

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew J. Fertal

From: John D.R. Clark

Dept: City Manager

Dept: Office of the City Clerk

Subj: REVISION OF MUNICIPAL  
CODE: TITLE 14

Date: February 14, 2012

OBJECTIVE:

To secure City Council approval of an ordinance revising Title 14 of the Municipal Code, pursuant to staff's omnibus revision of the code.

BACKGROUND:

As indicated in the City Council Study Session on August 25<sup>th</sup>, 2011, staff from the City Clerk's Office and the City Attorney's Office are reviewing and revising the entire Municipal Code, a task last done in 1969. In the intervening 42 years, a great many statutory and organizational references have become out-of-date. Additionally, there are some instances when operational processes have changed, or where greater efficiency and efficacy would suggest process changes.

DISCUSSION: TITLE 14

Title 14 is the part of the Municipal Code concerning water. As has been the case with most of the previous title revisions, most changes are of a clean-up nature: revising job titles, department names, conformance with actual practice, and so on. There are two substantive changes to take note of:

*1. Deletion of Sections 14.16.070 and 14.16.080*

*These two sections are being deleted in their entirety. The wasting of water and penalties arising there from are already addressed extensively in Title 14, Chapter 40, "Water Conservation Program," which is not being changed. Therefore, these two sections are redundant and may be eliminated.*

**SECTION 14.16.070: Waste of water prohibited**

*No water user shall waste any water supplied through the distribution facilities of the city of Garden Grove. The following practices constitute "waste" of water as referenced in this section: The watering of grass, lawns, ground-cover, shrubbery, open ground, crops and trees, including agricultural irrigation, in a manner or to an extent which allows a substantial quantity of excess water to run off the area being watered. Every water user is deemed to have its water distribution lines and facilities*

*under its control at all times and to know the manner and extent of its water use and excess run-off; or the escape of water through breaks or leaks within the water user's plumbing or distribution system for a period in excess of twenty-four hours within which the break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of eight hours, after the water user actually discovers the leak or break, is a reasonable time to correct the leak or break.*

**SECTION 14.16.080: Violation an infraction or misdemeanor**

*Any person violating any of the provisions of Section 14.16.070 in the first instance is guilty of an infraction. Any person violating these provisions for the second or additional instances is guilty of a misdemeanor.*

**2. Amendment of Section 14.24.020**

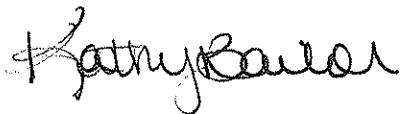
*The threshold dollar amount for City Council approval of water main extensions is proposed to be increased from \$2,000 to \$30,000. The \$2,000 amount dates to 1963, staff believes the new threshold amount will allow small extensions to be administratively processed while more significant extensions will still come to the City Council.*

**FINANCIAL IMPACT:**

None.

**RECOMMENDED ACTIONS:**

- Conduct the public hearing; and
- Introduce and conduct the first reading of the attached Ordinance amending Title 14 of the Garden Grove Municipal Code.



KATHY BAILOR, CMC  
City Clerk



JOHN D.R. CLARK  
Director/City Treasurer

Attachment: Proposed ordinance  
"Redline" version of Title 14

**Approved for Agenda Listing**



**Matthew Fertal**  
City Manager

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING TITLE 14 OF THE GARDEN GROVE MUNICIPAL CODE TO REMOVE OBSOLETE REFERENCES, TO CONFORM REFERENCES TO CURRENT CITY ORGANIZATION AND PRACTICES, TO MAKE CONSISTENT WITH RECENT CHANGES IN STATE AND FEDERAL LAWS, AND TO MAKE OTHER NON-SUBSTANTIVE CHANGES

***City Attorney's Summary***

***This Ordinance amends Title 14 of the Garden Grove Municipal Code to remove obsolete references, to conform references to current City organization and practices, to make consistent with recent changes in state and federal laws, and to make other non-substantive changes.***

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

WHEREAS, the City of Garden Grove proposes amendments to Title 14 of the Garden Grove Municipal Code, with the exception of Section 14.12.010, to remove obsolete references, to conform references to current City organization and practices, to make consistent with recent changes in State and Federal law, and to make other non-substantive changes;

WHEREAS, pursuant to a legal notice, a Public Hearing was scheduled on February 14, 2012, conducted by the City Council and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter.

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

Section 1. Code Amendment. Title 14 of the Garden Grove Municipal Code, with the exception of Section 14.12.010, is hereby amended as shown in Exhibit "A" (new text in color/underline; deleted text in color/strikeout).

Section 2. Severability. 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 3. 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.

EXHIBIT "A"

TITLE 14 OF THE GARDEN GROVE MUNICIPAL CODE

ATTACHED ON FOLLOWING PAGES