



City of Westminster

CIVIC CENTER
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(714) 898-3311

MARGIE L. RICE
MAYOR

FRANK G. FRY
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TYLER DIEP
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ANDY QUACH
COUNCIL MEMBER

TRI TA
COUNCIL MEMBER

DONALD D. LAMM
CITY MANAGER

January 26, 2010

Director, Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Subject: Adoption of the City of Westminster's Water Efficient Landscape Ordinance

Dear Director,

Pursuant to Section 65597 of the California Government Code, the purpose of this letter is to notify the State Department of Water Resources that the City of Westminster is not subject to the Department's updated model ordinance since the City has adopted a local water efficient landscape ordinance. On December 16, 2009, the Westminster City Council introduced Ordinance No. 2459 and adopted Resolution No. 4271, establishing water efficient landscape standards and procedures as required by Assembly Bill 1881 and in compliance with the Department's model ordinance.

Ordinance No. 2459, which amends Title 17 (Land Use Ordinance) of the Westminster Municipal Code, establishes the authority and applicability of the City's water efficient landscape provisions. Resolution No. 4271 establishes the City's Handbook of Water Efficiency Landscape Measures. In addition, on May 27, 2009, the Westminster City Council adopted Ordinance No. 2449, which establishes the City's water conservation and water supply shortage program. A copy of both ordinances and resolution are attached.

Furthermore, the provisions and findings established in both of the aforementioned City ordinances and the provisions established in the City's Handbook of Water Efficiency Landscape Measures, provide the obligatory evidence that said provisions are as at least as effective in conserving water as the Department's updated model ordinance.

January 26, 2010

Please contact me at (714) 898-3311, extension 257 if you have any questions regarding this letter or the attached documents.

Sincerely,


Steve Ratkay AICP
Associate Planner

Attachments: Ordinance No. 2459
Resolution No. 4271
Ordinance No. 2449

ORDINANCE NO. 2459

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF WESTMINSTER TO AMEND TITLE 17
(LAND USE ORDINANCE) OF THE WESTMINSTER
MUNICIPAL CODE ESTABLISHING WATER EFFICIENCY
LANDSCAPE MEASURES

WHEREAS, it is the policy of the State to promote the conservation and efficient use of water to prevent the waste of this valuable resources; and

WHEREAS, the State Legislature has found the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses; and

WHEREAS, pursuant to the Assembly Bill AB 1881, adopted by the State Legislature and signed by the Governor in 2006, all local governments must comply with the State's Model Water Efficiency Landscape Ordinance or adopt an ordinance that is as least as effective in achieving water efficiency in the irrigation of landscaped areas; and

WHEREAS, all water services within the City are metered; and

WHEREAS, all new irrigation controllers sold after 2012 within Orange County will be smart controllers; and

WHEREAS, landscape plan submittal and review has been a long standing practice in the City; and

WHEREAS, the average rainfall in Orange County is approximately 12 inches per year; and

WHEREAS, allocation and tiered water rate structures allow public agencies to document water use in landscape; and

WHEREAS, the Mayor and City Council of the City of Westminster have adopted Resolution Nos. 4259 and 4265, establishing a budget based tiered-rate billing system for the use of water; and

WHEREAS, Title 13 (Public Services) of the Westminster Municipal Code includes adopted water waste prohibitions for all existing and proposed metered landscaped areas throughout the City; and

WHEREAS, the Planning Commission voted on October 7, 2009, to initiate an amendment to the text of the City's Zoning Ordinance to fulfill the requirements of Assembly Bill AB 1881; and

WHEREAS, pursuant to the applicable provisions of the Westminster Municipal Code, the Planning Commission, at its regular meeting of November 19, 2009, held a duly advertised public hearing to consider the proposed amendment to the Westminster Municipal Code and a separate Handbook of Water Efficiency Landscape Measures and voted 5 to 0, recommending that the Mayor and City Council establish a handbook to include the City's water efficiency landscape standards and adopt an ordinance amending Title 17 (Land Use Ordinance) to include provisions requiring compliance with the provisions of the handbook; and

WHEREAS, the proposed text amendment and Handbook of Water Efficiency Landscape Measures is consistent in principle with the goals, objectives, policies, land uses, and programs specified in the adopted General Plan, specifically, Facilities and Utilities Policy IVB1-2, which calls for the City to encourage water conservation practices, in that establishing water efficiency measures will conserve the use of water used to irrigate landscaped areas; and

WHEREAS, the Mayor and City Council finds that the implementation of proposed text amendment and Handbook of Water Efficiency Landscape Measures would be at least as effective as the State's Model Ordinance in achieving water efficiency based upon the following findings:

1. The proposed text amendment and Handbook of Water Efficiency Landscape Measures will promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
2. The proposed text amendment and Handbook of Water Efficiency Landscape Measures will establish a structure for planning, designing, installing and maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
3. The proposed text amendment and Handbook of Water Efficiency Landscape Measures establish provisions for water management practices and supplement the City's current water waste prevention requirements for existing landscapes;
4. The proposed text amendment and Handbook of Water Efficiency Landscape Measures sets a Maximum Applied Water Allowance as an upper limit for water use, ensuring reduced water use to the lowest practical amount; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) and the City's guidelines for the implementation of CEQA, the Mayor and City Council has determined that the project (activity) is limited to protecting a natural resource (water) through the establishment of water efficient landscape measures. Therefore, it's determined that this activity/project has been deemed to be exempt from further CEQA analysis under Class 7, Section 15307 of the CEQA (California Environmental Quality Act) Guidelines; and

WHEREAS, the Mayor and City Council conducted a duly advertised public hearing on December 16, 2009, having duly considered all written and oral statements presented in regard to the proposed text amendment and Handbook of Water Efficiency

Landscape Measures, has determined that the adoption of the ordinance and Handbook of Water Efficiency Landscape Measures will not impair the public health, safety, and general welfare; and

NOW, THEREFORE, the Mayor and City Council of the City of Westminster HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 17.70 (Landscape and Irrigation Design Standards) of the Westminster Municipal Code is hereby repealed and replaced in its entirety with a new Chapter 17,70, as provided in Exhibit A of this ordinance.

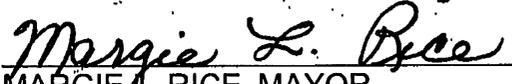
SECTION 2. If any section, subsection, clause or phrase or portion of the code is for any reasons held to be invalidated or unconstitutional by the decision of any court to competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed the ordinance codified in this Chapter, and each section, subsection, sentence, clause and phrase or portion thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.

SECTION 3. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner required by law. This ordinance shall become effective thirty (30) days from and after its passage.

PASSED, APPROVED AND ADOPTED this 11th day of January, 2010 by the following vote:

AYES: COUNCIL MEMBERS: RICE, FRY, QUACH, TA, DIEP
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE


MARGIE L. RICE, MAYOR

ATTEST:


ROBIN ROBERTS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF WESTMINSTER)

I, ROBIN ROBERTS, City Clerk of Westminster, do hereby certify that the foregoing ordinance was introduced on the 16th day of December 2009 and was regularly adopted at a meeting thereof on the 11th day of January 2010.



Robin Roberts
City Clerk

EXHIBIT A
Ordinance No. 2459

CHAPTER 17.70

LANDSCAPE AND IRRIGATION DESIGN STANDARDS

Sections:

- 17.70.010 - Purpose
- 17.70.020 - Applicability
- 17.70.030 - Landscape-Area Requirements
- 17.70.040 - Landscape Standards
- 17.70.050 Additional Landscape Standards Applicable to Projects Subject to the City's Water Efficiency Landscape Measures
- 17.70.060 - Landscape Plan Application Requirements
- 17.70.070 Artificial Turf

17.70.010 Purpose

The purposes of this Chapter are to:

- A. Establish uniform landscape standards for new projects, as well as provide a mechanism to require the upgrade of existing landscaping in developments when improvements are proposed.
- B. Enhance the aesthetic appearance of developments throughout the City by providing standards related to the quality and functional aspects of landscaping.
- C. Increase compatibility between abutting land uses and between land uses and public rights-of-way by providing landscape screening or buffers.
- D. Provide for the conservation of water resources through the efficient use of irrigation, appropriate mix of plant materials, use of artificial turf, water recycling features, and regular maintenance of landscaped areas.
- E. Enhance and increase the compatibility of abutting land uses and public rights-of-way by providing landscape screening and buffers where appropriate.

17.70.020 Applicability

- A. **New Projects.** All new proposed development shall provide landscaping in compliance with the requirements of this Chapter, as applicable.
- B. **Existing Uses.** The renovation of an existing building or center offers opportunities to upgrade existing on-site landscaping to be consistent with the provisions of the WMC. It is the City's policy to require the improvement of landscaping to the greatest extent practical, considering existing site conditions. In the case of an existing use, if the amount of required landscaping cannot be accommodated because of existing buildings or other physical constraints of a site, the applicant shall provide landscaping toward meeting the landscape requirements, as the Director determines can be reasonably accommodated.
- C. **Artificial Turf.** The Artificial Turf Design Standards, as stated in Section 17.70.070 of this Chapter are applicable to all zoning districts and all uses.

D. Projects Subject to the City's Water Efficiency Landscape Measures. Projects subject to all of the City's Water Efficiency Implementation Measures and provisions stated in the City's adopted Handbook of Water Efficiency Landscape Measures, in addition to the provisions stated in this Chapter include all of the following:

1. **Non-Residential.** New landscape installations projects by public or private non-residential developers, except for cemeteries, with a landscaped area, including pools or other water features but excluding hardscape and decorative hardscape, equal to or greater than 2,500 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.
2. **Residential.** New landscape installations projects by developers or property managers of single-family and multi-family residential projects or complexes with a landscaped area, including pools or other water features but excluding hardscape and decorative hardscape, equal to or greater than 2,500 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.
3. **Homeowner Installed.** New landscape installation projects by individual homeowners on single-family or multi-family residential lots with a total project landscaped area, including pools or other water features but excluding hardscape, equal to or greater than 5,000 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature;
4. **Rehabilitation Projects.** Any re-landscaping project, except for a Homeowner Installed project as defined in Section 17.70.020(D)(3) of this Chapter, where the modified landscape area is greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are planned to occur within one year.

E. Projects Subject to Limited Portions of the City's Water Efficiency Landscape Measures. Projects subject to limited portions of the City's Water Efficiency Implementation Measures and provisions stated in the City's adopted Handbook of Water Efficiency Landscape Measures include the following:

1. **Cemeteries.** New landscape installations or landscape rehabilitation projects at a cemetery are subject to Sections 2.2, 2.8 and 2.9 of the Handbook of Water Efficiency Landscape Measures

F. Exceptions. This Chapter shall not apply to landscaping for:

1. Single family homes, except where subject to the Water Efficiency Landscape Measures.
2. Cemeteries, except where subject to the Water Efficiency Landscape Measures.
3. A registered local, state, or federal historical site.
5. Publicly-owned parks and open space and government-owned facilities, except where subject to the Water Efficiency Landscape Measures.
6. Public schools.

G.. **Exceptions to Water Efficiency Landscape Measures.** Projects exempt from the Water Efficiency Landscape Measures, as specified in the City's adopted Handbook of Water Efficiency Landscape Measures but are otherwise subject to the requirements of this Chapter, include the following:

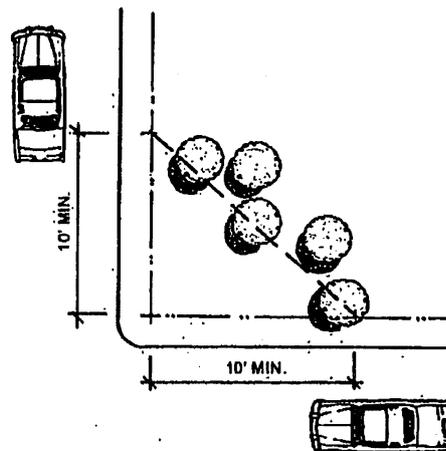
1. Ecological restoration projects that do not require a permanent irrigation system.
2. Mined-land reclamation projects that do not require a permanent irrigation system.
3. Plant collections, as part of botanical gardens and arboretums open to the public.

17.70.030 Landscape Area Requirements

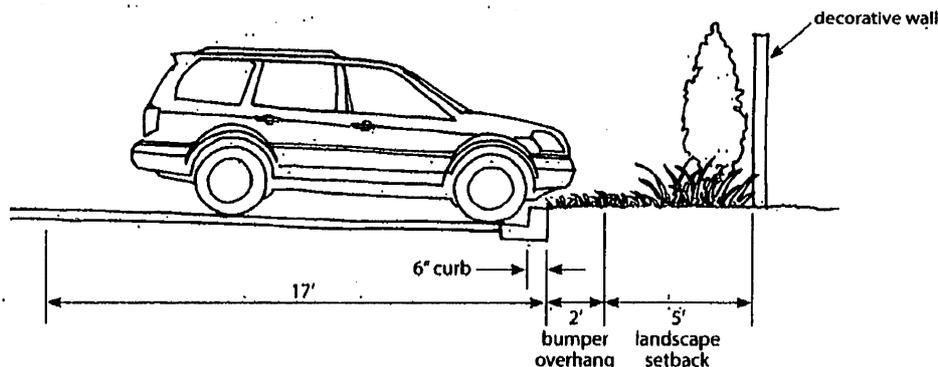
A. **Setbacks.** All setback and open-space areas not occupied by driveways, parking areas, walkways, building projections, or approved hardscape areas shall be landscaped. Planters shall be placed adjacent to the street, around buildings, and in parking lots. Front-yard setbacks and high visibility areas shall be landscaped.

B. **Sight-distance triangle.** Within a triangular area 10 feet on a side on either side of an access drive, no object shall exceed a height of 30 inches above the top of the curb.

C. **Location of Planted Areas.** Parking-lot landscaping shall be designed so that pedestrians are not required to cross planted areas in order to reach building entrances from parking areas. This should be achieved through proper orientation of planted fingers and islands.



D. **Bumper-Overhang Areas.** In areas where vehicles will overhang a landscape planter, an additional two feet of planter area shall be required. This area shall be planted with low ground cover that is not likely to be damaged by vehicles. See Figure 3-4, *Bumper-Overhang Area*, for illustration.



**Figure 3-4
Bumper-Overhang Area**

E. Parking Lot Perimeter Landscaping

1. *Adjacent to streets.*

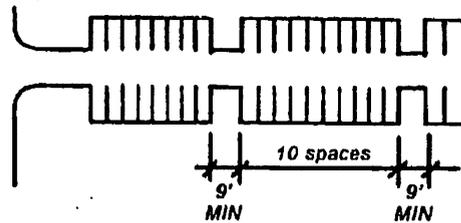
- a. Parking areas for nonresidential uses adjoining a public street shall be designed to provide a minimum 5-foot-wide (inside dimension) landscaped planting strip between the street right-of-way and parking area.
- b. The landscaping shall be designed and maintained to screen parked cars from street views and plant materials shall be selected to provide a minimum height of 36 inches at the time of planting. The Director may approve screening of less than 36 inches when deemed necessary to protect the public interest. Screening materials may include a combination of plant materials, earth berms, solid masonry walls, raised planters, or other screening devices to meet the intent of this requirement; however, the use of solid masonry walls without plant cover, as a screening material, is prohibited.
- c. Shade trees shall be provided at a minimum rate of one tree for every five parking stalls. The minimum size of trees shall be 15 gallon.

2. *Adjacent to residential uses.*

- a. Parking areas for nonresidential uses adjoining residential uses shall be designed to provide a minimum 5-foot-wide (inside dimension) landscaped planting strip between the parking area and the common property line bordering the residential use.
- b. To address land use compatibility issues such as nuisance, noise, and light or glare, a solid masonry wall shall be provided along the property line to the maximum height allowed in Table 3-2.

3. *Within multi-family or small lot residential areas.*

- a. There shall be no more than 10 spaces of uninterrupted parking within open parking areas. Each 10 spaces (or less) shall be separated from adjacent parking spaces by a landscaped area equal in width and depth to a standard parking space (9 feet x 19 feet).



17.70.040 Landscape Standards

A. General Requirements

1. **Minimum landscape area.** On sites proposing new development, a minimum of 15 percent of the site shall be landscaped in an effective manner.
2. **Minimum width of landscaped areas.** Landscaped tree planters shall be a minimum width of 4 feet.
3. **Concrete curb/mow-strip.** When in or adjacent to a parking area or drive aisle, planted areas shall be protected with a minimum 6-inch high concrete curb above the surrounding pavement or ground level.

4. **Maintenance.** Plant materials shall be maintained and trimmed so as to not encroach into the public right-of-way. Trees and shrubs shall not interfere with lighting of the premises or access to emergency apparatus and shall not obstruct the sight distance necessary for safe vehicle travel. Trees shall be trimmed above the ground level to accommodate pedestrian and vehicular traffic. Species shall be selected accordingly.
5. **Irrigation.** All planted areas shall be provided with a permanent automatic irrigation system. This watering system shall consist of piped water lines terminating in an appropriate number of sprinklers or hose bibs to ensure a sufficient amount of water for plants within the planted area.
6. **Decorative hardscape.** Decorative and creative hardscape designs that are consistent with the Design Guidelines Manual shall be encouraged and may be apportioned towards the required 15 percent minimum landscape area, provided that the hardscape design comply with the following criteria:
 - a. A mix of surface colors and textures that creates a pattern such as pavers, tile, brick, colored and stamped concrete (except painted concrete), or any other durable surface shall be utilized.
 - b. Properly irrigated raised planters, pots, hanging or suspended planter boxes, vases, etc., that are consistent with the theme and architecture of the development.
 - c. Site furniture such as benches, on-site light standards, bollards, gazebos, public art, etc., that shall not be located in the public right-of-way and shall be consistent with the theme and architecture of the primary building(s).
 - d. Up to 50 percent of the required landscape area may utilize decorative hardscape.
7. **Landscape Placement Restriction.** Plant materials shall be placed in such a manner that they do not interfere with the lighting of the premises or restrict access to emergency apparatus' such as fire hydrants or fire alarm boxes. Trees or large shrubs shall not be planted under overhead transmission/telephone utility lines or over underground public utilities if their growth might interfere with such utilities.

B. Planting Materials

1. Trees.

- a. **Number of trees:** At least one tree shall be provided for every 500 square feet of total landscaped area. From the total required, at least one tree shall be provided in the parking area, within tree wells or in landscape planters, for every five parking spaces.
- b. **Tree container size:** The minimum tree-container sizes for all trees on a site shall be specified as follows: 20 percent of all required trees shall be of 24-inch box size or larger and the remaining trees shall not be less than 15 gallon size.
- c. **Placement of trees:** Trees shall be placed as follows:
 - i. A minimum of five feet between the center of a tree and the edge of a driveway, water or gas meter, or sewer lateral.
 - ii. A minimum of ten feet between the center of a tree and the point of intersection of the edge of driveways with streets or walkways.

- iii. A minimum of ten feet between the center of a tree and a utility pole.
- iv. A minimum of eight feet between the center of a tree and fire hydrants or fire-department sprinkler and standpipe connections.

2. Ground cover and shrubs.

- a. *Number of shrubs.* One shrub or vine shall be provided for every 50 square feet of landscaping.
- b. *Shrub size.* Shrub size shall not be less than five gallons.
- c. *Groundcover requirements.* Turf and artificial turf areas should be limited and trees, shrubs, and ground cover should be planted wherever possible. A minimum of three inches of mulch shall be applied to all nonturf planting areas. Groundcover shall achieve 100% coverage within 1 year.
- d. *Placement of shrubs.* Large shrubs shall be placed as follows:
 - i. A minimum of five feet between the center of a tree or large shrub and the edge of driveway, water or gas meter, or sewer laterals.
 - ii. A minimum of ten feet between the center of a tree or large shrub and the point of intersection of the edge of driveways with streets or walkways.
 - iii. A minimum of ten feet between the center of a tree or large shrubs and a utility pole.
 - iv. A minimum of eight feet between the center of a tree or large shrub and fire hydrants or fire department sprinkler and standpipe connections.

C. Plant selection

- 1. *Drought-tolerant plants.* Landscaping shall emphasize drought-tolerant plants whenever/wherever possible. The use of cactus, however, shall be very limited and used only in small areas for accent.

D. Irrigation

- 1. Plants that require different amounts of water shall be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use shall be used in that area. Lawn areas and planters shall be irrigated by separate valves.
- 2. Drip systems shall be installed whenever feasible.
- 3. A separate backflow-prevention device and anti-siphon valves shall be installed for irrigation systems.
- 4. A rain-sensing overriding device shall be used so that the irrigation system will automatically turn off in the event of rain.
- 5. The irrigation system shall be designed to prevent overspray and water runoff onto adjacent properties, nonirrigated areas, walks, roadways, or structures.
- 6. An automatic irrigation system using pop-up sprinkler heads shall be required for all new landscapes. Backflow preventers and anti-siphon valves shall be provided in compliance with

current codes. Low-flow sprinkler heads shall be used wherever possible.

7. The landscape designer shall certify that the plans were designed with the intent to provide the maximum feasible water conservation. This certification shall be located on the irrigation plans and signed by the designer.
8. An irrigation schedule that takes into consideration the soil conditions, seasonal changes, and plant material shall be prepared by the landscape architect or contractor and included on the plans. Watering shall be scheduled according to the specifications of Chapter 13.14.050 (Permanent water conservation requirements – Prohibition against waste) of the Westminster Municipal Code. The irrigation schedule shall:
 - a. Include a run time (in minutes per cycle), suggested number of cycles per day, and frequency of irrigation for each station.
 - b. Provide the amount of applied water recommended on a monthly basis.
9. Sprinkler heads and risers shall be protected from car bumpers. Pop-up heads shall be installed near curbs and sidewalks.
10. All trees shall be securely staked with double staking and/or guy-wires. Root barriers may be required for some tree species and locations.
11. All irrigation systems shall be designed to reduce vandalism by placing controls in appropriate enclosures.

E. Maintenance

1. A maintenance schedule that requires periodic water-flow checks, overspray, and viability and growth of the plant materials shall be prepared by the landscape architect or contractor. The maintenance check should be performed by the property owner or his/her designated representative every six months.
2. Irrigation devices shall be repaired as soon as a fault is detected. Repair of irrigation equipment shall be done with the originally specified materials or their equivalent.

17.70.050 Additional Landscape Standards Applicable to Projects Subject to the City's Water Efficiency Landscape Measures

- A. Compliance With Water Efficiency Landscape Measures.** In addition to the landscape standards specified in Section 17.70.040 (Landscape Standards) of this Chapter, all landscape projects subject the Water Efficiency Landscape Measures, as identified in Section 17.70.020(D) and (E) (Applicability) of this Chapter, shall also fully comply with the provisions stated in the City's adopted Handbook of Water Efficiency Landscape Measures. Terms used within this Chapter in regards to the applicability and implementation of the City's Handbook of Water Efficiency Landscape Measures are defined in said Handbook.

17.70.060 Landscape Plan Application Requirements

- A. Submission of Landscape Documentation Package Required.** A Landscape Documentation Package shall be required for all projects and uses applicable to the provisions of this Chapter.
- B. Contents of Landscape Documentation Package.** A Landscape Documentation Package shall include all of the following:
- 1. Project Data -Specifications.** The project data for all submittals shall include all of the following:
 - a. Project name, address of parcel(s), and assessor parcel number(s).
 - b. Name and address of property owner(s), project applicant(s), landscape architect(s) or person(s) responsible for preparing plans, and contact person(s).
 - c. Date of plan preparation.
 - d. Index of all sheets submitted (i.e., landscape design, irrigation, etc.).
 - 2. Landscape Design -Plan Specifications.** The landscape design (planting and hardscape) plan(s) shall be drawn on the projects base sheets at a scale that accurately and clearly identifies:
 - a. Landscape plans have been prepared and stamped by a licensed landscape architect or a licensed landscape contractor.
 - b. Plant materials, including trees, shrubs, groundcover, turf, and other vegetation. In addition to the new plant materials, all existing plants to remain and to be removed or relocated shall be identified. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing, and quantities of each group of plants indicated.
 - c. All property lines and street names.
 - d. Streets, driveways, walkways, steps, and other paved areas.
 - e. Pools, ponds, water features, fences, and retaining walls.
 - f. Designation of all hardscape and decorative hardscape areas including total square feet of the hardscape area and the total square feet of the decorative hardscape area. Each decorative hardscape area shall be dimensioned. and the total decorative hardscape area shall also be expressed as a percentage of the total required landscaping.
 - g. Existing and proposed buildings and structures including pad elevations, if applicable.
 - h. Natural features including rock outcroppings, existing trees, and existing shrubs that will remain.
 - i. Tree staking, plant installation, soil preparation, and any other applicable planting and installation details.
 - j. A calculation of the total planted area and percentage of turf area.

- k. Designation of recreational areas.
- l. Landscape -installation specifications.
- m. Landscape -maintenance specifications, including the landscape contractor's maintenance period.
- n. A table showing the quantity of planting material required per Section 17.70.040.B.

3. Irrigation Design -Plan Specifications. The irrigation design plan shall be drawn on the projects base sheets, at the same scale as the landscape design plan, and shall accurately identify:

- a. Irrigation plans have been prepared and stamped by a licensed landscape architect or licensed landscape contractor.
- b. Location and size of separate water meters for the landscaped areas as required, including service line and size.
- c. Location and size of the point of connection for the existing or modified irrigation system.
- d. Location, type, and size of all components of the irrigation system, including automatic controllers, main and lateral pipes, valves, sprinkler heads, moisture-sensing devices, rain switches, quick couplers, backflow prevention devices, and automatic rain shut-off devices.
- e. Static water pressure at the point of connection to the public water supply.
- f. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pounds per square inch) for each remote-control valve and head radius or water coverage for each head (diameter for full heads).
- g. Estimated annual water use expressed in inches per square foot of landscaped area per year.
- h. Hydrozones of high, medium, and low water usage, differentiated by color or patterning. All plants listed on the plant list or legend shall be classified and grouped by category of hydrozone.
- i. Table or sheet showing compliance with the irrigation requirements outlined in Section 17.70.040.D.
- j. Symbols, brand name and model number for each sprinkler head and irrigation device.

C. Projects and Uses Subject to Water Efficiency Landscape Measures. All projects and uses determined to be subject to the City's Water Efficiency Landscape Measures, as specified in Section 17.70.020 (Applicability) of this Chapter, shall be subject to the additional Landscape Documentation Package requirements as stated in the City's adopted Handbook of Water Efficiency Landscape Measures.

17.70.070 Artificial Turf

- A. For all uses requiring a landscape plan as specified in Section 17.70.020, proposed artificial turf areas shall be shown on a landscape plan and considered as part of the overall proposed landscape design. For uses which are not subject to the Landscape and Irrigation Design Standards as specified in Chapter 17.70, the property owner or owner's authorized agent shall be required to submit a Site Plan Review application to the Planning Division, along with documents and/or materials indicating that the provisions stipulated in Section 17.70.070(B) shall be met, prior to the installation of any artificial turf area.
- B. The installation and use of artificial turf shall be subject to the following standards:
1. Allowed materials include cut-pile in-filled type artificial turf, composed of nylon, polyethylene and/or polypropylene as defined in Article 7 of this Title.
 2. All areas of artificial turf shall have a eight-year to twelve-year minimum no-fade warranty.
 3. The use of indoor or outdoor plastic or nylon carpeting as a replacement for artificial turf shall be prohibited. Artificial shrubs, flowers, trees, and vines in-lieu of living plant materials shall be prohibited.
 4. All artificial turf areas shall be anchored at the edges and seams, with a proper drainage system. A bender board, acceptable to the City, shall be installed to prevent intrusion of living plant material into the artificial turf area.
 5. All artificial turf areas must be maintained in a green, fadeless condition at all times and shall simulate the appearance of a well maintained lawn.
 6. Vehicle parking shall be prohibited on artificial turf.
 7. Installation shall be performed by a licensed professional in accordance with the manufacturer's requirements and specifications.

For single-family residential uses, where artificial turf is proposed in the front and/or street side yard areas, at least ten percent of such yard area shall be devoted to live plants, including live turf, shrubs, ground cover and trees.

RESOLUTION NO. 4271

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF WESTMINSTER ESTABLISHING A
HANDBOOK OF WATER EFFICIENCY LANDSCAPE
MEASURES.

WHEREAS, it is the policy of the State to promote the conservation and efficient use of water to prevent the waste of this valuable resources; and

WHEREAS, the State Legislature has found the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses; and

WHEREAS, pursuant to the Assembly Bill AB 1881, adopted by the State Legislature and signed by the Governor in 2006, all local governments must comply with the State's Model Water Efficiency Landscape Ordinance or adopt an ordinance that is as least as effective in achieving water efficiency in the irrigation of landscaped areas; and

WHEREAS, the Planning Commission voted on October 7, 2009, to initiate an amendment to the text of the City's Zoning Ordinance to fulfill the requirements of Assembly Bill AB 1881; and

WHEREAS, pursuant to the applicable provisions of the Westminster Municipal Code, the Planning Commission, at its regular meeting of November 19, 2009, held a duly advertised public hearing to consider a Handbook of Water Efficiency Landscape Measures and voted 5 to 0, recommending that the Mayor and City Council establish a handbook to include the City's water efficiency landscape standards and adopt an ordinance amending Title 17 (Land Use Ordinance) to include provisions requiring compliance with the provisions of the handbook; and

WHEREAS, the proposed Handbook of Water Efficiency Landscape Measures is consistent in principle with the goals, objectives, policies, land uses, and programs specified in the adopted General Plan, specifically, Facilities and Utilities Policy IVB1-2, which calls for the City to encourage water conservation practices, in that establishing water efficiency measures will conserve the use of water used to irrigate landscaped areas; and

WHEREAS, the Mayor and City Council finds that the implementation of proposed Handbook of Water Efficiency Landscape Measures would be at least as effective as the State's Model Ordinance in achieving water efficiency based upon the following findings:

1. The proposed Handbook of Water Efficiency Landscape Measures will promote the values and benefits of landscapes while recognizing the need to invest water

- and other resources as efficiently as possible;
2. The proposed Handbook of Water Efficiency Landscape Measures will establish a structure for planning, designing, installing and maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
 3. The proposed Handbook of Water Efficiency Landscape Measures establish provisions for water management practices and supplement the City's current water waste prevention requirements for existing landscapes;
 4. The proposed Handbook of Water Efficiency Landscape Measures sets a Maximum Applied Water Allowance as an upper limit for water use, ensuring reduced water use to the lowest practical amount; and

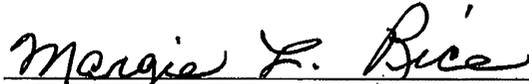
WHEREAS, in accordance with the California Environmental Quality Act (CEQA) and the City's guidelines for the implementation of CEQA, the Mayor and City Council has determined that the project (activity) is limited to protecting a natural resource (water) through the establishment of water efficient landscape measures. Therefore, it's determined that this activity/project has been deemed to be exempt from further CEQA analysis under Class 7, Section 15307 of the CEQA (California Environmental Quality Act) Guidelines.

WHEREAS, the Mayor and City Council conducted a duly advertised public hearing on December 16, 2009, having duly considered all written and oral statements presented in regard to the proposed Handbook of Water Efficiency Landscape Measures, has determined that the adoption of the Handbook of Water Efficiency Landscape Measures will not impair the public health, safety, and general welfare; and

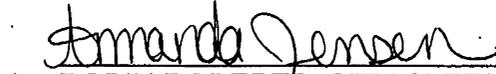
NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council hereby adopt the Handbook of Water Efficiency Landscape Measures, as provided in Exhibit A of this resolution.

PASSED, APPROVED AND ADOPTED this 16th day of December, 2009, by the following vote:

AYES:	COUNCIL MEMBERS: RICE, FRY, QUACH, TA, DIEP
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: NONE


MARGIE L. RICE, MAYOR

ATTEST:


ROBIN ROBERTS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF WESTMINSTER)

I, ROBIN ROBERTS, hereby certify that I am the duly appointed City Clerk of the City of Westminster and that the foregoing resolution was duly adopted at an adjourned regular meeting of the City Council of the City of Westminster held on the 16th day of December, 2009.

for Amanda Jensen
Robin L. Roberts
City Clerk

EXHIBIT A

**HANDBOOK
OF
WATER EFFICIENCY
LANDSCAPE MEASURES**

City of Westminster, California

TABLE OF CONTENTS

<u>Section</u>	<u>Page No.</u>
1. Purpose and Applicability	1
1.1 Purpose.....	1
1.2 Applicability	1
2. Submittal Requirements for New Landscape Installations or Landscape Rehabilitation Projects	1
2.1 Elements of the Landscape Documentation Package	1
2.2 Water Efficient Landscape Calculations and Alternatives	3
2.3 Soil Management Report	4
2.4 Landscape Design Plan	5
2.5 Irrigation Design Plan	8
2.6 Grading Design Plan	12
2.7 Landscape Installation and Certification of Completion.....	13
2.8 Post-Installation Irrigation Scheduling	14
2.9 Post-Installation Landscape and Irrigation Maintenance.....	14
3. Provisions for Existing Landscapes	14
 Appendix A – Example Certification of Design	 A-1
Appendix B – Water Efficient Landscape Worksheet	B-1
Appendix C – Reference Evapotranspiration (ET _o) Table	C-1
Appendix D Landscape Installation Certificate of Completion.....	D-1
Appendix E – Definitions	E-1

1. Purpose and Applicability

1.1 Purpose

- (a) The primary purpose of this Handbook of Water Efficiency Landscape Measures is to provide procedural and design guidance for project applicants proposing landscape installations or rehabilitation projects that are subject to the requirements of the City's Water Efficiency Landscape Measures, as specified in Section 17.310.010 (Applicability) of Chapter 17.310 (Landscaping) of the Westminster Municipal Code. This Handbook is also intended for use and reference by City staff and consultants in reviewing and approving designs and verifying compliance with the Water Efficiency Landscape Measures stated herein.

1.2 Applicability

- (a) The provisions of this Handbook shall apply to all projects determined to be subject to the City's Water Efficiency Landscape Measures, as stated in Section 17.310.010 (Applicability) of Chapter 17.310 (Landscaping) of the Westminster Municipal Code.
- (b) The requirements of the Handbook may be partially or wholly waived, at the discretion of the City or its designee, for landscape rehabilitation projects that are limited to replacement plantings with equal or lower water needs and where the irrigation system is found to be designed, operable and programmed consistent with minimizing water waste in accordance with the Westminster Municipal Code.

2. Submittal Requirements for New Landscape Installations or Landscape Rehabilitation Projects

- (a) Projects determined by the City to be subject to the City's Water Efficiency Landscape Measures shall be required to submit a *Landscape Documentation Package* as prescribed in Section 17.310.030 (Landscape Plan Application Requirements) of the Westminster Municipal Code in addition to the provisions stated in Section 2.1 (Elements of the Landscape Documentation Package), of this Handbook.
- (b) A *Landscape Documentation Package* is required to be submitted by the *project applicant* for review and approval prior to the issuance of a permit and prior to the start of construction.

2.1 Elements of the Landscape Documentation Package

- (a) Unless otherwise directed by the City, the *Landscape Documentation Package* shall include the following elements either on plan sheets or supplemental pages as directed by the City:

- (1) Project Information, including, but not limited to, the following:
 - (a) Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
 - (b) Water supply type (e.g., potable, recycled, or well);
 - (c) Checklist or index of all documents in the *Landscape Documentation Package*;
 - (d) A *Certification of Design* in accordance with **Exhibit A** of this *Handbook* that includes a *landscape professional's* professional stamp, as applicable, signature, contact information (including email and telephone number), license number, and date, certifying the statement that "The design of this project complies with the requirements of the City's Water Efficiency Landscape Measures and all provisions of the Westminster Municipal Code" and shall bear the signature of the *landscape professional* as required by law; and
 - (e) Any other information the City deems relevant for determining whether the landscape project complies with the Water Efficiency Landscape Measures contained herein.
- (2) *Maximum Applied Water Allowance (MAWA)* and *Estimated Applied Water Use (EAWU)* expressed as annual totals including, but not limited to, the following:
 - (a) a *Water Efficient Landscape Worksheet* for the landscape project;
 - (b) *hydrozone* information table for the landscape project; and
 - (c) water budget calculations for the landscape project.
- (3) A soil management report or specifications, or specification provision requiring soil testing and amendment recommendations and implementation to be accomplished during construction of the landscape project.
- (4) A landscape design plan for the landscape project.
- (5) An irrigation design plan for the landscape project.
- (6) A grading design plan, unless grading information is included in the landscape design plan for the landscape project or unless the landscape project is limited to replacement planting and/or irrigation to rehabilitate an existing landscaped area.

[Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.]

2.2 Water Efficient Landscape Calculations and Alternatives

- (a) The *project applicant* shall provide the calculated *Maximum Applied Water Allowance (MAWA)* and *Estimated Applied Water Use (EAWU)* for the *landscaped area* as part of the *Landscape Documentation Package* submittal to the City. The *MAWA* and *EAWU* shall be calculated based on completing the *Water Efficient Landscape Worksheets* (in accordance with the sample worksheets found in **Appendix B**).
- (b) The *EAWU* allowable for the *landscaped area* shall not exceed the *MAWA*. The *MAWA* shall be calculated using an *evapotranspiration adjustment factor (ETAF)* of 0.7 except for the portion of the *MAWA* applicable to any *special landscaped areas* within the landscape project, which shall be calculated using an *ETAF* of 1.0. Where the design of the *landscaped area* can otherwise be shown to be equivalently water-efficient, the *project applicant* may submit alternative or abbreviated information supporting the demonstration that the annual *EAWU* is less than the *MAWA*, at the discretion of and for the review and approval of the City.
- (c) Water budget calculations shall adhere to the following requirements:
 - (1) The *MAWA* shall be calculated using the *Water Efficient Landscape Worksheets* and equation presented in **Appendix B** on page B-1. The example calculation on page B-1 is a hypothetical example to demonstrate proper use of the equation.
 - (2) The *EAWU* shall be calculated using the *Water Efficient Landscape Worksheets* and equation presented in **Appendix B** on page B-2. The example calculation on page B-2 is a hypothetical example.
 - (3) For the calculation of the *MAWA* and *EAWU*, a *project applicant* shall use the *ETo* values from the closest location listed in the Reference Evapotranspiration Table in **Appendix C**. For geographic areas not covered in **Appendix C**, data from other cities located nearby in the same reference evapotranspiration zone may be used, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.
 - (4) For calculation of the *EAWU*, the *plant water use factor* shall be determined as appropriate to the project location from the *Water Use Efficiency of Landscape Species (WUCOLS)* Species Evaluation List. The *plant factor* is 0.1 for very low water use plants, 0.2 to 0.3 for low water use plants, 0.4 to 0.6 for moderate water use plants, and 0.7 to 1.0 for high water use plants.

- (5) For calculating the *EAWU*, the plant water use factor shall be determined for each valve *hydrozone* based on the highest-water-use plant species within the zone. The *plant factor* for each hydrozone may be required to be further refined as a "landscape coefficient," according to protocols defined in detail in the *WUCOLS* document, to reflect planting density and microclimate effects on water need at the option of the *project applicant* or the *City*.
- (6) For calculation of the *EAWU*, the area of a water feature shall be defined as a high water use hydrozone with a *plant factor* of 1.0.
- (7) For calculation of the *EAWU*, a temporarily irrigated hydrozone area, such as an area of highly drought-tolerant native plants that are not intended to be irrigated after they are fully established, shall be defined as a very low water use hydrozone with a *plant factor* of 0.1.
- (8) For calculation of the *MAWA*, the *ETAF* for *special landscaped areas* shall be set at 1.0. For calculation of the *EAWU*, the *ETAF* for *special landscaped areas* shall be calculated as the *special landscaped area (SLA) plant factor* divided by the *SLA irrigation efficiency factor*.
- (9) *Irrigation efficiency* shall be calculated using the worksheet and equation presented in **Appendix B** on page B-2.
- (d) The *Maximum Applied Water Allowance* shall adhere to the following requirements:
 - (1) The *Maximum Applied Water Allowance* shall be calculated using the equation presented in **Appendix B**. The example calculation in **Appendix B** is hypothetical to demonstrate proper use of the equation and does not represent an existing and/or planned landscape project. The *reference evapotranspiration (ET_o)* values used in this calculation are from the *Reference Evapotranspiration Table* in **Appendix C** and are for planning purposes only. For actual irrigation scheduling, automatic irrigation controllers are required and shall use current *ET_o* data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

2.3 Soil Management Report

- (a) In order to reduce *runoff* and encourage healthy plant growth, a soil management report shall be completed by the *project applicant*, or his/her designee, as follows:
 - (1) Submit soil samples to a certified agronomic soils laboratory for analysis and recommendations.

- (a) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
 - (b) The soil analysis may include, but is not limited to:
 - 1. soil texture;
 - 2. infiltration rate determined by laboratory test or soil texture infiltration rate table;
 - 3. pH;
 - 4. total soluble salts;
 - 5. sodium;
 - 6. percent organic matter; and
 - 7. recommendations.
- (2) The *project applicant*, or his/her designee, shall comply with one of the following:
- (a) The soil analysis report shall be submitted to the City as part of the Landscape Documentation Package; or
 - (b) The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans in order to make any necessary adjustments to the design plans.

[Note: Authority Cited: Section 65595, Government Code.
Reference: Section 65596, Government Code.]

2.4 Landscape Design Plan

- (a) For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. The following design criteria shall be submitted as part of the *Landscape Documentation Package*.
 - (1) Plant Material
 - (a) Any plant may be selected for the *landscaped area* provided the *EAWU* in the *landscaped area* does not exceed the *MAWA*. To encourage the efficient use of water, the following is highly recommended:

1. protection and preservation of non-invasive *water-conserving plant species* and *water-conserving turf*;
 2. selection of *water-conserving plant species* and *water-conserving turf*;
 3. selection of plants based on disease and pest resistance;
 4. selection of trees based on the City adopted Design Guidelines Manual or the City's List of Street Trees; and
 5. selection of plants from local and regional landscape program plant lists.
- (b) Each *hydrozone* shall have plant materials with similar water use, with the exception of *hydrozones* with plants of mixed water use, as specified in Section 2.5(a)(2)(D) of this Handbook.
- (c) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended for inclusion in the landscape design plan:
- (1) use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 - (2) recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, and power lines); and
 - (3) consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
- (d) *Turf* is discouraged on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).
- (e) The use of *invasive plant species* and/or *noxious plant species* is strongly discouraged.
- (f) The architectural guidelines of a *common interest development*, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of *water efficient plant species* as a group.
- (1) Water Features

- (a) Re-circulating water systems shall be used for water features.
 - (b) Where available and consistent with public health guidelines, recycled water shall be used as a source for decorative water features.
 - (c) The surface area of a water feature shall be included in the high water use *hydrozone* area of the water budget calculation.
 - (d) Pool and spa covers are highly recommended.
- (2) *Mulch* and Amendments
- (a) A minimum two inch (2") layer of *mulch* shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where *mulch* is contraindicated.
 - (b) Stabilizing mulching products shall be used on slopes.
 - (c) The mulching portion of the seed/*mulch* slurry in hydro-seeded applications shall meet the mulching requirement.
 - (d) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 2.3 of this Handbook).
- (g) In addition to the information specified in Section 17.31.030 (Landscape Plan Application Requirements), The landscape design plan, at a minimum, shall:
- (1) delineate and label each *hydrozone* by number, letter, or other method;
 - (2) identify each *hydrozone* as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the *landscaped area* shall be included in the low water use *hydrozone* for the water budget calculation;
 - (3) identify recreational areas;
 - (4) identify areas permanently and solely dedicated to edible plants;
 - (5) identify areas irrigated with recycled water;
 - (6) identify type of *mulch* and application depth;
 - (7) identify soil amendments, type, and quantity;
 - (8) identify type and surface area of water features;

- (9) identify location and installation details of any applicable storm water best management practices that encourage on-site retention and infiltration of storm water. Storm water best management practices are encouraged in the landscape design plan and examples include, but are not limited to:
 - (a) infiltration beds, swales, and basins that allow water to collect and soak into the ground;
 - (b) constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and
 - (c) *pervious* or porous surfaces (e.g., permeable pavers or blocks, *pervious* or porous concrete, etc.) that minimize *runoff*.
- (10) identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);
- (11) contain the following statement: "I have complied with the criteria of the City's *Water Efficiency Landscape Measures* and all applicable provisions of the Westminster Municipal Code, and applied them for the efficient use of water in the landscape design plan;" and
- (12) bear the signature of a California-licensed *landscape professional*.

[Note: Authority Cited: Section 65595, Reference: Section 65596, Government Code and Section 1351, Civil Code.]

2.5 Irrigation Design Plan

- (a) For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturer's recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria, in addition to the information specified in Section 17.31.030 (Landscape Plan Application Requirements), shall be submitted as part of the *Landscape Documentation Package*.
 - (1) System
 - (a) Dedicated landscape water meters are required.
 - (b) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.
 - (c) The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
 2. *Static water pressure*, dynamic or *operating pressure*, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- (d) *Sensors* (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
 - (e) Manual shut-off *valves* (such as a *gate valve*, *ball valve*, or *butterfly valve*) shall be required as close as possible to the point of connection of the water supply to minimize water loss in case of an emergency (such as a *main line* break) or routine repair.
 - (f) Backflow prevention devices shall be required as specified in Title 13 (Public Services) of the Westminster Municipal Code.
 - (g) High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.
 - (h) The irrigation system shall be designed to prevent *runoff*, low head drainage, *overspray*, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, *hardscapes*, roadways, or structures.
 - (i) Relevant information from the soil management plan, such as soil type and *infiltration rate*, shall be utilized when designing irrigation systems.
 - (j) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
 - (k) Average irrigation efficiency for the project shall be determined in accordance with the EAWU calculation sheet in **Appendix B**. Unless otherwise indicated by the irrigation equipment manufacturer's specifications or demonstrated by the *project applicant*, the *irrigation efficiency* of the irrigation heads used within each hydrozone shall be assumed to be:

Pop-up stream rotator heads = 75%

Stream rotor heads = 75%

Microspray = 75%

Bubbler = 80%

Drip emitter = 85%

Subsurface irrigation = 90%

- (l) It is highly recommended that the *project applicant* consult with the City's Water Department about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.
- (m) In *mulched* planting areas, the use of *low volume irrigation* is required to maximize water infiltration into the root zone.
- (n) *Sprinkler heads* and other emission devices shall have matched *precipitation rates*, unless otherwise directed by the manufacturer's recommendations.
- (o) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible *distribution uniformity* using the manufacturer's recommendations.
- (p) *Swing joints* or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.
- (q) *Check valves* or *anti-drain valves* are required for all irrigation systems.
- (r) Narrow or irregularly shaped areas, including turf, less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or a *low volume overhead irrigation* system.
- (s) *Overhead* irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be *mulch*, gravel, or other porous material. These restrictions may be modified if:
 1. the *landscaped area* is adjacent to permeable surfacing and no *runoff* occurs; or
 2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 3. the irrigation designer for the landscape project specifies an alternative design or technology, as part of the *Landscape*

Documentation Package, and clearly demonstrates strict adherence to the irrigation system design criteria in Section 2.5 (a)(1)(h) hereof. Prevention of overspray and runoff must be confirmed during an irrigation audit.

4. Slopes greater than 25% shall not be irrigated with an irrigation system with a *precipitation rate* exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer of the landscape project specifies an alternative design or technology, as part of the *Landscape Documentation Package*, and clearly demonstrates no *runoff* or erosion will occur. Prevention of *runoff* and erosion must be confirmed during the *irrigation audit*.

(2) **Hydrozone**

- (a) Each *valve* shall irrigate a *hydrozone* with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- (b) *Sprinkler heads* and other emission devices shall be selected based on what is appropriate for the plant type within that *hydrozone*.
- (c) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and *turf*.
- (d) Individual *hydrozones* that mix plants of moderate and low water use or moderate and high water use may be allowed if:
 1. the *plant factor* calculation is based on the proportions of the respective plant water uses and their respective *plant factors*;
or
 2. the *plant factor* of the higher water using plant is used for the calculations.
- (e) Individual *hydrozones* that mix high and low water use plants shall not be permitted.
- (f) On the landscape design plan and irrigation design plan, *hydrozone* areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each *valve* and assign a number to each *valve*.
- (g) The irrigation design plan, at a minimum, shall contain:
 1. the location and size of separate water meters for landscape;

2. the location, type, and size of all components of the irrigation system, including controllers, main and *lateral lines*, *valves*, *sprinkler heads*, *moisture sensing devices*, rain switches, quick couplers, pressure regulators, and *backflow prevention devices*;
3. *static water pressure* at the point of connection to the public water supply;
4. *flow rate* (gallons per minute), application rate (inches per hour), and design *operating pressure* (pressure per square inch) for each *station*;
5. irrigation schedule parameters necessary to program smart timers specified in the landscape design;
6. the following statement: "I have complied with the criteria of the City's *Water Efficiency Landscape Measures* and all applicable provisions of the Westminster Municipal Code, and applied them accordingly for the efficient use of water in the irrigation design plan;" and
7. the signature of a California-licensed *landscape professional*.

[Note: Authority Cited: Section 65595, Government Code.
Reference: Section 65596, Government Code.]

2.6 Grading Design Plan

- (a) For the efficient use of water, grading of a landscape project site shall be designed to minimize soil erosion, *runoff*, and water waste. Finished grading configuration of the *landscaped area*, including pads, slopes, drainage, post-construction erosion control, and storm water control Best Management Practices, as applicable, shall be shown on the Landscape Plan unless this information is fully included in separate Grading Plans for the project, or unless the project is limited to replacement planting and/or irrigation to rehabilitate an existing *landscaped area*.
- (b) The *project applicant* shall submit a landscape grading plan that indicates finished configurations and elevations of the *landscaped area* including:
 - (1) height of graded slopes;
 - (2) drainage patterns;
 - (3) pad elevations;
 - (4) finish grade; and

- (5) storm water retention improvements, if applicable.
- (c) To prevent excessive erosion and *runoff*, it is highly recommended that the *project applicant*:
- (1) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable *hardscapes*;
 - (2) avoid disruption of natural drainage patterns and undisturbed soil; and
 - (3) avoid soil compaction in *landscaped areas*.
- (d) The Grading Design Plan shall contain the following statement: "I have complied with the criteria of the City's *Water Efficiency Landscape Measures* and all applicable provisions of the Westminster Municipal Code and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of the *landscape professional*, as required by law.

[Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.]

2.7 Landscape Installation and Certification of Completion

- (a) Landscape project installation shall not proceed until the *Landscape Documentation Package* has been approved by the City.
- (b) A permit final of the landscape project shall be granted by the City to the *project applicant* upon the successful completion of all required inspections and corrections. Prior to requesting a permit final, the *project applicant* shall submit to the City the following information for review and approval:
- (1) A *Landscape Installation Certificate of Completion* in the form included as **Appendix D** of this Handbook, which shall include: (i) certification by a *landscape professional* that the *landscape project* has been installed per the approved *Landscape Documentation Package*; and (ii) the following statement: "The landscaping for the identified property has been installed in substantial conformance with the approved Landscape Documentation Package and complies with the requirements of Chapter 17.310 (Landscaping) of the Westminster Municipal Code and the City of Westminster's Handbook of Water Efficiency Landscape Measures.";
 - (2) Documentation of the irrigation scheduling parameters used to set the *controller(s)*;
 - (3) An irrigation audit report from a certified irrigation auditor, and/or documentation that the MAWA and EAWU information for the *landscape project* has been submitted to the City, may be required at the option of the City.

- (4) The Landscape Inspection Job Card for the project, indicating that all inspections have been successfully completed and no further corrections and inspections are required.

[Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.]

2.8 Post-Installation Irrigation Scheduling

- (a) 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. Irrigation schedules shall meet the following criteria:
 - (1) Irrigation scheduling shall be regulated by automatic irrigation controllers.
 - (2) *Overhead* irrigation shall be scheduled in accordance with the applicable provision of the Westminster Code. Operation of the irrigation system outside the normal *watering window* is allowed for auditing and system maintenance.

[Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.]

2.9 Post-Installation Landscape and Irrigation Maintenance

- (a) Landscapes shall be maintained to ensure water use efficiency in accordance with the Westminster Municipal Code.

3. Provisions for Existing Landscapes

- (a) Irrigation of all *landscaped areas* shall be conducted in a manner conforming to the applicable regulations of the Westminster Municipal Code and shall be subject to penalties and incentives for water conservation and water waste prevention, as specified in the Westminster Municipal Code.
- (b) The architectural guidelines of a *common interest development*, including apartments, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

City of Westminster

CERTIFICATION OF LANDSCAPE DESIGN

I hereby certify that:

(1) I am a professional appropriately licensed in the State of California to provide professional landscape design services.

(2) The landscape design and water use calculations for the property located at: _____ (provide street address or parcel number(s)) were prepared by me or under my supervision.

(3) The landscape design and water use calculations for the identified property comply with the requirements of the City of Westminster's Water Efficiency Landscape Measures and all applicable provisions of the Westminster Municipal Code.

(4) The information I have provided in this Certificate of Landscape Design is true and correct and is hereby submitted in compliance with the City of Westminster Handbook of Water Efficiency Landscape Measures

Print Name

Date

Signature

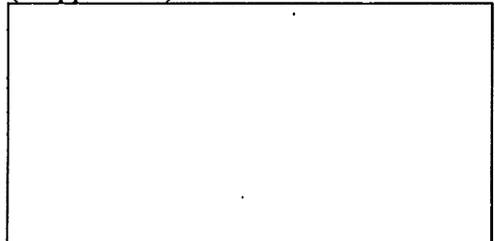
License Number

Address

Telephone

E-mail Address

Landscape Design Professional's Stamp
(If applicable)



A-1

City of Westminster
EXAMPLE WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out by the *project applicant* for each Point of Connection. Please complete all sections of the worksheet.

Point of Connection # 1

Maximum Applied Water Allowance (MAWA)

Total MAWA = (ETo x 0.7 x LA in Sq. Ft. x 0.62) + (ETo x 1.0 x SLA in Sq. Ft. x 0.62) = Gallons per year for LA+SLA

where:

- MAWA = Maximum Applied Water Allowance (gallons per year)
- ETo = Reference Evapotranspiration Appendix C (inches per year)
- 0.7 = Evapotranspiration Adjustment Factor (ETAF)
- 1.0 = ETAF for Special Landscaped Area
- LA = Landscaped Area (square feet)
- 0.62 = Conversion factor (to gallons per square foot)
- SLA = Special Landscaped Area (square feet)

Example Calculation: a hypothetical landscape project in Santa Ana, CA with an irrigated landscaped area of 40,000 square feet with 10,000 square feet of Special Landscaped Area. To calculate MAWA, the annual reference evapotranspiration value for Santa Ana is 48.2 inches as listed in the Reference Evapotranspiration Table in Appendix C.

ETo	ETAF	LA or SLA (ft ²)	Conversion	MAWA (Gallons Per Year)
MAWA for LA = 48.2	x 0.7	x 40,000	x 0.62	= 836,752
MAWA for SLA = 48.2	x 1.0	x 10,000	x 0.62	= 298,840
Total MAWA =				1,135,592 Gallons per year for LA+SLA

Estimated Applied Water Use

$EAWU = ETo \times Kl \times LA \times 0.62 \div IE =$ Gallons per year

where:

$EAWU =$ Estimated Applied Water Use (gallons per year)

$ETo =$ Reference Evapotranspiration Appendix C (inches per year)

$Kl =$ Landscape Coefficient

$LA =$ Landscaped Area (square feet)

$0.62 =$ Conversion factor (to gallons per square foot)

$IE =$ Irrigation Efficiency = $IME \times DU$ (See definition in Appendix E for example IE percentages)

$IME =$ Irrigation Management Efficiency (90%)

$DU =$ Distribution Uniformity of irrigation head

Example Calculation:

$K_d = K_s \times K_d \times K_{mc}$

$K_s =$ species factor (range = 0.1-0.9) (see WUCOLS list for values)

$K_d =$ density factor (range = 0.5-1.3) (see WUCOLS for density value ranges)

$K_{mc} =$ microclimate factor (range = 0.5-1.4) (see WUCOLS)

WUCOLS — www.owuc.water.ca.gov/docs/wucols00.pdf

	ETo	Kl	LA	Conversion	IE	EAWU (Gallons per year)
Special Landscaped Area	48.2	x 1.00	x 10,000	x 0.62	= 0.75	= 398,453
Cool Season Turf	48.2	x 1.00	x 0	x 0.62	= 0.71	= 0
Warm Season Turf	48.2	x 0.65	x 0	x 0.62	= 0.71	= 0
High Water Using Shrub	48.2	x 0.70	x 0	x 0.62	= 0.71	= 0
Medium Water Using Shrub	48.2	x 0.50	x 15,000	x 0.62	= 0.65	= 344,815
Low Water Using Shrub	48.2	x 0.30	x 25,000	x 0.62	= 0.75	= 298,840
Very Low Water Using Shrub	48.2	x 0.20	x 0	x 0.62	= 0.71	= 0
Other	48.2	x 0.50	x 0	x 0.62	= 0.71	= 0
Other	48.2	x 0.50	x 0	x 0.62	= 0.71	= 0
Total EAWU =			50,000			1,042,109 Gallons per year

Compare EAWU with MAWA.

The EAWU (1,042,109 gallons per year) is less than MAWA (1,135,592 gallons per year). For this example, the water budget complies with the MAWA.

List sprinkler heads, microspray, and drip emitters here along with average precipitation rate and Distribution Uniformity of Irrigation Head.

<u>Sprinkler Head Types</u>	<u>Average Precipitation Rate</u>	<u>Distribution Uniformity of Irrigation Head</u>
Drip		
Microspray		
Bubbler		
Low precipitation rotating nozzles		
Stream rotors		

WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out by the *project applicant* for each Point of Connection. Please complete all sections of the worksheet.

Point of Connection # _____

Maximum Applied Water Allowance (MAWA)

Total MAWA = (ETo x 0.7 x LA in Sq. Ft. x 0.62) + (ETo x 1.0 x SLA in Sq. Ft. x 0.62) = Gallons per year for LA+SLA

where:

- MAWA = Maximum Applied Water Allowance (gallons per year)
- ETo = Reference Evapotranspiration Appendix C (inches per year)
- 0.7 = Evapotranspiration Adjustment Factor (ETAF)
- 1.0 = ETAF for Special Landscaped Area
- LA = Landscaped Area (square feet)
- 0.62 = Conversion factor (to gallons per square foot)
- SLA = Special Landscaped Area (square feet)

MAWA Calculation:

	ETo	ETAF	LA or SLA (ft ²)	Conversion	MAWA (Gallons Per Year)
MAWA for LA =	x	0.7	x	0.62	=
MAWA for SLA =	x	1.0	x	0.62	=
Total MAWA =					

B-4

Estimated Applied Water Use

$EAWU = ETo \times KI \times LA \times 0.62 \div IE = \text{Gallons per year}$

where:

EAWU = Estimated Applied Water Use (gallons per year)

ETo = Reference Evapotranspiration Appendix C (inches per year)

K_i = Landscape Coefficient

LA = Landscaped Area (square feet)

0.62 = Conversion factor (to gallons per square foot)

IE = Irrigation Efficiency = *IME* x *DU*

IME = Irrigation Management Efficiency (90%)

DU = Distribution Uniformity of irrigation head

EAWU Calculation:

$K_i = K_s \times K_d \times K_{mp}$
K_s = species factor (range = 0.1-0.9) (see *WUCOLS* list for values)
K_d = density factor (range = 0.5-1.3) (see *WUCOLS* for density value ranges)
K_{mp} = microclimate factor (range = 0.5-1.4) (see *WUCOLS*)

WUCOLS — www.owue.water.ca.gov/docs/wucols00.pdf

	ETo	KI	LA	Conversion	IE	EAWU (Gallons Per Year)
Special Landscaped Area	x	x	x	0.62	=	=
Cool Season Turf	x	x	x	0.62	=	=
Warm Season Turf	x	x	x	0.62	=	=
High Water Using Shrub	x	x	x	0.62	=	=
Medium Water Using Shrub	x	x	x	0.62	=	=
Low Water Using Shrub	x	x	x	0.62	=	=
Very Low Water Using Shrubs	x	x	x	0.62	=	=
	x	x	x	0.62	=	=
	x	x	x	0.62	=	=
	x	x	x	0.62	=	=
	x	x	x	0.62	=	=
	x	x	x	0.62	=	=
	x	x	x	0.62	=	=
Other	x	x	x	0.62	=	=
Total EAWU =						

List sprinkler heads, microspray, and drip emitters here along with average precipitation rate and Distribution Uniformity of Irrigation Head.

<i>Sprinkler Head Types</i>	<i>Average Precipitation Rate</i>	<i>Distribution Uniformity of Irrigation Head</i>
Drip		
Microspray		
Bubbler		
Low precipitation rotating nozzles		
Stream rotors		

Reference Evapotranspiration (ET_o) Table

Appendix C - Reference Evapotranspiration (ET _o) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ET _o
Orange													
Irvine	2.2	2.5	3.7	4.7	5.2	5.9	6.3	6.2	4.6	3.7	2.6	2.3	49.6
Laguna Beach	2.2	2.7	3.4	3.8	4.6	4.6	4.9	4.9	4.4	3.4	2.4	2.0	43.2
Santa Ana	2.2	2.7	3.7	4.5	4.6	5.4	6.2	6.1	4.7	3.7	2.5	2.0	48.2
* The values in this table were derived from: 1) California Irrigation Management Information System (CIMIS) 2) Reference EvapoTranspiration Zones Map, UC Dept. of Land, Air & Water Resources and California Dept of Water Resources 1999,													
3) Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources (1987) Bulletin 1922 4) Determining Daily Reference Evapotranspiration, Cooperative Extension UC Division of													
Agriculture and Natural Resources (1987), Publication Leaflet 21426													

CITY OF WESTMINSTER

LANDSCAPE INSTALLATION CERTIFICATE OF COMPLETION

I hereby certify that:

(1) I am a professional appropriately licensed in the State of California to provide professional landscape design services.

(2) The landscape project for the property located at:

_____ (provide street address or parcel number(s)) and identified as Case No. _____ was installed by me or under my supervision.

(3) The landscaping for the identified property has been installed in substantial conformance with the approved Landscape Documentation Package and complies with the requirements of Chapter 17.310 (Landscaping) of the Westminster Municipal Code and the City of Westminster's Handbook of Water Efficiency Landscape Measures.

(4) The information I have provided in this Landscape Installation Certificate of Completion is true and correct and is hereby submitted in compliance with Chapter 17.310 (Landscaping) of the Westminster Municipal Code and the City of Westminster's Handbook of Water Efficiency Landscape Measures.

Print Name

Date

Signature

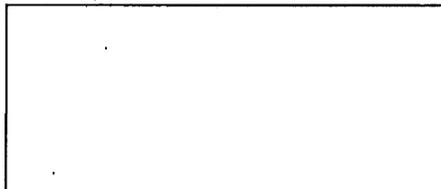
License Number

Address

Telephone

E-mail Address

Landscape Design Professional's Stamp
(If Appropriate)



Definitions

The following terms used in this Handbook have the meaning set forth below and shall apply only to this Handbook and those portions of Chapter 17.31(Landscaping) which pertain to the Water Efficiency Landscape Measures:

Applied water" means the portion of water supplied by the irrigation system to the landscape.

Backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Conversion factor" means the number that converts acre-inches per acre per year to gallons per square foot per year.

Check valve" or *anti-drain valve*" means a valve located under a *sprinkler head*, or other location in the irrigation system, to hold water in the system to prevent drainage from *sprinkler heads* when the sprinkler is off.

Certified Landscape Irrigation Auditor" means a landscape professional authorized by the City to prepare and/or review a landscape irrigation audit.

Certification of Landscape Design" means the certification included as Exhibit A of this Handbook that must be included in the *Landscape Documentation Package* pursuant to Section 2.1 of this Handbook.

City" means the City of Westminster or its authorized designee.

Common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351

Distribution Uniformity" or *DU*" is a measure of how uniformly an irrigation head applies water to a specific target area and theoretically ranges from zero to 100 percent.

Drip irrigation" means any non-spray *low volume irrigation* system utilizing emission devices with a *flow rate* measured in gallons per hour. *Low volume irrigation* systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Emitter" means a *drip irrigation* emission device that delivers water slowly from the system to the soil.

Estimated Applied Water Use" or *EAWU*" means the annual total amount of water estimated to keep plants in a healthy state. It is based on factors such as reference *evapotranspiration rate*, the size of the *landscaped area*, *plant water use factors*, and the *irrigation efficiency* within each hydrozone.

Evapotranspiration adjustment factor" or *ETAF*" is equal to the *plant factor* divided by the *irrigation efficiency factor* for a *landscape project*, as described in this Handbook. The *ETAF* is

calculated in the context of local *reference evapotranspiration*, using site-specific *plant factors* and *irrigation efficiency factors* that influence the amount of water that needs to be applied to the specific *landscaped area*.

A combined plant mix with a site-wide average *plant factor* of 0.5 (indicating a moderate water need) and average *irrigation efficiency* of 0.71 produces an *ET adjustment factor* of $(0.7) = (0.5/0.71)$, which is the standard of water use efficiency generally required by this Handbook, except that the *ETAF* for a *special landscape area* shall not exceed 1.0.

“*Evapotranspiration rate*” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

“*Flow rate*” means the rate at which water flows through pipes, *valves* and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

“*Hardscapes*” means any durable material or feature (*pervious* and *non-pervious*) installed in or around a *landscaped area*, such as pavements or walls and decorative hardscaped areas. Pools and other water features are considered part of the *landscaped area* and not considered *hardscapes* for purposes of this Handbook.

“*Homeowner installed landscape*” means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this Handbook, is a person who occupies the dwelling he or she owns. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject under this ordinance to the requirements applicable to developer-installed residential landscape projects.

“*Hydrozone*” means a portion of the *landscaped area* having plants with similar water needs and typically irrigated by one *valve/controller* station. A *hydrozone* may be irrigated or non-irrigated.

“*Infiltration rate*” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

“*Invasive plants species*” or “*noxious*” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. *Invasive plant species* may be regulated by county agricultural agencies as *noxious species*.

“*Irrigation audit*” means 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 Management Efficiency*” or “*IME*” means the measurement used to calculate the *irrigation efficiency* of the irrigation system for a landscaped project. A 90% IME can be

achieved by using evapotranspiration controllers, soil moisture sensors, and other methods that will adjust irrigation run times to meet plant water needs.

“*Irrigation efficiency*” or “*IE*” means the measurement of the amount of water beneficially used divided by the amount of water applied to a *landscaped area*. *Irrigation efficiency* is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average *irrigation efficiency* for purposes of this Handbook is 0.71. Greater *irrigation efficiency* can be expected from well designed and maintained systems. The following *irrigation efficiency* may be obtained for the listed irrigation heads with an IME of 90%:

- a. Pop-up stream rotator heads = 75%
- b. Stream rotor heads = 75%
- c. Microspray = 75%
- d. Bubbler = 80%
- e. Drip emitter = 85%
- f. Subsurface irrigation = 90%

“*Landscape coefficient*” (K_L) is the product of a *plant factor* multiplied by a density factor and a *microclimate* factor. The *landscape coefficient* is derived to estimate water loss from irrigated *landscaped areas* and *special landscaped areas*.

“*Landscape contractor*” means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

“*Landscape Documentation Package*” means the package of documents that a *project applicant* is required to submit to the *City* pursuant to Chapter 17.31 (Landscaping) of the Westminster Municipal Code and Section 2.1 of this Handbook.

“*Landscape professional*” means a licensed *landscape architect*, licensed landscape contractor, or any other *person* authorized to design a landscape pursuant to Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the California Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the California Food and Agriculture Code.

“*Landscape project*” means total area of landscape in a project, as provided in the definition of “*landscaped area*,” meeting the requirements under Section 1.1 of this Water Efficient Landscape Ordinance.

“*Landscaped area*” for the purpose of determining applicability of the City’s Water Efficiency Landscape Measures means all the planting areas, *turf* areas, and *water features* in a landscape design plan subject to the *Maximum Applied Water Allowance* and *Estimated Applied Water Use* calculations. The *landscaped area* does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other *pervious* or *non-*

pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

“*Lateral line*” means the water delivery pipeline that supplies water to the *emitters* or sprinklers from the *valve*.

“*Low volume irrigation*” means the application of irrigation water at low pressure through a system of tubing or *lateral lines* and low-volume *emitters* such as drip, drip lines, and bubblers. *Low volume irrigation* systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

“*Low volume overhead irrigation*” means aboveground irrigation heads with an upper flow limit of 0.5 GPM.

“*Main line*” means the pressurized pipeline that delivers water from the water source to the *valve* or outlet.

“*Maximum Applied Water Allowance*” or “*MAWA*” means the upper limit of annual applied water for the established *landscaped area*, as specified in Section 2.2 of this Handbook. It is based upon the area’s *reference evapotranspiration*, the *ETAF*, and the size of the *landscaped area*. The *Estimated Applied Water Use* shall not exceed the *Maximum Applied Water Allowance*.

“*Microclimate*” means the climate of a small, specific area that may contrast with the climate of the overall *landscaped area* due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

“*Mulch*” means any organic material such as leaves, bark, straw or compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

“*New construction*” means, for the purposes of the Water Efficiency Landscape Measures, a new building with a landscape or other new landscape such as a park, playground, or greenbelt without an associated building.

“*Non-pervious*” means any surface or natural material that does not allow for the passage of water through the material and into the underlying soil.

“*Operating pressure*” means the pressure at which the parts of an irrigation system of sprinklers are designed to operate at by the manufacturer

“*Overspray*” means the irrigation water which is delivered beyond the target area.

“*Person*” means any natural person, firm, joint venture, joint stock company, partnership, public or private association, club, company, corporation, business trust, organization, public or private agency, government agency or institution, school district, college, university, any other user of

water provided by the *City*, or the manager, lessee, agent, servant, officer, or employee of any of them or any other entity which is recognized by law as the subject of rights or duties.

“*Permit*” means an authorizing document issued by the *City* for *new construction* or *rehabilitated landscape*.

“*Pervious*” means any surface or material that allows the passage of water through the material and into the underlying soil.

“*Plant factor*” or “*plant water use factor*” is a factor, when multiplied by *ETo*, that estimates the amount of water needed by plants. For purposes of this Handbook, the *plant factor* range for low water use plants is 0 to 0.3; the *plant factor* range for moderate water use plants is 0.4 to 0.6; and the *plant factor* range for high water use plants is 0.7 to 1.0. *Plant factors* cited in this Handbook are derived from the Department of Water Resources 2000 publication “Water Use Classification of Landscape Species.”

“*Precipitation rate*” means the rate of application of water measured in inches per hour.

“*Project applicant*” means the person submitting a *Landscape Documentation Package* required under Section 2.1 to request a permit, plan check, or design review from the *City*. A *project applicant* may be the property owner or his or her designee.

“*Property owner*” or “*owner*” means the record owner of real property as shown on the most recently issued equalized assessment roll.

“*Reference evapotranspiration*” or “*ETo*” means a standard measurement of environmental parameters which affect the water use of plants. *ETo* is given expressed in inches per day, month, or year as represented in Appendix C of this Handbook, and is an estimate of the evapotranspiration of a large field of four to seven-inch tall, cool-season grass that is well watered. *Reference evapotranspiration* is used as the basis of determining the *Maximum Applied Water Allowances*.

“*Recycled water*” or “*reclaimed water*” means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and *water features*. This water is not intended for human consumption.

“*Rehabilitated landscape*” means any re-landscaping project where the modified landscape area is greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are planned to occur within one year.

“*Runoff*” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscaped area. For example, *runoff* may result from water that is applied at too great a rate (application rate exceeds *infiltration rate*) or when there is a slope.

“*Special Landscaped Areas*” or “*SLA*” means an area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with *recycled water*, *water features* using *recycled water*, and areas dedicated to active play such as parks, sports fields, golf courses, and where *turf* provides a playing surface.

“*Smart automatic irrigation controller*” means an automatic timing device used to remotely control valves that operate an irrigation system and which schedules irrigation events using either evapotranspiration (weather-based) or soil moisture data.

“*Sprinkler head*” means a device which delivers water through a nozzle.

“*Static water pressure*” means the pipeline or municipal water supply pressure when water is not flowing.

“*Station*” means an area served by one valve or by a set of valves that operate simultaneously.

“*Swing joint*” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

“*Turf*” means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

“*Valve*” means a device used to control the flow of water in an irrigation system.

“*Water Efficient Landscape Worksheets*” means the worksheets required to be completed pursuant to Section 2.2 of this Handbook and which are included in Appendix B hereof.

“*Water feature*” means a design element where open water performs an aesthetic or recreational function. *Water features* include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of *water features* is included in the high water use *hydrozone* of the *landscaped area*. Constructed wetlands used for on-site wastewater treatment, habitat protection, or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not *water features* and, therefore, are not subject to the water budget calculation.

“*Watering window*” means the time of day irrigation is allowed.

“*WUCOLS*” means the Water Use Classification of Landscape published by the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation, 2000. www.owue.water.ca.gov/docs/wucols00

ORDINANCE NO. 2449

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF WESTMINSTER TO AMEND CHAPTER
13.14 (EMERGENCY WATER MANAGEMENT PROGRAM)
TO WATER CONSERVATION AND WATER SUPPLY
SHORTAGE PROGRAM OF THE WESTMINSTER
MUNICIPAL CODE

The Mayor and City Council of the City of Westminster HEREBY ORDAIN AS
FOLLOWS:

SECTION 1: Chapter 13.14 Emergency Water Management Program title of the
Westminster Municipal Code is hereby repealed and replaced with the following title:

Chapter 13.14 Water Conservation and Water Supply Shortage Program

SECTION 2: Section 13.14.010 Application of the Westminster Municipal Code
is hereby repealed and replaced in its entirety with the following:

13.14.010 Application.

The provisions of this chapter apply to any person in the use of any
potable water provided by the City of Westminster.

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.

The provisions of this chapter do not apply to the use of recycled water,
with the exception of Section 13.14.050(a).

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.

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.

SECTION 3: Section 13.14.030 Water Conservation Phases of the Westminster
Municipal Code is hereby repealed and replaced in its entirety with the following:

13.14.030 Declaration of Purpose and Intent.

The purpose of this chapter is to establish a water conservation and supply shortage program that will reduce water consumption within the City 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 to avoid and minimize the effect and hardship of water shortage to the greatest extent possible.

This chapter establishes permanent water conservation standards intended to alter behavior related to water use efficiency at all times, and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.

SECTION 4: Section 13.14.040 Conservation Phase Implementation of the Westminster Municipal Code is hereby repealed and replaced in its entirety with the following:

13.14.040 Definitions.

The following words and phrases whenever used in this chapter have the meaning defined in this section:

1. "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, including all agencies and departments of the City, or any other user of water provided by the City.
2. "Landscape irrigation system" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.
3. "Large landscape areas" means a lawn, landscape, or other vegetated area, or combination thereof, equal to more than one (1) acre of irrigable land.
4. "Single pass cooling systems" means equipment where water is circulated only once to cool equipment before being disposed.
5. "Potable water" means water which is suitable for drinking.
6. "Recycled water" means the reclamation and reuse of non-potable water for beneficial use as defined in Title 22 of the California Code of Regulations.

7. "Billing unit" means the unit of water used to apply water rates for purposes of calculating water charges for a person's water usage and equals 748 gallons.

SECTION 5: Section 13.14.050 Establish Water Appeals Board of the Westminster Municipal Code is hereby changed to Section 13.14.200 Establish Water Appeals Board, and Section 13.14.050 is hereby replaced in its entirety with the following.

13.14.050 Permanent Water Conservation Requirements – Prohibition Against Waste

The following water conservation requirements are effective at all times and are permanent. Violations of 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 8:00 a.m. and 6:00 p.m. for the months June through September, and 9:00 a.m. to 5:00 p.m. for the months October through May, local time, on any day, except by use of a hand-water shut-off nozzle or device, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
- 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 sidewalk, driveway, 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 equipped to recycle any water used, 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, 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. This subsection does not apply to any commercial car washing facility.
- h. **Drinking Water Served Upon Request Only:** Eating or drinking establishments, including, but not limited to, a restaurant, hotel, cafe, cafeteria, bar, 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. **Commercial Lodging Establishments Must Provide Guests Option to Decline Daily Linen Services:** Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.
- j. **No Installation of Single Pass Cooling Systems:** Installation of single pass cooling systems is prohibited in buildings requesting new water service.
- k. **No Installation of Non-re-circulating Water Systems in Commercial Car Wash and Laundry Systems:** Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.

- l. Restaurants Required to Use Water Conserving Dish Wash Spray Valves: Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.
- m. Commercial Car Wash Systems: Effective January 1, 2011, all new commercial conveyor car wash systems must have installed operational re-circulating water systems, or must have secured a waiver of this requirement from the City.

SECTION 6: Section 13.14.060 Water Appeals Board-Powers and Duties of the Westminster Municipal Code is hereby changed to Section 13.14.210 Water Appeals Board-Powers and Duties, and Section 13.14.060 is hereby replaced in its entirety with the following.

13.14.060. Level 1 Water Supply Shortage

A Level 1 water supply shortage exists when the City Council 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 Council of a Level 1 water supply shortage condition, the City will implement the mandatory Level 1 conservation measures identified in this section.

SECTION 7: Section 13.14.070 Board Officer-Director of Public Works-Powers and Duties of the Westminster Municipal Code is hereby changed to Section 13.14.220 Board Officer-Director of Public Works-Powers and Duties, and Section 13.14.070 is hereby replaced in its entirety with the following.

13.14.070. Additional Water Conservation Measures

In addition to the prohibited uses of water identified in Section 13.14.050, the following water conservation requirements apply during a declared Level 1 water supply shortage:

- a. Limits on Watering Days: Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to four (4) days per week on a schedule established and posted by the City. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than two (2) days per week on a schedule established and posted by the City. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems, when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating 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.

- b. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within four (4) days of notification by the City, unless other arrangements are made with the City.

SECTION 8: Section 13.14.080 Water Conservation Rules-Application and Amendments of the Westminster Municipal Code is hereby changed to Section 13.14.230 Water Conservation Rules-Application and Amendments, and Section 13.14.080 is hereby replaced in its entirety with the following.

13.14.080. Level 2 Water Supply Shortage

A Level 2 water supply shortage exists when the City Council 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 a Level 2 water supply shortage condition, the City will implement the mandatory Level 2 conservation measures identified in this section.

SECTION 9: Section 13.14.090 Request for Exemptions from Regulations of the Westminster Municipal Code is hereby changed to Section 13.14.240 Request for Exemptions from Regulations, and Section 13.14.090 is hereby replaced in its entirety with the following.

13.14.090. Additional Conservation Measures

In addition to the prohibited uses of water identified in Sections 13.14.050 and 13.14.070, the following additional water conservation requirements apply during a declared Level 2 water supply shortage:

- a. **Watering Days:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to three (3) days per week on a schedule established and posted by the City. During the months of November through March, watering or irrigating of lawn, landscape or other vegetated area with potable water is limited to no more than one (1) day per week on a schedule established and posted by the City. This provision does not apply to landscape irrigation zones that exclusively use very low flow drip type irrigation systems when no emitter produces more than two (2) gallons of water per hour. This provision also does not apply to watering or irrigating 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.

- b. **Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two (72) hours of notification by the City, unless other arrangements are made with the City.
- c. **Limits on Filling Ornamental Lakes or Ponds:** Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a supply shortage level under this ordinance.
- d. **Limits on Filling Residential Swimming Pools & Spas:** Re-filling of more than eighteen (18) inches, and initial filling of residential swimming pools or outdoor spas with potable water, is prohibited.

SECTION 10: Section 13.14.100 Failure to Comply of the Westminster Municipal Code is hereby repealed and replaced in its entirety with the following:

13.14.100. Level 3 Water Supply Shortages – Emergency Condition

A Level 3 water supply shortage condition is also referred to as an "emergency" condition. A Level 3 condition exists when the City Council declares a water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon the declaration of a Level 3 water supply shortage condition, the City will implement the mandatory Level 3 conservation measures identified in this section.

SECTION 11: Section 13.14.110 Additional Conservation Measures is hereby added to the Westminster Municipal Code:

13.14.110. Additional Conservation Measures

In addition to the prohibited uses of water identified in Sections 13.14.050, 13.14.070, and 13.14.090, the following water conservation requirements apply during a declared Level 3 water supply shortage emergency:

- a. **No Watering or Irrigating:** Watering or irrigating of lawn, landscape or other vegetated area with potable water is allowed one (1) day per week. This restriction does not apply to the following categories of

use, unless the City of Westminster has determined that recycled water is available and may be applied to the use:

- i. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive self-closing water shut-off nozzle or device;
 - ii. Maintenance of existing landscape necessary for fire protection;
 - iii. Maintenance of existing landscape for soil erosion control;
 - iv. Maintenance of plant materials identified to be rare or essential to the well-being of protected species;
 - v. Maintenance of landscape within active public parks and playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed two (2) days per week according to the schedule established in Section 13.14.090(a), and time restrictions in Section 13.14.050(a) and (b);
 - vi. Actively irrigated environmental mitigation projects.
- b. Obligation to Fix Leaks, Breaks or Malfunctions:** All leaks, breaks, or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight (48) hours of notification by the City, unless other arrangements are made with the City.
- c. Limits on Building Permits:** The City may limit or withhold the issuance of building permits which require new or expanded water service, except to protect the public health, safety and welfare, or in cases which meet the City's adopted conservation offset requirements.
- d. Discontinue Service:** The City Council, in its sole discretion, may discontinue service to consumers who willfully violate provisions of this section.
- e. No New Annexations:** Upon the declaration of a Level 3 water supply shortage condition, the City may suspend consideration of annexations to its service area. This subsection does not apply to boundary corrections and annexations that will not result in any increased use of water.

SECTION 12: Section 13.14.120 Procedures for Determination/Notification of Water Supply Shortage is hereby added to the Westminster Municipal Code:

13.14.120. Procedures for Determination/Notification of Water Supply Shortage

Declaration and Notification of Water Supply Shortage: The existence of Level 1, Level 2, or Level 3 water supply shortage conditions may be declared by resolution of the City Council, adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation requirements applicable to Level 1, Level 2, or Level 3 conditions will take effect on the tenth (10th) day after the date the shortage level is declared. Within five (5) days following the declaration of the shortage level, the City shall publish a copy of the resolution in a newspaper used for publication of official notices. If the City activates a water allocation process, it must provide notice of the activation by including it in the regular billing statement or by any other mailing to the address to which the City customarily mails the billing statement for fees or charges for on-going water service. A water allocation will be effective on the fifth (5th) day following the date of mailing or at such later date as specified in the notice.

SECTION 13: Section 13.14.130 Hardship Waiver is hereby added to the Westminster Municipal Code:

13.14.130. Hardship Waiver

Undue and Disproportionate Hardship: If, due to unique circumstances, a specific requirement of this chapter would result in 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 users, then the person may apply for a waiver to the requirements as provided in this section.

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.

- a. **Application:** Application for a waiver must be on a form prescribed by the City and accompanied by a non-refundable processing fee in an amount set by a City Council resolution.

- b. **Supporting Documentation:** The application must be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.
- c. **Required Findings for Waiver:** An application for a waiver will be denied unless the City 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, 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 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.
- d. **Approval Authority:** The Public Works Director, or his designated representative, 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 Public Works Director, or his designated representative, will be final, unless appealed.

SECTION 14: Section 13.14.140 Penalties and Violations is hereby added to the Westminster Municipal Code:

13.14.140. Penalties and Violations

Penalties: Penalties for failure to comply with any provisions of the chapter are as follows:

- a. **First Violation:** City will issue a notice by mail and in person and include a copy of this chapter defining the violation and citing any corrections necessary.
- b. **Second Violation:** A second violation within twelve (12) months of the initial violation will cause the City to issue a notice by mail and in person, defining the violation and citing any corrections necessary.
- c. **Third Violation:** A third violation within twelve (12) months of the initial violation is punishable by a fine not to exceed fifty dollars (\$50).
- d. **Fourth Violation:** A fourth violation within twelve (12) months of the initial violation is punishable by a fine not to exceed one hundred and fifty dollars (\$150).
- e. **Fifth and Subsequent Violations:** A fifth and any subsequent violation within twelve (12) months of the initial violation is punishable by a fine not to exceed two hundred and fifty dollars (\$250).
 - i. **Water Flow Restrictor:** In addition to any fines, the City may install a water flow restrictor device of approximately one (1) gallon per minute capacity for services up to one and one-half inch size (1½") and comparatively sized restrictors for larger services after written notice of intent to install a flow restrictor for a minimum of forty-eight (48) hours.
- f. **Discontinuing Service:** In addition to any fines and the installation of a water flow restrictor, the City may disconnect a customer's water service for willful violations of mandatory restrictions in this chapter.

SECTION 15: Section 13.14.150 Cost of Flow Restrictor and Disconnecting Service is hereby added to the Westminster Municipal Code:

13.14.150. Cost of Flow Restrictor and Disconnecting Service

A person or entity that violates this chapter is responsible for payment of the City's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the City's schedule of charges then in effect. The charge for installing and/or removing any flow restricting

device must be paid to the City before the device is removed. Nonpayment will be subject to the same remedies as nonpayment of basic water rates.

SECTION 16: Section 13.14.160 Separate Offenses is hereby added to the Westminster Municipal Code:

13.14.160. Separate Offenses

Each day that a violation of this chapter occurs is a separate offense.

SECTION 17: Section 13.14.170 Notice and Hearing is hereby added to the Westminster Municipal Code:

13.14.170. Notice and Hearing

The City will issue a Notice of Violation by mail or personal delivery at least ten (10) days before taking enforcement action. Such notice must describe the violation and the date by which corrective action must be taken. A customer may appeal the Notice of Violation by filing a written notice of appeal with the City no later than the close of business on the day before the date scheduled for enforcement action. Any Notice of Violation not timely appealed will be final. Upon receipt of a timely appeal, a hearing on the appeal will be scheduled, and the City will mail written notice of the hearing date to the customer at least ten (10) days before the date of the hearing.

Pending receipt of a written appeal or pending a hearing pursuant to an appeal, the City may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violations and the current declared water level condition.

SECTION 18: Section 13.14.180 Misdemeanor is hereby added to the Westminster Municipal Code:

13.14.180. Misdemeanor

Any violation of this chapter may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty (30) days, or by a fine not exceeding one thousand dollars (\$1,000), or by both.

SECTION 19: Section 13.14.190 Severability is hereby added to the Westminster Municipal Code:

13.14.190 Severability

If any section, subsection, sentence, clause, phrase, or portion in this chapter is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, the validity of the remaining portions of the chapter will not be affected. The Mayor and City Council hereby declare it would have passed this ordinance and each section, subsection, sentence, clause or

phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or portions thereof is declared invalid or unconstitutional.

SECTION 20: The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner required by law. This ordinance shall become effective thirty (30) days from and after its passage.

PASSED, APPROVED AND ADOPTED this 27th day of May, 2009, by the following vote:

AYES: COUNCIL MEMBERS: RICE, TA, FRY, QUACH, DIEP
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE

Margie L. Rice
MARGIE L. RICE, MAYOR

ATTEST:

Marian Contreras
MARIAN CONTRERAS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF WESTMINSTER)

I, MARIAN CONTRERAS, City Clerk of the City of Westminster, do hereby certify that the foregoing ordinance was introduced on the 13th day of May 2009, and was regularly adopted at a meeting thereof on the 27th day of May, 2009.

Marian Contreras
Marian Contreras
City Clerk