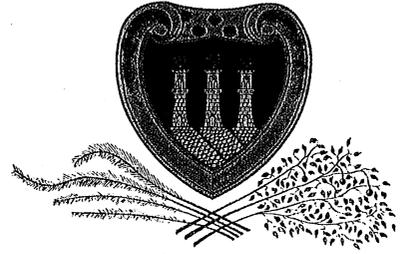


City of San Marino



CERTIFIED/RETURNED RECEIPT REQUESTED

December 17, 2009

Mr. Simon Eching
California Department of Water Resources
Water Use and Efficiency Branch
P.O. Box 942836
Sacramento, CA 94236-0001

**SUBJECT: NOTIFICATION OF ADOPTION OF LOCAL WATER
CONSERVATION ORDINANCE AND WATER EFFICIENT
LANDSCAPE ORDINANCE**

Dear Mr. Eching:

In accordance with Assembly Bill 1881 (AB 1881), please find enclosed the adopted ordinances of the City of San Marino pertaining to the City's water conservation and water supply shortage program and regulations. Also enclosed is the City's water efficient landscape ordinance, along with the City's notification of adoption letter.

If you have any questions, please call me at (626) 300-0703.

Sincerely,

Veronica Ruiz

Veronica Ruiz
Deputy City Clerk

Enclosure

Cc: Matt Ballantyne, City Manager
Cindy Collins, Assistant City Manager

ORDINANCE NO. O-09-1220

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARINO AMENDING CHAPTER I, ARTICLE 06 OF THE SAN MARINO CITY CODE "ADMINISTRATIVE PROCEDURES AND PENALTIES FOR CODE VIOLATIONS," BY INCLUDING WATER CONSERVATION PROGRAM VIOLATIONS TO THE ADMINISTRATIVE CITATION PROGRAM

THE CITY COUNCIL OF THE CITY OF SAN MARINO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Paragraph B of Section 01.06.01 of Article 06, Chapter 1 of the San Marino City Code is hereby amended to read as follows:

B. Codes Subject to an Administrative Citation. Violations of the following provisions of this Code are subject to an Administrative Citation as set forth herein:

- (1) Article 7 of Chapter XVI, "Sidewalk Encroachment Permits."
- (2) Section 23.06.15, "Preservation of Trees."
- (3) Section 25.01.04, "Completion of Construction."
- (4) Section 14.04.05(E)(1-3), "Noise: Animals and Fowl."
- (5) Section 14.04.06(F)(1-7), "Noise: Portable Engine Or Motor-Powered Blowers."
- (6) Section 14.01.04, "Burglar Alarms: Public Nuisance Alarms."
- (7) Section 14.02.04, "Fire Alarms: Public Nuisance Alarms."
- (8) Section 11.02.02, (A-C) "Requirement for (Business) License."
- (9) Section 25.06.08, "Fire Code / Fireworks Violations."
- (10) Section 17.02.05(J), "Fireworks in Public Parks."
- (11) Article 16 of Chapter XIV, "Water Conservation and Water Supply Shortage Program and Regulations."**

Section 2. The City Clerk shall certify to the passage and adoption of this ordinance; shall cause the same to be entered in the book of original ordinances of said City; and shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted.

ORDINANCE NO. O-09-1219

**AN ORDINANCE OF THE CITY OF SAN MARINO ADDING
ARTICLE 16 TO CHAPTER XIV OF THE SAN MARINO CITY
CODE ESTABLISHING A WATER CONSERVATION AND
WATER SUPPLY SHORTAGE PROGRAM AND REGULATIONS**

THE CITY COUNCIL OF THE CITY OF SAN MARINO DOES HEREBY ORDAIN
AS FOLLOWS:

Section 1. Findings.

- (a) A reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of the southern California region.
- (b) Southern California is a semi-arid region and is largely dependent upon imported water supplies. A growing population, climate change, environmental concerns, and other factors in other parts of the State and western United States, make the region highly susceptible to water supply reliability issues.
- (c) Careful water management that includes active water conservation measures not only in times of drought, but at all times, is essential to ensure a reliable minimum supply of water to meet current and future water supply needs.
- (d) Article X, Section 2 of the California Constitution declares that the general welfare requires that water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.
- (e) Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.
- (f) The adoption and enforcement of a water conservation and supply shortage program is necessary to manage the City of San Marino's potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the City of San Marino. Such program is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

Section 2. Chapter XIV of the San Marino City Code is amended by adding Article 16 to read as follows:

Article 16

WATER CONSERVATION AND WATER SUPPLY SHORTAGE PROGRAM AND REGULATIONS

SECTION:

- 14.16.01: Purpose and Intent
- 14.16.02: Definitions
- 14.16.03: Application
- 14.16.04: Voluntary Water Conservation Requirements
- 14.16.05: Water Supply Shortage - Prohibition Against Waste
- 14.16.06: Procedures For Determination/Notification Of Water Supply Shortage
- 16.16.07: Hardship Waiver
- 14.16.08: Penalties and Violations

14.16.01: **PURPOSE AND INTENT:**

- A. The purpose of this chapter is to establish a water conservation and supply shortage program that will reduce water consumption within the City of San Marino through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City of San Marino to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.
- B. This chapter establishes voluntary and imposed water conservation standards intended to alter behavior related to water use efficiency at all times. This ordinance may be amended in the future following public hearings to consider increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.

14.16.02: **DEFINITIONS:** The following words and phrases, when used in this article, shall have the meaning defined in this section.

PERSON: Any natural person or persons, corporation, public or private entity, governmental agency or institution, including all agencies and departments of City of San Marino, or any other user of water provided in the City of San Marino.

LANDSCAPE IRRIGATION SYSTEM: An irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.

LARGE LANDSCAPE AREAS: A lawn, landscape, or other vegetated area, or combination thereof, equal to more than one (1) acre of irrigable land.

SINGLE PASS COOLING SYSTEMS: Equipment where water is circulated only once to cool equipment before being disposed.

POTABLE WATER: Water which is suitable for drinking.

RECYCLED WATER: The reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations.

14.16.03: APPLICATION:

- A. The provisions of this chapter apply to any person in the use of any potable water provided by the City of San Marino.
- B. The provisions of this chapter do not apply to uses of water necessary to protect public health and safety or for essential government services, such as police, fire and other similar emergency services.
- C. The provisions of this chapter do not apply to the use of recycled water, with the exception of Section 14.16.04(A).
- D. The provisions of this chapter do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.
- E. This chapter is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.

14.16.04: VOLUNTARY WATER CONSERVATION REQUIREMENTS –

PROHIBITION AGAINST WASTE: The following voluntary water conservation requirements are effective at all times. Actions contrary to this section will be considered waste and an unreasonable use of water.

- A. **Limits on Watering Hours:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is prohibited between the hours of 9:00 a.m. and 5:00 p.m. Pacific Standard Time on any day, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

ORDINANCE NO. O-09-1219

Page 4 of 6

- B. **Limit on Watering Duration:** Watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended is limited to no more than fifteen (15) minutes watering per day per station. This subsection does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard.
- C. **No Excessive Water Flow or Runoff:** Watering or irrigating of any lawn, landscape or other vegetated area in a manner that causes or allows excessive water flow or runoff onto an adjoining, street, alley, gutter or ditch is prohibited.
- D. **No Washing Down Hard or Paved Surfaces:** Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine, or a low-volume high-pressure water broom.
- E. **Obligation to Fix Leaks, Breaks or Malfunctions:** Excessive use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than seven (7) days of receiving notice from the City of San Marino, is prohibited.
- F. **Re-circulating Water Required for Water Fountains and Decorative Water Features:** Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.
- G. **Limits on Washing Vehicles:** Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive self-closing water shut-off nozzle or device.
- H. **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including but not limited to a restaurant, cafe, cafeteria, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.
- I. **Single Pass Cooling Systems:** Installation of single pass cooling systems is prohibited in buildings requesting new water service.
- J. **Restaurant Use:** Food preparation establishments, such as restaurants or cafes, are required to use water conserving dish wash spray valves.

14.16.05: **MANDATORY WATER CONSERVATION:** A Water Supply Shortage exists when the City of San Marino determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the City of San Marino of a Water Supply Shortage condition, the City of San Marino will make the voluntary measures outlined in Section 14.16.04 mandatory.

14.16.06: **PROCEDURES FOR DETERMINATION/NOTIFICATION OF WATER SUPPLY SHORTAGE:** The existence of Water Supply Shortage conditions may be declared by resolution of the City of San Marino adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation requirements will take effect on the tenth day after the date the shortage level is declared. Within five (5) days following the declaration of the shortage level, the City of San Marino must publish a copy of the resolution in a newspaper used for publication of official notices.

14.16.07: **HARDSHIP WAIVER:** If, due to unique circumstances, a specific requirement of this chapter would result in undue hardship to a person or public entity using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section.

A. **Written Finding:** The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

1. **Application:** Application for a waiver must be on a form prescribed by the City of San Marino and accompanied by a non-refundable processing fee in an amount set by City Council resolution.
2. **Supporting Documentation:** The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.
3. **Required Findings for Waiver:** An application for a waiver will be denied unless the City Manager finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the City of San Marino or its Agent, all of the following:
 - i. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;

- ii. That because of special circumstances applicable to the property or its use, the strict application of this chapter would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally;
 - iii. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City of San Marino to effectuate the purpose of this chapter and will not be detrimental to the public interest; and
 - iv. That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent or general in nature.
4. Approval Authority: The City Manager must act upon any completed application no later than ten (10) days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver must be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved, the waiver will apply to the subject property during the period of the mandatory water supply shortage condition. The decision of the City Manager will be final.

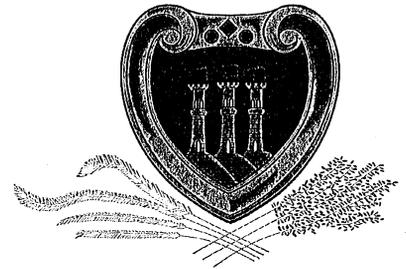
14.16.08: **PENALTIES AND VIOLATIONS:** Any violation of this article shall be enforced as provided in Article 6 of Chapter 1 of this Code.

Section 3. Severability. If any section, subsection, sentence, clause or phrase in this chapter is for any reason held invalid, the validity of the remainder of the chapter will not be affected. The City Council of the City of San Marino hereby declares it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid.

Section 4. The City Clerk shall certify to the passage and adoption of this ordinance; shall cause the same to be entered in the book of original ordinances of said City; and shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted.

City of San Marino

Planning & Building Department



December 17, 2009

Mr. Simon Eching
California Department of Water Resources
Water Use and Efficiency Branch
P.O. Box 942836
Sacramento, CA 94236-0001

**SUBJECT: NOTIFICATION OF ADOPTION OF LOCAL WATER EFFICIENT
LANDSCAPE ORDINANCE**

Dear Mr. Eching:

This letter shall serve as notification to the Department of Water Resources that the City of San Marino has adopted a local Water Efficient Landscape Ordinance. The City of San Marino submits the following findings as evidence that its ordinance is at least as effective at conserving water as DWR's Model Water Efficient Landscape Ordinance (MWELo).

- The City estimates that the ordinance would apply to approximately 8 to 10 residential properties a year, which is consistent with the estimates of significantly larger neighboring cities.
- A landscape documentation package is required and must be prepared by a Licensed Landscape Architect or Landscape Contractor.
- The ordinance establishes a Maximum Allowable Water Allowance per the MWELo.
- The ordinance requires the most efficient irrigation systems and specifications, as required by the MWELo.
- The irrigation specifications are contained in a separate "Landscape and Irrigation Regulations" document so that it can be updated with ease as technology improves.
- The ordinance requires efficient irrigation scheduling and maintenance.
- The ordinance requires that any grading be done in a manner to minimize soil erosion, runoff and water waste.
- The ordinance allows for water audits, surveys and irrigation water use analyses.
- The public will be notified via the City newsletter and all new homeowners will be notified at the time of purchase of the property.
- The ordinance allows the Planning and Building director to withhold final building inspections and impose fees as penalties for non-compliance.

Enclosed for your records is a copy of San Marino's ordinance and supporting documents. If you have any questions, you may contact me by phone at (626) 300-0711 or by email at athorson@cityofsanmarino.org.

Sincerely,

A handwritten signature in black ink that reads "Amanda Thorson". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Amanda Thorson
Planning and Building Assistant

Enclosure

cc: Matt Ballantyne, City Manager
Cindy Collins, Assistant City Manager
David Saldaña, Planning and Building Director

ORDINANCE NO. O-09-1224

AN ORDINANCE OF THE CITY OF SAN MARINO AMENDING CHAPTER XXIII OF THE SAN MARINO CITY CODE REGARDING WATER EFFICIENT LANDSCAPING

SECTION 1. Article 16 of Chapter XXIII of the San Marino City Code is hereby amended as follows:

ARTICLE 16

WATER EFFICIENT LANDSCAPING

SECTION:

- 23.16.01: Purpose
- 23.16.02: Applicability
- 23.16.03: Exemptions From Applicability
- 23.16.04: Definitions
- 23.16.05: Submittal Requirements and Application Processing
- 23.16.06: Required Landscape Documentation Package
- 23.16.07: Irrigation Scheduling
- 23.16.08: Landscape and Irrigation Maintenance
- 23.16.09: Irrigation Audit, Irrigation Survey and Irrigation Water Use Analysis
- 23.16.10: Public Education
- 23.16.11: Penalties

23.16.01 PURPOSE

The purpose of this ordinance is to encourage the use of water-wise landscaping and irrigation systems. Water in the State of California is in limited supply and is subject to increasing demands. However, landscapes are essential to the quality of life in San Marino. In order to balance the needs of both San Marino residents and State water supplies, this ordinance will promote landscape and irrigation systems that are designed, installed, maintained and managed in a water efficient manner.

A. The State Legislature has found:

1. That the waters of the state are of limited supply and are subject to ever increasing demands;
2. That the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
3. That it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;

4. That landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;
 5. That landscape design, installation, maintenance and management can and should be water efficient.
 6. That Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.
- B. Consistent with these legislative findings, the purpose of this ordinance is to establish an alternative ordinance acceptable under AB 1881 as being at least as effective as the State Model Ordinance in the context of conditions in San Marino, in order to:
1. Promote the values and benefits of landscapes while recognizing the need to invest water and resources as efficiently as possible;
 2. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in association with qualifying projects.
 3. Establish provisions for water management practices and water waste prevention.
 4. Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount.

23.16.02 APPLICABILITY

The provisions of this ordinance shall apply to the types of projects set forth in this paragraph.

- A. A new or replacement main residential or commercial structure with a landscape area equal to or greater than 5,000 square feet.
- B. Residential buildings which are reconstructed or altered to the extent of more than fifty percent (50%) of its replacement value, determined cumulatively over a consecutive five (5) year period, and with a landscape area equal to or greater than 5,000 square feet. This shall not apply to existing legal nonconforming properties damaged by fire or earthquake and rebuilt on prior foundations to the preexisting configuration.

23.16.03 EXEMPTIONS FROM APPLICABILITY

This ordinance shall not apply to the properties set forth in this paragraph.

- A. Registered local, state or national historical sites;
- B. Plant collections, as part of botanical gardens or arboretums open to the public.
- C. Plant nurseries.

23.16.04 DEFINITIONS

CERTIFICATE OF COMPLETION: The documents required under Sections 23.16.05A, 23.16.05B and 23.16.05C of this Ordinance.

IRRIGATION AUDIT: An in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

IRRIGATION SURVEY: An evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

IRRIGATION WATER USE ANALYSIS: An analysis of water use data based on meter readings and billing data.

LANDSCAPE DOCUMENTATION PACKAGE: The documents required under 23.16.06

LANDSCAPE AND IRRIGATION REGULATIONS: Rules and regulations adopted by the City of San Marino Planning and Building Department for the implementation and enforcement of provisions of this Chapter, and when duly promulgated, such rules and regulations shall be in full force and effect.

LANDSCAPE ARCHITECT: A person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

LANDSCAPE CONTRACTOR: A person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

LANDSCAPED AREA: The entire lot, including, water features such as pools, spas, ponds, and fountains. "Landscaped Area" shall not include the building footprint, driveways, non-irrigated portions of parking lots, hardscapes such as decks and patios, and other nonporous areas.

MAXIMUM APPLIED WATER ALLOWANCE (“MAWA”): The upper limit of annual applied water for the established Landscaped Area or Altered Landscaped Area determined pursuant to the formula set forth in the Landscape Regulations. The MAWA is based upon the local reference evapotranspiration rate, the ETo Adjustment Factor and the size of the Landscaped Area or Altered Landscaped Area.

23.16.05 SUBMITTAL REQUIREMENTS AND APPLICATION PROCESSING

Prior to the issuance of building permits for projects identified in Section 23.16.02 a landscape documentation package shall be submitted to the City in accordance with the Landscape and Irrigation Regulations and containing the items listed in Section 23.16.06.

- A. Prior to submittal to the City, the landscape documentation package shall be prepared and/or reviewed by an independent licensed landscape architect or landscape contractor to ensure that all components of the landscape plan adhere to this chapter. The licensed landscape architect or contractor shall sign the plans as verification that the landscape plans comply with this Chapter and include the following statement:

“I have reviewed and applied the criteria of the ordinance and applied them accordingly for the efficient use of water in the landscape and irrigation design plans.”

- B. Prior to the final building inspection of the project, the licensed landscape architect or contractor shall sign and submit a Licensed Landscape Architect and/or Licensed Landscape Contractor’s Certificate of Completion which shall include the following statement:

“I certify that based upon periodic site observations, the work has been substantially completed in accordance with the ordinance and that the landscape planning and irrigation installation conform to the criteria and specifications of the approved landscape documentation package.”

- C. Prior to the final building inspection of the project, the homeowner shall sign and submit a Homeowner’s Certificate of Completion which shall include the following statement:

“I/we certify that I/we have received copies of all the documents within the Landscape Plan Package and the Licensed Landscape Architect/Contractor’s Certificate of Completion and that it is our responsibility to see that the project is maintained in accordance with the approved plan.”

23.16.06 REQUIRED LANDSCAPE DOCUMENTATION PACKAGE

- A. Project information: Date, site address, applicant name and contact information, the landscape architect, designer and/or contractor's name and contact information, and total landscape area in square feet.

- B. Landscape design
 - 1. Landscaping shall be designed in a manner to promote the efficient use of water.
 - 2. The landscape design plan shall be prepared in accordance with and comply with the standards set forth in the Landscape and Irrigation Regulations for the City of San Marino.

- C. Irrigation plan:
 - 1. The irrigation systems and its related components shall be planned and designed for the efficient use of water and shall minimize water waste and runoff.
 - 2. The plan shall be prepared in accordance with and comply with the standards set forth in the Landscape and Irrigation Regulations for the City of San Marino.

- D. Grading Plan
 - 1. Grading of a project site shall be designed to minimize soil erosion, runoff, and water waste.
 - 2. The project applicant shall submit a grading plan to the City Engineer if required for the larger project and consult the grading plan recommendations contained in the Landscape and Irrigation Regulations.

23.16.07 IRRIGATION SCHEDULING

For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health.

23.16.08 LANDSCAPE AND IRRIGATION MAINTENANCE

Landscaping and irrigation systems shall be maintained to ensure water use efficiency.

23.16.09 IRRIGATION AUDIT, IRRIGATION SURVEY AND IRRIGATION WATER USE ANALYSIS

The City shall administer programs that may include, but not be limited to, irrigation audits, irrigation surveys and irrigation water use analyses for compliance with the Maximum Applied Water Allowance at the discretion of the Planning and Building Director or his or her designee.

23.16.10 PUBLIC EDUCATION

The City shall inform all new owners of single-family homes about this ordinance at the time of the Residential Certificate of Compliance process, as required by San Marino City Code Section 24.02.01

23.16.11 PENALTIES

- A. The Planning and Building Director may withhold a final building inspection on any property subject to this ordinance until the Certificates of Completion are submitted.
- B. Any project found to be in violation of this ordinance shall be subject to fines established by City Council Resolution.

SECTION 2. Article 17 of Chapter XXIII is hereby created and shall include the former Article 16 "Enforcement, Violations and Penalties".

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance; shall cause the same to be entered in the book of original ordinances of said City; and shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted.