

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 35, ARTICLE II, DIVISION 3, OF THE
MOUNTAIN VIEW CITY CODE RELATING TO WATER CONSERVATION

WHEREAS, in California, water is a precious and limited resource that must be used wisely; and

WHEREAS, the State of California has been suffering from severe drought conditions and the State anticipates the drought may continue into 2016 and beyond; and

WHEREAS, on January 17, 2014, Governor Brown proclaimed a drought State of Emergency calling on local urban water suppliers and municipalities to implement their local water shortage contingency plans immediately and calling on all Californians to reduce their water usage by 20 percent; and

WHEREAS, on September 16, 2014, the City Council declared a Stage 2 Water Supply Shortage; and

WHEREAS, on April 1, 2015, Governor Brown ordered the State's first mandatory water use reduction in California history and directed the State Water Resources Control Board to impose mandatory water use reductions on urban water suppliers to achieve a 25 percent Statewide reduction; and

WHEREAS, on May 5, 2015, the State Water Resources Control Board adopted drought-related emergency regulations that require the City of Mountain View to reduce its water usage by 16 percent between June 1, 2015 and February 28, 2016, compared to 2013 levels; and

WHEREAS, outdoor water use is generally discretionary, and as an alternative to the irrigation schedule and irrigation duration limit set forth under the City Code, large landscape water customers would likely attain the water conservation sought by an irrigation schedule and irrigation duration limit by reducing their water use below their landscape water needs by the percentage determined by the director; and

WHEREAS, pursuant to the California Constitution, Article XI, Section 7; California Water Code Section 375, *et seq.*; and Chapter 35, Article II, Division 3, of the City Code, City Council is authorized to prohibit nonessential water use, minimize water waste, and conserve the City of Mountain View's water supply for the greatest public benefit.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 35, Article II, Division 3, Section 35.28.4.1, (a)(1) and (a)(2) are hereby amended to read as follows:

“SEC. 35.28.4.1 Normal supply conditions.

The following nonessential water uses are prohibited at all times and in all declared water shortage stages.

(a) Failure to repair broken or defective water systems.

(1) Use of potable water through any meter when ~~the customer has been given~~ written notice has been given by the director to repair broken or defective plumbing, sprinkler, watering or irrigation systems and has failed to effect such repairs. The failure of any customer to effect said repairs within the applicable time period after said written notification by director shall constitute grounds for immediate discontinuance of water service pursuant to Sec. 35.28.6.

(2) The time period within which ~~any customer must~~ repair shall be made of the broken or defective plumbing, sprinkler, watering or irrigation systems after receiving written notice is determined by the water supply condition as follows:
[...]

Section 2. Chapter 35, Article II, Division 3, Section 35.28.4.2, (c) is hereby amended as follows:

“Section 35.28.4.2 Stage 2 water shortage.

[...]

(c) Landscape watering and irrigation.

(1) Watering or irrigation of lawn, landscape or other vegetated area with potable water between the hours of 9:00 a.m. and 5:00 p.m. on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shutoff nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system. This subsection does not apply to irrigation stations that exclusively use drip-type irrigation systems.

(2) Watering or irrigation of lawn, landscape or other vegetated area with potable water for more than one (1) to three (3) days per week, as determined by the

director, depending on the circumstances, to achieve the targeted demand reduction pursuant to a schedule established and posted by the city. This subsection does not apply to watering or irrigating for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

(3) Watering or irrigation of lawn, landscape or other vegetated area with potable water for more than fifteen (15) minutes per day per irrigation station. This subsection does not apply to irrigation stations that exclusively use drip-type irrigation systems or high-efficiency sprinkler nozzles that have a precipitation rate of less than one (1) inch per hour, ~~very low flow, drip type systems when no emitter produces more than two (2) gallons of water per hour,~~, or watering or irrigating for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

(4) Watering or irrigation of lawn, landscape or other vegetated area with potable water during a rain event.

(5) As an alternative to compliance with (c)(2) and (c)(3) of this section, large landscape water customers with a dedicated irrigation meter and those eligible and participating in the city's Landscape Water Budget Program may elect to reduce irrigation water use below the customer's Landscape Water Budget by a percentage as determined by the director and posted by the city.

Any customer electing to comply with this alternative irrigation program shall notify the city of their election in a manner determined by the director. If the customer fails to comply with the reduction requirements for any consecutive two-month period, the customer shall be removed from participation in this alternative program and be required to comply with (c)(2) and (c)(3) of this section. After removal from the program, a customer may re-elect to participate in this alternative program, only if the customer has reduced their irrigation water use below the Landscape Water Budget by the percentage set forth above as determined by the director and posted by the city for a consecutive two-month period.

(d) Decorative water features. Use of potable water in decorative water features except as needed to maintain aquatic life.

[...]"

Section 3. Chapter 35, Article II, Division 3, Section 35.28.5.1, is hereby amended to read as follows:

“SEC. 35.28.5.1. Exceptions.

Written applications for an exception to the provisions of this division shall be made to the director. A written determination will be made on all requests for exceptions within ten (10) business days from receipt of an application for an exception and mailed to the applicant.

The director's determination shall consider the following criteria:

(a) Whether ~~the customer had previously adopted~~ all practical water conservation measures have been previously adopted; [...]"

Section 4. The provisions of this ordinance shall be effective upon adoption pursuant to Water Code Section 375 and shall be published in conformance with Water Code Section 376(a) and the City's Charter.

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 6. This ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061 (b)(3) because it can be seen with certainty that the amendments of the City's water conservation and shortage provisions will not have a significant adverse effect on the environment.

NW/5/ORD
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