

ORDINANCE NO. 211-15

**AN URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WILLIAMS, CALIFORNIA AMENDING
SECTION 13.04.180 REGARDING THE WASTE OF WATER**

WHEREAS, on January 17, 2014, Governor Jerry Brown proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS, on April 25, 2014, Governor Brown proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought conditions, and issued a second proclamation suspending the California Environmental Quality Act to allow for (1) the implementation of water reduction plans to reduce potable water usage for outdoor irrigation at recreational facilities and large institutional complexes, and (2) the adoption of emergency regulations by the State Water Resources Control Board relating to water conservation; and

WHEREAS, on April 1, 2015, Governor Brown issued Executive Order B-29-15 (“Order”), effective immediately, due to the magnitude of the continued severe drought conditions that present urgent state and local challenges, including drinking water shortages and diminished water for agricultural production; and

WHEREAS, the Order declares that a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS, the Order requires the State Water Resources Control Board (“Water Board”) to impose statewide water restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016; and

WHEREAS, the Water Board is required to prohibit irrigation with potable water of ornamental turf on public street medians; and

WHEREAS, the Order directs that water suppliers to California’s cities and towns reduce water usage as compared to the amounts used in 2013; and

WHEREAS, the Order requires that the California Department of Water Resources (“Department”) partner with local agencies to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes; and

WHEREAS, on April 7, 2015, the Water Board issued its Mandatory Conservation Proposed Regulatory Framework, which creates tiers of reduction standards based upon relative per capita water usage, and on April 18, 2015 the Water Board issued revised proposed regulations that require small water suppliers with fewer than 3,000 service connections to either limit outdoor irrigation to two days a week or less or achieve a 25% water savings reduction as compared to 2013 water usage; and

WHEREAS, the City of Williams (“City”) qualifies as a small water supplier under the proposed regulatory framework issued by the Water Board; and

WHEREAS, California Constitution article X, section 2 and California Water Code section 100 provide that because of conditions prevailing in the state of California (the “State”), it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, pursuant to California Water Code section 375, the City is authorized to adopt and enforce a water conservation program to reduce the quantity of water used by persons within its jurisdiction for the purpose of conserving the water supplies of the City; and

WHEREAS, the City is authorized to prescribe and define by ordinance restrictions, prohibitions, and exclusions for the use of water during a threatened or existing water shortage and adopt and enforce a water conservation and regulatory program to: (i) prohibit the wastage of City water or the use of City water during such period; (ii) prohibit use of water during such periods for specific uses which the City may from time to time find nonessential; and (iii) reduce and restrict the quantity of water used by those persons within the City for the purpose of conserving the water supplies of the City; and

WHEREAS, Government Code section 36937 authorizes the City Council to adopt urgency ordinances necessary for the immediate preservation of the public peace, health or safety; and

WHEREAS, because of the prevailing conditions in the State, the current statewide drought state of emergency, and the recent proposed mandatory reductions imposed on public agencies throughout the state, the City hereby finds and determines that it is immediately necessary for the preservation of the public peace, health and safety of the City to impose a water conservation program to ensure that there is sufficient water for human consumption, sanitation, and fire protection within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLIAMS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Urgency Findings. The City Council hereby incorporates by reference and adopts the recitals of this Urgency Ordinance. The City Council further finds that this Urgency Ordinance is necessary to promote the immediate preservation of the public peace, health and safety by imposing water reduction measures that promote water conservation and comply with the State Water Resources Control Board’s mandatory regulatory framework that requires small

water suppliers to reduce watering to two days a week or less or achieve a 25% reduction in water usage.

SECTION 2. Authority. The City Council enacts this Urgency Ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution, Water Code section 375 and Government Code sections 36934 and 36937.

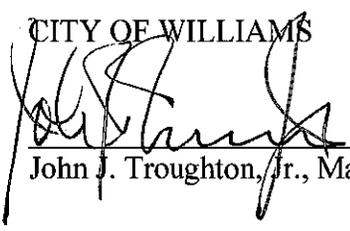
SECTION 3. Amendment. Section 13.04.180 of the Williams Municipal Code is hereby amended to read in full as shown in Exhibit "A" and is hereby incorporated by reference.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. Effective Date. This Urgency Ordinance was adopted by the necessary four-fifths vote of the members of the City Council pursuant to Government Code § 36934 and § 36937 and shall take effect immediately upon its adoption.

INTRODUCED at a special meeting of the City Council held on April 29, 2015 and PASSED and ADOPTED by the City Council of the City of Williams, State of California, on April 29, 2015, by the following 4/5 vote:

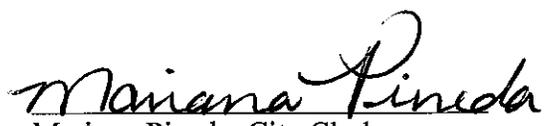
- AYES: Council member Toughton Jr., Sellers Jr., Boes, Jauregui, Bergson
- NOES: None.
- ABSTAIN: None.
- ABSENT: None.

CITY OF WILLIAMS


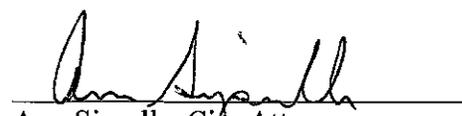
John J. Troughton, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:



Mariana Pineda, City Clerk



Ann Siprelle, City Attorney

Exhibit "A"

AMENDED SECTION 13.04.180

13.04.180 – Waste of water prohibited – Water Conservation Program.

- A. No customer shall permit leaks or waste of water. Acts constituting water waste shall include, but shall not be limited to, failure to comply with the following schedule and restrictions when watering lawns, plants, and gardens or for using outdoor water for other purposes:
1. No lawn/garden watering or other outdoor use will be allowed between the hours of 8:00 a.m. and 8:00 p.m. every day, except Monday shall be a no water day.
 2. No person shall water/irrigate outdoor ornamental landscapes or lawn with potable water more than two days per week (calculated as Sunday through Saturday).
 3. Customers with street addresses ending in odd numbers shall only water/irrigate landscape or lawn with potable water on Tuesday, Thursday or Saturday.
 4. Customers with street addresses ending in even numbers shall only water/irrigate landscape or lawn with potable water on Sunday, Wednesday or Friday.
 5. Use of water to wash driveways, sidewalks, patios, parking lots, aprons and other similar exterior surfaces is prohibited except for sanitation, public health and safety, and fire protection purposes.
 6. Watering/irrigating lawns or gardens such that excess water leaves the property or area being watered is prohibited.
 7. Watering outdoor landscaping during and 48 hours following measurable precipitation is prohibited.
 8. Washing vehicles, equipment or boats during restricted days or hours and/or using hoses without a shut-off nozzle is prohibited.
 9. Sales or installations of the following water wasting devices and systems are prohibited in all new construction:
 - a. Automatic (self-regenerating) water softeners
 - b. Single-pass cooling systems
 - c. Non-recirculating conveyor car wash systems
 - d. Non-recycling decorative water fountains
- B. When water is wastefully or negligently used on a customer's premises, the city may discontinue the service if such conditions are not corrected.
- C. In addition to all other available remedies at law, this Section shall be enforceable through the use of the administrative citation procedures set forth in Williams Municipal Code Chapter 8.16, Article VI.