

ORDINANCE NO. 2442

**AN URGENCY ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF MERCED,
CALIFORNIA, AMENDING SECTIONS, 15.32.140,
“SPRINKLER SYSTEMS,” 15.42.040,
“PROHIBITED USES,” AND 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. AUTHORITY. This Ordinance is adopted pursuant to the provisions set forth in Government Code Section 36937, subd. (b) for the immediate preservation of the public peace, health or safety. The facts that constitute the urgency are as follows:

A. On January 17, 2014, Governor Brown issued Governor’s Proclamation No. 1-17-2014 during a State of Emergency due to California’s severe drought conditions.

B. On July 15, 2014, the State Water Resources Control Board approved its Resolution No. 2014-0032 to adopt an emergency regulation for statewide water conservation.

C. On March 17, 2015, the State Water Resources Control Board amended and re-adopted the Emergency Regulation by Resolution No. 2015-0013.

D. On May 5, 2015, the State Water Resources Control Board adopted Resolution No. 2015-0032, which imposes additional emergency regulations for statewide urban water conservation based upon severe drought conditions in the State of California.

E. The regulations in this Ordinance will allow the City to immediately comply with the requirements imposed by the State Water Resources Control Board and to help conserve water in these severe drought conditions.

SECTION 2. AMENDMENT TO CODE. Section 15.32.140, “Sprinkler Systems,” of the Merced Municipal Code is hereby amended to read as follows:

“15.32.040 Sprinkler Systems.

All sprinkler systems installed for the irrigation of lawns, plants and flowers shall be so designed and installed that the water is not sprayed or permitted to spray over or upon a sidewalk, alley or street. Portable sprinklers will not be permitted on the sidewalk, nor may they be placed in such a manner as to spray water upon sidewalks, alleys or streets, so as to prevent pedestrians or vehicles from using the public ways at all times without being struck or wet by the spray from the sprinklers. The irrigation with potable water of ornamental turf on public street medians is prohibited.”

SECTION 3. AMENDMENT TO CODE. Section 15.42.040, “Prohibited Uses,” of the Merced Municipal Code is hereby amended to read as follows:

“15.42.040 Prohibited Uses.

It is unlawful for any person to use water obtained from the water system of the City of Merced through fraud, including misrepresentations made to obtain a particular allocation of water, or for any prohibited use as hereinafter defined:

- A. The washing of sidewalks, driveways, filling station aprons, porches or other outdoor surfaces except when necessary to protect the public health and safety.

- B. The washing of the exterior of dwellings, buildings, and structures, with the following exceptions:

1. Window washing,
2. Washing in conjunction with the painting of the exterior of a dwelling, building or structure,
3. Washing of a dwelling, building or structure may be allowed once every twelve months.

All exceptions listed above must comply with Sections 15.42.090(A) and (B) and the hose(s) must be fitted with an automatic shutoff device(s).

C. The operation of any ornamental fountain or other such structure making use of water from the City domestic water system, unless such fountain or structure uses a recirculating water system.

D. The use of water, except for domestic use, where an adequate source of water is available whether such alternate source is reclaimed water, well water, spring water, or other source.

E. The external washing of trailers, trailer houses, mobile homes, and home exteriors unless in conjunction with painting the exterior of such trailers, or homes.

F. The washing of boats or motor vehicles with a hose that is not fitted with an automatic shut-off device.

G. The indiscriminate running of water or washing with water not otherwise prohibited above which is wasteful and without reasonable purpose.

H. The application of potable water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall.

J. All car wash fundraisers must be held at an established car washing facility that collects and recycles the run-off water before it enters the City's sewer system. When held in a parking lot, car washes can cause pollutants such as soap, dirt, oil grease, and other automotive fluids to enter the storm drain system.

K. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.

L. To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language."

SECTION 4. AMENDMENT TO CODE. Section 15.42.090, "Prohibited Uses – Mandatory," of the Merced Municipal Code is hereby amended to read as follows:

"15.42.090 Prohibited Uses—Mandatory.

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.

4. The residential washing of boats or motor vehicles by persons with even numbered addresses or on properties without an assigned address is only allowed on Tuesdays and Saturdays.

5. The residential washing of boats or motor vehicles by persons with odd numbered addresses is only allowed on Wednesdays and Sundays.

B. Gardens and Landscaping.

1. Any sprinkling, watering, or irrigation between the mid-day hours of 9:00 a.m. and 9:00 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, and 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 reseeding 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 5. ENVIRONMENTAL REVIEW. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the statutory exemption set forth in Section 15269(c) of the CEQA Guidelines because this ordinance is adopted as a direct response to the State’s Emergency Regulations, and pursuant to the categorical exemption set forth in Section 15307 because the State Water Resources Control Board has mandated that Merced, as an urban water supplier, protect and conserve the natural resource of water during the severe drought.

