Appendix J

Water Conservation Ordinance

APPENDIX E

ORDINANCE NO. 593,
RESOLUTION 92-17 AND
RESOLUTION 97-6

CERTIFIED COPY

ORDINANCE NO. 593

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILLBRAE AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER 9, "WATER CONSERVATION" OF TITLE 8 OF THE MILLBRAE MUNICIPAL CODE

The City Council of the City of Millbrae does hereby ordain as follows:

SECTION 1: AMENDMENT OF CHAPTER 9 OF TITLE 8 ON "WATER CONSERVATION

Sections 8-9.01 through 8-9.14, inclusive, of Chapter 9, "Water Conservation" of Title 8 of the Millbrae Municipal Code hereby are repealed and in their place the following Sections 8-9.01 through 8-9.09, inclusive, are enacted:

Chapter 9

WATER CONSERVATION

Sections:

8-9.01	FINDINGS AND DETERMINATIONS.
8-9.02	DEFINITIONS.
8-9.03	REGULATIONS, PROHIBITIONS AND WATER USE/CONSERVATION PRACTICES FOR ALL CUSTOMERS.
8-9.04	LANDSCAPING.
8-9.05	ALLOCATIONS USED AS WATER CONSERVATION GOALS.
8-9.06	CONSERVATION PLANNING AND PROGRAMS.
8-9.07	ENFORCEMENT.
8-9.08	WATER SHORTAGE EMERGENCY.
8-9.09	SEVERABILITY.

SECTION 8-9.01. FINDINGS AND DETERMINATIONS

The City Council of the City of Millbrae hereby finds and determines that:

A. The City obtains all of its water from the San Francisco Water Department and is entirely dependent on the San

Francisco Water Department supply source for its water and that supply is limited and subject to ever increasing demands.

B. The continuation of Millbrae's economic prosperity is dependent on an adequate supply of water being available for current and future use.

C. It is the policy of the City to promote the conservation and efficient use of water and to prevent the waste of this valuable resource.

D. Landscapes are essential to the quality of life by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development.

E. Landscape design, installation, and maintenance can and should be water efficient.

F. Water use and conservation goals are set out in and can be achieved by appropriate implementation of the City's Urban Water Management, Water Shortage Contingency Plan and the Memorandum of Understanding Regarding Urban Water Conservation in California to which the City is a signatory.

G. Pursuant to the Water Conservation in Landscaping Act, Government Code Sections 65590, et seq., the "model" water efficient landscape ordinance adopted by the Department of Water Resources is binding upon and enforceable in the City of Millbrae (hereafter referred to as the "Model Water Efficient Landscape Ordinance").

H. This Ordinance is enacted to carry out certain statutory responsibilities of the City as a water purveyor to achieve the maximum beneficial use of available water resources and to prevent the waste, unreasonable use or unreasonable method of use of water.

I. The adoption of this Ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15307 of Title 14 of the California Code of Regulations because this constitutes an action authorized by State law to ensure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for the protection of the environment.

SECTION 8-9.02. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein and the definitions contained in the Model Water Efficient Landscape Ordinance are also incorporated herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "Customer" is any person using water supplied by the Millbrae Water Division.

B. "Director" is the Director of Public Works/City Engineer of the City of Millbrae.

C. "Person" is any person, firm partnership, corporation, company or organization of any kind.

D. "Unit of Water" is 100 cubic feet of water or 748 gallons.

E. "Water" is water furnished and distributed to customers by the Water Division.

F. "Water Division" is the Millbrae Municipal Water Division.

SECTION 8-9.03. REGULATIONS, PROHIBITIONS, AND WATER USE/CONSERVATION PRACTICES FOR ALL CUSTOMERS

A. The regulations, prohibitions, and restrictions on the use of water set forth below shall apply to all customers.

1. Each customer shall promptly repair broken or defective plumbing, sprinkler, watering or irrigation systems which permit the escape or leakage of water. Use of water through any meter is prohibited when the customer has been given ten (10) days notice to repair broken or defective plumbing, sprinklers, water or irrigation systems and has failed to effect such repairs.

2. Hoses used for any purposes shall have positive shut-off valves.

3. No use of water shall be allowed which results in flooding or runoff in gutters, driveways or streets.

4. Service connections for new construction will be granted only if water saving devices or fixtures are incorporated into the plumbing system, such as low flow shower heads with shutoffs, and low flow water closets and all other conditions of this Ordinance and the Municipal Code are met.

5. Use of potable water for consolidation of backfill, dust control, soil compaction or other non-essential construction purposes should be limited to those situations where no other source of water can be used or is available. The use of groundwater and/or reclaimed water for such purposes is permitted when approved pursuant to applicable restrictions and regulations.

6. No water shall be taken or used from any fire hydrant or any unmetered City water system outlet/fitting/fixture unless specifically authorized by permit from the Director, except by legally constituted fire protection agencies for fire suppression purposes.

7. Covers shall be required for all new swimming pools and encouraged to be installed for existing pools.

8. Except for fire protection service lines, a pressure-reducing valve or valves that will limit the static water pressure to each floor of the structure to fifty pounds per square inch gauge shall be installed in all new or remodeled residential structures.

9. All new or remodeled residential, commercial, or industrial structures shall have insulation of hot water pipes

where such piping is located in attics, garages, crawl spaces or unheated spaces other than between floors or in interior walls to provide a maximum heat loss of fifty British thermal units per hour per linear foot for piping up to and including two inches in diameter, and one hundred British thermal units per hour per linear foot for all sizes greater than two inches in diameter.

10. In all new or remodeled commercial or industrial structures, a pressure reducing valve or valves to limit the static water pressure to eighty pounds per square inch gauge to the upper floor of the structure, shall be installed only if no supplemental internal pumping is anticipated. The intent of this section is to limit available water pressure to the structure consistent with uses of water on the premises.

11. Water used for all cooling purposes and for commercial car washes shall be recycled. Self service car washes may be excepted from this recycling requirement by the Director provided the Director finds that water pressure, application rate and time of operation limit the amount of water used to an acceptable quantity.

12. No single use of water shall be permitted where recirculation of water is economically and technically feasible. An economically feasible recirculation installation is defined as, over the useful life of the equipment to be installed, a system where the present worth of the cost of the water saved is more than the present worth of both the capital and annual operation and maintenance costs of the system. Such economic and

technical feasibility shall be determined by the user and reviewed by the Director. In the event there is a disagreement between the user and the Director, a review and final determination shall be made by the City Council.

13. All water service connections to the City water system shall be metered with City approved meters.

14. Homeowner-provided new irrigation systems and the expansion of existing irrigation systems for single and multiple family residences shall be low water use systems.

15. All new landscaping in homeowner-provided single and multi-family residences shall be drought resistant and/or designed for low water use to conserve irrigation water.

B. All customers are encouraged to comply with the water use/conservation practices set forth below.

1. Irrigation of lawns or ground cover in any area, including residential, commercial, industrial, or recreational/golf courses is recommended to be done only between the hours of 6:00 p.m. and 10:00 a.m.

2. Sidewalks, walkways, plazas, houses, businesses, driveways, patios, parking lots, tennis courts, buildings, awnings, or other hard surfaced areas should not be cleaned using water from hoses or by use of water directly from faucets or other outlets.

3. Restaurants, meeting rooms, banquet facilities, hotels and dining facilities should serve water to customers only upon the individual request of the person consuming the water.

4. Water used to fill or maintain decorative fountains or pools should be recycled.

SECTION 8-9.04. LANDSCAPING

New or rehabilitated landscaping shall be installed pursuant to all applicable provisions of the Model Water Efficient Landscape Ordinance, in Division 2, Title 23, California Code of Regulations Chapter 2.7, as it may be amended, and this Ordinance. Consistent with said model ordinance, landscaping of any open space, park, playground, golf course, or other open area shall be planned to conserve water through choice of plants, landscape design, and irrigation techniques. The development and use of the following water saving techniques shall be encouraged subject to relevant legal and economic constraints:

(a) Use of native or drought resistant plants;

(b) Use of water application systems that are controlled to supply water efficiently to meet the needs of the given plants in each situation, as for example: drip irrigation systems and low delivery sprinkler nozzles;

(c) Use of grey water and sewage effluent for irrigation when water quality, environmental, public health, and economic conditions permit such use;

(d) Collection and reuse of run-off water where possible; and

(e) Scheduling of irrigations according to plant requirements.

SECTION 8-9.05. ALLOCATIONS USED AS WATER CONSERVATION GOALS

This Ordinance establishes a voluntary conservation program based on 1987 water usage and the allocation methodology that was in effect during the City's rationing program from the spring of 1991 through March of 1993. The Director shall maintain and update said allocation system and provide allocation information to all customers. The City may establish a system of incentives to recognize or reward customers who maintain water use within the allocation goals. The maintenance and use of this allocation methodology and information shall in no way establish a precedent for or constitute an a priori basis for future allocations in the event that mandatory rationing or more stringent conservation measures are reinstituted.

The methodology for establishing allocation water conservation goals is described below for each category of accounts.

A. Allocation Goals for Residential Accounts

1. Summer Allocation Goals. During the "summer" months of April through November, bi-monthly accounts will be allocated 65% of the amount of water used during the corresponding months or billing periods in 1987.

2. Winter Allocation Goals. During the "winter months of December, January, February and March, bi-monthly accounts will be allocated 85% of the amount of water used during the corresponding months or billing period in 1987.

3. Minimum Allocation Goals. The minimum amount of water for single-family residences and duplexes is set at 6 units

(4,488 gallons) per month. The minimum amount of water for multiple-family dwellings such as apartments, condominiums, triplexes and others is set at 5 units (3,740 gallons) per month. No allocation will be established at less than these amounts.

4. Maximum Allocation Goals. Initially, no single-family or duplex unit allocation will be greater than thirty-two (32) units per bi-monthly billing period for "summer" months or twenty-two (22) units per bi-monthly billing period for "winter" months.

B. Allocation Goals for Commercial/Industrial Accounts

Commercial, industrial and other non-residential bi-monthly accounts will be allocated 85% of the amount of water used during the corresponding months or billing periods in 1987 with the following exceptions:

Allocations for connections that serve both inside and outside/irrigation uses shall be adjusted to allocate only 40% of the estimated amount of water used for outside/irrigation uses in 1987 during the "summer" months of April through November. Outside/irrigation use is defined as the difference between the monthly consumption for the months of April through November and the average monthly consumption for the four months of January, February, March and December, all for 1987.

C. Allocation Goals for Irrigation Service Accounts

Accounts classified for irrigation will be 40% of the actual consumption for the same period in 1987. Where 1987 actual consumption data are not available, the Director shall establish

an appropriate allocation using relevant parameters and reflecting the equivalent of a 60% reduction from normal irrigation.

D. Allocation Goals for New Accounts

Initial allocations for new single-family residences and duplex accounts will be established at 12 units per billing cycle. Initial allocations for new multiple-family accounts such as apartments, condominiums, triplexes and others will be established at 10 units per billing cycle. Final allocations for single-family residence accounts will be calculated on the number of documented residents within a household. Allocations for the first two residents for single-family residence accounts will be established at 75 gallons per day each and 55 gallons per day for each subsequent resident. Final allocations for multiple-family residences will be established at 55 gallons per day for each documented resident. In the case of commercial or industrial customers, business data supplied to the Director will be the basis for establishing the allocation.

E. Allocation Goals Where No Past History Exists

When water records for calendar year 1987 are not available, do not exist for all or various portions of the year, or do not allow or provide the basis for establishment of equitable allocations, earlier records, records of customers with similar water uses or other parameters determined by the Director may be used to set or adjust individual allocations.

SECTION 8-9.06. CONSERVATION PLANNING AND PROGRAMS

The City's Urban Water Management Plan and the Memorandum of Understanding Regarding Urban Water Conservation in California set forth the requirements and goals for conservation plans and programs. These documents shall guide the City and the Director in the planning and execution of conservation programs. It is the policy of the City to provide conservation incentives and support services to customers, including conservation services, materials and supplies, and rebates, where appropriate, to the extent of available resources and in accordance with procedures established by the Director.

SECTION 8-9.06. ENFORCEMENT

It is unlawful for any person or entity to violate or to fail to comply with any of the requirements of this Ordinance. Unless otherwise provided in this Ordinance or the Millbrae Municipal Code, each such person or entity is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Ordinance is continued or permitted to be continued and shall be punished as herein provided.

Any violation of or failure to comply with the requirements in this Ordinance shall be an infraction subject to the penalties set forth in Section 1-1.01 of the Millbrae Municipal Code (Ordinance No. 564). Any willful and knowing violation of a requirement of the Ordinance may also constitute a misdemeanor

subject to the penalties set forth in Section 1-1.02 of the Millbrae Municipal Code (Ordinance No. 564).

Persons designated to issue citations hereunder and to enforce the rules and regulations of this Ordinance pursuant to the authority provided in Penal Code Section 836.5 are the Director of Public Works, Public Works Superintendent, Public Works Supervisor, Public Works Foreman, and the Water Resources and Conservation staff. The issuance of citations will normally follow the continued failure or impracticality of other warning enforcement measures.

SECTION 8-9.08. WATER SHORTAGE EMERGENCY

Notwithstanding the foregoing relating to conservation of water supplies, in times of a declared water shortage emergency pursuant to Section 350 et seq. of the California Water Code, certain additional mandatory water conservation practices will be necessary. The Water Shortage Contingency Plan adopted January 28, 1992 amending the Urban Water Management Plan shall provide the basis for such additional practices.

SECTION 8-9.09. SEVERABILITY

Should any provision of this Ordinance be determined to be invalid or unenforceable in particular circumstances by any court of competent jurisdiction, then such determination shall not affect any other provision of the Ordinance and all such other provisions shall remain in full force and effect.

SECTION 2: **EFFECTIVE DATE; POSTING; PUBLICATION**

This Ordinance shall be in full force and effect as of April 1, 1993. The City Clerk shall publish this Ordinance within fifteen (15) days of its enactment in the San Mateo Times, a newspaper of general circulation printed and published in the County of San Mateo and circulated in the City of Millbrae. The City Clerk also shall post in the office of the City Clerk a certified copy of the full text of this Ordinance, along with the names of those Councilmembers voting for and against the Ordinance.

INTRODUCED at a regular meeting of the City Council of the City of Millbrae held on the 23 day of March, 199_.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Millbrae held on the 13 day of April, 1993 by the following roll call vote:

AYES:	Councilmembers: Cannizzaro, Fogarty, Morse, Treseler, and Van Iderstine
NOES:	Councilmembers: None
ABSENT:	Councilmembers: None

Paul Van Iderstine
MAYOR

ATTEST:

Alicia Espinoza
CITY CLERK

I hereby certify this to be a full, true and correct copy of the document it purports to be, the original of which is on file in my office.

Dated: 10/11/05

Angela Rocis
Deputy City Clerk of the City of Millbrae

CERTIFIED COPY

RESOLUTION NO. 92- 17

CITY COUNCIL, CITY OF MILLBRAE
COUNTY OF SAN MATEO
STATE OF CALIFORNIA

* * *

APPROVING URBAN WATER SHORTAGE CONTINGENCY PLAN

WHEREAS, pursuant to the Urban Water Management Planning Act of 1983 ("Act"), the City of Millbrae prepared an Urban Water Management Plan outlining water conservation measures already in effect and those which would be investigated and evaluated through 1990; and

WHEREAS, as required by a 1990 amendment of this Act, the City recently reviewed and updated its Urban Water Management Plan and submitted it to the Department of Water Resources; and

WHEREAS, Assembly Bill 11, an even more recent amendment to the Act enacted in 1991, requires all Urban Water Management Plans to include a "Water Shortage Contingency Plan" containing specified elements by January 31, 1992; and

WHEREAS, the Water Division staff has prepared and presented to the City Council a proposed Urban Water Shortage Contingency Plan addressing the requirements of Assembly Bill 11; and

WHEREAS, the City Council has held a duly noticed hearing on January 28, 1992 to afford members of the public an opportunity to offer comments on the proposed contingency plan and has complied with all applicable procedures under the Act for adoption and approval of said plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Millbrae that the Urban Water Shortage Contingency Plan dated January, 1992 hereby is approved and adopted as a component of the City's Urban Water Management Plan as updated in 1991; and

BE IT FURTHER RESOLVED that the City Administrator is directed to forward a copy of the Urban Water Shortage Contingency Plan to the Department of Water Resources.

Regularly passed and adopted this 28th day of January, 1992.

Mayor

ATTEST:

City Clerk

Resolution 92-17

I do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Millbrae this 28th day of January, 1992, by the following vote:

AYES, and in favor thereof:

COUNCILMEMBERS: Cannizzaro, Fogarty, Morse, Treseler and Van Iderstine

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

Alicia Espinosa
City Clerk

I hereby certify this to be a full, true and correct copy of the document it purports to be, the original of which is on file in my office.

Dated: 10/11/05

Angela Louis
DEPUTY City Clerk of the City of Millbrae

RESOLUTION 97 - 6

CERTIFIED COPY

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MILLBRAE
ADOPTING AN URBAN WATER MANAGEMENT PLAN

WHEREAS, the Urban Water Management Planning Act (Water Code Section 10610, et seq) requires each urban water supplier to prepare and adopt an Urban Water Management Plan (herein referred to as the "PLAN"), which PLAN shall include a "Water Shortage Contingency Plan;" and,

WHEREAS, the Urban Water Management Planning Act requires review and updating of the PLAN at least once every five years; and,

WHEREAS, the City of Millbrae has updated its "Water Management Plan," September, 1991, and has made the PLAN, including the updated Water Shortage Contingency Plan, available for public inspection and has held a public hearing thereon pursuant to Water Code Section 10642.

NOW THEREFORE, BE IT RESOLVED as follows:

1. The City Council does hereby approve and adopt as the Urban Water Management Plan for the City of Millbrae a document entitled:

"City of Millbrae 1996 Urban Water Management Plan" consisting of the PLAN and Appendices including the 1996 Water Shortage Contingency Plan; and,

2. The City Clerk is hereby ordered and directed to cause a copy of the PLAN to be filed within thirty (30) days with the Department of Water Resources as referred to in Water Code Section 10644.

REGULARLY passed and adopted this 14th day of January, 1997.

MAYOR

ATTEST:

CITY CLERK

Resolution 97-6

I do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Millbrae this 14th day of January 1997 by the following vote:

AYES, and in favor thereof:		
	COUNCILMEMBERS:	Andrews, Church, Morse, and Quigg
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Richardson
ABSTAIN:	COUNCILMEMBERS:	None

Alicia Espinoza
City Clerk

I hereby certify this to be a full, true and correct copy of the document it purports to be, the original of which is on file in my office.

Dated: 10/11/05

DEPUTY Angela Louis
City Clerk of the City of Millbrae