

URGENCY ORDINANCE NO. 2464
(Codified)

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO
AMENDING CHAPTERS 14.08 AND 19.68 OF THE CHICO MUNICIPAL CODE
REGARDING ENCROACHMENT PERMITS AND LANDSCAPE CONVERSIONS

WHEREAS, the State of California has been experiencing historic and prolonged drought conditions;

WHEREAS, on April 1, 2015, Governor Brown issued an Executive Order that directs the State Water Board to impose restrictions to achieve a statewide 25% reduction in urban water use through February 28, 2016;

WHEREAS, the California Water Service Company (“Cal Water”) is the water purveyor for the city of Chico (“City”);

WHEREAS, to comply with the Executive Order, the State Water Board mandated that the Cal Water Chico District reduce water use by 32% as compared to 2013 water use; and

WHEREAS, to meet the mandatory water restrictions Chico residents have submitted requests to replace turf or grass in the parkway strip, which is within the City’s right-of-way, with drought tolerant plants and other low water use measures; and

WHEREAS, Chapter 19.68 of the Chico Municipal Code (CMC) establishes landscaping standards that may require the planting of new trees and other landscaping requirements as a condition of commercial facade remodels; and

WHEREAS, the City is a charter city; and Section 612 of the City Charter provides that any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, safety and welfare and containing the reasons for an urgency may be introduced and passed by a majority of the Council at one meeting.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Chico as follows:

Section 1. That CMC Chapter 14.08 – Encroachment and Excavation Permits is hereby amended to add a new Paragraph G. to Section 14.08.070 as follows:

“14.08.070 Exceptions to permit requirements

G. No encroachment permit shall be required in connection with the removal of turf or grass from a parkway in front of a residential structure for the purpose of installing water-efficient landscaping and/or irrigation systems, provided that all of the following conditions are met:

1. No excavation shall occur at a depth greater than 12 inches.
2. Prior to excavation or installation, the property owner shall contact the Underground Service Alert (USA North 811) and the City of Chico to locate underground utilities, and otherwise comply with Section 4216 et seq. of the California Government Code (as amended);
3. The excavation or installation work shall be performed with due diligence and in a manner that does not obstruct or interfere with a public street, utilities, street trees, or other facilities located within the public right-of-way or public service easement any more than is absolutely necessary..
4. Street trees requiring irrigation shall not be deprived of such irrigation;

5. No plants, other than trees, shall be planted which will grow to a height greater than 2 feet at maturity; or to a height that will interfere with service lines and sight distance areas.
6. The turf grass and/or other high water use vegetation is replaced in compliance with the City of Chico Residential Parkway Landscape Conversion Guidelines.”
7. All applicable requirements of Chapter 19.68 – Landscaping Standards of the Chico Municipal Code (CMC) are met.

Section 2. That Section 19.68.040 C. of CMC Chapter 19.68 will not apply if the planting of new landscaping required in connection with a Commercial Façade Remodel will result in an increase in water use for that site.

Section 3. This ordinance shall take effective immediately upon adoption, and shall remain in effect until February 7, 2016 unless extended by the City Council.

This ordinance was adopted by the City Council of the City of Chico at its meeting held on July 7, 2015, by the following vote:

AYES: Coolidge, Fillmer, Ritter, Schwab, Stone, Morgan, Sorensen

NOES: None

ABSENT: None

ABSTAIN: None

DISQUALIFIED: None

ATTEST:

APPROVED AS TO FORM:

_____/s/_____
Deborah R. Presson, City Clerk

_____/s/_____
Vincent C. Ewing, City Attorney