

ORDINANCE NO. 3810

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 14.18 OF THE HUNTINGTON BEACH MUNICIPAL
CODE RELATING TO THE WATER MANAGEMENT PROGRAM

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 14.18.050 of the Huntington Beach Municipal Code is hereby amended to read as follows:

14.18.050 Authorization. The City's Director of Public Works and the City Administrator, or their designated representative, are hereby authorized and directed by the City Council to implement the provisions of this chapter as specifically set forth in the Water Management Program as may from time to time be adopted by resolution of the City Council; provided however that, any actions taken by them pursuant herewith shall be confirmed at the earliest practicable time by the City Council. The Director of Public Works shall make such rules and regulations as may be necessary, reasonable and to enforce the provisions of this code. A copy of any rule or regulation promulgated by the Director shall be provided to the City Council.

SECTION 2. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 200_____.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

James McGath
6-5-08 City Attorney *Dko 6/5/08*

REVIEWED AND APPROVED:

[Signature]

City Administrator

INITIATED AND APPROVED:

[Signature]

Director of Public Works

APPROVED FOR INTRODUCTION
8-4-08

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LEGISLATIVE DRAFT**Chapter 14.18****WATER MANAGEMENT PROGRAM**

(3104-4/91)

Sections:

- 14.18.010 Declaration of policy
- 14.18.020 Findings
- 14.18.030 CEQA exemption
- 14.18.040 Application
- 14.18.050 Authorization
- 14.18.060 Mandatory conservation phase implementation
- 14.18.070 Penalty

14.18.010 Declaration of policy. California Water Code Section 375 et seq. permit public entities which supply water at retail to adopt and enforce a Water Management Program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity. The City Council hereby establishes a comprehensive Water Management Program pursuant to California Water Code Section 375 et seq., based upon the need to conserve water supplies and to avoid or minimize the effects of any future shortage. (3104-4/91)

14.18.020 Findings. The City Council finds and determines that a water shortage could exist based upon the occurrence of one or more of the following conditions:

- (a) A general water supply shortage due to increased demand or limited supplies. (3104-4/91)
- (b) A major failure of the supply, storage and distribution facilities of the Metropolitan Water District of Southern California, or of the City occurs. (3104-4/91)
- (c) A local or regional disaster which limits the water supply. (3104-4/91)

The City Council also finds and determines that the conditions prevailing in the Huntington Beach area require that the water resources available be put to maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use, of water be prevented and that the conservation of such water encourage with a view to the maximum reasonable and beneficial use thereof in the interests of the people of the City and for the public welfare. (3104-4/91)

14.18.030 CEQA exemption. The City finds that this chapter and actions taken hereafter pursuant to this chapter are exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency pursuant to Public Resources Code Section 21080 (b)(4) and the California Environmental Quality Act Guidelines Section 15269(c). The City Administrator of the City is hereby authorized and directed to file a Notice of Exemption as soon as possible following adoption of this chapter. (3104-4/91)

14.18.040 Application. The provisions of this chapter shall apply to all persons, customers, and property served by the City. (3104-4/91)

14.18.050 Authorization. The City's Director of Public Works and the City Administrator, or their designated representative, are hereby authorized and directed by the City Council to implement the provisions of this chapter as specifically set forth in the Water Management Program as may from time to time be adopted by resolution of the City Council; provided however that, any actions taken by them pursuant herewith shall be confirmed at the earliest practicable time by the City Council. **The Director of Public Works shall make such rules and regulations as may be necessary, reasonable and proper to enforce the provisions of this Chapter. A copy of any rule or regulation promulgated by the Director shall be provided to the City Council.** (3104-4/91)

14.18.060 Mandatory conservation phase implementation. The City shall monitor the projected supply and demand for water by its customers. The Director of Public Works shall determine the extent of the conservation required through the implementation and/or termination of particular conservation stages in order for the City to prudently plan for and supply water to its customers. The City Council shall direct the City Administrator to order that the appropriate stage of water conservation be implemented or terminated at any time it determines appropriate in accordance with the applicable provision of this chapter. However, in case of local emergencies as defined under the Huntington Beach Municipal Code, the City Administrator shall have the authority to order the implementation of the appropriate stage of water conservation subject to ratification by the City Council within seven (7) days thereafter or such order of the Director of Public Works shall have no further force or effect. (3104-4/91)

14.18.070 Penalty. Any violation of this chapter is a misdemeanor. In addition to any other remedies which the City may have for the enforcement of this Ordinance, service of water shall be discontinued or appropriately limited to any customer who willfully uses water in violation of any provision hereof. (3104-4/91)