

ORDINANCE NO. 5002
ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO
ADDING CHAPTER 16.12 (RECYCLED WATER) TO TITLE 16 OF
THE PALO ALTO MUNICIPAL CODE TO REQUIRE THE USE OF
RECYCLED WATER FOR IRRIGATION, TOILET AND URINAL
FLUSHING AND TRAP PRIMING

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

(a) Potable water is one of our most precious natural resources and is becoming increasingly scarce in the semiarid State of California.

(b) The use of treated, nonpotable water for construction, toilet and urinal flushing and irrigation will increase the amount of potable water available for other uses in the City. The City of Palo Alto is dedicated to conserving the potable water supply, and this Chapter will assist in preserving this precious commodity.

(c) Recycled water is a sustainable water source that reduces potable water consumption and is not subject to rationing during drought. After careful study, the City Council has determined that recycled water shall be used within the boundaries of Recycled Water Project Areas for construction, toilet and urinal flushing and irrigation purposes whenever it is available and beneficial to the customer.

(d) In adopting this program, the Council has balanced the needs of all water users and through this implementation strategy will allow water users sufficient flexibility to meet their potable and nonpotable water needs.

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SECTION 2. A new Chapter 16.12 is hereby added to Title 16 of the Palo Alto Municipal Code to read as follows:

**CHAPTER 16.12
RECYCLED WATER**

Sections:

- 16.12.010 Definitions.
- 16.12.015 Compliance with state and local regulations.
- 16.12.020 Converting existing potable water users to recycled water for irrigation.
- 16.12.025 Converting existing potable water users to recycled water for toilet and urinal flushing and trap priming.
- 16.12.030 New construction; recycled water for irrigation.
- 16.12.035 New construction; recycled water for toilet and urinal flushing and trap priming.
- 16.12.040 Recycled water permit required.
- 16.12.045 Recycled water permit conditions; verification of compliance.
- 16.12.050 Exemptions and adjustments.
- 16.12.055 Appeals.
- 16.12.060 Failure to comply with this chapter.
- 16.12.065 Monitoring.
- 16.12.070 Severability

16.12.010 Definitions.

- (a) "Dual plumbing" means a system of two sets of water pipes, one for recycled water for toilets and urinals and one for potable water for other interior uses.
- (b) "Floortrap priming" means the practice of adding water to traps beneath floor drains to ensure a barrier from sewer gas.
- (c) "Identified Customers" are entities purchasing water from the City of Palo Alto who are adjacent to a recycled water pipeline shown in a Final Palo Alto Recycled Water Project Plan. Identified customers do not include single family residences.
- (d) "Recycled water" means wastewater treated by the Palo Alto Regional Water Quality Control Plant that meets State requirements for reuse.
- (e) "Recycled Water Permit" means a permit issued by the City Manager or his/her designee to allow a customer to use recycled water at its facility.
- (f) "Recycled Water Project Area" means a geographical area of the City designated by resolution of City Council as an area where recycled water will be served.

16.12.015 Compliance with state and local regulations.

All users of recycled water shall comply with the California Department of Public Health regulations contained in Title 17 and Title 22 of the California Code of Regulations, and with the Palo Alto Water Reuse Rules and Regulations for the use of recycled water.

16.12.020 Converting existing potable water users to recycled water for irrigation.

Within the boundaries of any Recycled Water Project Area, Identified Customers who are notified by mail by the City shall use recycled water for irrigation when available. Any such notification shall include the conditions of use, pricing, and construction schedule for the City's recycled water pipeline and the connections to it.

16.12.025 Converting existing potable water users (with existing dual plumbing) to recycled water for toilet and urinal flushing and floor trap priming.

For facilities with existing dual plumbing within the boundaries of any Recycled Water Project Area, Identified Customers shall use recycled water when it is available following notification by mail by the City that a conversion to recycled water for toilet and urinal flushing and floor trap priming purposes is required. Any such notification shall include the conditions of use, pricing, and construction schedule for the City's pipeline and the connections to it.

16.12.030 New construction; recycled water use for irrigation.

- (a) All applications for land use permits, building permits and other discretionary actions for projects other than single family homes, within the boundaries of any Recycled Water Project Area, filed after the adoption of this ordinance, shall include the following:
 - (1) Plans demonstrating that recycled water will be used, when available, for all irrigation.
 - (2) Consideration of plants suitable for irrigation with recycled water.
 - (3) The installation of the on-site infrastructure necessary to connect the irrigation system to the City's recycled water supply when it becomes available.

- (b) All applications for land use permits, building permits and other discretionary actions for projects other than single family homes, in geographic areas not within the boundaries of a Recycled Water Project Area, where the total landscape area exceeds 1500 square feet, filed after the adoption of this ordinance, shall include the following:
 - (1) Plans demonstrating that recycled water will be used, when available, for all irrigation.
 - (2) Consideration of plants suitable for irrigation with recycled water.

- (3) The installation of on-site infrastructure necessary to connect the site's irrigation system to the City's recycled water supply when it becomes available.

16.12.035 New construction; recycled water use for toilet and urinal flushing and floor trap priming.

- (a) All applications for building permits for new or remodeled buildings or groups of buildings within the boundaries of a Recycled Water Project Area, filed after the adoption of this ordinance, where the building square footage total, including both the original square footage and any addition, is greater than 10,000 square feet or where installation of 25 or more toilets and urinals is proposed, shall incorporate dual plumbing in the design of the facility to allow the use of recycled water, when it becomes available, for flushing toilets and urinals and priming floor traps. Dual plumbing requirements shall not apply to single family homes.
- (b) All applications for building permits for new or remodeled buildings or groups of buildings in geographic areas not within the boundaries of a Recycled Water Project Area, filed after the adoption of this ordinance, where the building square footage total, including both the original square footage and any addition, is greater than 100,000 square feet or where installation of 100 or more toilets and urinals is proposed, shall incorporate dual plumbing in the design of the facility to allow the use of recycled water, when it becomes available, for flushing toilets and urinals and priming floor traps. Dual plumbing requirements shall not apply to single family homes.
- (c) When dual plumbing requirements are triggered by remodeling, only those restroom facilities located within the remodel project area shall be required to incorporate dual plumbing.

16.12.040 Recycled Water Permit required.

Upon written notification pursuant to Sections 16.12.020 and 16.12.025 that recycled water is available and must be used, the recycled water customer shall obtain a Recycled Water Permit by submitting a Recycled Water Permit application, which shall include plans detailing the recycled and potable water distribution systems at the facility. A City representative shall review the plans and conduct a field inspection before the Recycled Water Permit is issued. The applicant must make any required changes as directed by the City before a Recycled Water Permit may be issued.

16.12.045 Recycled water permit conditions; verification of compliance.

The recycled water permit shall specify the requirements for the applicant's use of recycled water based on the Water Reuse Rules and Regulations adopted pursuant to 16.12.015, and shall require compliance with the California Department of Public Health regulations contained in Title 17 and Title 22 of the California Code of Regulations and with any additional requirements specified by the State Water Resources Control Board. Recycled water shall not be

supplied to a facility until inspection by a City representative determines that the applicant is in compliance with the permit conditions.

16.12.050 Exemptions and adjustments.

An application for an exemption or an adjustment to the requirements of this chapter shall be made to the Director of Public Works or his/her designee. Requests for an exemption or adjustment may be made consistent with state law and shall be based on the finding by the Director of Public Works that the use of recycled water demonstrates an adverse effect to the applicant's landscaping installed prior to the effective date of the ordinance codified herein. The Director of Public Works may also consider any additional factors, including any special costs or hardships which may be created by the use of recycled water. A written determination will be made on all requests for exemptions or adjustments within ten (10) business days and mailed to the applicant. If the exemption or adjustment is not granted, the applicant must fully comply with the requirements of this section.

16.12.055 Appeals.

Denial of any application for an exemption and/or adjustment to the provisions of recycled water use may be appealed to the City Manager or his/her designee, whose decision shall be final. An application for appeal shall be filed with the City Clerk in writing within ten (10) business days after the Director of Public Works' decision and shall state the specific grounds for the appeal. The City Manager or his/her designee shall hear the appeal within sixty (60) calendar days after the appeal has been filed with the City Clerk and shall issue a written decision within thirty (30) days.

16.12.060 Failure to comply with this chapter.

In addition to existing penalties in state and local law for violation of the provisions of this chapter, the City Manager or his/her designee may assess the following penalties, subject to the appeal provisions set forth above:

- (a) A water service surcharge of fifty percent (50%) of the general water service rate, as set forth in Utility Rate Schedule, for each billing period during which potable water is used for irrigation.
- (b) Continued use of potable water for irrigation, after a written warning by the City Manager or his/her designee, may result in the discontinuation of water service supplied for irrigation by the City of Palo Alto following a noticed hearing. A charge as set forth in the City's administrative fee schedule shall be paid prior to the reactivation or restoration of water service.
- (c) Any use of recycled water in a manner contrary to the provisions of this title, is hereby declared to be a nuisance and may be abated in the manner provided for the abatement of nuisances in Chapter 9.56 of the Palo Alto Municipal Code.

16.12.065 Monitoring.

Representatives of the City and the San Francisco Bay Regional Water Quality Control Board shall be authorized to enter, the premises of any recycled water user to carry out inspections and monitoring to assure compliance with this chapter and applicable state of California regulations.

16.12.070 Severability.

If any provision or clause of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this chapter, and clauses of this chapter are declared to be severable.

SECTION 3. The Council hereby finds this ordinance is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Sections 15307 and 15308 of the CEQA Guidelines (exempting actions taken by regulatory agencies for the protection of natural resources and the environment), and pursuant to Sections 13554 and 13552.4 of the California Water Code (exempting projects which involve the repiping, redesign, or use of recycled water necessary to comply with a requirement to use recycled water for toilet and urinal flushing or residential landscaping).

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SECTION 4. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED: April 28, 2008

PASSED: May 12, 2008

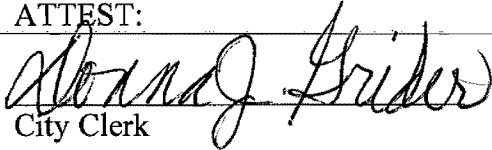
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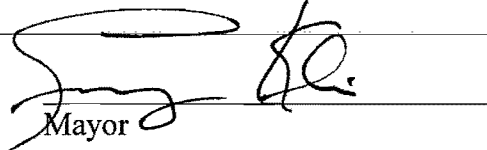
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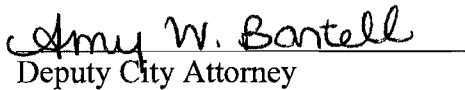
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ATTEST:

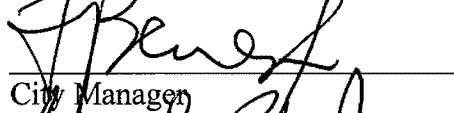

City Clerk

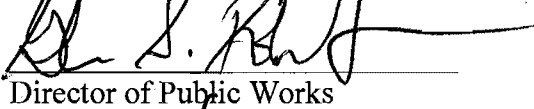

Mayor

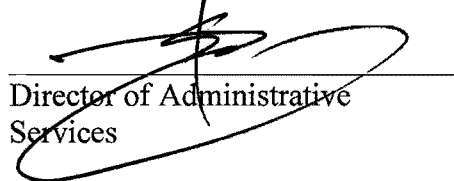
APPROVED AS TO FORM:


Deputy City Attorney

APPROVED:


City Manager


Director of Public Works


Director of Administrative Services