

ORDINANCE NO. 6332

AN ORDINANCE OF THE CITY OF ANAHEIM AMENDING CHAPTER 10.18 OF TITLE 10 OF THE ANAHEIM MUNICIPAL CODE RELATING TO ANAHEIM'S WATER CONSERVATION AND WATER SHORTAGE CONTINGENCY RULES AND REGULATIONS AND BASED UPON THE FINDING AND DETERMINATION THAT SAID ORDINANCE IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CALIFORNIA WATER CODE SECTION 10652.

WHEREAS, California Constitution article X, section 2 and California Water Code section 100 provide that because of conditions prevailing in the state of California (the "State"), it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, on January 17, 2014, Governor Brown issued a drought emergency proclamation following three dry or critically dry years in California, and, on April 25, 2014, the Governor signed an executive order ("2014 Executive Order") calling on the State government to redouble its drought actions; and

WHEREAS, the 2014 Executive Order provided that the State Water Resources Control Board ("State Water Board") shall direct urban water suppliers that are not already implementing drought response plans to limit outdoor irrigation and wasteful water practices; the 2014 Executive Order also directed the State Water Board to adopt emergency regulations as it deems necessary, pursuant to California Water Code section 1058.5; and

WHEREAS, in connection with the foregoing, the State Water Board found that California has been subject to multi-year droughts in the past; and it also found that the Southwestern United States is becoming drier, increasing the likelihood of prolonged droughts; and

WHEREAS, in response, the State Water Board adopted mandatory water conservation measures under Resolution No. 2014-0038, including, among things, the following prohibitions: the application of potable water to outdoor landscapes in a manner that causes visible runoff, the use of a hose to wash a motor vehicle except where the hose is equipped with a shut-off nozzle, the application of water to driveways and sidewalks, and the use of potable water in non-recirculating ornamental fountains; and

WHEREAS, on August 12, 2014, the City of Anaheim ("Anaheim") adopted mandatory conservation measures in conformance with Resolution No. 2014-0038; and

WHEREAS, although Resolution No. 2014-0038 was set to expire on April 25, 2015, the State Water Board adopted Resolution No. 2015-0013 on March 17, 2015 based on findings that there existed a water shortage emergency and the fourth year of significant drought conditions have resulted in severe impacts to the State's water supplies and its ability to meet all of its water demands; and

WHEREAS, in adopting Resolution No. 2015-0013, the State Water Board also found as of March 3, 2015, snow water equivalents for the Northern, Central, and Southern Sierra regions were at 16 percent, 20 percent, and 21 percent of normal for that date, respectively; and

WHEREAS, the State Water Board further found that most reservoirs are less than 60 percent full and January 2015 was one of the driest Januaries ever recorded in California history and that many communities face the prospect of needing emergency drinking water supplies; and

WHEREAS, based on these findings, the State Water Board, through Resolution No. 2015-0013, continued the mandatory water conservation measures with some modifications and additions, and it also required urban water suppliers, like Anaheim, to implement mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed; and

WHEREAS, on April 1, 2015, Governor Brown issued Executive Order B-29-15 finding that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions; and

WHEREAS, Executive Order B-29-15 also directed the State Water Board to impose restrictions to achieve an aggregate statewide 25% reduction in potable water use through February 2016; moreover, the order requires the State Water Board to adopt and impose additional regulations related to outside irrigation of newly constructed homes and buildings and the reduction of potable water usage by commercial, industrial, and institutional properties; and

WHEREAS, on June 7, 2011, the Anaheim City Council adopted Anaheim's 2010 urban water management plan ("Urban Water Management Plan") in compliance with the California Water Code; and

WHEREAS, the Urban Water Management Plan contained Anaheim's Water Shortage Contingency Plan ("Water Shortage Contingency Plan") which incorporated Chapter 10.18 of the Anaheim Municipal Code; and

WHEREAS, Anaheim is authorized to prescribe and define by ordinance restrictions, prohibitions, and exclusions for the use of water during a threatened or existing water shortage and adopt and enforce a water conservation and regulatory program to: (i) prohibit the wastage of Anaheim water or the use of Anaheim water during such period; (ii) prohibit use of water during such periods for specific uses which the Anaheim may from time to time find

nonessential; and (iii) reduce and restrict the quantity of water used by those persons within Anaheim for the purpose of conserving the water supplies of Anaheim; and

WHEREAS, pursuant to California Water Code section 350, the Anaheim City Council is authorized to declare a water shortage emergency to prevail within its jurisdiction; and

WHEREAS, pursuant to California Water Code section 375, Anaheim is also authorized to adopt and enforce a water conservation program and water shortage supply measures to reduce the quantity of water used by persons within its jurisdiction for the purpose of conserving the water supplies of Anaheim; and

WHEREAS, based on the above recitals and anticipated worsening water supply conditions, the Anaheim City Council believes it is necessary to amend Chapter 10.18 of the Anaheim Municipal Code so that Anaheim can better combat these conditions with additional tools; and

WHEREAS, through this ordinance, the Anaheim City Council also desires to declare the existence of a Severe Water Shortage within Anaheim and implement Water Reduction Plan III based on the prolonged drought and the Governor declared "State of emergency" under California Government Code section 8558(b); and

WHEREAS, the purpose of the Severe Water Shortage declaration and implementation of Water Reduction Plan III is to reduce the quantity of water used by consumers to protect the public health, welfare, and safety by ensuring there is sufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, Anaheim City Council hereby finds and determines that it is desirable to codify the rules and regulations governing its actions, and the actions of persons using and consuming water within Anaheim, particularly during declared water supply shortages and water shortage emergencies, to protect the general welfare and the Anaheim's water supplies, and to reduce water consumption in accordance with the declared policies and laws of the State.

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

**SECTION 1.** RECITALS.

The Anaheim City Council hereby finds and determines that the above recitals are true and correct and incorporated herein.

**SECTION 2.**

That Chapter 10.18 of Title 10 of the Anaheim Municipal Code, is and shall be renamed and amended in its entirety to read as follows:

"Chapter 10.18 - WATER CONSERVATION AND WATER SHORTAGE  
CONTINGENCY RULES AND REGULATIONS

Sections:

- 10.18.010 Purpose.**
- 10.18.020 Scope of this Chapter.**
- 10.18.030 Definitions**
- 10.18.040 Authorization.**
- 10.18.050 Water Reduction Plan Implementation.**
- 10.18.060 Voluntary Water Conservation Measures.**
- 10.18.070 Water Reduction Plan I – Additional Voluntary Water Conservation Measures.**
- 10.18.080 Water Reduction Plan II – Mandatory Measures.**
- 10.18.090 Water Reduction Plan III – Mandatory Measures.**
- 10.18.100 Water Reduction Plan IV – Mandatory Measures.**
- 10.18.110 Alternative Compliance Plan.**
- 10.18.120 Water Conservation Rate.**
- 10.18.130 Violations and Remedies.**
- 10.18.140 Reservation of Rights.**

**10.18.010 PURPOSE.**

The City Council finds and determines that because of prevailing water supply conditions within the State of California and the declared policy of the State, it is necessary and appropriate for the City to adopt, implement, and enforce water conservation rules and regulations to reduce water consumption within the City through conservation to ensure the reasonable and beneficial use of water and maximize its efficient use within the City. The City Council further finds and determines it is necessary and appropriate for the City to implement and enforce water shortage contingency rules and regulations during periods of water supply shortages and water shortage emergencies to ensure that there is sufficient water for human consumption, sanitation, and fire protection.

**10.18.020 SCOPE OF THIS CHAPTER.**

.010 Except as expressly stated within this Chapter, the provisions of this Chapter shall apply to all persons, entities and property within the City. In addition, this chapter shall apply to any Customer's outside of the City.

.020 The provisions of this Chapter are in addition to, and not in lieu of, the provisions of Section 10.16.380 of this Code relating to curtailed supply of electricity or water.

.030 The provisions of this Chapter shall not apply to the following water uses:

.01 Any use of water necessary for (a) the testing and maintenance of the Water System or City fire suppression system, or (b) fire suppression or other similar emergency services affecting the public health and safety;

.02 Any use of water necessary to protect public health and safety as determined in the sole discretion of those persons or entities identified in Section 10.18.040 of this Chapter; and

.03 Any use of Recycled Water.

.040 The mandatory provisions of Sections 10.18.080, 10.18.090, and 10.18.100 shall not apply to the application of potable water to a food source between the hours of 9 a.m. and 5 p.m.; provided that the potable water is applied through drip irrigation or a hand-held hose with a self-closing water shut-off device.

### **10.18.030 DEFINITIONS.**

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter the most reasonable application.

.010 "Alternative Compliance Plan" means a plan approved in accordance with Section 10.18.110 of this Chapter.

.020 "City" means the City of Anaheim located in California.

.030 "City Council" means the governing legislative body of the City.

.040 "Code" means the municipal code of the City.

.050 "Customer" has the meaning set forth in Rule 1 of the Rates, Rules and Regulations, or any successor provision thereto.

.060 "Department" means the Public Utilities Department of the City.

.070 "Eligible Weather-Based Irrigation Controllers" means those eligible weather-based irrigation controllers registered with the Department and approved by the Metropolitan Water District of Southern California or the Irrigation Association Smart Water Application Technologies initiative.

.080 "General Manager" means the General Manager of the Department.

.090 "Large Landscape Area" means an area of vegetation at least three (3) acres in size supporting a business necessity or public benefit uses, including without limitation, parks, golf courses, schools, and cemeteries.

.100 "Local Emergency" has the meaning set forth in section 8558(c) of the California Government Code, or any successor provision thereto. The City Council may declare a Local Emergency by motion or resolution.

.110 "Public Utilities Hearing Board" means that hearing board described in Subsection .080 of Section 1.04.730 of the Anaheim Municipal Code.

.120 "Rates, Rules and Regulations" means the rate structure, the rules, and any regulations as approved by the City Council, governing the use and delivery of water within the Department's service area.

.130 "Recycled Water" means water that is approved for purposes other than human consumption and meets the criteria set forth in Division 4 of Title 22 of the California Code of Regulations, as may be amended from time to time. Recycled Water does not include gray water.

.140 "Sidewalk" means that portion of the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

.150 "Water Reduction Plan" means a plan set forth in this ordinance to address a water supply shortage or a water shortage emergency as declared by the City Council in accordance with 10.18.050 of this Chapter. Specifically, these plans are contained in Sections 10.18.070 through 10.18.100.

.160 "Water System" has the meaning set forth in Rule 1 of the Rates, Rules and Regulations or any successor provision thereto.

#### **10.18.040 AUTHORIZATION.**

Except where expressly delegated to a specific officer, department, or commission of the City, the various officers, departments, or commissions of the City are authorized and directed to implement the applicable provisions of this Chapter upon the effective date hereof.

#### **10.18.050 WATER REDUCTION PLAN IMPLEMENTATION.**

.010 The Department shall monitor and evaluate the projected water supply and demands and, when it deems appropriate, the Department shall recommend to the City Council a Water Reduction Plan to address either a water supply shortage or a water shortage emergency. In a water supply shortage, the City Council may, by resolution, order implementation of Water Reduction Plan I, Water Reduction Plan II, or Water Reduction Plan III; provided, the City Council makes the findings required by the applicable sections of this Chapter. The City Council may, by resolution or motion as specified in Section 10.18.100, order implementation of Water Reduction Plan IV; provided, the City Council declares a water shortage emergency in accordance with California Water Code section 350.

.020 At any time, the City Council may, by resolution, discontinue any Water Reduction Plan. The City Council may also implement another Water Reduction Plan; provided,

the City Council adopts that Water Reduction Plan pursuant to Subsection .010 of Section 10.18.050 of this Chapter.

**10.18.060 VOLUNTARY WATER CONSERVATION MEASURES.**

In order to conserve water when a Water Reduction Plan is not in effect, the City encourages all persons and entities within the City and all Customers outside of the City to practice good potable water use by avoiding the following water wasting activities on a voluntary basis:

.010 The application of potable water to outdoor ornamental landscaping or turf 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;

.020 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;

.030 The application of potable water to driveways and Sidewalks;

.040 The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system; and

.050 The failure to promptly repair all potable water leaks from indoor and outdoor plumbing fixtures, including but not limited to sprinkler systems.

**10.18.070 WATER REDUCTION PLAN I – ADDITIONAL VOLUNTARY WATER CONSERVATION MEASURES.**

The City Council may, by resolution, order the implementation of Water Reduction Plan I upon a finding that a "Mild Water Shortage" exists and additional voluntary water conservation measures may assist in appropriately responding to this shortage. A "Mild Water Shortage" exists, when, due to a drought or other conditions, water supplies have been impacted and there is a reasonable probability of more severe water shortages in the future. When the City Council orders a Water Reduction Plan I, all persons and entities within the City and all Customers outside of the City are encouraged to voluntarily practice good potable water use by observing the following:

.010 Avoid (a) the water wasting activities contained in Section 10.18.060 of this Chapter; (b) the application of potable water to outdoor ornamental landscaping or turf between the hours of nine a.m. and six p.m., except as necessary for irrigation system maintenance and repairs; and (c) the application of potable water to outdoor landscapes during or within 48 hours after measurable rainfall; and

.020 Perform such other voluntary measures adopted by the City Council.

.030 Except as necessary for irrigation system maintenance or repairs, limit the application of potable water to outdoor ornamental landscaping or turf to no more than three (3) days per week; provided such irrigation occurs (a) Monday, Wednesday, or Saturday for odd-numbered street addresses; and (b) Tuesday, Thursday, or Sunday for even-numbered street addresses. Street addresses ending in ½ or any fraction shall conform to the permitted uses for the last whole number in the address. In addition to the foregoing, the application of potable water is encouraged to be limited to:

.01 No more than eight (8) minutes per permitted watering day per station for non-conserving nozzles (e.g., spray head sprinklers and bubblers);

.02 No more than fifteen (15) minutes per cycle and up to two (2) cycles per permitted watering day per station for high efficiency sprinkler nozzles; or

.03 No limitation on maximum watering minutes per watering station per permitted water day for water efficient drip irrigation.

**10.18.080 WATER REDUCTION PLAN II –MANDATORY MEASURES.**

The City Council may, by resolution or ordinance, order the implementation of Water Reduction Plan II upon a finding, that an "Elevated Water Shortage" exists and the mandatory measures are necessary to address this shortage. An "Elevated Water Shortage" exists when, due to a prolonged drought, a declared "State of emergency" under California Government Code section 8558(b), or other water supply condition, a reduction in water use is necessary to safeguard the public health, safety, and welfare. When the City Council orders the implementation of Water Reduction Plan II, all persons and entities within the City and all Customers outside of the City shall comply with the following:

.010 Each of the following actions is prohibited, except where necessary to address an immediate health and safety need, including fire mitigation requirements as determined by the City Fire Department or other fire authority with jurisdiction, or to comply with a term or condition in a permit issued by a state or federal agency:

.01 The application of potable water to outdoor ornamental landscaping or turf 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;

.02 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;

.03 The application of potable water to driveways and Sidewalks;

.04 The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;



.05 The failure to promptly repair all potable water leaks from indoor and outdoor plumbing fixtures, including but not limited to sprinkler systems;

.06 The application of potable water to outdoor ornamental landscaping or turf between the hours of nine a.m. and six p.m., except as necessary for spot watering with a hose to maintain trees or plants (other than turf), and irrigation system maintenance and repairs;

.07 The application of potable water to outdoor landscapes during or within forty-eight (48) hours after measurable rainfall; and

.08 The serving of potable water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.

.020 Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each bathroom using clear and easily understood language.

.030 The application of potable water to outdoor ornamental landscaping or turf shall be limited to no more than three (3) days per week, except (a) as necessary for spot watering with a hose to maintain trees or plants (other than turf) and irrigation system maintenance or repairs; or (b) for a Large Landscape Area with an Alternative Compliance Plan. In connection with the foregoing, the application of potable water shall only occur on (a) Monday, Wednesday, or Saturday for odd-numbered street addresses; and (b) Tuesday, Thursday, or Sunday for even-numbered street addresses. Street addresses ending in ½ or any fraction shall conform to the permitted uses for the last whole number in the address. In certain special circumstances, a person or entity may deviate from the foregoing designated days; provided that person obtains an Alternative Compliance Plan in accordance with Subsection .020 of Section 10.18.110. In addition to the foregoing, the application of potable water shall be limited to:

.01 No more than eight (8) minutes per permitted watering day per station for non-conserving nozzles (e.g., spray head sprinklers and bubblers);

.02 No more than fifteen (15) minutes per cycle and up to two (2) cycles per permitted watering day per station for high efficiency sprinkler nozzles; or

.03 No limitation on maximum water minutes per watering station per permitted water day for water efficient drip irrigation.

.040 For the avoidance of doubt, the term "plants" within Subsections .10 and .030 of Section 10.18.080 does not include turf.

#### **10.18.090 WATER REDUCTION PLAN III – MANDATORY MEASURES.**

The City Council may, by resolution or ordinance, order the implementation of Water Reduction Plan III upon a finding, that a "Severe Water Shortage" exists and the mandatory

measures are necessary to address this shortage. A "Severe Water Shortage" exists when, due to a prolonged drought, a declared "State of emergency" under California Government Code section 8558(b), or other water supply condition, a reduction in water use is necessary to safeguard the public health, safety, and welfare. When the City Council orders the implementation of Water Reduction Plan III, all persons and entities within the City and all Customers outside of the City shall comply with the following:

.010 All mandatory measures contained in Subsections .010 and .020 of Section 10.18.080, except to the extent those measures conflict. If such a conflict exists, all persons or entities within the City and all Customers outside of the City shall adhere to the more restrictive section of those conflicting sections.

.020 The application of potable water to outdoor ornamental landscaping or turf shall be limited to no more than two (2) days per week, except (a) as necessary for spot watering with a hose to maintain trees or plants (other than turf) and irrigation system maintenance or repairs; or (b) for a Large Landscape Area with an Alternative Compliance Plan. In connection with the foregoing, the application of potable water shall only occur on (a) Tuesday or Saturday for odd-numbered street addresses; and (b) Thursday or Sunday for even-numbered street addresses. Street addresses ending in ½ or any fraction shall conform to the permitted uses for the last whole number in the address. In certain special circumstances, a person or entity may deviate from the foregoing designated days; provided that person obtains an Alternative Compliance Plan in accordance with Subsection .020 of Section 10.18.110. In addition to the foregoing, the application of potable water shall be limited to:

.01 No more than eight (8) minutes per permitted watering day per station for non-conserving nozzles (e.g., spray head sprinklers and bubblers);

.02 No more than fifteen (15) minutes per cycle and up to two (2) cycles per permitted watering day per station for high efficiency sprinkler nozzles; or

.03 No limitation on maximum water minutes per watering station per permitted water day for water efficient drip irrigation.

.030 For the avoidance of doubt, the term "plants" within Subsection .020 of Section 10.18.090 does not include turf.

#### **10.18.100 WATER REDUCTION PLAN IV – MANDATORY MEASURES.**

.10 The City Council may, by resolution or ordinance, order the implementation of Water Reduction Plan IV, when the City Council determines an "Emergency Water Shortage" exists and makes the findings for a water shortage emergency under California Water Code section 350. When the City Council orders the implementation of Water Reduction Plan IV, all persons and entities within the City and all Customers outside of the City shall comply with the following:

.01 All mandatory measures contained in Subsections .010 and .020 of Section 10.18.080, except to the extent those measures conflict. If such a conflict exists, all persons or entities within the City and all Customers outside of the City shall adhere to the more restrictive section of those conflicting sections.

.02 The application of potable water to outdoor ornamental landscaping or turf is prohibited at any time.

.020 The City Council may, by resolution or motion, order the implementation of Water Reduction Plan IV, when the City Council determines a non- drought Local Emergency exists.

#### **10.18.110 ALTERNATIVE COMPLIANCE PLAN.**

.010 Any person or entity with a Large Landscape Area may deviate from Subsection .030 of Section 10.18.080 and Subsection .020 of 10.18.090; provided such person or entity obtains an Alternative Compliance Plan approved by the General Manager or designee. At a minimum, an Alternative Compliance Plan must require the person or entity with a Large Landscape Area to (a) install and maintain throughout the duration of the plan Eligible Weather-Based Irrigation Controllers within the Large Landscape Area; (b) reduce overall potable water use by an amount equal to that amount set forth in the Alternative Compliance Plan; and (c) must use recycled water if it is available from the Department. The General Manager or designee may require revisions to the Alternative Compliance Plan in the event the State Water Resources Control Board sets a new water conservation standard for the City. Once the General Manager or designee approves the Alternative Compliance Plan or any amendments thereto, the person or entity with such a plan shall strictly comply with its provisions.

.020 Any person or entity may deviate from the designated watering days of the week in Subsection .030 of Section 10.18.080 and Subsection .020 of Section 10.18.090; provided such person or entity obtains an Alternative Compliance Plan approved by the General Manager or designee. The General Manager or designee shall only approve such an Alternative Compliance Plan when the General Manager or designee makes all of the following findings: (a) that the deviation does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses; (b) that because of special circumstances applicable to the property or its use, the water day designation will have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally; (c) that the authorizing of such deviation 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 ordinance 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. If approved by the General Manager or designee, the Alternative Compliance Plan of that person or entity shall solely authorize the person to deviate from the designated watering days of the week, and no such approval shall authorize any deviation from the limitation on the number of watering days per week.

.030 In the event the General Manager or designee disapproves a request for an Alternative Compliance Plan under Subsections .010 and .020 of this Section, such person or

entity who receives such notice may appeal this determination to the Public Utilities Hearing Board within five (5) days of the written notice of the decision of the General Manager or designee. On appeal, the Public Utilities Hearing Board shall review the determination and render a final non-appealable decision.

.040 If the General Manager or designee determines any person or entity fails to comply with their Alternative Compliance Plan, the General Manager or designee may issue a notice to comply requiring strict compliance with the Alternative Compliance Plan (a) by the end of the next billing cycle for a Customer; or (b) within sixty (60) days for a non-Customer. If the person or entity fails to comply with the notice to comply, the General Manager or designee may terminate that Alternative Compliance Plan with five (5) days prior written notice and, in such case, that person or entity shall no longer deviate from Subsection .030 of Section 10.18.080 and Subsection .020 of Section 10.18.090 and shall immediately comply with these subsections. Any person or entity who receives such notice may appeal this determination to the Public Utilities Hearing Board within five (5) days of the written notice to terminate. On appeal, the Public Utilities Hearing Board shall review the determination to terminate the Alternative Compliance Plan and render a final non-appealable decision.

#### **10.18.120 WATER CONSERVATION RATE.**

The City may adopt a rate structure designed to reduce water consumption in accordance with the requirements of State law.

#### **10.18.130 VIOLATIONS AND REMEDIES.**

.010 It shall be unlawful for any person to willfully violate the mandatory provisions of this Chapter 10.18. A violation of any mandatory provision of this Chapter 10.18 shall be a misdemeanor and shall be punishable upon conviction as authorized by Section 1.01.370 of the Municipal Code, or any successor provision thereto.

.020 In addition to any remedies or enforcement measures provided by State law or in this Chapter 10.18, any violation of this chapter 10.18 is subject to civil fines in accordance with Chapter 1.20 of the Municipal Code, or any successor provision thereto.

.030 In addition to any other remedies provided in this Code or available under applicable law, the City can alternatively seek injunctive relief in the Superior Court or other take enforcement actions for violations of this chapter 10.18.

#### **10.18.140 RESERVATION OF RIGHTS.**

The rights of the Department hereunder shall be cumulative to any other right of the Department to discontinue service."

**SECTION 3.          WATER SUPPLY SHORTAGE.**

The Anaheim City Council hereby declares the existence of a Severe Water Shortage and implementation of Water Reduction Plan III is necessary given the prolonged drought and the declared "State of emergency" under California Government Code section 8558(b). The foregoing declaration and implementation are also necessary to safeguard the public health, safety, and welfare. These findings are supported by the recitals contained herein and such information presented to the City Council at the public hearing for the adoption of this ordinance. In connection with the foregoing, the Anaheim City Council hereby orders the implementation of Water Reduction Plan III of Section 10.18.090 of the Anaheim Municipal Code and, through this ordinance, the Anaheim City Council rescinds Resolution No. 2014-151. The implementation of Water Reduction Plan III may be terminated in accordance with the applicable provisions of Chapter 10.18 of the Anaheim Municipal Code.

**SECTION 4.          ENVIRONMENTAL REVIEW.**

The City Council finds and determines that this ordinance is not subject to CEQA pursuant to Water Code section 10652 because CEQA does not apply to the preparation and adoption of a water shortage contingency plan or to the implementation of the actions taken pursuant to such plans. Because this ordinance partially comprises Anaheim's water shortage contingency plan and involves its implementation, no CEQA review is required.

**SECTION 5.          SEVERABILITY.**

The Anaheim City Council hereby declares that should any section, paragraph, sentence, phrase, term or word of this ordinance be declared for any reason to be invalid, it is the intent of the Anaheim City Council that it would have adopted all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Anaheim City Council hereby declares that it would have passed this ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

**SECTION 6.          CERTIFICATION**

The City Clerk shall certify to the passage of this ordinance and, pursuant to California Water Code section 376, shall cause the same to be printed once within ten (10) days after its adoption in the *Anaheim Bulletin*, a newspaper of general circulation, published and circulated in the City of Anaheim.

**SECTION 7.          EFFECTIVE DATE**

Pursuant to California Water Code section 376, this ordinance shall take effect and be in full force upon adoption.

