

ORDINANCE NO. 2023-1234

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING CHAPTER 16.12 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO WATER EFFICIENT LANDSCAPE REGULATIONS

WHEREAS, the City reviews and periodically updates its regulations to ensure that sustainable and best management practices in water conservation and landscape management are implemented; and

WHEREAS, the State Legislature has adopted the Water Conservation and Landscaping Act of 2008 (A.B. 1881, Laird) which requires cities to adopt landscape conservation ordinances by January 1, 2010; and

WHEREAS, on December 16, 2009, the City Council adopted Ordinance No. 2009-1095 to meet the thresholds established in the State Model Ordinance as required by the Water Conservation and Landscaping Act of 2008; and

WHEREAS, on January 17, 2014, Governor Brown proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS, on April 1, 2015, Governor Brown issued Executive Order B-29-15 requiring, among other things, the DWR to update the State MWELo through expedited regulation. The updated Water Efficient Landscape Regulations increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. Executive Order B-29-15 requires reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015.

WHEREAS, this ordinance implements Executive Order B-29-15 and the provisions of this ordinance are equivalent to, or at least as effective in, conserving water as the provisions of the State MWELo; and

WHEREAS, this ordinance will increase water use efficiently by establishing water budgets, promoting installation and maintenance of efficient irrigation systems, encouraging use of plants that use water efficiently based on climate, soil type and site features and reduce water waste that occurs from irrigation runoff and overspray; and

WHEREAS, the City of Imperial Beach has conducted a review of certain provisions of the Imperial Beach Municipal Code and determined certain revisions are necessary to update existing codes to reflect changes made in the California Code of Regulations and to clarify certain provisions related to Water Efficient Landscape Regulations. All provisions in Exhibit A to this Ordinance are necessary due to the climate, geology, topography, and environmental conditions in Imperial Beach.

NOW, THEREFORE, the City Council of the City of Imperial Beach does hereby ordain that:

Section 1. The above-listed findings are true and correct and incorporated herein as findings.

Section 2. Chapter 16.12 of the Imperial Beach Municipal Code is hereby amended to read as shown in Exhibit A to this Ordinance (underlined text is the new text and strikethrough reflects deleted text).

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Imperial Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code section 36933.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 2nd day of August 2023, and thereafter

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Imperial Beach, California, held on the 16th day of August 2023 by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

PALOMA AGUIRRE, MAYOR

ATTEST:

JACQUELINE M. KELLY, MMC
CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON
CITY ATTORNEY