

**TOWN OF ROSS**

**ORDINANCE NO. 661**

**AN ORDINANCE OF THE TOWN OF ROSS AMENDING TITLE 13 “WATER AND SEWERS” OF THE ROSS MUNICIPAL CODE ADDING CHAPTER 13.08 “WATER EFFICIENT LANDSCAPING” AND ADOPTING BY REFERENCE MARIN MUNICIPAL WATER DISTRICT CODE CHAPTER 13.02 “WATER CONSERVATION AND DRY YEAR WATER USE REDUCTION PROGRAM”**

**WHEREAS**, it is the policy of the Town of Ross to promote the conservation and efficient use of water and to prevent the waste of this valuable resource; and

**WHEREAS**, landscapes are essential to the quality of life in the Town by providing areas for active and passive recreation and as an enhancement to the beauty of the town and the environment by providing cleaning air and water, preventing erosion and offering fire protection; and

**WHEREAS**, landscape design, installation, maintenance and management can and should be water efficient; and

**WHEREAS**, Section 65595 of the California Government Code requires the town to either adopt a water efficient landscape ordinance that is at least as effective in conserving water as the model ordinance adopted by the State, or enforce the State model ordinance as if adopted by the town; and

**WHEREAS**, all property in the town is within the service limits of the Marin Municipal Water District (MMWD) and any resident with a MMWD water service connection is deemed to agree to abide by all MMWD district rules and regulations; and

**WHEREAS**, the Marin Municipal Water District (MMWD) has adopted a water conservation ordinance, codified in the MMWD Code Title 13 “Water Service Conditions and Water Conservation Measures” under Chapter 13.02 “Water Conservation and Dry Year Water Use Reduction Program.”

**WHEREAS**, the Town Council finds the MMWD Water Efficient Landscaping regulations are more restrictive than the State's model ordinance because the regulations apply to smaller scale projects; and

**WHEREAS**, the Town Council would like to adopt by reference MMWD’s Water Efficient Landscaping regulations, as authorized under California Government Code Section 50022.2; and

**WHEREAS**, the Town Council finds that this Ordinance is necessary to protect the public health, safety and welfare and to comply with State law; and

**WHEREAS**, the Town Council has held public hearings on March 12, 2015 and on April 9, 2015, and has heard and considered any public testimony on this matter; and

**WHEREAS**, all notices and procedures required by law attendant to the adoption of this Ordinance have been followed; and

**WHEREAS**, the Town Council has found that the amendment actions made by this Ordinance are consistent with the goals and policies of the Town of Ross General Plan and other adopted ordinances and regulations of the Town.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF ROSS DOES ORDAIN AS FOLLOWS:**

**SECTION 1:** Title 13 of the Ross Municipal Code is amended to add the following chapter 13.08 to read as follows:

Chapter 13.08

WATER EFFICIENT LANDSCAPING

Sections:

13.08.10 Adoption of code.

The water efficient landscape requirements of Marin Municipal Water District Code Title 13 "Water Service Conditions and Water Conservation Measures" Chapter 13.02 "Water Conservation and Dry Year Water Use Reduction Program" is adopted by reference hereto, including any amendments or successors thereto, as the town water efficient landscape ordinance to comply with the State Water Conservation in Landscaping Act and shall be in full force and effect within the town. A copy of this document is maintained in the office of the town clerk.

13.08.12 Designation of Marin Municipal Water District for Enforcement.

The Marin Municipal Water District, the public water system within the jurisdictional boundaries of the town, is hereby designated as the implementing and enforcement agency for the water efficient landscape provisions of Marin Municipal Water District Code Chapter 13.02 and any amendments or successors thereto.

**SECTION 2:** **CEQA.** The Town Council has determined that the ordinance is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA). The Town Council finds the project categorically exempt under the CEQA Guidelines, which include classes of projects that the Secretary for Resources has determined not to have a significant effect on the environment and which are, therefore, exempt from the provisions of CEQA. The project is exempt under CEQA Guideline Section 15307 as an action taken to assure the maintenance, restoration, enhancement or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The project is also exempt under Section 15308, as an action taken to assure the maintenance, restoration, enhancement, or protection of the environment

where the regulatory process involves procedures for protection of the environment. The Town Council further finds that this project qualifies for an exemption under the General Rule section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The adoption of this Ordinance will result in the enhancement and protection of water resources, and will not result in cumulative adverse environmental impacts or any other potentially significant impact described in State CEQA Guidelines section 15300.2.

**SECTION 3: Severability.** The Town Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

**SECTION 4: Inclusion in the Ross Municipal Code.** It is the intention of the Ross Town Council that the text in Sections 1 to be made a part of the Ross Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

**SECTION 5:** This Ordinance shall go into effect thirty (30) days from its adoption, and shall be posted in three public places in Town.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the Ross Town Council on March 12, 2015, and was adopted at a regular meeting of the Ross Town Council on April 9, 2015, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Elizabeth Brekhus, Mayor

**ATTEST:**

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Linda Lopez, Town Clerk