

**DRAFT  
ORDINANCE 2321**

**EXTENSION OF AN URGENCY ORDINANCE OF THE TOWN OF LOS GATOS FOR A PERIOD OF  
TEN MONTHS AND FIFTEEN DAYS  
DECLARING THE EXISTENCE OF A CONDITION OF WATER SHORTAGE  
AND PROVIDING FOR MANDATORY REDUCTIONS IN AND SPECIFIED PROHIBITIONS OF  
WATER USE**

**WHEREAS**, on August 3, 2021, in accordance with Government Code section 36900, the Town Council at a duly noticed public meeting took testimony and adopted Interim Ordinance No. 2319, (a copy of which is attached hereto as Exhibit "A" and incorporated herein) an urgency interim ordinance that regulated water use, for a period of 45 days.

**WHEREAS**, on September 7, 2021, in accordance with Government Code section 36900, the Town Council held a duly noticed public hearing and took testimony regarding this urgency ordinance to extend Interim Ordinance No. 2319 ("Extension Ordinance"); and

**WHEREAS**, the Town Council has considered, and by adopting this Extension Ordinance ratifies and adopts, the report, which is incorporated in the Staff Report dated September 7, 2021, describing the continued drought conditions which led to the adoption of Ordinance No. 2319; and

**WHEREAS**, because the conditions justifying the adoption of Interim Ordinance 2319 have not been alleviated, the Town Council now desires to extend the restrictions on the use of water established by Interim Ordinance No. 2319 for an additional ten (10) months and fifteen (15) days, as permitted by Government Code Section 36900.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS FINDS AND ORDAINS:**

**SECTION I**

The Council finds and declares that the State of California and the Town of Los Gatos are continuing to experience severe drought conditions that require immediate and decisive action for the preservation of public peace, health and safety. The Council further finds that delay in adopting an ordinance to further reduce water waste will further exacerbate the drought conditions. The Council further finds that urgent action is needed to comply with the requirements that Valley Water and the State of California recommend. Accordingly, the Council finds that an urgency ordinance is warranted to address these conditions.

**SECTION II**

The Council finds and determines that a state of drought and water shortage exists throughout the Santa Clara Valley. Water conservation measures are necessary and water consumption must be reduced by fifteen percent. Failure to reduce water consumption would contribute to the existing water shortage. The following measure is necessary to preserve the health and safety of the people of Los Gatos.

### SECTION III

- A. The following uses of water are classified as "nonessential or unauthorized" and are prohibited:
- (1) Watering of ornamental landscapes or lawns with potable water beyond maximum level of three days a week and watering before 9:00 A.M. or after 5:00 p.m.
  - (2) Excessive use of water: when a utility has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to affect such repairs within five business days, the utility may install a flow restriction device.
  - (3) Use of potable water that results in flooding or runoff in gutters or streets.
  - (4) Individual private washing of cars with a hose except with the use of a positive action shut-off nozzle. Use of potable water for washing commercial aircraft, cars, buses, boats, trailers, or other commercial vehicles at any time, except at commercial or fleet vehicle or boat washing facilities operated at a fixed location where equipment using water is properly maintained to avoid wasteful use.
  - (5) Use of potable water for washing buildings, structures, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas, except in the cases where health and safety are at risk.
  - (6) Use of potable water for construction purposes unless no other source of water or other method can be used.
  - (7) Use of potable water for decorative fountains or the filling or topping off of decorative lakes or ponds. Exceptions are made for those decorative fountains, lakes, or ponds which utilize recycled water.
  - (8) Use of potable water for the filling or refilling of swimming pools.
  - (9) Service of water by any restaurant except upon the request of a patron.
- B. The taking of any action in violation of this ordinance shall be subject to an administrative penalty of up to \$500 for each day in which the violation occurs. Citations for violations may be issued by any member of the Police Department, the Town's Code Enforcement Officer, and any other personnel designated by the City Manager, based on observation of the violation or resulting conditions, such as wet areas outside the allowable irrigation areas. Citations shall be issued to the person or persons named on the Water Department account for that property. If the resident is not present to receive it, a citation may be served by mail or posted on a prominent location on the property. The administrative penalty shall be payable within 10 days to the Town Water Department and, if not paid within 10 days, shall be added to the water user's bill.
- C. Any person desiring to contest a citation may file an appeal. As a condition to the filing of the appeal, all outstanding penalties must be paid in full. If the appeal is upheld, the penalty will be refunded.

**SECTION IV**

The Council finds and declares that the adoption of the water waste reduction measures herein is categorically exempt from CEQA pursuant to CEQA Guideline 15307 (Actions By Regulatory Agencies For Protection of Natural Resources).

**SECTION V**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be unconstitutional or otherwise invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the Town of Los Gatos hereby declares that it would have adopted the remainder of this ordinance, including each section, subsection, sentence, clause, phrase, or portion irrespective of the invalidity of any other article, section, subsection, sentence, clause, phrase, or portion.

**SECTION VI**

The Council hereby declares that the foregoing is an urgency ordinance necessary for the immediate preservation of the public peace, health and safety of the Town of Los Gatos and its residents and shall take effect immediately upon passage by a four-fifths majority of the City Council

**SECTION VII**

This ordinance shall be printed and posted upon the three (3) official bulletin boards of the Town of Los Gatos.

This Ordinance was passed and adopted at a regular meeting of the Town Council of the Town of Los Gatos on September 7, 2021.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA