

**CITY OF HAWAIIAN GARDENS  
ORDINANCE NO. 529**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
COUNCIL OF THE CITY OF HAWAIIAN GARDENS,  
COUNTY OF LOS ANGELES, STATE OF CLIFORNIA,  
ESTABLISHING PERMANENT WATER CONSERVATION  
MEASURES AND ADDING CHAPTER 13.19 TO THE  
HAWAIIAN GARDENS MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES  
HEREBY ORDAIN AS FOLLOWS:

**Section 1. Purpose and Intent.**

A. The City Council desires to establish water conservation measures that will reduce water consumption within the City of Hawaiian Gardens through conservation, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City to avoid and minimize the effect and hardship of water shortages to the greatest extent possible.

B. This Ordinance establishes permanent water conservation standards intended to alter behavior related to water use efficiency for non-shortage water supply conditions.

**Section 2. Legislative Findings.**

C. A reliable minimum supply of quality potable water is essential to the public health, safety and welfare of the people and economy of the City of Hawaiian Gardens ("City").

D. Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, climate change, environmental concerns, and other factors in other parts of the State and western United States, make the region highly susceptible to water supply reliability issues.

E. Careful water management that includes active water conservation measures at all times is essential to ensure a reliable minimum supply of water to meet the City's current and future water supply needs.

F. Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.

G. The adoption and enforcement of a water conservation plan is necessary to manage the City's potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the City. A water conservation plan is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

**Section 3. CEQA Finding.** Pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), the City Council finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment because it has the effect of limiting rather than authorizing the use of water supplies and resources. Therefore, the adoption of this Ordinance is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b) (3).

**Section 4.** A new Chapter 13.19 (Water Conservation Measures) is hereby added to Title 13 (Utilities) of the Hawaiian Gardens Municipal Code to read as follows:

**CHAPTER 13.19**  
**WATER CONSERVATION MEASURES**

**Sections:**

<b>13.19.010</b>	<b>Definitions.</b>
<b>13.19.020</b>	<b>Application.</b>
<b>13.19.030</b>	<b>Authorization.</b>
<b>13.19.040</b>	<b>Permanent Water Conservation Requirements.</b>
<b>13.19.050</b>	<b>Violations; Penalties.</b>
<b>13.09.060</b>	<b>Water Conservation Hardship Waiver.</b>
<b>13.09.070</b>	<b>Revenue.</b>

**13.19.010 Definitions.**

For purposes of this Chapter, the following terms shall be defined as follows:

- (a) *City* shall mean the City of Hawaiian Gardens
- (b) *Landscape irrigation system* shall mean an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.
- (c) *Person* shall mean any natural person, corporation, public or private entity, governmental agency or institution that uses water in the City.
- (d) *Potable water* shall mean water which is suitable for drinking.
- (e) *Recycled water* shall mean the reclamation and reuse of non-potable water for beneficial use.

**13.19.020 Application.**

- (a) The provisions of this Chapter apply to persons within the City.
- (b) The provisions of this Chapter do not apply to:
  - (1) The use of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services;

(2) The use of recycled water, with the exception of section 13.19.04 (a); and,

(3) The use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.

### **13.19.030 Authorization.**

The City Administrator, through the City's various officers, departments, commissions, and agencies, is authorized and directed to implement the applicable provisions of this Chapter.

### **13.19.040 Permanent Water Conservation Requirements.**

The following water conservation requirements are effective at all times and are permanent. Violations of this section shall be considered waste and an unreasonable use of water.

(a) *Watering Frequency.* Watering or irrigating of lawn, landscape or other vegetated area with potable water more than once on any day is prohibited.

(b) *Watering Hours.* Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 10:00 a.m. and 5:00 p.m. Pacific Standard Time 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 shut-off nozzle or device, or for very short periods of time not to exceed five (5) minutes at a time for the express purpose of adjusting or repairing an irrigation system.

(c) *Watering Duration.* Watering or irrigating of lawn, landscape or other vegetated area with potable water using stream rotator-type or a gear-driven sprinkler is limited to no more than fifteen (15) minutes per day, per station, or no more than ten (10) minutes per day, per station for all other types of sprinklers. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a seventy percent (70%) efficiency standard.

(d) *Water Flow or Runoff.* Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, street, alley, gutter or ditch is prohibited. Leaving water or a water hose running is prohibited. As used in this subsection, "excessive" shall mean water flow or runoff that goes beyond the ordinary amount when watering or irrigating lawns, landscapes, or other vegetated areas. The City Administrator, through the City's various officers, departments, commissions, and agencies, shall exercise reasonable discretion in determining excessive water flow or runoff.

(e) *Washing Hard or Paved Surfaces.* Washing hard or paved surfaces, including, but not limited to, sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited, except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, or a low-volume, high-pressure cleaning machine equipped to recycle any water used.

(f) *Obligation to Fix Leaks, Breaks or Malfunctions.* Excessive use, loss or escape of water through breaks, leaks or other malfunctions in plumbing or distribution systems for a period of time after the break, leak or malfunction that should have been reasonably discovered and corrected, and in no event more than ninety-six (96) hours of receiving notice from the City, is prohibited. It shall be the duty of all persons to inspect all hoses, faucets, sprinkler systems, and plumbing or distribution systems for breaks, leaks or other malfunctions. As used in this subsection, "excessive" shall mean use, loss or escape of water through breaks, leaks or other malfunctions in plumbing or a distribution system that exceed fifty (50) gallons per day.

(g) *Re-circulating Water Required for Water Fountains and Decorative Water Features.* Operating a water fountain, pond, or other decorative water feature that does not use re-circulated water is prohibited. Legally existing non-conforming water fountains or water features may continue in existence for three (3) months following the effective date of this ordinance.

(h) *Washing Vehicles.* Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat, or trailer, whether motorized or not, is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This subsection does not apply to commercial car wash facilities.

(i) *Drinking Water in Public Eating or Drinking Establishments.* Providing drinking water to any person is prohibited by an eating or drinking establishment, including, but not limited to, a restaurant, hotel, café, cafeteria, bar, club or other public place where food or drinks are sold, served, or offered for sale, unless expressly requested by the person.

#### **13.19.050 Violations; Penalties.**

Persons found in violation of any provision of this Chapter shall be issued a Notice of Violation—Warning on the first violation. Any subsequent violation by a person for the same offense within one (1) year of the first violation shall be subject to a civil administrative fine in the amount specified in Section 1.13.070 (Civil fines, late charges – Collection of fees and costs) of this Code and as required by Chapter 1.13 of Title 1 of this Code. Administrative hearings shall be conducted within thirty (30) days after the request for hearing form is filed and the civil fine is deposited with the City or an advance Hardship Waiver is issued. Any third violation and subsequent violations by a person for the same offense within one (1) year of the first violation shall be guilty of a misdemeanor unless such offense is charged as an infraction.

#### **13.19.060 Water Conservation Hardship Waiver.**

(a) *Undue and Disproportionate Hardship.* If, due to unique circumstances, a specific requirement of this Chapter would result in undue hardship to a person or to a property upon which water is used, that is disproportionate to the impacts to persons generally or to a similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section.

(b) *Written Finding.* The waiver may be granted or conditionally granted upon the City Administrator's, or his or her designee's, written finding of the existence of facts

demonstrating an undue hardship to a person or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the person or the person's property.

(1) Application. Application for a waiver shall be submitted to the City Administrator on a form prescribed by the City and accompanied by a non-refundable processing fee in an amount set by City Council.

(2) Supporting Documentation. The application shall be accompanied by a written statement of the applicant and may be accompanied by photographs, maps, drawings, and/or other relevant information.

(3) Required Findings for Waiver. The City Administrator, or his or her designee, shall approve an application for a waiver if the City Administrator, or his or her designee, finds, based on the information provided in the application, the applicant's statement, supporting documents, or such additional information as may be requested, and on water use information for the property, all of the following:

(A) That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other persons;

(B) That because of the special circumstances applicable to the property or its use, the strict application of this Chapter would have a disproportionate impact on the property or use that exceeds the impacts to persons generally;

(C) That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City to effectuate the purpose of this Chapter and will not be detrimental to the public interest; and

(D) That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent or general in nature.

(4) Approval Authority. The City Administrator, or his or her designee, shall act upon any completed waiver application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the waiver. The City Administrator, or his or her designee, shall promptly notify the applicant in writing of any action taken. The decision shall be served by first class mail and shall be deemed served on the date the decision is deposited with the United States Postal Service. The failure of the applicant to receive a properly addressed decision shall not invalidate the City Administrator's, or his or her designee's, decision.

(c) *Appeal to City Council.* Any decision of the City Administrator, or his or her designee, conditionally approving or denying a hardship waiver application under this section, may be appealed to the City Council. A written notice of appeal, a written summary of the basis of the appeal, and any documents supporting the appeal shall be filed with the City Clerk within fourteen (14) days of the decision by the City Administrator, or his or her designee. The City Council shall hold a hearing on the appeal, and the appellant shall be given at least ten (10) days' notice of such hearing. The hearing shall be held under the rules of procedure adopted by the City Council. The City Council shall have the authority to sustain, modify, or overrule the decision of

the City Administrator, or his or her designee. The appellant shall be notified of the decision in writing and the decision shall set forth the reasons for the decision. The decision shall be served by first class mail and shall be deemed served on the date the decision is deposited with the United States Postal Service. Any decision rendered by the City Council under this section shall be final.

**13.19.070 Revenue.**

All fines and revenues collected pursuant to the penalty provisions of Chapter 1.13 of Title 1 of this Code for violations of this Chapter shall be directed to the City's general fund

**Section 5.** Ordinance No. 529 is hereby adopted.

**Section 6. Severability Clause** If any section, subsection, sentence, clause, phase, or portion of this Ordinance is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Hawaiian Gardens hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that anyone or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

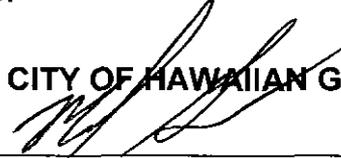
**SECTION 7. Effective date.** This Ordinance shall take full force and effect thirty (30) days after its adoption.

**SECTION 8.** The Mayor or presiding officer of the City of Hawaiian Gardens City Council is hereby authorized to affix her signature to this Ordinance signifying its adoption by the City Council of the City of Hawaiian Gardens.

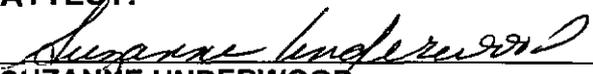
**SECTION 9.** The City Clerk, or her duly appointed Deputy, shall attest and certify as to the passage and adoption of this Ordinance and shall cause this Ordinance to be published and/or posted within fifteen (15) days after its adoption as required by law.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Hawaiian Gardens on this 28<sup>th</sup> day of July, 2009.

CITY OF HAWAIIAN GARDENS

  
\_\_\_\_\_  
MICHAEL GOMEZ  
MAYOR

ATTEST:

  
\_\_\_\_\_  
SUZANNE UNDERWOOD  
CITY CLERK/RECORDS MANAGER

**CITY OF HAWAIIAN GARDENS  
CITY CLERK'S OFFICE  
CERTIFICATION**

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) SS  
CITY OF HAWAIIAN GARDENS )

I, Suzanne Underwood, City Clerk of the City of Hawaiian Gardens, do hereby certify that **Ordinance No. 529**, was duly and regularly introduced and placed upon its first reading at a Regular meeting of the City Council on **JULY 14, 2009**, and that thereafter, said Ordinance was duly adopted and passed at a Regular meeting of the City Council on this **28<sup>th</sup> day of JULY 2009**, by the following votes as the same appears on file and of record in the Office of the City Clerk.

**AYES:**           SCHULTZE, OYAMA-CANADA HECKERMAN, FARFAN, GOMEZ  
**NOES:**           NONE  
**ABSENT:**       NONE  
**ABSTAIN:**      NONE

  
SUZANNE UNDERWOOD  
CITY CLERK/RECORDS MANAGER



CITY OF HAWAIIAN GARDENS  
CITY COUNCIL  
STAFF REPORT

Agenda Item No. B-1  
Meeting Date 7/28/2009  
City Administrator [Signature]

CITY OF HAWAIIAN GARDENS

ACTION:

- Approved
  - Denied
  - Amended
  - Receive & File
  - Other
- 5-0*  
*7/28/2009*

**TO:** Honorable Mayor and City Council Members

**THRU:** Ernesto Marquez, City Administrator

**FROM:** Joseph Colombo, Community Development Director

**BY:** Ismile Noorbaksh, P.E., City Engineer

**DATE:** July 28, 2009

**SUBJECT:** ORDINANCE NO. 529 – SECOND READING AND ADOPTION  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
HAWAIIAN GARDENS, COUNTY OF LOS ANGELES, STATE  
OF CALIFORNIA, ESTABLISHING PERMANENT WATER  
CONSERVATION MEASURES AND ADDING CHAPTER  
13.19 TO THE HAWAIIAN GARDENS MUNICIPAL CODE

**I. SUMMARY**

The proposed Ordinance No. 529 is presented for Second reading and adoption.

The proposed ordinance establishes permanent water conservation measures in the City of Hawaiian Gardens and is in response to the Executive Order S-06-08 authorized by Governor Schwarzenegger declaring an official statewide drought on June 4, 2008. Following the Governor's action, the Metropolitan Water District's ("MWD") board of directors issued a Water Supply Alert on June 10, 2008, for its six-county service area, which includes the City of Hawaiian Gardens, urging local jurisdictions to adopt and implement water conservation ordinances and to significantly increase efforts and programs to conserve water.

**II. DISCUSSION**

The proposed ordinance is based on Metropolitan Water District (MWD) of Southern California's Model Water Conservation Ordinance and measures from the County of Los Angeles, the City of Long Beach and other cities.

The proposed Water Conservation Ordinance imposes permanent water conservation measures adding to the City Code Chapter 13.19 to provide for definitions, waiver and remedial provisions which are as follows:

- Watering lawns and landscapes more than once on any day is prohibited;
- Watering lawns and landscapes is prohibited between the hours of 10:00 a.m. and 5:00 p.m., except by use of a hand-held bucket, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time not to exceed five (5) minutes for the express purpose of adjusting or repairing an irrigation system;
- Watering lawns and landscapes using stream rotator-type or gear-driven sprinklers is limited to 15 minutes per day, per station. Watering lawns and landscapes using all other types of sprinklers is limited to 10 minutes per day. This restriction does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard;
- Watering lawns or landscapes in a manner that causes excessive water flow or runoff onto adjoining sidewalks, driveways, streets, alleys, gutters, or ditches is prohibited;
- Washing hard or paved surfaces is prohibited, except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket, a hand-held hose equipped with a positive self-closing water shut-off device, or a low-volume, high-pressure cleaning machine equipped to recycle any water used;
- Excessive use, loss or escape of water through breaks, leaks or other plumbing or distribution system malfunctions for a period time after the break, leak, or malfunction should have been reasonably discovered and corrected, or in no event more than 48 hours after receiving notice from the City, is prohibited. Water users have an affirmative duty to inspect all hoses, faucets, sprinkler systems, and plumbing or distribution systems for breaks, leaks and malfunctions. As used in this subsection, "excessive" shall mean use, loss or escape of water through breaks, leaks or other malfunctions in plumbing or distribution systems that exceeds fifty (50) gallons per day;
- Operating a decorative water feature that does not use re-circulated water is prohibited after three months following the effective date of the ordinance;
- Washing vehicles is prohibited, except by use of a hand-held bucket or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This restriction does not apply to commercial car wash facilities;
- Providing drinking water, unless expressly requested by customers, is prohibited by eating and drinking establishments. Additionally, if, due to

unique circumstances, a specific water conservation requirement would result in undue hardship to a water user, that is disproportionate to the impacts to water users generally, then the water user may apply for a hardship waiver to the specific water conservation requirement. The City Administrator, or his or her designee, must approve an application for a waiver if the City Administrator, or his or her designee, makes certain specified findings, based on the information provided in the waiver application, the applicant's statement, supporting documents, or such additional information as may be requested, and on water use information for the subject property. A decision of the City Administrator, or his or her designee, conditionally approving or denying a hardship waiver application may be appealed to the City Council. Any decision rendered by the City Council will be final.

The penalty provisions of Chapter 13.19 of Title 1 of the Municipal Code apply to violations of the Water Conservation Plan. First time violators of any provision of the Water Conservation Plan will be issued a warning prior to issuance of a notice of violation and the imposition of civil fines. The proposed ordinance provides that all fines and revenues collected pursuant to the penalty provisions of Chapter 2 of Title 1 of the Municipal Code are to be directed to the City's general fund. Any third violation and subsequent violations by a person for the same offense within one (1) year of the first violation shall be guilty of a misdemeanor unless such offense is charged as an infraction.

### **III. FISCAL IMPACT**

Monitoring the compliance of the Water Conservation Measures would require Code Enforcement Officer to devote additional time to his daily working hours. The amount of additional time, "hour," needed is unknown at this time.

### **IV. RECOMMENDATION**

Staff respectfully recommends that the City Council waive further reading, read by title only, conduct the second reading and adopt Ordinance No. 529.



CITY OF HAWAIIAN GARDENS  
CITY COUNCIL  
STAFF REPORT

Agenda Item No. B-2

Meeting Date 7/14/2009

City Administrator *[Signature]*

CITY OF HAWAIIAN GARDENS

ACTION:

Approved  
 Denied  
 Amended  
 Receive & File  
 Other

TO: Honorable Mayor and City Council Members

THRU: Ernesto Marquez, City Administrator

FROM: Joseph Colombo, Community Development Director

BY: Ismile Noorbaksh, P.E., City Engineer

DATE: July 14, 2009

VOTE: *5-0*

DATE: *7/14/2009*

SUBJECT: **ORDINANCE NO. 529, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS ESTABLISHING PERMANENT WATER CONSERVATION MEASURES AND ADDING CHAPTER 13.19 TO THE HAWAIIAN GARDENS MUNICIPAL CODE**

**I. SUMMARY**

The proposed Ordinance No. 529 is presented for first reading and introduction. The proposed ordinance establishes permanent water conservation measures in the City of Hawaiian Gardens and is in response to the Executive Order S-06-08 authorized by Governor Schwarzenegger declaring an official statewide drought on June 4, 2008. Following the Governor's action, the Metropolitan Water District's ("MWD") board of directors issued a Water Supply Alert on June 10, 2008, for its six-county service area, which includes the City of Hawaiian Gardens, urging local jurisdictions to adopt and implement water conservation ordinances and to significantly increase efforts and programs to conserve water.

**II. DISCUSSION**

The proposed ordinance is based on Metropolitan Water District (MWD) of Southern California's Model Water Conservation Ordinance and measures from the County of Los Angeles, the City of Long Beach and other cities.

The proposed Water Conservation Ordinance imposes permanent water conservation measures adding to the City Code Chapter 13.19 to provide for definitions, waiver and remedial provisions which are as follows:

- Watering lawns and landscapes more than once on any day is prohibited;

- Watering lawns and landscapes is prohibited between the hours of 10:00 a.m. and 5:00 p.m., except by use of a hand-held bucket, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time not to exceed five (5) minutes for the express purpose of adjusting or repairing an irrigation system;
- Watering lawns and landscapes using stream rotator-type or gear-driven sprinklers is limited to 15 minutes per day, per station. Watering lawns and landscapes using all other types of sprinklers is limited to 10 minutes per day. This restriction does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard;
- Watering lawns or landscapes in a manner that causes excessive water flow or runoff onto adjoining sidewalks, driveways, streets, alleys, gutters, or ditches is prohibited;
- Washing hard or paved surfaces is prohibited, except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket, a hand-held hose equipped with a positive self-closing water shut-off device, or a low-volume, high-pressure cleaning machine equipped to recycle any water used;
- Excessive use, loss or escape of water through breaks, leaks or other plumbing or distribution system malfunctions for a period time after the break, leak, or malfunction should have been reasonably discovered and corrected, or in no event more than 48 hours after receiving notice from the City, is prohibited. Water users have an affirmative duty to inspect all hoses, faucets, sprinkler systems, and plumbing or distribution systems for breaks, leaks and malfunctions. As used in this subsection, "excessive" shall mean use, loss or escape of water through breaks, leaks or other malfunctions in plumbing or distribution systems that exceeds fifty (50) gallons per day;
- Operating a decorative water feature that does not use re-circulated water is prohibited after three months following the effective date of the ordinance;
- Washing vehicles is prohibited, except by use of a hand-held bucket or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device. This restriction does not apply to commercial car wash facilities;
- Providing drinking water, unless expressly requested by customers, is prohibited by eating and drinking establishments. Additionally, if, due to unique circumstances, a specific water conservation requirement would result in undue hardship to a water user, that is disproportionate to the impacts to water users generally, then the water user may apply for a hardship waiver to the specific water conservation requirement. The City Administrator, or his or her designee, must approve an application for a waiver if the City Administrator, or his or her designee, makes certain specified findings, based

on the information provided in the waiver application, the applicant's statement, supporting documents, or such additional information as may be requested, and on water use information for the subject property. A decision of the City Administrator, or his or her designee, conditionally approving or denying a hardship waiver application may be appealed to the City Council. Any decision rendered by the City Council will be final.

The penalty provisions of Chapter 13.19 of Title 1 of the Municipal Code apply to violations of the Water Conservation Plan. First time violators of any provision of the Water Conservation Plan will be issued a warning prior to issuance of a notice of violation and the imposition of civil fines. The proposed ordinance provides that all fines and revenues collected pursuant to the penalty provisions of Chapter 2 of Title 1 of the Municipal Code are to be directed to the City's general fund. Any third violation and subsequent violations by a person for the same offense within one (1) year of the first violation shall be guilty of a misdemeanor unless such offense is charged as an infraction.

### **III. FISCAL IMPACT**

Monitoring the compliance of the Water Conservation Measures would require Code Enforcement Officer to devote additional time to his daily working hours. The amount of additional time, "hour," needed is unknown at this time.

### **IV. RECOMMENDATION**

Staff respectfully recommends that the City Council waive further reading, read by title only, conduct the first reading and introduce Ordinance No. 529.