

ORDINANCE NO. 643

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUDAHY ADDING CHAPTER 13.16 TO THE CUDAHY MUNICIPAL CODE RELATING TO WATER CONSERVATION

WHEREAS, on April 25, 2014, Governor Edmund G. Brown Jr. issued an executive order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water; and

WHEREAS, Water Code section 1058.5 grants the California State Water Board the authority to adopt emergency regulations in certain drought years in order to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports"; and

WHEREAS, on July 15, 2014, the State Water Board adopted California Code of Regulations, Title 23, sections 863, 864, and 865, as emergency regulations; and

WHEREAS, these regulations shall remain in effect for 270 days after filing with the Secretary of State (until April 25, 2014) unless the State Water Board determines that it is no longer necessary due to changed conditions, or unless the State Water Board renews the regulations due to continued drought conditions as described in Water Code section 1058.5; and

WHEREAS, the regulations authorize local agencies to fine, in addition to other civil and criminal penalties, for violations of certain prohibitions on water usage; and

WHEREAS, the City of Cudahy ("City"), as a local agency concerned with the ongoing drought conditions in its jurisdiction and in the State of California generally, desires to incorporate the state emergency regulations on water usage into its Municipal Code and implement a fine schedule for violations of the water usage prohibitions pursuant to its authority under 23 CFR section 864.

THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The facts set forth in the recitals above are true and correct.

SECTION 2. Chapter 13.16 is hereby added to Title 13 of the Cudahy Municipal Code to read:

Chapter 13.16

WATER CONSERVATION

13.16.010 Water Usage Prohibitions Applying to All Persons

- A. Authorization. This chapter establishes water conservation measures to be applied City-wide pursuant to the authority granted to the City under 23 CFR § 864. This chapter shall remain in effect so long as its provisions are authorized under Federal and State law.
- B. Application. The water conservation requirements under this chapter shall apply to all persons within the City of Cudahy.
- C. Prohibitions on Water Usage. 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 any state or federal governmental agency:
1. 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;
 2. 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;
 3. The application of potable water to driveways and sidewalks; and
 4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.
- D. Enforcement.
1. No person within the City of Cudahy shall use or permit the use of water in a manner contrary to Subsection C above. For purposes of this chapter, the term "person" shall mean any natural person, corporation, partnership, sole proprietorship, public or private entity, public or private association, public or private agency, governmental agency or institution, school district, or college university.
 2. Unless otherwise provided, any person who violates any provision of this chapter shall be guilty of an infraction or misdemeanor as hereinafter specified at the City's discretion, and each day or portion thereof such violation is in existence shall be a new and separate offense.

3. Fines. The following penalty schedule shall apply to violations of this chapter:

- a. Any person who violates any of the prohibitions of this chapter shall be guilty of an infraction and shall be issued a Violation Notice for the first such offense in a single calendar year.
- b. Any person who violates any of the prohibitions of this chapter for a second time in a single calendar year shall be guilty of an infraction and shall be subject to a fine of one hundred dollars (\$100.00).
- c. Any person who violates any of the prohibitions of this chapter for a third time in a single calendar year shall be guilty of an infraction and shall be subject to a fine of two hundred dollars (\$200.00).
- d. Any person who violates any of the prohibitions of this chapter four or more times in a single calendar year shall be guilty of an infraction and shall be subject to a fine of five hundred (\$500.00).

E. Additional Penalties. Subsection D of this section notwithstanding, a violation under Section D above may be charged and prosecuted as a misdemeanor at the City's sole discretion.

1. In addition to the above penalties, such convicted person may, in the discretion of the court, be ordered to reimburse the City for all necessary costs incurred through investigation, discovery, analysis, inspection, abatement and other actual costs incurred by the City or its agents pertaining to the violation.
2. The court shall fix the amount of any such reimbursements upon submission of proof of such costs by the city. Payment of any penalty herein provided shall not relieve a person from the responsibility of correcting the condition resulting from the violation.

SECTION 3. Inconsistent Provisions. Any provision of the Cudahy 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 4. Severability. 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 5. California Environmental Quality Act. 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.

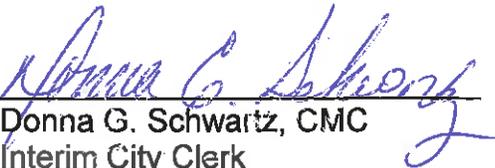
SECTION 6. Publication. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days after adoption.

PASSED, APPROVED AND ADOPTED this 2nd day of December, 2014.



Chris Garcia, Mayor
City of Cudahy

ATTEST:



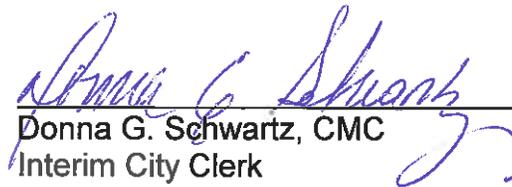
Donna G. Schwartz, CMC
Interim City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CUDAHY)

I, Donna G. Schwartz, Interim City Clerk of the City of Cudahy, hereby certify that Ordinance No. 643 was introduced by the City Council at a special meeting on November 25th, 2014 and adopted at regular meeting of the City Council of the City of Cudahy on the 2nd day of December, 2014 by the following vote, to-wit:

- AYES: Council Member(s): Oliva, Sanchez, Vice Mayor Markovich and Mayor Garcia
- NOES: Council Member(s): Guerrero
- ABSTAIN: Council Member(s): None
- ABSENT: Council Member(s): None


Donna G. Schwartz, CMC
Interim City Clerk



