

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DESERT HOT SPRINGS AMENDING SECTION 5.04.40(D) OF CHAPTER 5 OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO ADD WATER EFFICIENCY CURRICULUM TO THE EDUCATIONAL PREREQUISITES FOR ISSUANCE OF A BUSINESS LICENSE TO LANDSCAPE-RELATED BUSINESSES

WHEREAS, the City Council has previously adopted Ordinance 2007-18 to require Landscape-Related Businesses to present proof that at least one employee has, within the preceding twelve-month period, completed a two-hour course on grass overseeding alternatives as a prerequisite to issuance or renewal of a business license;

WHEREAS, air quality and water efficiency are among the most essential issues associated with public health and safety, which in turn is essential to the continued economic well-being of the Coachella Valley and to the needs of its residents;

WHEREAS, the majority of water use in the Coachella Valley is for outdoor landscaping and our ability to meet water conservation goals and maintain the high quality of our water supply depends on water conservation best practices in landscaping;

WHEREAS, one of the reasons for the failure to meet water conservation goals within the Coachella Valley is a lack of familiarity by landscape professionals with best practices in reducing water use in landscaped areas;

WHEREAS, the Coachella Valley Water District (CVWD), in partnership with the Coachella Valley Association of Governments (CVAG), College of the Desert (COD), other local water districts, and local stakeholders, has developed a two-hour water efficiency course to provide guidance to Landscape-Related Business professionals regarding reduction of water use in turf and other landscape areas and encourage the use of water efficient desert landscaping;

WHEREAS, by combining the existing two-hour educational course on overseeding alternatives and smart scalping with the recently developed two-hour course on water efficiency, landscape professionals can be certified in best practices to meet regional goals to improve our air quality and increase water efficiency in a “one-stop shop” approach;

WHEREAS, the curriculum for the water efficiency course is high quality and appropriate for the Coachella Valley region; the course has been developed by professional staff at CVWD who hold licenses and certifications in irrigation efficiency, plant water use, horticultural practices, arboriculture, and landscape/golf course irrigation auditing; and the course has been reviewed by industry educators such as College of the Desert (COD) instructors and industry professionals.;

WHEREAS, the water efficiency course developed by CVWD has been reviewed and approved by the State Water Resources Control Board which requires urban water suppliers to reduce potable water use to meet state conservation standards and the implementation of the course will be monitored by the State Water Resources Control Board;

WHEREAS, the water efficiency curriculum can be added to the existing course for the Landscape Certification Program;

WHEREAS, the updated course for the Landscape Certification Program, which will include both the smart scalping curriculum and the water efficiency curriculum, will be available online and/or at a local testing center, and will be available in English and Spanish;

WHEREAS, the most efficient and effective method of promoting the overseeding alternative and water efficiency is to require professionals in the landscaping installation, maintenance, design, and other landscape-related businesses, and their suppliers within the City to, on an annual basis, complete the four-hour course covering both of these topics, with said course organized by CVAG, AQMD, COD, and CVWD;

WHEREAS, the public health and safety is served by requiring completion of said course as a prerequisite for the issuance and renewal of business licenses for Landscape-Related Businesses within the City; and

WHEREAS, time for a public information campaign regarding the additional curriculum on water efficiency is required; the additional prerequisite specific to the water efficiency curriculum will, therefore, not be enforced until November 1, 2016.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Desert Hot Springs as follows:

Section 1. RECITALS

That the recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. AMENDMENT TO SECTION 5.04.040(D) OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Sub-Section 5.04.040(D) of Chapter 5 of the City of Desert Hot Springs Municipal Code is amended to read as follows:

5.04.040(D). Landscape Related Businesses

D. Landscape-Related Businesses. Effective ~~September 1, 2008~~ **November 1, 2016**, as a prerequisite to the issuance or renewal of a business license for **any** entity providing services or nursery products within the City of Desert Hot Springs related to or used for landscape installation, maintenance, or design, the applicant shall present proof that at least one employee has, within the 12 months immediately preceding the application, completed a ~~two-hour~~ **minimum four-hour** course developed by the Coachella Valley Association of Governments, the South Coast Air Quality Management District, **the Coachella Valley Water District**, and local stakeholders, on grass overseeding alternatives to traditional scalping **and landscaping water efficiency**. (Prior code § 110.04)

Prior to November 1, 2016, said educational prerequisite shall be satisfied by completion of the two-hour course that was in place prior to the addition of the water efficiency segment of the curriculum.

Section 3. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 4. REPEAL OF CONFLICTING PROVISIONS

All provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this ordinance are hereby repealed.

Section 4. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its second reading.

Section 5. CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the 21st day of February, 2017 by the following vote:

AYES: 5 – Betts; McKee; Parks; Zavala; and Mayor Matas.

NOES: None.

ABSENT: None.

ABSTAIN: None.

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, CMC, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney