

AN ORDINANCE OF THE CITY OF EUREKA AMENDING EUREKA MUNICIPAL CODE  
TITLE V, CHAPTER 53, AMENDING THE SECTIONS 53.36, 53.37, 53.38, 53.39, 53.40, 53.43 and  
53.44 PERTAINING TO WATER SHORTAGE REGULATIONS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

**Section 1.**

Title V, Chapter 53, Sections 53.36, 53.37, 53.38, 53.39, 53.40, 53.43 and 53.44 are hereby amended to read as follows:

**WATER SHORTAGE AND WATER WASTE REGULATIONS**

**§ 53.35 PURPOSE.**

(A) From time to time it may be necessary that Council declare that a water shortage emergency condition prevails in the area served by the city. During such Council-declared water shortages, this subchapter is intended to allocate equitably the water available to human consumption, sanitation, and fire protection.

(B) The specific uses regulated or prohibited in this subchapter are nonessential and, if allowed, would constitute wastage of water and should be prohibited pursuant to Cal. Water Code §§ 350 et seq. and 71640 et seq. and the common law.

('63 Code, § 5-7.01) (Ord. 274-C.S., passed 5-17-77; Am. Ord. 465-C.S., passed 12-31-87)

**§ 53.36 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CITY.** The City of Eureka, California.

**COUNCIL.** The elected Council of the city.

**CUSTOMER.** Any person using water supplied by the city.

**MANAGER.** The City Manager of the city.

**NONESSENTIAL USE.** Any use not required for human consumption, sanitation, or fire protection.

**NONESSENTIAL USER.** Any user other than a domestic residential customer or facility providing for health and safety.

**OUTDOOR SURFACE.** Any patio, porch, veranda, driveway, or sidewalk.

**PERSON.** Any person, firm, partnership, association, corporation, company, or organization of any kind.

**WATER.** Potable water provided by the City through its distribution system.

**WATER WASTE:**

- Water use in outdoor areas resulting in runoff. The use of water which allows water to run off to a gutter, ditch, or drain.
- The excessive use, loss, or escape of water through breaks, leaks or malfunctions in the water user's plumbing or distribution facilities.
- The washing of vehicles, building exteriors, sidewalks, driveways, parking areas, tennis courts, patios or other paved areas without the use of a positive shut-off nozzle on the hose, which results in excessive run-off, except where necessary to dispose of liquids or substances that would endanger the public's health and safety.

('63 Code, § 5-7.02) (Ord. 274-C.S., passed 5-17-77; Am. Ord. 465-C.S., passed 12-31-87)

**§ 53.37 APPLICATION.**

The provisions of this subchapter shall apply to all customers of the City using water both in and outside the city limits, regardless of whether any causing water shall have a contract for water service with the city.

('63 Code, § 5-7.03) (Ord. 274-C.S., passed 5-17-77; Am. Ord. 465-C.S., passed 12-31-87)

**§ 53.38 LARGE WATER USERS.**

No person whose historic monthly average water use of any three-month period exceeds 50,000 gallons per month, called "large water user" in this subchapter, shall irrigate, sprinkle, or water any shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation during a declared water shortage except as assigned by the Manager after consultation with individual large water users.

('63 Code, § 5-7.04) (Ord. 274-C.S., passed 5-17-77; Am. Ord. 465-C.S., passed 12-31-87) [Penalty, see § 53.99](#)

**§ 53.39 SITE DESIGN REVIEW.**

(A) During a declared water shortage, no planting or landscaping required by the design review process or other city action shall be implemented unless the Manager determines that the health, safety, or welfare of the public might be endangered.

(B) Single pass cooling systems, non-recirculating systems in car washes and commercial laundry systems and non-recycling decorative water fountains are prohibited in all new water services.

('63 Code, § 5-7.05) (Ord. 274-C.S., passed 5-17-77; Am. Ord. 465-C.S., passed 12-31-87) [Penalty, see § 53.99](#)

### **§ 53.40 WATER WASTE PROHIBITED.**

No person or customer shall cause or permit water waste as defined in Section 53.36.

('63 Code, § 5-7.06) (Ord. 274-C.S., passed 5-17-77; Am. Ord. 465-C.S., passed 12-31-87) [Penalty, see § 53.99](#)

### **§ 53.41 NONESSENTIAL USES; LIMITATIONS.**

(A) *Prohibited.*

(1) Whenever the Manager determines that the water available to the city is insufficient to permit nonessential uses and that all water then available to the city should be used solely for human consumption, sanitation, and fire protection, he may order and direct, individually or collectively, that nonessential uses shall not be permitted by any person or customer. While such order is in effect, no person or customer shall fill with city-furnished water any swimming pool, wash any car or any outdoor surface, irrigate, sprinkle, or water any shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation, or allow any other nonessential use of water as designated by order of the Manager. Violations shall be punished as set forth in § 53.99(B) of this chapter.

(2) The Manager shall use every available means to inform customers that such order is in effect.

('63 Code, § 5-7.07)

(B) *Limited amount of water delivered to customers.* Whenever the Manager determines the water available to the city is insufficient to meet the demands of customers of the city and that all water available to the city should be protected for human consumption, sanitation, and fire protection, he may order that limits be imposed on individual consumption as determined and specified by resolution of the Council, including penalties in addition to those set forth in § 53.99(B) of this subchapter. ('63 Code, § 5-7.08)

(Ord. 274-C.S., passed 5-17-77; Am. Ord. 465-C.S., passed 12-31-87) [Penalty, see § 53.99](#)

### **§ 53.42 ENFORCEMENT.**

(A) Each police officer of the city, in connection with his duties imposed by law, shall diligently enforce the provisions of this subchapter.

(B) The Manager and all employees of the city shall have the duty and are authorized to enforce the provisions of this subchapter and shall have all the powers and authority set forth in Cal. Penal Code § 836.5, including the power to issue written notices to appear.

('63 Code, § 5-7.10) (Ord. 274-C.S., passed 5-17-77; Am. Ord. 465-C.S., passed 12-31-87)

### **§ 53.43 OPERATIVE DATES.**

(A) Section 53.41 shall become operative each time the Council by resolution declares that a water emergency condition prevails pursuant to Cal. Water Code, §§ 350 et seq.

(B) Section 53.41 shall become inoperative from the time when the Council by resolution determines that a water shortage no longer exists until the Council, if ever, subsequently declares that another water shortage prevails.

('63 Code, § 5-7.11) (Ord. 274-C.S., passed 5-17-87; Am. Ord. 465-C.S., passed 12-31-87)

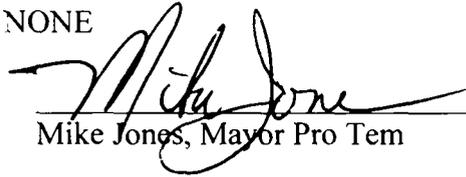
### **§ 53.44 DISCONNECTION FOR VIOLATION.**

The Manager shall forthwith direct and cause the disconnection of the water service of any person or customer cited for a misdemeanor under this subchapter. Such service shall be restored only upon the payment of the turn-on charge fixed by the Council, as provided in this code.

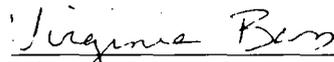
('63 Code, § 5-7.09) (Ord. 274-C.S., passed 5-17-77; Am. Ord. 465-C.S., passed 12-31-87)

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 2nd day of June 2009, by the following vote:

AYES:	COUNCILMEMBERS	GLASS, ATKINS, LEONARD, JAGER, JONES
NOES:	COUNCILMEMBERS	NONE
ABSENT:	COUNCILMEMBERS	NONE
ABSTAIN:	COUNCILMEMBERS	NONE

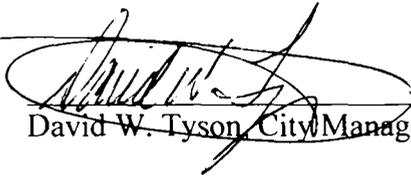
  
Mike Jones, Mayor Pro Tem

The above ordinance was submitted to me on the 9<sup>th</sup> day of September, 2009, and I hereby approve the same.

  
Virginia Bass, Mayor

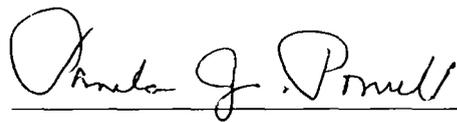
Approved as to Administration:

Approved as to form:

  
David W. Tyson, City Manager

  
Sheryl Schaffner, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the 15 day of September, 2009.

  
Pamela J. Powell, Deputy City Clerk