

ATTACHMENT 1

Eff.: ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING AND RESTATING TITLE 8, CHAPTER 2, ARTICLE 3 (SUSTAINABLE WATER USE ORDINANCE) OF THE BURBANK MUNICIPAL CODE

City Attorney's Synopsis

This Ordinance amends the City's existing Sustainable Water Use Ordinance makes permanent the City's existing stage-based conservation measures processes, incorporates recent state law limiting irrigation of nonfunctional turf, and provides for other procedural changes.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. Article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare.

B. California Water Code, sections 375 and following, empower any public entity which supplies water at retail or wholesale to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program.

C. The City has made the appropriate findings of necessity, adopted a water conservation program and codified such program in Article 3 of Title 8 of the Burbank Municipal Code (BMC).

D. The City further finds that making the existing water conservation program measures permanent, and incorporating state law related to nonfunctional turf, is necessary to ensure a sufficient water supply and to prevent unreasonable use or waste of water.

E. In addition, the state legislature has found and has declared that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem.

F. On [date City Council public hearing was held], the City held a duly noticed public hearing and made appropriate findings for the adoption of this ordinance.

THE COUNCIL OF THE CITY OF BURBANK DOES ORDAIN AS FOLLOWS:

ATTACHMENT 1

1. Environment Review. Adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, and following) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations for water use on existing properties to protect water resources, and consists of regulations and restrictions on certain water use-related activities to ensure the maintenance, restoration, or enhancement of a natural resource. (CEQA Guidelines sections 15301 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment).) In addition, there are no unusual circumstances under CEQA Guidelines, section 15300.2(c).

2. Amendment and Restatement. BMC Title 8, Article 3, is amended and restated as set forth in Exhibit A.

3. Effective Date. In accordance with Water Code section 376, this ordinance is effective immediately, and the City Clerk must certify to the passage of this ordinance and publish this ordinance in full in a newspaper of general circulation within 10 days after its adoption.

4. Severability. If any provision of this ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

5. Implementation. The City Manager, City Clerk, or their designee, is authorized to execute any action necessary to codify this ordinance into the Burbank Municipal Code, including any modifications or nonsubstantive changes consistent with this approval, subject to the review and approval by the City Attorney.

PASSED AND ADOPTED this ____ day of July 2026.

Tamala Takahashi
Mayor

Attest:

Approved as to Form
Office of the City Attorney

Kimberley Clark, City Clerk

By: _____
Kane Thuyen
Senior Assistant City Attorney

ATTACHMENT 1

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Kimberley Clark, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. _____ was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the ____ day of July 2026, by the following vote:

AYES:

NOES:

ABSENT:

Kimberley Clark, City Clerk

EXHIBIT A

ARTICLE 3. SUSTAINABLE WATER USE ORDINANCE

8-2-301: SHORT TITLE:

This article shall be known and may be cited as the “Sustainable Water Use Ordinance.”

8-2-302: STATEMENT OF POLICY AND PURPOSE:

A. Policy. It is desirable and in the general welfare of the City that the water resources available to the City be put to maximum beneficial use to the extent possible, and that waste or unreasonable use be prevented, and that conservation of such water resources be exercised in a reasonable and beneficial manner for the residents and businesses of Burbank.

B. Purpose. Climate change, weather whiplash, and aridification have been more frequent and intense. California is facing increasingly variable weather patterns in both intensity and frequency, from record dry periods to intense storms. The City is adapting to climate change by strengthening our water resiliency and sustainability to prepare for increased uncertainty in both short and long-term weather patterns. This article provides guidance to use water wisely and sustainably to reduce wasteful water use. Water conservation is one of the tools that we can use to adapt to climate change and mitigate the impact of water supply shortages. This article provides water use best practices to reduce water consumption. Additionally, this article empowers the General Manager of Burbank Water and Power to establish incremental water use reduction targets and provide voluntary water conservation recommendations, as needed, based on prevailing conditions.

8-2-303: APPLICATION:

A. The provisions of this article shall apply to all users of potable water service in the City, with the exceptions set forth in subsections (B) and (C) of this section.

B. This article shall not apply to uses of water necessary to protect public health and safety or for essential public services such as police, fire, or sanitation.

C. This article shall not apply to use of recycled water.

8-2-304: PERMANENT WATER CONSERVATION REQUIREMENTS:

All applicable users must comply with the following permanent water conservation (Making Water Conservation a California Way of Life or MCCWL) requirements:

A. Limitation to Duration of Irrigation: Users may not water outdoor landscaped areas more than fifteen (15) minutes per day, per station. Areas watered with low-flow

ATTACHMENT 1

drip irrigation systems that require additional spray time are exempt from the 15-minute time restriction of this requirement.

B. Limitation to Irrigation Times: Users may not water outdoor landscaped areas between the hours of 9:00 a.m. to 6:00 p.m. or during daylight hours from November through March except by use of attended hand-watering, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

C. Hand-Watering Permitted: Users may use attended hand-watering any day of the week at any time of day. Deep watering of trees by hand is permitted and encouraged to maintain their health.

D. Limitation Related to Rain: Users may not water outdoor landscaped areas on rainy days and at least two days after such rainy days.

E. Limitation on Hose Washing: Users may not hose or wash driveways, patios, sidewalks, or other hard or paved surfaces except when necessary to alleviate safety or sanitary hazards, and then only by a hand-held hose equipped with a water shut-off device or a hand-held bucket.

F. Limitation on Overspray or Runoff: Users must adjust sprinklers and irrigation systems to eliminate overspray and avoid run-off into streets, sidewalks, parking lots, alleys, or other paved surfaces.

G. Limitation on Leaks: Users must promptly repair all leaks, including leaks from plumbing fixtures, irrigation systems, and sprinkler systems. Repairing leaks on the customer's side of the meter, including the pipe between the meter and the building, is the responsibility of the customer.

H. Limitation on Washing Vehicles: Users must use a hand-held bucket or similar container or a hand-held hose equipped with a self-closing water shut-off device when washing vehicles. This subsection does not apply to any commercial car washing facility.

I. Dining Establishment Requirements: Dining establishments may not serve drinking water, unless specifically requested by the customer. This applies to all restaurants, hotels, cafes, cafeterias or other public places where food is sold, served, or offered for sale.

J. Food Preparation Establishment Requirements: Food preparation establishments, such as restaurants or cafes, must use water-conserving dishwash spray valves.

K. Hotels, Motels, and other Commercial Lodging Establishments-related Requirements: Hotels, motels, and other commercial lodging establishments must provide customers with the option of not having towels and linens laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and easily understood language.

L. Decorative Fountain Requirements: Water fountains or other decorative water features must use re-circulated water.

ATTACHMENT 1

- M. Limitation on Single-Pass Cooling System: Installation of single-pass cooling systems is prohibited in buildings requesting new water service.
- N. Commercial Car Wash and Laundry Systems Requirements: Installation of non-recirculating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems. All commercial conveyor car wash systems and commercial laundry systems must have operational re-circulating water systems installed.
- O. Swimming Pools Requirements: Users must cover all swimming pools, wading pools, or spas when not in use with acceptable protection designed to decrease water evaporation.

8-2-305: NONFUNCTIONAL TURF REQUIREMENTS:

- A. Purpose: The purpose of this section is to comply with the irrigation restrictions related to nonfunctional turf, as set forth in Assembly Bill 1572 (2023) and as may be amended from time to time.
- B. Definitions: The following words, as used in this section, are defined as follows:
- “Common area” means that portion of a common interest development or of a property owned or managed by a homeowners’ association or a community service organization or similar entity that is not assigned or allocated to the exclusive use of the occupants of an individual dwelling unit within the property.
- “Common interest development” means any of the following: (a) A community apartment project. (b) A condominium project. (c) A planned development. (d) A stock cooperative.
- “Community service organization or similar entity” means a nonprofit entity, other than an association, that is organized to provide services to residents of the common interest development or to the public in addition to the residents, to the extent community common area or facilities are available to the public. “Community service organization or similar entity” does not include an entity that has been organized solely to raise money and contribute to other nonprofit organizations that are qualified as tax exempt under Section 501(c)(3) of the Internal Revenue Code and that provide housing or housing assistance.
- “Community space” means an area designated by a property owner or a governmental agency to accommodate human foot traffic for civic, ceremonial, or other community events or social gatherings.
- “Disadvantaged community” means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.
- “Functional turf” means a ground cover surface of turf located in a recreational use area or community space. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly is not functional turf.

ATTACHMENT 1

“Homeowners’ association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

“Nonfunctional turf” means any turf that is not functional turf, and includes turf located within street rights-of-way, decorative lawn along sidewalks, building edges, or fences, lawn between buildings with no seating access, or activity, sloped or oddly shaped areas, and narrow lawn strips in or around parking lots.

“Potable water” means water that is suitable for human consumption.

“Recreational use area” means an area designated by a property owner or a governmental agency to accommodate human foot traffic for recreation, including, but not limited to, sports fields, golf courses, playgrounds, picnic grounds, or pet exercise areas. This recreation may be either formal or informal.

C. Restriction: No user may use potable water for the irrigation of nonfunctional turf located on commercial, industrial, and institutional properties, other than a cemetery

D. Effective Dates. These irrigation restrictions are effective immediately, except for the following:

(1) For all properties owned by the Department of General Services, irrigation restrictions are effective beginning January 1, 2027.

(2) For all properties owned by local governments, local or regional public agencies, and public water systems, irrigation restrictions are effective beginning January 1, 2027.

(3) For all other institutional properties and all commercial and industrial properties, irrigation restrictions are effective beginning January 1, 2028.

(4) For all common areas of properties of homeowners’ associations, common interest developments, and community service organizations or similar entities, irrigation restrictions are effective beginning January 1, 2029.

(5) Notwithstanding section 8-2-305.D(2), for all properties owned by local governments, local public agencies, and public water systems in a disadvantaged community, irrigation restrictions are effective beginning January 1, 2031, or the date upon which a state funding source is made available to fund conversion of nonfunctional turf on these properties to climate-appropriate landscapes, whichever is later.

E. Exceptions:

(1) The use of potable water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial nonturf plantings, or to the extent necessary to address an immediate health and safety need.

(2) The use of potable water in situations where the compliance deadlines outlined in Section 8-2-304.D are postponed in accordance with California Water Code section 10608.14(c).

ATTACHMENT 1

8-2-306: SUSTAINABLE WATER USE RECOMMENDED TARGETS OR MEASURES:

The General Manager of Burbank Water and Power may determine the timing and scope of water use reduction targets based on key indicators of water supply reliability such as the amount of water Burbank has stored in the ground, operational conditions on the State Water Project and Colorado River that reduce imported water supplies, the Metropolitan Water District's operational needs and both short-term and long-term weather patterns. In addition to developing any recommended water use targets, the General Manager may communicate such recommended measures to Burbank Water and Power customers.

8-2-307: ENFORCEMENT:

Any violation of this article is subject to enforcement by issuance of an administrative citation pursuant to section [1-1-108.1](#) of this Code. The General Manager of Burbank Water and Power, or their designee, may enter into a written agreement with a customer to resolve any violation provided that such agreement is consistent with the purpose and intent of this article.