

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADOPTING THE STATE MODEL WATER EFFICIENT
LANDSCAPE ORDINANCE AND ADDING SECTION 11-112 TO
ARTICLE 1 CHAPTER 11 OF THE FRESNO MUNICIPAL CODE.

WHEREAS, California's four-year drought has emphasized the necessity for increased conservation in use of water; and

WHEREAS, California Assembly Bill 1881 ("AB 1881"), enacted into law on September 28, 2008, modified and strengthened a model water efficient landscape ordinance ("MWELo") for local agencies to adopt and use for the purpose of reducing water waste associated with irrigation of outdoor landscaping; and

WHEREAS, AB 1881 required the State Department of Water Resources ("Department") to provide guidelines for cities and counties to adopt the MWELo or more stringent local landscape irrigation ordinances in 2010; and

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

WHEREAS, Governor Brown's Drought Executive Order of April 1, 2015 (EO B-29-15), mandated the Department prepare an update to the state's MWELo, which the California Water Commission adopted on July 15, 2015; and

WHEREAS, all cities and counties are required to either adopt the 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

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Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: 

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WHEREAS, the City has determined adopting the updated MWELo, as may be amended, will benefit the City and provide clarity to permit applicants; and

WHEREAS, this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.), under a Class 7 Categorical Exemption pursuant to State CEQA Guidelines Section 15307 (14 Cal. Code Regs., § 15307). This Ordinance falls within the Categorical Exemption set forth in CEQA Guidelines Section 15307 which exempts actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment, because adoption of the updated MWELo assures the protection of water resources. Furthermore, none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines Section 15300.2 apply to this ordinance. As such, adoption of the updated MWELo is exempt from the provisions of CEQA.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1: The City of Fresno hereby adopts the Model Water Efficient Landscape Ordinance, Sections 490-495, Chapter 2.7, Division 2, Title 23 in the California Code of Regulations, as may be amended.

SECTION 2. SECTION 11-112 is added to the Fresno Municipal Code to read:

SECTION 11-112. MODEL WATER EFFICIENT LANDSCAPE ORDINANCE.

The updated Model Water Efficient Landscape Ordinance, Sections 490-495, Chapter 2.7, Division 2, Title 23 in 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, is hereby adopted and incorporated by reference into the Code. One copy of the MWELo is on file and

available for use by the public in the Development and Resource Management Department, Building and Safety Services Division.

SECTION 3. SEVERABILITY. The City Council declares that the provisions of this ordinance are severable. If, for any reason, any sentence, paragraph, or section of this ordinance is determined by a court of competent Jurisdiction to be invalid, such determination will not affect the validity of the remaining provisions of this ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Amanda B. Freeman Date
Deputy City Attorney

ABF:jd [69354jd/abf] 11-3-15

Date Adopted:
Date Approved
Effective Date:
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