

URGENCY ORDINANCE NO. 341

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY,
CALIFORNIA AMENDING ARTICLE VIII CHAPTER 11 TO THE BRADBURY
MUNICIPAL CODE PROHIBITING THE WASTE OF WATER IN THE
CITY OF BRADBURY (Water Conservation)
(BRADBURY MUNICIPAL CODE ARTICLE VIII CHAPTER 11)
AND AMENDING CHAPTER 9.06.095.080 E**

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, On April 1, 2015, Governor Brown issued a drought emergency Executive Order that directed the State Water Board to impose restrictions on urban water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February 2016; and

WHEREAS, On May 5, 2015, the State Water Resources Control Board (SWRCB) adopted emergency regulations that formally implemented the framework for achieving a 25 percent reduction in water use Statewide; 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.

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

Section 1: Chapter 11 is hereby added to Article VIII of the Bradbury Municipal Code, Water Conservation/Waste of Water to read as set forth herein:

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 or excessive and unauthorized use 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 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 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.
- E. The use or application of potable water to outdoor landscapes during and within the 48 hours after measurable rainfall.
- F. The irrigation with potable water of ornamental turf on public street medians
- G. The irrigation with potable water of landscapes outside newly constructed homes and building in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and Department of Housing and Community Development.

8903. Violations of Penalty.

Any act that constitutes a waste of water in violation of this Chapter shall constitute a public nuisance and shall be subject to abatement in the manner and subject to citation. In any prosecution charging a waste of water or excessive and unauthorized use of water as set forth in this Ordinance, the waste of water or excessive and unauthorized use of water, together with proof that such waste originated at any residence or place of business, shall constitute in evidence a prima facie presumption that the owner, or occupant for the time being of such residence or place of business, was responsible for such waste.

Per Section 864(b) of the California Code of Regulations adopted by the Water Board a violation of any of the four prohibited actions is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

SECTION 2: Chapter 9.06.095.080 E shall be amended to include the following

9.06.095.080 Implementation.

E. Water Management Plan shall include:

- 3. The anticipated water requirements in inches per year, and water budget for the various hydrozones identified in the Landscape Concept Plan, including calculations demonstrating an overall water budget that requires



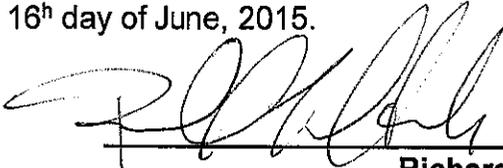
irrigation of no more than the 0.7 .55 of the ET adjustment factor and .45 for Special Landscape areas.

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 as to the adoption of this ordinance and shall cause the summary thereof to be published immediately as of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the office of the City Clerk.

SECTION 5: As a result of State action and that Governor Brown has declared the State of California to be in a drought emergency. Wasting water will result in an adverse impact on the availability of adequate water to service needs of all citizens within the City. Wasteful water practices prove 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.

PASSED, APPROVED, AND ADOPTED this 16th day of June, 2015.



Richard Hale
MAYOR

ATTEST:

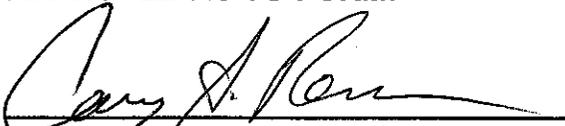
I, Claudia Saldana, City Clerk of the City of Bradbury, do hereby certify that the foregoing ordinance, being Ordinance No. 341, was duly passed by the City Council of the City of Bradbury, signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of the City Council held on the 16th day of June, 2015, that it was duly posted and that the same was passed and adopted by the following vote:

AYES: Mayor Hale, MPT Lewis, Council members Lathrop,
NAYS: None Rycz and Barakat
ABSENT: None



Claudia Saldana
CITY CLERK

APPROVED AS TO FORM:



Cary S. Reisman
CITY ATTORNEY