

**ORDINANCE NO. O2M22-4804**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALHAMBRA, CALIFORNIA, AMENDING SECTION 15.25.090 WATER SHORTAGE PLAN II TO REFLECT STATE REQUIREMENTS**

**THE CITY COUNCIL OF THE CITY OF ALHAMBRA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1:** Findings. The City Council hereby determines that:

- A. Pursuant to the police powers delegated to it by Article XI, Section 7 of the California Constitution, the City of Alhambra (“City”) may make and enforce laws that promote the public health, safety and general welfare of its residents.
- B. California Water Code section 375 et. seq. empower any public entity which supplies water at retail or wholesale to adopt and enforce a water conservation program to reduce the quantity of water used within its service area after holding a public hearing and making appropriate findings.
- C. On March 28, 2022, the Governor issued Executive Order N-7-22 which requires each urban water supplier that has submitted a water shortage contingency plan to the State Water Resources Control Board implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level up to twenty percent (Level 2), by a date set by the State Water Resources Control Board.
- D. As directed by the Governor’s Executive Order, On April 20, 2022, the State Water Resources Control Board released a draft of proposed text of operative conservation provisions of emergency regulation; Title 23, Division 3, Chapter 3.5, Article 2, Section 996 Urban Drought Response Actions. This requires urban water suppliers to have shortage responses actions implemented by June 10, 2022.
- E. The City’s existing water shortage emergency regulations are set forth in Chapter 15.24 of the Alhambra Municipal Code. While those regulations already include many of the requirements mandated by the Emergency Regulations, there are some additional requirements that the City must implement immediately.
- F. The City considered the adoption of this urgency ordinance in accordance with Government Code § 36937 at a duly noticed public meeting on May 23, 2022, at which time it received and considered testimony from members of the public.
- G. Government Code section 36937(b) authorizes the adoption of an urgency ordinance to protect the public health, safety and welfare.
- H. The City Council hereby determines that the Alhambra Municipal Code is in need of revision to protect the public against potential negative health, safety, and welfare impacts and to address potential deficiencies in its Code associated with water shortage emergencies. Further, it is imperative that these revisions take effect immediately because of the State of Emergency that exists statewide.

I. Failure to adopt the revisions set forth in this ordinance on an urgency basis would jeopardize the public health, safety, and general welfare and would expose the City to potential fines.

**SECTION 2.** Alhambra Municipal Code Section 15.25.090 is hereby amended to be Water shortage plan II mandatory conservation as follows:

(A) No customer of the Water Division shall use or allow the use of water from the city to hose or wash sidewalks, walkways, driveways, parking areas to other paved surfaces.

(B) No customer of the Water Division shall use or allow the use of water from the city to fill or maintain levels in decorative fountains, ponds, lakes, and similar structures unless such structure is equipped with a water recycling system.

(C) No restaurant, hotel, café, or cafeteria, or other public place where food is sold, served, or offered for sale shall serve drinking water from the department unless at the request of its customers.

(D) No customer of the Water Division shall allow water from the city to leak from any facility on his premises or on premises under his control or fail to effect a timely repair of any such leak.

(E) No customer of the Water Division shall cause or allow the use of water from the city to run off any landscape areas into adjoining streets, side-walks, parking lots or alleys due to incorrectly directed or maintained sprinklers or excessive watering.

(F) No customer of the Water Division shall use a hose to wash cars, boats, trailers, buses or other vehicles, or to wash building exteriors or other hard-surfaced areas without an operating shut-off valve;

(G) No customer of the Water Division shall use or allow the use of water from the City Water Division for landscape watering more often than every three days.

(H) No customer of the Water Division shall use or allow the use of water for landscape watering between the hours of 10:00 a.m. and 5:00 p.m.

(I) No customer of the Water Division shall use or allow the use of water from the city to refill a swimming pool, spa or hot tub emptied after the commencement of a water shortage period.

(J) No customer of the Water Division shall irrigate ornamental turf on public street medians.

(K) No customer of the Water Division shall use or allow the use of water from the City Water Division for landscape watering activities within 48 hours after measurable precipitation.

(L) No customer of the Water Division shall irrigate non-functional turf at commercial, industrial, and institutional sites, unless, the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.

**SECTION 3.** Alhambra Municipal Code Section 15.25.040 is hereby amended to include; Non-functional turf. Turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and

turf that is regularly used for human recreational purposes or for civic or community events.

**SECTION 4.** This Ordinance is declared to be an urgency ordinance by authority conferred on the City Council of the City of Alhambra by Government Code Section 36937 and City Charter Section 48, and shall be in full force and effect immediately upon its adoption by a four-fifths vote of the City Council.

**SECTION 5.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid by a 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, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 6.** The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published as required by law. In addition, pursuant to Water Code section 376 and Government Code section 6061 City Clerk shall publish in a newspaper of general circulation this Ordinance within 10 days after its adoption.

PASSED, APPROVED, AND ADOPTED THIS 23<sup>rd</sup> DAY OF MAY, 2022.

/s/ Jeffrey K. Maloney  
Mayor Jeffrey K. Maloney

ATTEST:

/s/ Lauren Myles  
Lauren Myles, City Clerk

APPROVED AS TO FORM

/s/ Joseph M. Montes  
Joseph M. Montes, City Attorney

I, Lauren Myles, City Clerk of the City of Alhambra, certify Ordinance No. O2M22-4804 was adopted by the City Council at a regular meeting held May 23, 2022, by the following vote:

AYES: LEE, MAZA, PEREZ, ANDRADE-STADLER, MALONEY  
NOES: NONE  
ABSENT: NONE

/s/ Lauren Myles  
LAUREN MYLES, City Clerk