

URGENCY ORDINANCE NO. 337

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA
ADDING ARTICLE VIII CHAPTER 9 TO THE BRADBURY MUNICIPAL CODE PROHIBITING
THE WASTE OF WATER IN THE CITY OF BRADBURY (Water Conservation) AND
DECLARATING THE URGENCY THEREOF**

(BRADBURY MUNICIPAL CODE ARTICLE VIII CHAPTER 9)

WHEREAS, On January 17, 2014, Governor Brown issued a drought emergency proclamation following three critically dry years in California. Extreme drought now covers nearly 80% of the State and these conditions will likely continue into the foreseeable future; and

WHEREAS, On July 15, 2014, the State Water Resources Control Board (SWRCB) adopted a resolution of emergency regulations for water conservation; and

WHEREAS, the City of Bradbury can play an important role by ensuring that residents are conserving water and taking steps to reduce wasting of water; and

WHEREAS, As a result of the serious drought facing the State of California, wasting of water will result in an adverse impact on the availability of adequate water supplies to service the needs of all citizens within the City. Wasteful water practices pose a threat to the public health, safety and welfare and require immediate action to curb such practices. In order to protect the public health, safety and welfare, the City Council hereby declares the need for this ordinance to take effect immediately upon approval.

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

Section 1: Chapter 9 is hereby added to Article VIII of the Bradbury Municipal Code, Water Conservation/Waste of Water, to read as follows:

8900. Title.

This chapter shall be known as the Bradbury Water Conservation/Waste of Water Ordinance and may be cited as such.

8901. Enforcement.

Waste of water in the City is hereby prohibited and declared unlawful. It shall be the duty of the City Manager to enforce the provisions of this Chapter.

8902. Prohibitions.

Any one of the following acts shall constitute a waste of water, as the term is used in this Ordinance, and shall be prohibited at all times:

- A. The use or application of potable water to outdoor landscapes in a manner that causes unreasonable 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 use or application of potable water to driveways and sidewalks;
- D. The use or application of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

8903. Penalty for Violations.

Any act that constitutes a waste of water in violation of this Chapter shall constitute a public nuisance, shall be subject to abatement and fine.

In any prosecution charging a waste of water as proscribed in this Ordinance, the waste of water, together with proof that such waste originated at any residential property or place of business, shall constitute in evidence a prima facie presumption that the property or business owner or occupant was responsible for such waste.

Per Section 864(b) of the California Code of Regulations adopted by the SWRCB, a violation of any of the four prohibited actions shall be subject to an administrative fine up to five hundred dollars (\$500) for each day in which the violation occurs.

SECTION 2: CEQA. The City Council hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 *et seq.*), because pursuant to Section 15307 of the CEQA Guidelines, this Ordinance is categorically exempt as an action taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of this Ordinance will result in the enhancement and protection of water resources in the City, and will not result in cumulative adverse environment impacts. Further, pursuant to Section 15308 of the CEQA Guidelines, this Ordinance is categorically exempt as an action taken to assure the maintenance, restoration, enhancement, or protection of the environment.

SECTION 3: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the 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 adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4: The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published and/or posted in accordance with law.

SECTION 5: This Ordinance is enacted for the immediate preservation of the public peace, health or safety, contains a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the city council. Therefore, in accordance with California Government Code section 36937 (b) this Ordinance shall take effect immediately upon adoption. This ordinance shall expire as of April 25, 2015 unless extended by the City Council.

PASSED, APPROVED, AND ADOPTED this 19th day of August, 2014.

Richard Barakat

Richard Barakat

MAYOR

ATTEST:

I, Claudia Saldana, City Clerk of the City of Bradbury, do hereby certify that the foregoing ordinance, being Ordinance No. 337, was duly passed by the City Council of the City of Bradbury, signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of the City Council held on the 19th day of August, 2014, that it was duly posted and that the same was passed and adopted by the following vote:

AYES: Mayor Barakat, Mayor Pro-Tem Hale, Council members Lewis, Lathrop and Pycz
NAYS: None
ABSENT: None

Claudia Saldana

Claudia Saldana

CITY CLERK

APPROVED AS TO FORM:

Cary S. Reisman

CITY ATTORNEY