

ORDINANCE NO 14-01

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WESTMORLAND, CALIFORNIA PROHIBITING WASTEFUL USE OF WATER
AND ESTABLISHING RESTRICTIONS ON WATER USE AMENDING SECTION 12
OF ORDINANCE 04-03

The City Council of the City of Westmorland, California, does hereby ordain as follows:

Section 1: Section 12 of City Ordinance 04-03 is hereby amended to read as follows:

FINDINGS: On April 25, 2014, California State 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. The executive order included findings that the continuous severe drought conditions present urgent challenges across the state including water shortages in communities and for agricultural production, increased wildfires, degraded habitat for fish and wildlife, threat of saltwater contamination and additional water scarcity if drought conditions continue into 2015. The National Integrated Drought Information System reported that nearly 80% of the state was reported to be under "extreme" drought conditions at the end of June 2014. In response thereto, the State Water Resources Control Board ("SWRCB") adopted Resolution No. 2014-0038 establishing emergency regulations for statewide urban water conservation.

The City Council of the City of Westmorland finds that in order to best address the mandates of the SWRCB Resolution and thereby preserve the public peace, health and safety, it should enact an ordinance on an urgency basis to address the drought conditions.

Section 2. Regulations Prohibiting Wasteful Use of Water and Restrictions on Water Use

It is hereby resolved by the City Council that in order to conserve the City's water supply for the greatest public benefit and to reduce the quantity of water used by the City's customers, that wasteful use of water should be eliminated. Customers of the City shall observe the following regulations and restrictions on water use:

1. No customer shall waste water. As used herein, the term "waste" means:
 - a. Use of potable water to irrigate turf, ground-cover, shrubbery, crops, vegetation, and trees or in such a manner as to result in runoff for more than five (5) minutes. How to conserve water: Keep grass at least two inches high to shade roots and hold moisture. Use mulch around plants to reduce evaporation. Water trees slowly, deeply and infrequently to encourage deep rooting.
 - b. Use of potable water in outdoor landscapes in a manner that causes runoff to non-irrigated areas, public walkways, roadways, parking lots, structures or an adjacent property. How to conserve water: Adjust sprinkler or sprinkler system timing so that there is no runoff onto the sidewalks or streets.
 - c. The application of potable water to driveways and sidewalks, except to protect public health and safety. How to conserve water: Use a broom to clean your driveway, walks and patios.
 - d. Allowing potable water to escape from breaks within a Customer's plumbing system for more than twenty-four hours after the Customer is notified or discovers the break;

- e. Washing vehicles by hose without a shutoff nozzle, except to wash such vehicles at commercial or fleet vehicle washing facilities using water recycling equipment. How to conserve water: Use a hose with a shut-off nozzle when washing your car.
 - f. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculation system. How to conserve water: Verify your fountain or water feature has a recirculation water system or install one.
2. The following restrictions are effective during a declared Water Shortage Emergency:
- a. No restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale, shall serve drinking water to any customer unless requested.
 - b. Use of potable water for construction, compaction, dust control, street or parking lot sweeping, building wash down where non-potable water is sufficient.
 - c. Use of potable water for sewer system maintenance or fire protection training without prior approval by the City Council.
 - d. Use of potable water for any purpose in excess of the amount allocated per the Water Shortage Rationing Allocation Method.
 - e. Other restrictions may be necessary during a declared Water Shortage Emergency, to safeguard the adequacy of the water supply for domestic, sanitation, fire protection, and environmental requirements.

Enforcement: Any Customer violating the regulations and restrictions on water use set forth in this section shall receive a written warning notice for the first such violation of a given prohibition. Thirty (30) days shall be provided for corrective measures to be achieved. Upon a second violation, the customer shall receive a final written warning notice. Any violation occurring subsequent to the issuance for the second written warning notice shall constitute an infraction issued by the Chief of Police or his/her designee as follows:

- First Offense – Verbal Warning or Door Hanger
- Second Offense – Written Warning
- Third Offense - \$100.00 fine
- Fourth Offense - \$250.00 fine
- Fifth Offense and On - \$500.00 Fine per daily offense

Penalty for Violation: Any person, firm, partnership, association, corporation or political entity violating or causing or permitting the violation of any of the provisions of this section or providing false information to the City in response to City's requests for information needed by the City to calculate consumer water allotments shall constitute an infraction. Each separate day or portion thereof in which any violation occurs or continues without a good faith effort by the responsible party to correct the violation shall constitute a separate offense, and upon conviction thereof, shall be separately punishable.

Remedies/Cumulative: The remedies available to the City to enforce this ordinance are in addition to any other remedies available under the City's code or any state statutes or regulations, and do not replace or supplant any other remedy, but are cumulative.

Sunset: This ordinance shall sunset and be of no further force or effect on April 25, 2015, unless the City Council extends or otherwise changes its term.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WESTMORLAND, CALIFORNIA, DOES HEREBY DECLARE AS FOLLOWS:

1. That the City Council does hereby approve water conservation measures identified as Exhibit "A".
2. That the Public Works Supervisor may revise the Water Conservation Plan as necessary to remain in compliance with State regulations.
3. That the Public Works Supervisor and Chief of Police and their designees are designated as the water officials for the City of Westmorland and are hereby authorized to implement stepped fines listed under enforcement for noncompliance with water conservation measure identified as Exhibit "A" in accordance with the City's code enforcement procedures.

Section 3: Effective Date. This ordinance is adopted on an urgency basis and shall be effective immediately upon adoption. Prior to the expiration of fifteen (15) days from the passage thereof, this ordinance shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of Westmorland, California, held on the 20th day of August 2014.

/s/Lawrence Ritchie
Lawrence Ritchie, Mayor

ATTEST:

/s/Sally Traylor
Sally Traylor, City Clerk

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) SS
CITY OF WESTMORLAND)

Introduction and Adoption

I, Sally Traylor, City Clerk of the City of Westmorland, California, **DO HEREBY CERTIFY**, that the foregoing Ordinance No. 14-01 was approved for adoption by the City Council of the City of Westmorland as an urgency ordinance at a regular meeting held on the 20th day of August 2014, and that it was so adopted by the following vote:

Ayes 5 Noes 0 Absent 0

/s/Sally Traylor
Sally Traylor, City Clerk

AYES: BELTRAN, BRUMMETT, GRAHAM, SMITH AND RITCHIE
NAYES: NONE
ABSENT: NONE
ABSTAIN: NONE

MOTION CARRIED 5-0

Date Posted: August 21, 2014

/s/ Sally Traylor
Sally Traylor, City Clerk

This is a true and correct copy of Ordinance No. 14-01. This Ordinance No. 14-01 was posted pursuant to law.

EXHIBIT "A"

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 a state or federal 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.

Recommendations: Landscaping is a major consumer of residential water. What can you do to reduce outside water consumption without sacrificing an attractive landscape?

- a. Water in the early morning or late evening hours. If you sprinkle your lawn under the hot midday sun, you'll lose as much as 30 percent of your water to evaporation.
 - b. Several short watering sessions are better than a single long one. Lawns can only absorb water so fast. It's better to water your lawn for three 10-minute sessions a half-hour apart than it is to water steady for 30 minutes and waste water down the gutter.
 - c. Xeriscape. Xeriscaping is water wise landscaping that stresses proper soil preparation, efficient irrigation, and the use of water stingy plants.
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 immediate 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 recirculation system.

ADDITIONAL CONSERVATION MEASURES:

1. Check for leaks: Dripping faucets and leaky toilets account for a large portion of home water waste. Check your faucets and toilets to see if they are leaking.
 - **Faucets:** Repair all leaks, or if you feel uncomfortable with do it yourself repairs, call a plumber. In the long run, the water you save will pay for itself.
 - **Toilets:** To detect slow leaks, add several drops of dark food coloring into the toilet's water tank. If the water in the bowl is tinted after fifteen minutes, your toilet is leaking. If so, all it usually needs is a new toilet flapper, an easy and in-expensive repair job. The toilet is a big guzzler of indoor water. It is recommended you install an ultra-low flow (1.6 gals/flush) toilet.
2. Take short showers: Bathing is the second highest use of indoor water. Bathing also uses energy to keep the water warm. A five minute shower is usually all that's needed. Be sure to install a low-flow shower head.
3. Run the dishwasher and washing machine only when they are full.
4. Report Water Waster's to City Hall by calling 760-344-3411.