

ORDINANCE NO. 1462

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE TO IMPLEMENT EMERGENCY MANDATORY WATER CONSERVATION MEASURES

TITLE VII—PUBLIC WORKS CHAPTER 3—WATER

The City Council of the City of Arcata does ordain as follows:

Section 1: Title VII—Public Works, Chapter 3—Water, of the Arcata Municipal Code is hereby amended by the addition of the following new Section 7741.5 as follows:

SEC. 7741.5 Emergency Water Conservation Requirements.

A. Findings. The City Council for the City of Arcata finds as follows:

1. On January 17, 2014, the Governor issued a proclamation declaring a state of emergency exists in California based on severe drought conditions.
2. On April 25, 2014, the Governor issued a proclamation of a continued state of emergency based on continued drought conditions.
3. On April 1, 2015, based on continued drought conditions, the Governor issued an Executive Order directing the State Water Resources Control Board (“State Board”) to develop regulations that impose restrictions on water service suppliers to achieve statewide a 25 percent reduction in potable urban usage through February 28, 2016; to require commercial industrial, and institutional users to implement water efficiency measures; to prohibit irrigation with potable water of ornamental turf in public street medians; and to prohibit irrigation outside newly constructed homes and buildings with potable water that is not delivered by microspray systems.
4. On May 7, 2015, the State Board adopted amendments to prior State Board emergency water conservation regulations to implement the Governor’s April 1, 2015 Executive Order (“Emergency Regulation”).
5. Pursuant to the Emergency Regulation, the City of Arcata must require its water customers to implement specific statewide water conservation measures, and, additionally, must reduce the City’s residential gallons per capita day (R-GPCD) water usage by eight percent (8%) for each month as compared to water usage in the same month of 2013, effective June 1, 2015;
6. This ordinance is intended to implement the State Board’s Emergency Regulation and provide notice to the City’s water customers about the applicable prohibitions and restrictions that are in effect.

B. Mandatory Water Conservation Measures. To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need, to comply with a term or condition in a permit issued by a state or federal agency, or if pursuant to specific water conservation policy adopted by resolution of the City Council:

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 application of potable water to outdoor landscapes and turf during and within 48 hours after measurable rainfall.
3. The application of potable water to outdoor ornamental landscapes and turf more than four days per calendar week except for commercial nurseries.
4. The application of potable water to outdoor landscapes and turf between the hours of 10 a.m. and 6 p.m.
5. The application of potable water to outdoor landscapes and turf by hose; 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 or to meet the initial watering requirements of newly planted landscaping and newly seeded lawns.
6. The irrigation with potable water of ornamental turf on public street medians except where necessary to protect trees.
7. The irrigation with potable water of landscapes outside of newly constructed homes and building in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.
8. 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.
9. The application of potable water to hard surfaces including, but not limited to, driveways, sidewalks, patios, parking lots, streets, or similar surfaces except as necessary by the City for street sweeping and to otherwise protect the public health or safety.
10. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.
11. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.

12. The failure of hotel and motel operators to prominently display in each guest room using clear and easily understood language a notice of the option for guests to choose not have towels and linens laundered daily.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15269(c), specific action necessary to prevent or mitigate an emergency, and Section 15307 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, actions by regulatory agencies for the protection of natural resources.

Section 4: Due to the ongoing statewide drought, there exists a current and immediate threat to the public health, safety, and welfare requiring immediate implementation of the State Board's Emergency Regulation for the immediate preservation of the public peace, health, and safety. Pursuant to Government Code Section 36937(b), this ordinance will take effect immediately upon adoption.

Section 5. This ordinance shall expire without additional action of the City Council on February 28, 2016.

DATE: June 17, 2015

ATTEST:

/s/ Bridget Dory
City Clerk, City of Arcata

APPROVED:

/s/ Michael Winkler
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1462**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California on the 17th day of June, 2015, by the following vote:

AYES: WINKLER, PITINO, ORNELAS, PEREIRA, WHEETLEY

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

/s/ Bridget Dory
City Clerk, City of Arcata