

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF REDWOOD CITY, CALIFORNIA,
ADDING ARTICLE VII TO CHAPTER 38 OF THE CITY CODE
REGARDING RECYCLED WATER USE**

WHEREAS, the California Legislature has declared that development of recycled water should be encouraged as a new water supply necessary to meet the future water needs of the State and use of potable domestic water for nonpotable uses that are approved by the State for recycled water use may constitute waste or a unreasonable use within the meaning of the California Constitution, Article X, Section 2 if recycled water is available at a reasonable cost (Water Code §§ 13510 *et seq.* and 13550 *et seq.*); and

WHEREAS, the Water Recycling in Landscaping Act, S.B. 2095 enacted in 2000, further encouraged recycling by requiring local agencies, when notified of available recycled water from producers, to adopt an ordinance requiring, in part, that new industrial, commercial and residential projects requiring a tentative map or parcel map and located in the recycled water use area, install separate plumbing systems for nonpotable uses; and

WHEREAS, the City of Redwood City ("City") has adopted a water conservation policy and guidelines for new and existing industrial, commercial and multi-family common areas requiring conservation in the landscape design; and

WHEREAS, by Resolution No. 14544, the City approved a mitigated negative declaration for the Redwood City Recycled Water Project ("Project"), which consists of infrastructure facilities (transmission and distribution pipelines, pump stations, storage reservoirs and minor appurtenant facilities) to deliver disinfected tertiary treated recycled water from the South Bayside System Authority wastewater treatment plant to customers in the Redwood Shores, Greater Bayfront and Central Redwood City area ("Recycled Water Service Area"), as well as other potential customers inside and outside the City; and

WHEREAS, by Resolution No. 14545, the City found that use of recycled water for landscape irrigation is safe, environmentally responsible and can contribute to the health, safety and welfare of the City; and

WHEREAS, by Resolution No. 14547, the City approved the Project, which will provide recycled water to customers in the Recycled Water Service Area for nonpotable uses approved by the State; and

WHEREAS, the purposes of the Project are to reduce the demand for potable water, which is available in only a limited amount from the San Francisco Public Utilities Commission, and to provide an alternative source of supply; and

WHEREAS, it is the policy of the City that recycled water shall be used for nonpotable uses within the designated Recycled Water Service Area.

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

Section 1. Findings.

The City Council finds and declares that the State policies encouraging use of recycled water are in the best interest of the City. This ordinance is necessary to protect and enhance the common water supply of the Bay Area which is vital to public health and safety. The City is highly dependent on imported water for municipal and industrial uses. The prospects for additional supplies of imported water is uncertain. By developing and utilizing recycled water, the need for additional imported water can be reduced. In light of these circumstances, certain uses of potable water may be considered unreasonable where recycled water is available.

Section 2 Water Recycling Policy.

It is the policy of the City that recycled water shall be used for nonpotable uses within the designated Recycled Water Service Area wherever its use is consistent with legal requirements, preservation of public health, safety and welfare, and the environment.

Section 3. Municipal Code Amendment. Article VII is hereby added to Chapter 38 of the City Code of the City of Redwood City to read as follows:

Section 38.50 Definitions.

The following terms are defined for purposes of this ordinance:

A. Commercial Property: Any building for office or commercial uses with water requirements which include, but are not limited to, landscape irrigation, cooling, toilets, urinals and decorative fountains.

B. Recycled Water Distribution System: A system of transmission and distribution pipelines, pump stations, storage reservoirs and minor appurtenant facilities intended for the delivery of recycled water only and which is separate from any potable water distribution system. The Recycled Water Distribution System is owned, operated and maintained by the City.

Recycled water plumbing on the customer's side of the City's meter is owned, operated and maintained by the customer, but must still comply with all applicable requirements, including the requirements of California Code of Regulations, Titles 17 and 22.

C. Landscape Areas or Landscaping: A Landscape Area or Landscaping includes, but is not limited to landscaped streets and medians, golf courses, cemeteries, common areas and parks.

D. Industrial Process Water: Water used by any industrial facility with process water requirements which include, but are not limited to, rinsing, washing, cooling and or circulation.

E. Potable Water: Means water which conforms to the federal, state and local standards for human consumption.

F. Recycled Water: Nonpotable tertiary treated water which, as a result of treatment of wastewater, is suitable for a direct beneficial use or controlled use that would not otherwise occur. (See California Water Code Section 13050(n).)

G. Provide For the Use of Recycled Water: Means providing a separate plumbing system, independent of the plumbing system provided to serve potable water, to serve nonpotable recycled water for all uses approved by Title 22 of the California Code of Regulations (“CCR”), including but not limited to irrigation of landscape areas, toilet and urinal flushing, trap primers, outdoor decorative fountains and other appropriate landscaping, commercial and industrial uses approved by the State.

H. Dual plumbed system or dual plumbed: Means a system that utilizes separate piping systems for recycled water and potable water within a facility and where the recycled water is used for either of the following purposes:

(a) To serve plumbing outlets (excluding fire suppression systems) within a building

Or

(b) Outdoor landscape irrigation at individual residences.

Section 38.51 Use and Distribution of Recycled Water.

The use and distribution of recycled water shall be in accordance with the City’s Customer Guidelines for Recycled Water Use and all applicable federal, state and local laws, permits, and regulations, including Titles 17 and 22 of the CCR, as may be amended from time to time.

Section 38.52 Recycled Water Service Area; Required Use.

The Recycled Water Service Area means the precise geographical area designated by the City and as adopted by resolution of the City Council to which the City will provide recycled water service where it has been determined to be or is expected to be available. The City will maintain a copy of the description of the Recycled Water Service Area, which may be updated by resolution from time to time, on file with the Public Works Services Department.

A. Requirement For Commercial Properties In Recycled Water Service Area.

Existing Commercial: Existing Commercial properties in the Recycled Water

Service Area are required to use recycled water for landscape irrigation. Existing Commercial properties must provide a feasibility study to apply for an exception to this Ordinance.

New Commercial: Projects involving new commercial subdivision of land for which a tentative map or parcel map is required pursuant to California Government Code Section 66426 and Chapter 30, Subdivisions, of the Municipal Code or which require a City permit, or both, and which are located within the Recycled Water Service Area, shall be conditioned to be dual plumbed to provide for the internal use of recycled water and to provide for the use of recycled water for landscape irrigation. The Public Works Services Department will determine requirements for recycled water plumbing. These requirements and the use of recycled water will become conditions of approval.

B. Requirement For Industrial Projects in the Recycled Water Service Area.

Existing Industrial: Existing Industrial properties in the Recycled Water Service Area are required to use recycled water for landscaping. Existing Industrial properties must provide a feasibility study to apply for an exception to this Ordinance.

New Industrial: New Industrial projects which require a City permit and which are located within the Recycled Water Service Area are required to provide dual plumbing for internal uses of recycled water and to provide for the use of recycled water for landscape irrigation. Such projects must also provide a feasibility study analyzing the possibility of using recycled water for industrial processes and cooling. The Public Works Services Department will determine requirements for recycled water plumbing. The feasibility study and, if applicable, any City requirements for the use of recycled water will become conditions of approval.

C. Requirement for Institutional and Governmental Use in the Recycled Water Service Area.

New Institutional and Governmental projects which are located within the Recycled Water Service Area are required to be dual plumbed to provide for the internal use of recycled water and to provide for the use of recycled water for landscape irrigation. The Public Works Services Department will determine requirements for recycled water plumbing. These requirements and the use of recycled water will become conditions of approval.

D. Requirement for Residential Uses in the Recycled Water Service Area.

New Apartments and Condominiums: Apartment and Condominium projects involving new commercial subdivisions of land for which a tentative map or parcel map is required pursuant to California Government Code Section 66426 and Chapter 30, Subdivisions, of the Municipal Code or which require a City permit, or both, and which are located within the Recycled Water Service Area, shall be conditioned to be dual plumbed to provide for the internal use of recycled water and to provide for the use of recycled water for landscape irrigation in common

areas. The Public Works Services Department will determine requirements for recycled water plumbing. These requirements and the use of recycled water will become conditions of approval.

E. Construction and Dust Control Activities.

Any person applying for a construction permit for a project that includes dust control activities is required to use recycled water for those activities.

Section 38.53 Voluntary Use Inside and Outside of the Recycled Water Service Area.

A. Existing Commercial Properties in the Recycled Water Service Area.

Existing Commercial properties in the Recycled Water Service Area shall consider the feasibility of using recycled water for internal dual plumbing, internal cooling towers and evaporative coolers.

B. Commercial Properties Outside of the Recycled Water Service Area.

New and remodeled commercial properties located outside of the Recycled Water Service Area shall consider the feasibility of providing for internal dual plumbing and providing for the use of recycled water for landscape irrigation, as recycled water may be extended beyond the current Recycled Water Service Area.

C. Existing and New Institutional and Governmental Use.

Existing Institutional and Governmental properties: Existing Institutional and Governmental properties in the Recycled Water Service Area shall consider the feasibility of using recycled water for internal dual plumbing and landscape irrigation.

New Institutional and Governmental properties Outside of Recycled Water Service Area: New Institutional and Governmental properties that are located outside of the current Recycled Water Service Area shall consider the feasibility of providing for the internal use of recycled water and providing for the use of recycled water for landscaping as recycled water is expected to be extended beyond the current Recycled Water Service Area.

D. Residential Uses; Inside and Outside of Recycled Water Service Area.

Remodeled Apartments and Condominiums: Remodeled Apartment and Condominium properties shall consider the feasibility of dual plumbing to provide for the internal use of recycled water and using recycled water for landscape irrigation in common areas.

Existing Apartments and Condominiums: Existing Apartments and Condominiums shall consider the feasibility of using recycled water for landscape irrigation in common areas.

Home Owners' Associations: Home Owners' Associations are encouraged to consider the feasibility of using recycled water for landscape irrigation in common areas.

These statements apply to residential uses both within and outside of the current Recycled Water Service Area as recycled water is expected to be extended beyond the current Recycled Water Service Area.

E. Industrial Projects, Inside and Outside of Recycled Water Service Area.

All Existing and New Industrial Projects shall consider the feasibility of providing for the use of recycled water for industrial processes and cooling.

Section 38.54 Procedures.

A. Recycled Water Application Process. Upon a final determination by the City that a property shall be served with recycled water, or adoption of a condition of development approval requiring use or accommodation of the use of recycled water, the water customer, owner or applicant shall complete an application to use recycled water.

B. Existing Potable Water Service: Voluntary Retrofits. Certain existing potable water customers in the Recycled Water Service Area will be provided the opportunity by the City to retrofit their system to accept recycled water.

Section 38.55 Sanctions.

A. Public Nuisance: The use of recycled water in any manner in violation of this ordinance and the City's Customer Guidelines for Recycled Water Use, as may be amended, is hereby declared a public nuisance and shall be corrected or abated as directed by City. Any person creating such a public nuisance is guilty of a misdemeanor.

B. Injunction: Whenever the use of recycled water is in violation of this ordinance or otherwise causes or threatens to cause a condition of nuisance, the City may seek injunctive relief as may be appropriate to enjoin such discharge or use.

C. Penalty: Any owner and or operator who violates this ordinance may, for each day of violation, or portion thereof, be subject to penalties in accordance with Chapter 1 of the City Code.

Section 4. Severability.

If any section, subsection, provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

Section 5. California Environmental Quality Act.

The Council finds that this Ordinance was identified as part of the overall Project for which an Initial Study/Mitigated Negative Declaration and Addendum were adopted in accordance with CEQA in 2003. (Resolution No.14544)

Section 6. Effective Date

This ordinance shall be effective thirty (30) days after its adoption.

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