

ORDINANCE NO. 2438

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA, ADDING
CHAPTER 15.44, “WATER SHORTAGE
REGULATIONS APPLICABLE TO NON-
COMMERCIAL VEGETABLE GARDENS,” AND
AMENDING SECTION 15.42.090, “PROHIBITED
USES – MANDATORY,” OF THE MERCED
MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. ADDITION TO CODE. Chapter 15.44, “Water Shortage Regulations Applicable to Non-Commercial Vegetable Gardens,” of the Merced Municipal Code is hereby added to read as follows:

**“CHAPTER 15.44
WATER SHORTAGE REGULATIONS
APPLICABLE TO NON-COMMERCIAL
VEGETABLE GARDENS**

Section:

- 15.44.010 Purpose.**
- 15.44.020 Application of Regulations.**
- 15.44.030 Definitions.**
- 15.44.040 Watering Restrictions.**

15.44.010 Purpose.

On January 19, 1993, the City Council declared that a water shortage emergency exists and as a result has adopted mandatory water conservation regulations and restrictions. The city recognizes that noncommercial vegetable gardening has become a popular way to supplement food sources by its citizens. The city further recognizes that watering vegetables is critical during certain periods of development and that some vegetables

require a consistent supply of water or moisture in order to grow. The purpose of this chapter is to provide specific watering restrictions that only apply to non-commercial vegetable gardens as defined in this chapter.

15.44.020 Application of Regulations

The provisions of this chapter shall apply to all persons using water in and outside the city who are served by the city water system, regardless of whether any person using water shall have a contract for water service with the city. These regulations only apply to the watering or irrigating of non-commercial vegetable gardens as defined and provided for within this chapter.

15.44.030 Definitions

Vegetable: Any plant, other than marijuana, whose fruit, nuts, berries, grains, seeds, roots, tubers, bulbs, stems, leaves or flower parts are used for food.

Vegetable Garden: Any 'non-commercial' vegetable garden planted primarily for the cultivation of fruits, vegetables, flowers or herbs, other than marijuana, for human consumption. The term 'non-commercial' includes incidental direct selling of produce from such vegetable garden to the public. The defined area in which such plants are planted shall only be treated as a 'vegetable garden' for the purposes of this Chapter if at least 80 percent of the area designated as the vegetable garden is planted with fruits, vegetables, flowers or herbs, other than marijuana, which are cultivated for human consumption.

15.44.040 Watering Restrictions

Vegetable gardens may be watered every day except for Mondays. The watering of vegetable gardens every day

except for Mondays is restricted to before 11:00 a.m. and after 7 p.m.

The watering of vegetable gardens shall not be done in a manner or to the extent that causes or allows excessive water flow or runoff onto adjoining sidewalks, driveways, streets, gutters or ditches.”

SECTION 2. AMENDMENT TO CODE. Section 15.42.090, “Prohibited uses-Mandatory,” of the Merced Municipal Code is hereby amended to read as follows:

“The following uses, methods, types, or techniques of use of water are hereby determined and declared nonessential and are prohibited:

A. All Users.

1. Allowing broken or defective plumbing, or sprinklers, watering or irrigation systems which permit the escape or leakage of water.
2. The use of water in any manner which causes, allows, or permits the flooding of any premises, or any portion thereof.
3. All uses of non-potable water without the permission of the department of public works.

B. Gardens and Landscaping.

1. Any sprinkling, watering, or irrigation between the mid-day hours of nine a.m. and nine p.m.
2. Watering by persons with even numbered addresses or on properties without an assigned address is only allowed on Tuesdays and Saturdays.

3. Watering by persons with odd numbered addresses is only allowed on Wednesdays and Sundays.

4. Any watering by persons on Mondays, Thursdays or Fridays with the exception of parks.

C. New Planting. Notwithstanding the prohibitions contained in subsection B of this section, new lawns, ground cover, or bedding plants, may be watered every day between nine p.m. and nine a.m. provided the following conditions are met:

1. New lawns, ground cover, or bedding plants shall not include the reseeded of existing lawns or replacement of existing ground cover, or bedding plants, and shall be newly rototilled earth;

2. A permit must be obtained from the department of public works and a ten-dollar (\$10.00) permit fee paid;

3. The permit shall be limited to thirty (30) days duration; and,

4. The director may impose such other restrictions as are deemed necessary to prevent the waste of water.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, 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, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections,

subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the 3rd day of November, 2014, and was passed and adopted at a regular meeting of said City Council held on the 17th day of November, 2014, by the following called vote:

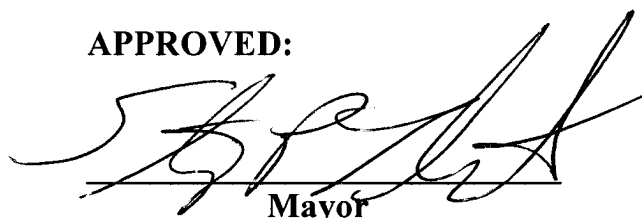
AYES:7 **Council Members:**BELLUOMINI, BLAKE, DOSSETTI, LOR, MURPHY, PEDROZO, THURSTON

NOES:0 **Council Members:**NONE

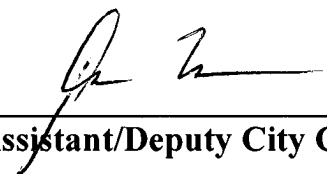
ABSTAIN:0 **Council Members:**NONE

ABSENT:0 **Council Members:**NONE

APPROVED:


Mayor

ATTEST:
JOHN M. BRAMBLE, CITY CLERK

BY: 
Assistant/Deputy City Clerk

(SEAL)



APPROVED AS TO FORM:

Kelly Fincher 10/2/14
City Attorney Date

PROOF OF PUBLICATION

(2015.5 C.C.P)

Proof of Publication of

STATE OF CALIFORNIA)

)ss.

COUNTY OF MERCED

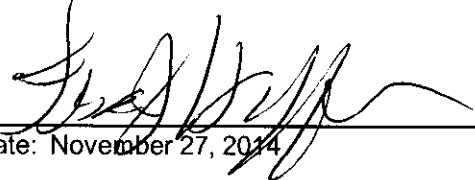
I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the printer foreman or principal clerk of The Merced County Times, a newspaper of general circulation, printed and published in the City of Merced, County of Merced, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Merced, State of California, under the date of December 14, 1999, Case Number 143600; that the notice, of which the annexed is a printed copy has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Legal # 9414

NOTICE OF ADOPTION OF ORDINANCE

NOVEMBER 27, 2014

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Date: November 27, 2014

Proof of Publication - Merced County Times, 2221 K St., Merced, C
Adjudged a newspaper of general circulation by cou

This space is for the County Clerk's Filing Stamp

RECEIVED

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DEC 01 2014

DEC 01 2014

City of Merced
City Clerk's Office

City of Merced
City Clerk's Office

Copy of notice here

Legal # 9414

PUBLIC NOTICE OF ADOPTION OF ORDINANCE

CITY OF MERCED

ORDINANCE NO. 2438

NOTICE IS HEREBY GIVEN that on November 17, 2014, the City Council of the City of Merced adopted Ordinance No. 2438, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, ADDING CHAPTER 15.44, "WATER SHORTAGE REGULATIONS APPLICABLE TO NON-COMMERCIAL

VEGETABLE GARDENS," AND AMENDING SECTION 15.42.090, "PROHIBITED USES - MANDATORY," OF THE MERCED MUNICIPAL CODE

Ordinance No. 2438 will provide specific watering restrictions that only apply to non-commercial vegetable gardens as defined in this chapter and will also provide clarification on which days no watering is allowed.

Ordinance No. 2438 was adopted by the following roll call vote of the City Council:

AYES:7 Council Members:
BELLUOMINI, BLAKE,
DOSSETTI, LOR,
MURPHY, PEDROZO, 3-0433
THURSTON

NOES:0 Council Members: NONE

ABSTAIN:0 Council Mem-