

ORDINANCE NO. 2849

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING CHAPTER 40 OF TITLE 14 OF THE GARDEN GROVE MUNICIPAL CODE TO REFLECT RECENT CHANGES IN STATE LAW REGARDING WATER CONSERVATION AND AMENDING SECTIONS 14.08.090 AND 14.20.020 OF TITLE 14 OF THE GARDEN GROVE MUNICIPAL CODE TO UPDATE OUTDATED PROVISIONS

City Attorney Summary

This Ordinance amends and updates the City's current Water Conservation Program provisions in Chapter 40 of Title 14 of the Garden Grove Municipal Code to ensure consistency with new State-mandated water conservation regulations. This Ordinance also makes minor amendments to Sections 14.08.090 and 14.20.020 of the Garden Grove Municipal Code pertaining to the installation of private fire protection services and to the cross-connection control program, respectively, to update outdated provisions to conform to the City's existing practices.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, this Ordinance is enacted pursuant to Section 375 of the California Water Code, and Sections 37100 and 38742 of the California Government Code;

WHEREAS, Article X, Section 2 of the California Constitution and Section 100 of the California Water Code provide that, because of the conditions prevailing in this State, the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such water is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare;

WHEREAS, the protection, conservation and management of local and imported water supplies is one of the main functions of the City as a domestic water purveyor, and the City has the power to perform all acts necessary to carry out fully the provisions of California Water Code Section 375, to establish rules and regulations for the distribution and use of water, and undertake a water conservation program to promote efficient water use and reduce water waste;

WHEREAS, wasteful water use practices constitute a potential threat to, and an unacceptable diminution of, the City's water supplies;

WHEREAS, the prevention of water waste is an economically and environmentally feasible way to protect, conserve and prevent unacceptable diminution of the City's water supplies;

WHEREAS, outdoor water use is a primary source of urban runoff, which flows onto the streets, then through storm drains to the beaches and contaminates seawater; it is therefore in the public interest to promote practices that increase water use efficiency, reduce or eliminate runoff;

WHEREAS, contamination, drought or failure of the water system infrastructure may lead to a potable water shortage emergency in the City's water supplies;

WHEREAS, on July 14, 2009, the City Council adopted Ordinance No. 2751 establishing the City's current Water Conservation Program;

WHEREAS, the Governor has declared a state of emergency in response to the State of California's severe drought conditions;

WHEREAS, on July 15, 2014, the State Water Resources Control Board adopted emergency regulations imposing requirements on urban water suppliers to prohibit certain types of water use;

WHEREAS, it is necessary and appropriate to update the City's current Water Conservation Program provisions to be consistent with the emergency regulations adopted by the State Water Resources Control Board;

WHEREAS, certain additional minor amendments to the existing provisions of Title 14 of the Garden Grove Municipal Code pertaining to the installation of private fire protection services and to the cross-connection control program, respectively, are also necessary in order to update outdated provisions to conform with the City's existing practices;

WHEREAS, as required by Water Code Section 375(a), a duly noticed Public Hearing regarding this Ordinance was held on November 25, 2014, and all interested persons were given an opportunity to be heard; and

WHEREAS, it is the intent of the City Council, in enacting this Ordinance, to implement the recently enacted emergency regulations mandated by the State and to provide for the public health, safety, and welfare by discouraging the wasteful use of water in this time of drought.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct and hereby incorporated herein by reference.

SECTION 2: The City Council hereby determines that this Ordinance is categorically exempt from the California Environmental Quality Act ("CEQA"; Cal.

Pub. Resources Code Section 21000 et seq.) pursuant to Sections 15301 and 15307 of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.).

SECTION 3: Subsection A. of Section 14.08.090 (Private Fire Protection) of Chapter 8 of Title 14 of the Garden Grove Municipal Code is hereby amended as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

"A. Whenever a service is installed for private fire protection, a charge shall be made for all labor, ~~fire detector check, and/or other approved devices,~~ together with all appurtenant materials and engineering plus administrative overhead costs. Such service shall be used only in case of fire or other purposes expressly provided in this Section. Use of such private fire protection service for any other purpose than provided in this Section is a misdemeanor."

SECTION 4: Subsection A. of Section 14.20.020 (Cross-Connection Control Program) of Chapter 20 of Title 14 of the Garden Grove Municipal Code is hereby amended as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

"A. To comply with the regulations of the Department of Health Services, the City Manager or his designee shall establish, and from time to time amend, rules and regulations regarding the state-mandated Cross Connection Control Program. These rules and regulations shall be in compliance with the Regulation Rules of Service, as found in Title 17 of the California Code of Regulations ~~of the State of California~~ ***and may adopt and/or incorporate all or part of the current edition of the Manual of Cross-Connection Control published by the University of Southern California.*** A copy of the rules and regulations as so adopted shall be on file with the City Clerk."

