



Folsom City Council Staff Report

MEETING DATE:	4/14/2026
AGENDA SECTION:	New Business
ITEM TITLE:	Ordinance No. 1368 – An Ordinance of the City of Folsom Amending Chapter 13.26 of the Folsom Municipal Code Concerning Water Conservation (Introduction and First Reading) and Determination that the Project is Exempt from CEQA
FROM:	Utilities Department

RECOMMENDATION / CITY COUNCIL ACTION

The Utilities Department staff recommend that the City Council:

1. Introduce and conduct the first reading of Ordinance No. 1368 – An Ordinance of the City of Folsom Amending Chapter 13.26 of the Folsom Municipal Code Concerning Water Conservation; and
2. Determine that the Project is Exempt from CEQA.

BACKGROUND / ISSUE

The Folsom Municipal Code was initially adopted by the City of Folsom in 1973 consistent with and incorporating reference to several State Government Code sections governing local authority, police powers, and procedures. Over the last 53 years, the Folsom Municipal Code has been amended numerous times annually to reflect legislative changes, policy changes, administrative changes and local preferences.

Chapter 13.26 of the Folsom Municipal Code (FMC), Water Conservation, provides City staff guidelines to establish an effective and efficient water conservation policy. Upon review of Chapter 13.26 of the FMC, it was determined that more detailed provisions were necessary in order to continue to manage the City’s Water Conservation program effectively and efficiently and to continue to comply with State requirements.

California law requires cities to implement water efficient landscape standards and reduce wasteful outdoor water use through two key pieces of framework:

- The Model Water Efficient Landscape Ordinance (MWELo).
 - Mandates water-efficient design, soil, and irrigation standards for new and rehabilitated landscapes
 - Sets a maximum applied water allowance based on local climate, promoting drought-tolerant plants and smart controllers
 - Applies to public and private projects requiring a permit with new landscape areas over 500 square feet (2,500 square feet for rehabilitated landscape areas)

- Non-Functional Turf Legislation (AB 1572)
 - Prohibits using potable water for irrigation on ornamental grass, such as decorative grass in medians, parking lots, sidewalk strips, and unused spaces in commercial/HOA properties
 - Enforcement begins in phases, with full compliance by 2031 as outlined below:
 - January 1, 2027 – Government and Public Properties
 - January 1, 2028 – Commercial, Industrial, and Institutional Properties
 - January 1, 2029 – HOA common area, common interest developments, and community service organizations
 - January 1, 2031 – All properties in disadvantage communities

Additionally, the proposed ordinance updates the City’s water conservation stages to align with the State’s standardized conservation framework. Aligning local stages with the State’s model ensures consistency with statewide drought response measures, improves clarity for customers, and provides the City with clear authority to implement and enforce conservation actions as water supply conditions change.

Changes are listed in the analysis section, and incorporated with specific language changes in track changes in the attached Ordinance.

POLICY / RULE

Pursuant to Section 1.01.021 (Adoption), the Folsom Municipal Code (FMC) was adopted by Ordinance 297 in 1973. Any subsequent amendment to the Folsom Municipal Code must also be adopted by Ordinance. Proposed Amendments to Title 13 do not require public hearing.

ANALYSIS

The City of Folsom Utilities Department has been working collaboratively with the City Attorney’s office to amend Chapter 13.26 of the FMC. Amending Chapter 13.26 will bring the FMC into compliance with state water conservation requirements under MWELo, AB 1572 and align the City’s water conservation stages with the State of California stages. The City Council has been provided with a redline version to more easily identify the changes recommended (see attachment).

Key features of the revised ordinance include:

- Revised and Expanded Definitions (13.26.005).
- Updated practices that constitute Wasteful Use of Water (13.26.050).
- Synchronized Water Conservation Stages with the States Stages (13.26.070).
- Modified and expanded Water Use Restrictions (13.26.080).
- Updated Sustainable Landscaping resources (13.26.100).
- Expanded and specified language related to water waste penalties (13.26.170).
- Expanded requirements associated with Landscape Variances (13.26.190)
- Incorporated mandated text related to AB1572 (the ban of potable water used to irrigate nonfunctional turf) (13.26.210).
- Adoption of the Model Water Efficient Landscape Ordinance (13.26.220).

FINANCIAL IMPACT

This action has no direct financial impact on the City of Folsom.

ENVIRONMENTAL REVIEW

The proposed City Council action to adopt Ordinance No. 1368 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 (b)(4) “Project” and Section 15061(b)(3) “Common Sense Exemption”. Under Section 15378, the action does not constitute a “project” under CEQA, as it pertains solely to administrative or procedural matters that do not result in direct physical environmental changes. Furthermore, Section 15061(b)(3), the “common sense exemption”, applies because it can be determined with certainty that the adoption of this updated document will not lead to significant effects on the environment.

ATTACHMENT

Ordinance No. 1368 – An Ordinance of the City of Folsom Amending Chapter 13.26 of the Folsom Municipal Code Concerning Water Conservation

Submitted,

Marcus Yasutake, Director
UTILITIES DEPARTMENT

Attachment 1

ORDINANCE NO. 1368

AN ORDINANCE OF THE CITY OF FOLSOM AMENDING CHAPTER 13.26 OF THE FOLSOM MUNICIPAL CODE CONCERNING WATER CONSERVATION

The City Council of the City of Folsom hereby does ordain as follows:

SECTION 1 PURPOSE

The purpose of this Ordinance is to amend Chapter 13.26 of Title 13 of the Folsom Municipal Code (the “code”) pertaining to Water Conservation. Amending this Chapter will allow for more effective and efficient management of the City’s Water Conservation program, continued compliance with State requirements, and alignment with the State’s standardized conservation framework.

SECTION 2 AMENDMENT TO CODE

Chapter 13.26 of the Folsom Municipal Code is hereby amended to read as follows:

**Chapter 13.26
WATER CONSERVATION**

Sections:

- 13.26.005 Definitions.
- 13.26.010 Application.
- 13.26.020 City responsibility.
- 13.26.030 Water conservation program and landscape guidelines.
- 13.26.040 Base allocation of water.
- 13.26.050 Wasteful use of water.
- 13.26.060 Determination of water conservation stages.
- 13.26.070 Water conservation stages.
- 13.26.080 Water use restrictions.
- 13.26.090 Construction water.
- 13.26.100 Sustainable landscaping.
- 13.26.110 Irrigation system inspections.
- 13.26.120 Discontinuance of water service.
- 13.26.130 Unauthorized water use.
- 13.26.140 Cross-connection control devices.
- 13.26.150 Violation declared a nuisance.
- 13.26.160 Enforcement.
- 13.26.170 Penalties.
- 13.26.180 Remedies cumulative.
- 13.26.190 Variances.

13.26.200 Fire and other emergencies.

13.26.210 Nonfunctional Turf.

13.26.220 Model Water Efficient Landscape Ordinance.

13.26.005 Definitions.

A. “Base allocation” means the amount of water allocated to each customer class for both interior and exterior use on a monthly or billing cycle basis.

B. “Best management practice (BMP)” means a policy, program, practice, rule, regulation ordinance or the use of devices, equipment or facilities that result in more efficient use or conservation of water.

C. “CalWEP” means the California Water Efficiency Partnership.

~~D.~~ “Certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by a professional trade organization or other educational organization.

~~D.~~ “CDPH” means the California Department of Public Health.

E. “CII water use” means water used by commercial water users, industrial water users, institutional water users, and large landscape water users.

~~F.~~ “City” means the eCity of Folsom.

~~G.~~ “City manager” means the city manager of the city of Folsom or his or her designee unless otherwise stated or indicated by context.

~~H.~~ “City water system” means those facilities ~~within and without the city of Folsom that the city~~City of Folsom uses to deliver water as the water purveyor recognized by the California State Water Resources Control Board Division of Drinking Water.~~California Department of Public Health.~~

I. “Common Interest Development” means a community apartment project, condominium project, planned development, or stock cooperative, as defined in Civil Code Section 4100. The term does not include rental apartment buildings that are not organized as one of these forms of common interest development, including those lacking a homeowners association or shared ownership of the property.

J. “Community Service Organization” means a non-profit, non-association entity providing services to common interest development residents or the public.

~~K.~~ “Customer” means any person or entity using water supplied by the city water system. “Customer” includes tenants of single-family dwellings or duplexes, owners of real property and management companies responsible for property management of real property.

L. “DDW” means the California State Water Resources Control Board Division of Drinking Water.

~~I.~~ “CUWCC” means the California Urban Water Conservation Council.

MJ. “Department” means the city’s ~~of Folsom~~ utilities department.

N. “DWR” means the Department of Water Resources.

OK. “Director” means the Ceity of Folsom director of the Utilities department or his or her designee unless otherwise stated or indicated by context.

P. “Disadvantaged community” means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.

QL. “Discontinued service” means having the water service turned off by the department.

RM. “Fire chief” means the fire chief of the eCity of Folsom or designee unless otherwise stated or indicated by context.

S. “Functional Turf” means a ground cover of turf located in a recreational use area or community space. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly is not functional turf.

T. “HOA” means homeowners association as defined in Section 4080 of the Civil Code.

UN. “Irrigation service” means a water service that is exclusively for landscape irrigation purposes.

V. “Large Landscape” means any nonresidential landscape that is subject to the Commercial, Industrial, and Institutional (CII) water-use performance measures adopted by the State Water Board pursuant to California Water Code Section 10609.10.

W. “MWELO” means Model Water Efficient Landscape Ordinance, which is a statewide standard that sets minimum landscape requirements.

X. “Nonfunctional Turf” means any turf that is not functional turf, and includes turf located within street rights-of-way and parking lots.

YQ. “Nonresidential customer” means a customer of the city water system on whose property a residence is not situated.

ZP. “Person” means any person, business, firm, partnership, association, corporation, company or organization of any kind.

AAQ. “Private fire service” means a private fire service main and appurtenances installed in accordance with NFPA 24 on private property and maintained by the property owner for the explicit intent of providing fire flows either through fire hydrants, fire sprinkler systems, or other water-based fire protection systems.

AB. “Recreational Use Area” means an area designated by a property owner or governmental agency to accommodate human foot traffic for recreation, including, but not limited to, sports fields, golf courses, playgrounds, picnic grounds, or pet exercise areas. This recreation may be either formal or informal.

ACR. “Residential customer” means a customer of the city water system on whose property, whether owned or rented, at least one person resides.

ADS. “Sustainable landscaping practice” means the use of best management practices in the planning and maintenance of water efficient landscaping, as discussed in Section [13.26.100](#), Sustainable landscaping.

AET. “Water conservation” means the best management practices for the reasonable and efficient use of water for both indoor and outdoor water demands.

AFU. “Water conservation program guidelines” means the program guidelines developed, maintained, and managed by the director pursuant to this chapter.

AGV. “Water management coordinator” means the water management coordinator in the utilities department.

AHW. “Wasteful use of water” is as defined in Section [13.26.050](#). (Ord. 1118 § 2 (part), 2009)

AI. “Turf” means a living ground cover surface of mowed grass.

13.26.010 Application.

The provisions of this chapter shall apply to all customers of the city water system. (Ord. 1118 § 2 (part), 2009), with the exception of 13.26.210 Nonfunctional Turf. Section 13.26.210, shall apply to state and local government properties, CII water users, common areas of HOA’s, common interest developments, and community service organizations or similar entities.

13.26.020 City responsibility.

The city, and its duly authorized agents, servants and employees, shall have the exclusive right to deliver water within the city’s water service area. The city shall also have the right to manage water demand within the city’s water service area. (Ord. 1118 § 2 (part), 2009)

13.26.030 Water conservation program and landscape guidelines.

A. The ~~D~~director is authorized to develop sustainable landscape practices consistent with the water conservation intent of this chapter, ~~CUWCC best management practices and in accordance with applicable state regulations, and~~ any applicable laws. The sustainable landscape practices shall be included as a condition of approval for any development project with new or rehabilitated landscaping for which the city has discretionary approval authority where such landscape area is greater than two thousand five hundred square feet or as otherwise determined by the director to achieve the city’s water conservation goals.

B. The director shall oversee this chapter’s implementation, and any laws mandating water conservation. ~~compliance with the CUWCC best management practices and any laws mandating water conservation.~~ The ~~director~~city shall, from time to time, but at least annually, review the sustainable landscape practices and determine if such practices are reasonable and achieve the level of conservation required under this chapter for the declared water conservation stage, taking into account the burden imposed on property owners. (Ord. 1118 § 2 (part), 2009)

13.26.040 Base allocation of water.

The director may develop a base allocation for each class of customer account taking into account the needs and characteristics of each customer class. This base allocation may be used to evaluate compliance with the conservation stage in effect and to encourage the reasonable and efficient use of water. (Ord. 1118 § 2 (part), 2009)

13.26.050 Wasteful use of water.

Any of the following acts or omissions, whether intentional, unintentional, willful or negligent, shall constitute the wasteful use of water:

- A. Water flowing away from a property caused by excessive application(s) of water beyond reasonable or practical irrigation rates, duration of application, or other than incidental applications to impervious surfaces.
- B. Causing or permitting an amount of water to discharge, flow, run to waste into or flood any gutter, sanitary sewer, water course or storm drain, or to any adjacent lot, from any tap, hose, faucet, pipe, sprinkler, or nozzle. In the case of irrigation, “discharge,” “flow” or “run to waste” means that water is applied to the point that the earth intended to be irrigated has been saturated with water so that additional applied water then flows over the earth. In the case of washing, “discharge,” “flow” or “run to waste” means that water in excess of that necessary is applied to wash, wet or clean the dirty or dusty object, ~~such as an automobile, sidewalk, or parking area.~~
- C. Allowing water fixtures or heating or cooling devices to leak or discharge water.
- D. Maintaining ponds, waterways, decorative basins or swimming pools without water recirculation devices or with known leaks, both seen and unseen.
- E. Discharging water from, and refilling, swimming pools, decorative basins or ponds in excess of the frequency reasonably necessary to maintain the health, maintenance or structural considerations of the pool, basin or pond, as determined by the director.
- F. Continued operation of an irrigation system that applies water to an impervious surface or that is in disrepair.
- G. Use of a water hose not equipped with a control nozzle capable of completely shutting off the flow of water except when positive pressure is applied.
- H. Irrigation of lawns or landscaping when it is raining ~~or within 48 hours after measurable rainfall of at least one-tenth of one inch of rain. In determining whether measurable rainfall of at least one-tenth of one inch of rain occurred in a given area, enforcement may be based on records of the National Weather Service, the closest California Irrigation Management Information System (CIMIS) station to the parcel, or any other reliable source of rainfall data available to the city.~~
- I. Overfilling of any pond, pool or fountain which results in water discharging from the pond, pool or fountain.

J. Failure to repair customer pipes, faulty sprinklers or other water-related fixtures that leak water within five working days, unless the director informs the customer that the leak must be repaired more quickly, in which case the customer shall repair the leak in the time specified by the director.

K. Irrigating lawns or landscaping between the hours of 10:00 a.m. and 10:00 p.m., with the exception of drip irrigation as otherwise authorized pursuant to this chapter, unless a variance is granted by the director.

L. Using potable water from the city water system for compaction, dust control or other construction purposes without first obtaining approval from the director as provided in Section [13.26.090](#) and a meter from the city.

M. Installing a single-pass cooling system, such as water cooled air compressor, in any property that is newly connected to the city water system. This does not apply to evaporative cooling systems.

N. Installing a nonrecirculating system in any new automatic car wash or new commercial laundry system or failure to utilize current best management practices for water conservation that are industry standards. (Ord. 1118 § 2 (part), 2009)

O. Using potable water to irrigate nonfunctional turf.

P. The application of potable water to hardscapes, except where necessary to address ~~an~~ immediate public health and safety need or to comply with a term or condition in a permit issued by a state or federal agency.

13.26.060 Determination of water conservation stages.

In determining the city water system's water conservation stage, the city manager shall determine whether that system's water supplies available for potable use are sufficient to meet the current customer demands on that system and shall consider, unless otherwise excluded by this section, all relevant factors. The city manager shall consider, among other things: (A) any variations in the reliability of the water supplies available to the city water system; (B) any declarations by the Bureau of Reclamation concerning its ability to deliver water under ~~Central Valley Project water-service their~~ contracts with the city; (C) availability of nonpotable water to meet nonpotable demands on the city water system; (D) the success, or lack thereof, of previous declarations of a less stringent water conservation stage in causing the water-use reductions sought by the city; (E) any declarations or orders issued by the State of California under the Emergency Services Act; and ~~(F)~~ any agreements between the city and local water purveyors for deliveries of additional water supplies to the city. The city manager will select the necessary stage for conservation under Section [13.26.070](#). (Ord. 1118 § 2 (part), 2009)

13.26.070 Water conservation stages.

The city manager is authorized to implement and enforce whatever conservation measures are deemed necessary to achieve the water reduction requirements of the declared conservation stage. For each stage, the water use reduction for customers shall be as follows:

A. Normal Supply Stage ~~one~~ (basic stage) shall be in effect at all times unless the city manager determines that a more restrictive conservation stage is appropriate. Base allocation of water may be used to determine allowable water use for each customer in this stage and compliance with the following conservation stages.

B. Stage one (water conservation) shall achieve a reduction of up to ten percent relative to the base allocation of water.

CB. Stage two (water ~~shortage watch~~~~alert~~) shall achieve a reduction of up to ~~twenty~~~~five~~ percent relative to the base allocation of water.

DC. Stage three (water-~~alert~~~~warning~~) shall achieve a reduction of up to ~~thirty~~~~twenty~~ percent relative to the base allocation of water.

ED. Stage four (water-~~warning~~~~erisis~~) shall achieve a reduction of up to ~~forty~~~~thirty~~~~five~~ percent relative to the base allocation of water.

FE. Stage five (water-~~crisis~~~~emergency~~) shall achieve a reduction of up to fifty percent relative to the base allocation of water, ~~or any other reduction the city manager determines, in writing, is necessary to protect public health and safety in the city during the actual situation presented by a stage five water emergency. (Ord. 1118 § 2 (part), 2009)~~

G. Stage six (water emergency) shall achieve a reduction greater than 50 percent relative to the base allocation of water, or enact any other reduction the city manager determines, in writing, is necessary to protect public health and safety in the city during the actual situation.

13.26.080 Water use restrictions.

Water use restrictions during the various conservation stages shall, at a minimum, be as listed below and may be augmented by other restrictions as determined necessary by the city manager.

A. During the ~~stage one normal supply stage~~(~~basic stage~~) ~~conservation stage~~, the following restrictions shall be enforced:

1. Water will be used for beneficial uses; all wasteful use of water is prohibited.
2. Water shall be confined to the customer's property and shall not be allowed to run off to adjoining propert~~ies~~~~y~~, streets, or to ~~at~~the roadside ditch or gutter. Care shall be taken not to water past the point of saturation.
3. Washing down impervious surfaces such as driveways and sidewalks is prohibited unless for public health and safety purposes.
4. Fix leaks or faulty sprinklers promptly/within 5 day(s).
5. No landscape watering shall occur while it is raining.

6. Landscape and lawn irrigation shall be limited to specific times (10 a.m. to 10 p.m.), with the exception of drip irrigation as otherwise authorized, unless a variance is granted by the director.

73. Free flowing hoses are prohibited for all uses including landscape watering, vehicle and equipment washing, ponds, evaporative coolers and livestock watering troughs. Automatic shut-off devices shall be installed on any hose or filling apparatus in use.

84. All pools, spas and ornamental fountains/ponds shall be equipped with a recirculation pump and shall be constructed to be leak proof. Pool draining and refilling shall be allowed only to the extent required for health, maintenance, or structural considerations, and must otherwise comply with all applicable federal, state and local stormwater management requirements, including but not limited to Chapter 8.70, Stormwater Management and Discharge Control.

B. During ~~the~~ stage one (water conservation)-~~conservation stage~~, the following restrictions shall be enforced:

1. All normal supply stage restrictions shall continue to be enforced, except to the extent they are replaced by more restrictive requirements imposed by this section.

2. Fix leaks or faulty sprinklers promptly/within 3 day(s).

3. Use of potable water from the cCity water system for compaction, dust control, or other construction purposes without first obtaining approval from the director as provided in Section 13.26.090 and a meter from the cCity is prohibited.

4. Encourage customers to wash only full loads when washing dishes or clothes.

5. Encourage customers to use pool covers to minimize evaporation.

6. Restaurants shall serve water only upon specific request.

CB. During ~~the~~ stage two (water ~~alert~~shortage watch)-~~conservation stage~~, the following restrictions shall be enforced:

1. All stage one (~~basic stage~~water conservation) restrictions shall continue to be enforced, except to the extent they are replaced by more restrictive requirements imposed by this section.

2. Landscape and ~~pasture~~lawn-irrigation shall be limited to a maximum of three days per week based on the following odd-even schedule, with the exception of drip irrigation, which may be conducted on any day.

a. Customers with street addresses that end with an odd number may irrigate only on Tuesdays, Thursdays and Saturdays.

b. Customers with street addresses that end with an even number may irrigate only on Wednesdays, Fridays and Sundays.

c. No irrigation is permitted on Mondays.

d. Plant containers, trees, shrubs, and vegetable gardens may be watered additional days using only drip irrigation or hand watering.

3. Non-essential flushing of mains and fire hydrants shall be prohibited.~~3. Hand and manual watering follows the same odd/even day schedule and may be done anytime during the day.~~

4. Prohibit installing a non-recirculating system in any new automatic car wash or new commercial laundry system or failure to utilize current best management practices for water conservation that are industry standards.~~Washing of streets, parking lots, driveways, sidewalks, buildings or other hardscape surfaces is prohibited, except as necessary for health, sanitation or fire protection purposes.~~

5. Car washing is only permitted using a commercial carwash that recirculates water or by high-pressure/low-volume wash systems.~~Restaurants shall serve water only upon specific request.~~

6. Public and private streetscape landscaping (medians and frontage) may be watered only on the same schedule as customers with street addresses that end with an even number.

DC. During ~~the~~ stage three (water ~~alert/warning~~) ~~conservation stage~~, the following restrictions shall be enforced:

1. All stage two restrictions shall continue to be enforced, except to the extent they are replaced by more restrictive requirements imposed by this section.

2. Landscape and ~~pasture~~lawn irrigation shall be limited to a maximum of two days per week based on the following odd-even schedule, with the exception of drip irrigation, which may be conducted on any day.

a. Customers with street addresses that end with an odd number may irrigate only on Tuesdays and Saturdays.

b. Customers with street addresses that end with an even number may irrigate only on Wednesdays and Sundays.

c. No irrigation is permitted on Mondays, Thursdays and Fridays.

d. Irrigation for public parks and other public grounds, including landscaping and lighting district property, shall only be allowed with an irrigation plan and irrigation system audit that has been approved by the director in accordance with Section 13.26.110, irrespective of size.

3. Fix leaks or faulty sprinklers within 24 hours of notification by utilities department or service may be discontinued.~~No water from the city water system shall be used for construction purposes such as dust control, compaction, or trench jetting, unless the use is approved by the director consistent with the provisions of Section 13.26.090.~~

4. Water use for ornamental ponds and fountains is prohibited unless required to maintain existing vegetation or to sustain existing fish/animal life.

5. Existing pools shall not be emptied and refilled using potable water unless required for public health and safety purposes.

ED. During ~~the~~ stage four (water- warning~~erisis~~)-~~conservation stage~~, the following restrictions shall be enforced:

1. All stage three restrictions shall continue to be enforced, except to the extent they are replaced by more restrictive requirements imposed by this section.

2. Landscape and pasture irrigation, including drip irrigation, shall be limited to a maximum of one day per week based on the following odd-even schedule.

a. Customers with street addresses that end with an odd number may irrigate only on Tuesdays.

b. Customers with street addresses that end with an even number may irrigate only on Wednesdays.

c. No irrigation is permitted on Mondays, Thursdays, Fridays, Saturdays and Sundays.

3. Public and private streetscape landscaping (medians and frontage) may be watered only on the same schedule as customers with street addresses that end with an even number.

~~4. No water from the city water system shall be used to drain and refill swimming pools, artificial lakes, ponds or streams and no new permits for swimming pools, artificial lakes, ponds or streams shall be issued until the water conservation stage has been declared to be stage one.~~

~~5. Water use for ornamental ponds and fountains is prohibited unless required to maintain existing vegetation or to sustain existing fish/animal life.~~

46. With the exception of landscapes watered with non-potable water, ~~n~~New or expanded landscaping on properties is limited to drought-tolerant trees, shrubs, and ground cover and no new turf or grass shall be planted, hydro-seeded or laid.

~~5.7. No new permits for pool will be issued. Washing of automobiles or equipment shall be done on the lawn or at a commercial establishment that uses recycled or reclaimed water.~~

~~8. All water leaks shall be repaired within twenty-four hours of notification by the utilities department or service may be discontinued.~~

FE. During ~~the~~ stage five (water- crisis~~emergency~~)-~~conservation stage~~, the following restrictions shall be enforced:

1. All stage four restrictions shall continue to be enforced, except to the extent they are replaced by more restrictive requirements imposed by this section.

~~2. No landscape and/or pasture irrigation shall be allowed.~~

~~3. Flushing of sewers or fire hydrants is prohibited, except in case of an emergency and for essential operations.~~

~~4.—Flushing of fire protection systems is prohibited, except during required maintenance or servicing of the system.~~

~~5.—Water use for ornamental ponds and fountains is prohibited.~~

~~6.—Washing of automobiles or equipment shall be done at a commercial establishment that uses recycled or reclaimed water.~~

~~27. Installation of any new lawns or landscaping is prohibited.~~

3. Water use is restricted for public health and safety purposes only.

~~8.—No water from the city water system shall be used for construction purposes such as dust control, compaction, or trench jetting, unless the use is necessary for fire protection system testing, maintenance, or acceptance by the fire chief. (Ord. 1118 § 2 (part), 2009)~~

G. During the stage six (water emergency) ~~conservation stage~~, the following restrictions shall be enforced:

1. All stage five restrictions shall continue to be enforced, except to the extent they are replaced by more restrictive requirements imposed by this section.

2. Water use is restricted for public health and safety purposes only.

3. Customer rationing may be implemented.

13.26.090 Construction water.

Water for construction purposes obtained from the city's water supply may only be used in the city's water service area. Water for dust control, compaction and other construction activities shall be subject to the following conditions:

A. Use of water from the city water system for construction purposes shall require a city-issued construction water meter and a refundable security deposit that includes a monthly meter rental fee as established by the department. Prior to such water use, the construction water customer must obtain approval from the director to use the water for construction and agree to comply with all of the requirements of this chapter. The director may impose such additional conditions on the use of such water, including, but limited to, conditions regulating the purpose for the use of the water, rate of use, location, frequency and quantity of use, and such other conditions as deemed reasonably necessary by the director to effectuate the purposes of this chapter. The construction meter shall be located by the department and shall only be relocated or removed by the department. Unauthorized relocation or removal of a construction meter shall be deemed theft and the offender shall be subject to the penalties set forth in Section [13.26.170](#).

B. Construction water shall only be drawn through a construction water meter. Construction water drawn through an unmetered connection shall be deemed theft of water and shall be grounds for the deposit on the construction meter to be forfeited. The offender shall also be subject to the penalties specified in Section [13.26.170](#). In the event the person identified as drawing water

without a metered connection does not have a meter, the action shall be deemed theft and the offender shall be subject to the penalties specified in Section [13.26.170](#).

C. These requirements for construction water use may be modified or supplemented by other conservation measures as determined appropriate by the director for the declared conservation stage. The director may terminate the approval granted to use the construction water based on water use restriction stages, violation of the terms and conditions of use, and/or for conduct that amounts to wasteful use of water. (Ord. 1118 § 2 (part), 2009)

13.26.100 Sustainable landscaping.

Where this chapter permits or prohibits acts based upon whether or not a planting, tree, shrub, or groundcover is “drought-tolerant” or “sustainable” the determination shall be made based upon: ~~(A) Water Use Classification of Landscape Species (<https://wucols.ucdavis.edu/>)(B) UC Davis Arboretum’s All Stars plant database (<https://arboretum.ucdavis.edu/>) (C) California Native Plant Society (<https://calscape.org/>)(D) low water using or native plants at local nurseries, or as determined by the Director. (Ord. 1118 § 2 (part), 2009) (A) Sunset’s The Western Garden Book (February 2007), Sunset Books Publishing; (B) Robert Perry, Trees and Shrubs for Dry California Landscapes; (C) EBMUD, Water Wise Gardening; (D) UC Davis Arboretum’s All Stars plant database (www.arboretum.ucdavis.edu) or as determined by the director. (Ord. 1118 § 2 (part), 2009)~~

13.26.110 Irrigation system inspections.

All customers, public and private, with a parcel over five acres and with a separate irrigation service shall conduct an annual irrigation system inspection prior to the start of the irrigation season on April 1st. This inspection shall be performed by certified landscape irrigation auditor or licensed landscape or irrigation contractor and the results forwarded to the department in accordance with the procedure outlined in the water conservation program guidelines. This requirement will be waived for one full year if a full landscape water audit has been performed in the previous year by the department’s water management staff, who are available on a limited basis. Single-family residences are exempt unless the director determines there has been wasteful use of water on a customer’s premises and the conditions have not been corrected within five days after the city provides written notification to discontinue such practice.

Customers that have a current irrigation system check-up on file with the department will be allowed one courtesy water waste warning before being deemed in violation of this chapter. (Ord. 1118 § 2 (part), 2009)

13.26.120 Discontinuance of water service.

The director may discontinue service to a customer’s connection to the city water system at the time that the director or their designee, issues to the customer: (A) a notice of a third violation of this chapter during the normal supply stage ~~one~~-(basic stage), or stage one (water conservation)

~~two (water alert)~~ within two months; (B) a notice of a second violation of this chapter during a stage ~~two (water shortage watch)~~ ~~three (water warning)~~ or a stage ~~three (water alert)~~ ~~four (water erisis)~~ within one month; or (C) a notice of a second violation during a stage ~~four (water warning)~~ ~~five (water emergency)~~, irrespective of time. If the customer's water service is discontinued due to violations of this chapter, the customer shall be subject to the penalties specified in Section [13.26.170](#). Upon seeking renewed service from the city, the customer shall pay the city's water turn off/on service fee as set by ordinance or resolution of the city council. (Ord. 1118 § 2 (part), 2009)

13.26.130 Unauthorized water use.

A. An illegal connection to the city water system shall either be metered by the property owner within the time specified by the department or disconnected at the discretion and direction of the director, and the offender shall be subject to the penalties specified in Section [13.26.170](#).

B. Unauthorized use of a fire hydrant, public or private, for anything other than fire flows or permitted and metered construction water shall subject the offender to the penalties specified in Section [13.26.170](#) and Chapter [8.36](#), Folsom Fire Code.

C. Private fire services with an observed demand that is deemed not to be fire flow by the department shall have a meter and appropriate cross-connection control device installed by the property owner, upon approval by the director and the fire chief. Prior to making any modifications or alteration to the on-site fire service, a permit shall be obtained from the fire department in accordance with Chapter [8.36](#). Upon written notification of the requirement to install a meter and cross-connection control device, the property owner shall have thirty calendar days to submit a plan of correction to the director. Failure to comply with this section shall subject the property owner to the penalties specified in Section [13.26.170](#), Penalties, and the service may be disconnected at the discretion of the director and the fire chief. (Ord. 1118 § 2 (part), 2009)

13.26.140 Cross-connection control devices.

All connections to the city's water system shall have the appropriate cross-connection control device as required by ~~CDPHDDW~~ regulations and enforced by the department in accordance with Chapter [13.22](#), Water System Cross-Connection Control. These devices shall be from the approved and published list maintained by the University of Southern California (USC) or other list as approved by the director and shall be tested annually in accordance with the department's policies and procedures. Devices used on private fire services shall be listed for fire service use and maintained in accordance with State Fire Marshall regulations. (Ord. 1118 § 2 (part), 2009)

13.26.150 Violation declared a nuisance.

Any activity in violation of this chapter will adversely and seriously affect the public health, safety and welfare, is hereby declared to be a public nuisance and may be remedied as provided in this

chapter, any other applicable portion of the Folsom Municipal Code or applicable state law. (Ord. 1118 § 2 (part), 2009)

13.26.160 Enforcement.

A. This chapter shall be enforced pursuant to the provisions of Chapter [1.08](#) to [1.10](#), inclusive, of Title [1](#) of the Folsom Municipal Code and any other enforcement mechanism available to the city under the Folsom Municipal Code and/or applicable law.

