

ORDINANCE NUMBER 2023-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA AMENDING CHAPTER 13.20 OF THE VISALIA MUNICIPAL CODE REGULATING WATER CONSERVATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA

SECTION 1. Consistent with its control over municipal affairs as a charter city and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety, and welfare of its citizenry. The City of Council of the City of Visalia hereby makes the followings findings:

- A. The City of Visalia has had a longstanding dedication to the conservation of its groundwater resources, including adoption of this Chapter 13.20 – Water Conservation.
- B. The City of Visalia is currently also engaged in the conservation and regulation of its groundwater resources consistent with the Sustainable Groundwater Management Act (SGMA) through its participation in the Mid-Kaweah Groundwater Sustainability Agency (MKGSA).
- C. The City of Visalia finds that certain exceptions to Chapter 13.20 for large groundwater users, such as golf courses, that submit to the jurisdiction and direct regulation of the MKGSA will foster a more holistic approach to water resource management under a unified plan, facilitating integrated groundwater management, and allowing coordinated efforts among different stakeholders.
- D. By allowing these limited exceptions, the City can align its conservation strategies with broader regional goals, creating a more efficient and effective water management system, and can also more accurately monitor groundwater usage within the City.

SECTION 2. The Visalia City Council hereby approves the following revision to Visalia Municipal Code Chapter 13.20, which regulates water conservation within the City of Visalia, by adding the language below *in italics*:

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.

C. Exceptions from Sections 13.20.060.A, B, C and D, 13.20.070.A.1 and A.3, 13.20.070.B.1 and B.2, 13.20.070.C.1 and C.3, and 13.20.070.D.1 and D.2, as applicable, may be granted to a non-domestic groundwater user whose use is subject to the jurisdiction of and regulation by the Mid Kaweah Groundwater Sustainability Agency (MKGSA). Applicants for this exception must provide sufficient documentation to demonstrate that they have successfully enrolled in all applicable groundwater regulatory programs required by the MKGSA, and are in compliance with all requirements imposed on their groundwater use by the MKGSA.

SECTION 3. The City Council intends this Ordinance to supplement, not contradict applicable state law and this Ordinance shall be construed in light of that intent.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5. This Ordinance shall take effect thirty days after its adoption.

SECTION 6. the City Clerk Shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted as required by law.