

**URGENCY ORDINANCE NO. 562-AC  
IMPLEMENTING REGULATIONS IN COMPLIANCE WITH  
CALIFORNIA CODE OF REGULATIONS, TITLE 23, ARTICLE 22.5,  
SECTIONS 863-865**

WHEREAS, on July 15, 2014 the State Water Resources Control Board (SWRCB) adopted California Code of Regulations, Title 23, Article 22.5, Sections 863-865 as an emergency regulation;

WHEREAS, in adopting that emergency regulation the SWRCB found that on January 17, 2014, Governor Edmund G. Brown Jr. issued a proclamation of a State of Emergency based on drought conditions, and that on April 25, 2014 he issued a proclamation of a Continued State of Emergency based on continued drought conditions;

WHEREAS, the SWRCB found that the drought conditions underlying the Governor's proclamations of January 17, 2014 and April 25, 2014 continue to exist;

WHEREAS, the SWRCB found that 2014 is a critically dry year, and that it has been immediately preceded by two or more consecutive below normal, dry, or critically dry years;

WHEREAS, the SWRCB found that drought conditions will likely continue for the foreseeable future and additional action by both the SWRCB and local water suppliers will likely be necessary to further promote conservation;

WHEREAS, pursuant to these findings, in an effort to promote water conservation during these continued drought conditions, the SWRCB adopted emergency regulation prohibiting, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency, all of the following:

- (1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;
- (2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
- (3) The application of potable water to driveways and sidewalks; and
- (4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;

WHEREAS, the taking of any action thus prohibited is punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs;

WHEREAS, Section 865(e) prescribes the mandatory actions to be taken by a distributor of a public water supply that is not an urban water supplier to be in compliance with the emergency regulation;

WHEREAS, the City of Needles is a distributor of a public water supply that is not an urban water supplier under the emergency regulation;

WEHREAS, the City of Needles is committed to promoting water conservation and to complying with the emergency regulation;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEEDLES DOES ORDAIN AS FOLLOWS:

**SECTION 1.** As per Section 865 (e) (2) California Code of Regulations, Title 22-5: *Implement mandatory conservation measures intended to achieve a reduction in water consumption by the persons it serves relative to the amount consumed in 2013 by reducing water use on the golf course, parks, and grounds.*

**SECTION 2.** In the event said conservation measures do not result in a reduction in water consumption below 2013 consumption levels, the City Council, as per Section 865(e)(1), shall impose mandatory restrictions on water use by limiting watering of lawns or turf to odd number days of the month for properties with street addresses ending in odd numbers and restricting watering to even numbered days of the month for properties with street addresses ending in even numbers. Water customers that utilize drip irrigations shall be exempt from this restriction.

**SECTION 3.** The City of Needles hereby implements the following civil penalties for violations of the mandatory measure set forth in Section 1 above:

- |                              |   |                 |
|------------------------------|---|-----------------|
| (1) First Violation          | - | written warning |
| (2) Second Violation         | - | \$100 surcharge |
| (3) Three or more Violations | - | \$200 surcharge |

**SECTION 4.** A first time violation will result in the issuance of a written warning to the person in violation. Future violations will be subject to the above surcharges. In such cases where a penalty is imposed, the person in violation will receive notice of the violation along with the penalty amount. Such person will have thirty (30) days from the date of issuance of a written notice of violation to either pay the penalty or file a written protest with the Needles City Clerk contesting the penalty and requesting a hearing before the City Manager or his duly authorized representative (collectively referred to as "City Manager"). If a timely protest is not filed, the applicable surcharge will be added to the person's next water bill. In the event a timely written protest is received by the City Clerk, it will be submitted to the City Manager and, based on the facts provided in the notice of protest, the penalty can either be dismissed by the City Manager or set for a hearing for final determination. In the event a timely protest is submitted to the City Manager for determination, the protesting person shall be given notice of the hearing and, upon completion of the hearing, the determination of the City Manager shall be mailed by U.S. Mail to the person in violation. If not timely appealed as set forth herein, the decision of the City Manager shall become final upon the expiration of the 10 day appeal period and the applicable penalty/surcharge shall be added to the person's next water bill. The decision of the City Manager may be appealed. The appeal shall be in writing and filed with the City Clerk no later than 10 days after the decision of the City Manager is placed in the U.S. mail. The appeal shall set forth, in writing, all grounds, facts and evidence upon which it is based. Upon the filing of a timely appeal, the City Council may grant the appeal and dismiss the alleged violation or, at a

publicly noticed meeting, hold a hearing to consider the appeal. The person in violation shall be given notice of any appeal hearing. The determination of the City Council on the appeal shall be final and if a violation is found to exist, a surcharge shall be added to the person's next water bill. If such a person fails to timely file a written protest or appeal, the right to protest or appeal the violation shall be deemed waived, and a surcharge will be added to the person's next water bill.

XXXX~~And Or~~XXX

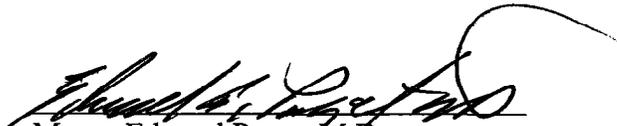
~~SECTION 4. As per Section 865 (e) (2) California Code of Regulations, Title 22.5: Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2012. Such reduction can be affected by reduced watering on the golf course, parks, and grounds~~

SECTION 5. This urgency ordinance shall remain in effect for 270 days from the date of its adoption. If the SWRCB extends its emergency regulation, then this ordinance shall remain in effect for as long as the SWRCB extends its emergency regulation.

**PASSED, APPROVED AND ADOPTED** and ordered published at a regular meeting of the City Council of the City of Needles, California, held on the 12<sup>th</sup> day of August, 2014.

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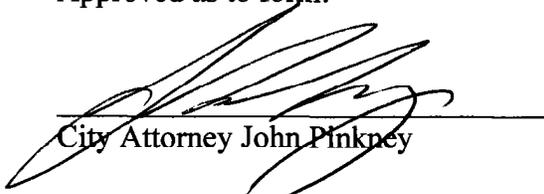
AYES: Council Members Kidd, Frazier, Campbell, Darcy and Gudmundson  
NOES: None  
ABSENT: Councilmember Lopez  
ABSTAIN: None

  
\_\_\_\_\_  
Mayor Edward Paget, M.D.

(Seal)

Attest:   
\_\_\_\_\_  
City Clerk Dale Jones, SMS

Approved as to form:

  
\_\_\_\_\_  
City Attorney John Pinkney