



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE

## Water Conservation Stages

### 13.26.050 Wasteful Use of Water

Any of the following acts or omissions, whether intentional, unintentional, willful or negligent, shall constitute the wasteful 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.
- 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 without water recirculation devices or with known leaks, both seen and unseen.
- 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 by the Director.
- F. Continued operation of an irrigation system that applies water to an impervious surface or 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 when it is raining.

- I. Overfilling of any pond, pool or fountain which results in water discharging from the pond, pool or fountain.
- J. Failure to repair customer pipes, faulty sprinklers or other water-related fixtures that leak water, within five working days, 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. Irrigating lawns or landscaping between the hours of 10:00 a.m. and 10:00 p.m., with the exception of drip irrigation as otherwise authorized pursuant to this chapter, unless a variance is granted by the Director.
- L. Using potable water from the City water system for compaction, dust control or other construction purposes without first obtaining approval from the Director as provided in Section 13.26.090 and a meter from the City.
- M. Installing a single-pass cooling system in any property that is newly connected to the City water system.
- N. Installing a non-recirculating system in any new automatic car wash or new commercial laundry system or failure to utilize current best management practices for water conservation that are industry standards.

#### **13.26.060 Determination of Water Conservation Stages**

In determining the City water system's water conservation stage, the City Manager shall determine whether that system's water supplies available for potable use are sufficient to meet the current customer demands on that system and shall consider, unless otherwise excluded by this section, all relevant factors. The City Manager shall consider, among other things: (a) any variations in the reliability of the water supplies available to the City water system; (b) any declarations by the Bureau of Reclamation concerning its ability to deliver water under Central Valley Project water-service contracts; (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 purveyors for deliveries of additional water supplies to the City. The City Manager will select the necessary stage for conservation under Section 13.26.070.

### **13.26.070 Water Conservation Stages**

The City Manager is authorized to implement and enforce whatever conservation measures are deemed necessary to achieve the water reduction requirements of the declared conservation stage. For each stage, the water use reduction for customers shall be as follows:

- A. **Stage one (“Basic Stage”)** shall be in effect at all times unless the City Manager determines that a more restrictive conservation stage is appropriate. Base allocation of water may be used to determine allowable water use for each customer in this stage and compliance with the following conservation stages.
- B. **Stage two (“Water Alert”)** shall achieve a reduction of up to 12% relative to the base allocation of water.
- C. **Stage three (“Water Warning”)** shall achieve a reduction of up to 20% relative to the base allocation of water.
- D. **Stage four (“Water Crisis”)** shall achieve a reduction of up to 35% relative to the base allocation of water.
- E. **Stage five (“Water Emergency”)** shall achieve a reduction of up to 50% relative to the base allocation of water, or any other reduction the City Manager determines, in writing, are necessary to protect public health and safety in the City during the actual situation presented by a Stage Five Water Emergency.

### **13.26.080 Water Use Restrictions**

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

- A. During the **Stage One (“Basic Stage”)** conservation stage, the following restrictions shall be enforced:
  - 1. Water will be used for beneficial uses; all Wasteful Use of Water are prohibited.
  - 2. Water shall be confined to the customer’s property and shall not be allowed to run off to adjoining property or to the roadside ditch or gutter. Care shall be taken not to water past the point of saturation.
  - 3. Free flowing hoses are prohibited for all uses including landscape watering, vehicle and equipment washing, ponds, evaporative coolers and livestock watering troughs. Automatic shut-off devices shall be installed on any hose or filling apparatus in use.

4. All pools, spas and ornamental fountains/ponds shall be equipped with a recirculation pump and shall be constructed to be leak proof. Pool draining and refilling shall be allowed only to the extent required for health, maintenance, or structural considerations, and must otherwise comply with all applicable federal, state and local stormwater management requirements, including but not limited to Chapter 8.70 of Folsom Municipal Code, Stormwater Management and Discharge Control.

B. During the **Stage Two (“Water Alert”)** conservation 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 3 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. Hand and manual watering follows the same odd/even day schedule and may be done anytime during the day.

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

5. Restaurants shall serve water only upon specific request.

6. 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.

C. During the **Stage Three (“Water Warning”)** conservation stage, the following restrictions shall be enforced.

1. All Stage Two 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 2 day 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 and Saturdays.

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

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

d. Irrigation for public parks and other public grounds, including landscaping and lighting district property, shall only be allowed with an irrigation plan and irrigation system audit that has been approved by the Director in accordance with Section 13.26.110, irrespective of size.

3. No water from the City water system shall be used for construction purposes such as dust control, compaction, or trench jetting, unless the use is approved by the Director consistent with the provisions of section 13.26.090.

D. During the **Stage Four (“Water Crisis”)** conservation stage, the following restrictions shall be enforced:

1. All Stage Three 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, including drip irrigation, shall be limited to a maximum of 1 day per week based on the following odd-even schedule.

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

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

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

3. 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.

4. No water from the City water system shall be used to drain and refill swimming pools, artificial lakes, ponds or streams and no new permits for swimming pools, artificial lakes, ponds or streams shall be issued until the water conservation stage has been declared to be Stage One.

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

6. New or expanded landscaping on properties is limited to drought-tolerant trees, shrubs, and ground cover and no new turf or grass shall be planted, hydro-seeded or laid.

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

8. All water leaks shall be repaired within 24 hours of notification by the Utilities Department or service may be discontinued.

E. During the **Stage Five (“Water Emergency”)** conservation stage, the following restrictions shall be enforced.

1. All Stage Four restrictions shall continue to be enforced, except to the extent they are replaced by more restrictive requirements imposed by this section.

2. No Landscape and/or pasture irrigation shall be allowed.

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

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

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

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

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

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

### **13.26.090 Construction Water**

Water for construction purposes obtained from the City's water supply may only be used in the City's water service area. Water for dust control, compaction and other construction activities shall be subject to the following conditions:

- A. Use of water from the City water system for construction purposes shall require a City-issued construction water meter and a refundable security deposit that includes a monthly meter rental fee as established by the Department. Prior to such water use, the construction water customer must obtain approval from the Director to use the water for construction and agree to comply with all of the requirements of this chapter. The Director may impose such additional conditions on the use of such water, including, but limited to, conditions regulating the purpose for the use of the water, rate of use, location, frequency and quantity of use, and such other conditions as deemed reasonably necessary by the Director to effectuate the purposes of this chapter. The construction meter shall be located by the Department and shall only be relocated or removed by the Department. Unauthorized relocation or removal of a construction meter shall be deemed theft and the offender shall be subject to the penalties set forth in Section 13.26.170.
- B. Construction water shall only be drawn through a construction water meter. Construction water drawn through an unmetered connection shall be deemed theft of water and shall be grounds for the deposit on the construction meter to be forfeited. The offender shall also be subject to the penalties specified in Section 13.26.170. In the event the person identified as drawing water without a metered connection does not have a meter, the action shall be deemed theft and the offender shall be subject to the penalties specified in Section 13.26.170.
- C. These requirements for construction water use may be modified or supplemented by other conservation measures as determined appropriate by the Director for the declared Conservation Stage. The Director may terminate the approval granted to use the construction water based on water use restriction stages, violation of the terms and conditions of use, and/or for conduct that amounts to Wasteful Use of Water.

### **13.26.100 Sustainable Landscaping**

Where this chapter permits or prohibits acts based upon whether or not a planting, tree, shrub, or groundcover is "drought-tolerant" or "sustainable" the determination shall be made based upon: (a) Sunset's "The Western Garden Book" (February 2007), Sunset Books Publishing; (b) Robert Perry, "Trees and Shrubs for Dry California Landscapes;" (c) EBMUD, "Water Wise Gardening;" (d) UC Davis Arboretum's "All Stars" plant database ([www.arboretum.ucdavis.edu](http://www.arboretum.ucdavis.edu)) or as determined by the Director.

### **13.26.110     Irrigation System Inspections**

All customers, public and private, with a parcel over 5 acres and with a separate irrigation service shall conduct an annual irrigation system inspection prior to the start of the irrigation season on April 1. This inspection shall be performed by Certified Landscape Irrigation Auditor or Licensed Landscape or Irrigation Contractor and the results forwarded to the Department in accordance with the procedure outlined in the Water Conservation Program Guidelines. This requirement will be waived for one full year if a full landscape water audit has been performed in the previous year by the Department's Water Management Staff, who are available on a limited basis. Single family residences are exempt unless the Director determines there has been wasteful use of water on a customer's premises and the conditions have not been corrected within five days after the city provides written notification to discontinue such practice.

Customers that have a current irrigation system check-up on file with the Department will be allowed one courtesy water waste warning before being deemed in violation of this chapter.

### **13.26.120     Discontinuance of Water Service**

The Director may discontinue service to a customer's connection to the City water system at the time that the Director issues to the customer: (i) a notice of a third violation of this chapter during the Stage One "Basic Stage", or Stage Two "Water Alert" within two months; (ii) a notice of a second violation of this chapter during a Stage Three "Water Warning" or a Stage Four "Water Crisis" within one month; or (iii) a notice of a second violation during a Stage Five "Water Emergency", irrespective of time. If the customer's water service is discontinued due to violations of this chapter, the customer shall be subject to the penalties specified in Section 13.26.170. Upon seeking renewed service from the City, the customer shall pay the City's Water Turn Off/On Service fee as set by Ordinance or Resolution of the City Council.



### **13.26.130 Unauthorized Water Use**

- A. An illegal connection to the City water system shall either be metered by the property owner within the time specified by the Department or disconnected at the discretion and direction of the Director, and the offender shall be subject to the penalties specified in Section 13.26.170.
- B. Unauthorized use of a fire hydrant, public or private, for anything other than fire flows or permitted and metered construction water shall subject the offender to the penalties specified in Section 13.26.170 and Chapter 8.36 Folsom Fire Code.
- C. Private fire services with an observed demand that is deemed not to be fire flow by the Department, shall have a meter and appropriate cross-connection control device installed by the property owner, upon approval by the Director and the Fire Chief. Prior to making any modifications or alteration to the on-site fire service, a permit shall be obtained from the Fire Department in accordance with Chapter 8.36. Upon written notification of the requirement to install a meter and cross-connection control device, the property owner shall have 30 calendar days to submit a plan of correction to the Director. Failure to comply with this section shall subject the property owner to the penalties specified in Section 13.26.170 Penalties and the service may be disconnected at the discretion of the Director and the Fire Chief.

### **13.26.140 Cross Connection Control Devices**

All connections to the City's water system shall have the appropriate cross-connection control device as required by CDPH regulations and enforced by the Department in accordance with Chapter 13.22 Water System Cross-Connection Control. These devices shall be from the approved and published list maintained by the University Southern California (USC) or other list as approved by the Director and shall be tested annually in accordance with the Department's policies and procedures. Devices used on private fire services shall be listed for fire service use and maintained in accordance with State Fire Marshall regulations.

### **13.26.150 Violation Declared a Nuisance**

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

**13.26.160 Enforcement**

A. This chapter shall be enforced pursuant to the provisions of Chapter 1.08 to 1.10, inclusive, of Title 1 of the Folsom Municipal Code and any other enforcement mechanism available to the City under the Folsom Municipal Code and/or applicable law.

B. Unless otherwise expressly provided in this chapter, the Director shall enforce the provisions of this chapter.

**13.26.170 Penalties**

A. The goal of the provisions of this chapter are to achieve voluntary compliance from the customer, and the City will take reasonable measures to assure the customer has information available to promptly and efficiently address water use issues. Where voluntary compliance cannot be achieved through initial contacts and warnings, then appropriate administrative penalties and further action are required. Except as otherwise provided herein, violations of any provision of this chapter shall be addressed as follows:

| <b>Violation</b>                                      | <b>Penalty</b>  |
|---|---|
| First   | Personal or written notification of the violation.  |
| Second<br>(Within three months<br>of first violation) | Written notification and issuance of a Notice to Correct.   |
| Third<br>(Within six months<br>of first violation)    | Issuance of an Administrative Penalty, Mandatory Installation of a Water Meter, Discontinued Water Service and/or other Penalties as provided in the Notice of Violation and as determined by the Utilities Director. |

**B. Penalties**

1. A violation of this chapter shall also be an administrative violation as defined in Section 1.08.020.

2. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available for enforcement of the provisions of this chapter. Based on the criteria for imposition of administrative sanctions set forth in Section 1.09.014, each day a violation of this chapter continues it shall be deemed a Level A Violation as that term is described in Section 1.09.012 with an initial penalty of up to one hundred (\$100.00) dollars.

3. In addition to any other penalties provided by this chapter, if a customer of the City water system violates any of the water use restrictions during a stage two, three, four, or five water conservation stage as set forth in section 13.26.080, and such conditions are not corrected within five days after the customer is given written notice, the City is authorized to do any or all of the following:

a. Meter any flat rate service connection and apply the regularly established metered rates. If the parcel has over 2,500 square feet of landscaping a separate landscape meter may be installed. Costs for the water meters and installation shall be paid by the property owner.

b. If the service is metered, the customer shall be billed at twice the metered rate during the time that the violation continues. If more than 2,500 square feet are irrigated and the parcel does not have a separate irrigation meter, then an irrigation meter may be installed. The customer shall be billed at twice the metered rate during the time the violation continues. Costs for the water meter, and for any required cross connection controls and installation, shall be paid by the property owner.

C. Appeal

There shall be no appeal of the water use restriction identified in Section 13.26.080 and any appeal of administrative penalties shall follow the request for hearing procedures provided in Chapter 1.09. Any order to install a mandatory water meter, discontinue water service or any other orders or decisions of the Director shall be appealable to the City Manager pursuant to Section 2.08.060, provided, however, that the City Manager's decision shall be final and there shall be no right of appeal to the City Council.

**13.26.180 Remedies Cumulative**

The remedies set forth in this chapter are cumulative to any other remedy available to the City. Pursuit of one remedy shall not preclude any other remedy, and nothing contained in this chapter shall limit or be deemed to prevent the City from pursuing any other remedy available to the City under the Folsom Municipal Code or other applicable law.

**13.26.190 Variances**

In unusual circumstances, application of this chapter may cause unnecessary hardships or results inconsistent with this chapter's purposes and intent. Therefore, variances to some of the requirements of this chapter may be appropriate as delineated below.

A. Authority to Grant Variances

The Director may grant variances from this chapter's provisions during a Stage One, Two, or Three conservation stage as specified in Section 13.26.080 Water Use Restrictions. During Stage Four or Five conservation stage as specified in that section, any previously granted variances shall be suspended without notice, unless they are based on a critical health need as determined by a licensed medical professional, with such determination being provided to the Director.

## B. Landscape Variances

Applications for landscape variances shall be obtained from, and filed with, the Utilities Department. The Director may grant any such applications in his or her discretion in light of the condition of the water supply for the City water system. Any such variance shall be subject to the conditions presented in the Water Conservation Program and Landscape Guidelines.

## C. Other Variances

Customers who seek a variance from this chapter for any reason other than the needs of new landscaping shall submit to the Utilities Department a written request for variance, setting forth, in detail, the extraordinary circumstances that support the application. The Director may approve the application in his or her discretion, provided that the variance allows the applicant to use only the minimum amount of water in addition to that allowed by this chapter that the Director reasonably believes is necessary to satisfy the circumstances that support the application. Any such variance shall terminate one year after its issuance, subject to an application for its renewal.

### **Section 13.26.200 Fire and Other Emergencies**

Nothing in this chapter limits, or may be construed as limiting the availability of water for extinguishing fires, meeting the demands of any other similar emergency, or routine inspection and maintenance of fire hydrants.

### **SECTION 3 REPEAL**

Section 3.20.120 of the Folsom Municipal Code is hereby repealed as of the effective date of this Ordinance.

### **SECTION 4 SEVERABILITY**

If any section, subsection, 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, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid and unconstitutional.

**SECTION 5 EFFECTIVE DATE**

This ordinance shall become effective thirty (30) days from and after its passage and adoption, providing it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation within the City of Folsom.

This ordinance was introduced at the regular meeting of the City Council on February 10, 2009, and the second reading occurred at the regular meeting of the City Council on February 24, 2009.

On a motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 24<sup>th</sup> day of February, 2009 by the following vote, to wit:

**PASSED AND ADOPTED** on this 24<sup>th</sup> day of February, 2009 by the following roll-call vote:

AYES: Council Member(s)

NOES: Council Member(s)

ABSENT: Council Member(s)

ABSTAIN: Council Member(s)

\_\_\_\_\_  
Stephen E. Miklos, MAYOR

ATTEST:

\_\_\_\_\_  
Christa Schmidt, CITY CLERK