SECTION 5: Section 14.40.010 of the Garden Grove Municipal Code is hereby amended as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

"14.40.010: Application.

The provisions of this Chapter shall apply to all persons, customers, and property served by City water services. ***The provisions of this Chapter are intended to supplement any applicable federal and state laws, including but not limited to, any applicable emergency regulations promulgated by the State Water Resources Board. To the extent that federal or state laws are***

more stringent than those set forth in this Chapter, they shall control."

SECTION 6: Section 14.40.025 of the Garden Grove Municipal Code is hereby amended as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

**14.40.025: Permanent Water Conservation Requirements—
Prohibition Against Waste**

The following water conservation requirements shall be effective at all times, including, but not limited to, during the water conservation stages set forth in this Chapter, and are permanent. Violations of this Section will be considered waste and an unreasonable use of water.

1. **LIMITS ON WATERING HOURS:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 10:00 a.m. and 6:00 p.m. Pacific Time on any day, except by use of a hand-water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
2. **LIMIT ON WATERING DURATION:** Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour and weather-based controllers or stream rotor sprinklers that meet a seventy percent (70%) efficiency standard.
3. **NO WATER FLOW OR RUNOFF:** Watering or irrigating of any lawn, landscape, or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter, or ditch is prohibited.
4. **NO WASHING DOWN HARD OR PAVED SURFACES:** Washing down hard or paved surfaces, including, but not limited to, sidewalks, walkways, driveways, parking areas, tennis courts, patios, or alleys, is prohibited, except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container; a hand-held hose

equipped with a positive self-closing water shut-off device; a low-volume, high- pressure cleaning machine equipped to recycle any water used; or a low-volume high- pressure water broom.

5. ***NO WASHING VEHICLES WITH HOSE. Washing autos, trucks, trailers, boats, airplanes, and other types of mobile equipment with a hose is prohibited, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, or a low-volume, high-pressure cleaning machine equipped to recycle any water used.***
56. OBLIGATION TO FIX LEAKS, BREAKS, OR MALFUNCTIONS: Excessive use, loss, or escape of water through breaks, leaks, or other malfunctions in the water users plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected, and in no event more than seven (7) days of receiving notice from the City, is prohibited.
67. RE-CIRCULATING WATER REQUIRED FOR WATER FOUNTAINS AND DECORATIVE WATER FEATURES: Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.
78. NO INSTALLATION OF SINGLE PASS COOLING SYSTEMS: Installation of single pass cooling systems is prohibited in buildings requesting new water service.
89. NO INSTALLATION OF NON-RE-CIRCULATING SYSTEMS IN COMMERCIAL CAR WASH AND LAUNDRY OPERATIONS: Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry operations.

SECTION 7: Title 14, Chapter 40, Section 41 of the Municipal Code is hereby amended as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

"14.40.041: Stage 1 – Voluntary Conservation – Water Watch

Stage 1 applies during times of regional drought when, in the spirit of cooperation, the City desires to assist in overall water conservation

and water consumption reduction. During Stage 1, the following water conservation measures shall apply on a voluntary basis:

1. Lawn watering and landscape irrigation should be limited to once every other day, within the hours authorized in Section 14.40.025(1), except by use of a hand water shut-off nozzle or device or a drip irrigation system, as described in Section 14.40.025(2), or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
2. The washing of autos, trucks, trailers, boats, airplanes, and other types of mobile equipment should be limited to once every other day unless done at a commercial car wash. **Such washing, when allowed by this Chapter, shall be done only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, or a low-volume, high-pressure cleaning machine equipped to recycle any water used.**
3. The filling or refilling of swimming pools, spas, ponds, and artificial lakes should be limited to once every other day.
4. Restaurants should avoid serving water to their customers unless the customers specifically request it.
5. It is recommended that ornamental fountains or similar structures not be operated.
6. The use of water from fire hydrants should be limited to fire fighting, system testing, and related activities for construction activities, or for other activities necessary to maintain the public health, safety, and welfare.

SECTION 8: If any section, subsection, subdivision, sentence, clause, phrase, word, 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, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 9: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on November 25, 2014, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BEARD, JONES, NGUYEN, PHAN, BROADWATER
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE