



## AGENDA REPORT

**Meeting Date:** September 1, 2015

**Item Number:** D-7

**To:** Honorable Mayor & City Council

**From:** Laurence S. Wiener, City Attorney

**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING STAGE D WATER CONSERVATION REQUIREMENTS FOR EXTERIOR WASHDOWN OF BUILDINGS, VEHICLES, SIDEWALKS AND OUTDOOR DINING AREAS

**Attachment:** 1. Ordinance

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### **RECOMMENDATION**

It is recommended that the City Council move to waive the full reading and adopt the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING STAGE D WATER CONSERVATION REQUIREMENTS FOR EXTERIOR WASHDOWN OF BUILDINGS, VEHICLES, SIDEWALKS AND OUTDOOR DINING AREAS."

### **INTRODUCTION**

This ordinance amends the Municipal Code in order to address issues that have arisen during the implementation of Stage D water restrictions in connection with the washdown of building exteriors, vehicles, sidewalks and outdoor dining areas.

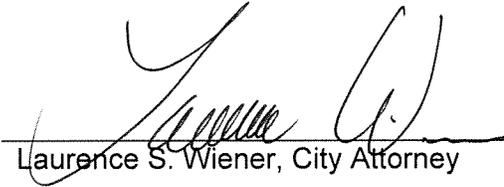
### **DISCUSSION**

At its meeting of August 18, 2015, the City Council conducted a first reading and introduced this ordinance, as amended. At that meeting, the City Council amended the draft ordinance to allow exterior washing of residential structures once per year for the purpose of preparing such structures for painting. In addition, the Council amended the draft ordinance to allow the

Director of Public Works Services or his designee to extend the deadline for compliance with the ordinance by no more than thirty days in order to accommodate good faith efforts to implement the requirements of this ordinance. These changes have been incorporated into the ordinance being presented to the City Council for adoption.

**FISCAL IMPACT**

The anticipated costs of enforcing the new requirements of this ordinance are included in the current budget for enforcement of the City's water conservation efforts. Additionally, this year's budget includes \$34,000 for the City to purchase two pressure washing systems equipped with a reclaimed water system.



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Laurence S. Wiener, City Attorney

# **Attachment 1**

ORDINANCE NO. 15-O-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
AMENDING THE BEVERLY HILLS MUNICIPAL CODE  
REGARDING STAGE D WATER CONSERVATION  
REQUIREMENTS FOR EXTERIOR WASHDOWN OF  
BUILDINGS, VEHICLES, SIDEWALKS AND OUTDOOR  
DINING AREAS

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES HEREBY  
ORDAIN AS FOLLOWS:

Section 1. The city council hereby amends and restates paragraph D.2.g. of Section 9-4-304 (“REQUIREMENTS FOR WATER CONSERVATION STAGES”) of Article 3 (“Emergency Water Conservation Plan”) of Chapter 4 (“WATER REGULATIONS”) of Title 9 (“BUILDING AND PROPERTY HEALTH AND SAFETY REGULATIONS”) of the Beverly Hills Municipal Code to read as follows:

“9-4-304: REQUIREMENTS FOR WATER CONSERVATION STAGES:

D. Stage D Requirements:

2. Stage D compliance elements shall include the following mandatory elements:

g. Exterior washdown of vehicles shall be prohibited unless:

- (i) using a Reclaimed Water System;
- (ii) performed in accordance with an alternative plan that promotes water conservation and is approved in writing by the Director of Public Works or his/her designee; or
- (iii) required to meet laws or governmental regulations to protect health and safety, such as the cleaning of garbage trucks and vehicles to transport food.”

Section 2. The city council hereby adds subsection (j) to paragraph D.2. of Section 9-4-304 (“REQUIREMENTS FOR WATER CONSERVATION STAGES”) of Article 3 (“Emergency Water Conservation Plan”) of Chapter 4 (“WATER REGULATIONS”) of Title 9 (“BUILDING AND PROPERTY HEALTH AND SAFETY REGULATIONS”) of the Beverly Hills Municipal Code to read as follows:

“9-4-304: REQUIREMENTS FOR WATER CONSERVATION STAGES:

D. Stage D Requirements:

2. Stage D compliance elements shall include the following mandatory elements:

j. Exterior washdown of buildings shall be prohibited unless:

- (i) using a Reclaimed Water System and such washing is done: (a) no more than once per month for retail building frontage; (b) no more than twice per year for office and commercial buildings; (c) no more often than is necessary to comply with health laws and regulations for the building frontage of food service uses; or (d) no more than once per year for residential structures solely for the purpose of preparing a residential structure for painting.
- (ii) using a commercial glass and window cleaner.”

Section 3. The city council hereby adds subsection (k) to paragraph D.2. of Section 9-4-304 (“REQUIREMENTS FOR WATER CONSERVATION STAGES”) of Article 3 (“Emergency Water Conservation Plan”) of Chapter 4 (“WATER REGULATIONS”) of Title 9 (“BUILDING AND PROPERTY HEALTH AND SAFETY REGULATIONS”) of the Beverly Hills Municipal Code to read as follows:

“9-4-304: REQUIREMENTS FOR WATER CONSERVATION STAGES:

D. Stage D Requirements:

2. Stage D compliance elements shall include the following mandatory elements:

- k. Exterior washdown of sidewalks and the pavement of outdoor dining areas shall be prohibited unless using a Reclaimed Water System and such washing is done no more often than is necessary to comply with health laws and regulations.”

Section 4. The city council hereby adds paragraph D.4. to Section 9-4-304 (“REQUIREMENTS FOR WATER CONSERVATION STAGES”) of Article 3 (“Emergency Water Conservation Plan”) of Chapter 4 (“WATER REGULATIONS”) of Title 9 (“BUILDING AND PROPERTY HEALTH AND SAFETY REGULATIONS”) of the Beverly Hills Municipal Code to read as follows:

“9-4-304: REQUIREMENTS FOR WATER CONSERVATION STAGES:

D. Stage D Requirements:

- 4. For purposes of this Article, “Reclaimed Water System” shall mean a system that initially uses potable water and then collects the runoff, treats the runoff, and uses the runoff for non-potable uses for multiple cycles.”

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 6. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the city within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and the city Clerk’s certification,

together with proof of publication, to be entered in the Book of Ordinances of the Council of this city.

Section 7. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage. The Director of Public Works Services or his designee may extend the deadline for compliance with this Ordinance for no more than thirty (30) days in order to accommodate good faith efforts to implement the requirements of this Ordinance.

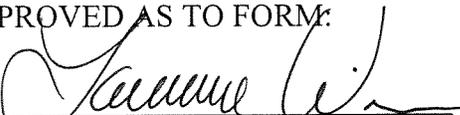
Adopted:  
Effective:

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JULIAN A. GOLD, M.D.  
Mayor of the City of Beverly Hills,  
California

ATTEST:

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(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
MAHDI ALUZRI  
Interim City Manager

\_\_\_\_\_  
DAVID LIGHTNER  
Deputy City Manager / Director of Capital Assets

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GEORGE CHAVEZ  
Director of Public Works Services