

**ORDINANCE 1996**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENDORA, CALIFORNIA, ENACTING MANDATORY EMERGENCY WATER CONSERVATION REGULATIONS TO COMPLY WITH GOVERNOR BROWN'S EXECUTIVE ORDER B-29-15 AND THE REGULATIONS PROMULGATED BY THE STATE WATER RESOURCES CONTROL BOARD IN RESPONSE THERETO**

**THE CITY COUNCIL  
City of Glendora, California**

**THE CITY COUNCIL OF THE CITY OF GLENDORA DOES HEREBY ORDAIN AS FOLLOWS:**

**WHEREAS**, pursuant to Section 36937 of the California Government Code, a City Council may adopt as an urgency measure an ordinance to protect the public safety, health, or welfare; and

**WHEREAS**, on April 1, 2015, Governor Brown issued Executive Order B-29-15, imposing restrictions on water use in order to achieve an aggregate statewide 25 percent reduction in potable urban water usage through February 2016; and

**WHEREAS**, on May 5, 2015, in accordance with the Governor's Executive Order B-29-15, the State Water Resources Control Board adopted Resolution 2015-0032 detailing emergency regulations ("Regulations") implementing a statewide 25% reduction in potable urban water use; and

**WHEREAS**, the Regulations establish conservation levels for water suppliers based on an average Residential Gallons per Capita per Day ("R-GPCD") for the period of July through September 2014, and the City of Glendora has been categorized among the cities mandated with a 36 percent potable urban water use reduction; and

**WHEREAS**, the City Council of the City of Glendora wishes to implement comprehensive regulations in order to comply with Executive Order B-29-15, to protect the public health, safety, and welfare; and

**WHEREAS**, the long-term health, safety, and prosperity of the community depends upon having a reliable supply of potable water.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDORA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** A new Section 14.34.120 of the Glendora Municipal Code is hereby added to read as follows:

**"14.34.120** Emergency water conservation drought condition

(a) An emergency water drought condition may be ordered by the City Council in order to comply with the Governor's Executive Order B-29-15, which is implemented by the State Water Resources Control Board's adoption of Resolution 2015-0032 detailing emergency regulations for a statewide 25% reduction in potable urban water use, and other emergency water drought orders and regulations ordered by the Governor or other State boards or agencies.

(b) Prior to implementation of an emergency water drought condition as provided in this chapter, the City Council may, upon finding that a need to order an emergency water drought condition exists, order an emergency water drought condition, or other measures which it deems appropriate to address the water shortage emergency. Said order shall be made by resolution and shall be published one time only in a daily newspaper of general circulation and shall become effective immediately upon such adoption. The provisions of this section shall take effect immediately upon the effective date of the City Council's resolution.

(c) Upon order of an emergency water drought condition and for as long as that condition exists, the following water use regulations, and such other regulations as may be adopted by resolution of the City Council, shall apply to all use of water that is provided by or through the water distribution facilities of the City:

(1) Each of the stage one drought condition regulations shall be applicable as long as they are not in conflict with more restrictive regulations of the emergency water conservation regulations.

(2) All residential users, inclusive of single family, and multi-family 2-4 units shall reduce their water consumption to the R-GPCD consumption levels set forth in a formal resolution adopted by the city council, which will comply with the State of California mandated consumption reduction level regulations.

(3) All non-residential users with landscape areas greater than 500 square feet shall reduce their water consumption by 25% compared to the same billing months from the year 2013.

(4) All non-residential users with no or landscape areas of 500 square feet or less shall reduce their water consumption by 10% compared to the same billing months from the year 2013.

(5) All outdoor ornamental turf watering shall be limited to no more than two days a week and not more than 10 minutes at each water station per day.

(6) To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(a) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(b) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(c) The application of potable water to driveways and sidewalks;

(d) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;

(e) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;

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

(g) The irrigation with potable water of ornamental turf on public street medians; and

(h) The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

(7) All operators of hotels, motels, or other commercial establishments offering lodgings shall provide guests with the option of choosing not to have towels and linens laundered daily. The operators of these facilities shall prominently display notice of this option in each guestroom using clear and easily understood language and ensure such notices are maintained;

(d) The City Manager or his designee is hereby authorized to implement all necessary measures or actions mandated or required to meet water conservation mandates imposed by the California State Water Resources Control Board or other State agencies without any further action by the City Council. All such actions shall be reported to the city council for adoption by resolution prior to implementation.

(e) Violation of the emergency water drought condition regulations shall be punishable as an infraction or misdemeanor as set forth herein. Every person who violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which the violation is committed, continued or permitted by such person. Violations shall be punishable as follows:

(1) The director or his or her designee shall give first-time violators a courtesy notice of the violation. The courtesy notice shall specify the nature of the violation(s), the date on which it occurred, the corrective measures to be performed, and notice that the violator shall:

(a) Perform the corrective action;

(b) Request a water use efficiency audit with the City within 10 days; and

(c) Undertake the relevant corrective action within 10 days after completion of the water use efficiency audit.

(2) Upon a second violation the violation by the water account holder shall be punishable as an infraction. The director or his or her designee shall issue a written notice of violation to the account holder for the property where the violation occurred or is occurring, and impose a fine in the amount of two hundred fifty dollars.

(a) Failure to comply with the corrective actions identified in the remedial water use efficiency audit in the first violation shall be deemed second violation subject to a two hundred fifty dollar fine.

(b) Failure to comply with the corrective actions identified in the remedial water use efficiency audit in the first violation shall be deemed a separate violation every three days thereafter until the corrective action is completed.

(3) Upon a third violation the violation by the water account holder shall be punishable as an infraction. The director shall issue a written notice of violation to the account holder for the property where the violation occurred or is occurring, and impose a fine in the amount of one thousand dollars.

(4) Violations of the emergency water drought condition regulations may result in the City installing a flow restrictor on the service to the property where the violation occurred or is occurring, for a period to be determined by the director.

(5) Any penalty imposed pursuant to this chapter shall be added to the account of the account holder for the property where the violation occurred or is occurring and shall be due and payable on the same terms and subject to the same conditions as any other charge for regular water service. The maximum amount of penalties which an account holder may be required to pay during any twelve consecutive calendar month period are hereby established by this chapter of the Glendora Municipal Code. Penalties must be paid in full prior to restoration of water service.

(6) Nothing in this chapter shall limit or be construed to limit the right of an account holder to seek reimbursement of a penalty from a tenant or other consumer.”

**SECTION 2.** Section 21.03.060 of the Glendora Municipal Code is hereby deleted and repealed in its entirety.

**SECTION 3.** A new section 21.03.060 of the Glendora Municipal Code is hereby added to read as follows:

“21.03.060 State model water efficient landscaping ordinance adopted by reference.

(a) The City adopts by reference the California State Model Water Efficient Landscaping Ordinance (AB 1881), and any amendments thereto, as the law of the City. One copy of the California State Model Water Efficient Landscaping Ordinance has been, and is now, filed in the office of the planning director, and the ordinance is adopted by reference as if incorporated and set out in full in this chapter. The California State Model Water Efficient Landscaping Ordinance requirements shall apply to the following in addition to the applicable requirements of the California State Model Water Efficient Landscaping Ordinance:

(1) New and rehabilitated landscapes for private projects with a landscape area requiring any permit or application for approval from the City of Glendora.

(2) Any private project involving either the development of a new detached structure equal to or larger than 500 square feet in area.

(3) Any private project involving the addition to an existing structure shall replace their landscape on a 2:1 basis, for example a 500 square foot addition shall require a 1,000 landscape replacement which can include the landscape removed for the footprint of the addition being permitted. The project applicant shall be deemed compliant with this section upon presenting certification by a by a licensed landscape architect that the landscape to be replaced replacement area is already compliant with the most recent State Model Water Efficient Landscape Ordinance.

(4) All new residential construction, new roof installations, patio covers and additions, or when the building permit valuation for remodeling meets or exceeds \$25,000 as established by the most recently adopted Master Schedule of Fees for Service, a minimum of two 50 gallon rain barrels shall be installed to capture roof rainwater runoff. The rain barrel capacity must be sufficient to capture the first ¼ inch of rain from the roof of the structure, or another means of retaining the water onsite must be approved by the Building Official. A roof drainage system, such as roof gutters, roof drains or scuppers directing the runoff to the rain barrels is required. The method for capturing the roof runoff is to be approved by the Building Official or his/her designee. Solar photovoltaic systems, mechanical, electrical and plumbing permits are exempted from this requirement;

(5) All property owners of existing single-family and 2-4 unit residential structures shall install a minimum of two 50 gallon rain barrels to capture roof rainwater runoff. The rain barrel capacity must be sufficient to capture the first ¼ inch of rain from the roof of the structure, or another means of retaining the water onsite must be approved by the Building Official by June 2017. A roof drainage system, such as roof gutters, roof drains or scuppers directing the runoff to the rain barrels will be required. The method for capturing the runoff is to be approved by the Building Official or his/her designee.”

**SECTION 4. Findings.** There is a current and immediate threat to the public health, safety, or welfare caused by the statewide drought, as evidenced by Executive Order B-29-15, and the failure to take the actions and to adopt the regulations set forth herein could subject the City of Glendora to fines, and could threaten public health, safety, or welfare, in that: (1) there may not be sufficient water available to the public for basic living necessities; (2) there may not be sufficient water available to the public to fight fires; and (3) there may not be sufficient water available to preserve drought tolerant landscaping, which would adversely impact property values in the city.

**SECTION 5. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 6. Effective Date/Term.** The Mayor shall sign this ordinance and the City Clerk shall attest and certify to its passage. This Ordinance is hereby declared an urgency ordinance measure for the immediate preservation of the public health, safety and welfare and shall be effective immediately upon its adoption.


**PASSED, APPROVED and ADOPTED** this 26<sup>th</sup> day of May, 2015.

City Council of Glendora, California

BY:

  
KAREN K. DAVIS, Mayor

APPROVED AS TO FORM:

  
D. WAYNE LEECH, City Attorney

**CERTIFICATION**

I, Kathleen R. Sessman, City Clerk of the City of Glendora, California, DO HEREBY CERTIFY that the foregoing Urgency Ordinance was duly approved and adopted at a Regular Meeting of the City Council on the 26<sup>th</sup> day of May, 2015, by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Boyer, Nelson, Thompson, Murabito, and Davis
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None

Dated: May 27, 2015

  
KATHLEEN R. SESSMAN, City Clerk