ORDINANCE NO. 259-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE ADDING VERBAGE TO CHAPTER 18.-20.130.c OF THE CLEARLAKE MUNICIPAL CODE REGARDING WATER EFFICIENT LANDSCAPE REQUIREMENTS

WHEREAS, the City of Clearlake presently imposes water efficient landscape requirements on all new and rehabilitated landscaping projects that require a permit in Title 18-20.130 of the Municipal Code; and

WHEREAS, the Water Conservation in Landscaping Act (Government Code Section 65591 et seq.) (the "Act") was enacted for the purpose of further reducing waste water associated with irrigation of outdoor landscaping; and

WHEREAS, the Act required the State Department of Water Resources ("DWR") to draft a model water efficient landscape ordinance ("MWELO") (Cal. Code Regs., tit. 23, §490 et seq.), and further required the cities and counties, by January 1, 2010, to adopt the MWMELO, or a locally modified ordinance at least as effective in conserving water as the MWELO, or else the state MWELO applies by default (Gov. Code, §65595); and

WHEREAS, on April 1, 2015, Governor Brown signed Executive Order B 29-15, which directed the DWR to update the MWELO; and

WHEREAS, the DWR updated the MWELO on September 15, 2015; and

WHEREAS, the City intends to comply with the current MWELO; and

WHEREAS, this addition to 18-20/130 Water Efficient Landscape Ordinance is intended to locally implement the Act.

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

SECTION 1. Title 18-20.130.c of the Clearlake Municipal Code is hereby modified to include the Water Conservation in Landscaping Act (Government Code Section 65591 et seq), incorporated by reference.

SECTION 2. Severability: Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 3. CEQA. The adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code

of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4. Effective Date. This ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting the entire text.

INTRODUCED and first read at a regular meeting of the City Council on the 3rd day of March, 2022, by the following vote:

AYES: Mayor Slooten, Vice Mayor Perdock, Councilmembers Overton, Claffey and Cremer
NOES: None
ABSTAIN: None
ABSENT: None

FINAL PASSAGE AND ADOPTION by the City Council of Clearlake occurred at a meeting thereof held on the 17th day of March, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Dirk Slooten, Mayor

ATTEST:

_____
Melissa Swanson, City Clerk
City of Clearlake