

ORDINANCE NO. 10-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING CHAPTER 7.02 OF THE ORANGE MUNICIPAL CODE PROHIBITING POTABLE WATER FROM BEING USED TO IRRIGATE AREAS OF NON-FUNCTIONAL TURF

WHEREAS, the City of Orange (the “City”) is a municipal corporation which exercises governmental functions and powers and is organized and existing under the laws of the State of California; and

WHEREAS, the City has long recognized the importance of water conservation due to the State of California’s frequent drought conditions, continued demand for water, unpredictable weather and precipitation rates; and

WHEREAS, California Assembly Bill 1572 (AB 1572), signed into law on October 13, 2023, prohibits the use of potable water to irrigate Non-Functional Turf located on Local Government, Commercial, Industrial, and Institutional Properties, and HOA Common Areas throughout the State of California and requires the City to update its regulations to enforce the State-mandated prohibitions; and

WHEREAS the changes proposed update the Code to conform with proposed State mandated prohibitions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I:

The subject Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines (Guidelines) Sections 15060(c)(2) and 15060(c)(3) because review and evaluation of potential impact of the Ordinance demonstrate that it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and it is not a "project" as defined in Guideline 15378 and the Ordinance regulates conduct and enforcement procedures and does not authorize or result in any physical development or change to the environment; any resulting enforcement activity is indirect, speculative, and not a reasonably foreseeable physical change.

SECTION II:

Section 7.02.030 of the Orange Municipal Code, “Environment – Water Shortage Contingency Response – Definitions,” is hereby amended to read as follows:

7.02.030 Definitions.

The following words and phrases, as used in this chapter, are defined as follows:

“AB 1572” Assembly Bill 1572, Friedman. Potable Water: Non-Functional Turf. The legislation that prohibits the watering of Non-Functional turf for the certain customer classes and requires water suppliers to implement regulations, ordinances, or policies supporting the prohibition.

“Commercial Properties” Application of business, such as a hotel, restaurant, or office building, that utilizes water. These facilities are generally categorized within, but not limited to, construction, retail/wholesale trade, transportation, information, professional activities and other similar entities.

“Domestic Water” Water supplied by a water supplier to domestic customers, and used for purposes including indoor activities, such as drinking, cooking, and bathing as well as outdoor uses such as landscaping irrigation and lawn watering.

“Functional Turf” Existing turf grass areas that have a clear, dedicated function, are used regularly, provide a recreational benefit to the community/property, are an essential part of a commercial service or operation, provide reasonable space and safe access, have a history of programmed events past, present, and future, or they are future turf installations planned for a property which meet the requirements of Functional Turf.

“Government Property” A Water User that is a government agency owning or operating a property, which is a permanent or semi-Permanent organization within a state and local government responsive for overseeing or administering specific functions.

“Industrial Property” A Water User that is primarily a manufacturer or Processor of materials, and /or an entity that is a Water User primarily engaged in research and development.

“Institutional Property” A Water User dedicated to public service. This type of user includes but is not limited to; higher education institutions, schools, courts, churches, hospitals, and nonprofit research institutions.

“Non-Functional Turf” Turf areas that do not meet the required conditions and criteria, as identified in the Functional Turf definition within this Ordinance. Non-Functional Turf areas are turf areas with no functional purpose other than being aesthetic, ornamental, or passive landscaping. Excludes cemeteries from this definition.

SECTION III:

Section 7.02.160 “Environment – Water Shortage Contingency Response –Prohibiting Potable Water from Being Used to Irrigate Areas of Non-Functional Turf” is hereby added to the Orange Municipal Code to read as follows:

Section 7.02.160 Prohibiting Potable Water from Being Used to Irrigate Areas of Non-Functional Turf

- A. The following prohibitions on the Use of Potable Water to Irrigate Non-Functional Turf are in effect, regardless of whether any declared shortage conditions are in effect.

1. No person shall use potable water to irrigate non-functional turf on Government Property/publicly owned property beginning January 1, 2027.
 2. No person shall use potable water to irrigate non-functional turf on commercial, industrial, and institutionally owned property beginning January 1, 2028.
 3. No person shall use potable water to irrigate non-functional turf on homeowners' associations common area, common interest developments, and community service organizations, or similar entities, beginning January 1, 2029.
 4. No person shall use potable water to irrigate non-functional turf on Government Property/publicly owned property located within disadvantaged communities (DAC) beginning January 1, 2031, or upon the date state funding for turf conversion to climate appropriate landscapes within DACs becomes available.
- B.** Requires commercial, industrial, municipal, Government Property/publicly owned, and institutional property owners with more than 5,000 square feet of irrigated areas to self-certify to the State Water Board compliance with this bill beginning June 30, 2029, and every three years thereafter through 2038.
- C.** Requires homeowners' association common area, common interest development, or community service organization, or similar entity property owners with more than 5,000 square feet of irrigated areas to self-certify to the State Water Board compliance with this bill beginning June 30, 2031, and every three years thereafter through 2039.
- D.** Self-certification requirements shall begin six (6) months prior to the applicable compliance deadline. All Affected Water Customers identified as self-certifying must clearly designate Functional and Non-Functional Turf areas on their property by June 30 of the year prior to the relevant deadlines. Affected Water Customers shall submit a self-certification form and requested documents, including, but not limited to, a map identifying all Functional and Non-Functional Turf areas. If an Affected Water Customer has no Functional Turf to report, a parcel map is not required, however, self-certification is still necessary.
- E.** Permits the State Water Resources Control Board (State Water Board) to extend compliance dates outlined above, by up to three years through regulation.
- F.** Requires public water systems to update their regulations, ordinances, or policies governing water use no later than January 1, 2027, to incorporate the prohibition on the use of potable water on nonfunctional turf established by this bill.
- G.** Authorizes a water system, city, county, or city and county to enforce the provisions of this bill.
- H.** The use of potable water is not prohibited to the extent necessary to ensure the health of trees and perennial non-turfing plants or as necessary to address an immediate health and safety need.

I. Functional Turf landscaping not subject to this Ordinance, and therefore may be irrigated with Potable Water included but are not limited to:

1. Government Functional Turf: Turf areas on Government Properties/publicly owned land that offer a gathering benefit to the community, provide a dedicated function as a Recreational Use Area that improves the quality of life for the Public, or have a justifiable operational requirement. Specific examples include public parks Recreational Use Areas, and sports fields.
2. Commercial, Industrial and Institutional Functional Turf: Turf areas on Commercial properties which have an exclusive use, and are inherently required to sustain an essential function, service, or operation. Some examples include pet relief areas for veterinary and pet shelters, daycare centers, youth centers, agricultural applications, sports stadiums, and regularly programmed events in areas with temporary occupancy.
3. HOA Common Area Functional Turf: Turf areas in a Homeowners Association's Common Area, or a similar entity, if it has a history of programmed community events such as charity drives, weddings, concerts; or Recreational use Areas with specific functions such as a children's playground, sports field, or dedicated pet areas.
4. Single-family homes, cemeteries, golf courses and turf areas irrigated with Recycled Water are excluded from the requirements of AB 1572 and are not required to comply with this Ordinance; this applies to Potable Domestic Water Service only.

SECTION IV:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that anyone (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION V:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this ____ day of _____, 2026.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Nathalie Adourian, City Attorney, City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the 9th day of June, 2026, and thereafter at the regular meeting of said City Council duly held on the _____ day of _____, 2026 was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange