

## **ORDINANCE NO. 2023-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLITS, CALIFORNIA, ADDING A NEW CHAPTER 17.59 TO THE CITY OF WILLITS MUNICIPAL CODE WHICH ADOPTS BY REFERENCE THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE.**

**WHEREAS**, California's extreme droughts have emphasized the necessity for increased conservation in water usage; and

**WHEREAS**, in September 2009, the state adopted the Water Conservation in Landscaping Act of 2006 (AB 1881) and as of January 1, 2010, all local jurisdictions in California are required to implement this law, with the aim of reducing water consumption by landscaping; and

**WHEREAS**, Governor Brown's Drought Executive Order of April 1, 2015 (EO B-29-15) directed the Department of Water Resources to update the State's Model Water Efficient Landscape Ordinance (MWELO) through expedited regulation; and

**WHEREAS**, the California Water Commission approved the revised MWELO Ordinance on July 15, 2015; and

**WHEREAS**, all cities and counties are required to either adopt updated MWELO or, by December 1, 2015, adopt their own water efficient landscape ordinance which is at least as effective in conserving water as the MWELO; and

**WHEREAS**, the City implemented the MWELO by default and did not expressly adopt it in 2010; and

**WHEREAS**, the City of Willits is required to amend Willits Municipal Code (WWMC) to reference the State's MELO, which is found at Sections 490—495 of Chapter 2.7, Division 2, Title 23, of the California Code of Regulations; and

**WHEREAS**, the City Council of the City of Willits, at its regular meeting of November 8, 2023 held a public hearing, reviewed, discussed and approved introduction of the proposed ordinance.

**NOW, THEREFORE, the City Council of the City of Willits hereby ordains as follows:**

Title 17 - Zoning of the Willits Municipal Code is hereby amended by adding Chapter 17.59 entitled Model Water Efficient Landscape Ordinance related to promoting the efficient use of water in landscaping applications within the City and to comply with the Governor's Executive Order and Government Code Section 65595, to read as follows;

### **Chapter 17.59**

#### **Model Water Efficient Landscape Ordinance**

##### **17.59.010 - Purpose**

The purpose of this section is to ensure the design, installation and maintenance of landscapes in the city meet the requirements of the State of California's Model Water Efficient Landscape Ordinance (MWELO).

### **17.59.020 - Adoption**

The City adopts by reference the State of California's Model Water Efficient Landscape Ordinance, which is found at Sections 490—495 of Chapter 2.7, Division 2, Title 23, of the California Code of Regulations, which may be referred to in this code as the MWELO, as promulgated by the California Department of Water Resources, as may be amended from time to time.

### **17.59.030 - Applicability**

The MWELO applies to the following landscape projects:

- A. New landscape projects with an aggregate landscape area equal to or greater than 500 square feet, requiring a building or landscape permit, plan check or design review.
- B. Rehabilitated landscape projects with an aggregate landscaped area equal to or greater than 2,500 square feet, requiring a building or landscape permit, plan check or design review.
- C. For purposes of this section, aggregate landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for nondevelopment (e.g., open spaces and existing native vegetation).

### **17.59.040 - Exemptions**

The following projects or landscapes are exempt from or subject to limited review pursuant to the MWELO:

- A. Projects involving new construction of an aggregate landscape area of less than two thousand five hundred square feet that comply with the prescriptive measures found in Appendix D of MWELO are exempt from the performance requirements of the MWELO.
- B. Existing landscapes, including existing cemeteries, must comply only with Sections 493, 493.1 and 493.2 of the MWELO.
- C. New and rehabilitated cemeteries must comply only with Sections 492.4, 492.11 and 492.12 of the MWELO.
- D. For any lot or parcel within a project that has (a) an aggregate landscape area less than two thousand five hundred square feet; and (b) sufficient treated or untreated graywater or stored rainwater captured on site to meet the lot's or parcel's landscape water requirement, the lot or parcel must comply only with Appendix D, Section 5 of the MWELO.
- E. Registered local, state, or federal historical sites are exempt from the MWELO.
- F. Ecological restoration projects or mined-land reclamation projects that do not require a permanent irrigation system are exempt from the MWELO.
- G. Existing plant collections, as part of botanical gardens or arboretums open to the public, are exempt from the MWELO.

### **17.59.50 – Violations**

Violations of the water waste prevention standards, as defined in Section 492.5 of the State MWELO, are subject to the following penalties:

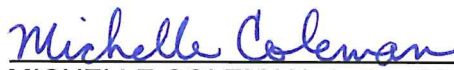
A. Violation and Notice of Correction. It is unlawful for any person, firm, partnership, association, or corporation subject to the requirements of this Chapter to fail to comply with the outdoor water efficiency requirements of this Chapter. The City Building Official or their designee has the authority to conduct such inquiries, audits or surveys to ensure compliance with the requirements of this section. Whenever the City Building Official or their designee determines that a violation of this Chapter has occurred, he or she may serve a notice of correction on the owner(s) of the property on which the violation is situated.

PASSED AND ADOPTED by the City Council of the City of Willits, on this 13th day of December, 2023, by the following roll call vote:

AYES: Kanne, Stranske, Gonzalez, and Rodriguez.  
NOES: None  
ABSENT: Strong

  
SAPRINA RODRIGUEZ, Mayor  
City Council of the City of Willits

ATTEST:

  
MICHELLE COLEMAN, Acting City Clerk  
City of Willits

