

URGENCY ORDINANCE NO. 2861

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA AMENDING CHAPTER 14.02 (DROUGHT RESPONSE CONSERVATION PLAN) OF TITLE 14 (SUSTAINABLE DEVELOPMENT) OF THE EL MONTE MUNICIPAL CODE

WHEREAS, the City of El Monte ("City") is a municipal corporation and general law City; and

WHEREAS, in response to persisting drought conditions persisting throughout the State of California, the State Water Resources Control Board has adopted an emergency regulation requiring an immediate twenty-five percent (25%) reduction in overall potable urban water use statewide in accordance with Gov. Jerry Brown's April 1, 2015 Executive Order (No. B-29-15); and

WHEREAS, the Governor's Executive Order required, for the first time in the state's history, mandatory conservation for all residents and directed several state agencies, including the State Water Board, to take immediate action to safeguard the state's remaining potable urban water supplies in preparation for a possible fifth (5th) year of drought; and

WHEREAS, the emergency regulation identifies how much water communities must conserve based on their average residential water use, per person per day, last summer. On average, fifty percent (50%) of total residential use is outdoors, in some cases up to eighty percent (80%). To save water now, during this drought emergency, the regulation targets these outdoor uses. Communities that are approaching, at or below the indoor target, are assigned a modest conservation standard while communities that use water well above the indoor target will be asked to do much more; and

WHEREAS, to reduce water use by twenty-five percent (25%) statewide, the regulation adopted by the Board in May 2015 places each urban water supplier into one (1) of eight (8) tiers which are assigned a conservation standard, ranging between four percent (4%) and thirty-six percent (36%). Each month, the State Water Board will compare every urban water suppliers' water use with their use for the same month in 2013 to determine if they are on track for meeting their conservation standard. Local water agencies have the ability to determine the most cost effective and locally appropriate way to achieve their standard; and

WHEREAS, the conservation savings for all urban water suppliers (serving more than 3,000 connections) are allocated across the eight tiers of increasing levels of residential gallons per capita per day (R-GPCD) water use to reduce water use by twenty-five percent (25%) statewide. The adopted regulation went into effect June 1, 2015; and

WHEREAS, El Monte Water Department's current per capita residential water use puts it in the eight percent (8%) tier for conservation. Starting June 1, 2015, the Water Department must conserve at least eight percent (8%) each month of residential use as compared to the amount used in the same month in 2013; and

WHEREAS, the new prohibitions of the Executive Order also include:

- Irrigation with potable water of ornamental turf on public street medians; and
- Irrigation with potable water outside of newly constructed homes and buildings not in accordance with emergency regulations or other requirements established by the Building Standards Commission and the Department of Housing and Community Development; and

WHEREAS, the City Council approved Ordinance No. 2738 on or about March 17, 2009 which created Chapter 14.02 (Drought Response Conservation Plan) (hereinafter, "Chapter 14.02") which, among other things, establishes protocols for the conservation of water in the City at varying levels of scarcity and urgency due to drought conditions; and

WHEREAS, the City Council seeks to modify Chapter 14.02 for the purpose of harmonizing its requirements with the efforts of other water providers in the City so that conservation practices within the City are more uniform as between residents of the City who obtain water through the City and residents of the City who obtain water from private water providers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE DOES FIND AND ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the foregoing recitals are true and correct.

SECTION 2. Subsection (B) of Section 14.02.015 (Water Usage Prohibitions Applying to All Persons) of Chapter 14.02 (Drought response plan) of Title 14 (Sustainable Development) of the E Monte Municipal Code is amended as follows:

- a. By the deletion of the word "**and**" following the word "sidewalks;" under subparagraph (3) and also by the replacement of the period (.) following the word "system" with a semi-colon (;) under subparagraph (4);
- b. By the addition of two new subparagraphs (5) and (6) which shall state the following:

5. *The application of potable water to outdoor landscapes during and up to forty-eight (48) hours after measurable rainfall; and*

6. *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.*

SECTION 3. Subsection (A)(1) of Section 14.02.020 (Stage 1 – Drought preparedness conditions) of Chapter 14.02 (Drought Response Plan) of Title 14 (Sustainable Development) of the El Monte Municipal Code is hereby amended in its entirety to state the following:

A.1. Automated sprinklers, automated drip irrigation systems and other automated irrigation systems and devices shall be adjusted and maintained to avoid overspray, runoff and/or waste. For purposes of this Chapter, the phrase "other automated irrigation systems and devices" includes, but is not limited to, a garden hose or drip irrigation hose that is not being held in a persons hand during the irrigation process but which is nevertheless connected to an open water spigot and is being used to disburse potable water.; and

SECTION 4. Subsection (A)(4) of Section 14.02.030 (Stage 2 – Drought watch conditions – Emerging shortage stage) of Chapter 14.02 (Drought Response Plan) of Title 14 (Sustainable Development) of the El Monte Municipal Code is hereby amended in its entirety to state the following:

A.4. In no event may landscaped areas be irrigated through the use of automated sprinklers, automated drip irrigation systems or other automated irrigation systems and devices, between the hours of 6:00 a.m. and 8:00 p.m. All persons are encouraged to avoid the use of such automated irrigation systems

and devices on windy days. Except as otherwise prohibited under Section 14.02.015 of this Chapter, manual irrigation by hand-held garden hose or by hand held bucket or other similar container containing potable water shall be permitted any time. In no event may any water used for irrigation purposes described in this subsection be permitted or undertaken in such a fashion as to cause water to run off into storm drains or onto streets, sidewalks, paved walkways, driveways, public or private parking areas or other impervious hard surface areas.

SECTION 5. Subsection (A)(1) of Section 14.02.040 (Stage 3 – Drought alert conditions – Moderate shortage stage) of Chapter 14.02 (Drought Response Plan) of Title 14 (Sustainable Development) of the El Monte Municipal Code is hereby amended in its entirety to state the following:

A.1. (a) Outdoor irrigation of landscaped areas by automated sprinklers, automated drip irrigation systems or other automated irrigation systems or devices shall be permitted as follows: (i) on even days of each month for those properties having a street address with an even last digit; and (ii) on odd days for each month for those properties having a street address with an odd last digit. In the event a street address ends in a digit which is a fraction, the street address will be considered an even address if the last whole digit in the address is an even number and the street address will be considered an odd address if the last whole digit in the address is an odd number. If two or more properties with both even and odd numbered street addresses share one or more landscaped areas in common, such common landscaped areas may be irrigated on either an even or odd day of the week but in no event may such landscaped areas be irrigated for two consecutive days in a row.

(b) Except as otherwise prohibited under Section 14.02.015 of this Chapter, manual irrigation by hand-held garden hose or by hand held bucket or other similar container containing potable water shall be permitted on any day, subject to the hourly restrictions of paragraph (c) of this subsection, below. In no event may any water used for irrigation purposes described in this subsection be permitted or undertaken in such a fashion as to cause water to run off into storm drains or onto streets, sidewalks, paved walkways, driveways, public or private parking areas or other impervious hard surface areas.

(c) Paragraphs (a) and (b) of this subsection notwithstanding, in no event may landscaped areas be irrigated, whether manually or through the use of automated irrigation systems or devices, between the hours of 6:00 a.m. and 8:00 p.m. In no event may any water used for irrigation purposes described in this subsection be permitted or undertaken in such a fashion as to cause water to run off into storm drains or onto sidewalks, paved walkways, driveways, public or private parking areas or other impervious hard surface areas.

SECTION 6. Subsection (A)(2) of Section 14.02.050 (Stage 4–Drought critical conditions–High shortage stage) of Chapter 14.02 (Drought Response Plan) of Title 14 (Sustainable Development) of the El Monte Municipal Code is hereby amended in its entirety to state the following:

A.2. Every water customer shall be responsible for the operation of his or her irrigation systems and devices and such systems and devices shall at all times be deemed to be under the supervision and control of the water customer, regardless of whether the customer is physically on the property being irrigated at the time such irrigation is underway. Every water customer shall be deemed to have knowledge and awareness of the manner and extent of his or her irrigation systems water consumption and usage and the occurrence of runoff occurrences prohibited under this Chapter. Every water customer shall employ available alternatives to apply irrigation water in a reasonable efficient and non-wasteful manner;

SECTION 7. Subsection (A)(4) of Section 14.02.050 (Stage 4–Drought critical conditions–High shortage stage) of Chapter 14.02 (Drought Response Plan) of Title 14 (Sustainable Development) of the El Monte Municipal Code is hereby amended in its entirety to now state the following:

A. 4. (a) *Except as otherwise prohibited under Section 14.02.015, above, outdoor irrigation of landscaped areas by automated sprinklers, automated drip irrigation systems or other automated irrigation systems or devices shall be permitted as follows: (i) on Monday and Thursday of each week for those properties having a street address with an even last digit; and (ii) on Tuesday and Friday of each week for those properties having a street address with an odd last digit. In the event a street address ends in a digit which is a fraction, the street address will be considered an even address if the last whole digit in the address is an even number and the street address will be considered an odd address if the last whole digit in the address is an odd number. Except as otherwise prohibited under Section 14.02.015, above, if two or more properties with both even and odd numbered addresses share one or more landscaped areas in common, such common landscaped areas may be irrigated on Monday, Tuesday, Thursday or Friday of each week only but in no event may such common landscaped areas be irrigated for two consecutive days in a row. No automated irrigation system shall be set for a duration greater than fifteen (15) minutes or used in such a manner as to cause any specific landscaped area to be irrigated for a period longer than fifteen (15) minutes on a particular day.*

(b) *Manual irrigation, including but not limited to, irrigation by hand-held garden hose or hand-held bucket or similar container containing potable water shall also be subject to the same day restrictions as applied under paragraph (a) of this subsection, above.*

(c) *Paragraphs (a) and (b) of this subsection notwithstanding, in no event may landscaped areas be irrigated, whether manually or through the use of automated irrigation systems and devices, between the hours of 9:00 a.m. and 5:00 p.m. In no event may any water used for irrigation purposes described in this subsection be permitted or undertaken in such a fashion as to cause water to run off into storm drains or onto sidewalks, paved walkways, driveways, public or private parking areas or other impervious hard surface areas.*

SECTION 8. Subsection (A)(1) of Section 14.02.060 (Stage 5 – Drought emergency conditions – Severe shortage stage) of Chapter 14.02 (Drought Response Plan) of Title 14 (Sustainable Development) of the El Monte Municipal Code is hereby amended in its entirety to now state the following:

A. 1. (a) *Except as otherwise prohibited under Section 14.02.015, above, outdoor irrigation of landscaped areas by automated sprinklers, automated drip irrigation systems or other automated irrigation systems or devices shall be permitted as follows: (i) on Monday of each week for those properties having a street address with an even last digit; and (ii) on Thursday of each week for those properties having a street address with an odd last digit. In the event a street address ends in a digit which is a fraction, the street address will be considered an even address if the last whole digit in the address is an even number and the street address will be considered an odd address if the last whole digit in the address is an odd number. If two or more properties with both even and odd street addresses share one or more landscaped areas in common, such common landscaped areas may be irrigated on Monday or Thursday of each week only but in no event may such common landscaped areas be irrigated more than once in a week. No automated irrigation system shall be set for a duration greater than ten (10) minutes or used in such a manner as to cause any specific landscaped area to be irrigated for a period longer than ten (10) minutes on a particular day.*

(b) *Manual irrigation, including but not limited to, irrigation by hand-held garden hose or hand-held bucket or similar container containing potable water shall also be subject to the same day restrictions as applied under paragraph (a) of this subsection, above.*

(c) *Paragraphs (a) and (b) of this subsection notwithstanding, in no event may landscaped areas be irrigated, whether manually or through the use of automated irrigation systems and devices, between the hours of 9:00 a.m. and 5:00 p.m. In no event may any water used for irrigation purposes described in this subsection be permitted or undertaken in such a fashion as to cause water to run off into storm drains or onto sidewalks, paved walkways, driveways, public or private parking areas or other impervious hard surface areas.*

SECTION 9. Pursuant to Government Code Section 36937(b), the City Council hereby finds and declares that the severity of the ongoing State-wide drought compels the immediate implementation of enhanced provisions for the administration and enforcement of the City's water conservation program – all in the interest of promoting a stable supply of drinking water for El Monte water customers. As part of its findings, the City Council also takes into account the findings made by the State of California Executive Department in Executive Order B-29-15, which are adopted by reference. This Ordinance is enacted pursuant to the authority conferred upon the City Council of the City of El Monte by Government Code sections 36934 and 36937 and shall be in full force and effect immediately upon its adoption by a three-fifths (3/5) vote of the City Council.

SECTION 10. Any provision of the El Monte Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

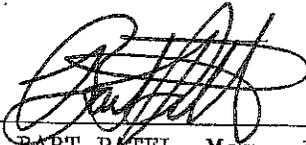
SECTION 11. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portions of this Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 12. The City finds that the provisions of this Ordinance are exempt from the provisions of the California Environmental Quality Act as an action to protect natural resources pursuant to Public Resources Code §15307.

SECTION 13. Should any section, subsection, clause or provision of this Ordinance, for any reason, be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance. This Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

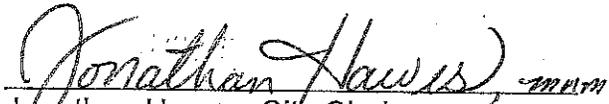
SECTION 14. Upon adoption of this Ordinance by no less than 3/5 vote of the City Council, the Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption. This Ordinance shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this 4th day of August, 2015.



BART PATEL, Mayor Pro Tem
City of El Monte

ATTEST:


Jonathan Hawes, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Jonathan Hawes, City Clerk of the City of EL Monte, hereby certify that the foregoing ^{Urgency} Ordinance No. 2861 was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 4th day of August, 2015 and that said ^{Urgency} Ordinance was adopted by the following vote, to-wit:

AYES: Mayor Pro Tem Patel, Councilmembers Gomez, Macias and Martinez

NOES: None

ABSTAIN: None

ABSENT: Mayor Quintero


Jonathan Hawes, City Clerk
City of El Monte