

**TOWN OF SAN ANSELMO**

**ORDINANCE NO. 1107**

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING TITLE 9  
“BUILDING REGULATIONS” OF THE SAN ANSELMO MUNICIPAL CODE BY  
ADDING CHAPTER 21 “WATER EFFICIENT LANDSCAPING” AND ADOPTING BY  
REFERENCE MARIN MUNICIPAL WATER DISTRICT CODE CHAPTER 13.02  
“WATER CONSERVATION AND DRY YEAR WATER USE REDUCTION PROGRAM”  
SUBSECTIONS 13.02.021(2) AND 13.02.021(5) AND ESTABLISHING PENALTIES FOR  
NON-COMPLIANCE**

WHEREAS, it is the policy of the Town of San Anselmo 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 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 these 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 intends 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 Planning Commission held a public hearing on March 7, 2016 and recommended adoption of the ordinance; and

WHEREAS, the Town Council held regular public meetings on April 12, 2016 to introduce the Ordinance and on April 26, 2016 to adopt this Ordinance, and has heard and considered any public testimony on this matter; and

WHEREAS, notice of the Council hearings to introduce and adopt this Ordinance was published pursuant to California Government Code Section 6066 in the Marin Independent Journal, a newspaper of general circulation nearest to the Town on February 26, 2016, March 4, 2016, April 7, 2016, April 29, 2016 and May 6, 2016.

WHEREAS, the Town Council has found that the provisions of the Ordinance are consistent with the goals and policies of the Town of San Anselmo General Plan and other adopted ordinances and regulations of the Town.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

**SECTION 1:** Title 9 of the San Anselmo Municipal Code is amended to add the following chapter 21 to read as follows:

Chapter 21

WATER EFFICIENT LANDSCAPING

Sections:

9-20.01 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” Section 13.02.021 “Water Conservation: Normal Year Water Conservation” Subsections (2) “Definitions” and (5) “Water Efficient Landscaping” are adopted by reference hereto, including any amendments or successors thereto, as the Town Water Efficient Landscape Ordinance to comply with the California Water Conservation in Landscaping Act (Cal. Gov. Code §§ 65591 *et seq.*) and shall be in full force and effect within the Town. A copy of this document is maintained in the Building Department.

9-20.02 Implementation, Monitoring, Penalties and Enforcement

- (a) The Marin Municipal Water District, the public water system within the jurisdictional boundaries of the Town, is hereby designated as the implementing, monitoring and enforcement agency for the water efficient landscape provisions of Marin Municipal Water District Code Chapter 13.02 and any amendments or successors thereto. The Town of San Anselmo may also implement, monitor and enforce the provisions of this ordinance.
- (b) Any violation of the provisions of this ordinance is hereby declared a public nuisance and shall be subject to summary abatement as provided by law.
- (c) Any person violating any provision of this ordinance shall be deemed guilty of an infraction and shall be subject to penalties pursuant to Section 36900 of the California Government Code, as amended, and Title 1, Chapter 2 of the San Anselmo Municipal Code.

- (d) Each and every day that any violation of this ordinance continues, is committed or is permitted to continue shall be regarded as a new and separate offense.
- (e) The remedies provided in this section shall be cumulative and not exclusive.

**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 Natural 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 Guidelines 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 CEQA Guidelines Section 15300.2.

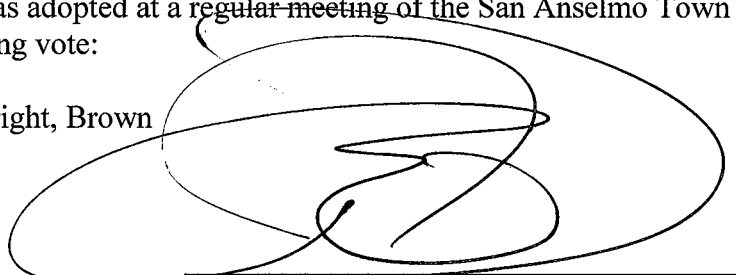
**SECTION 3: Severability.** The Town Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall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

**SECTION 4: Inclusion in the San Anselmo Municipal Code.** It is the intention of the San Anselmo Town Council that the text in Section 1 be made a part of the San Anselmo 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.

**THE FOREGOING ORDINANCE** was introduced at a regular meeting of the San Anselmo Town Council on April 12, 2016, and was adopted at a regular meeting of the San Anselmo Town Council on May 10, 2016 by the following vote:

**AYES:** Coleman, McInerney, Wright, Brown  
**NOES:** Greene  
**ABSENT:** None  
**ABSTAIN:** None



Ford Greene, Mayor

ATTEST:  
  
 Carla Kacmar, Town Clerk