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SB-1340 Water Conservation in Landscaping Act. (2015-2016)

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ENROLLED AUGUST 26, 2016
PASSED IN SENATE AUGUST 24, 2016
PASSED IN ASSEMBLY AUGUST 18, 2016
AMENDED IN ASSEMBLY JUNE 21, 2016
AMENDED IN ASSEMBLY JUNE 08, 2016
AMENDED IN SENATE APRIL 05, 2016

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

SENATE BILL

NO. 1340

Introduced by Senator Wolk

February 19, 2016

An act to amend Section 65595 of the Government Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1340, Wolk. Water Conservation in Landscaping Act.

Existing law, the Water Conservation in Landscaping Act, requires the Department of Water Resources to update a specified model water efficient landscape ordinance by regulation and prescribes various requirements for the updated model ordinance. Existing law requires each local agency to adopt either the updated model water efficient landscape ordinance or an ordinance that is at least as effective in conserving water as the updated model ordinance. If the local agency does not make a selection, the model ordinance shall apply within the jurisdiction of the local agency.

This bill, on or after July 1, 2018, would require a local agency to require a permit for the installation of specified automatic irrigation systems, or the expansion of the same specified automatic irrigation systems to increase the irrigated area by 25% or more, for a landscape project. The bill would allow the governing body of a local agency to adopt an ordinance prescribing fees for filing an application for the permit, subject to the restrictions that the fees not exceed the amount reasonably required to review applications and issue the permits and that the fees not be levied for general revenue purposes. The bill would authorize a property owner, property manager, landscape contractor, landscape architect, or any other agent designated by the property owner to submit the application for a permit required pursuant to these provisions for an irrigation system serving a residential

landscape. The bill would exempt from these requirements the repair and replacement of the components or parts of an automatic irrigation system.

By adding to the duties of local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65595 of the Government Code is amended to read:

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) (1) On or after July 1, 2018, a local agency shall require a written permit for the installation of any automatic irrigation system, or the expansion of an existing automatic irrigation system to increase the irrigated area by 25 percent or more, for a landscape project subject to this article and not otherwise within the scope of a local agency permit, if the irrigation system is to serve either of the following:

(A) A nonresidential landscape that is not a cemetery and that is at least 2,500 square feet or greater.

(B) A residential landscape that is at least 10,000 square feet or greater.

(2) Before issuing any permit required by paragraph (1), the governing body of a local agency may adopt an ordinance prescribing fees for filing an application for that permit, but the fees shall not exceed the amount reasonably required by the local agency to review applications and issue those permits, and shall not be levied for general revenue purposes.

(3) An application for a permit required under this subdivision for an irrigation system serving a residential landscape may be submitted by a property owner, property manager, landscape contractor, landscape architect, or any other agent designated by the property owner.

(f) Subdivision (e) shall not apply to the repair or replacement of the components or parts of any existing automatic irrigation system.

(g) 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.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.