

**Chapter 15.10**  
**WATER WASTE PREVENTION AND**  
**WATER SHORTAGE MEASURES**

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**Part 1**  
**GENERAL PROVISIONS**

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**15.10.010    Purpose.**

The city of San José is dedicated to long-term water conservation to address the chronic water shortage, to protect the aquifers of the city, and to prevent land surface subsidence. Moreover, the city is subject to periodic droughts, a circumstance which requires the city council to take steps to protect the health, safety and general welfare of the public. (Ord. 24600.)

**15.10.020    Definitions.**

The definitions set forth in this part shall govern the application and interpretation of this chapter. (Ord. 24600.)

**15.10.030    Potable water.**

A. “Potable water” means water of a quality which meets California Department of Health Services and San Francisco Bay Regional Water Quality Control Board requirements for water suitable for human consumption.

B. “Potable water” does not include bottled drinking water; reclaimed water; recycled or so-called “gray water”; water brought into the County of Santa Clara by truck; water from dewatering operations; water pollution control plant effluent; or water pumped for remediation purposes pursuant to a permit from the Santa Clara Valley Water District or the San Francisco Bay Regional Water Quality Control Board. (Ord. 24600.)

**15.10.040    Gray water.**

“Gray water” means water which is collected and recycled or reused after its original use. (Ord. 24600.)

**15.10.050 Reclaimed water.**

“Reclaimed water” means water which, as a result of treatment of domestic wastewater, or groundwater cleanup discharge, is suitable for direct beneficial use or a controlled use that would not otherwise occur. (Ord. 24600.)

**15.10.060 Water from dewatering operations.**

“Water from dewatering operations” means water which is extracted from the ground or a sump to prevent the flooding of a building, structure, or excavation. (Ord. 24600.)

**15.10.070 Syringing.**

“Syringing” means the watering of golf course greens, golf course tees, lawn bowling greens, or tennis greens, for a period not to exceed ten minutes per hour. (Ord. 24600.)

**15.10.080 Landscape irrigation audit.**

“Landscape irrigation audit” means a process to perform site inspections, evaluate irrigation systems, and develop efficient irrigation schedules. (Ord. 24600.)

**15.10.090 Automatic positive self-closing valve.**

“Automatic positive self-closing valve” is a valve that requires a person using a hose to apply and maintain pressure at the outlet end of the hose to activate the flow of water. (Ord. 24600.)

**15.10.095 Director.**

Except as otherwise explicitly stated, “director” means the director of the environmental services department. (Ord. 24600.)

**Part 2  
WATER WASTE PREVENTION**

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**15.10.200 Water waste prevention.**

A. The regulations in this part are intended to be permanent water conservation measures and to apply to the use of water from all sources on an on-going basis.

- B. No person shall waste water from any source nor shall any person allow such water wastage.
- C. No person shall use any water from any source, or continue the use of any water from any source, in any way prohibited by this chapter. (Ord. 24600.)

**15.10.210 Repair of plumbing, sprinkler and irrigation systems.**

- A. No owner or manager or other person responsible for the day-to-day operation of any premises shall fail to initiate repair of any leaking, broken or defective water pipes, faucets, plumbing fixtures, other water service appliances, sprinklers, watering or irrigation systems within five (5) working days after the owner, manager or other responsible person knew or should have known of such leaks, breaks or defects.
- B. No owner or manager or other person responsible for the day-to-day operation of any premises shall fail to complete repair of any leaking, broken or defective water pipes, faucets, plumbing fixtures, other water service appliances, sprinklers, watering or irrigation systems, as soon as practical after initiation of such repair. (Ord. 24600.)

**15.10.220 Water run-off prohibited.**

- A. No person shall use any water in any manner which results in run-off onto sidewalks, driveways, gutters or streets, except for water used in accordance with Sections 15.10.240 or 15.10.250.
- B. No person shall use any water in any manner which results in run-off beyond the immediate area of use, or the pooling or puddling of water, except for water used in accordance with Sections 15.10.240 or 15.10.250. (Ord. 24600.)

**15.10.230 Restaurants, banquet facilities, hotels and dining facilities.**

No person shall provide any water to any customer at any restaurant, banquet facility, hotel or commercial dining facility unless and until the customer requests water. (Ord. 24600.)

**15.10.240 Cleaning of structures and surfaces.**

No person shall use water through a hose to clean the exterior of any building or any structure or to clean sidewalks, driveways, patios, decks, tennis courts, parking lots or any other exterior paved or hard-surfaced areas, unless such hose is equipped with an automatic positive self-closing valve. (Ord. 24600.)

**15.10.250 Washing of vehicles.**

No person shall use any water through a hose to wash any car, truck, boat, trailer, bus, recreational vehicle, camper, or any other vehicle, or any portion thereof, unless such hose is equipped with an automatic positive self-closing valve. (Ord. 24600.)

**15.10.255 Commercial car washes.**

No owner, manager or employee of a commercial car wash facility shall use any water to wash, or allow or permit the use of any water to wash, any car, truck, boat, trailer, bus, recreation vehicle, camper or any other vehicle, or any portion thereof, except if such person can demonstrate that such washing is exclusively by one of the following methods:

- A. Use of mechanical automatic car wash facilities utilizing water recycling equipment.
- B. Use of a bucket and handwashing.
- C. Use of a hose equipped with an automatic positive self-closing valve. (Ord. 24600.)

**15.10.260 Building and construction.**

No person shall use, permit or allow the use of potable water for building or construction purposes, such as consolidation of backfill or dust control, without a prior approved written exception from the city. (Ord. 24600.)

**15.10.270 Hydrants.**

No person, except a water company for the purpose of necessary hydrant or water distribution system maintenance, or under the direction of the city's fire chief for firefighting or fire sprinkler maintenance, shall use, permit or allow the use of any water or flushing of any water from any fire hydrant, without a prior approved written exception from the city. (Ord. 24600.)

**15.10.290 Landscape irrigation.**

A. No person shall use, permit or allow the use of potable water to irrigate any outdoor landscaping at any time between the hours of 8:00 a.m. and 6:00 p.m. during Pacific Daylight Savings Time, or between the hours of 10:00 a.m. and 3:00 p.m. during Pacific Standard Time, unless the person using or allowing the use of the water is using a bucket, hand-carried container, or a hose equipped with an automatic positive self-closing valve.

B. The restrictions on landscape irrigation contained in this section do not apply to the following activities:

- 1. Syringing of golf course greens, golf course tees, lawn bowling greens or lawn tennis courts;
- 2. The conduct of a landscape water management audit to provide for the evaluation and adjustment of a landscape irrigation system. (Ord. 24600.)

**15.10.295 Use of reclaimed water.**

No person shall use, permit or allow the use of potable water to irrigate any outdoor landscaping, where an irrigation system has been installed to allow for use of reclaimed water and reclaimed water is available to the property for irrigation use. (Ord. 24600.)

**Part 3  
WATER SHORTAGE MEASURES**

**Sections:**

- [15.10.300](#) Water shortage measures.
- [15.10.310](#) Landscape irrigation restrictions.
- [15.10.320](#) Restaurants.
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- [15.10.340](#) Cleaning of structures and surfaces.

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**15.10.300 Water shortage measures.**

- A. The city council may, by resolution, declare a state of water shortage whenever it finds that water supplies are expected to be inadequate to meet at least ninety percent of projected water demand, or whenever a minimum conservation level of ten percent or more has been established by the Santa Clara Valley Water District.
- B. In adopting such a resolution, the city council may declare whether the water shortage is a ten percent shortage; a twenty percent shortage; a thirty percent shortage; or a forty percent shortage. In the event that a water shortage resolution adopted by the city council fails to declare the level of water shortage, the resolution shall be deemed to be a resolution of a ten percent water shortage.
- C. In addition to the requirements of Part 2 of this chapter, the provisions of this Part 3 shall apply to all uses of water for such period of time as a water shortage resolution adopted by the council remains in effect. (Ord. 24600.)

**15.10.310 Landscape irrigation restrictions.**

- A. After adoption by the city council of a resolution declaring a ten percent or greater water shortage, it shall be unlawful for any person to use or allow the use of potable water to irrigate any outdoor landscaping at any time between the hours of 8:00 a.m. and 6:00 p.m. during Pacific Daylight Savings Time, or between the hours of 10:00 a.m. and 3:00 p.m. during Pacific Standard Time, except for the purpose of syringing of golf course greens, golf course tees, lawn bowling greens or lawn tennis courts.
- B. After adoption by the city council of a resolution declaring a thirty percent or greater water shortage, it shall be unlawful for any person to use or allow the use of potable water to irrigate any landscaping, except for the purpose of syringing golf course greens, or golf course tees, lawn bowling greens or lawn tennis courts.
- C. The restrictions on landscape irrigation contained in subsections A. and B. above do not apply to the use of water for the purpose of conducting a landscape water management audit to provide for the evaluation and adjustment of a landscape irrigation system. (Ord. 24600.)

**15.10.320 Restaurants.**

Upon adoption by the city council of a resolution declaring a twenty percent or greater water shortage, the owner and manager of every restaurant, banquet facility or dining facility shall display “NOTICE OF WATER SHORTAGE” information in conspicuous places upon such premises, including every restroom. The information shall be conveyed by placard, menu message, decal or other form approved or provided by the director. (Ord. 24600.)

**15.10.325 Hotels, motels and other lodgings.**

Upon adoption by the city council of a resolution declaring a twenty percent or greater water shortage, the owner and manager of every hotel, motel, inn, guest house, bed and breakfast facility, and every other short-term commercial lodging shall post “NOTICE OF WATER SHORTAGE” information in every guest room, in a form approved or provided by the director. (Ord. 24600.)

**15.10.330 Public restrooms.**

Upon adoption by the city council of a resolution declaring a twenty percent or greater water shortage, the owner and manager of every facility with a restroom on the premises open to the public shall post in every such public restroom a placard or decal with “NOTICE OF WATER SHORTAGE” information in a form approved or provided by the director. (Ord. 24600.)

**15.10.340 Cleaning of structures and surfaces.**

After adoption by the city council of a resolution declaring a twenty percent or greater water shortage, it shall be unlawful for any person to:

A. Use potable water, except by the use of a bucket, to clean sidewalks, driveways, patios, decks, tennis courts, parking lots or any other exterior paved or hard-surfaced areas, without a prior approved written exception from the director.

B. Use potable water, except by the use of a bucket, to clean the exterior of any building or structure, except as surface preparation for the application of any architectural coating, or in connection with waxing, without a prior approved written exception from the director. For purposes of this section, “structures” includes mobile homes and manufactured homes. (Ord. 24600.)

**15.10.350 Operation of decorative fountains.**

After the adoption by the city council of a resolution declaring a twenty percent or greater water shortage, it shall be unlawful for any person to operate any decorative fountain with potable water unless such decorative fountain is recirculating, non-misting and fully lined. (Ord. 24600.)

**15.10.360 New landscape installation.**

After adoption by the city council of a resolution declaring a thirty percent or greater water shortage, it shall be unlawful for any person to install new outdoor landscaping, or plantings, during the months of May through October. (Ord. 24600.)

**15.10.365 Hydrants.**

After adoption by the city council of a resolution declaring a thirty percent or greater water shortage, it shall be unlawful for any person, except a water company for the purpose of necessary hydrant or water distribution system maintenance, or under the direction of the city's fire chief for firefighting or fire sprinkler maintenance, to use or allow the use of any water or flushing of any water from any fire hydrant. (Ord. 24600.)

**15.10.370 Prohibition on landscape irrigation.**

After adoption by the city council of a resolution declaring a forty percent or greater water shortage, it shall be unlawful for any person to use or allow the use of potable water to irrigate any outdoor landscaping. (Ord. 24600.)

**15.10.375 Filling pools, spas and fountains.**

After adoption by the city council of a resolution declaring a forty percent or greater water shortage, it shall be unlawful for any person to fill any swimming pool, fountain or spa. (Ord. 24600.)

**15.10.380 Exception requests.**

A. Any person seeking an exception to the use of potable water under any provision of this chapter shall file a written request for exception on a form provided by the city, documenting the reasons why there is no other alternative to the use of potable water for the specified purpose, and why no other source of water, such as reclaimed water or water from dewatering operations, can be used.

B. Any request for exception filed under this section shall be accompanied by an exception review fee. The amount of the exception review fee shall be as set forth in the schedule of fees established by resolution of the city council.

C. No request for an exception shall be accepted for review until the fee has been paid.

D. Requests for exceptions shall be filed with the director of environmental services, except that requests under Section 15.10.260 shall be filed with the director of public works.

E. No exception shall be granted unless the director of the department with which it is required to be filed determines that there is no other alternative to potable water reasonably available for the specified purpose, and that no other source of water, such as reclaimed water or water from dewatering operations, can reasonably be used.

F. The directors of environmental services and public works are authorized to promulgate joint guidelines for determining when other alternative sources of water will be considered reasonably available. (Ord. 24600.)

**15.10.390 Fee for placards.**

Whenever the director provides placards or decals to businesses for use in compliance with this chapter, the director shall first collect from such businesses a fee as set forth in the schedule of fees adopted by resolution of the city council. (Ord. 24600.)

**Part 4  
WATER MANAGEMENT**

**Sections:**

- [15.10.400](#) Landscape irrigation audit required.
- [15.10.410](#) Certificate in lieu of landscape irrigation audit.
- [15.10.420](#) Format and filing of audits and certificates.
- [15.10.430](#) Due date for audits and certificates.

**15.10.400 Landscape irrigation audit required.**

The owner of any property that is subject to the requirements of Chapter 15.11 of this code, and any owner of property having a landscaped area (as defined in Section 15.11.126) of one acre or more, including golf courses, green belts, common areas, multifamily housing, schools, businesses, parks, cemeteries, and publicly owned landscapes, shall cause a landscape irrigation audit of the property to be performed at least every five years. (Ord. 24600.)

**15.10.410 Certificate in lieu of landscape irrigation audit.**

A. If a landscaped area is using no more than twenty-two and one-half gallons of water per year per square foot, in lieu of an audit, the owner of the property may file a certificate, under penalty of perjury, stating that the area is using no more than twenty-two and one-half gallons of water per square foot per year.

B. The certificate shall be supported by a calculation of the average annual water usage for the area, based on water bills, covering at least one year, and no more than five years, immediately preceding the date on which a landscape irrigation audit would otherwise be due. (Ord. 24600.)

**15.10.420 Format and filing of audits and certificates.**

Landscape irrigation audits and certificates shall be filed with the director. The form of the audit and certificate and the information and data to be provided thereby shall be as prescribed by the director. (Ord. 24600.)

**15.10.430 Due date for audits and certificates.**

A. For landscaped areas in existence on January 1, 1993, landscape irrigation audits shall be due on June 1, 1998, and every five years thereafter.

B. For landscaped areas installed after January 1, 1993, audits shall be due sixty-six months after installation of the landscaped area, and every five years thereafter. (Ord. 24600.)

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