

ORDINANCE 1507

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY, AMENDING CHAPTER 21.20 LANDSCAPING OF THE FOUNTAIN VALLEY MUNICIPAL CODE

WHEREAS; the California State Legislature has found that:

- (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 the availability of adequate supplies of water 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) Article X, Section 2 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 method of use of water; and

WHEREAS, in 1992, the State Legislature enacted the Water Conservation in Landscaping Act (AB 325) requiring the adoption of a water efficient landscape ordinance by cities and counties; and

WHEREAS, following the enactment of AB 325 the Department of Water Resources (DWR) developed a Model Water Efficient Landscape Ordinance to assist and guide cities in the enactment their own local water efficient landscape ordinance; and,

WHEREAS, the Water Conservation in Landscaping Act of 2006 (AB 1881) required DWR to update the Model Water Efficient Landscape Ordinance to achieve greater landscape water use efficiency, and for cities to adopt the updated Model Water Efficient Landscape Ordinance, no later than January 1, 2010; and

WHEREAS, the Municipal Water District of Orange County (MWDOC) and the former Orange County Division of the League of California Cities led a team of stakeholders to develop an Orange County Model Ordinance that met the "at least as effective as the DWR created Model Water Efficiency Landscape Ordinance" requirement of AB 1881, to minimize complexity and cost of compliance and to provide consistency between local jurisdictions; and

WHEREAS, on December 1, 2009, the City Council approved the Orange County Model Ordinance in adopted Ordinance 1440 and thereby adding Fountain Valley Municipal Code (FVMC) Section 21.20.050 (c) Water Efficient Landscape Provisions; and

WHEREAS, Governor Brown issued a Drought Executive Order (B-19-25) on April 1, 2015, directing DWR to update the State's Model Water Efficient Landscape Ordinance by July 15, 2015, to increase water efficiency standards for new and existing landscape through more efficient irrigation systems, greywater usage, onsite storm water capture and by limiting the portion of landscaping that can be covered in turf; and

WHEREAS, on September 9, 2015, the California Water Commission adopted revisions to the California Code of Regulations Title 23, Division 2, Chapter 2.7. Model Water Efficient Landscape Ordinance; and

WHEREAS; as adopted the Model Water Efficient Landscape Ordinance provisions are required to be adopt by cities in an ordinance being at least as effective as the State Model Water Efficient Landscape Ordinance by January 1, 2016, or February 1, 2016 when adopting a regional ordinance; and

WHEREAS; MWDOC and the Association of California Cities, Orange County have again led a group of stakeholders to update the Orange County Model Ordinance to be at least as effective as the DWR updated Model Water Efficiency Landscape Ordinance; and

WHEREAS; the City Council hereby finds that:

(a) Orange County has an established, large *reclaimed water* infrastructure system;

(b) allocation-based and tiered water rate structures allow public agencies to document water use in landscapes;

(c) incentive-based water use efficiency programs have been actively implemented within Orange County since before 1991;

(d) current local design practices in new landscapes strive to achieve the intent of the State Model Water Efficient Landscape Ordinance water use goals;

(e) all water services within the City are metered and billed based on volume of use;

(f) Orange County is a leader in researching and promoting the use of *smart automatic irrigation controllers* with more than 12,900 installations as of June 2009;

(g) over 100 single-family residential properties in the City have applied for turf removal rebates to reduce landscape watering needs;

(h) all new *irrigation controllers* sold after 2012 within Orange County will be *smart controllers*;

(i) landscape plan submittal and review has been a long standing practice in the City;

(j) the average rainfall in Orange County is approximately 12 inches per year;

(k) the City, as the local water purveyor, is implementing enforcement of water waste prohibitions for all existing metered landscaped areas within its jurisdiction; and

WHEREAS, consistent with these findings, the purpose of the Orange County Water Efficiency Landscape Model Ordinance is to establish an alternative model acceptable under Governor Brown's Drought Executive Order (B-19-25) as being at least as effective as the State Model Water Efficient Landscape Ordinance in the context of conditions in order to:

(a) promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;

(b) promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;

(c) establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in *new construction* and rehabilitated projects;

(d) establish provisions for water management practices and water waste prevention for existing landscapes;

(e) use water efficiently without waste by setting a *Maximum Applied Water Allowance* as an upper limit for water use and reduce water use to the lowest practical amount;

(f) encourage the use of economic incentives that promote the efficient use of water, such as implementing a *budget-based tiered-rate structure, providing rebate incentives and offering educational programs*; and

WHEREAS, the City Council wishes to adopt the provisions of the updated Orange County Model Water Efficiency Landscape Ordinance in the FVMC Section 21.20.050(c) Water Efficient Landscape Provisions; and

WHEREAS, the City Council does further state its intention to amend the "Guidelines for Implementation of the City of Fountain Valley Water Efficient Landscape Provisions" by resolution and to integrate that document into this ordinance; and

WHEREAS, the City Council finds that amending certain sections of Chapter 21.20 Landscaping will allow for additional water efficiencies to be realized in new and revitalized landscaping projects in the City and will also provide for added clarity and consistency in the administration of the landscape standards of Chapter 21.20; and

WHEREAS, the Fountain Valley Planning Commission considered the proposed Code Amendment 15-01 at a duly noticed public hearing on November 10, 2015 and approved Resolution No. 15-32 recommending adoption of the Code Amendment, and

WHEREAS, the proposed Code Amendment 15-01 has been publicly noticed in accordance with State Law and the Fountain Valley Municipal Code.

NOW, THEREFORE, the City Council of the City of Fountain Valley does hereby ORDAIN as follows:

SECTION 1

The City Council of the City of Fountain Valley does hereby adopt the attached Guidelines (Exhibit "A") to complement the Water Efficient Landscape Provisions of this Ordinance and to set forth technical aspects of the program.

SECTION 2:

The City Council hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.), because pursuant to State CEQA Regulation 15307 (14 Cal. Code Regs., § 15307), this Ordinance is covered by the CEQA Categorical Exemption for actions 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

adoption of this Ordinance will result in the enhancement and protection of water resources in the City, and will not result in cumulative adverse environment impacts. It is therefore exempt from the provisions of CEQA. The City Council hereby directs the City Manager or designee to prepare and file a Notice of Exemption as soon as possible following adoption of this Ordinance.

SECTION 3:

The City Council finds that due notice of the public hearing on November 17, 2015, conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given, as required by the Fountain Valley Municipal Code the State of California.

SECTION 4:

The City Council hereby finds that Code Amendment No. 15-01 is consistent with the Fountain Valley General Plan as follows:

(A) The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives and policies of the general plan, and would not create any inconsistencies with the Fountain Valley Municipal Code;

(B) The proposed amendment would provide for the orderly growth in the City in a manner consistent with the General Plan and Development Code; and

(C) The proposed amendment would not be detrimental to the public convenience, health, interest, safety or welfare of the city; and

(D) The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the city's environmental review procedures and was determined to be categorically exempt.

SECTION 5:

The Fountain Valley Municipal Code is hereby amended by revising section 21.20.030 to read as follows:

“Applied water” means the portion of water supplied by the irrigation system to the landscape.

“Ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

“Estimated Applied Water Use” means the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the Guidelines. It is based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the relative irrigation efficiency of the irrigation system.

“Evapotranspiration (ET) adjustment factor” or “ETAF” is equal to the plant factor divided by the irrigation efficiency factor for a landscape project, as described in the Guidelines. The ETAF is calculated in the context of local reference evapotranspiration, using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area. The evapotranspiration adjustment factor (ETAF) for the landscape project shall not exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of Special Landscape Areas. The ETAF for a Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.

“Guidelines” refers to the Guidelines for Implementation of the Water Efficient Landscape Provisions included in Section 21.20.050(c), as adopted by the City by the City Council, which describes procedures, calculations, and requirements for landscape projects subject to the Water Efficient Landscape Provisions.

“Hydrozone” means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or nonirrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a nonirrigated hydrozone.

“Irrigation efficiency” means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. Refer to the Guidelines for irrigation efficiency requirements. The irrigation efficiency for purposes of this Water Efficient Landscape Provisions of 21.20.050(c) are 0.75 for overhead spray devices and 0.81 for drip systems.

“Landscaped area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance and Estimated Applied Water Use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, other pervious or non-pervious hardscapes, and other

non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

“Landscaping” means the planting and continuous maintenance of some combination of natural vegetation (e.g., trees, shrubs, vines, ground covers, flowers or lawns). In addition to plant life, landscaping may also include synthetic turf, as defined herein, and a limited amount of, benches, ponds, statuary, and other materials as provided for in 21.20.050(b)(2)(A).

“Landscape contractor” means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

“Landscape documentation package” means the documents required to be provided to the City for review and approval of landscape design projects, as described in the Guidelines.

“Landscape project” means total area of landscape in a project, as provided in the definition of “landscaped area,” meeting the requirements under Section 21.20.050 (c)(1) of this Water Efficient Landscape Ordinance.

“Local water purveyor” means any entity, including a public agency, city, county, or private water company that provides retail water service.

“Maximum Applied Water Allowance” or “MAWA” means the upper limit of annual applied water for the established landscaped area as specified in Section 2.2 of the Guidelines. It is based upon the area’s reference evapotranspiration, the ET Adjustment Factor, and the size of the landscaped area. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance.
$$MAWA = (ET_o) (0.62) [(ETAF \times LA) + ((1-ETAF) \times SLA)]$$

“Mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

“New construction” means a new building with a landscape area or other new landscape area such as a park, playground, or greenbelt without an associated building.

“Non-pervious” means any surface or natural material that does not allow for the passage of water through the material and into the underlying soil.

“Pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.

“Permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscape.

“Plant factor” or “plant water use factor” is a factor, when multiplied by Reference Evapotranspiration (ET_o), that estimates the amount of water needed by plants. The plant factor range for very low water use plants is 0 to 0.1; the plant factor range for low water use plants is 0 to 0.3; the plant factor range for moderate water use plants is 0.4 to 0.6; and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors are derived from the publication “Water Use Classification of Landscape Species.” Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

“Recreational area” means areas of active play or recreation (e.g., sports fields, schoolyards, picnic grounds) or other areas with intense foot traffic.

“Recycled water” or “reclaimed water” means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

“Reference evapotranspiration” or “ET_o” means a standard measurement of environmental parameters which affect the water use of plants. ET_o is given expressed in inches per day, month, or year as represented in Appendix C of the Guidelines, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances.

“Rehabilitated landscape” means any re-landscaping project that meets the applicability criteria of 21.20.050 (c), where the modified landscape area is greater than 2,500 square feet.

“Synthetic turf” means man-made, synthetic material manufactured from nylon, polypropylene, polyethylene, or a blend of nylon, polypropylene and polyethylene fibers which simulates the appearance of live turf, organic turf, grass, sod, or lawn, and meets the requirements of Section 21.20.070.

“Smart automatic irrigation controller” means an automatic timing device used to remotely control valves that operate an irrigation system and which schedules irrigation events using either evapotranspiration (weather-based) or soil moisture data.

“Special landscape area” means an area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with recycled water, water features using recycled water, and recreational areas

dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

“Turf” means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

“Valve” means a device used to control the flow of water in an irrigation system.

“Water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget calculation.

SECTION 6:

The Fountain Valley Municipal Code is hereby amended by revising section 21.20.040 to read as follows:

(a) Nonresidential and Multi-Family Uses. Each land use, except single-family, shall provide and maintain fifteen percent of the site in landscaping. The landscaping requirement may include setback areas and other unused areas of the site that are not intended for future use.

(b) Single-Family Subdivisions. All areas between the front of the residence and the front property line shall be landscaped within six months of issuance of the certificate of occupancy or three months from recorded sale (date of recording) whichever is earlier. All single-family designated property shall maintain a minimum of fifty percent of the front yard setback, as defined in Chapter 21.08, as landscaping. Landscaping shall consist of live plant materials, synthetic turf meeting the criteria provided in Section 21.20.070, or other materials in a limited amount as provided for in 21.20.050(b)(2)(A). If installed by the developer, landscape plans shall be in compliance with Section 21.20.050(a) (Landscape standards). If installed by the individual homeowner, landscape plans do not require city approval.

(c) Unused Areas. All areas of a project site not intended for a specific use, including pad sites in shopping centers held for future development, shall be

landscaped unless it is determined by the director that landscaping is not necessary to fulfill the purposes of this chapter.

(d) Parking Areas.

(1) Perimeter Parking Lot Landscaping.

(A) Adjacent to Streets. Parking areas adjoining a public street shall be designed to provide a landscaped planting strip between the street right-of-way and parking area a minimum fifteen feet in width. The planting strip shall be planted with live shrubbery, a minimum of three feet in height. The perimeter planting strip shall not be included within the interior parking lot landscaping calculations.

(B) Adjacent to Commercial Use. Parking areas for nonresidential uses adjoining a nonresidential use shall provide a landscape planting strip between the parking area and the nonresidential use a minimum of four-feet in width, unless common/reciprocal parking area is shared. For each one hundred lineal feet of landscaped planting strip, a minimum of six trees shall be provided. A minimum of 25% of trees in landscape planting strip shall be of a 15-gallon variety at planting.

(C) Adjacent to Residential Use. Parking areas for nonresidential uses adjoining residential uses shall provide a solid masonry wall, a minimum of eight-feet in height, and landscaped buffer yard a minimum of ten feet in width between the parking area and the common property line bordering the residential use. For each one hundred lineal feet of landscaped buffer yard, a minimum of six trees shall be provided. A minimum of 25% of trees in landscape buffer yard shall be of a 15-gallon variety at planting.

(2) Interior Parking Lot Landscaping.

(A) Amount of Landscaping. For off-street parking areas with ten or more spaces, a minimum of one tree shall be planted for each ten parking stalls, and accompanied by an appropriate amount of shrubs and ground cover. Setback areas required to be landscaped by other subsections of this chapter shall not be considered part of the required parking lot landscaping. Parking lot trees shall be a minimum of a 5-gallon size variety at planting.

(B) Planters Required. Trees shall be in planters located throughout the parking area. In order to be considered within the parking area, trees shall be located in planters that are bounded on at least three sides by parking area paving. Planters shall have a minimum interior dimension of four feet. All ends of parking lanes shall have landscaped islands.

(C) Larger Projects. Parking lots with more than one hundred spaces shall provide a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, enhanced paving, and project identification. Specimen trees shall be a minimum of a 36-inch box variety at planting.

SECTION 7:

The Fountain Valley Municipal Code is hereby amended by revising section 21.20.050 to read as follows:

(a) General Requirements.

(1) Landscape Plan. A comprehensive landscape and irrigation plan prepared and signed by a California-licensed landscape professional shall be submitted for review and approval when required through a discretionary permit or the Water Efficiency Landscape Provisions of 21.20.050(c). Landscape materials, trees, shrubs, groundcover, turf, synthetic turf and other vegetation, and planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing and quantities of each group of plants indicated.

(2) Minimum Width. Landscaped areas that may be counted toward required landscaping shall have a minimum interior width of four feet, exclusive of curb or wall.

(3) Concrete Curb Required. Landscaping shall be protected with a minimum six-inch high concrete curb.

(4) Maintenance Required. Landscaping shall be continuously maintained free of weeds, debris, litter and temporary signage.

(5) Irrigation Required. All landscaped areas (except naturalized hydrozones) shall be provided with a smart automatic irrigation controller as provided in Section 21.20.050(c) unless synthetic turf is used.

(6) Limitation on Turf Area and/or live groundcover. The percentage of turf, live groundcover and synthetic turf for nonresidential projects shall not exceed forty-five percent of the required landscaping for single-family residential property or seventy-five percent of the required landscaping for multi-family residential property.

(b) Planting Material.

(1) Trees.

(A) Trees shall not be planted under any eave, overhang, or balcony.

(B) Trees shall be staked in compliance with city standards.

(C) *The minimum interior width of planters containing trees shall be four feet exclusive of curbs.*

(D) Trees in landscape planters less than ten feet in width or located closer than five feet from a permanent structure shall be provided with root barriers.

(2) Groundcover and Shrubs.

(A) *Required landscaping shall consist of live nondeciduous groundcover, shrubs, turf, live plants that are predominantly drought-tolerant, synthetic turf, or other pervious materials (i.e. crushed rock, redwood chips, mulch, pebbles, stone, decorative pavers) in an amount not to exceed twenty percent of the required landscaping.*

(B) *Groundcover and/or shrubs counted towards the landscaping requirement for residential front yard setbacks shall be planted at a spacing that will provide for full coverage of the live landscape requirement, except for the limited pervious material allowed for in Subsection (b)(2)(A) of this section, within eighteen-months of planting.*

(C) *A minimum of two five-gallon size shrubs shall be provided for every six feet of distance along street setbacks.*

(D) *Artificial groundcover or shrubs shall not be allowed except for synthetic turf meeting the standards of Section 21.20.070.*

(c) Water Efficient Landscape Provisions.

(1) Beginning February 1, 2016, all planting, irrigation, and landscape-related improvements required by these water efficient landscape provisions shall apply to the following landscape projects:

(A) New landscape projects with an aggregate landscape area equal to or greater than 500 square feet, requiring a building or landscape permit, plan check or design review;

(B) Rehabilitated landscape projects with an aggregate landscaped area equal to or greater than 2,500 square feet, requiring a building or landscape permit, plan check or design review;

(C) New or rehabilitated landscape projects with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of Water Efficiency Performance Requirements or conform to the prescriptive measures contained in Appendix A of the Guidelines;

(D) New or rehabilitated projects using treated or untreated graywater or rainwater capture on site, and any lot or parcel within the project that has less than 2,500 square feet of landscape area and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with the treated or untreated graywater or though stored rainwater capture on site is subject only to Appendix A Section (5) of the Guidelines.

(2) Subsection (c)(5)(B) of this section shall apply to:

(A) All landscaped areas, whether installed prior to or after January 1, 2010; and

(B) All landscaped areas installed after February 1, 2016, to which these water efficient landscape provisions apply as required by subsection (c)(1).

(3) This chapter does not apply to:

(A) Registered local, state, or federal historical sites;

(B) Ecological restoration projects that do not require a permanent irrigation system;

(C) Mined-land reclamation projects that do not require a permanent irrigation system; or

(D) Plant collections, as part of botanical gardens and arboretums open to the public.

(4) Implementation procedures shall be as follows:

(A) Prior to installation, a landscape documentation package shall be submitted to the city for review and approval of all landscape projects subject to the provisions of this chapter. Any landscape documentation package submitted to the city shall comply with the provisions of the Guidelines.

(B) The landscape documentation package shall include a certification by a California-licensed landscape professional stating that the landscape design and water use calculations have been prepared by or under the supervision of the licensed professional and are certified to be in compliance with the provisions of this chapter and the Guidelines.

(i) Landscape and irrigation plans shall be submitted to the city for review and approval with appropriate water use calculations.

(ii) Water use calculations shall be consistent with calculations contained in the Guidelines and shall be provided to the local water purveyor, as appropriate, under procedures determined by the city.

(iii) Verification of compliance of the landscape installation with the approved plans shall be obtained through a certification of completion in conjunction with a certificate of use and occupancy or permit final process, as provided in the Guidelines.

(5) Landscape Water Use Standards.

(A) For applicable landscape installation or rehabilitation projects subject to the Water Efficiency Landscape Provisions as defined in 21.20.050(c)(1), the estimated applied water use allowed for the landscaped area shall not exceed the maximum allowed water allowance calculated using an evapotranspiration adjustment factor of .55 for residential areas and 0.45 for non-residential areas, except for special landscaped areas where the maximum allowed water allowance is calculated using an evapotranspiration adjustment factor of 1.0; or the design of the landscaped area shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the city; as provided in the Guidelines.

(B) Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements of the local water purveyor, and shall be subject to penalties and incentives for water conservation and water waste prevention as determined and implemented by the local water purveyor or as mutually agreed by local water purveyor and the city.

(6) Delegation. The city may delegate to, or into a contract with, a local agency to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the city.

SECTION 8:

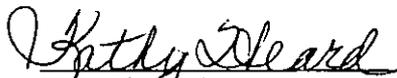
If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would subsequently be declared invalid or unconstitutional.

SECTION 9:

The City Clerk shall certify to the adoption of this ordinance and cause it to be published as required by law. This ordinance shall become effective thirty (30) days after the date of its adoption.

PASSED AND ADOPTED by the City Council of the City of Fountain Valley at a regular adjourned meeting this 17th day of November, 2015.

ATTEST:


Kathy Heard
Deputy City Clerk


Cheryl Brothers
Mayor

APPROVED AS TO FORM:

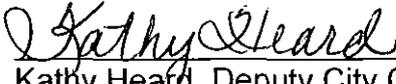

Colin Burns
Attorney for the City

VOTE

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF FOUNTAIN VALLEY }

I, Kathy Heard, Deputy City Clerk of the City of Fountain Valley, do hereby certify that the foregoing Ordinance was introduced to the Council at its regular meeting held on November 17, 2015 and was adopted at a meeting held on the December 1, 2015 by the Council, by the following roll call votes, during each meeting to wit:

AYES: Council Members: Nagel, Brothers, Collins, Vo
NAYS: Council Members: McCurdy
ABSENT: Council Members: None



Kathy Heard, Deputy City Clerk