

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING SECTIONS 15.42.050, "WATER
CONSERVATION LEVELS AND PROHIBITIONS,"
AND 15.42.100, "PROHIBITED USES –
MANDATORY," OF THE MERCED MUNICIPAL
CODE**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Section 15.42.050, "Water Conservation Levels and Prohibitions," of the Merced Municipal Code is hereby amended to read as follows:

"15.42.050 Water Conservation Levels and Prohibitions.

Notwithstanding any other provision of this Chapter, at least one (1) of the following ~~four~~six (4~~6~~) levels of water conservation restrictions shall apply at all times. The applicable level(s) of water conservation restrictions shall be based upon the condition of groundwater basin determination of the California Department of Water Resources then in effect, or by resolution of the City Council based upon a recommendation by the Director.

The current level of water conservation restrictions, and any change in said ~~the~~ level of water conservation restrictions, shall be communicated to the public by reasonable means to ensure compliance, including but not limited to, posting on the City's website, publishing in the local newspaper, and written notice to be included with the City's water bills.

All persons using water supplied by the City shall comply with the following mandatory water conservation restrictions:

A. Level 1: This level is in effect at all times and establishes the baseline conservation measures for the City.

1. Water waste prohibition: the following uses of water are defined as 'water waste' and are hereby prohibited except as otherwise authorized:

(a) The washing of sidewalks, driveways, filling station aprons, porches or other outdoor surfaces except when necessary to protect the public health and safety.

(b) The washing of the exterior of dwellings, buildings, and structures, with the following exceptions:

(1) Window washing,

(2) Washing in conjunction with the painting of the exterior of a dwelling, building or structure,

(3) Washing of a dwelling, building or structure may be allowed once every twelve (12) months.

All exceptions listed above must comply with Sections 15.42.100(A) and (B) and the hose(s) must be fitted with an automatic shutoff device(s).

(c) The operation of any ornamental fountain or other such structure making use of water from the city domestic water system, unless such fountain or structure uses a recirculating water system.

(d) The use of water, except for domestic use, where an adequate source of water is

available whether such alternate source is reclaimed water, well water, spring water, or other source.

(e) The external washing of trailers, trailer houses, mobile homes, and home exteriors unless in conjunction with painting the exterior of such trailers, or homes with an automatic shut-off device.

(f) The washing of boats or motor vehicles with a hose that is not fitted with an automatic shut-off device.

(g) The indiscriminate running of water or washing with water not otherwise prohibited above which is wasteful and without reasonable purpose.

(h) The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall.

(i) All car wash fundraisers must be held at an established car washing facility that collects and recycles the run-off water before it enters the city's sewer system. When held in a parking lot, car washes can cause pollutants such as soap, dirt, oil grease, and other automotive fluids to enter the storm drain system.

(j) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.

(k) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

B. Level 2: This level shall be in effect when the Department of Water Resources determines the condition of groundwater basin is in a state of critical over-draft, water supply is projected to be reduced by up to 20 percent, and/or city council deems it necessary. During any time in which level 2 restrictions are imposed the following mandatory conservation restrictions shall apply in addition to all level 1 restrictions on water waste.

1. Three-day watering schedule:

(a) Any sprinkling, watering, or irrigation between the mid-day hours of nine a.m. and nine p.m. is prohibited.

(b) Watering by persons with even numbered addresses or on properties without an assigned address is only allowed on Tuesdays, Thursdays, and Saturdays.

(c) Watering by persons with odd numbered addresses is only allowed on Wednesdays, Fridays, and Sundays.

(d) Any watering by persons on Mondays with the exception of parks is prohibited.

C. Level 3: This level shall be in effect when the governor has declared a state of emergency due to drought, water supply is projected to be reduced by up to 30 percent, and/or city council deems it necessary. During any time in which level 3 restrictions are imposed

the following mandatory conservation restrictions shall apply in addition to all non-conflicting level 1 and level 2 restrictions.

1. Two-day watering schedule:

(a) Any sprinkling, watering, or irrigation between the mid-day hours of nine a.m. and nine p.m. is prohibited.

(b) Watering by persons with even numbered addresses or on properties without an assigned address is only allowed on Tuesdays and Saturdays.

(c) Watering by persons with odd numbered addresses is only allowed on Wednesdays and Sundays.

(d) Parks, commercial nurseries, cemeteries, and schools are exempt from subsections C.1. of this section but will be requested to curtail all nonessential water use.

2. Implement drought rate schedule.

D. Level 4: This level shall be in effect when the governor has declared a state of emergency due to drought, water supply is projected to be reduced by up to 40 percent, and/or city council deems it necessary. During any time in which level 4 restrictions are imposed the following mandatory conservation restrictions shall apply in addition to all non-conflicting level 1, level 2, and level 3 restrictions.

1. One-day watering schedule:

Commented [AF1]: Drought rate schedule was described in the 2018 Water Rate Study. The 2015 UWMP described drought rates as being triggered if the City Council formally declares a Stage 3 drought. Given that a 2015 UWMP Stage 3 drought designation corresponded to a water supply reduction of 20-35%, the drought rate schedule was assigned to Level 3.

(a) Any sprinkling, watering, or irrigation between the mid-day hours of nine a.m. and nine p.m is prohibited.

(b) Watering by persons with even numbered addresses or on properties without an assigned address is only allowed on Tuesdays and Saturdays.

(c) Watering by persons with odd numbered addresses is only allowed on Wednesdays and Sundays.

(d) Parks, commercial nurseries, cemeteries, and schools are exempt from subsections C.1. of this section but will be requested to curtail all nonessential water use.

2. All leaks detected in landscape irrigation systems or water systems shall be repaired as soon as reasonably possible following notification by the city unless other arrangements are made with the director.

E. Level 5: This level shall be in effect when water supply is projected to be reduced by up to 50 percent and/or city council deems it necessary. During any time in which level 5 restrictions are imposed the following mandatory conservation restrictions shall apply in addition to all non-conflicting level 1, level 2, level 3, and level 4 restrictions.

1. Restricted watering:

(a) All landscape irrigation shall be prohibited.

(b) Maintenance of landscaping within active public parks and playing fields.

schools, and cemeteries, provided that such irrigation does not exceed two (2) days per week according to the schedule established in level 3.

(c) All leaks detected in landscape irrigation systems or water systems shall be repaired within ~~twenty-four~~forty-eight (248) to seventy -two (72) hours of notification by the city unless other arrangements are made with the director.

~~DF.~~ Level ~~46~~: This level shall be in effect during times of catastrophe, i.e., system failure, natural disaster ~~and/or~~ , water supply is projected to be reduced by greater than 50 percent, and/or when City Council deems it necessary. During any time in which level ~~4-6~~ restrictions are imposed the following mandatory conservation restrictions shall apply in addition to all non-conflicting level 1, level 2, ~~and level~~ level 3, level 4, and level 53 restrictions.

1. Restricted watering:

~~(a) All landscape irrigation shall be prohibited.~~

~~(b) Minimal essential watering of trees and shrubs with a bucket, handheld hose with a positive shutoff nozzle, or low volume non-spray irrigation shall be allowed.~~

~~(ae) Maintenance of landscaping within active public parks and playing fields, schools, and cemeteries shall be prohibited.~~”, ~~provided that such irrigation does not exceed two (2) days per week according to the schedule established in level 3.~~

~~(d) — All leaks detected in landscape irrigation systems or water systems shall be repaired within twenty-four (24) hours of notification by the city unless other arrangements are made with the director.~~

SECTION 2. AMENDMENT TO CODE. Section 15.42.100, “Prohibited Uses - Mandatory,” of the Merced Municipal Code is hereby amended to read as follows:

“15.42.100 Prohibited Uses – Mandatory.

The following uses, methods, types, or techniques of use of water are hereby determined and declared nonessential and are prohibited:

A. All Users.

1. Allowing broken or defective plumbing, or sprinklers, watering or irrigation systems which permit the escape or leakage of water.
2. The use of water in any manner which causes, allows, or permits the flooding of any premises, or any portion thereof.
3. All uses of non-potable water without the permission of the Department of Public Works, except for the use of rainwater collected for irrigation purposes.

B. New planting. Notwithstanding the prohibitions contained in Section 15.42.050 of this Chapter, new lawns, ground cover, or bedding plants, may be watered every day between nine p.m. and nine a.m. provided the following conditions are met:

1. New lawns, ground cover, or bedding plants shall not include the reseeded of existing lawns or

replacement of existing ground cover, or bedding plants, and shall be newly rototilled earth;

2. A permit must be obtained from the Department of Public Works;
3. The permit shall be limited to thirty (30) days' duration;
4. No permit shall be issued if the City is in level 4₃ water conservation level; and,
5. The director may impose such other restrictions as are deemed necessary to prevent the water waste.”

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2021, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2021, by the following called vote:

AYES: **Council Members:**

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

Mayor

**ATTEST:
STEPHANIE R. DIETZ, CITY CLERK**

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney Date