

NOTICE OF PUBLIC HEARING & Summary of Proposed Ordinance

Notice is hereby given that the Yreka City Council will hold a public hearing at its regular meeting to consider an ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA REPEALING CHAPTER 12.12 ENTITLED ENACTING "WATER LIMITATIONS" AND SECTIONS 12.04.280 AND 12.04.290 OF THE YREKA MUNICIPAL CODE, AND SUPPLANTING THEM WITH CHAPTER 12.12 ENTITLED "WATER EFFICIENCY" AND FINDING THE ADOPTION OF THIS ORDINANCE TO BE EXEMPT FROM CEQA." All interested persons are invited to attend the meeting, including all persons owning property within the City of Yreka's water service area, to appear and be heard as to: 1) Your opinion about the ordinance generally; 2) Whether the proposed fees and service to reimburse the city actual costs incurred and any other charges are discriminatory or excessive, or will not be sufficient under Government Code §§ 66016, 54354.5 and Health and Safety Code § 5471 or will not comply with other provisions of California law, or will not comply with any other provisions or covenants of any outstanding revenue bonds of the local agency payable from revenues of the enterprise, or on any other matter relating to said proposed ordinance of the rates or charges proposed therein, at the following time and place:

TIME OF HEARING: 6:30 p.m.

DATE OF HEARING: Thursday, August 6, 2015

**PLACE OF HEARING: Council Chambers at 701 Fourth Street,
Yreka, California**

If a ratepayer desires to challenge the determination of the Yreka City Council in court they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Yreka at the meeting or to 701 Fourth Street, Yreka, CA 96097 prior to the meeting. Any legal action contesting this ordinance, if passed, must be filed with the court within the time specified by Government Code § 66022.

The State of California has declared a statewide drought emergency and imposed a requirement that the customers of the City of Yreka's water system reduce their consumption by 32% when compared to same month in 2013 in order to conserve 218,918,400 gallons of water. The State has also adopted a number of drought water restrictions and requires the city to impose those restrictions of its water customers or have those same customers fined the sum of \$10,000 per day. In response, the City Council will be considering whether to adopt an ordinance that would also declare the existence of a water emergency and impose the state's water restrictions as well as tiered water conservation measures. The ordinance would impose a service charge reimbursing the City for its reasonable costs and attorney's fees incurred in providing work or services to install a water restriction device and fees for processing applications for waiver of the water restrictions.

The ordinance creates five water conservation stages. Each stage has additional water restrictions intended to achieve a needed amount of water savings. The estimated amount of water to be saved at each stage is: Stage one- no water savings; Stage Two – 10%; Stage Three – 20%; Stage Four – 35%; and Stage Five – 50%. Depending on the stage the number of days a customer can irrigate landscape is set. All hoses will have to have automatic shut-off devices. Run off from a customers property will be prohibited. Water containing enclosures will be required to be leak-proof and refilling them may be prohibited. The washing of streets, and hardscape surfaces may be prohibited. Vehicles may be required to be washed at commercial establishments using recycled water. Use of water for construction purposes may be limited or

prohibited. The ordinance also contains enforcement authority which includes fines, the right to install a flow restrictor or to terminate water services to the property. The ordinance also allows the City to develop and implement further regulations and procedures for the administration of the ordinance and to impose the state drought water restrictions. The ordinance will provide for a customer to apply for a waiver of the requirements and for appeal in the event of the waiver's denial.

The full text of this ordinance as well as information indicating the current amount of cost or estimated cost to provide the service for which the fee or service charge that would be levied is available for public inspection and copying in accordance with the California Public Records Act at the office of the City Clerk at 701 Fourth Street, Yreka, California. The full text of the ordinance will additionally be posted on the city's website along with the meeting agenda and may also be reviewed by you and printed out by at no cost to you. No fee or service charge shall exceed the estimated amount required to provide the service for which the fee or charge is levied.



ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA REPEALING CHAPTER 12.12 ENTITLED ENACTING “WATER LIMITATIONS” AND SECTIONS 12.04.280 AND 12.04.290 OF THE YREKA MUNICIPAL CODE, AND SUPPLANTING THEM WITH CHAPTER 12.12 ENTITLED “WATER EFFICIENCY” AND FINDING THE ADOPTION OF THIS ORDINANCE TO BE EXEMPT FROM CEQA

SECTION 1. Recitals:

WHEREAS, the City Council of the City of Yreka from time to time adopts Urban Water Management Plans as required by law; and

WHEREAS, the availability of the City of Yreka’s source water may be affected by numerous factors including regulatory mandates and surface water diversion curtailments imposed by various agencies such as the State Departments of Water Resources, Water Resources Control Board and the Department of Fish and Wildlife; and

WHEREAS, the City of Yreka’s primary source where its water is derived is subject to whether or not that water source has a sufficient amount of water flowing in its channel; and

WHEREAS, water production facilities failures, water distribution infrastructure failures, contamination of supply, or other factors may result in emergency conditions that threaten the water utility’s ability to provide for public health and safety; and

WHEREAS, the City has previously enacted Section 11.38.010 of the Yreka Municipal Code adopting California’s model Efficient Landscaping Ordinance; and

WHEREAS, the City’s present regulations in force do not adequately address all the factors that may limit the water utility’s ability to respond to diminished source capacity or emergency conditions; and

WHEREAS, there is a direct nexus between the availability of water supply and the immediate preservation of the public health and safety; and

32 **WHEREAS**, on January 17, 2014, Governor Edmund G. Brown Jr. issued Proclamation
33 No. 1-17-2014 declaring a State of Emergency to exist in California due to severe drought
34 conditions; and

35 **WHEREAS**, on April 1, 2015, the Governor issued an Executive Order B-29-15 to
36 strengthen the state’s ability to manage water and directed the State Water Resources Control
37 Board (SWRCB) under its authority in California Water Code Section 1058.5 to adopt
38 emergency regulations as it deems necessary to address water shortage conditions and to achieve,
39 statewide, a twenty-five percent reduction in potable urban water usage; and

40 **WHEREAS**, On May 18, 2015, the state enacted revisions to the California Code of
41 Regulations, Title 23, Sections 863, 864, 865 and 868, emergency regulations finding a drought
42 emergency in California and imposing water conservation measures on individuals and water
43 suppliers; and

44 **WHEREAS**, the State Urban Water Supplier Conservation Tiers requires City water
45 users to decrease their water usage by thirty-two (32) percent when compared to the same month
46 in 2013 in order to conserve 218,918,400 gallons of water; and

47 **WHEREAS**, California Water Code Sections 350 et seq. authorize water suppliers, after
48 holding a properly noticed public hearing and after making certain findings, to declare a water
49 shortage (emergency) and to adopt such regulations and restrictions to conserve the water supply
50 for the greatest public benefit with particular regard for domestic use, sanitation, and fire
51 protection; and

52 **WHEREAS**, the voluntary and mandatory water conservation measures and progressive
53 restrictions on water use and method of use set forth herein provide an effective and immediately
54 available means of conserving water which is essential during periods of water shortage to
55 ensure a reliable and sustainable minimum supply of water for the public health, safety, and
56 welfare and to preserve valuable limited water storage, avoid depleting water storage to an
57 unacceptably low level, and thereby lessen the possibility of experiencing more critical shortages
58 if dry conditions continue or worsen; and

59 **WHEREAS**, the usage allotments hereinafter established will equitably spread the
60 burden of restricted and prohibited usage in a manner prescribed by the City’s water shortage
61 contingency plan over all City water department customers and other consumers of City water;
62 and

63 **WHEREAS**, the purposes of this chapter are to conserve the water supply of the City of
64 Yreka for the greatest public benefit, to mitigate the effects of a water supply shortage on public

65 health and safety and economic activity, and to budget water use so that a reliable and sustainable
66 minimum supply of water will be available for the most essential purposes for the entire duration
67 of the water shortage.

68 **SECTION 2. Repeal:**

69 Chapter 12.12 (Water Limitations) and Sections 12.04.280 and 12.04.290, inclusive of the
70 Yreka Municipal Code are hereby repealed in their entirety, provided, however, that such repeal
71 shall not affect or excuse any violation thereof occurring prior to the effective date of this
72 ordinance.

73 **SECTION 3. Reenactment:**

74 **BE IT ORDAINED** by the City Council of the City of Yreka a new Chapter 12.12 is
75 hereby added to the Yreka Municipal Code to read as follows:

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77 **12.12.10. Findings:** The Yreka City Council finds and determines as follows:

78 A. The above recitals are true and correct and are incorporated herein as if set forth in
79 full and are relied upon independently by the City Council for its adoption of this ordinance.

80 B. Article X, Section 2 of the California Constitution declares that waters of the State
81 are to be put to a beneficial use, that waste, unreasonable use, or unreasonable method of use of
82 water be prevented, and that water be conserved for the public welfare.

83 C. California Water Code Section 350 authorizes water suppliers to find and determine
84 the existence of an emergency caused by drought or other threatened or existing water shortage. A
85 water shortage emergency does exist and the City of Yreka hereby declares the existence of caused
86 by drought or other threatened or existing water shortage; and

87 D. California Water Code Section 375 authorizes water suppliers to adopt and enforce
88 a comprehensive water conservation program to reduce water consumption and conserve supplies.

89 E. California Water Code Section 356 allows for the adoption of regulations and
90 restrictions that include discontinuance of service as an enforcement option where a water shortage
91 emergency condition has been declared.

92 F. California Water Code Section 370 et. seq., authorizes water suppliers to adopt
93 water allocation programs for water users and allocation-based conservation water conservation
94 pricing.

95 G. California Water Code Section 375 et seq., authorizes public water suppliers to
96 establish by Ordinance, the maximum levels of water to be used by customers under emergency
97 supply conditions and declaring that the customer's excess usage, to be a violation of the
98 Ordinance.

99 H. State regulations and Executive Orders require conservation of current water
100 supplies and minimization of the effects of water supply shortages that are the result of drought
101 are essential to the public health, safety and welfare.

102 I. That the adoption of this Ordinance, for the purpose of addressing water shortages
103 and allocation of supplies, is exempt from the requirements of the California Environmental
104 Quality Act ("CEQA") pursuant to Sections 15307, 15308 and 15269(c) of the State CEQA
105 Guidelines since this ordinance is necessary to prevent or mitigate the emergency water shortages
106 that have been declared by the State and as declared by the City herein and to assure maintenance
107 and protection of a natural resource and the environment during. The adoption of this ordinance
108 will result in the maintenance and protection of water resources, and will not result in cumulative
109 adverse environmental impacts. Further, the Governor's Executive Order B-29-15 dated April 1,
110 2015 regarding the Statewide State of Emergency due to severe drought conditions suspends the
111 requirements of CEQA in order to implement the requirements of that Executive Order. The City
112 Council directs City staff to file a Notice of Exemption within five (5) days following adoption of
113 this Ordinance with the Siskiyou County Clerk.

114 J. The City of Yreka hereby finds, determines and declares that a water shortage
115 emergency exists, under the authority of Executive Order B-29-15; California Code of
116 Regulations, Title 23, Sections 863, 864, 865 and 868; the State's mandate that all urban water
117 suppliers implement water waste control measures; Article X, Section 2 of the California
118 Constitution; as well as State Urban Water Supplier Conservation Tiers requiring City water users
119 to decrease their water usage by thirty-two (32) percent; pursuant to its authority under Water Code
120 Section 350 and that water conservation measures and restriction on the use of water are necessary
121 to conserve the available water supply and protect the integrity of water supply facilities, with
122 particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve
123 public health, welfare, and safety and minimize the adverse impacts of water supply shortage or
124 other water supply emergency conditions, the City of Yreka hereby adopts the following
125 regulations and restrictions on the delivery and consumption of water; and

126 K. Under the authority of Executive Order B-29-15; California Code of Regulations,
127 Title 23, Sections 863, 864, 865 and 868; the State's mandate that all urban water suppliers
128 implement water waste control measures; as well as State Urban Water Supplier Conservation
129 Tiers requiring City water users to decrease their water usage by thirty-two (32) percent; and
130 pursuant to its authority under Water Code Section 350, 356 and 375, that the City of Yreka, based
131 on the findings set forth herein, does hereby prohibit the wastage of water and does hereby order

132 that the water conservation measures and water use restrictions are necessary and appropriate to
133 prevent the waste of water and to protect the health and safety of water users.

134 L. This Ordinance is intended to further the conservation of potable water. It is not
135 intended to implement any provision of federal, state or local statutes, ordinances or regulations
136 relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction
137 or Regional Water Quality Control Board for information on storm water ordinances or
138 management plans.

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140 M. This Ordinance is intended to establish a water conservation and landscape
141 guidelines that will reduce water consumption within the City through conservation, enable
142 effective water supply planning, assure reasonable and beneficial use of water, prevent waste of
143 water, and maximize the efficient use of water within the City to avoid and minimize the effect
144 and hardship of water shortage to the greatest extent possible.

145 **12.12.20 Application**

146 The provisions of this ordinance shall apply to all Persons, Customers, and property
147 utilizing potable water provided by the City, within or outside the City and within the City's
148 service area and regardless of whether any water user shall have a contract for water service with
149 the City.

150 **12.12.30 Precedence of Ordinance provisions**

151 Where other provisions of the municipal code, whether enacted prior or subsequent to this
152 chapter, are inconsistent with the provisions of this chapter, the provisions of this chapter shall
153 supersede and control.

154 **12.12.40 Definitions**

155 A. The following words and phrases whenever used in this chapter have the meaning
156 defined in this section:

157
158 1. "Best Management Practices" (BMP) means a policy, program, practice, rule,
159 regulation ordinance or the use of devices, equipment or facilities that result in more efficient use
160 or conservation of water.

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162 2. "Certified landscape irrigation auditor" means a person certified to perform
163 landscape irrigation audits by a professional trade organization or other educational organization.

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165 3. "CDPH" means the California Department of Public Health.

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167 4. "City" means the City of Yreka, California.
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169 5. "City Manager" means the City Manager of the City of Yreka or his or her
170 designee unless otherwise stated or indicated by context.
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172 6. "City Water System" means those facilities within and without the City of Yreka
173 that the City uses to deliver water as the water purveyor recognized by the California Department
174 of Public Health.
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176 7. "Customer" means any person or entity using water supplied by the City water
177 system. "Customer" includes tenants of single-family dwellings or duplexes, owners of real
178 property and management companies responsible for property management of real property.
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181 8. "CUWCC" means the California Urban Water Conservation Council.
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183 9. "Department" means the City of Yreka Department of Public Works.
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185 10. "Director" means the City of Yreka Director of Public Works or his or her
186 designee unless otherwise stated or indicated by context.
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188 11. "Discontinued service" means having the water service turned off by the
189 department.
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191 12. "Fire Chief" means the Fire Chief of the City of Yreka or designee unless
192 otherwise stated or indicated by context.
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194 13. "Non-residential Customer" means any property being served by City water
195 where no residence exists.
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197 14. "Park" or "Public Park" means City owned land that is maintained for community
198 recreation purposes.
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200 15. "Person" includes individuals, persons, corporations, partnerships, associations,
201 public or private entities, governmental agencies, institutions, Indian Tribes, their organizations
202 and entities, and all other legal entities.
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204 16. "Private Fire Service" means a private fire service main and appurtenances
205 installed on private property and maintained by the property owner for the explicit intent of

206 providing fire flows either through fire hydrants, fire sprinkler systems, or other water-based fire
207 protection systems.

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209 17. "Public Ground" means any City owned land.

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211 18. "Residential Customer" means a customer of the City water system on whose
212 property, whether owned or rented, and at least one person resides.

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214 19. "SWRCB" means the California State Water Resources Control Board.

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216 20. "Water Budget" means the adopted dollar amount in the City's budget allocated
217 for irrigating Public Ground or public parks.

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219 21. "Water Conservation" means the best management practices for the reasonable
220 and efficient use of water for both indoor and outdoor water demands.

221

222 22. "Water Conservation Program Guidelines" means the program guidelines
223 developed, maintained, and managed by the Director pursuant to this chapter.

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225 23. "Water Division Manager" means the Water Division Manager in the Department
226 of Public Works.

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228 24. "Wasteful Use of Water" is as defined in Section 12.12.70.

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230 **12.12.50 City Responsibility**

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232 The City shall have the right to manage water demand within the City's water service
233 area.

234 **12.12.60 Water Conservation Program and Landscape Guidelines**

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236 A. The Director shall oversee this chapter's implementation, compliance with the
237 CUWCC best management practices and any laws mandating water conservation.

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239 B. The Director is authorized to develop sustainable landscape practices consistent
240 with the water conservation intent of this chapter. The Director shall, from time to time, but at
241 least annually, review the sustainable landscape practices and determine if such practices are
242 reasonable and achieve the level of conservation required under this chapter for the declared
243 water conservation stage, taking into account the burden imposed on property owners.

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246 **12.12.70 Wasteful Use of Water**

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The following water conservation requirements are effective at all times and are permanent. Violations of this section constitutes water waste and an unreasonable use of water:

A. Water flowing away from a property caused by excessive application(s) of water beyond reasonable or practical irrigation rates, duration of application, or other than incidental applications to impervious surfaces or any sidewalk, walkway, driveway, street, alley, gutter or ditch.

B. Causing or permitting an amount of water to discharge, flow, run to waste into or flood any gutter, sanitary sewer, water course or storm drain, or to any adjacent lot, from any tap, hose, faucet, pipe, sprinkler, or nozzle. In the case of irrigation, "discharge," "flow" or "run to waste" means that water is applied to the point that the earth intended to be irrigated has been saturated with water so that additional applied water then flows over the earth. In the case of washing, "discharge," "flow" or "run to waste" means that water in excess of that necessary is applied to wash, wet or clean the dirty or dusty object, such as an automobile, sidewalk, or parking area.

C. Allowing water fixtures or heating or cooling devices to leak or discharge water.

D. Maintaining ponds, waterways, decorative basins or swimming pools that does not use water recirculation devices or with known leaks, both seen and unseen, unless a waiver has been obtained.

E. Discharging water from, and refilling, swimming pools, decorative basins or ponds in excess of the frequency reasonably necessary to maintain the health, maintenance or structural considerations of the pool, basin or pond, as determined in the Director's sole discretion.

F. Continued operation of an irrigation system that is in disrepair.

G. Use of a water hose not equipped with a control nozzle capable of completely shutting off the flow of water except when positive pressure is applied.

H. Irrigation of lawns or landscaping during periods of measurable rainfall.

I. Overfilling of any pond, pool or fountain that results in water discharging from the pond, pool or fountain.

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J. Failure to repair a controllable leak within five working days of the defect’s commencement, unless the Director informs the Customer that the leak must be repaired more quickly, in which case the Customer shall repair the leak in the time specified by the Director.

K. Excepting evaporative cooling systems, any installation of (new) single-pass cooling system(s), such as water-cooled air compressors, in buildings requesting new water service.

L. Causing or permitting the flow of City supplied water to run into any river, creek or other natural watercourse or drain, superficial or underground channel, or into any sanitary or storm sewer, any street, road or highway, or upon the lands of another person or upon public lands except as necessary for the proper operation of the public water supply system.

M. Any new automatic car wash or new commercial laundry system shall be designed and constructed in accordance with the then current best management practices for water conservation.

N. Whenever the Governor or any agency designated by the Legislature of the State of California, law or regulation reduces or suspends water diversion or imposes water conservations standards. These State imposed restrictions are generally imposed for a limited duration of time and shall expire as set forth in the State’s regulations. Each of these regulations shall be adopted by resolution of the City Council and, when they are in effect, will be available for public inspection on the City’s website.

12.12.80 Determination of Water Conservation Stages

The Yreka City Council hereby delegates to the Director, or if no Director to the City Manager or his/her designee, the authority to determine the City Water System's water conservation stage. To arrive at that determination, the Director may consider whether that system's water supplies available for potable use are sufficient to meet the current customer demands on that system, unless otherwise excluded by this section, other relevant factors. The Director is directed to consider, among other things: (A) any variations in the reliability of the water supplies available to the City water system; (B) any variations in historic water demand (C) availability of non-potable water to meet non-potable demands on the City water system; (D) the success, or lack thereof, of previous declarations of a less stringent water conservation stage in causing the water-use reductions sought by the City; and (E) any agreements between the City and local water rights holders for deliveries of additional water supplies to the City. The Director will select the necessary stage for conservation under Section 12.12.90.

326 The Director’s water conservation stage determination will take effect on the tenth (10)
327 day after the date that a new or different Water Conservation Stage is declared. Within five (5)
328 days following the declaration of the shortage phase, the City shall publish a copy of the
329 resolution in a newspaper used for publication of official notices. As a courtesy to Customers,
330 whenever the Director establishes a new or different water conservation stage determination, it
331 may also provide notice of the determination by including it in the regular billing statement or by
332 any other mailing to the address to which the City customarily mails the billing statement for
333 fees or charges for on-going water service.

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335 **12.12.90 Water Conservation Stages**
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337 The Director is authorized to implement and enforce whatever conservation measures are
338 deemed by the Director to be expedient to achieve the water reduction requirements of the
339 declared conservation stage. For each stage, the water use reduction for customers shall be as
340 follows:

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342 A. Stage one (basic stage) shall be in effect year-round, without notice or publication
343 as specified in section 12.12.80, and are independent of any calculation of the system’s safe
344 operating capacity, shortage, or abundance of supply. The voluntary elimination of water
345 wasteful acts is considered to be the most basic, common sense approach to reducing waste of
346 water resources. Residents of the City of Yreka are asked to always be mindful of the value of all
347 natural resources.

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349 B. Stage two (water alert) shall achieve a reduction of up to ten percent relative to
350 the projected demand.

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352 C. Stage three (water warning) shall achieve a reduction of up to twenty percent
353 relative to the projected demand.

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355 D. Stage four (water crisis) shall achieve a reduction of up to thirty-five percent
356 relative to the projected demand.

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358 E. Stage five (water emergency) shall achieve a reduction of up to fifty percent
359 relative to the projected demand, or any other reduction the City Manager determines, in writing,
360 is necessary to protect public health and safety in the City during the actual situation presented
361 by a stage five water emergency.

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364 **12.12.100 Water Use Restrictions**

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366 Water use restrictions during the various efficiency stages shall, at a minimum, be as
367 listed below and may be augmented by other restrictions as determined necessary by the City
368 Manager.

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370 A. During the stage one (basic stage) efficiency stage, the following restrictions shall
371 be enforced:

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373 1. Water will be used for beneficial uses; all wasteful use of water is prohibited.

374
375 2. Water shall be confined to the customer's property and shall not be allowed to run
376 off to adjoining property or to the roadside ditch or gutter. Care shall be taken not to water past
377 the point of saturation.

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379 3. The use of a free flowing hose is prohibited for vehicle and equipment washing,
380 ponds, evaporative coolers and livestock watering troughs. A free flowing hose with a sprinkler
381 apparatus may be used for landscape irrigation. Automatic shut-off devices, including sprinkler
382 timers, are recommended for use on any hose or filling apparatus in use.

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384 4. All pools, spas and ornamental fountains/ponds shall be equipped with a
385 recirculation pump and shall be constructed to be leak proof. Pool draining and refilling shall be
386 allowed only to the extent required for health, maintenance, or structural considerations, and
387 must otherwise comply with all applicable federal, state and local stormwater management
388 requirements.

389
390 5. The City will encourage customers to irrigate landscapes and pastures a maximum
391 of three days per week based on the following odd-even schedule, with the exception of drip
392 irrigation, which may be conducted on any day.

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394 a. The City will encourage customers with street addresses that end with an odd
395 number to irrigate only on Tuesdays, Thursdays and Saturdays.

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397 b. The City will encourage customers with street addresses that end with an even
398 number may irrigate only on Wednesdays, Fridays and Sundays.

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400 c. The City will encourage customers to not irrigate on Mondays.

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402 6. The City recommends that landscape and pasture irrigation during the months of
403 April through September occur only between the hours of 8:00 pm and 8:00 am.

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B. During the stage two (water alert) efficiency stage, the following restrictions shall be enforced:

1. All stage one (basic stage) restrictions shall continue to be enforced, except to the extent they are replaced by more restrictive requirements imposed by this section.

2. Landscape and pasture irrigation shall be limited to a maximum of three days per week based on the following odd-even schedule, with the exception of drip irrigation, which may be conducted on any day.

a. Customers with street addresses that end with an odd number may irrigate only on Tuesdays, Thursdays and Saturdays.

b. Customers with street addresses that end with an even number may irrigate only on Wednesdays, Fridays and Sundays.

c. No irrigation is permitted on Mondays.

3. If the City establishes, and the Director approves, a Water Budget for a City park or other public ground, irrigation of the City park or public ground shall only be allowed according to the Water Budget, which shall not exceed a total quantity equal to the landscape area (in acres) multiplied by an application volume per acre equal to 70% of reference evapotranspiration.

4. Hand and manual watering follows the same odd/even day schedule and may be done anytime during the day.

5. The City recommends that landscape and pasture irrigation, as well as hand and manual watering, during the months of April through September occur only between the hours of 8:00 pm and 8:00 am.

6. Washing of streets, parking lots, driveways, sidewalks, buildings or other hardscape surfaces is prohibited, except as necessary for health, sanitation or fire protection purposes.

7. Public and private streetscape landscaping (medians and frontage) may be watered only on the same schedule as customers with street addresses that end with an even number.

444 C. During the stage three (water warning) efficiency stage, the following restrictions
445 shall be enforced:

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447 1. All stage one and two restrictions shall continue to be enforced, except to the
448 extent they are replaced by more restrictive requirements imposed by this section.

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450 2. Landscape and pasture irrigation shall be limited to a maximum of two days per
451 week based on the following odd-even schedule, with the exception of drip irrigation, which may
452 be conducted on any day.

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454 a. Customers with street addresses that end with an odd number may irrigate only on
455 Tuesdays and Saturdays.

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457 b. Customers with street addresses that end with an even number may irrigate only
458 on Wednesdays and Sundays.

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460 c. No irrigation is permitted on Mondays, Thursdays and Fridays.

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462 3. If the City establishes, and the Director approves, a Water Budget for a
463 City park or other public ground, irrigation of the City park or public ground shall only be
464 allowed according to the Water Budget, which shall not exceed a total quantity equal to the
465 landscape area (in acres) multiplied by an application volume per acre equal to 60% of reference
466 evapotranspiration.

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468 4. No potable water from the City water system shall be used for construction
469 purposes such as dust control, compaction, or trench jetting, unless the use is approved by the
470 Director.

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472 D. During the stage four (water crisis) efficiency stage, the following restrictions
473 shall be enforced:

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475 1. All stage one, two, and three restrictions shall continue to be enforced, except to
476 the extent they are replaced by more restrictive requirements imposed by this section.

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478 2. Landscape and pasture irrigation, including drip irrigation, shall be limited to a
479 maximum of one day per week based on the following odd-even schedule.

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481 a. Customers with street addresses that end with an odd number may irrigate only on
482 Tuesdays.

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484 b. Customers with street addresses that end with an even number may irrigate only
485 on Wednesdays.

486
487 c. No irrigation is permitted on Mondays, Thursdays, Fridays, Saturdays and
488 Sundays.

489
490 3. If the City establishes, and the Director approves, a Water Budget for a
491 City park or other public ground, irrigation of the City park or public ground shall only be
492 allowed according to the Water Budget, which shall not exceed a total quantity equal to the
493 landscape area (in acres) multiplied by an application volume per acre equal to 50% of reference
494 evapotranspiration.

495
496 4. Public and private streetscape landscaping (medians and frontage) may be
497 watered only on the same schedule as customers with street addresses that end with an even
498 number.

499
500 5. No water from the City water system shall be used to drain and refill swimming
501 pools, artificial lakes, ponds or streams and no new permits for swimming pools, artificial lakes,
502 ponds or streams shall be issued until the water conservation stage has been declared to be stage
503 one.

504
505 6. Water use for ornamental ponds and fountains is prohibited unless required to
506 maintain existing vegetation or to sustain existing fish/animal life.

507
508 7. New or expanded landscaping on properties is limited to low or very low water
509 use trees, shrubs, and ground cover and no new turf or grass shall be planted, hydro-seeded or
510 laid.

511
512 8. Washing of automobiles or equipment shall be done on the lawn or at a
513 commercial establishment that uses recycled or reclaimed water.

514
515 9. All water leaks shall be repaired within twenty-four hours of notification by the
516 Department of Public Works or service may be discontinued.

517
518 E. During the stage five (water emergency) efficiency stage, the following
519 restrictions shall be enforced:

520
521 1. All stage one, two, three, and four restrictions shall continue to be enforced,
522 except to the extent they are replaced by more restrictive requirements imposed by this section.
523

524 2. No landscape and/or pasture irrigation shall be allowed, including parks or other
525 public grounds.

526

527 3. Flushing of sewers or fire hydrants is prohibited, except in case of an emergency
528 and for essential operations.

529

530 4. Flushing of fire protection systems is prohibited, except during required
531 maintenance or servicing of the system.

532

533 5. Water use for ornamental ponds and fountains is prohibited.

534

535 6. Washing of automobiles or equipment shall be done at a commercial
536 establishment that uses recycled or reclaimed water.

537

538 7. Installation of any new lawns or landscaping is prohibited.

539

540 8. No water from the City water system shall be used for construction purposes such
541 as dust control, compaction, or trench jetting, unless the use is necessary for fire protection
542 system testing, maintenance, or acceptance by the Fire Chief.

543

544 **12.12.110 Irrigation System Inspections**

545

546 All customers, public and private, with a parcel over one acre shall comply with Section
547 11.38.010 of the Yreka Municipal Code, as amended or supplanted. Compliance with this
548 requirement will be waived for one full year if a full landscape water audit has been performed in
549 the previous year.

550

551 Customers that have a current irrigation system audit on file with the department will be
552 allowed one courtesy water waste warning before being deemed in violation of this chapter.

553

554 **12.12.120 Hardship Waiver.**

555

556 A. Undue and Disproportionate Hardship: If, due to unique circumstances, a specific
557 requirement of this chapter would result in undue hardship to a person using water or to property
558 upon which water is used, that is disproportionate to the impacts to water users generally or to
559 similar property of classes of water users, then the person may apply for a waiver to the
560 requirements as provided in this section.

561

562 B. A Person requesting a variance from the provisions of this article must file an
563 application with the City Manager on forms promulgated by the City. Each application shall
564 include the following information:

- 565
- 566 1. Name and address of the applicant(s);
 - 567
 - 568 2. A full description of the proposed water use, including, but not limited to:
569 The daily amount of the proposed use;
570 The hours of the proposed use;
 - 571
 - 572 3. A reference to the specific provision(s) of this article from which the applicant is
573 requesting relief;
 - 574
 - 575 4. A detailed statement as to how the specific provision of the article adversely
576 affects the applicant and/or what damage or harm will occur to the applicant or others if
577 applicant complies with this article;
 - 578
 - 579 5. A description of the relief requested;
 - 580
 - 581 6. The period of time for which the variance is sought;
 - 582
 - 583 7. Alternative water use restrictions or other measures the petitioner is taking or
584 proposes to take to meet the intent of this article and the compliance date; and
 - 585
 - 586 8. Any additional information that the City Manager deems relevant and necessary
587 in making a determination regarding the request.
 - 588

589 C. Written Finding: The waiver may be granted or conditionally granted only upon a
590 written finding of the existence of facts demonstrating an undue hardship to a person using water
591 or to property upon which water is used, that is disproportionate to the impacts to water users
592 generally or to similar property or classes of water use due to specific and unique circumstances
593 of the user or the user's property.

594

- 595 1. Application: Application for a waiver must be on a form prescribed by the City
596 and accompanied by a non-refundable processing fee in an amount set by City Council
597 resolution.

598

- 599 2. Supporting Documentation: The application must be accompanied by
600 photographs, maps, drawings, and other information, including a written statement of the
601 applicant.

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3. Required Findings for Waiver: An application for a waiver will be denied unless the City Manager or his/her designee finds, based on the information provided in the application supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the City or its Agent, all of the following:

a. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;

b. That because of special circumstances applicable to the property or its use, the strict application of this chapter would have a disproportionate impact on the property of use that exceeds the impacts to residents and businesses generally;

c. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City to effectuate the purpose of this chapter and will not be detrimental to the public interest; and

e. That the condition or situation of the subject property of the intended use of the property for which the waiver is sought is not common, recurrent or general in nature.

D. Approval Authority: The City Manager or designee must act upon any completed application no later than thirty (30) days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver must be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved, the waiver will apply to the subject property during the period of the mandatory water supply shortage condition. The decision of the City Manager will be final.

E. Waivers granted shall expire upon the earlier of:

1. The date the water conservation measure from which the variance was granted is no longer in effect;

2. The date the City Manager determines that the applicant has failed to comply with any deadline imposed with respect to compliance with the conditions set forth in the variance; or

3. The date the City Manager specifically sets forth for termination of the variance.

F. Waivers not a defense. The granting of a waiver shall not be a defense to a violation of the provisions of this article that occurs prior to the effective date of the variance. No

641 variance shall be retroactive or otherwise justify any violation of this ordinance occurring prior
642 to the issuance of the waiver.

643

644 **12.12.130 Penalties and Violations**

645

646 A. Violation of any provisions of the ordinance herein must be personally observed
647 by members of the City staff able to personally attest to them. The fines for such violations will
648 be collected on the water bill. Failure to pay a fine amount will be treated as nonpayment of the
649 water bill and water service may be terminated as a result. The fines for such violations are as
650 follows:

651

652 1. First Violation: The City will issue a written warning and deliver a copy of a
653 summary of this ordinance by mail.

654

655 2. Second Violation: A second violation within the preceding twelve (12) calendar
656 months is punishable by a fine not to exceed one hundred dollars (\$100).

657

658 3. Third Violation: A third violation within the preceding twelve (12) calendar
659 months is punishable by a fine not to exceed two hundred and fifty (\$250).

660

661 4. Fourth and Subsequent Violations: A fourth and any subsequent violation is
662 punishable by a fine not to exceed five hundred (\$500).

663

664 a. Water Flow Restrictor Device: In addition to any fines, the City may install a
665 water flow restrictor device of approximately one gallon per minute.

666

667 b. Termination of Service: In addition to any fines, the City may disconnect and/or
668 terminate a customer's water service.

669

670 B. Cost of Installing Flow Restrictor or Disconnecting Service: A person or entity
671 that violates this ordinance is responsible for payment of the City's charges for installing a flow
672 restrictor or disconnecting and/or reconnecting service per the City's schedule of charges then in
673 effect. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.

674

675 C. Separate Offenses: Each day that a violation of this ordinance occurs is a separate
676 offense.

677

678 D. Additional Enforcement Authority: In addition to the remedies specified herein,
679 the Director is empowered to pursue any additional remedies necessary, including criminal, civil
680 and administrative remedies.

681 E. Notice and Hearing:

682

683 1. The City will issue a Notice of Violation by mail or personal delivery at least ten
684 (10) days before taking enforcement action. Such notice must describe the violation and the date
685 by which corrective action must be taken. A Customer may appeal the Notice of Violation by
686 filing a written notice of appeal with the City no later than the close of business on the day
687 before the date scheduled for enforcement action. Any Notice of Violation not timely appealed
688 will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and the
689 City will mail written notice of the hearing date to the Customer at least ten (10) days before the
690 date of the hearing.

691

692 2. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the
693 City may take appropriate steps to prevent the unauthorized use of water as appropriate to the
694 nature and extent of the violations and the current declared Water Conservation Stage condition.

695

696 **12.12.140 Unauthorized Water Use**

697

698 A. An illegal connection to the City water system shall be disconnected at the
699 discretion and direction of the Director, and the offender shall be subject to the penalties
700 specified in Section 12.12.130.

701

702 B. Unauthorized use of a fire hydrant, public or private, for anything other than fire
703 flows or authorized and metered construction water shall subject the offender to the penalties
704 specified in Section 12.12.130 and Chapter 12.04 of the Yreka Municipal Code.

705

706 C. Private fire services with an observed demand that is deemed not to be fire flow
707 by the department shall have a meter and appropriate cross-connection control device installed
708 by the property owner, upon approval by the Director and the fire chief. Prior to making any
709 modifications or alteration to the on-site fire service, a permit shall be obtained from the fire
710 department. Upon written notification of the requirement to install a meter and cross-connection
711 control device, the property owner shall have thirty calendar days to submit a plan of correction
712 to the Director. Failure to comply with this section shall subject the property owner to the
713 penalties specified in Section 12.12.130.

714

715 **12.12.150 Cross-connection Control Devices**

716

717 All connections to the City's water system shall have the appropriate cross-connection
718 control device as required by regulations promulgated by CDPH and/or SWRCB and enforced
719 by the Department in accordance with Chapter 12.13, Cross-Connections, as amended or
720 supplanted. These devices shall be from the approved and published list maintained by the

721 University of Southern California (USC) or other list as approved by the Director and shall be
722 tested annually in accordance with the Department's policies and procedures. Devices used on
723 private fire services shall be listed for fire service use and maintained in accordance with State
724 Fire Marshall regulations.

725

726 **12.12.160 Violation Declared a Nuisance**

727

728 Any activity in violation of this chapter will adversely and seriously affect the public health,
729 safety and welfare, is hereby declared to be a public nuisance and may be remedied as provided
730 in this chapter, any other applicable portion of the Yreka Municipal Code or applicable state law.

731

732 **SECTION 4.**

733

734 Any provisions of the Yreka Municipal Code, or appendices thereto, or any other
735 ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further,
736 are hereby repealed.

737

738 **SECTION 5. Severability:**

739

740 If any section, subsection, part, clause, sentence or phrase of this Ordinance or the
741 application thereof is for any reason held to be invalid or unconstitutional by a decision of any
742 court of competent jurisdiction, the validity of the remaining portions of this Ordinance, the
743 application thereof, shall not be effected thereby but shall remain in full force and effect, it being
744 the intention of the City Council to adopt each and every section, subsection, part, clause,
745 sentence phrase regardless of whether any other section, subsection, part, clause, sentence or
746 phrase or the application thereof is held to be invalid or unconstitutional.

747

748 **SECTION 6. Effective Date:**

749

750 This ordinance shall take effect immediately upon its adoption.

751

752 **SECTION 7. Implementation:**

753

754 The City Council hereby authorizes and directs the City Manager to take any action
755 and sign any documents necessary to implement this Ordinance.

756

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759

760 **SECTION 8. Publication:**

