

STAFF REPORT
City of Lancaster, California

CC 5
07/22/08
MVB

Date: July 22, 2008

To: Mayor Parris and City Council Members

From: Geri K. Bryan, CMC, City Clerk

Subject: **Consideration of Adoption of Urgency Ordinance No. 905**

Recommendation:

Adopt **Urgency Ordinance No. 905**, an ordinance of the City Council of the City of Lancaster, California adding Chapter 8.48 to Title 8 of the Lancaster Municipal Code which prohibits the wasting of water.

Fiscal Impact:

None.

Background:

At the July 8, 2008 meeting, the City Council approved the introduction of Urgency Ordinance No. 905 by the following vote:

AYES: Council Members: Mann, Marquez, Sileo, Vice Mayor Smith, Mayor Parris
NOES: None
ABSTAIN: None
ABSENT: None

Attachment:

Urgency Ordinance No. 905

URGENCY ORDINANCE NO. 905

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF LANCASTER, CALIFORNIA ADDING
CHAPTER 8.48 TO THE LANCASTER MUNICIPAL CODE
PROHIBITING THE WASTE OF WATER IN THE CITY OF
LANCASTER

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 8.48 is hereby added to Title 8 of the Lancaster Municipal Code to read as set forth in Exhibit A attached hereto and incorporated herein by reference.

Section 2. That the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

Section 3. As a result of State action and a federal court order the pumping of water from the State Water Project and Central Valley Project has been substantially reduced. Governor Schwarzenegger has declared portions of the state to be in drought emergencies. Wasting water will result in an adverse impact on the availability of adequate water to service needs of all citizens within the City. Summer months are a time of maximum water usage. Wasteful water practices prove a threat to the public health, safety and welfare and require immediate action to curb such practices. In order to protect the public health, safety and welfare, the City Council hereby declares the need for this ordinance to take effect immediately upon approval.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, including Exhibit "A", is held for any reason 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 of the City of Lancaster hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing urgency ordinance was regularly introduced and placed upon its first reading on the 8th day of July, and placed upon its second reading and adopted at a regular meeting of the City Council on the ____ day of _____, 2008 by the vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss
CITY OF LANCASTER }

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Urgency Ordinance No. 905, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)

URGENCY ORDINANCE NO. 905

EXHIBIT A

ADDITION OF CHAPTER 8.48 TO THE LANCASTER MUNICIPAL CODE

Section. 8.48.010. Waste of water or excessive and unauthorized use of water in the City is hereby prohibited and declared unlawful.

Section 8.48.020. Definitions:

A. Customer - any person who is an owner, occupant, or user of real property to which water is supplied by a public water system. Customer shall also mean any person who uses water supplied by a public water system, or to any person who is billed for the supply of water from a public water system, or to any person who is responsible for or otherwise has the right or permission to utilize the supply of water provided by a public water system.

B. Person - any natural person, any group of persons, any firm, partnership, association, corporation, company, public agency or any other organization or entity.

C. Public water utility - the term “public water utility” as herein used shall mean and embrace all corporations, companies, individuals, associations, their lessees, trustees or receivers, that now or may hereafter own, operate, or control any plant or equipment, or any part of a plant or equipment within the City for the production, delivery, or furnishing for or to other persons, firms, associations or corporations, partly or wholly, from an artesian well or wells, or imported water sources water for business, manufacturing, agricultural, domestic or household use.

D. Public water system - any network of pipes, conduits, wells, machinery, reservoirs, holding tanks, and any other components, including any combination thereof, which supplies water to customers who are charged a fee of any kind or nature for such service, or which is designed to supply or is capable of supplying water to customers for a fee at two or more dwellings, buildings, structures, or lots.

E. Recycled water – highly treated effluent from any sewage treatment plant operated by a governmental or private entity.

F. Water - all water, including wastewater and recycled water, supplied to any customer who uses water.

G. Water supply shortage – durations of time when water supplies are not available to meet normal water demand as during periods of drought or natural disaster.

Section 8.48.030. Any one of the following acts shall constitute a waste of water, as the term is used in this Ordinance, and shall be prohibited at all times:

A. Permitting a hydrant, tap, cock, or valve connected with any water system belonging to any public utility, to leak into the ground or into any sink, bowl, toilet, or tub connected with a sewer or cesspool, or permitting water to drain from a person's premises into any street, alley, or road, after the person permitting the same has been notified to remedy such leak or to prevent such draining by any public officer, or an agent of any public utility, as hereinafter defined.

B. Permitting water from any water system belonging to any public utility to flow from any hose, tap, valve, hydrant, pipe, or cock directly into any gutter, storm water drain, sewer or cesspool for two minutes or longer without first putting such water to a beneficial use.

C. Permitting water to leak from any water main in a water system belonging to any public utility for an unreasonable length of time.

D. Allowing runoff into streets, gutters or other paved areas, from irrigating landscaped improvements, whether because of broken or misdirected sprinkler systems, to persist for more than two minutes total duration.

E. Irrigating lawns and / or landscaped improvements between 10:00 AM and 10:00 PM except from October 31 through the following March 1.

F. Washing vehicles with a free running hose where the water is allowed to run into the street, gutter or storm water drain. Hoses that are fitted with operable on/off nozzles or washing vehicles solely using a bucket are permissible.

G. Washing, cleaning or hosing down buildings, driveways, patios, parking lots, sidewalks, alleys, etc., provided this subsection shall not prohibit the washing of windows.

H. Allowing water, at or as a result of its point of use, to pond deeper than one-quarter inch on any paved or unpaved surface. This section shall not apply to swimming pools, fountains or other similar decorative or recreational water features.

Section 8.48.040. Any act that constitutes a waste of water in violation of this Chapter shall constitute a public nuisance and shall be subject to abatement in the manner provided in Chapter 8.28.

Section 8.48.050. In any prosecution charging a waste of water or excessive and unauthorized use of water as set forth in this Ordinance, the waste of water or excessive and unauthorized use of water, together with proof that such waste originated at any residence or place of business, shall constitute in evidence a prima facie presumption that the owner, or occupant for the time being of such residence or place of business, was responsible for such waste.

Section 8.48.060. Upon application of a property owner or occupant, the City Manager may grant a variance to the provisions of this Chapter.

Section 8.48.070. If any part or provision of this chapter is found to be invalid or unenforceable by a court of law, such invalidity shall not affect any other part or provision herein, and all remaining provisions of this chapter will be valid and enforceable to the fullest extent permitted by law.