B. Unless otherwise expressly provided in this chapter, the director shall enforce the provisions of this chapter. (Ord. 1118 § 2 (part), 2009)

13.26.170 Penalties.

A. The goal of ~~thise chapters'~~ provisions ~~is of this chapter are~~ to achieve voluntary compliance from the customer, and the city will take reasonable measures to assure the customer has information available to promptly and efficiently address water use issues. Where voluntary compliance cannot be achieved through initial contacts and warnings, then appropriate administrative penalties and further action are required.

B. Penalties.

1. A violation of this chapter shall also be an administrative violation as defined in Section 1.08.020.

2. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available for enforcement of the provisions of this chapter. Based on the criteria for imposition of administrative sanctions set forth in Section 1.09.014, each day a violation of this chapter continues it shall be deemed a Level A violation as that term is described in Section 1.09.012 with an initial penalty of up to one hundred dollars.

3. In addition to any other penalties provided by this chapter, if a customer of the city water system violates any of the water use restrictions during a stage one, two, three, four, or five water conservation stage as set forth in Section 13.26.080, and such conditions are not corrected within five days after the customer is given written notice, the city is authorized to do any or all of the following:

a. Meter any flat rate service connection and apply the regularly established metered rates. If the parcel has over two thousand five hundred square feet of landscaping a separate landscape meter may be installed. Costs for the water meters and installation shall be paid by the property owner.

b. If the service is metered, the customer shall be billed at twice the metered rate during the time that the violation continues. If more than two thousand five hundred

square feet are irrigated and the parcel does not have a separate irrigation meter, then an irrigation meter may be installed. The customer shall be billed at twice the metered rate during the time the violation continues. Costs for the water meter, and for any required cross-connection controls and installation, shall be paid by the property owner.

Except as otherwise provided herein, violations of any provision of this chapter shall be addressed as follows:

Violation	Penalty
First	Personal or written notification of the violation.
Second (Within three months of first violation)	Written notification and issuance of a notice to correct.
<u>Third (Within six months of first violation)</u>	<u>Issuance of a \$50 administrative penalty, discontinued water service, and/or other penalties as provided in the notice of violation and as determined by the Utilities Director.</u>
<u>Fourth (Within nine months of the first violation)</u>	<u>Issuance of a \$100 administrative penalty, discontinued water service, and/or other penalties as provided in the notice of violation and as determined by the uUtilities Director.</u>
<u>Fifth (Within twelve months of the first violation)</u>	<u>Issuance of a \$200 administrative penalty, discontinued water service, and/or other penalties as provided in the notice of violation and as determined by the Uutilities director.</u>
Third (Within six months of first violation)	Issuance of an administrative penalty, mandatory installation of a water meter, discontinued water service and/or other penalties as provided in the notice of violation and as determined by the utilities director.

~~B.— Penalties.~~

~~1.— A violation of this chapter shall also be an administrative violation as defined in Section 1.08.020.~~

~~2.— Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available for enforcement of the provisions of this chapter. Based on the criteria for imposition of administrative sanctions set forth in Section 1.09.014, each day a violation of this chapter continues it shall be deemed a Level A violation as that term is described in Section 1.09.012 with an initial penalty of up to one hundred dollars.~~

~~3.—In addition to any other penalties provided by this chapter, if a customer of the city water system violates any of the water use restrictions during a stage two, three, four, or five water conservation stage as set forth in Section 13.26.080, and such conditions are not corrected within five days after the customer is given written notice, the city is authorized to do any or all of the following:~~

~~a.—Meter any flat rate service connection and apply the regularly established metered rates. If the parcel has over two thousand five hundred square feet of landscaping a separate landscape meter may be installed. Costs for the water meters and installation shall be paid by the property owner.~~

~~b.—If the service is metered, the customer shall be billed at twice the metered rate during the time that the violation continues. If more than two thousand five hundred square feet are irrigated and the parcel does not have a separate irrigation meter, then an irrigation meter may be installed. The customer shall be billed at twice the metered rate during the time the violation continues. Costs for the water meter, and for any required cross-connection controls and installation, shall be paid by the property owner.~~

~~All violations issued after the fifth violation (\$200), and within one year of the first violation, will include an issuance of base penalty of \$200 with a \$100 penalty increase per violation for a not-to-exceed amount of \$500 as set forth in Section 1.09.012.~~

~~Water waste violations may be issued as frequently as every five days.~~

C. Appeal. There shall be no appeal of the water use restriction identified in Section [13.26.080](#) and any appeal of administrative penalties shall follow the request for hearing procedures provided in Chapter [1.09](#). Any order to install a mandatory water meter, discontinue water service or any other orders or decisions of the director shall be appealable to the city manager pursuant to Section [2.08.060](#); provided, however, that the city manager's decision shall be final and there shall be no right of appeal to the city council. (Ord. 1118 § 2 (part), 2009)

13.26.180 Remedies cumulative.

The remedies set forth in this chapter are cumulative to any other remedy available to the city. Pursuit of one remedy shall not preclude any other remedy, and nothing contained in this chapter shall limit or be deemed to prevent the city from pursuing any other remedy available to the city under the Folsom Municipal Code or other applicable law. (Ord. 1118 § 2 (part), 2009)

13.26.190 Variances.

In unusual circumstances, application of this chapter may cause unnecessary hardships or results inconsistent with this chapter's purposes and intent. Therefore, variances to some of the requirements of this chapter may be appropriate as delineated below.

A. Authority to Grant Variances. The director may grant variances from this chapter's provisions during a stage one, two, or three conservation stage as specified in Section [13.26.080](#), Water use restrictions. During stage four or five conservation stage as specified in that section, any previously

granted variances shall be suspended without notice, unless they are based on a critical health need as determined by a licensed medical professional, with such determination being provided to the director.

B. Landscape Variances. Applications for landscape variances shall be obtained from, and filed with, the utilities department. The director may grant any such applications in his or her discretion in light of the condition of the water supply for the city water system. Any such variance shall be subject to the conditions presented in the water conservation program and landscape guidelines. Watering day variances will require that the following is installed at the water customer's property:

1. A smart controller with the ability to adjust the percent of computed water application rate and/or duration to match the required reduction percentage identified in Sections 13.26.070 and 13.26.080; and
2. Water efficient landscape sprinklers, nozzles, or spray heads are installed and approved by the Department.

C. Other Variances. Customers who seek a variance from this chapter for any reason other than the needs of new landscaping shall submit to the utilities department a written request for variance, setting forth, in detail, the extraordinary circumstances that support the application. The director may approve the application in his or her discretion; provided, that the variance allows the applicant to use only the minimum amount of water in addition to that allowed by this chapter that the director reasonably believes is necessary to satisfy the circumstances that support the application. Any such variance shall terminate one year after its issuance, subject to an application for its renewal. (Ord. 1118 § 2 (part), 2009)

13.26.200 Fire and other emergencies.

Nothing in this chapter limits, or may be construed as limiting the availability of water for extinguishing fires, meeting the demands of any other similar emergency, or routine inspection and maintenance of fire hydrants. (Ord. 1118 § 2 (part), 2009)

13.26.210 Nonfunctional Turf.

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 paragraph (5), 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, local public agencies, and public water systems in a disadvantaged community, beginning January 1, 2031, or the date upon which a state funding source is made available to fund conversion of nonfunctional turf on these properties to climate-appropriate landscapes, whichever is later.

The use of potable water is not prohibited by this section (Nonfunctional Turf) to the extent necessary to ensure the health of trees and other perennial nonturf plantings, or to the extent necessary to address an immediate health and safety need. However, the City may require irrigation systems shall to be modified to apply potable water only where necessary to comply with this requirement. Irrigation zones that serve both turf grass and a tree may remain active as long as the tree depends on irrigation from that station. If a zone serves only turf grass and no tree(s), the irrigation station shall be shut off.

For turf to be considered "functional" it must be a recreational use area or community space. The area must be designated by a property owner or the City to accommodate human foot traffic for civic, ceremonial, community events, or social gatherings, or for sports fields, golf courses, playgrounds, picnic grounds, or pet exercise areas.

Nonfunctional turf may be converted into functional turf.

13.26.220 Model Water Efficient Landscape Ordinance.

The purpose of this section is to establish water efficient landscaping standards in accordance with the state of California Model Water Efficient Landscape Ordinance, as set forth in Title 23, California Code of Regulations, Chapter 2.7, including all appendices and any amendments adopted by the State. The goal of adopting MWELO is to promote water conservation, minimize water waste, and encourage sustainable landscape design and practices.

MWELO shall apply to the following landscape projects:

- A) New construction projects with a landscape area as defined in Section 490.2(a)(41) equal to or greater than 500 square feet requiring a building or landscape permit, plan check, or design review;
- B) Rehabilitated landscape projects with a landscape area as defined in Section 490.2(a)(41) equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;
- C) Existing non-rehabilitated landscapes limited to Section 491.1; and
- D) Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 493.3, 493.5, and 493.6; existing cemeteries are limited to Sections 493 and Section 491.1.

The cCity mManager may delegate a designee who is authorized to administer, interpret, and enforce the provisions of MWELO, including review and approve of landscape documentation packages, inspections, and determinations of compliance.

The cCity may establish application forms, procedures, and inspection requirements consistent with MWELO.

If any provision of the cCity’s municipal code conflicts with MWELO, the stricter water-efficiency requirement shall take precedence.

Future amendments to MWELO shall automatically apply unless the cCity adopts a local amendment that is at least as effective in conserving water.

SECTION 3 SCOPE

Except as set forth in this Ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be unconstitutional, invalid, or ineffective of any court of competent jurisdiction, such decision shall not affect the validity or effectiveness 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, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared unconstitutional, invalid, or ineffective.

SECTION 5 NO MANDATORY DUTY

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons or property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 6 EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from and after its passage and adoption, providing it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation within the City of Folsom.

This Ordinance was introduced and the title thereof read at the regular meeting of the City Council on April 14, 2026, and the second reading occurred at the regular meeting of the City Council on April 28, 2026.

On a motion by Councilmember _____, seconded by Councilmember _____ the foregoing Ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 28th day of April 2026, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Justin Raithel, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK