

**Before the Board of Supervisors of the County of Fresno, State of California**

**Ordinance No. 14-019**

**An Ordinance of the County of Fresno Amending Title 14 of the Ordinance Code of Fresno County in Relation to Water Conservation**

The Board of Supervisors of the County of Fresno ordains as follows:

**Section 1.** Title 14 of the Ordinance Code of Fresno County is amended by adding chapter 14.01, entitled "Water Conservation," to read in its entirety as follows:

**14.01.010 – Purpose**

The purposes of this chapter are to:

- A. Conserve and properly utilize the limited available water supplies of the County by preventing the waste and unreasonable use of water;
- B. Promote the health, welfare, and safety of residents under natural and infrastructural conditions that limit the availability of water resources and the ability of the County to supply water for human consumption, sanitation, and fire protection; and
- C. Regulate the use of water services and facilities.

**14.01.020 – Applicability**

This chapter applies only to the use of water supplied by the County in County Service Areas, County Service Area Zones, or County Waterworks Districts whose governing body is the Board. Nothing in this chapter limits the use of private wells and other water not supplied by the County.

**14.01.030 – Definitions**

For purposes of this chapter:

- A. "Annual water conservation report" means a water conservation report prepared annually in March for the next water year.
- B. "Contract allocation district" means a district where the water supplied by the County for human consumption is acquired by contract and allocated by the Board to areas or customers within the district.

- C. "Day" means calendar day.
- D. "Director" means the Director of Public Works and Planning.
- E. "District" means a County Service Area, a County Service Area zone, or a County Waterworks District whose governing body is the Board, where the County supplies water for human consumption.
- F. "Enforcement officer" means any County employee designated by the Director with the authority to enforce any provision of this chapter.
- G. "Raw surface water" means surface water that has not been treated.
- H. "Reclaimed water" means water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur.
- I. "Relevant conservation period" means all or part of the next water year, for an annual water conservation report, or a period ending no later than the end of the current water year for a supplemental water conservation report.
- J. "Supplemental water conservation report" means a water conservation report prepared to address circumstances arising during a water year and not anticipated in the annual water conservation report for that water year. A supplemental water conservation report supersedes the annual water conservation report for that water year.
- K. "Water conservation report" means a report and recommendation to the Board that includes all of the following:
  - 1. All relevant information reasonably available to the Director, as determined by the Director, regarding water demand and availability during the relevant conservation period. Relevant information may include but is not limited to current and historical information about (a) water supply and water use in the district, (b) well yields, (c) precipitation and snowpack, (d) drought conditions, (e) water table levels, (f) water supply contracts, (g) water allocations within the district, and (h) the condition of water infrastructure serving the district.
  - 2. A statement of whether and to what extent the Director anticipates limits on the availability of water resources or the ability of the

County to supply water for human consumption, sanitation, and fire protection during the relevant conservation period.

3. A recommendation regarding the duration of the relevant conservation period.
  4. A recommendation regarding the appropriate water conservation stage, or normal water conservation, during the relevant conservation period.
  5. If a water conservation stage is recommended, a proposed resolution declaring the water conservation stage during the relevant conservation period and imposing the corresponding regulations as provided in this chapter.
- L. "Water conservation stage" means one of the water conservation stages provided in this chapter, other than normal water conservation.
- M. "Water year" means a year beginning on April 1 and ending on March 31.
- N. Words not defined in this chapter, but defined in section 1.04.020 of this code, have the definitions established in section 1.04.020.

#### **14.01.040 – Water Conservation Reports**

- A. In March of each year, for each district, the Director shall present to the Board an annual water conservation report. At any other time, the Director may present to the Board a supplemental water conservation report for any district.
- B. For each annual water conservation report, in January of each year, the Director shall provide a draft report to the members of the Citizens Advisory Committee, if one is active, for the affected district.
- C. For each supplemental water conservation report, if practicable under the circumstances, the Director may provide a draft report to the members of the Citizens Advisory Committee, if one is active, for the affected district.
- D. Within 20 days after the Director has provided a draft water conservation report to the members of a Citizens Advisory Committee for an affected district under this section, residents of the district may give comments on the draft report. The Director shall receive and consider all of those comments in finalizing the water conservation report. The Director shall include copies of written comments and descriptions of oral comments with the presentation of the water conservation report to the Board.

- E. For purposes of this section, a Citizens Advisory Committee is “active” if it has met within the previous year.
- F. The Board shall hold a hearing on each water conservation report, at which all residents and property owners in the affected district shall have an opportunity to protest the declaration of a particular water conservation stage, and to present their respective needs and any other relevant information to the Board.

#### **14.01.050 – Notice of Board Hearing**

- A. Notice of the Board hearing on a water conservation report shall be published as provided in Section 6061 of the Government Code at least seven days before the hearing in a newspaper printed, published, and circulated within the district, or if there is no such newspaper, in any newspaper printed, published, and circulated within the County.
- B. No earlier than 75 days before, and no later than 30 days before, the date set for Board hearing on a water conservation report, the Director shall provide written notice by United States Postal Service first-class mail, postage prepaid, to all of the property owners in the district as shown on the last equalized assessment roll, or by enclosure in the regular billing statement for water service. The notice shall:
  - 1. State the date, time, and location of the Board hearing on the water conservation report.
  - 2. Identify (1) the dates of the relevant conservation period, (2) the water conservation stage recommended for that period in the water conservation report, if any, and (3) the reasons for that recommendation.
  - 3. Identify the regulations corresponding to the recommended water conservation stage, if one is proposed, and the penalties for violation, as provided in this chapter.
  - 4. State that all interested persons may attend the Board hearing on the water conservation report to protest the declaration of a water conservation stage, and to present their respective needs and any other relevant information to the Board.

#### **14.01.060 – Hearing and Resolution**

After the hearing on a water conservation report, the Board may adopt a resolution declaring the water conservation stage that will conserve the water supply for the greatest public benefit for the relevant conservation period, with particular regard to domestic use, sanitation, and fire protection, and imposing the corresponding regulations in the affected district as provided in this chapter. The resolution shall include findings to support the determination of the water conservation stage and the duration of the relevant conservation period for the affected district. Within 10 days after the Board adopts a resolution under this section, the Director shall send by United States Postal Service first-class mail, postage prepaid, to all property owners in the affected district, as shown on the last equalized assessment roll, a copy of the regulations imposed by that resolution. For all districts, the regulations provided in this chapter for normal water conservation are in effect for all periods not covered by a Board resolution under this section.

#### **14.01.070 –Normal Water Conservation**

- A. Normal water conservation under this section is appropriate in normal circumstances, when there are normal limits on the availability of district water resources or the ability of the County to supply water to the district for human consumption during the relevant conservation period.
- B. For all periods not covered by a Board resolution under section 14.01.060 declaring a water conservation stage, the following regulations, which affect only water supplied by the County, are in full force and effect in that district during the relevant conservation period:
  - 1. All normal water efficiency programs and water conservation regulations of the County not provided in this chapter, if any, remain in full force and effect.
  - 2. Using flood irrigation on more than one-quarter acre for any purpose is prohibited.
  - 3. Water supplied to one property may not be conveyed to another property.
  - 4. No person may cause or allow any obstruction to be placed that impedes the County's access to any part of the County water system in the district, including but not limited to water meters and curb stops.

5. Watering lawns, ground cover, and landscaping is prohibited except as follows:
- a. For properties with odd-numbered addresses, lawns, ground covers, and landscaping may be watered only on Tuesdays, Thursdays, and Saturdays, but not between the hours of 9:00 a.m. and 6:00 p.m., and not while it is raining.
  - b. For properties with even-numbered addresses, lawns, ground covers, and landscaping may be watered only on Sundays, Wednesdays, and Fridays, but not between the hours of 9:00 a.m. and 6:00 p.m., and not while it is raining.
  - c. If the district is contractually obligated to adhere to a watering schedule that differs from the schedules described above, watering may occur according to the contractual schedule.
  - d. If the Citizens Advisory Committee for the district requests and the Director approves in writing a special watering schedule that differs from the schedules described above, watering may occur according to that approved special schedule. The special schedule may provide more watering days than the schedules described above, up to and including no day or time limitations. The Director shall provide notice of the special schedule by United States Postal Service first-class mail, postage prepaid, to all property owners in the district as shown on the last equalized assessment roll. The notice shall state all the terms of the special schedule. The special schedule is effective on the date stated on the notice, not later than 10 days after the Director sends the notice provided in this subsection. The special schedule expires at the end of the water year but may be requested again, and the Director may approve it again, by following the procedure provided in this subsection.
  - e. This prohibition does not limit watering lawns, ground cover, or landscaping with raw or reclaimed water where raw or reclaimed water is available and such watering is otherwise lawful, except while it is raining.

- f. This prohibition does not limit hand-watering of golf courses with raw surface water, except while it is raining.
- 6. All leaks in plumbing, water conduits, or other water fixtures, shall be repaired.
- 7. All sprinklers shall be adjusted to water only the property on which the sprinklers are located. No person may cause or allow any water to flow into any street or neighboring property.
- 8. Vehicles and mobile equipment, including but not limited to automobiles, cars, trucks, trailers, boats, and airplanes, may only be washed at any time (a) using a hand-held bucket and a hose equipped with an automatic positive shut-off nozzle, or other equivalent method requested by the Citizens Advisory Committee for the district and approved by the Director in writing, to be used only to the extent necessary to quickly remove soap or detergent from the surface of the vehicle or mobile equipment, or (b) using high-pressure washing equipment on the immediate premises of a commercial car wash or commercial service station, or by a mobile car wash or on-site car wash.
- 9. All swimming pools, spas, Jacuzzis, ponds, and ornamental fountains shall be equipped with recirculating pumps, except ponds that may be maintained by a stable biological system that requires the pond to be emptied no more than once a year.
- 10. Construction operations receiving water supplied by the County shall not use water for any purpose other than those required by regulatory agencies. Construction projects requiring watering for new landscaping materials shall adhere to the irrigation requirements in this chapter, unless otherwise authorized in writing by the Director for a period not to exceed six months. Construction projects necessary to maintain the health, safety, and welfare of the public, as determined by the Director, are exempt from these regulations.
- 11. No person may use water from any fire hydrant for any purpose other than fire suppression without first obtaining written approval from the Director.
- 12. In a contract allocation district, no property may use more water than is allocated to it under the Board resolutions affecting the

district, provided that such resolutions are otherwise compliant with state law.

**14.01.080 – Water Conservation Stage One (Moderate Water Shortage Emergency Condition)**

- A. Water conservation stage one is a moderate water shortage emergency condition.
- B. Water conservation stage one is appropriate when the Board finds that limits on the availability of water resources or the ability of the County to supply water for human consumption during the relevant conservation period are expected to exceed the normal limits such that the ordinary demands and requirements of water consumers within the district cannot be satisfied without depleting the water supply for the district to the extent that there would be a moderate shortfall in the supply of water available for human consumption, sanitation, and fire protection within the district.
- C. When the Board has adopted a resolution under this chapter declaring water conservation stage one for a district and imposing the corresponding regulations as provided in this chapter, the following regulations, which affect only water supplied by the County, are in full force and effect in that district during the relevant conservation period:
  - 1. Except as otherwise provided in this section, all normal water conservation regulations are also in full force and effect under water conservation stage one.
  - 2. No person shall use water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved or hard surface areas, except to alleviate immediate fire or sanitation hazards.
  - 3. No person may use water from any fire hydrant for any purpose other than fire suppression, except that Department of Public Works and Planning staff may use fire hydrants to flush the County water system in the District as needed to resolve problems relating to sand, bacteria, or water taste.
  - 4. The prohibition on watering lawns, ground cover, and landscaping does not limit hand-watering of golf courses with raw surface water, except while it is raining, where the declaration of water conservation stage is based on the impairment of surface water treatment infrastructure serving the district.



- a. If the Citizens Advisory Committee for the district requests and the Director approves in writing a watering schedule that differs from the schedules described above, watering may occur according to that approved schedule. The special schedule must include day and time limitations on watering and must provide that watering may not occur while it is raining. The Director shall provide notice of the special schedule by United States Postal Service first-class mail, postage prepaid, to all property owners in the district as shown on the last equalized assessment roll. The notice shall state all the terms of the special schedule. The special schedule is effective one week after the Director sends the notice provided in this subsection. The special schedule expires at the end of the relevant conservation period.

**14.01.090 – Water Conservation Stage Two (Significant Water Shortage Emergency Condition)**

- A. Water conservation stage two is a significant water shortage emergency condition.
- B. Water conservation stage two is appropriate when the Board finds that limits on the availability of water resources or the ability of the County to supply water for human consumption during the relevant conservation period are expected to exceed the normal limits such that the ordinary demands and requirements of water consumers within the district cannot be satisfied without depleting the water supply for the district to the extent that there would be a significant shortfall in the supply of water available for human consumption, sanitation, and fire protection within the district.
- C. When the Board has adopted a resolution under this chapter declaring water conservation stage two for a district, the following regulations, which affect only water supplied by the County, are also in full force and effect in that district during the relevant conservation period:
  1. Except as otherwise provided in this section, all water conservation regulations that would be in full force and effect under water conservation stage one are also in full force and effect under water conservation stage two.
  2. Watering lawns, ground cover, and landscaping is prohibited except as follows:

- a. For properties with odd-numbered addresses, lawns, ground covers, and landscaping may be watered only on Tuesdays and Saturdays, but not between the hours of 9:00 a.m. and 6:00 p.m., and not while it is raining.
- b. For properties with even-numbered addresses, lawns, ground covers, and landscaping may be watered only on Wednesdays and Sundays, but not between the hours of 9:00 a.m. and 6:00 p.m., and not while it is raining.
- c. If the district has a separate water meter for exterior use, the exterior water usage shall not exceed 1,000 gallons per day for each scheduled watering day.
- d. If the district is contractually obligated to adhere to a watering schedule that differs from the schedules described above, watering may occur according to the contractual schedule.
- e. If the Citizens Advisory Committee for the district requests and the Director approves in writing a watering schedule that differs from the schedules described above, watering may occur according to that approved schedule. The schedule must provide that watering may not occur while it is raining. The Director shall provide notice of the special schedule by United States Postal Service first-class mail, postage prepaid, to all property owners in the district as shown on the last equalized assessment roll. The notice shall state all the terms of the special schedule. The special schedule is effective one week after the Director sends the notice provided in this subsection. The special schedule expires at the end of the relevant conservation period.
- f. This prohibition does not limit watering lawns, ground cover, or landscaping with reclaimed water where reclaimed water is available and such watering is otherwise lawful, except while it is raining.
- g. This prohibition does not limit hand-watering of golf courses with raw surface water, except while it is raining, where the declaration of water conservation stage is based on the impairment of surface water treatment infrastructure serving the district.

3. Swimming pools, spas, and Jacuzzis may not be overfilled. They also may not be emptied and refilled, except to prevent or repair structural damage, or to comply with health regulations.
4. Artificial ponds, streams, and lakes that are used solely for ornamental purposes may not be filled or refilled.
5. Ornamental fountains and water features may not be operated except for short periods to prevent damage.
6. Water may not be used for cooling mists.

**14.01.100 – Water Conservation Stage Three (Critical Water Shortage Emergency Condition)**

- A. Water conservation stage three is a critical water shortage emergency condition.
- B. Water conservation stage three is appropriate when the Board finds that limits on the availability of water resources or the ability of the County to supply water for human consumption during the relevant conservation period are expected to exceed the normal limits such that the ordinary demands and requirements of water consumers within the district cannot be satisfied without depleting the water supply for the district to the extent that there would be a critical shortfall in the supply of water available for human consumption, sanitation, and fire protection within the district.
- C. When the Board has adopted a resolution under this chapter declaring water conservation stage three for a district, the following regulations, which affect only water supplied by the County, are also in full force and effect in that district during the relevant conservation period:
  1. Except as otherwise provided in this section, all water conservation regulations that would be in full force and effect under water conservation stage two are also in full force and effect under water conservation stage three.
  2. The Board may prioritize water delivery according to the following uses:
    - a. Domestic, sanitation, and fire protection uses have first priority.

- b. Agricultural uses, which include the production of food, fiber, or crops to produce biofuel, and industrial uses have second priority.
  - c. All other uses have third priority.
- 3. Watering lawns, ground cover, and landscaping is prohibited except as follows:
  - a. For properties with odd-numbered addresses, lawns, ground covers, and landscaping may be watered only Saturdays, but not between the hours of 9:00 a.m. and 6:00 p.m., and not while it is raining.
  - b. For properties with even-numbered addresses, lawns, ground covers, and landscaping may be watered only on Sundays, but not between the hours of 9:00 a.m. and 6:00 p.m., and not while it is raining.
  - c. If the district has a separate water meter for exterior use, the exterior water usage shall not exceed 1,000 gallons per day for each scheduled watering day.
  - d. If the district is contractually obligated to adhere to a watering schedule that differs from the schedules described above, watering may occur according to the contractual schedule.
  - e. If the Citizens Advisory Committee for the district requests and the Director approves in writing a watering schedule that differs from the schedules described above, watering may occur according to that approved schedule. The schedule must provide that watering may not occur while it is raining. The Director shall provide notice of the special schedule by United States Postal Service first-class mail, postage prepaid, to all property owners in the district as shown on the last equalized assessment roll. The notice shall state all the terms of the special schedule. The special schedule is effective one week after the Director sends the notice provided in this subsection. The special schedule expires at the end of the relevant conservation period.

- f. This prohibition does not limit watering lawns, ground cover, or landscaping with reclaimed water where reclaimed water is available and such watering is otherwise lawful, except while it is raining.
  - g. This prohibition does not limit hand-watering of golf courses with raw surface water, except while it is raining, where the declaration of water conservation stage is based on the impairment of surface water treatment infrastructure serving the district.
- 4. Vehicles and mobile equipment, including but not limited to automobiles, cars, trucks, trailers, boats, and airplanes, may not be washed except on the immediate premises of a commercial car wash or commercial service station, using high-pressure washing equipment and partially reclaimed or recycled water.
- 5. Except as to property for which a building permit has already been issued, no new building permits will be issued for property within the district, unless the project satisfies any of the following requirements:
  - a. The project is necessary to protect the health, safety, and welfare of the public, as determined by the Board or the County Health officer.
  - b. The project uses only recycled water.
  - c. The applicant for the building permit can demonstrate to the satisfaction of the Director that the project will cause no net increase in water use within the district.

**14.01.110 – Water Conservation Stage Four (Severe Water Shortage Emergency Condition)**

- A. Water conservation stage four is a severe water shortage emergency condition.
- B. Water conservation stage four is appropriate when the Board finds that limits on the availability of water resources or the ability of the County to supply water for human consumption during the relevant conservation period are expected to exceed the normal limits such that the ordinary demands and requirements of water consumers within the district cannot be satisfied without depleting the water supply for the district to the extent

that there would be a severe shortfall in the supply of water available for human consumption, sanitation, and fire protection within the district.

- C. When the Board has adopted a resolution under this chapter declaring water conservation stage four for a district, the following regulations, which affect only water supplied by the County, are also in full force and effect in that district during the relevant conservation period:
1. Except as otherwise provided in this section, all water conservation regulations that would be in full force and effect under water conservation stage three are also in full force and effect under water conservation stage four.
  2. Watering lawns, ground cover, and landscaping is prohibited. This prohibition does not limit watering lawns, ground cover, or landscaping with reclaimed water where reclaimed water is available and such watering is otherwise lawful.
  3. No new water connections are allowed unless the applicant for the new connection can demonstrate to the satisfaction of the Director that the new connection will cause no net increase in water use within the district.

#### **14.01.120 – Immediate Misuse Mitigation**

- A. If an enforcement officer directly observes water flowing from a property in the district into any street or neighboring property, and that flow is caused by broken, damaged, or malfunctioning privately-owned potable water or irrigation water equipment, the enforcement officer may immediately attempt to contact a responsible person on the property where the flow originates, and ask that person to stop the flow. If, after reasonable efforts, which shall include knocking on the front door if a building is located on the property, the enforcement officer is unable to contact a responsible person to stop the flow, or the responsible person refuses to stop the flow, and water is still flowing into any street or neighboring property, the Director or his or her designee may authorize the enforcement officer to close the valve providing water service to the property where the flow originates.
- B. Immediately upon closing the valve providing water service to the property where the flow originates, the enforcement officer shall post a notice on that property. If a building is located on the property, the notice shall be

posted on the front door. The notice shall include all of the following information:

1. A statement that the water service connection to the property has been temporarily turned off to prevent the flow of water from the property into any street or neighboring property;
  2. The date and time that the enforcement officer directly observed water flowing into a street or neighboring property;
  3. A brief description of what the enforcement officer observed;
  4. A brief description of the efforts made by the enforcement officer to contact a responsible person;
  5. A statement that the water service connection to the property will be turned back on when a responsible person has remedied the cause of the flow of water into a street or neighboring property; and
  6. A County telephone number that is staffed at all times, which the responsible person may call to ask to have the water service connection turned back on.
- C. Immediately upon request by the property owner or a responsible person, an enforcement officer shall be dispatched and, upon satisfactory demonstration that the cause of the flow of water from the property into a street or neighboring property has been remedied, an enforcement officer shall reopen the valve providing water service to the property.

#### **14.01.130 – Enforcement**

- A. This chapter shall be enforced using the procedures provided in chapters 1.08 and 1.13 of this code, except that:
1. For violations of this chapter, no notice of violation under section 1.13.060 of this code may issue until the courtesy notice procedure under section 1.13.050 of this code has been carried out.
  2. For violations of this chapter, the County may impose administrative fines or penalties only as authorized by Government Code section 53069.4, and not inspection fees under section 1.13.100 of this code or other costs of enforcement under section 1.13.130 of this code.

3. An administrative citation resulting from a violation of any regulation imposed under this chapter during a water conservation stage may provide that water service will be discontinued unless the violation is remedied immediately and if the recipient of the administrative citation does not timely request a hearing under section 1.13.170 of this code.
- B. Water service may only be discontinued for failure to remedy a violation after service of an administrative citation under section 1.13.170 of this code if the administrative citation, the preceding courtesy notice under section 1.13.050 of this code, and the preceding notice of violation under section 1.13.060 of this code include a "Water Service Shut-Off Warning" in boldface print, in a type size of no less than 14 points, and substantially to the effect of the following: "If you willfully violate Fresno County Ordinance Code sections 14.01.080, 14.01.090, 14.01.100, or 14.01.110, the County may immediately shut off your water service under Fresno County Ordinance Code section 14.01.120. A willful violation is defined in Ordinance Code section 14.01.120(C) as a violation not timely remedied after a notice of violation containing a Water Service Shut-Off Warning."
  - C. A violation not timely remedied after a notice of violation containing a "Water Service Shut-Off Warning" is deemed a "willful" violation for purposes of this chapter. Discontinuance of water service under this chapter shall be in addition to any fines and costs imposed under chapter 1.13 of this code.
  - D. Water service discontinued under this chapter shall be reinstated after the violation is remedied, all fines or penalties and fees arising from the violation have been paid, and the responsible person has received a copy of this chapter.



**Section 2.** This ordinance shall become effective 30 days from the date of its final passage.

THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 30th day of September, 2014, to-wit:

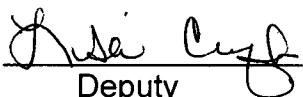
AYES: Supervisors Poochigian, Perea, Case McNairy Larson

NOES: None

ABSTAINED: Borgeas

  
\_\_\_\_\_  
CHAIRMAN, Board of Supervisors

ATTEST:  
BERNICE E. SEIDEL  
Clerk, Board of Supervisors

By \_\_\_\_\_  
Deputy

Agenda #24

Ord #14-019