

ORDINANCE NO. 08-06

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA AMENDING DIVISION 6 OF ARTICLE VI OF CHAPTER 78 OF THE AZUSA MUNICIPAL CODE REGARDING WATER CONSERVATION.

WHEREAS, from time to time the drought in the State of California has resulted in reduced water supply to the San Gabriel Valley; and

WHEREAS, the water supply from outside sources such as the Bay-Delta Region of California, the Eastern Sierras, and Colorado River has become uncertain and not reliable; and

WHEREAS, on June 4, 2008, the Governor of the State of California issued Executive Order S-06-08 proclaiming a statewide drought due to a combination of worsening water supply conditions that could cause severe hardship to the economy and physical wellbeing of residents, including those within the service area of the City of Azusa's water utility; and

WHEREAS, in order to meet the water needs of residents and businesses in the water utility's service territory and protect the public from potential health hazards, the City must impose more stringent water conservation by customers and recover the cost for such conservation programs; and

WHEREAS, the City Council desires to adopt the provisions of the Azusa Municipal Code as amended by this Urgency Ordinance, which are intended to reduce the risk to public health; and

WHEREAS, it is necessary for the amendments to the Azusa Municipal Code, as provided herein, to take effect immediately so that the City of Azusa and its water utility can impose stricter sanctions, including penalties, on water users who do not conserve water in accordance with the requirements of this ordinance; and

WHEREAS, immediate amendment of the provisions pertaining to the drought, as set forth in this Urgency Ordinance, will be in the interest of the public health, safety and general welfare of the public and will help to diminish the risk of personal injury of Azusa residents in the event of a water outage; and

WHEREAS, California Government Code section 36937 empowers cities to adopt, by a four-fifths vote, an urgency ordinance which is necessary for the immediate preservation of the public peace, health or safety; and

WHEREAS, the City Council has determined that the adoption of this Ordinance is necessary for the immediate preservation of the public peace, health and safety to reduce the risk of personal injuries related to the lack of water supply to the region.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AZUSA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Urgency Findings. The City Council of the City of Azusa hereby adopts the recitals set forth in the introduction to this Urgency Ordinance as findings to support adoption of the provisions contained herein. This Urgency Ordinance is enacted pursuant to Government Code, Sections 36934 and 36937 for the immediate preservation of the public peace, health and safety.

SECTION 2: Division 6 of Article VI of Chapter 78 of the Azusa Municipal Code is hereby deleted in its entirety and restated to read as follows:

“DIVISION 6. CONSERVATION PLAN

Sec. 78-501. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial and public agency water user includes: (1) any water user or customer conducting business, either retail, commercial, or industrial; and (2) any water user that is a public or governmental entity, such as the state government, school district, community college, the county, city or municipal government, or special district.

Excess runoff means water accumulation on streets, gutters, neighboring properties or other surfaces in an amount sufficient to cause flow.

New development means any addition, extension, conversion or enlargement of an existing structure or any new construction requiring a building permit.

Residential water user means water customers that pay for water service to their individual residential dwelling unit and any water user that owns or manages residential property for rent or lease including homeowner associations.

Upper basin means the underground aquifer located in the city of Azusa north of Sierra Madre.

Water user means any person, customer or property served within the incorporated boundaries of the city and the area outside the city boundary served by the city water utility.

Sec. 78-502. Applicability.

This division shall apply to all water users.

Sec. 78-503. Water user responsibility.

Water users are deemed to have under control at all times their water distribution and facilities and to know the manner and extent of their water use and excess runoff. In multiple dwellings, the owner is the water user in control of the premises and is in control and responsible for the water usage.

Sec. 78-504. Phase I water shortage.

(a) A phase I water shortage may be declared by the director of utilities if any combination of events or factors threaten the adequacy of foreseeable water supply to consumers; qualifying factors to be considered in making a water shortage declaration include, but are not limited to, time of year, local rainfall, State Water Project Allocations, Safe Yield as determined by the San Gabriel Basin Watermaster, amount of runoff into the San Gabriel and Morris dams, ground water level in different basins, especially the upper basin, and any major operating emergencies or natural disasters that cause damage to the water supply or water distribution system. Prior to making a public announcement of a phase I water shortage, the director of utilities shall document the basis for the water shortage declaration and communicate this information to the city manager and city council.

Under a declared Phase I water shortage, conservation measures listed in this section shall be implemented. No water user within the city and the service area of the city's water utility shall knowingly make, cause, use or permit the use of water for residential, commercial, industrial, agricultural or any other purpose in a manner contrary to this division or in any amount in excess of that use permitted by the conservation phases designated in this division. Mandatory water conservation measures shall be as follows:

- (1) No water user shall cause or permit excess runoff to occur from any hose, pipe, valve, faucet, sprinkler or irrigation device onto any sidewalk, street or gutter or to otherwise escape from the property if such flow or runoff can reasonably be prevented.
- (2) If a break or leak occurs within the water user's plumbing or private distribution system, the leak shall be repaired within 48 hours after the water user discovers the leak or after the water user is notified of the leak.
- (3) Commercial and noncommercial watering of grass, lawns, ground cover, open ground, shrubbery, crops, gardens and trees, including agricultural irrigation, in a manner or to an extent which allows excess runoff from the area being watered shall not be permitted. Runoff which is a natural consequence of conservative watering, either by hand or mechanical sprinkling facilities, is permitted so long as such runoff is not excess runoff as defined in section 78-501.
- (4) There shall be no lawn watering and landscape irrigation by residential water users between the hours of 6:00 a.m. and 6:00 p.m. on any day of the week. If a hand-held hose with a positive shutoff nozzle or drip irrigation system is used, watering may be done at any time.
- (5) There shall be no lawn watering and landscape irrigation by Commercial and public agency water users between 10:00 a.m. and 6:00 p.m. on any day of the week, except that there shall be no restriction of watering utilizing a hand held hose with a positive shutoff nozzle, drip irrigation system, or system which uses reclaimed or recycled wastewater.
- (6) There shall be no washing down of sidewalks, walkways, driveways, parking lots and all other paved surfaces, except to alleviate immediate health, fire or sanitation hazards.
- (7) Restaurants and food serving establishments shall only serve water to their customers upon request of each customer, and shall not operate a water hose without a

positive shutoff nozzle. Restaurants and food serving establishments provided with public information by the city's water utility about a water shortage shall post the information so that it is made available to customers.

(8) It is unlawful to remove, replace, alter or damage any water meter or any components thereof, including but not limited to the meter face, its dials or other water usage indicators and any flow-restricting device installed.

(9) Water from fire hydrants shall not be used for any purpose other than to fight fires or for other activities where such use is immediately necessary to maintain the health, safety and welfare of the residents of the city and customers of the city water utility. Metered water use for control of dust and at construction sites shall be considered necessary to maintain health and safety and are eligible uses of water from fire hydrants.

(10) Schools, golf courses, governmental agencies, city parks and cemeteries, public or private, are required to reduce the amount of water used for irrigation purposes to levels sufficient to maintain plant life or public use thereof. Excessive use of irrigation systems for long periods of time is prohibited and may be determined by the frequency and duration of irrigation activity, water saturated or overly soft turfs, lawns, and soils, or pooling of water on turfs, lawns, or soils. Water users under this section may be required to submit a copy of a water conservation plan and landscape irrigation schedules.

(11) Washing of motor vehicles, trailers, boats and other types of equipment shall be done only with a hand-held bucket or a hose equipped with a positive shutoff nozzle for quick rinse, except that washing may be done with reclaimed wastewater or by a commercial car wash using recycled water. No excess runoff shall result from such activities as defined in Sec. 78-501.

(12) No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures, unless such water is part of a recycling system.

(13) The filling or replenishment of swimming pools shall be permitted, but the property owner will be liable for possible charges in the event a phase II, III or phase IV drought is declared.

(14) The owner and operator of every hotel, motel, inn, guest house and short-term commercial lodging shall post a notice of water shortage and any necessary compliance measures.

(b) Azusa Light & Water shall publish the declaration of a Phase I water shortage in a local newspaper of general circulation.

Sec. 78-505. Phase II water shortage.

(a) A phase II water shortage may be declared by the director of utilities if any of the conditions in section 78-504(a) for a phase I water shortage are met, and it has been determined that there is need to reduce water consumption by up to ten percent (10%) based on available water supply and demand information. Prior to making a public announcement of a phase II water shortage, the director of utilities shall document the basis for the water shortage declaration and communicate this information to the city manager and city council. Under a declared phase II water shortage the following conservation measures shall be implemented:

(1) Conservation measures listed in section 78-504 shall be in effect, except that the restrictions on watering lawns, landscapes and other turf areas shall be modified to limit watering by residential water users to 6:00 p.m. starting on Tuesdays, Thursdays and Sundays until 6:00 a.m. the following day for customers with a street address number ending in an even number (0,2,4,6 or 8), and to 6:00 p.m. starting on Mondays, Wednesdays and Saturdays until 6:00 a.m. of the following day for customers with a street address number ending in an odd number (1,3,5,7 or 9). If a hand-held hose with a positive shutoff nozzle or drip irrigation system is used, watering may be done at any time on the designated days.

(2) Lawn watering and landscape irrigation by Commercial and public agency water users shall be limited to 6:00 p.m. starting on Mondays, Wednesdays and Fridays until 10:00 a.m. of the following day, except that there shall be no restriction of watering utilizing a hand held hose with a positive shutoff nozzle, drip irrigation system, or system which uses reclaimed or recycled wastewater.

(3) If a phase II water shortage is declared, water users will be subject to the drought charge pursuant to Section 78-511(b).

(b) Azusa Light & Water shall publish the declaration of a Phase II water shortage in a local newspaper of general circulation, including the drought charge and implementation date of the declaration.

Sec. 78-506. Phase III water shortage.

(a) A phase III water shortage may be declared by the director of utilities if any of the conditions in section 78-504(a) for a phase I water shortage are met, and it has been determined that there is need to reduce water consumption by up to twenty percent (20%) based on available water supply and demand information. Prior to making a public announcement of a phase III water shortage, the director of utilities shall document the basis for the water shortage declaration and communicate this information to the city manager and city council. Under a declared phase III water shortage the following conservation measures shall be implemented:

(1) Conservation measures listed in section 78-504 shall be in effect, except that the restrictions on watering lawns, landscapes and other turf areas shall be modified to limit watering by residential water users to 6:00 p.m. starting on Thursdays and Sundays until 6:00 a.m. the following day for customers with a street address number ending in an even number (0,2,4,6 or 8), and to 6:00 p.m. starting on Wednesdays and Saturdays until 6:00 a.m. of the following day for customers with a street address number ending in an odd number (1,3,5,7 or 9). If a hand-held hose with a positive shutoff nozzle or drip irrigation system is used, watering may be done at any time on the designated days.

(2) Lawn watering and landscape irrigation by Commercial and public agency water users shall be limited to 6:00 p.m. starting on Mondays and Fridays until 10:00 a.m. of the following day, except that there shall be no restriction of watering utilizing a hand held hose with a positive shutoff nozzle, drip irrigation system, or system which uses reclaimed or recycled wastewater.

(3) If a phase III water shortage is declared, water users will be subject to a drought charge pursuant to Section 78-511(b).

(b) Azusa Light & Water shall publish the declaration of a Phase III water shortage in a local newspaper of general circulation, including the drought charge and implementation date of the declaration.

Sec. 78-507. Phase IV shortages.

(a) A phase IV water shortage may be declared by the director of utilities if any of the conditions in section 78-504(a) for a phase I water shortage are met, and it is determined that there is a need to reduce water consumption by up to thirty percent (30%), based on available water supply and demand information. Prior to making a public announcement of a phase IV water shortage, the director of utilities shall document the basis for the water shortage declaration and communicate this information to the city manager and city council. Under a declared phase IV water shortage the following conservation measures shall be implemented:

(1) Conservation measures listed in section 78-504 shall be in effect, except that the restrictions on watering lawns, landscapes and other turf areas shall be modified to limit watering by residential water users to 6:00 p.m. starting on Sundays until 6:00 a.m. the following day for customers with a street address number ending in an even number (0,2,4,6 or 8), and to 6:00 p.m. starting on Saturdays until 6:00 a.m. of the following day for customers with a street address number ending in an odd number (1,3,5,7 or 9). If a hand-held hose with a positive shutoff nozzle or drip irrigation system is used, watering may be done at any time on the designated day.

(2) Lawn watering and landscape irrigation by Commercial and public agency water users shall be limited to 6:00 p.m. starting on Mondays until 10:00 a.m. of the following day, except that there shall be no restriction of watering utilizing a hand held hose with a positive shutoff nozzle, drip irrigation system, or system which uses reclaimed or recycled wastewater.

(3) If a phase IV water shortage is declared, water users will be subject to a drought charge pursuant to Section 78-511(b).

(b) Azusa Light & Water shall publish the declaration of a Phase IV water shortage in a local newspaper of general circulation, including the drought charge and implementation date of the declaration.

Sec. 78-508. New development standards.

(a) A condition for approval on all new residential construction is designed to balance the water demand of new construction with the potential water savings from existing housing units. Retrofit measures are intended to save water equivalent to the amount which would otherwise be purchased by the city at greater economic and environmental costs.

(b) All new developments shall receive a water allocation based on the indoor water requirements of similar uses. Additional water allocations for landscaping purposes shall be given to development that has not been landscaped. New landscaping shall comply with all applicable sections of this division.

(c) New residential development shall adequately offset its water requirements, for each proposed new housing unit, by an ultra-low flow toilet of a maximum 1.6 gallons per flush, a faucet aerator of a maximum 2.2 gallons per minute, and a water-saving

showerhead of a maximum 2.25 gallons per minute which meet title 24 requirements, American National Standards Institute standard A112.19.2 and this division, in a minimum of two existing single-family or three existing multiunit housing units or according to the following ratio table:

TABLE INSET:

Retrofit Requirement:	Apartment	Townhome/ Condominium	Single-Family Home
<i>New Development:</i>			
Apartment	3	3.5	2
Townhome/condominium	3.5	3	2
Single-family home	4	3.5	3

- (d) Any new development for which a building permit has been obtained prior to November 1, 2007, shall be exempt from this section.
- (e) If the director of utilities determines that actual retrofitting of existing homes is impractical or constitutes an unusual hardship on an applicant, the director may authorize the payment to the light and water department of an in-lieu retrofit fee equivalent to the cost of retrofitting existing homes with ultra-low flow toilets and other required water saving devices. The fee shall also include the cost of staff time to administer the retrofit program. The light and water department is authorized to require retrofitting and not accept in-lieu retrofit fees, regardless of hardship, if it appears unlikely the department or its authorized plumbing contractor can complete the retrofitting in the expected households. In-lieu fees must be paid upon issuance of a building permit so that sufficient time exists for the retrofits to be made prior to occupancy of new development.
- (f) The light and water department will determine the number of existing homes that will offset the water use of each new residential development and verify that the required retrofits have been completed prior to issuance of a certificate of occupancy.
- (g) Anyone requesting a building permit for the remodeling of or addition to an existing home must replace the existing toilets with ultra-low flow toilets if the value of the renovation is equal to 25 percent of the assessed valuation of the home.
- (h) New construction multiplex housing must meet the requirements for new development as stated in this section.
- (i) Nonresidential construction projects will have the water demand evaluated during the project review stage. If the project is identified as a major water user, the water demand shall be mitigated through offsite retrofitting or some other method determined to be appropriate.
- (j) All new construction by governmental and nonprofit agencies shall be exempt from retrofitting.
- (k) Construction of new housing units that have been restricted for occupancy by low-income residents under agreement with the city or the city redevelopment agency shall

be exempt from retrofitting. A low-income housing project is defined as one which either sells or rents to households whose gross annual income is less than 80 percent of the median income for the county, adjusted for household size. The low-income housing unit must be restricted to occupancy for low-income households for a minimum period of ten years.

(l) Construction of new housing units that have been restricted for occupancy for a senior citizen housing community under agreement with the city or the city redevelopment agency shall be exempt from retrofitting. A senior citizen housing community must be restricted to selling or renting to senior citizens for a minimum period of ten years.

(m) With the approval of the director of utilities, developers may retrofit school, nonprofit and government buildings to meet their retrofit requirements.

(n) Anyone with adjudicated water rights which are dedicated to the city may use such water to partially offset the city's need to acquire water for the new development. The formula to determine the retrofit requirements in such cases shall be as follows: For every acre-foot of water rights dedicated, developers will be allowed the equivalent of two existing single-family homes to be exempted from the retrofit requirement. For additional homes which exceed this formula, the standard retrofit formula shall be followed to determine the required number of retrofits.

(o) The fee for an application for a plumbing permit shall be waived for retrofits associated with the retrofit program.

(p) The city shall withhold building permits, certificates of occupancy and water connections to any developer pending compliance with this section.

Sec. 78-509. Reserved.

Sec. 78-510. Request for relief from compliance.

(a) A water user may file a written request for relief from compliance with the various programmatic water use restrictions of this division to the director of utilities. The director of utilities may delegate his duties and responsibilities for review of "Relief Requests" under this section as appropriate.

(b) The Relief Request may include a request that the water user be relieved, in whole or in part, from the water use restrictions included in sections 78-504(a)(1-14), 78-505(a)(1)(2), 78-506(a)(1)(2) and 78-507(a)(1)(2). A water user may not apply for relief from the drought charges in section 78-511(b).

(c) The Relief Request may include various justifications for exemption, including but not limited to the following:

(1) Whether any additional reduction in water consumption will result in unemployment or significant loss of income from commercial or industrial activities;

(2) Water uses during new construction;

(3) Adjustments to water use caused by emergency health or safety hazards;

(4) Water use necessary for reasons related to family illness or health.

(d) In order to be considered, a water user must submit a written request for relief including the justification for such relief to the director of utilities within 20 days from the date of the publicized drought phase notice. No relief shall be granted unless the water user shows that the maximum practical reduction in water consumption has been

achieved by the water user. No relief shall be granted to any water user who, when requested by the director of utilities, fails to provide any information necessary for resolution of the water user's Relief Request. The decision to issue relief or exemption from certain rules or requirements shall be issued within 15 days and provided in writing to the water user.

(e) The decision may be appealed as set out in section 78-512(c).

Sec. 78-511. Notices, citations, penalties, charges, and service termination.

(a) Any employee of the city's water utility, police department, or code enforcement office, or other city employees as designated by the city council, city manager or director of utilities, may issue citations for violations of this division. Water users as defined in section 78-501 shall be presumed to be the violator. The city will impose the following penalties on violators of this division:

(1) If the director of utilities has declared a Phase I water shortage pursuant to section 78-504, first-time violators, shall be provided with a courtesy notice of the violation. Upon second and subsequent violations, the violator shall receive a citation and fine pursuant to section 78-511(a)(2).

(2) If the director of utilities has declared a Phase II, Phase III or Phase IV water shortage pursuant to sections 78-505(a), 78-506(a) or 78-507(a), respectively, violators shall receive a citation and fine as specified below on a form that describes the nature of the violation, the municipal code section violated, the date on which it occurred and the corrective measures to be taken:

a. Residential Water Users

- i. For the first violation, \$50.00.
- ii. For the second violation, \$100.00. A second violation is an infraction.
- iii. For the third violation, \$200.00, along with the installation of a flow restrictor at the customer's expense. A third violation constitutes a misdemeanor.
- iv. For a fourth violation, \$200, plus termination of water service. The water user shall also pay all utility service fees and reconnection charges in effect at the time of service termination in order to restore water service.

b. Commercial and Public Agency Water Users

- i. For the first violation, \$100.00.
- ii. For the second violation, \$300.00. A second violation is an infraction.
- iii. For the third violation, \$600.00, along with the installation of a flow restrictor at the customer's expense. A third violation constitutes a misdemeanor.
- iv. For a fourth violation, \$600, plus termination of water service. The water user shall also pay all outstanding utility service fees and reconnection charges in effect at the time of service termination in order to restore water service.

(b) During a declared Phase II, III, or IV water shortage, the city will impose a drought charge, per CCF (hundred cubic feet), in excess of a certain threshold for each water shortage Phase. Said threshold for each water shortage Phase shall be established by the director of utilities, at the time the drought charge is imposed. The threshold for each water shortage Phase will be established by taking into account the following factors: (1) declared water shortage Phase; (2) amount of water conserved by water users; (3) month of year and seasonal variations in water demand by different types of

water users; (4) average water consumption by customer class as determined by meter size; (5); and (6) tiered rate thresholds of existing Water Rate Schedule B in effect at the time a water shortage Phase is declared.

The rate per CCF (hundred cubic feet) for said drought charge shall be calculated in an amount in order to defray the following costs and expenses of implementing the conservation plan/program: (1) cost to provide public with notices and ongoing public education about the drought and water supply issues; (2) cost of equipment and staff time to administer and enforce water conservation measures of this Division; (3) costs associated with utility billing software modifications and bill presentment to manage the drought charges applied through this Division; (4) cost of water conservation programs which provide fixtures, devices, materials, equipment, or monetary incentives to water users to reduce water consumption. The amounts of said costs shall be determined at the time the drought charge is to be imposed. The following is an example of how the rate shall be calculated taking into account the above-mentioned costs and expenses:

Total Anticipated Conservation Program Costs to Implement Water Shortage Phase

(1) cost to provide public with notices and ongoing public education about the drought and water supply issues = \$ 50,000

(2) cost of equipment and staff time to administer and enforce water conservation measures of this Division = \$ 50,000

(3) costs associated with utility billing software modifications and bill presentment to manage the drought charges applied through this Division =
\$ 50,000

(4) cost of water conservation programs which provide fixtures, devices, materials, equipment, or monetary incentives to water users to reduce water consumption = \$ 150,000

Total = \$ 300,000

Divided by

Total Anticipated Retail Water Consumption (in CCF) that is in Excess of the Threshold Established for the Applicable Water Shortage Phase = 250,000 ccf above a threshold of 40 ccf = \$1.2 Per CCF Drought Charge

The per CCF drought charge shall not exceed 100% of the highest tier rate of all retail water service rates (Water Rate Schedule B) per CCF, which is, in effect at the time a water shortage Phase is declared.

Prior to applying any drought charge pursuant to this section, the director of utilities shall document the basis for the drought charge and the threshold level and communicate this information to the city manager and city council.

Any drought charge imposed pursuant to this section shall be effective on the first of the month following publication of a water shortage declaration Phase. Drought charges shall be applied as a separate and distinct charge through the utility billing system and shall be paid to Azusa Light & Water and deposited into the water enterprise fund under a separate drought charge revenue account to be used solely to defray the costs associated with implementation of the conservation plan/program set forth in this Division through conservation activities referenced in this section.

(c) Failure to pay any of the penalties or charges imposed through this Division may subject the water user or customer to termination of water service. If water service is terminated pursuant to this division, the department of utilities will not restore water service until the director of utilities has determined that the customer has provided reasonable assurances that future violations of this division will not occur and that any unpaid penalties resulting from citations and any outstanding utility billing amounts and fines have been paid in full.

Sec. 78-512. Hearing regarding violations.

(a) Any water user receiving notice of a second or subsequent violation of this division shall have a right to a hearing by the director of utilities.

(b) The water user's written request for a hearing must be received within ten (10) days of the issuance of the notice of violation. This request shall stay installation of a flow-restricting device on the water user's premises and the imposition of any fines until the director of utilities renders his decision. Director's decision shall be issued within 15 days after the hearing, and a copy shall be provided to the water user.

(c) The decision of the director of utilities may be appealed to the city manager by the water user filing with the city manager a written request for appeal within 15 days of receipt of the decision. Filing of such a request stays imposition of any fines or installation of flow restrictor.

(d) The appeal hearing will be scheduled to occur within a reasonable period of time following filing of the appeal. No formal rules of evidence apply. All evidence customarily relied upon by reasonable persons in the conduct of serious business affairs will be allowed, and the water user may present any such evidence which shows the alleged wasteful water use has not occurred. The decision of the city manager will be given in writing to the water user within 15 days after the appeal hearing, and that decision shall be final.

Sec. 78-513. Additional measures.

The city council may order implementation of water conservation measures in addition to those set forth in sections 78-504, 78-505, 78-506 and 78-507. Such additional water conservation measures shall be implemented by resolution published one time in a daily newspaper of general circulation covering the service area of the city water utility. Any

prohibitions on the use of water shall become effective immediately upon such publication.

Sec. 78-514. Effect on public health and safety.

Nothing in this division shall be construed to require the director of utilities to curtail the supply of water to any water user when such water is required by that customer to maintain an adequate level of public health and safety. The rights of the city under this division shall be in addition to any other rights of the city under any other applicable laws.

Sec. 78-515. Rules and Regulations.

Sections 78-501 to 78-514 shall be considered part of the rules and regulations for water service for areas served by the city outside the city limits, and any failure to comply may be dealt with pursuant to this division and any other rules and regulations of the city's water utility.

Secs. 78-516--78-530. Reserved.

SECTION 3: The passage of this Urgency Ordinance is necessary in order to preserve the public peace, health and safety for the reasons set forth in the Recitals above.

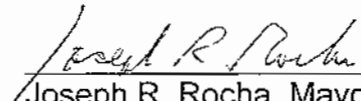
SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Urgency Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

SECTION 5: This Urgency Ordinance shall take effect immediately upon its adoption.

SECTION 6: This Urgency Ordinance is enacted pursuant to Government Code sections 36934 and 36937 for the immediate preservation of the public peace, health and safety.

SECTION 7: The City Clerk shall certify the adoption of this Urgency Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED AND ADOPTED this 16th day of June, 2008.


Joseph R. Rocha, Mayor

Attest:


Vera Mendoza, City Clerk

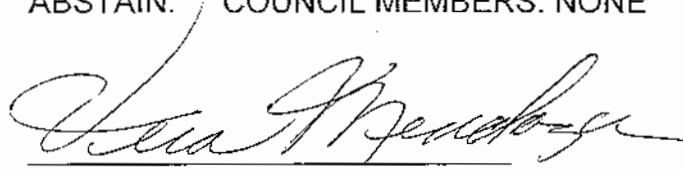
Approved as to Form:


Sonia Carvalho, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF AZUSA)

I, Vera Mendoza, City Clerk of the City of Azusa, do hereby certify that the foregoing Urgency Ordinance No. 08-06, was duly introduced and adopted at a regular meeting of the City Council on the 16th day of June, 2008, by the following vote of the Council:

AYES: COUNCIL MEMBERS: GONZALES, CARRILLO, MACIAS, HANKS, ROCHA
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE


Vera Mendoza, City Clerk