

## Article 11.

### Water Conservation

#### Sec. 6-8.1101. Application.

The provisions of this Article shall apply to all water customers of the County Service Areas (CSA) listed below, except to the extent a CSA is subject to specific water regulations or conservation measures of a retail water supplier that conflict with this Article, in which case the regulations of the retail water supplier shall control.

El Macero CSA No. 1

North Davis Meadows CSA No. 10

Willowbank CSA No. 12

Wild Wings CSA No. 15

(Ord. 1540, eff. September 14, 2021)

#### Sec. 6-8.1102. Level 1 drought response – Permanent water use restrictions.

##### (a) *Landscape water use restrictions.*

(1) No potable water shall be applied to outdoor landscapes in a manner that causes more than incidental runoff, such as minimal overspray from sprinklers that escapes the area of intended use, so that water flows onto adjacent property, non-irrigated areas, private or public walkways, roadways, parking lots, or structures.

(2) No landscape watering between 9:00 a.m. and 6:00 p.m. except with a hand-held container or hose with a shut-off nozzle, or for very short periods when adjusting a sprinkler system. This restriction does not apply to landscape irrigation using a low volume irrigation system (such as drip irrigation and micro-irrigation) designed to apply small volumes of water slowly at or near the root zone of plants. This includes, but is not limited to, properly functioning drip irrigation systems and soaker hoses.

(3) No irrigation of turf and/or ornamental landscapes during and within forty-eight hours after measurable rainfall of at least one-fourth of one inch of rain in a given area of the CSA.

(4) No irrigation with potable water of landscapes outside of homes and buildings constructed after June 2015 in any manner inconsistent with regulations or other requirements established by the California Building Standards Commission, the State Model Water Efficient Landscape Ordinance (23 California Code of Regulations §§ 490 et seq.), or Yolo County Code, Title 8, Chapter 3 (Water Efficient Landscaping Ordinance), whichever is more restrictive.

(5) No irrigation of turf on public street medians or publicly owned and maintained landscaped areas between the street and sidewalk, except where:

(A) The turf serves a community or neighborhood function, including, but not limited to, recreational uses and civic or community events; or

(B) The turf is irrigated incidentally by an irrigation system, the primary purpose of which is the irrigation of trees; or

(C) The turf is irrigated with recycled or other nonpotable water.

##### (b) *Commercial water use restrictions.*

(1) Eating or drinking establishments, including, but not limited to, restaurants, cafes, cafeterias, bars, clubhouses or other public places where food or drink are served and/or purchased shall only serve drinking water upon patron request.

(2) Restaurants are required to use a pre-rinse spray valve when washing dishes.

(c) *Other water use restrictions.*

(1) A hose that dispenses potable water to wash a motor vehicle shall be fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.

(2) Potable water shall not be applied directly to driveways and sidewalks unless required for health and safety purposes.

(3) Potable water shall not be used in an ornamental fountain or other decorative water feature, except where the water is part of a recirculating system.

(4) All property owners must fix leaks, breaks or malfunctions in water fixtures or water-using or distributing devices to which city water is connected when they find them, or within seventy- two (72) hours of receiving a notice from the County.

(d) *HOAs.* Homeowners Associations (HOAs) are strongly encouraged to adopt and enforce water use restrictions in their respective rules and regulations.

(Ord. 1540, eff. September 14, 2021)

### **Sec. 6-8.1103. Level 2 drought response.**

The objective of a Level 2 Drought Response is to reduce water usage by 20% from the normal demand level. During a Level 2 Drought Response condition, all persons shall comply with Level 1 Drought Response water conservation practices except when they are replaced by more restrictive conditions imposed by this section and shall also comply with the following additional mandatory conservation measures:

(a) Limit residential and commercial landscape irrigation to no more than three assigned days per week on a schedule established by the County.

(b) Limit lawn watering and landscape irrigation using sprinklers to no more than twelve (12) minutes per watering station per day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/ micro-irrigation systems and stream rotor sprinklers.

(c) For landscaped areas, including trees and shrubs located on residential and commercial properties, not irrigated by a landscape irrigation system, water by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.

(d) Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

(Ord. 1540, eff. September 14, 2021)

### **Sec. 6-8.1104. Level 3 drought response.**

The objective of a Level 3 Drought Response is to reduce water usage by 30% from the normal demand level. During a Level 3 Drought Response condition, all persons using shall comply with Level 1 and Level 2 Drought Response water conservation practices except when they are replaced by more restrictive conditions imposed by this section and shall also comply with the following additional mandatory conservation measures:

(a) Limit landscape irrigation to no more than two assigned days per week on a schedule established by the Director or designee and posted by the County.

(b) New or expanded landscaping is limited to drought tolerant trees, shrubs, and ground cover. The installation of new turf or hydroseed is prohibited.

(c) Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value.

(d) Repair all leaks within forty-eight (48) hours of notification by the County unless other arrangements are made with the Director.

(Ord. 1540, eff. September 14, 2021)

#### **Sec. 6-8.1105. Level 4 drought response.**

The objective of a Level 4 Drought Response is to reduce water usage by 40% from the normal demand level. During a Level 4 Drought Response condition, all persons shall comply with Level 1, Level 2, and Level 3 Drought Response conditions, except when they are replaced by more restrictive conditions imposed by this section, and shall also comply with the following additional mandatory conservation measures:

(a) All landscape irrigation is prohibited except for the irrigation of trees or drought tolerant plantings.

(b) Pools and water storage tanks shall not be emptied or filled using potable water supplied by the County unless required for public health and safety purposes.

(c) Repair all leaks within twenty-four (24) hours of notification by the County unless other arrangements are made with the Director.

(Ord. 1540, eff. September 14, 2021)

#### **Sec. 6-8.1106. Level 5 drought response.**

The objective of a Level 5 Drought Response is to reduce water usage by 50% from the normal demand level. During a Level 5 Drought Response condition, all persons shall comply with Level 1, Level 2, Level 3, and Level 4 Drought Response conditions, except when they are replaced by more restrictive conditions imposed by this section, and shall also comply with the following additional mandatory conservation measures:

(a) No new permits for pools will be issued.

(b) No new landscape installations or renovations will be permitted.

(Ord. 1540, eff. September 14, 2021)

#### **Sec. 6-8.1107. Level 6 drought response.**

The objective of a Level 6 Drought Response is to reduce water usage by more than 50% from the normal demand level. During a Level 6 Drought Response condition, all persons shall comply with Level 1, Level 2, Level 3, Level 4, and Level 5 Drought Response conditions, except when they are replaced by more restrictive conditions imposed by this section, and shall also comply with the following additional mandatory conservation measures:

(a) Stop all landscape irrigation.

(b) The landscape restriction shall not apply to the following categories of use unless the County has determined that recycled water is available and may be lawfully applied to the use.

- (1) 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;
- (2) Maintenance of existing landscaping for erosion control;
- (3) Maintenance of plant materials identified to be rare or essential to the well being of rare animals;
- (4) 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 section 6(b)(1);
- (5) Watering of livestock; and
- (6) Public works projects and actively irrigated environmental mitigation projects.

(Ord. 1540, eff. September 14, 2021)

#### **Sec. 6-8.1108. Declaration of drought response.**

(a) The Director shall monitor water supply and conservation data and shall regularly report his/her findings to the Board of Supervisors to recommend a Level 2 or higher Drought Response Level. The Board of Supervisors may declare a Drought Conservation Level by resolution adopted at a regular or special meeting of the Board of Supervisors.

(b) The Board of Supervisors shall declare the existence of a Level 5 or higher Drought Response Level pursuant to Water Code section 350 et seq. (water shortage emergency) at a noticed public meeting unless an immediate emergency, as set forth in Water Code section 351, exists.

(c) Within ten (10) days following adoption of a resolution declaring a Level 2 or higher Drought Response, a copy of the resolution shall be published pursuant to Government Code section 6061 in a newspaper of general circulation and shall be effective on the date of publication.

(d) Nothing herein shall be construed to limit the authority of the Board of Supervisors or the Director of Emergency Services to declare a local emergency and to exercise the emergency powers conferred by Government Code section 8630 et seq. and Chapter 1 of Title 4 of the Yolo County Code.

(Ord. 1540, eff. September 14, 2021)

#### **Sec. 6-8.1109. Additional conservation measures.**

The Board of Supervisors may adopt additional regulations or mandatory water use restrictions at each Drought Response Level as it deems necessary to ensure the continued availability of water for human consumption, sanitation, and fire protection or as may be required by federal, state, or other local water restrictions.

(Ord. 1540, eff. September 14, 2021)

#### **Sec. 6-8.1110. Relief from compliance; Waiver.**

(a) *Undue or Disproportional Hardship.* If, due to unique circumstances, a specific requirement of this water conservation ordinance would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to the water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section.

(b) *Establishment of Waiver.* A waiver may be granted only where it is found and determined that failure to grant a waiver would:

(1) Cause an unnecessary and undue hardship on applicant or the public, including but not limited to, the substantial loss of trees or landscaped areas installed or renovated prior to the implementation of a Drought Response level or proclamation of a drought emergency additional watering is required to plant and maintain those landscaped areas for a limited amount of time; or

(2) Cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or the public.

If such a determination is made, the County will provide the customer with an allowable watering schedule, which will include an allocated increase in water use, and when such watering schedule exception will expire. Any violation of the schedule will be punishable as set forth in this article. Approval of establishment waivers will be based on current water conservation targets, the customer's ability to provide alternative means of providing comparable water conservation, and the County's ability to meet those targets.

(c) *Application.* A person wishing to receive a waiver pursuant to this section must submit a written request/application to the Community Service Director or the Director's designee, which should include a statement describing the reasons for the request, a detailed watering schedule, duration of waiver, and any other relevant information to support the request, including but not limited to any photographs, drawings, or maps.

(d) *Written Finding.* The waiver may be granted or conditionally granted only upon a written finding of the existence of unique circumstances and facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property. The findings must also include a determination that, based on the information in the request/application and any other relevant information, a waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses.

(e) *Approval Authority.* The Community Services Director or authorized delegate of the County must act on any completed application no later than fifteen (15) business days after submittal. The County may request a site visit, if needed, to verify or collect any missing information needed to make the final decision. The Community Services Director or authorized delegate may approve, conditionally approve, or deny the waiver request. The applicant requesting the waiver must be promptly notified in writing of any action taken. The decision of the Community Services Director or authorized delegate is final.

(Ord. 1540, eff. September 14, 2021)

### **Sec. 6-8.1111. Enforcement; Violations.**

(a) Violations of this Article shall constitute a misdemeanor, subject to the following penalties:

(1) Each violation of this ordinance may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days or by a fine not exceeding \$1,000, or by both as provided in Water Code section 377.

(2) Each day that a violation of this ordinance occurs is a separate offense.

(b) *Public Nuisance.* Any violation of this Article is hereby declared a public nuisance and may be subject to administrative citations with fines up to \$1,000 per violation per day and abated pursuant to Chapter 5 (Code Enforcement) of Title 1 of the Yolo County Code.

(Ord. 1540, eff. September 14, 2021)