

ORDINANCE NO. <sup>686</sup>~~688~~

**AN ORDINANCE OF THE CITY OF CATHEDRAL CITY ADDING CHAPTER 8.57 TO THE CATHEDRAL CITY MUNICIPAL CODE TITLED "WATER EFFICIENT LANDSCAPE ORDINANCE", CONSISTENT WITH THE WATER CONSERVATION IN LANDSCAPING ACT OF 2006 (AB 1881) FOR THE PURPOSES OF ADOPTING BY REFERENCE COACHELLA VALLEY WATER DISTRICT ORDINANCE NO. 1302.1, TITLED "AN ORDINANCE OF THE COACHELLA VALLEY WATER DISTRICT ESTABLISHING LANDSCAPE AND IRRIGATION SYSTEM DESIGN CRITERIA"**

**WHEREAS**, it is the policy of the City of Cathedral City ("City") to conserve and protect its valuable and critical water resources; and

**WHEREAS**, it is the intent and policy of the City Council of the City (the "City Council") to ensure the continued health, safety, welfare, and quality of life for the existing and future residents of and visitors to the City by assisting in the conservation of its water resources; and

**WHEREAS**, the City Council finds that it is in the best interests of the residents of the City to enact an ordinance that adopts the Coachella Valley Water District ("CVWD") Ordinance No. 1302.1 by reference, which seeks to prevent the misuse of the City's water supply through measures that include restrictions on water usage; and

**WHEREAS**, Section 65595 of the California Government Code (a portion of AB 1881) requires that local agencies either adopt a water efficient landscape ordinance that is, based on evidence in the record, at least as effective in conserving water as the updated State model ordinance adopted by the State or adopt the updated State Model Water Efficient Landscape Ordinance; and

**WHEREAS**, the City Council desires to adopt by reference the CVWD Ordinance No. 1302.1 as water conservation measures as set forth therein are unique to the Coachella Valley and to Cathedral City; and

**WHEREAS**, the Planning Commission of the City of Cathedral City reviewed this Ordinance as an Administrative Item on December 2, 2009, and approved Planning Commission Resolution No. P09-211 recommending approval of this Ordinance; and

**WHEREAS**, the City Council finds that this ordinance is necessary to protect the public health, safety and welfare and to comply with applicable State law.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. ADD CHAPTER 8.57 TO THE MUNICIPAL CODE TITLED "WATER EFFICIENT LANDSCAPE ORDINANCE" BY REFERENCE**

Chapter 8.57 "Water Efficient Landscape Ordinance," as set forth in Exhibit "A", which is attached hereto and incorporated herein by this reference, is hereby added to the Cathedral City Municipal Code, and shall be read as follows:

**8.57.010. Adoption by Reference.**

Consistent with the Water Conservation in Landscaping Act of 2006 (AB 1881), the City adopts by reference the Coachella Valley Water District Ordinance No. 1302.1, titled "AN ORDINANCE OF THE COACHELLA VALLEY WATER DISTRICT ESTABLISHING LANDSCAPE AND IRRIGATION SYSTEM DESIGN CRITERIA" ("CVWD Ordinance No. 1302.1") a copy of which is on file for the public's inspection at the City Clerk's Office. If the CVWD Ordinance No. 1302.1 is modified, the City will amend this Ordinance accordingly by complying with the procedures for ordinance adoption.

**8.57.020. Penalty Provisions as Set Forth in CVWD Ordinance No. 1302.1.**

Pursuant to Government Code Section 50022.4, the penalty provisions of the CVWD Ordinance No. 1302.1 are set forth in full as follows:

- A. Violation of any part of this chapter, which incorporates by reference the CVWD Ordinance No. 1302.1, may result in any or all of the following penalties:
  - 1. Monetary. See Appendix F of the CVWD Ordinance No. 1302.1 for schedule of monetary penalties.
  - 2. Termination of Service.
- B. Notice. The District shall issue a written notice of imposition of penalty. The notice shall set forth the penalty imposed and the reason for imposition of it. The notice shall be served on the customer by registered or certified mail and shall advise that the customer may request review of the imposition of the penalty by filing a written request for a hearing pursuant to the provision of Section 0.00.080.

**8.57.030 Public Nuisance.**

Notwithstanding Section 8.57.020, a violation of this chapter, which incorporates by reference the CVWD Ordinance No. 1302.1, by any person responsible for committing, causing or maintaining such violation shall constitute a public nuisance which shall be subject to the provisions of Chapters 13.80 and 13.90 of this Code.

**8.57.050 Infraction Violation.**

Notwithstanding Section 8.57.020, a violation of this chapter, which incorporates by reference the CVWD Ordinance No. 1302.1, by any person responsible for committing, causing or maintaining such violation shall constitute an infraction violation and the violator shall be subject to the provisions set forth in Chapter 13.65, including but not limited to the imposition of any and all criminal penalties set forth therein.

**8.57.070 Civil Fines.**

Notwithstanding Section 8.57.020, any person convicted of an infraction or misdemeanor violation under this chapter, which incorporates by reference the CVWD Ordinance No. 1302.1, shall, for each separate violation, be subject to: (a) a fine in an amount not to exceed two hundred fifty dollars for a first conviction of an offense; (b) a fine in an amount not to exceed five hundred dollars for a second conviction of the same offense within a twelve-month period from the date of the first offense; and (c) a fine in an amount not to exceed seven hundred fifty dollars for the third conviction of the same offense within a twelve-month period from the date of the first offense. The fine for a fourth and any subsequent convictions of the same offense within a twelve-month period from the date of the first offense shall be one thousand dollars.

**8.57.080 Administrative Citation.**

Notwithstanding Section 8.57.020, in lieu of issuing an infraction citation, the City may issue an administrative citation, pursuant to Chapter 13.59 of this Code, to any person responsible for committing, causing or maintaining a violation of this chapter. Nothing in this section shall preclude the City from also issuing an infraction citation upon the occurrence of the same offense on a separate day.

**8.57.090. Administrative Fine.**

Notwithstanding Section 8.57.020, any person issued an administrative citation for violating this chapter shall for each separate violation be subject to: (a) an administrative fine in an amount not to exceed one hundred dollars for the first citation; (b) an administrative fine in an amount not to exceed two hundred

fifty dollars for a second citation issued for the same offense within a twelve-month period of the date of the first offense; and (c) a fine in an amount not to exceed five hundred dollars for a third and any subsequent citation issued for the same offense within a twelve-month period of the date of the first offense.

**8.57.100 Modification, Suspension and/or Revocation of Validly Issued City Permit and/or City License.**

Notwithstanding Section 8.57.020, a violation of this chapter, which incorporates by reference the CVWD Ordinance No. 1302.1, by the holder of any city permit and/or city license validly issued pursuant to this or any other chapter shall constitute grounds for modification, suspension and/or revocation of said permit and/or license pursuant to the provisions set forth in Chapter 13.150 of this Code.

**8.57.110 Additional Penalties.**

Notwithstanding Section 8.57.020, nothing in this chapter, which incorporates by reference the CVWD Ordinance No. 1302.1, shall preclude the city from pursuing the remedies provided by chapter 13.140 including, but not limited to, as applicable, denial or revocation of certificates of occupancy, issuance of stop work orders and injunctive relief.

**SECTION 2. ENVIRONMENTAL DETERMINATION**

The City Council finds that adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to Title 14 California Code of Regulations Section 15061, Subsection (b)(3), in that the proposed Ordinance involves a proactive measure to implement recent changes in State law and does not have the potential to significantly affect the environment.

**SECTION 3. SEVERABILITY**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective. To this end the provisions of this Ordinance are declared to be severable.

**SECTION 4. EFFECTIVE DATE**

This Ordinance shall be in full force and effect thirty (30) days after adoption.

**SECTION 5. REPEAL OF CONFLICTING PROVISIONS**

Any provision of the Cathedral City Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

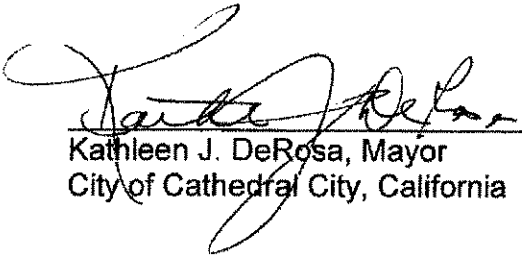
**[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]**

**SECTION 6. POSTING**

The City Clerk shall cause this Ordinance to be posted in at least three public places designated by resolution of the City Council, shall certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting to be entered into the Book of Ordinances of the City of Cathedral City.

**PASSED, APPROVED, and ADOPTED** at a regular meeting of the City Council for the City of Cathedral City held on this 13<sup>th</sup> day of JANUARY, 2008, by the following vote:


**AYES:** 4 DeRosa, Manchand, Pettis, Vasquez  
**NOES:** 0  
**ABSENT:** 1 ENGLAND  
**ABSTAIN:** 0

  
Kathleen J. DeRosa, Mayor  
City of Cathedral City, California

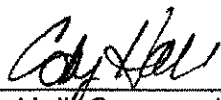
ATTEST:

  
Pat Hammers, City Clerk

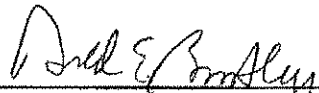
APPROVED AS TO FORM:

  
Charles Green, City Attorney

APPROVED AS TO CONTENT:

  
Andy Hall, Community Development Director

REVIEWED:

  
Donald E. Bradley, City Manager