



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** June 9, 2015
From: John Brown, Town Attorney **Item No:** 15
Subject: APPROVAL OF A MORATORIUM ON ENFORCEMENT OF
MUNICIPAL CODE SECTION 6.30.030(F)(5)(a) AND OF
CONDITIONS AND STANDARDS ON COMMERCIAL PROPERTIES IN
THE TOWN OF APPLE VALLEY REQUIRING PROPERTY OWNERS
TO MAINTAIN ADEQUATE IRRIGATION

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

That the Town Council approve a moratorium on enforcement of Municipal Code 6.30.030(F)(5)(a) and of Conditions and Standards on Commercial Properties requiring property owners to maintain adequate landscaping, due to the significant drought in the State of California.

SUMMARY:

On April 1, 2015, Governor Jerry Brown signed Executive Order B-29-15 which imposes restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013.

The Town of Apple Valley Municipal Code Section 6.30.030(F)(5)(a) states that it is unlawful to allow dead trees, weeds and debris that constitute an unsightly appearance on a private residence or to exist on improved or unimproved property within the Town of Apple Valley. In addition, required and installed landscaping pursuant to approved Conditions and Standards for development within the Town limits are typically required to incorporate and maintain a functioning automatic sprinkler system to ensure that landscaping is maintained.

Generally, property owners may be cited and/or fined if they are not in compliance with these rules allowing their landscaping to become dry. However, due to the severe drought we are experiencing in California, and in order to promote the conservation of

water, the Town of Apple Valley recommends the declaration of a moratorium to temporarily suspend enforcement of inadequate irrigation.

In light of the ongoing nature of this drought, the Town Attorney has requested that the Town Council make a formal declaration of this policy, which will remain in effect until this moratorium is lifted by the Town Council.

This moratorium on enforcement is not intended to restrict the ability of the Town's Code Enforcement to require remediation of conditions that are dangerous to public safety and welfare, and to find such conditions a public nuisance.

FISCAL REVIEW:

N/A