

PUBLIC HEARING

SUBJECT: ORDINANCE ADDING SECTION 25-5.1 TO PORTERVILLE MUNICIPAL CODE REGARDING ENFORCEMENT OF ADOPTED WATER CONSERVATION PLAN

SOURCE: City Attorney's Office

COMMENT: The purpose of this draft ordinance is to apply the City's available municipal code enforcement provisions to violations of the adopted restrictions located in the Water Conservation Plan (Plan) considered this evening.

For enforcement purposes, the Plan quotes sections from Chapter 2 (Administrative Citations) and Chapter 25 (Wasteful Use of Water). These sections provide that violations of the restrictions contained within the Plan may be prosecuted as infractions and that individuals may be subject to fines as follows:

- 1) For the first violation, a fine not to exceed \$100.
- 2) For the second violation within a 12-month period, a fine not to exceed \$200 (for any Building and Safety Code violations, a fine not to exceed \$500).
- 3) For each additional violation within a 12-month period, a fine not to exceed \$500 (or \$1,000 for Building and Safety Code violations).

Adoption of this ordinance would tie the Plan into the City's existing remedies.

RECOMMENDATION: That the City Council

1. Hold the noticed public hearing and consider all testimony; and
2. Approve and give first reading to Ordinance No. _____, an Ordinance of the City Council of the City of Porterville Adding Section 25-5.1 to Chapter 25, Article I, Division 1 of the Porterville Municipal Code Regarding Enforcement of Adopted Water Conservation Plan.

ATTACHMENT: Ordinance No. _____, an Ordinance of the City Council of the City of Porterville Adding Section 25-5.1 to Chapter 25, Article I, Division 1 of the Porterville Municipal Code Regarding Enforcement of Adopted Water Conservation Plan

ITEM NO. 14

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ADDING SECTION 25-5.1
TO CHAPTER 25, ARTICLE I, DIVISION 1 OF
THE PORTERVILLE MUNICIPAL CODE REGARDING
ENFORCEMENT OF ADOPTED WATER CONSERVATION PLAN

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

Section 1. *Code Amendment.* Section 25-5.1 IS hereby added to Chapter 25, Article I, Division 1 of the Porterville Municipal Code, to read as follows:

Section 25-5.1. City Water Conservation Plan.

The City Council has adopted by Resolution its Water Conservation Plan which sets forth water conservation phases and conservation measures including mandatory restrictions on water usage by property owners and water consumers. Violation of the measures in effect, currently and as may be amended by Resolution from time-to-time, pursuant to the applicable phase of Water Conservation Plan, shall be enforceable as set forth per any applicable remedy provisions in this Municipal Code, including but not limited to Chapter 1, Sections 1-9 and 1-10; Chapter 2, Article XIV; and/or Chapter 25, Article I. The City's Water Conservation Plan is deemed to be the City's "Water Shortage Contingency Plan" per applicable State law.

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. *Effective Date.* This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 4. *Certification.* The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this ___ day of _____ 2014.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk