

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF BURLINGAME AMENDING CHAPTER 15.06 OF THE BURLINGAME MUNICIPAL CODE TO ESTABLISH LEGAL AUTHORITY TO IMPLEMENT THE CITY'S WATER SHORTAGE CONTINGENCY PLAN; AND ADDING CHAPTER 15.07 TO THE BURLINGAME MUNICIPAL CODE TO PROHIBIT WASTEFUL WATER USE PRACTICES**

**WHEREAS**, the City adopted provisions governing water shortage emergencies in 1988; and

**WHEREAS**, the 1983 California Urban Water Management Planning Act and California Water Code states that every urban water supplier shall prepare and adopt a water shortage contingency plan as part of its urban water management plan; and

**WHEREAS**, the water shortage contingency plan must describe the legal authorities that empower the urban water supplier to implement and enforce its shortage response actions contained within the plan; and

**WHEREAS**, the California Water Code section 10631(e)(1)(B)(i) requires urban water suppliers to implement a water waste prevention ordinance; and

**WHEREAS**, on April 7, 2017, Governor Brown signed Executive Order B-40-17, which terminated the Drought State of Emergency and maintained conservation as a California way of life; and

**WHEREAS**, our changing climate conditions require the City to adopt and adhere to changes to use water more wisely and to prepare for more frequent and persistent periods of limited water supply; and

**WHEREAS**, increasing long-term water conservation and improving water use efficiency in our community are critical to ensure resiliency to climate change.

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

**Section 1.** The recitals set forth above are true and correct, and are hereby incorporated herein by this reference as if fully set forth in their entirety.

**Section 2.** The City Council hereby finds that the proposed Ordinance is in the public interest.

**Section 3.** The proposed Ordinance is not a project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance

is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

**Section 4.** Section 15.06.020 of the Burlingame Municipal Code is amended as follows. Additions are reflected by underlined text and deletions with ~~strike-out text~~.

(j) “Water shortage contingency plan” or “WSCP” means a contingency plan including voluntary and mandatory actions adopted by the City that incorporates the provisions detailed in the California Water Code Section 10632.

**Section 5.** Section 15.06.040 of the Burlingame Municipal Code is amended, as noted below.

(m) Additional water use practices as described in the water shortage contingency plan.

**Section 6.** Section 15.07, Wasteful Water Use Restrictions, of the Burlingame Municipal Code is added as follows. Additions are reflected by underlined text and deletions with ~~strike-out text~~.

**15.07.010 Purpose.**

The permanent water use restrictions in this section are designed to preserve water as an essential resource in keeping with the Governor of California’s Executive Order B-40-17, which directed that water conservation become a “California Way of Life.”

**15.07.020 Definitions.**

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given in this chapter:

(a) “Customer” means any person using water supplied by the City of Burlingame.

(b) “Director” means the Director of Public Works of the City.

(c) “Potable water” means water sold by the City of Burlingame intended for human consumption.

(d) “Recirculated water” means water that is circulated in a system that recirculates water through an internal circulation device.

(e) “Recycled water,” “reclaimed water,” or “treated sewage effluent water” means treated or recycled wastewater of a quality suitable for non-potable uses such as landscape irrigation and not intended for human consumption.

(f) “Runoff” means water that is not absorbed by the surface to which it is applied and flows from the area.

(g) “Special water feature” means objects that are artificially supplied with water, such as ponds, lakes, waterfalls, and fountains. Special water features do not include recreational water features, such as swimming pools and spas.

(h) “Water shortage contingency plan” or “WSCP” means a contingency plan including voluntary and mandatory actions adopted by the City that incorporates the

provisions detailed in the California Water Code Section 10632.

15.07.030 Water use restrictions.

The following uses of potable water are prohibited:

- (a) Use of a hose for any purpose without a positive shut-off nozzle.
- (b) Use of potable water for cleaning, filling, or operating water features, such as decorative fountains, except where the water is part of a recirculating system.
- (c) The application of potable water to irrigate outdoor plants, lawn, grass, landscaping, or turf areas during and within twenty-four (24) hours after measurable rainfall.
- (d) The application of potable water to street medians containing ornamental turf.
- (e) Use through broken or defective plumbing, sprinkler, watering, or irrigation systems.
- (f) Use in new, added, or altered car wash equipment unless a recirculating water system is incorporated.
- (g) The prohibition enumerated in subsection (f) of this section does not apply to any water treatment features, such as landscaping and green roofs, to meet the requirements of the municipal regional stormwater National Pollutant Discharge Elimination System.
- (h) To promote conservation, hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily and display notice of this option in guestrooms.
- (i) 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.

15.07.040 Enforcement.

- (a) It is unlawful for any person or entity to violate or to fail to comply with any of the requirements of this chapter. Unless otherwise provided in this chapter or the Burlingame 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 chapter is continued or permitted to be continued and shall be punished as herein provided.
- (b) The penalties for violations of any provisions of this chapter are subject to the fines and penalties set forth in Title 1 of this code.

15.07.050 Water shortage emergency.

Notwithstanding the foregoing relating to conservation of water supplies, in times of a declared water shortage emergency pursuant to Sections 350 et seq. of the California Water Code, certain additional mandatory water conservation practices will be necessary. The water shortage contingency plan shall provide the basis for such additional practices.

**Section 7.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining

portion or sections of the Ordinance. The City Council of the City of Burlingame hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**Section 8.** This Ordinance shall go into effect 30 days following its adoption. The City Clerk is directed to publish this ordinance in a manner required by law.

**Section 9.** Sections 4, 5, and 6 of this Ordinance shall be codified in the Burlingame Municipal Code. Sections 1, 2, 3, 7, 8, and 9 shall not be so codified.

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Ann O'Brien Keighran, Mayor

I, Meaghan Hassel-Shearer, City Clerk of the City of Burlingame, certify that the foregoing ordinance was introduced at a public hearing at a regular meeting of the City Council held on the 21<sup>st</sup> day of June, 2021, and adopted thereafter on the \_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:

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Meaghan Hassel-Shearer, City Clerk