SECTION 6. EFFECTIVE DATE. Because this Ordinance is being adopted as an Urgency Ordinance, it shall be in full force and effect immediately upon its adoption.

SECTION 7. 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 8. 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 1st day of June, 2015, and was passed and adopted at a regular meeting of said City Council held on the 1st day of June, 2015, by the following called vote:

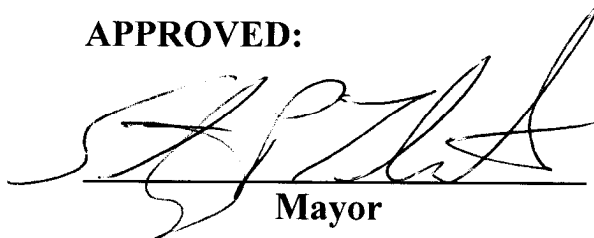
AYES: 6 **Council Members:** BELLUOMINI, BLAKE, DOSSETTI, MURPHY,
PEDROZO, THURSTON

NOES: 0 **Council Members:** NONE

ABSTAIN: 0 **Council Members:** NONE

ABSENT: 1 **Council Members:** LOR

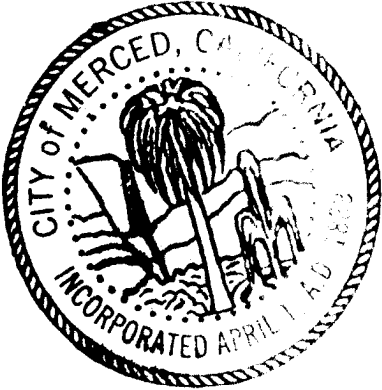
APPROVED:



Mayor

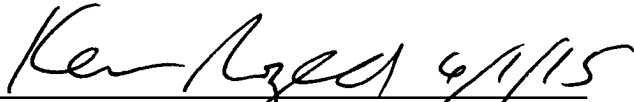
JOHN M. BRAMBLE, CITY CLERK

BY: 
Assistant/Deputy City Clerk



(SEAL)

APPROVED AS TO FORM:


City Attorney Date

PROOF OF PUBLICATION
(2015.5 C.C.P)
Proof of Publication of

This space is for the County Clerk's
Filing Stamp

STATE OF CALIFORNIA)

)ss.

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COUNTY OF MERCED

Copy of notice here

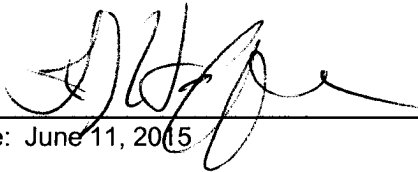
I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the printer foreman or principal clerk of The Merced County Times, a newspaper of general circulation, printed and published 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 # 1100
PO# 118077

PUBLIC NOTICE OF
ADOPTION OF ORDINANCE
CITY OF MERCED
ORDINANCE NO. 2442

June 11, 2015

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



Date: June 11, 2015

Legal # 1100
PUBLIC NOTICE OF
ADOPTION OF ORDINANCE
CITY OF MERCED
ORDINANCE NO.2442
NOTICE IS HEREBY
GIVEN that on June 1, 2015, the City Council of the City of Merced adopted Ordinance No. 2442, entitled:
"AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, AMENDING SECTIONS, 15.32.140, 'SPRINKLER SYSTEMS,' 15.42.040, 'PROHIBITED USES,' AND 15.42.090, 'PROHIBITED USES - MANDATORY,' OF THE MERCED MUNICIPAL CODE"

Ordinance No. 2442 amends the existing Ordinance to implement additional mandatory restrictions in accordance with Governor Brown's Execu-

utive Order on certain water use and water waste activities.

Ordinance No.2442 was adopted by the following roll call vote of the City Council:

AYES: 6
Council Members:
BELLUOMINI, BLAKE, DOSSETTI, MURPHY, PEDROZO, THURSTON
NOES: 0
Council Members: NONE
ABSTAIN: 0
Council Members: NONE
ABSENT: 1
Council Members: LOR

A copy of the full text of Ordinance No. 2442 is available for review in the Office of the City Clerk, City of Merced, 678 West 18th Street, Merced, California, and on the City's website at www.cityofmerced.org.

John Tresidder
DEPUTY CITY CLERK
PUBLISHED June 11, 2015

1150 EAST 18TH STREET
MERCED, CALIFORNIA 95360