

ORDINANCE NO. 2017-0045

Adopted by the Sacramento City Council

August 15, 2017

**An Ordinance Amending Sections 13.04.830, 13.04.840,
13.04.870, 13.04.890, and 13.04.940 of the Sacramento
City Code, Relating to Outdoor Water Conservation**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 13.04.830 of the Sacramento City Code is amended to read as follows:

13.04.830 Legislative intent.

The city council finds and determines:

- A. To prevent waste and ensure reasonable use of water supplied by the city water distribution system, and protect and promote the public health, safety, and welfare, it is necessary and desirable to enact certain limitations to promote water conservation by city customers.
- B. These limitations should be focused on reducing outdoor water use, because the maximum demands for water from the city's water distribution system occur during the summer months, with outdoor irrigation use exceeding all other demands.
- C. Water use limitations should be designed to promote the use of irrigation methods that reduce outdoor water use by applying water more efficiently than traditional irrigation methods.
- D. Water use limitations should be designed to protect the City's trees; shrubs; gardens that produce edible fruits and vegetables; and public playing fields and parks.
- E. Reduction of water use through water conservation and water use efficiency protects and promotes the public health, safety and welfare by conserving a vital resource that is subject to ever-increasing demands.

- F. Reduction of water demands through water conservation and water use efficiency reduces the per capita amount of water used by city customers, and reduces the city's costs for electrical energy, equipment, and chemicals utilized to pump and treat water supplied to the city water distribution system.
- G. By reducing the use of electrical energy, equipment, and chemicals, the reduction of water demands through water conservation and water use efficiency also protects and promotes the public health, safety, and welfare by reducing greenhouse gas emissions associated with the production and transport of electrical energy, equipment, and chemicals.

SECTION 2.

- A. Section 13.04.840 of the Sacramento City Code is amended as follows:

- 1. Six new definitions are added to read as follows:

“100-degree day” means a day when the maximum temperature measured at Sacramento Executive Airport equals or exceeds 100 degrees Fahrenheit.

“Day” means the period beginning at 12 a.m. (midnight) and ending 24 hours later.

“Heat wave period” means a period of consecutive 100-degree days, beginning on the second consecutive 100-degree day and ending one day after the last consecutive 100-degree day.

“Measurable rainfall” means a rainfall event during which 0.125 inches of precipitation or more is recorded at the National Weather Service rain gauge located at the Sacramento Executive Airport.

“Smart controller” means an irrigation controller that reduces outdoor water use by monitoring and using information about site conditions such as soil moisture, rain, wind, slope, soil, plant type, and evapotranspiration. For purposes of this article, an irrigation controller with an Environmental Protection Agency “Water Sense” label is a smart controller.

“Special landscape area” means an area used solely for growing edible plants; a landscaped area irrigated solely with recycled water; one or more water features using recycled water; and landscaped areas open to the public that are dedicated to active play, such as parks, sports fields, golf courses, and other playing surfaces.

2. The definition of “water waste runoff” is amended to read as follows:

“Water waste runoff” means water flowing away from property in any gutter, ditch, or other manner over the surface of the ground due to excessive application of city water. Incidental overspray on hardscape surfaces that does not result in runoff leaving the property is not water waste runoff.

- B. Except as amended in subsection A above, section 13.04.840 remains unchanged and in full effect.

SECTION 3.

Section 13.04.870 of the Sacramento City Code is amended to read as follows:

13.04.870 Outdoor conservation of water.

- A. No person shall use, or cause to be used, any city water to wash down sidewalks, driveways, or parking areas unless authorized by the director pursuant to section 13.04.940, except to alleviate immediate fire, health, or sanitation hazards, or to implement an integrated pest management program.
- B. No person shall use, or cause to be used, any city water through a hose to wash a vehicle unless the hose is equipped with an automatic shut-off nozzle attachment, and the attachment is being used to shut off the flow of water at all times when the hose is not being used to wash the vehicle.
- C. Beginning on March 1, and extending through October 31:
 1. No person shall use, or cause to be used, any city water for landscape irrigation between the hours of 10 a.m. and 7 p.m., unless the director authorizes a different time limitation pursuant to section 13.04.940.
 2. Residential and commercial locations bearing a street address ending in an odd number are permitted to irrigate with city water only on Tuesday and Saturday, and locations bearing a street address ending in an even number are permitted to irrigate with city water only on Wednesday and Sunday, unless the director authorizes a different irrigation pattern pursuant to section 13.04.940.
 3. No landscape irrigation is allowed on Monday, Thursday, or Friday, unless authorized by the director pursuant to section 13.04.940.

- D. Beginning on November 1, and extending through February 28, all residential and commercial locations are permitted to irrigate with city water only on Saturday or Sunday, and landscape irrigation is prohibited on other days of the week, unless the director authorizes a different irrigation pattern pursuant to section 13.04.940.
- E. The limitations specified in subsections C and D do not apply to:
 - 1. Landscape irrigation using a low volume irrigation system;
 - 2. The irrigation of container plants;
 - 3. Hand watering with a watering can or using a hose without an automatic timer; or
 - 4. The operation of irrigation systems solely for testing, maintenance, or repair.
- F. The limitations specified in subsections C.2, C.3, and D do not apply to
 - 1. The irrigation of new landscaping in accordance with section 13.04.880;
 - 2. The irrigation of a special landscape area;
 - 3. Landscape irrigation using a smart controller that is properly installed and operated, as verified by the department; or
 - 4. Landscape irrigation during a heat wave period.
- G. No person shall use, or cause to be used, any city water in a fountain or other decorative water feature unless it uses a recirculating system.
- H. No person shall use, or cause to be used, any city water for landscape irrigation during and within 48 hours after measurable rainfall.
- I. Upon declaration of a water shortage, the city council may impose revised and additional limitations on outdoor water use, as specified in section 13.04.910, and no person shall use, or cause to be used, city water in violation of those limitations while the water shortage remains in effect.

SECTION 4.

Section 13.04.890 of the Sacramento City Code is amended to read as follows:

13.04.890 Penalties for violation.

- A. The following penalties are imposed for violation of any of the provisions of sections 13.04.850 through 13.04.880. Any violations occurring on separate calendar days are considered separate violations.
1. First violation during a 12-month period: A written warning describing the violation and the penalties for subsequent violations shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred. The warning also may include information regarding services offered by the department to promote water conservation and efficient water use, including the department's "water wise house call" program.
 2. Second violation during a 12-month period: A written notice of violation describing the violation and the penalty shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred. A penalty of \$50 shall be imposed, but this penalty shall be removed from the water service bill for the premises if, within 60 days after the date of the penalty notice, the owner, or the occupant (if different than the owner, and the occupant committed the violation), either attends a water conservation seminar offered by the department or requests and accepts a water wise house call from the department; provided that only one removal of this penalty shall be allowed for the premises within any 24 month period.
 3. Third violation during a 12-month period: A written notice of violation describing the violation and the penalty shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred. A penalty of \$100 shall be imposed.
 4. Fourth violation and any successive violations during any 12-month period: A written notice of violation describing the violation and the penalty shall be issued to the owner and the occupant (if different than the owner) of the premises where the violation occurred. A penalty of \$500 shall be imposed.

- B. The director may waive and remove from the water service bill any penalty imposed pursuant to subsection A if, within 120 days after the date of the penalty notice, the owner of the premises where the violation occurred participates in one or more of the department's programs that provide incentives to remove turf grass, upgrade irrigation systems, or install smart controllers.
- C. The written notices specified in subsection A shall provide notice of the right to appeal pursuant to section 13.04.900 and shall specify the address where the notice of appeal shall be filed.
- D. The penalties specified in subsection A shall be imposed on the owner of the premises where the violation occurs regardless of who committed the violation. After the notice of violation is issued, the penalty amount shall be included on the water service bill for the premises and shall be collected in accordance with chapter 13.12, subject to subsections A.2 and B of this section and section 13.04.900.E. All penalties collected shall be used by the department to fund water conservation programs.
- E. Upon declaration of a water shortage by the city council, as specified in section 13.04.910, the penalty amounts specified in subsection A are doubled while the water shortage remains in effect.
- F. The violation of any of the provisions of sections 13.04.850 through 13.04.880 also constitute a public nuisance, subject to abatement in accordance with the provisions of chapter 8.04, as applicable.
- G. The foregoing provisions are cumulative and in addition to any other remedies or penalties authorized or imposed under any other provision of this code, including, but not limited to, section 13.04.270, or any other applicable law or regulation. The provisions of this article may be enforced by the department or by the community development department.

SECTION 5.

Section 13.04.940 of the Sacramento City Code is amended to read as follows:

13.04.940 Consent of director.

- A. Whenever this article allows the director to consent to a variation from one or more requirements of this article or authorize a person to perform an act otherwise prohibited, the director may give consent or authorization on a case-by-case basis, on such conditions as the director may specify, if the director determines:

1. There is no practical alternative manner for the person to accomplish the desired result;
 2. A variation is needed to avoid an undue hardship; or
 3. The desired result is of substantial importance when compared with the importance of conserving water resources as set forth in this article.
- B. Any person requesting a variation from one or more requirements in this article shall comply with all application requirements specified by the department, and shall pay any fee established by resolution of the city council for payment of the department's application processing costs. Director-approved variations will be issued for a term of two years, unless a different term is specified by the director.

SECTION 6.

This ordinance takes effect on November 1, 2017.

Adopted by the City of Sacramento City Council on August 15, 2017, by the following vote:

Ayes: Members Guerra, Hansen, Harris, Jennings, Schenirer and Mayor Steinberg

Noes: Members Ashby, Carr, Warren

Abstain: None

Absent: None

Attest:


e-Signed by Mindy Cuppy
on 2017-08-21 18:06:25 GMT

City Clerk

August 21, 2017

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Passed for Publication: August 8, 2017

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