



**CITY OF HEMET
Hemet, California**

ORDINANCE NO. 1894

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF HEMET, CALIFORNIA, APPOINTING THE
CITY COUNCIL AS THE CITY'S WATER CONSERVATION
COMMISSION AND AMENDING THE WATER
CONSERVATION PLAN.**

WHEREAS, Chapter 82, Article 3, Division 3 of the Hemet Municipal Code (Water Conservation Plan) restricts activities that produce water waste and authorizes the City to implement phased water rationing when there is a water supply shortage; and,

WHEREAS, the Water Conservation Plan calls for the creation of a Water Conservation Commission, which hears appeals of citations issued for violation of the Water Conservation Plan and requests for variances from water allotments; and,

WHEREAS, due to the severe drought conditions in California, the State Water Resources Control Board (SWRCB) has adopted an Emergency Regulation requiring all urban water producers to activate the water rationing phase that restricts outdoor irrigation of ornamental landscaping and turf; and,

WHEREAS, as required by the SWRCB Emergency Regulation, the City has activated Phase 2 of the Water Conservation Plan, which aims to achieve a 25% reduction in water usage and imposes certain mandatory restrictions on water usage; and,

1 **WHEREAS**, the SWRCB has informed the City that it needs to amend its Water
2 Conservation Plan to include a restriction on watering ornamental landscapes and turf
3 to two days per week; and,

4 **WHEREAS**, the City's ability to enforce the requirements of the Water
5 Conservation Plan have been limited due to the fact that the City has not appointed a
6 Water Conservation Commission; and,

7 **WHEREAS**, constituting a Water Conservation Commission would take a
8 significant amount of time because HMC section 82-125(b) prescribes the membership
9 of the commission; and,

10 **WHEREAS**, due to the severity of the drought and the pressing need to actively
11 enforce the Water Conservation Plan, the City Council desires to appoint itself as the
12 City's Water Conservation Commission; and,

13 **WHEREAS**, Government Code section 36937 authorizes ordinances to take
14 effect immediately if they are for the immediate preservation of the public peace, health
15 or safety, contain a declaration of the facts constituting the urgency, and are passed by
16 a four-fifths vote of the city council.

17 **NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES**
18 **HEREBY ORDAIN AS FOLLOWS:**

19 **SECTION 1: APPOINTMENT OF CITY COUNCIL AS WATER CONSERVATION**
20 **COMMISSION.** The City Council hereby designates the City Council to act as the City's
21 Water Conservation Commission pursuant to Hemet Municipal Code section 82-125(b).
22 The City Council shall be vested with all of the rights and duties of the Water
23 Conservation Commission contained in Chapter 18, Article 3, Division 3 of the Hemet
24 Municipal Code.

1 **SECTION 2: AMENDMENT OF SECTION 82-128(C)(2)(C)(4) OF THE HEMET**

2 **MUNICIPAL CODE.** Section 820128(c)(2)(c)(4) of the Hemet Municipal Code is
3 amended to read as follows:

4 “Irrigation of ornamental landscaping and turf with potable water is limited to no more
5 than two days per week. Landscape irrigation is prohibited between 6:00 a.m. and 6:00
6 p.m. except for performing regular maintenance checks and repairs, watering golf
7 course greens and tees, using a hand-held hose equipped with a positive shutoff
8 nozzle, using a hand-held bucket of five gallons in capacity or less, or watering with a
9 drip irrigation system. Watering between 6:00 a.m. and 6:00 p.m. may be allowed if
10 freezing temperatures prevent irrigation at night.”

11 **SECTION 3: DECLARATION OF FACTS CONSTITUTING URGENCY.** The State of
12 California is experiencing a severe drought. The SWRCB has adopted an Emergency
13 Regulation that requires the City to activate the phase of its water conservation plan that
14 includes mandatory restrictions on watering ornamental landscaping and turf. Phase 2
15 of the City’s Water Conservation Plan includes a restriction on the time of day watering
16 of landscaping and turf may occur, but does not restrict how often such watering may
17 occur. The SWRCB has informed the City that its Water Conservation Plan must
18 include a restriction on how often watering of ornamental landscaping and turf may
19 occur. Additionally, the City has been unable to effectively enforce the requirements of
20 the Water Conservation Plan because the City does not have a Water Conservation
21 Commission as required by the Plan. The Plan requires the Water Conservation
22 Commission to consist of five members, with four members representing each of the
23 following categories of water users: single-family residential, multi-family residential,
24 mobile homes, and commercial. The City has historically had difficulty constituting
25 commissions that require the membership to represent specific sectors. Constituting a
26 Water Conservation Commission could take several months, and there is no guarantee

1 that volunteers would step forward from each of the four mandatory sectors. According
2 to the SWRCB, the City has not been meeting its water reduction targets. There is an
3 immediate need to take more active measures to meet the City's water reduction
4 targets. Therefore, the City Council is appointing itself to act as the City's Water
5 Conservation Commission so the City can more effectively enforce the Water
6 Conservation Plan and protect the public health and safety by reducing water waste and
7 overall water usage to ensure water supply for years to come.

8 **SECTION 4: CEQA.** The City has analyzed this proposed project and has determined
9 that it is exempt from the California Environmental Quality Act ("CEQA") under Section
10 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects
11 that have the potential for causing a significant effect on the environment. Where, as
12 here, it can be seen with certainty that there is no possibility that the activity in question
13 may have a significant effect on the environment, the activity is not subject to CEQA.
14 This ordinance is enacted for the immediate preservation of the public peace, health
15 and safety by appointing the City Council to serve as the Water Conservation
16 Commission. There is no change in the duties or responsibilities of the Commission.
17 Therefore, it can be seen with certainty that there is no possibility that this ordinance
18 may have a significant adverse effect on the environment, and therefore the adoption of
19 this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA
20 Guidelines.

21 **SECTION 5: SEVERABILITY.**

22 If any section, subsection, subdivision, sentence, clause, phrase, or portion of
23 this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of
24 any court of competent jurisdiction, such decision shall not affect the validity of the
25 remaining portions of this Ordinance. The City Council hereby declares that it would
26 have adopted this Ordinance, and each section, subsection, subdivision, sentence,
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1 clause, phrase, or portion thereof, irrespective of the fact that any one or more sections,
2 subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared
3 invalid or unconstitutional.

4 **SECTION 6: EFFECTIVE DATE.**

5 This Ordinance shall take effect immediately after its passage by the City Council
6 of the City of Hemet.

7 **SECTION 7: PUBLICATION.**

8 The City Clerk is authorized and directed to cause this Ordinance to be published
9 within fifteen (15) days after its passage in a newspaper of general circulation and
10 circulated within the City in accordance with Government Code Section 36933(a) or, to
11 cause this Ordinance to be published in the manner required by law using the
12 alternative summary and posting procedure authorized under Government Code
13 Section 39633(c).

14 **PASSED, APPROVED AND ADOPTED** this 27th day of January, 2015.

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17 _____
18 **Linda Krupa, Mayor**

19 **ATTEST:**

APPROVED AS TO FORM:

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21 _____
22 **Sarah McComas, City Clerk**

Eric S. Vail, City Attorney

1 State of California)
2 County of Riverside)
3 City of Hemet)

4 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the
5 foregoing Urgency Ordinance was passed, approved and adopted on the 27th day of
6 January, 2015, by the following vote:

7 **AYES: Council Members Milne, Raver and Youssef, Mayor Pro Tem Wright**
8 **and Mayor Krupa**

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT:**

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14 Sarah McComas, City Clerk
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