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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 1. PLANNING AND ZONING [65000 - 66342] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.)*

CHAPTER 3. Local Planning [65100 - 65763] (*Chapter 3 repealed and added by Stats. 1965, Ch. 1880.)*

ARTICLE 10.8. Water Conservation in Landscaping [65591 - 65599] (*Article 10.8 repealed and added by Stats. 2006, Ch. 559, Sec. 3.)*

65591. This article shall be known and may be cited as the Water Conservation in Landscaping Act.

(*Repealed and added by Stats. 2006, Ch. 559, Sec. 3. Effective January 1, 2007.*)

65592. Unless the context requires otherwise, the following definitions govern the construction of this article:

- (a) "Department" means the Department of Water Resources.
- (b) "Director" means the Director of Water Resources.
- (c) "Local agency" means any city, county, or city and county, including a charter city or charter county.
- (d) "Water efficient landscape ordinance" means an ordinance or resolution adopted by a local agency, or prepared by the department, to address the efficient use of water in landscaping.

(*Amended by Stats. 2018, Ch. 867, Sec. 4. (AB 2371) Effective January 1, 2019.*)

65593. The Legislature finds and declares all of the following:

- (a) The waters of the state are of limited supply and are subject to ever increasing demands.
- (b) The continuation of California's economic prosperity is dependent on adequate supplies of water being available for future uses.
- (c) It is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource.
- (d) Landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development.
- (e) Landscape design, installation, maintenance, and management can and should be water efficient.
- (f) Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable use or unreasonable method of use.
- (g) (1) The Legislature, pursuant to Chapter 682 of the Statutes of 2004, requested the California Urban Water Conservation Council to convene a stakeholders work group to develop recommendations for improving the efficiency of water use in urban irrigated landscapes.
 - (2) The work group report includes a recommendation to update the model water efficient landscape ordinance adopted by the department pursuant to Chapter 1145 of the Statutes of 1990.
 - (3) It is the intent of the Legislature that the department promote the use of this updated model ordinance.

(h) Notwithstanding Article 13 (commencing with Section 65700), this article addresses a matter that is of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Accordingly, it is the intent of the Legislature that this article, except as provided in Section 65594, apply to all cities and counties, including charter cities and charter counties.

(Repealed and added by Stats. 2006, Ch. 559, Sec. 3. Effective January 1, 2007.)

65594. (a) Except as provided in Section 65595, if by January 1, 1993, a local agency did not adopt a water efficient landscape ordinance and did not adopt findings based on climatic, geological, or topographical conditions, or water availability that state that a water efficient landscape ordinance is unnecessary, the model water efficient landscape ordinance adopted by the department pursuant to Chapter 1145 of the Statutes of 1990 shall apply within the jurisdiction of the local agency as of that date, shall be enforced by the local agency, and shall have the same force and effect as if adopted by the local agency.

(b) Notwithstanding subdivision (b) of Section 65592, subdivision (a) does not apply to chartered cities.

(c) This section shall apply only until the department updates the model ordinance.

(Repealed and added by Stats. 2006, Ch. 559, Sec. 3. Effective January 1, 2007.)

65595. (a) (1) To the extent funds are appropriated, not later than January 1, 2009, by regulation, the department shall update the model water efficient landscape ordinance adopted pursuant to Chapter 1145 of the Statutes of 1990, after holding one or more public hearings. The updated model ordinance shall be based on the recommendations set forth in the report prepared pursuant to Chapter 682 of the Statutes of 2004 and shall meet the requirements of Section 65596.

(2) Before the adoption of the updated model ordinance pursuant to paragraph (1), the department shall prepare and submit to the Legislature a report relating to both of the following:

(A) The extent to which local agencies have complied with the model water efficient landscape ordinance adopted pursuant to Chapter 1145 of the Statutes of 1990.

(B) The department's recommendations regarding the landscape water budget component of the updated model ordinance described in subdivision (b) of Section 65596.

(b) Not later than January 31, 2009, the department shall distribute the updated model ordinance adopted pursuant to subdivision (a) to all local agencies and other interested parties.

(c) On or before January 1, 2010, a local agency shall adopt one of the following:

(1) A water efficient landscape ordinance that is, based on evidence in the record, at least as effective in conserving water as the updated model ordinance adopted by the department pursuant to subdivision (a).

(2) The updated model ordinance described in paragraph (1).

(d) If the local agency has not adopted, on or before January 1, 2010, a water efficient landscape ordinance pursuant to subdivision (c), the updated model ordinance adopted by the department pursuant to subdivision (a) shall apply within the jurisdiction of the local agency as of that date, shall be enforced by the local agency, and shall have the same force and effect as if adopted by the local agency.

(e) Nothing in this article shall be construed to require the local agency's water efficient landscape ordinance to duplicate, or to conflict with, a water efficiency program or measure implemented by a public water system, as defined in Section 116275 of the Health and Safety Code, within the jurisdictional boundaries of the local agency.

(Repealed and added by Stats. 2006, Ch. 559, Sec. 3. Effective January 1, 2007.)

65596. The updated model ordinance adopted pursuant to Sections 65595 and 65596.5 shall do all the following in order to reduce water use:

(a) Include provisions for water conservation and the appropriate use and groupings of plants that are well-adapted to particular sites and to particular climatic, soil, or topographic conditions. The model ordinance shall not prohibit or require specific plant species, but it may include conditions for the use of plant species or encourage water conserving plants. However, the model ordinance shall not include conditions that have the effect of prohibiting or requiring specific plant species.

(b) Include a landscape water budget component that establishes the maximum amount of water to be applied through the irrigation system, based on climate, landscape size, irrigation efficiency, and plant needs.

(c) Promote the benefits of consistent local ordinances in neighboring areas.

(d) Encourage the capture and retention of stormwater onsite to improve water use efficiency or water quality.

(e) Include provisions for the use of automatic irrigation systems and irrigation schedules based on climatic conditions, specific terrains and soil types, and other environmental conditions. The model ordinance shall include references to local, state, and federal laws and regulations regarding standards for water-conserving irrigation equipment. The model ordinance may include climate

information for irrigation scheduling based on the California Irrigation Management Information System (Chapter 2 (commencing with Section 10015) of Part 1.5 of Division 6 of the Water Code).

(f) Include provisions for onsite soil assessment and soil management plans that include grading and drainage to promote healthy plant growth and to prevent excessive erosion and runoff, and the use of mulches in shrub areas, garden beds, and landscaped areas where appropriate.

(g) Promote the use of recycled water consistent with Article 4 (commencing with Section 13520) of Chapter 7 of Division 7 of the Water Code.

(h) Seek to educate water users on the efficient use of water and the benefits of doing so.

(i) Address regional differences, including fire prevention needs.

(j) Exempt landscaping that is part of a registered historical site.

(k) Encourage the use of economic incentives to promote the efficient use of water.

(l) Include provisions for landscape maintenance practices that foster long-term landscape water conservation. Landscape maintenance practices may include, but are not limited to, performing routine irrigation system repair and adjustments, conducting water audits, and prescribing the amount of water applied per landscaped acre.

(m) Include provisions to minimize landscape irrigation overspray and runoff.

(n) Include provisions requiring that each plant or a representative number of each type of plant, as determined by the director, installed in a new or rehabilitated landscape be identifiable at the time of inspection as to its correct name as specified in Section 53481 of the Food and Agricultural Code.

(Amended by Stats. 2018, Ch. 867, Sec. 5. (AB 2371) Effective January 1, 2019.)

65596.5. (a) On or before January 1, 2020, and at least every three years thereafter, the department, after holding one or more public hearings, shall do one of the following:

(1) Update the model water-efficient landscape ordinance adopted pursuant to Chapter 1145 of the Statutes of 1990.

(2) Make a finding that an update to the model water-efficient landscape ordinance at that time is not a useful or effective means to improve either the efficiency of landscape water use or the administration of the ordinance.

(b) On or before January 1, 2020, and at least every three years thereafter, the department shall consider and propose revisions to the publication "Water Use Classification of Landscape Species" and its associated database as the director deems necessary or desirable to add unlisted plant taxa being offered for sale in California and to correct errors in existing listings.

(c) When the model water-efficient landscape ordinance has been updated, the department shall submit the update to the Building Standards Commission for consideration during the triennial revision process of the California Green Building Standards Code.

(Amended by Stats. 2018, Ch. 867, Sec. 6. (AB 2371) Effective January 1, 2019.)

65596.7. (a) On or before June 30, 2019, the director shall convene a working group comprised of representatives from the landscape nursery industry, the agricultural community, the landscape retail industry, environmental organizations, urban water agencies, academia, landscape contractors, landscape architects, and the independent technical panel created pursuant to Section 10631.7 of the Water Code.

(b) The working group shall have both of the following tasks:

(1) Examining the current state of consumer information available and accessible regarding water use associated with landscape plants.

(2) Exploring and identifying options for improving the availability, accessibility, and quality of consumer information regarding water use associated with landscape plants, in both electronic and physical formats.

(c) The working group shall complete its tasks on or before January 1, 2020, and shall provide a written overview of its findings and recommendations, if any, to the director, the Executive Director of the State Water Resources Control Board, the Speaker of the Assembly, and the President pro Tempore of the Senate.

(Added by Stats. 2018, Ch. 867, Sec. 7. (AB 2371) Effective January 1, 2019.)

65597. Not later than January 31, 2010, each local agency shall notify the department as to whether the local agency is subject to the department's updated model ordinance adopted pursuant to Section 65595, and if not, shall submit to the department a copy of the water efficient landscape ordinance adopted by the local agency, and a copy of the local agency's findings and evidence in the record that its water efficient landscape ordinance is at least as effective in conserving water as the department's updated model

ordinance. Not later than January 31, 2011, the department shall, to the extent funds are appropriated, prepare and submit a report to the Legislature summarizing the status of water efficient landscape ordinances adopted by local agencies.

(Repealed and added by Stats. 2006, Ch. 559, Sec. 3. Effective January 1, 2007.)

65598. Any model ordinance adopted pursuant to this article shall exempt cemeteries from all provisions of the ordinance except those set forth in subdivisions (h), (k), and (l) of Section 65596. In adopting language specific to cemeteries, the department shall recognize the special landscape management needs of cemeteries.

(Repealed and added by Stats. 2006, Ch. 559, Sec. 3. Effective January 1, 2007.)

65599. Any actions or proceedings to attach, review, set aside, void, or annul the act, decision, or findings of a local agency on the ground of noncompliance with this article shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

(Repealed and added by Stats. 2006, Ch. 559, Sec. 3. Effective January 1, 2007.)