilitated landscape projects that have been approved by the Community Development Department in accordance with the State Model Water Efficient Landscape Ordinance, unless and until the City adopts a local Water Efficient Landscape Ordinance, in which case the local ordinance shall apply. Otherwise, the plant establishment exception does not apply to installation of turf or annual plants. and no more than one (1) plant establishment permit will be issued for an address per year.

2. The washing of automobiles, trucks, motorcycles, trailers, boats, airplanes, or other types of mobile equipment is permitted only on Saturday or Sunday. Exception. Washing may be done at any time on the immediate premises of a commercial carwash or fleet maintenance facility. Further, such washing may be exempted from these regulations if the health, safety and welfare of the public are contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food and perishables.

3. Overseeding of lawns is prohibited. Exception is provided for maintenance of Sports Fields and golf course greens and tees.

4. Filling or re-filling ornamental lakes or ponds is 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 implementation of Stage 2 or higher in this chapter.

5. The washing of sidewalks, driveways, parking areas, courts, patios, or other paved areas is absolutely prohibited, unless it is necessary for the health and safety of the public, in which case a low-flow high-pressure washer must be used.

6. Washing of buildings is prohibited unless preparing the building for sale or for painting, in which case a low-flow high-pressure washer must be used.

7. All outdoor mist cooling systems related to human comfort are prohibited.

8. Use of temporary water slides is prohibited.

9. Use of portable water for street cleaning with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible).

10. Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or method can be used.

11. Stage 3 of this ordinance will be enforced by the issuance of one warning for violation before the issuance of a citation in accordance with Section 13.20.090. Citations will be issued without a warning for willful and egregious violations. Willful and egregious violations include draining a pool without a permit or other violations as determined by the City Manager or designee.

D. Stage 4. Water Emergency. Upon implementation by the City Manager, publication of notice, and ratification by resolution of the City Council, the following restrictions shall apply to all persons in addition to the prohibited uses in section 13.20.060. Stage 4 shall terminate one (1) year after implementation unless reauthorized by the City Council by resolution.

1. Watering or irrigating lawn, landscape, or other vegetated area with potable water is prohibited. This restriction shall not apply to the following categories of use:

a. Maintenance of non-turf vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing shut-off nozzle or device.

b. Maintenance of existing landscape necessary for fire protection.

c. Maintenance of existing landscape for soil erosion control.

d. Maintenance of plant materials identified to be rare or essential to the well-being of protected species.

e. Actively irrigated environmental mitigation projects.

2. Overseeding of lawns is prohibited.
3. Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life.
4. Washing of buildings is prohibited unless preparing the building for sale or for painting, in which case a low-flow high-pressure washer must be used.
5. All outdoor mist cooling systems related to human comfort are prohibited.
6. Use of temporary water slides is prohibited.
7. Draining and refilling of swimming pools is prohibited except that a pool may be drained by permit to comply with public health standards as 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 property 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. Drained pools may not be refilled.
8. Washing automobiles, trucks, trailers, boats, airplanes, and other vehicles is prohibited except at a commercial carwash or fleet vehicle washing facility.
9. Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses is prohibited.
10. Stage 4 of this chapter will be enforced by the issuance of a citation in accordance with Section 13.20.090 without a warning.

(Ord. 2019-11, 2019; Ord. 2016-08 § 2 (part), 2016)

13.20.080 Mandatory conservation phase implementation.

The City Manager or designee, with the assistance of any operator of a water utility having customers within the City, shall monitor the projected supply and demand for water within the City and shall recommend to the City Manager the extent of the conservation required through the implementation and/or termination of particular conservation stages in order to assure the water supply of the City.

Thereafter, the City Manager, as directed by administrative policies, may order that the appropriate phase of water conservation be implemented or terminated in accordance with the applicable provisions of this chapter. Said order shall be ratified by the City Council by resolution and made by public announcement and shall be published a minimum of one time in a daily newspaper of general circulation.

(Ord. 2019-11, 2019; Ord. 2015-07 § 2, 2015)

13.20.090 Enforcement.

A. It is one of the objectives of the City Council of the City that the citizens of Visalia be encouraged to voluntarily comply with the provisions of the chapter. Therefore, in furtherance of said objective, the enforcement of the chapter will permit the issuance of up to two warnings for violations of Sections 13.20.060 or 13.20.070, by way of written notices of violation to the violating water user, before the issuance of a citation for said violations

B. Notwithstanding the foregoing, any person violating any provision of Sections 13.20.060 or 13.20.070 shall be deemed guilty of an infraction and upon conviction thereof shall be punishable by a fine not to exceed six-hundred twenty-five dollars (\$625.00). Each day that a violation continues shall be regarded as a new and separate offense. The fine for a first violation may be waived by attending a City water conservation class.

(Ord. 2019-11, 2019; Ord. 2016-08 § 2 (part), 2016)

13.20.100 Public nuisance--Definitions.

A. In addition to any other remedies which may otherwise be available to the City, the City Council makes the following findings and declarations;

B. The waste of water, as that term is defined herein, on public or private property within the City, is found to contribute to and compound drought conditions which may, from time to time, exist in the City, to the detriment of one of our most precious and finite resources, to wit, water. Such conditions cause injury to the health, safety and general welfare of the citizens of Visalia. Therefore, the waste of water within the City, on private or public property, except as expressly permitted in this chapter, is declared to constitute a public nuisance which may be abated in an action brought on behalf of the people of the state of California, by the City attorney, in any court of competent jurisdiction.

(Ord. 2019-11, 2019; Ord. 2015-07 § 2, 2015)

13.20.110 Enforcement officers.

A. All peace officers and persons authorized by law to issue citations within the City shall, in conjunction with duties imposed by the law, diligently enforce the provisions of this chapter.

B. Pursuant to the provisions of Section 836.5 of the Penal Code, the following officers and employees of the City are

designated as enforcement officers and authorized to issue citations for enforcement of this ordinance:

1. Director of public works;
2. City engineer;
3. Building official;
4. Industrial waste inspector;
5. Public works inspector;
6. Building inspector;
7. Neighborhood preservation manager;
8. Code enforcement officer, technician, or specialist;
9. Fire marshal;
10. Fire prevention inspector;
11. Natural resource conservation technician;
12. Water conservation education coordinator;
13. Natural resource conservation manager or designee.

C. Employees of any operator of a water utility having customers within the City, including California Water Service Company, are authorized by this chapter to issue written notices of violations of Sections 13.20.060 or 13.20.070, but are not authorized by law to issue citations for said violations.

(Ord. 2019-11, 2019; Ord. 2015-07 § 2, 2015)

13.20.120 Exceptions.

Consideration of written applications for exceptions regarding regulations and restrictions on water use not otherwise set forth in previous sections of this chapter shall be as follows:

A. Written application for exception may be granted by the City Manager or designee.

B. Exceptions may be granted if:

1. Compliance with this chapter would cause an unnecessary and undue hardship to the Applicant, including, but not limited to, adverse economic impacts, such as loss of production or jobs;
2. Compliance with this ordinance would cause a condition affecting the health, sanitation, fire protection or safety of the applicant or the public; or
3. Compliance with this chapter would prevent the use of recycled or reclaimed water which use would conserve the City's potable water supplies.

(Ord. 2019-11, 2019; Ord. 2015-07 § 2, 2015)

13.20.130 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter.

(Ord. 2019-11, 2019; Ord. 2015-07 § 2, 2015)