

ORDINANCE NO. 08-2015

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ADDING SECTION 16.18.1137 OF THE ELK GROVE MUNICIPAL CODE
RELATED TO WATER WASTING**

WHEREAS, the Elk Grove Municipal Code was established to support safe, livable, and attractive communities and is enforced through issuance of notices to inform property owners of violations prior to enforcement actions being taken; and

WHEREAS, Elk Grove Municipal Code section 14.10.230 requires the City to work to prevent overwatering and the wasteful use of potable water; and

WHEREAS, since January 2014, California has been in a declared state of emergency due to severe drought conditions and on April 1, 2015 California Governor Jerry Brown issued Executive Order B-29-15 requiring further water conservation efforts be made; and

WHEREAS, this amendment clarifies language currently in the Elk Grove Municipal Code related to water efficiency and creates a section of the Nuisance Code specifically to call out water wasting as illegal and a public nuisance; and

WHEREAS, the adoption of this ordinance does not constitute the approval of a project under the California Environmental Quality Act ("CEQA"), and is therefore exempt from CEQA review.

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Add Elk Grove Municipal Code Chapter 16.18.1137 titled Water Wasting

Elk Grove Municipal Code Section 16.18.1137 is hereby added to read as follows:

16.18.1137 Water Wasting. It shall be unlawful and a public nuisance for any property owner to waste water in the form of inefficient landscape irrigation by causing or allowing water runoff from substantially leaving the target landscape due to low head drainage or otherwise, overspray, or other similar conditions where more than incidental water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures.

Section 2: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

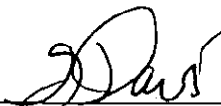
Section 4: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 5: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

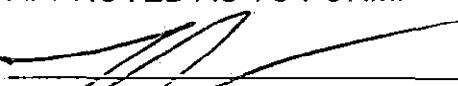
ORDINANCE: 08-2015
INTRODUCED: May 13, 2015
ADOPTED: May 27, 2015
EFFECTIVE: June 26, 2015



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Dated: June 4, 2015

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 08-2015**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on May 13, 2015 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 27, 2015 by the following vote:

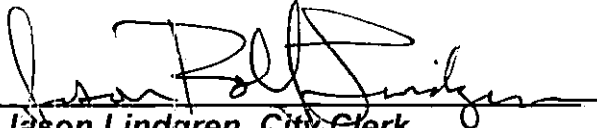
AYES : **COUNCILMEMBERS:** *Davis, Hume, Detrick, Ly, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).


**Jason Lindgren, City Clerk
City of Elk Grove, California**