

APPENDIX Q: Santa Cruz Municipal Code Chapters 16.01, 16.02, and 16.16

Chapter 16.01

UPDATED WATER SHORTAGE CONTINGENCY PLAN IMPLEMENTATION

16.01.010 FINDINGS.

Whereas, the city of Santa Cruz water system draws almost exclusively on local surface water sources, whose yield varies from year to year depending on the amount of rainfall received and runoff generated during the winter season; and

Whereas, the city water system has limited storage for dry season use making it susceptible to water shortages in dry and critically dry years or in periods of prolonged regional drought when water conditions characterized by low surface flows in the north coast streams and San Lorenzo River sources, depleted storage in Newell Creek Reservoir, or both, reduce the available supply to a level that cannot support seasonal water demand; and

Whereas, the city council of the city of Santa Cruz has adopted an updated interim water shortage contingency plan (WSCP) that describes how the city will respond to future water shortages and lists the various actions the city would take to reduce water demand under different water shortage scenarios ranging from ten percent up to and including a greater than fifty percent seasonal water supply deficiency; and

Whereas, California Water Code Sections 350 et seq. authorize water suppliers, after holding a properly noticed public hearing and after making certain findings, to declare a water shortage (emergency) and to adopt such regulations and restrictions to conserve the water supply for the greatest public benefit with particular regard for domestic use, sanitation, and fire protection; and

Whereas, this WSCP is based on a system of usage allotments for all customer classes. The method of water restriction set forth herein provides an effective and immediately available means of curtailing water use, which is essential during periods of water shortage to ensure a reliable and sustainable minimum supply of water for the public health, safety, and welfare and to preserve valuable limited reservoir storage, avoid depleting water storage to an unacceptably low level, and thereby lessen the possibility of experiencing more critical shortages if dry conditions continue or worsen; and

Whereas, the usage allotments hereinafter established will equitably spread the burden of restricted and prohibited usage in a manner prescribed by the city's water shortage contingency plan over all city water department customers and other consumers of city water; and

Whereas, the purposes of this chapter are to conserve the water supply of the city of Santa Cruz for the greatest public benefit, to mitigate the effects of a water supply shortage on public health and safety and economic activity, and to budget water use so that a reliable and sustainable minimum supply of water will be available for the most essential purposes for the entire duration of the water shortage.

(Ord. 2021-09 § 2, 2021).

16.01.020 DECLARATION OF WATER SHORTAGE.

The provisions of this chapter shall take effect whenever the director, upon analysis of city water supplies, finds and determines that a water shortage exists or is imminent within the city of Santa Cruz water service area and a declaration of a water shortage is made by a resolution of the city council, and they shall remain in effect for the duration of the peak season through October 31st, unless rescinded earlier or extended by city council.

Whenever this chapter references the director's issuance or declaration of an alert, warning, emergency, or regulation, said alert, warning, emergency or regulation shall be put into effect by the placement of a legal advertisement in a newspaper of general circulation, by a posting on the city's internet website and by a posting in the following public places: Santa Cruz City Hall, 809 Center Street, Santa Cruz; Santa Cruz Water Department Office, 212 Locust Street, Santa Cruz; Capitola City Hall, 420 Capitola Avenue, Capitola; and the Santa Cruz County Governmental Center, 701 Ocean Street, Santa Cruz. Any such alert, warning, emergency or regulation shall take effect upon the date of its publication in the Santa Cruz Sentinel.

With the exception of a newspaper legal advertisement, the same procedures shall apply when the alert, warning, emergency or regulation period has been terminated.

(Ord. 2021-09 § 2, 2021).

16.01.030 APPLICATION OF REGULATIONS.

The provisions of this chapter shall apply to all persons using or consuming water within the Santa Cruz water department's water service area, and

regardless of whether any person using water shall have an account for water service with the city.

(Ord. 2021-09 § 2, 2021).

16.01.040 PRECEDENCE OF REGULATIONS.

Where other provisions of the municipal code, whether enacted prior or subsequent to this chapter, are inconsistent with the provisions of this chapter, the provisions of this chapter shall supersede and control for the duration of the water shortage set forth in the resolution of the city council.

(Ord. 2021-09 § 2, 2021).

16.01.050 DEFINITIONS.

(a) “Director” refers to the director of the city of Santa Cruz water department.

(b) “Water” refers to water produced and served by the city of Santa Cruz water department.

(c) “City” refers to the city of Santa Cruz.

(d) “Water department” refers to the city of Santa Cruz water department.

(e) “Seasonal water demand” refers to the demand, measured in gallons, placed by customers on the city water supply between May 1st and October 31st each calendar year.

(f) “Water service area” refers to the area within which the Santa Cruz water department is the designated water provider, as it may change over time.

(g) “Water shortage contingency plan” refers to the plan developed by the water department and approved by the city council, as updated from time to time, and that complies with the requirements of California Water Code (CWC) Section 10632 requiring that every urban water supplier prepare and adopt a WSCP as part of its urban water management plan, and that has been adopted in a manner that complies with the requirements of the Urban Water Management Act commencing at Section 10610 of the California Water Code.

(h) “Customer” shall refer to any person or entity holding an account for water service with the city of Santa Cruz water department as well as to any

consumer or user of city water who may not be a city of Santa Cruz water department account holder.

(i) “Independent hearing officer” refers to a person appointed by the city to preside at administrative hearings pursuant to Title 4 of this code.

(Ord. 2021-09 § 2, 2021).

16.01.055 WATER DEPARTMENT CUSTOMER CLASSIFICATIONS.

For determining a water department customer’s water allocation during a declared water shortage under this chapter and for all other purposes under this title, the following customer classification definitions shall apply based on the customer’s ownership or occupation of the following types of property served by the water department:

(a) 1. Single-Family Residential. Individually metered residential dwelling units (regardless of housing type) including attached or multiple residential buildings in which each unit is separately metered by a city-owned meter. This classification shall apply whether or not the residential dwelling unit is being put to a use other than, or in addition to, residential use, and whether or not the residential use is permanent or transient in nature including use as a vacation rental unit. A residential dwelling unit is considered an occupant’s permanent residence when, on average, the occupant resides in the unit for at least twenty-one days within each monthly water service period.

2. Multiple-Family Residential. Any residential account with more than one residential dwelling unit served by one water meter. This classification shall apply whether or not the residential dwelling units are being put to a use other than, or in addition to, residential use and whether or not the residential use is permanent or transient in nature including use as a vacation rental unit. A residential dwelling unit is considered an occupant’s permanent residence when, on average, the occupant resides in the unit for at least twenty-one days within each monthly water service period.

3. Business/Industry. Commercial establishments including restaurants, hotel/motel, retail, medical, schools, offices, churches and mixed-use buildings as defined by an established water department administrative policy order. This category also includes industrial customers including manufacturing and biotechnology. This category also includes county and state government accounts.

4. UCSC. This category is comprised of one primary customer, the University of California, Santa Cruz.
5. Municipal. This category is comprised of city-owned and operated facilities such as city offices, parks, police and fire stations, water and wastewater treatment plants, street medians, and parking lots.
6. Irrigation. Dedicated water services for landscape irrigation associated with large multiple residential complexes and homeowners associations, or with commercial, industrial, and institutional sites, including schools, churches, and parks.
7. Golf Irrigation. Accounts serving the two golf courses in the water service area.
8. Coast Irrigation. Agricultural accounts receiving untreated water on the north coast.
9. Miscellaneous. Other uses such as temporary construction accounts, hydrant meters, and bulk water sales.

(b) Residency. For the purpose of determining residential water rationing allotments under all stages of shortage, allotments shall be set based on the number of a household's permanent residents, with a minimum allocation based on three people per household. A permanent resident is an occupant who resides in the subject residential dwelling unit, on average, for at least twenty-one days within each monthly water service period.

(Ord. 2021-09 § 2, 2021).

16.01.060 WATER WASTE PROHIBITIONS.

It shall be unlawful during any water shortage stage for any person, firm, partnership, association, corporation, political entity (including the city) or any other water department customer to use water for any of the following:

(a) Fire Hydrants. Use of water from any fire hydrant unless specifically authorized by permit from the city, except by regularly constituted fire protection agencies for fire suppression purposes, or for other authorized uses, including distribution system flushing, fire flow testing, and filling of approved vehicles for sewer system flushing, storm drain maintenance, and street sweeping purposes.

(b) Watering/Irrigation. The watering of grass, lawn, groundcover, shrubbery, open ground, crops and trees, including agricultural irrigation, in a manner or to an extent that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, gutter or ditch.

(c) Plumbing Leaks. The escape of water through leaks, breaks, or other malfunctions within the water user's household plumbing or irrigation system for any period of time after such break or leak should have reasonably been discovered and corrected. It shall be presumed that a period of twenty-four hours after the water user discovers such break, leak or malfunction, or receives notice from the city of such condition, whichever occurs first, is a reasonable time within which to initiate the process of repairing the leak.

(d) Washing of Exterior Surfaces. The washing of sidewalks, walkways, driveways, parking lots, patios, or other exterior surfaces unless the hose is equipped with an automatic shutoff nozzle. Power washing of sidewalks or other outdoor surfaces for health and safety reasons is not considered a violation of this provision.

(e) Cleaning of Structures and Vehicles. The cleaning of building exteriors, mobile homes, cars, boats, and recreational vehicles unless the hose is equipped with an automatic shutoff nozzle.

(f) Fountains and Decorative Water Features. The operation of a water fountain or other decorative water feature that does not use re-circulated water.

(g) Commercial Car Washes. The washing of vehicles at a commercial car wash unless the facility utilizes water recycling equipment, or operates on a timer for a limited time period and shuts off automatically at the expiration of the time period.

(h) Construction. The use of potable water for dust control or soil compaction purposes in construction activities where there is a reasonably available source of reclaimed water appropriate for such use.

(i) The indiscriminate running of water or washing with water, not otherwise prohibited in this section which is wasteful and without reasonable purpose.

(Ord. 2021-09 § 2, 2021).

16.01.070 WATER SHORTAGE CONTINGENCY PLAN (WSCP).

The council-adopted WSCP is the guide for the water department's actions during water shortage conditions. The plan provides the detailed descriptions of the actions and procedures to be used to address varying degrees of water shortages. In addition to the actions to be taken and the procedures to be followed in responding to a water shortage emergency, the WSCP describes the methodology used to develop the allocation system for each customer class. The WSCP referenced in this code, as it is formally amended from time to time, presents the necessary details about the allocations to be implemented at each stage of the plan.

Certain elements of the WSCP are required by the CWC, including response actions that align with six standard water shortage levels based on water supply conditions. The shortage levels range in magnitude from a ten percent shortage to fifty percent shortage and a final stage of greater than fifty percent shortage.

The selected approach used for demand reduction at each stage of shortage is decreasing customer allocations (rationing). At Stage 1, the allocations will be advisory, meaning that allocations are set for each customer but excess use penalties will not apply for usage over allocation. However, at all other stages beginning with Stage 2, excess use penalties will apply to customer bills for usage over allotment.

(Ord. 2021-09 § 2, 2021).

16.01.080 PUBLIC NOTIFICATION OF WSCP IMPLEMENTATION.

Ample notification to customers to make them aware of their unique customer account allocation will occur once a shortage stage has been declared by city council. Notification may take the form of press releases, bill inserts, web page announcements or a combination of these methods.

Once a shortage stage has been declared and notice provided to customers, customer resources in the form of web pages and other non-online resources will be available to provide additional detail to customers about how the allocation system works and how best to conserve water to stay within one's allocation.

(Ord. 2021-09 § 2, 2021).

16.01.090 EXCEPTIONS.

(a) The director, upon application made in writing by a customer on a form promulgated by the water department and accompanied by supporting documentation, shall be authorized to issue an exception from the strict application of any restriction, regulation or prohibition enforced pursuant to this chapter, upon the customer's production of substantial evidence demonstrating the existence of one or more of the following circumstances that are particular to that customer and which are not generally shared by other water department customers:

1. Exceptions Applicable to All Water Department Customers.
 - A. Failure to approve the requested exception would cause a condition having an adverse effect on the health, sanitation, fire protection, or safety of the customer or members of the public served by the customer;
 - B. Circumstances concerning the customer's property or business have changed since the implementation of the subject restriction warranting a change in the customer's water usage allocation.
2. Exceptions Applicable Only to Water Department Nonresidential Customers. For purposes of this subsection a residential dwelling unit which is used as a vacation rental shall not be classified as a business.
 - A. A hospital or other health care facility will be automatically be exempted from the water allocation system. Health care facilities are defined as any facilities that fall under the North American Industry Classification System (NAICS) sector 62.

(Ord. 2021-09 § 2, 2021).

16.01.100 WATER SHORTAGE APPEALS.

(a) A water shortage appeal procedure is hereby established which shall apply upon the director's issuance of any water shortage declaration and the implementation of water shortage restrictions pursuant any stage in the WSCP. Thereafter during the declared water shortage, independent hearing officers shall be appointed to hear and rule upon water shortage appeals filed in accordance with this section.

(b) Any customer who considers an action taken by the director or an enforcement official under the provisions of this chapter, including actions on

exception applications and the assessment of administrative penalties, to have been erroneously taken or issued may appeal that action or penalty in the following manner:

1. The appeal shall be made in writing, shall state the nature of the appeal specifying the action or penalty that is being appealed and the basis upon which the action or penalty is alleged to be in error. Penalty appeals shall include a copy of the notice of violation;
2. An appeal, to be effective, must be received by the director not later than ten business days following the date of the notice of violation or the date that the director took the action which is the subject of the appeal;
 - A. A water service customer who is not an account holder may notify the water department of his or her intention to file a petition to force the account holder to appeal an excess water use penalty within ten business days following the penalty;
 - B. If the water department has been given a notice of intention to file a petition per subsection (b)(2)(A) by a water service area customer who is not an account holder, the appeal from the account holder must be received within fifteen business days after the account holder has been petitioned by the customer;
3. The director shall schedule the appeal for consideration by an independent hearing officer. The independent hearing officer shall hear the appeal within ninety days of the date of the appeal and issue its decision within thirty days of the date of the hearing;
4. The decision of the independent hearing officer shall be final. In ruling on appeals, the independent hearing officer shall strictly apply the provisions of this chapter, and shall not impose or grant terms and conditions not authorized by this chapter.

(Ord. 2021-09 § 2, 2021).

16.01.110 ADMINISTRATIVE ENFORCEMENT.

(a) Any person, firm, partnership, association, corporation, political entity or other water department customer violating any provision of this chapter may be assessed an administrative penalty.

(b) Each and every day a violation of this chapter exists constitutes a separate and distinct offense for which an administrative penalty may be assessed.

(c) Penalties. The purpose of the administrative penalties assessed pursuant to this section is to assure future chapter compliance by the cited customer through the imposition of increasingly significant penalties so as to create a meaningful disincentive to commit future chapter violations. In acknowledgment of the fact that the city's water is a scarce and irreplaceable commodity and that this chapter is intended to equitably distribute that commodity among water department customers and to assure that, to the extent feasible, city water is conserved and used only for purposes deemed necessary for public health and safety, the penalty schedule herein prescribed is not to be construed as creating a "water pricing" structure pursuant to which customers may elect to pay for additional water at significantly higher rates. To this end, a customer's repeated violation of this chapter shall result in either the installation of a flow restriction device or disconnection of the customer's property from the city's water service system at the customer's cost.

(d) Administrative penalties for failure to comply with water waste prohibition requirements in Section [16.01.060](#) are as follows:

1. First Offense. Written notice of violation and opportunity to correct violation.
2. Second Offense. A second violation within the preceding twelve calendar months is punishable by a fine not to exceed one hundred dollars.
3. Third Offense. A third violation within the preceding twelve calendar months is punishable by a fine not to exceed two hundred fifty dollars.
4. Fourth Offense. A fourth violation within the preceding twelve calendar months is punishable by a fine not to exceed five hundred dollars. In addition to any fines, the director may order a water flow restrictor device be installed.
5. Large Customers. Administrative penalties for customers that use an average of one thousand three hundred thirty-seven billing units (one

million gallons) or more per calendar year shall be triple the amounts listed above.

6. **Discontinuing Service.** In addition to any fines and the installation of a water flow restrictor, the director may disconnect a customer's water service for willful violations of mandatory restrictions and regulations in this chapter. Upon disconnection of water service, a written notice shall be served upon the customer which shall state the time, place, and general description of the prohibited or restricted activity and the method by which reconnection can be made.

(e) **Excessive Water Use Penalties.** An excessive use penalty shall be assessed where the customer, during any given billing cycle, uses more than the customer's water allotment per the director's water rationing regulations issued pursuant to this chapter commencing with Stage 2 in the WSCP. Excess use penalties shall be in addition to ordinary water consumption charges, as follows:

1. One percent to ten percent over customer rationing allotment: not to exceed twenty-five dollars/CCF.

2. More than ten percent over customer rationing allotment: not to exceed fifty dollars/CCF.

3. In addition to any excess use penalties, the director may order a water flow restrictor device be installed and/or may disconnect a customer's water service for willful violations of the water rationing regulations in this chapter. Upon disconnection of water service, a written notice shall be served upon the customer which shall state the time, place, and general description of the prohibited or restricted activity and the method by which reconnection can be made.

4. The director is authorized to develop administrative policies and procedures for the waiver of excessive water use penalties.

(f) **Cost of Flow Restrictor and Disconnecting Service.** A person or entity that violates this chapter is responsible for payment of charges for installing and/or removing any flow-restricting device and for disconnecting and/or reconnecting service in accordance with the city's miscellaneous water service fee resolution then in effect. The charge for installing and/or removing any flow restricting device must be paid before the device is removed.

Nonpayment will be subject to the same remedies as nonpayment of basic water rates.

(g) Notice and Hearing. The director will issue a notice of violation by mail or personal delivery at least ten business days before taking any enforcement action described in subsection (d). Such notice must describe the violation and the date by which corrective action must be taken. A customer may appeal the notice of violation by filing a written notice of appeal with the city no later than the close of the business day before the date scheduled for enforcement action, accompanied by a twenty-five-dollar appeal fee. Any notice of violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and the city will mail written notice of the hearing date to the customer at least ten days before the date of the hearing. Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the director may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violation and the current declared water shortage condition.

(Ord. 2021-09 § 2, 2021).

16.01.120 ADDITIONAL ENFORCEMENT AUTHORITY.

In addition to the remedies referenced above, the director is empowered to pursue any additional remedies necessary, including criminal, civil and administrative remedies listed in Title [4](#) of the Santa Cruz Municipal Code, to correct a violation of this chapter.

(Ord. 2021-09 § 2, 2021).

* Code reviser's note: Ord. 2021-09 adds this section as 16.01.110. It has been editorially renumbered to avoid duplication of numbering.,

16.01.180 SEVERABILITY.

If any portion of this chapter is held to be unconstitutional, it is the intent of the city council that such portion of the chapter be severable from the remainder and that the remainder be given full force and effect.

(Ord. 2021-09 § 2, 2021).

Chapter 16.02 WATER CONSERVATION

16.02.010 PURPOSE.

The purpose of this chapter is to ensure that the water supply of the city of Santa Cruz is put to maximum beneficial use and that waste or unreasonable use or unreasonable method of use of water be prevented.

(Ord. 2003-13 § 2 (part), 2003).

16.02.020 APPLICATION OF REGULATIONS.

The provisions of this chapter shall apply to all persons using water, both in and outside the city and within city water service areas, and regardless of whether any person using water shall have a contract for water service with the city. Notwithstanding other code provisions inconsistent with this chapter, the provisions of this chapter shall supersede and prevail until termination of this chapter.

(Ord. 2003-13 § 2 (part), 2003).

16.02.030 DEFINITIONS.

For the purpose of this chapter, the following words shall have the meanings set forth below:

- (a) “Director” is the director of the water department of the city of Santa Cruz, or his or her designated representative.
- (b) “Drip irrigation” shall mean low-flow point specific irrigation systems that apply water directly to plant root zones through emitters, low volume micro-spray devices that are components of a drip irrigation system, and soaker hoses.
- (c) “Person” shall mean any individual, firm, partnership, association, corporation, or political entity.
- (d) “Water” shall mean any water obtained from the water department of the city of Santa Cruz.

(Ord. 2003-13 § 2 (part), 2003).

16.02.040 REGULATIONS.

It is unlawful for any person to use water for any of the following:

- (a) Fire Hydrants. Use of water from any fire hydrant unless specifically authorized by permit from the city, except by regularly constituted fire protection agencies for fire suppression purposes, or for other authorized uses, including distribution system flushing, fire flow testing, and filling of approved vehicles for sewer system flushing, storm drain maintenance, and street sweeping purposes.
- (b) Watering/Irrigation. The watering of grass, lawn, groundcover, shrubbery, open ground, crops and trees, including agricultural irrigation, in a manner or to an extent which allows excess water to run to waste.
- (c) Plumbing Leaks. The escape of water through leaks, breaks, or malfunction within the water user's plumbing or distribution system for any period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four hours after the water user discovers such break, leak or malfunction, or receives notice from the city of such condition, whichever occurs first, is a reasonable time within which to correct such condition or to make arrangements for correction.
- (d) Washing of Exterior Surfaces. The washing of sidewalks, walkways, driveways, parking lots, patios, or other exterior surfaces unless the hose is equipped with an automatic shutoff nozzle.
- (e) Cleaning of Structures and Vehicles. The cleaning of building exteriors, mobile homes, cars, boats, and recreational vehicles unless the hose is equipped with an automatic shutoff nozzle.
- (f) Fountains. The operation of an ornamental fountain, unless such water is recycled in the fountain.
- (g) Cooling. The use of water in new ice-making machines and any other new mechanical equipment that utilizes a single pass cooling system to remove and discharge heat to the sanitary sewer. Water used for all cooling purposes shall be recycled.
- (h) Commercial Car Washes. The washing of vehicles at a commercial car wash unless the facility utilizes water recycling equipment, or operates on a timer for a limited time period and shuts off automatically at the expiration of the time period.

(i) Construction. The use of potable water for dust control or soil compaction purposes in construction activities where there is a reasonably available source of reclaimed water appropriate for such use.

(j) Clothes Washing. Water for new non-recirculating industrial clothes wash systems.

(k) The indiscriminate running of water or washing with water not otherwise prohibited in this section, which is wasteful, and without reasonable purpose.

(l) Any other nonessential uses of water, as determined and publicly announced by the director, in response to below average water supply conditions that could result in carryover storage in Loch Lomond Reservoir being drawn down to levels that would trigger the declaration of a water supply emergency in the event of a subsequent dry year, including, but not limited to:

1. Use of potable water to irrigate turf, lawns, gardens, or ornamental landscaping between 10:00 a.m. and 5:00 p.m. unless by drip irrigation, or by hand watering with a quick acting positive shut off nozzle. (Exceptions may be made by the director for professional gardeners where there is no ability to not water between 10:00 a.m. and 5:00 p.m.).
2. Serving drinking water to any customer, unless expressly requested, by a restaurant, hotel, cafe, cafeteria, or other public place where food is sold, served, or offered for sale.

The water director shall provide notification to city council and the public before any such restrictions are put into effect.

(Ord. 2003-13 § 2 (part), 2003).

16.02.050 DISCONNECTION.

Any person in violation of the provisions of this chapter who failed to take corrective action within fifteen days of receiving the first notification of the violation shall be subject to disconnection of water service. Upon disconnection of water service a written notice shall be served upon the violator, or conspicuously posted at the entrance of the violator's premises, and shall state the time, place and general description of the violation and the method by which reconnection can be accomplished.

(Ord. 2003-13 § 2 (part), 2003).

16.02.060 RECONNECTION.

Where water service is disconnected, as authorized above, it shall be immediately reconnected upon correction of the condition or activity and the payment of the reconnection charge in an amount specified by resolution of the city council.

(Ord. 2003-13 § 2 (part), 2003).

16.02.070 APPEAL.

Any person who feels that the activity or condition, which resulted in the disconnection of water service pursuant to this chapter, did not constitute a violation of this chapter may appeal the disconnection to the city council in the manner specified in Chapter 1.16 of the Santa Cruz Municipal Code. If the city council finds that the activity or conduct did not constitute a violation of this chapter, the reconnection charge will be refunded.

(Ord. 2003-13 § 2 (part), 2003).

16.02.080 VIOLATION.

Any person violating this chapter shall be deemed guilty of an infraction. Any person violating this chapter shall be subject to criminal, civil, and/or administrative enforcement action as provided in Title 4 of the Santa Cruz Municipal Code. Each and every day a violation of this chapter exists constitutes a separate and distinct offense for which enforcement action may be taken.

(Ord. 2003-13 § 2 (part), 2003).

16.02.090 ENFORCEMENT.

All peace officers and persons authorized by law to issue citations within the water service area shall, in conjunction with duties imposed by the law, diligently enforce the provisions of this chapter. Pursuant to the provisions of Section 836.5 of the State Penal Code, the following officers and employees of the city of Santa Cruz are hereby designated and authorized to issue citations for enforcement of this chapter:

Director of the water department;

Deputy director/Operations manager;

Water quality manager;

Customer service manager;

Utility supervisor;

Production superintendent;

Water conservation coordinator;

Utility service representative;

Water department employees designated by the director.

(Ord. 2003-13 § 2 (part), 2003).

This Santa Cruz Municipal Code is current through Ordinance 2021-14, passed June 22, 2021.

Chapter 16.03

PLUMBING FIXTURE RETROFIT REGULATIONS

16.03.010 PURPOSE.

The purpose of this chapter is to reduce long-term demand for potable water within the city water service area in order to ensure a reliable and adequate public water supply by establishing water efficiency standards for interior plumbing fixtures when changes in ownership of real property occur.

(Ord. 2013-21 § 1 (part), 2013: Ord. 2003-23 § 1 (part), 2003: Ord. 2002-46 § 1 (part), 2002).

16.03.020 APPLICATION OF REGULATIONS.

The provisions of this chapter shall apply to all residential, commercial, and industrial buildings served by the city of Santa Cruz water department that use water in showers, toilets, and urinals whenever the title to real property is conveyed from the seller to the buyer, for consideration, by means of a grant deed.

(Ord. 2013-21 § 1 (part), 2013: Ord. 2003-23 § 1 (part), 2003: Ord. 2002-46 § 1 (part), 2002).

16.03.030 DEFINITIONS.

For the purpose of this chapter, the following words shall have the meanings set forth below:

- (a) “Buyer” means the person, persons, or entity to whom the title to real property is conveyed.
- (b) “Director” means the director of the water department of the city of Santa Cruz, or his or her designated representative.
- (c) “High efficiency plumbing fixtures” means any fixture that is designated as an USEPA WaterSense fixture; or any showerhead rated to use a maximum of 2.0 gallons of water per minute, any high efficiency toilet rated to use a maximum of 1.28 gallons of water per flush, and any urinal and associated flush valve rated to use a maximum of 0.5 gallons of water per flush.
- (d) “Retrofit” means the replacement of conventional plumbing fixtures with high efficiency plumbing fixtures. Pre-existing toilets that use not more than 1.6 gallons per flush shall be considered to meet the requirements of this code.

(e) “Seller” means the owner of real property prior to the time of sale.

(f) “Time of sale” means the date of the recording of the deed transferring legal title to real property to implement the sale of the property.

(g) “Transfer of responsibility to retrofit form” means a form provided by the city that certifies that the seller and buyer mutually agree that the responsibility for compliance with the retrofit requirements in this chapter is assumed by the buyer.

(h) “Water conservation certificate” means a form provided by the city certifying compliance with the plumbing fixture requirements specified by this chapter.

(Ord. 2013-21 § 1 (part), 2013: Ord. 2003-23 § 1 (part), 2003: Ord. 2003-04 § 2, 2003: Ord. 2002-46 § 1 (part), 2002).

16.03.040 RETROFIT REQUIREMENTS UPON SALE OF REAL PROPERTY.

(a) When Required. All existing residential, commercial, and industrial buildings shall, at the time of sale, be retrofitted, if not already so, exclusively with high efficiency plumbing fixtures.

(b) Responsibilities of Seller. The seller shall be responsible for complying with the requirements of this chapter and for obtaining a water conservation certificate in accordance with Section [16.03.060](#) before the time of sale.

(c) Disclosure of Retrofit Requirement. The seller and/or the seller’s real estate agent or broker shall give a written statement to the prospective buyer of the requirements of this chapter as soon as practicable prior to the transfer of title. The statement shall be either included in the receipt for deposit in a real estate transaction, an addendum to the real estate transfer disclosure statement, or a separate document. A signed copy of the water conservation certificate and the statement of retrofit requirements shall be included in the transfer documentation.

(Ord. 2013-21 § 1 (part), 2013: Ord. 2003-23 § 1 (part), 2003: Ord. 2002-46 § 1 (part), 2002).

16.03.050 EXEMPTIONS.

The water director may grant an exemption to the provisions of this chapter to any person if the water director determines that the unique configuration of a building drainage system or portions of a public sewer, or both, are incompatible with high efficiency toilet specifications and require a greater

quantity of water to flush the system in a manner that is consistent with public health.

Structures which are considered architecturally significant and which are listed as such in a recognized federal, state, or local historic registry or in the city's general plan are exempt from the requirements of this chapter when both of the following circumstances exist: authentic historic plumbing fixtures are presently in place in the structure, and the plumbing fixtures cannot be replaced by matching high efficiency fixtures.

The director shall require sufficient evidence or proof be submitted to substantiate any exemption.

(Ord. 2013-21 § 1 (part), 2013: Ord. 2003-23 § 1 (part), 2003: Ord. 2002-46 § 1 (part), 2002).

16.03.060 VERIFICATION OF COMPLIANCE.

(a) Upon retrofitting with high efficiency plumbing fixtures, prior to time of sale, the seller shall verify compliance by one of the following methods:

1. Physical inspection of the building by city staff or other person authorized by the city to perform an on-site property inspection and to certify that the plumbing fixture requirements specified in this chapter have been satisfied;
2. Participation in the city toilet rebate program, where documentation of an inspection demonstrates that the retrofit requirements of this chapter have been satisfied;
3. Documentation that all structures that include plumbing fixtures on the property changing ownership were constructed or renovated in 1994 or later.

(b) Once compliance with the requirements of this chapter has been verified, a water conservation certificate will be issued to the seller within two business days.

(c) The director may waive re-inspection and/or further proof of retrofit when a property already certified undergoes a subsequent sale. Water conservation certificates shall be maintained on file at the department in order to provide future verification that high efficiency plumbing fixtures have been installed.

(Ord. 2013-21 § 1 (part), 2013: Ord. 2003-23 § 1 (part), 2003: Ord. 2002-46 § 1 (part), 2002).

16.03.070 PERSONS AUTHORIZED TO PERFORM PLUMBING FIXTURE INSPECTIONS.

The following persons shall be authorized to perform an inspection of plumbing fixtures for the purpose of verifying compliance with the provisions of this chapter:

- (a) Employees of the city assigned by the director.
- (b) A plumbing contractor who holds a valid contractor's license issued by the state of California.
- (c) Other persons approved by the director to perform plumbing fixture inspections.

(Ord. 2013-21 § 1 (part), 2013: Ord. 2003-23 § 1 (part), 2003: Ord. 2002-46 § 1 (part), 2002).

16.03.080 OPTION TO TRANSFER RESPONSIBILITY FOR RETROFITTING.

Before the time of sale, the seller and buyer of any property may mutually agree to transfer responsibility for compliance with this chapter to the buyer. In the event the buyer agrees to assume responsibility for retrofitting, the buyer shall complete the retrofit within ninety calendar days from the date of the sale. Before the time of sale, the seller and buyer shall complete the following procedures:

- (a) The seller shall request from the department a transfer of responsibility to retrofit form. Both the seller and buyer shall sign the form certifying that the buyer has assumed responsibility for the retrofit.
- (b) The seller shall file the signed transfer of responsibility to retrofit form with the department and include it in the real estate transfer documentation in lieu of the water conservation certificate.
- (c) Upon completing the retrofit, the buyer shall contact the department to verify compliance. A water conservation certificate shall be issued to the buyer upon verification of compliance in accordance with [Section 16.03.060](#).

(Ord. 2013-21 § 1 (part), 2013: Ord. 2003-23 § 1 (part), 2003: Ord. 2002-46 § 1 (part), 2002).

16.03.090 PENALTIES FOR VIOLATION – ENFORCEMENT.

- (a) Violation. It is unlawful for any person, firm, partnership, association, or corporation to fail to comply with the retrofit requirements of this chapter, or to alter or replace high efficiency plumbing fixtures required by the chapter with

other than high efficiency plumbing fixtures. Violation of the provisions of this chapter shall constitute an infraction.

(b) Notice of Correction. Whenever the director determines that there is a property where high efficiency plumbing fixtures have not been installed as required by this chapter or where such fixtures have been removed since initial installation and replaced with other than high efficiency plumbing fixtures, the director may serve a notice of correction on the owner(s) of the property on which the violation is situated and any other person responsible for the violation. The owner of record shall have ninety days to take corrective action.

(c) Administrative Enforcement. In addition to any other remedy provided by the Santa Cruz Municipal Code, any provision of this chapter may be enforced by an administrative order issued pursuant to any one of the administrative processes set forth in Title [4](#) of the Santa Cruz Municipal Code. The water commission shall serve as the administrative enforcement hearing officer for the purpose of considering appeals.

(d) Persons Liable. No liability shall arise, nor shall any action be brought or maintained against, any agent of any party to a transfer of title, including any person or entity acting in the capacity of escrow officer, for any error, inaccuracy, or omission relating to compliance with this chapter. However, this section does not apply to a licensee, as defined in Section 10011 of the California Business and Professions Code, where the licensee participates in the making of the disclosure required to be made pursuant to this chapter with actual knowledge of the falsity of the disclosure. Except as otherwise provided in this chapter, this section shall not be deemed to create or imply a duty upon a licensee, as defined in Section 10011 of the California Business and Professions Code, or upon any agent of any party to a transfer of title, including any person or entity acting in the capacity of an escrow officer, to monitor or ensure compliance with this chapter, or to notify any person of requirements to comply with this chapter.

(e) A transfer of title is not invalidated on the basis of failure to comply with this chapter.

(Ord. 2013-21 § 1 (part), 2013: Ord. 2003-23 § 1 (part), 2003: Ord. 2002-46 § 1 (part), 2002).

16.03.100 CIVIL REMEDY.

If the seller fails to comply with the retrofit requirements, the buyer shall install the high efficiency plumbing fixtures and verify compliance in accordance with

Section [16.03.060](#) within ninety days from the notice of correction. Any seller who fails to comply with the requirements of this chapter is liable to the buyer in the amount of two hundred and fifty dollars for each fixture that does not comply with this chapter at the time of sale, or the actual costs of the buyer to comply with this chapter, whichever amounts are greater.

(Ord. 2013-21 § 1 (part), 2013: Ord. 2003-23 § 1 (part), 2003: Ord. 2002-46 § 1 (part), 2002).

Chapter 16.16

WATER-EFFICIENT LANDSCAPING

16.16.010 PURPOSE.

The purposes of this chapter are to promote efficient water use, to manage peak season water demand, and to preserve water storage in order to ensure a reliable and adequate public water supply by regulating landscape design, construction, and maintenance. It is also the purpose of this chapter to comply with California Government Code Section [65591](#) et seq., the Water Conservation in Landscaping Act.

(Ord. 2010-11 § 2 (part), 2010).

16.16.020 DEFINITIONS.

For the purpose of this chapter, the following words shall have the meanings set forth below:

- (a) “Anti-drain check valve” means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from the sprinkler head when the sprinkler is off.
- (b) “Applied water” means the portion of water supplied by the irrigation system to the landscape.
- (c) “Automatic irrigation controller” means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
- (d) “Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- (e) “CCF” means one hundred cubic feet, a common billing unit used by water agencies for basing charges for water service. One hundred cubic feet equals seven hundred forty-eight gallons.
- (f) “Certified irrigation designer” means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization, or other program such as the U.S. Environmental Protection Agency’s WaterSense irrigation designer certification program and Irrigation Association’s certified irrigation designer program.

(g) “Certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the U.S. Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s certified landscape irrigation auditor program.

(h) “Common area” means those areas in a residential development that are owned, shared, and available for use by all residents, and managed by either the homeowner’s association or governing board.

(i) “Community garden” means a plot of land used by a community group and open to the public for the cultivation of flowers, vegetables, edible plants, or fruit.

(j) “Conversion factor (0.00083)” means the number that converts acre-inch per acre per year to CCF per square foot per year.

(k) “Director” means the director of the water department of the city of Santa Cruz, or the director’s authorized representative.

(l) “Drip irrigation” means any nonspray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

(m) “Establishment period” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.

(n) “ET adjustment factor” means a factor of 0.55 for residential areas and 0.45 for nonresidential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.

(o) “Expanded service” means an additional water meter or larger capacity meter is required to serve the proposed development, as determined by the water agency.

(p) “Evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

(q) “Flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

(r) “Flow sensor” means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate for the purpose of reporting high flow conditions due to broken pipes or popped sprinkler heads. Flow sensors must be connected to an automatic irrigation controller or flow monitor capable of receiving flow signals and operating master valves.

(s) “Friable” means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of the newly planted material will be allowed to spread unimpeded.

(t) “Graywater” means untreated waste water that has not been contaminated by any toilet discharge and has not been affected by infectious, contaminated, or unhealthful bodily wastes and does not present a threat from contamination by unhealthful processing, manufacturing or operating wastes. Graywater includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does include wastewater from kitchen sinks or dishwashers.

(u) “Hydrozone” means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or nonirrigated.

(v) “Irrigation audit” means an in-depth evaluation of the performance of an irrigation system. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

(w) “Irrigation efficiency” means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.

(x) “Irrigation survey” means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

(y) “Irrigation water use analysis” means an analysis of water use data based on meter readings and billing data.

(z) “Landscape architect” means a person who holds a license to practice landscape architecture in California as further defined by the California Business and Professions Code, Section [5615](#).

(aa) “Landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the landscape water budget calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or nonpervious hardscapes, other nonirrigated areas designated for nondevelopment (e.g., open spaces and existing native vegetation), agricultural uses, commercial nurseries and sod farms.

(bb) “Landscape water budget” means the upper limit of annual applied water for the established landscaped area. It is based on the region’s reference evapotranspiration, type of plant material, and landscape area as specified in Section [16.16.070](#)(b).

(cc) “Landscape contractor” means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

(dd) “Lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

(ee) “Local agency” means a city or county, including a charter city or charter county, or water agency that is responsible for adopting and implementing this chapter. The local agency is also responsible for the enforcement of this chapter, including, but not limited to, in the case of a city or county, approval of a permit and plan check or design review of a project and, in the case of a water agency, approval of a new or expanded water service application.

(ff) “Low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip, drip lines, and bubblers.

(gg) “Low water use plant” means a plant species whose water needs are compatible with local climate and soil conditions. Species classified as “very low water use” and “low water use” by WUCOLS, having a regionally adjusted plant factor of 0.0 through 0.3, shall be considered low water use plants.

(hh) “Model water-efficient landscape ordinance” means the regulations developed by the California Department of Water Resources required by the California Water Conservation in Landscaping Act and contained in the California Code of Regulations, Title 23, Division 2, Chapter 2.7.

(ii) “Modified service” means a substantial change in the water use characteristics of an existing service connection (for example, converting from a single-family residential service to multiple residential service, or from a residential use to a commercial use).

(jj) “Mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

(kk) “Native plant” means a plant indigenous to a specific area of consideration. For the purposes of these guidelines, the term shall refer to plants indigenous to the coastal ranges of central and northern California, and more specifically to such plants that are suited to the ecology of the present or historic natural community(ies) of the project’s vicinity.

(ll) “New construction” means the construction of a new building or structure containing a landscape or other new land improvement, such as a park, playground, or greenbelt without an associated building.

(mm) “Overhead sprinkler irrigation systems” means systems that deliver water through the air (e.g., spray heads and rotors).

(nn) “Overspray” means the irrigation water which is delivered beyond the target area.

(oo) “Pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.

(pp) “Plant factor” or “plant water use factor” is a factor, when multiplied by ETo, that estimates the amount of water needed by plants.

(qq) “Precipitation rate” means the rate of application of water measured in inches per hour.

(rr) “Project applicant” means the individual or entity submitting a landscape plan required under Section [16.16.030](#), in connection with a building permit application or design review from the local land use agency or requesting new, modified or increased water service from the water agency. A project applicant may be the property owner or his or her designee.

(ss) “Rain sensor” or “rain-sensing shutoff device” means a component which automatically suspends an irrigation event when it rains.

(tt) “Recreational area” means areas dedicated to active play such as parks, playgrounds, sports fields, and golf courses where turf provides a playing surface.

(uu) “Reference evapotranspiration” or “ETo” means a standard measurement of environmental parameters which affect the water use of plants.

(vv) “Rehabilitated landscape” means any project that is required to modify its existing landscape as a condition of a land use approval or a discretionary permit or any relandscaping project that requires a permit, plan check, design review, or requires a new or expanded water service application.

(ww) “Runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape onto other areas.

(xx) “Soil moisture-sensing device” or “soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

(yy) “Sprinkler head” means a device which delivers water through a nozzle.

(zz) “Static water pressure” means the municipal water supply pressure when water is not flowing. It is measured at the nearest fire hydrant to the landscape site.

(aaa) “Station” means an area served by one valve or by a set of valves that operate simultaneously.

(bbb) “Swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage from pedestrian traffic.

(ccc) “Submeter” means a private metering device to measure water applied to the landscape that is installed after the primary utility water meter.

(ddd) “Turf” means a ground cover surface of mowed grass that requires frequent watering during the growing season. Annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue, and tall fescue are cool-season grasses. Bermuda grass, kikuyu grass, seashore paspalum, St. Augustine grass, zoysia grass, and buffalo grass are warm-season grasses.

(eee) “Valve” means a device used to control the flow of water in the irrigation system.

(fff) “Water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied).

(ggg) “WUCOLS” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000, and any subsequent revisions.

(Ord. 2016-14 § 1, 2016: Ord. 2010-11 § 2 (part), 2010).

16.16.030 APPLICABILITY.

The director shall be responsible for assuring that all applicants for new, increased, or modified water service shall comply with the standards set forth in this chapter wherever water service is provided by the city as a condition of receiving water service.

(a) The provisions of this chapter shall apply to all of the following landscape projects:

(1) New commercial, industrial, and public development projects requiring a building permit, land use approval/design review or requiring a new, expanded, or modified water service.

(2) Existing commercial, industrial, and public development that is required to rehabilitate or modify their landscape as part of a land use approval/design review process shall also be required to comply with the provisions of this chapter in the relandscaped area.

(3) Developer-installed landscaping. New single- and multiple-family residential development projects resulting in three or more dwelling units with a total irrigated landscape area which is installed by the developer equal to or greater than one thousand five hundred square feet.

(4) Single-family and two-unit residences. New single-family and two-unit residential development projects on a parcel of land less than ten thousand square feet shall be required to meet only provisions listed in Section [16.16.070\(j\)](#).

(5) New single-family and two-unit residential development projects on a parcel of land equal to or greater than ten thousand square feet shall be required to meet all standards set forth below.

(6) New recreation areas. New parks, playgrounds, sports fields, and golf courses are subject to all the provisions of this chapter except the turf area limits set forth in Section [16.16.070\(c\)\(1\)](#).

(b) The provisions of this chapter shall not apply to:

(1) Remodels/additions to existing one- and two-unit homes.

(2) Existing landscapes of less than one acre in size.

(3) Ecological restoration projects that do not require a permanent irrigation system.

(4) Community gardens.

(5) Registered local, state, or federal historical sites where landscaping establishes an historical landscape style, as determined by a public board or commission responsible for architectural review or historic preservation.

(6) Enclosed, private yards and patios in multifamily residential developments.

(c) Preexisting landscapes over one acre in size. Existing large landscapes, including existing cemeteries, shall be subject only to the provisions for existing landscapes listed in Section [16.16.110](#).

(Ord. 2016-14 § 2, 2016: Ord. 2010-11 § 2 (part), 2010).

16.16.040 LANDSCAPE PLAN REVIEW AND APPROVAL REQUIRED.

No person shall install landscaping for a project subject to this chapter without the review and approval required by this chapter.

(a) Design Review. For projects requiring design review or a discretionary land use approval, the applicant shall submit a landscape concept plan. The landscape concept plan shall include general representation of the site features, existing and proposed buildings, proposed planting areas, and the proposed method and type of irrigation.

(b) Building Permit/Plan Check. A complete landscape plan must be submitted and found to satisfy the requirements of this chapter before the local agency can approve a building permit application, or the director can approve an application for water service and the installation of a new water meter, or authorize a change in water service. The city shall notify the applicant in writing if plans are found to be incomplete or inconsistent with the standards and indicate where such additions or revisions are necessary.

(c) Plan Review Fee. A landscape plan review fee set by resolution of the city council shall accompany each such application to cover the city's cost to review the landscape plan.

(Ord. 2010-11 § 2 (part), 2010).

16.16.050 PERSONS QUALIFIED TO PREPARE LANDSCAPE PLANS.

Landscape plans for all projects, except a single-family or two-unit residence, shall be prepared by, and bear the signature of, a certified irrigation designer, a certified landscape irrigation auditor, a licensed landscape architect, a

licensed landscape contractor, a licensed professional engineer, or any other person authorized by the state to do this work.

(Ord. 2010-11 § 2 (part), 2010).

16.16.060 CONTENTS OF PLANS.

Landscape plans shall consist of separate planting, irrigation, and grading plans, all drawn at the same size and scale, and shall accurately and clearly include the following information:

(a) Project Information.

- (1) Project applicant/contact person;
- (2) Address;
- (3) Parcel number(s);
- (4) Total landscape area, in square feet;
- (5) Source and type of water supply (potable/recycled/other alternative, including graywater), including number and size of service connections.

(b) Planting Plan. Planting plans shall identify and locate the following:

- (1) New and existing trees, shrubs, groundcover, and turf areas within the developed landscape area;
- (2) Planting legend indicating all plant species by botanical name and common name, spacing, and quantities of each type of plant by container size;
- (3) Water use classification (high, moderate, low, or very low) for each plant material specified, according to WUCOLS;
- (4) Each hydrozone (including high, medium, and low water uses) delineated and labeled, including the square footage for each area;
- (5) Property lines, streets, and street names;
- (6) Building locations, driveways, sidewalks, retaining walls, and other hardscape features;

- (7) Appropriate scale and north arrow;
 - (8) Planting specifications and details.
- (c) Irrigation Plan. Irrigation plans shall identify and locate the following:
- (1) Irrigation point of connection (POC) to water system;
 - (2) Static water pressure at POC;
 - (3) Location and size of water meter(s);
 - (4) Backflow prevention devices as may be required by the water supply agency;
 - (5) Manual shut off valves;
 - (6) Location, size, and type of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads and nozzles, riser protection equipment, soil moisture sensors, pressure regulator, drip and low volume irrigation equipment;
 - (7) Flow rate (gallons per minute or gallons per hour), precipitation rate (inches per hour) and design operating pressure (psi) for each irrigation circuit;
 - (8) Irrigation legend with the manufacturer name, model number, and general description for all specified equipment, separate symbols for all irrigation equipment with different spray patterns, spray radius, and precipitation rates;
 - (9) Irrigation system specifications and details for assembly and installation;
 - (10) Recommended irrigation schedule for each month, including number of irrigation days per week, number of start times (cycles) per day and minutes of run time per cycle required for each irrigation event designed to avoid runoff, and estimated amount of applied irrigation water expressed in gallons per month and gallons per year, for the established landscape;

(11) The parameters used for programming the weather-based irrigation system controller schedule for the established landscape, including: soil type, slope, plant type, and type of irrigation nozzle/emitter used for each circuit;

(12) Calculation of landscape water budget;

(13) Stormwater management/rainwater collection features and facilities.

(d) Grading Plan (not required when landscaped slopes on the site are less than ten percent).

(1) Finish grades, contours, and spot elevations;

(2) Grading volume (cubic yards);

(3) Elevations of building floors, parking lots, and streets;

(4) Location and height of retaining walls;

(5) Drainage patterns and drainage control facilities.

(e) Specifications.

(1) In addition to planting, irrigation, and grading plans, any written specifications prepared for a project that are applicable to the landscape improvements shall be submitted for review.

(Ord. 2010-11 § 2 (part), 2010).

16.16.070 LANDSCAPE WATER CONSERVATION STANDARDS.

(a) Dedicated Landscape Water Meter.

(1) Separate water service meters shall be required for all new landscaping, except a single-family or two-unit residence, which equals or exceeds five thousand square feet in area, and for renovated landscape sites that result in expansion of the total landscaped area equal to or more than five thousand square feet.

(2) For all new nonresidential landscapes not required to have a separate water service meter, a private irrigation submeter shall be

installed between the point of connection on the domestic water service and first irrigation valve. The submeter shall register water use in cubic feet.

(b) Landscape Water Budget.

(1) The landscape water budget for new residential landscapes shall be no more than fifty-five percent of reference evapotranspiration per square foot of landscaped area, and the water budget for nonresidential landscapes shall be no more than forty-five percent of reference evapotranspiration per square foot of landscaped area. The landscape water budget shall be calculated using the equation below:

Landscape Water Budget = (0.55 or 0.45) (ET_o) (0.00083) (LA), where:

Water Budget = Annual upper limit of irrigation water allowed (CCF/year)

0.55 or 0.45 = ET adjustment factor

ET_o = Reference evapotranspiration (inches per year)

0.00083 = Conversion factor to CCF

LA = Landscape area (square feet)

(2) New landscapes that include a recreation area or are irrigated with recycled water are allowed one hundred percent of reference evapotranspiration per square foot.

(3) The estimated annual water use, calculated by adding the amount of water recommended in the irrigation schedule, or by another method approved by the water agency, shall not exceed the annual landscape water budget.

(4) The landscape water budget assigned for a given irrigation account shall not be increased unless review of subsequent landscape plans has occurred and approval of said plans has been obtained by the land use or water agency.

(c) Turf Limits.

(1) The combined size of turf and areas devoted to high water use plants, decorative pools, fountains, water features and swimming pools for residential projects shall be limited to no more than twenty-five percent of the total developed landscape area. Turf is not permitted in new nonresidential landscape projects. These limits do not apply to recreation areas requiring large turf areas for their primary function. However, recreation areas shall be designed to limit turf in any portion of the landscaped area not essential for the operation of the recreational facility.

(2) Except when required as a stormwater best management practice, turf and other high water use plants shall not be planted in the following conditions:

- (a) Planting areas less than ten feet wide in any direction;
- (b) On slopes greater than five percent;
- (c) In street medians, traffic islands, planter strips, and parking lot islands.

(3) Turf varieties shall be water-conserving species, such as tall and hard fescues.

(d) Landscape Design.

(1) Except for areas designated for turf or high water use plants, all plants shall be composed of very low to moderate water use plants, as identified in Water Use Classification of Landscape Species (WUCOLS Guide) or other species, including native plants that are well adapted to the climate of the region, and require minimal water once established.

(2) Plants having similar water requirements shall be grouped together in distinct hydrozones, and where irrigation is required, the distinct hydrozones shall be irrigated with separate valves.

(3) Planting of trees and the protection and preservation of existing native species and natural areas is encouraged.

(4) Water in decorative pools and fountains must be recirculated.

(e) Irrigation Design.

(1) All irrigation systems shall be designed to avoid runoff, overspray, low-head drainage and other similar conditions where water flows off site onto adjacent property, nonirrigated area, walks, roadways, or structures.

(2) Areas less than ten feet wide must be irrigated with subsurface or low volume irrigation.

(3) Point source irrigation is required where plant height maturity will affect the uniformity of an overhead system.

(4) All overhead spray nozzles shall have a precipitation rate of no more than one inch per hour.

(5) Overhead sprinkler systems shall not be permitted within twenty-four inches of any nonpermeable surface, including driveways and sidewalks. The setback area may be planted or unplanted. Allowable irrigation within the setback may include drip, subsurface, or other low volume, nonspray irrigation technology.

(6) Plants that require different amounts of water shall be irrigated using separate irrigation circuits and valves.

(7) Trees shall be watered using separate irrigation circuits.

(8) Where available, recycled water shall be used to irrigate landscapes.

(f) Irrigation Equipment.

(1) A pressure regulator shall be installed if pressure at the water meter exceeds eighty psi. Additional pressure regulation devices are required if the water pressure exceeds the recommended pressure of the specified irrigation devices.

(2) Weather-based or other sensor-based, self-adjusting irrigation controllers shall be required, where feasible.

(3) Irrigation systems shall be equipped with rain-sensing devices to prevent irrigation during rainy weather.

(4) Sprinkler heads shall have matched precipitation rates within each control circuit valve and shall be selected for proper coverage and precipitation rate, thereby minimizing overspray and runoff.

(5) Anti-drain check valves shall be installed at strategic points to minimize or prevent low-head drainage.

(6) Swing joints or other riser protection components are required on all risers located in high traffic areas.

(7) The irrigation system shall provide for the installation of a manual shutoff valve installed as close as possible to the point of connection to minimize water loss in case of an emergency or routine repair. Additional manual shutoff valves shall be installed as necessary.

(8) Flow sensors that detect and report high flow conditions due to broken pipes and/or broken sprinkler heads are required on all landscapes of five thousand square feet or larger.

(g) Soil Management, Preparation, and Mulching.

(1) Prior to planting of any materials, compacted soils shall be transformed into a friable condition. Soil shall be prepared for planting by ripping and incorporating an organic amendment at the rate of six cubic yards per one thousand square feet into the top six inches, or amended with organic material as recommended by a landscape architect or soil laboratory report.

(2) All exposed soil surfaces of nonturf areas within the developed landscape area must be mulched with a minimum three-inch layer of organic material.

(3) A laboratory analysis and soil management report shall be completed and submitted for projects over five thousand square feet of landscape area and for projects where significant mass grading is planned and the recommendations incorporated into the landscape plans. For landscapes with multiple landscape installations, a soil sampling rate of one in seven lots or approximately fifteen percent shall satisfy this requirement.

(h) Stormwater Management.

(1) All planting areas are required to have friable soil to maximize water retention and infiltration. Implementing stormwater best management practices to minimize runoff and increase on-site retention and infiltration is strongly encouraged.

(2) Project applicants should refer to the local public works agency for information on any applicable stormwater requirements.

(i) Alternative Water Sources.

(1) Irrigating with alternative water sources such as recycled water, graywater, or rainwater is encouraged where available on site and permitted. All graywater systems shall conform to the California Plumbing Code (Title [24](#), Part 5, Chapter 16) and any applicable local ordinance standards. All recycled water irrigation systems shall be designed and operated in accordance with applicable local and state laws. The water budget for landscapes using only recycled water sources shall be one hundred percent.

(j) Landscape Water Conservation Standards for Single-Family and Two-Unit Residences on Lots Less Than Ten Thousand Square Feet.

(1) Install climate-adapted plants that require little or no summer water for seventy-five percent of the landscaped area (excluding area devoted to edible plants).

(2) Apply a three-inch layer of mulch on all exposed soil surfaces.

(3) Turf Limits.

(a) The combined size of turf and areas devoted to high water use plants, decorative pools, fountains, water features and swimming pools for residential projects shall be limited to no more than twenty-five percent of the total developed landscape area.

(b) Turf shall not be planted on slopes greater than five percent.

(c) Turf is prohibited in areas less than ten feet wide in any direction.

(4) Irrigation Equipment.

(a) All overhead spray nozzles shall have a precipitation rate of no more than one inch per hour.

(b) Areas less than ten feet in any direction shall be irrigated with low volume or subsurface irrigation that produces no runoff or overspray.

(c) Overhead sprinkler systems shall not be permitted within twenty-four inches of any nonpermeable surface, including driveways and sidewalks. The setback area may be planted or unplanted. Allowable irrigation within the setback may include drip, subsurface, or other low volume, nonspray irrigation technology.

(Ord. 2016-14 § 3, 2016; Ord. 2010-11 § 2 (part), 2010).

16.16.080 ALTERNATIVE TO TURF LIMITATIONS.

The project applicant, in lieu of the requirement that the portion of the landscape devoted to turf, high water use plants, water features, and swimming pools be limited to no more than twenty-five percent of the total landscape area, may elect to complete the water-efficient landscape equations and worksheets contained in Appendix B of the State of California Model Water Efficient Landscape Ordinance. In such cases, selected plant materials and overall landscape design shall not cause the estimated total water use to exceed the landscape water budget.

(Ord. 2010-11 § 2 (part), 2010).

16.16.090 FINAL INSPECTION/WATER AUDIT.

The director shall have the right to enter upon any premises to make an inspection at any time before, during, and after irrigation system and landscape installation for the purpose of enforcing this chapter.

(a) Upon installation and completion of the landscape, the city shall make a final inspection or require a certified landscape irrigation auditor assigned by the city to conduct a water audit at the applicant's expense to verify that the landscape improvements were completed in accordance with approved plans. The final inspection or water audit shall verify that:

(1) The installed irrigation system is in a leak-free condition.

(2) The installed irrigation system is functioning as designed, specified, and approved.

(3) The irrigation system does not cause water waste due to runoff, low head drainage, overspray or other similar condition where water flows onto adjacent property, nonirrigated areas, structures, walkways, roadways or other paved areas.

(4) The person responsible for long-term landscape maintenance and irrigation management at the property has received the recommended irrigation schedule.

(b) The project must pass inspection or audit before the building permit can be signed off and approved for occupancy.

(c) Water Audit Required for Large Turf Areas. Properties with turf areas over five thousand square feet, upon completing the installation of the landscaping and irrigation system, shall be required to have an irrigation audit performed by a certified landscape irrigation auditor prior to the final field inspection.

(Ord. 2016-14 § 4, 2016: Ord. 2010-11 § 2 (part), 2010).

16.16.100 IRRIGATION SYSTEM MANAGEMENT AND MAINTENANCE.

(a) Maintenance. A regular maintenance schedule shall be submitted to the applicant by the landscape designer or installer at the time of completion of the landscape installation and prior to final sign-off. Landscape shall be maintained in good working condition and properly adjusted to ensure water efficiency. Any broken or malfunctioning equipment, including but not limited to main and lateral lines or control valves shall be repaired promptly with identical equipment to maintain the original design integrity.

(b) Irrigation System Inspections. Irrigation system shall be inspected regularly to correct misaligned, clogged or broken heads, missing heads and risers, stuck valves, and leaks. The irrigation meter shall be read periodically to check consumption and detect any leakage.

(c) Watering Schedule. Watering schedules shall be adjusted periodically to reflect seasonal variations in plant water requirements. Whenever possible, irrigation management shall incorporate the use of real-time, ETo data from the California Irrigation Management Information System (CIMIS) or similar weather-based irrigation scheduling system.

(d) Irrigation Operation. Irrigation shall be scheduled between the hours of 10:00 p.m. and 10:00 a.m. when daily temperature and wind conditions are at a minimum.

(Ord. 2016-14 § 6, 2016; Ord. 2010-11 § 2 (part), 2010).

16.16.110 PROVISION FOR EXISTING LANDSCAPING OVER ONE ACRE IN SIZE.

The city will assign a landscape water budget to each existing landscape with a dedicated irrigation account over one acre in size based on seventy percent of reference evapotranspiration, or one hundred percent of reference evapotranspiration for recreation areas. When evaluation of these properties shows that annual water use exceeds the landscape water budget, the customer will be required to have a certified irrigation auditor perform a water audit and make recommendations as necessary to reduce water consumption consistent with the landscape water budget.

(Ord. 2010-11 § 2 (part), 2010).

16.16.120 EXCEPTIONS.

The purpose of this chapter is to make optimum use of the water resources available to the city water department service area and to manage peak season water demands. As technology changes and more information is available regarding plant materials, irrigation equipment and techniques, and maintenance techniques that enhance water conservation, the director may allow the substitution of well-designed conservation alternatives or innovations which equally reduce water consumption and meet the intent of this chapter.

(Ord. 2010-11 § 2 (part), 2010).

16.16.130 ADMINISTRATIVE ENFORCEMENT.

In addition to any other remedy provided by the Santa Cruz Municipal Code, any provision of this chapter may be enforced by an administrative order issued pursuant to any one of the administrative processes set forth in Title [4](#) of the Santa Cruz Municipal Code. The water commission shall serve as the administrative enforcement hearing officer for the purpose of considering appeals.

(Ord. 2010-11 § 2 (part), 2010).

16.16.140 LIMIT OF CITY RESPONSIBILITY.

The city of Santa Cruz has limited water resources that are vulnerable to shortage in drought conditions. Residential, commercial and irrigation accounts in the water department service area are therefore subject to water

restrictions or mandatory rationing during a declared water shortage emergency. Compliance with this chapter does not guarantee the survival of landscape plants or the availability of water for landscape irrigation based on this chapter. Irrigation shall be scheduled according to any water shortage regulations or restrictions in effect.

(Ord. 2010-11 § 2 (part), 2010).