ORDINANCE NO. XXXX

AN ORDINANCE AMENDING SECTION §39.02.045 "PROHIBITIONS AND ENFORCEMENT OF WATER WASTE" OF ARTICLE 39.02 "SERVICE, FACILITIES, ETC." IN CHAPTER 39 "WATER" OF THE DAVIS MUNICIPAL CODE AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA PURSUANT TO SECTIONS 15061(B)(3), 15307 AND 15308

WHEREAS, on May 19, 2026, the City of Davis City Council adopted the updated 2025 Urban Water Management Plan including the city's updated Water Shortage Contingency Plan (WSCP); and

WHEREAS, this update to the WSCP modified the permanent water use restrictions for the City of Davis, including reference to upcoming state regulation changes related to water conservation; and

WHEREAS, in October 2023, Governor Newsom signed into law Assembly Bill 1572, requiring public water systems prohibit the use of potable water for irrigating nonfunctional turf (NFT) on commercial, industrial, and institutional (CII) properties, homeowners' associations (HOAs), common interest developments (CIDs), and community service organizations; and

WHEREAS, California Water Code §10608.14 requires that public water suppliers must revise their ordinances, regulations, or policies by January 1, 2027, and communicate these changes to customers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section §39.02.045 (Prohibitions and enforcement of water waste) of Article 39.02 (Service, Facilities, Etc.), in Chapter 39 (Water) of the City of Davis Municipal Code is hereby repealed and replaced in its entirety and shall read in full as follows:

The water use restrictions detailed below are permanent water use restrictions which match the Shortage Level 1 (0 to 10% water shortage) Demand Reduction Actions detailed in the City's Water Shortage Contingency Plan (WSCP), Chapter 8 of the Urban Water Management Plan (UWMP). Updates to the WSCP may be adopted without updates to the city's municipal code or the UWMP and the most current recording of the Shortage Level 1 Demand Reduction Actions can be viewed in the Water Shortage Contingency Plan. Water use restrictions beyond Shortage Level 1 restrictions are established in the WSCP and may be implemented from time to time, by resolution of the city council in compliance with California law. Demand Reduction Actions for Shortage Levels 1-6 can be found in the approved WSCP.

Permanent Water Use Restrictions—Shortage Level 1 (0 to 10% Water Shortage).

(a) Landscape water use restrictions.

(1) Outdoor watering with sprinkler irrigation is restricted to three days per week with no set watering schedule. Low volume irrigation systems (such as drip and micro-irrigation or soaker hose) are exempt from this restriction. Sprinkler irrigation systems utilizing weather-based irrigation controllers (WBICs) either weather or soil-moisture based are exempt from this requirement.
(2) No potable water shall be applied to outdoor landscapes in a manner that causes more than incidental runoff, such as minimal overspray from sprinklers that escapes the area of intended use, so that water flows onto adjacent property, non-irrigated areas, private walkways, roadways, parking lots, or structures.
(3) No landscape watering between 9:00 a.m. and 6:00 p.m. except with a hand-held container or hose with a shut-off nozzle, or for very short periods when adjusting a sprinkler system. This restriction does not apply to landscape irrigation using a low volume irrigation system (such as drip irrigation and micro-irrigation) designed to apply small volumes of water slowly at or near the root zone of plants. This includes, but is not limited to, properly functioning drip irrigation systems and soaker hoses.
(4) No irrigation of turf and/or ornamental landscapes during and within forty-eight hours after measurable rainfall of at least one-fourth of one inch of rain in a given area of Davis.
(5) No irrigation with potable water of landscapes outside of homes and buildings constructed after June 2015 in any manner inconsistent with regulations or other requirements established by the California Building Standards Commission, the department of housing and community development and the Model Water Efficient Landscape Ordinance (MWELO).
(6) No irrigation of turf on public street medians or publicly owned and maintained landscaped areas between the street and sidewalk, except where:
    (A) The turf serves a community or neighborhood function, including, but not limited to, recreational uses and civic or community events;
    (B) The turf is irrigated incidentally by an irrigation system, the primary purpose of which is the irrigation of trees; or
    (C) The turf is irrigated with recycled water through an irrigation system installed prior to January 1, 2018.
(7) The use of potable water for the irrigation of nonfunctional turf located on commercial, industrial, and institutional properties, other than a cemetery, and on properties of homeowners' associations, common interest developments, and community service organizations or similar entities is prohibited as of the following dates:
    (A) All properties owned by the Department of General Services, beginning January 1, 2027.
    (B) All properties owned by local governments, local or regional public agencies, and public water systems, except those specified in subsection (E), beginning January 1, 2027.
    (C) All other institutional properties and all commercial and industrial properties, beginning January 1, 2028.

(D) All common areas of properties of homeowners' associations, common interest developments, and community service organizations or similar entities, beginning January 1, 2029.
(E) All properties owned by local governments, public agencies, and public water systems in a disadvantaged community, beginning January 1, 2031, or when funding is available, whichever is later.

The following uses of potable water shall be exempt from this prohibition:
(A) Irrigation necessary to sustain trees and perennial non-turf plants.
(B) Potable water use required for health and safety concerns, such as fire suppression or erosion control.
(C) Cemeteries and public spaces intended for community assembly (parks, recreational areas and sports fields).
(D) Agricultural irrigation.

(b) Commercial water use restrictions.

(1) 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 shall only serve drinking water upon patron request.
(2) Restaurants are required to use a pre-rinse spray valve when washing dishes.
(3) Hotels and motels shall provide guests with the option to decline daily bed linen and towel changes. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.
(4) In-bay car washes or conveyor car washes permitted and constructed after January 1, 2014 shall use recirculating water systems pursuant to California Water Code Division 6 Part 2.12 Sections 10950—10953.

(c) Other water use restrictions.

(1) A hose that dispenses potable water to wash a motor vehicle shall be fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
(2) Potable water shall not be applied directly to driveways and sidewalks unless required for health and safety purposes.
(3) Potable water shall not be used in an ornamental fountain or other decorative water feature, except where the water is part of a recirculating system.
(4) All property owners must fix leaks, breaks or malfunctions in water fixtures or water-using or distributing devices to which city water is connected when they find them, or within seventy-two hours of receiving a notice from the City of Davis pursuant to Davis Municipal Code Section 30.02.040. If repairs cannot be completed within 72 hours, property owners must have a plan in place for repairs and reduce water use until repairs can be made.

(d) Violation and penalties.

(1) The City of Davis emphasizes an educational approach to water waste issues to encourage water conservation and prevent water waste. The public works director has adopted standard operating procedures for water waste complaints that outline the notification process and steps for enforcement if outreach alone is not sufficient to rectify the issue. The procedures may be amended from time to time. City staff shall make attempts in each step of the process to work with the resident and/or property owner on the issue before moving to the next step in the enforcement process.

(2) Pursuant to Section 377 of the California Water Code and Section 1.01.110 of the Davis Municipal Code, violation of any of the provisions of this section is a misdemeanor. A person convicted shall be punished by imprisonment in the County Jail for not more than thirty days, or by fine not exceeding one thousand dollars, or by both. This fine is in addition to, and does not supersede or limit any other remedies, civil or criminal.

(3) As provided in California Water Code Section 377, any person may be held civilly liable in an amount not to exceed ten thousand dollars for violation of this section and/or for violating any emergency regulations adopted by the State Water Board under California Water Code Section 1058.5, unless the State Water Board regulation provides that the specific regulation may not be enforced under Section 377. The procedures, requirements and process for civil liability shall be as set forth in California Water Code Section 377.

(4) As provided in California Water Code Section 377, the civil liability for the first violation by a residential water user shall not exceed one thousand dollars except in extraordinary situations where the court or the city finds all of the following:

(A) The residential user had actual notice of the requirement found to be violated.

(B) The conduct was intentional.

(C) The amount of water involved was substantial.

(5) For the purposes of issuance of a complaint or citation under this section, subsection (b) of Water Code Section 377, or subdivision (d) of Water Code Section 1058.5 such complaint or citation may be issued by the city manager or designee, or the city's code enforcement officer as defined by Section 829.5 of the California Penal Code."

SECTION 2. CEQA. The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15307 and 15308 because the Ordinance is an action taken by the City as required and authorized by Assembly Bill 1572 to assure the conservation and protection of potable water and the environment by limiting the use of potable water to irrigate certain areas of nonfunctional turf within the City. In addition, this Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.

SECTION 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of the Ordinance for any reason is 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 or any part thereof. 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. Effective Date. This Ordinance shall be in full force and effect thirty days from and after the date of its final passage and adoption.

SECTION 5. Certification. The City Clerk shall certify to the adoption of this Ordinance and shall post or publish this Ordinance as required by law.

INTRODUCED on the 6th day of October, 2026 and PASSED AND ADOPTED by the City Council of the City of Davis on this 20th day of October, 2026 by the following vote:

AYES:

NOES:

Donna Neville
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk