

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGAME TO AMEND CHAPTER 15.07, “WASTEFUL WATER USE RESTRICTIONS,” OF TITLE 15 OF THE BURLINGAME MUNICIPAL CODE TO INCLUDE THE PROHIBITION OF THE IRRIGATION OF CERTAIN NON-FUNCTIONAL TURF WITH POTABLE WATER UNDER THE BURLINGAME MUNICIPAL CODE; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15378 AND 15061(b)(3)

WHEREAS, Chapter 15.07, “Wasteful Water Use Restrictions,” of Title 15 of the Burlingame Municipal Code pertains to Burlingame’s Wasteful Water Use Restrictions; these restrictions were developed in 2021 in response to the California Governor’s Executive Order B-40-17 which ended the emergency drought designation but required ongoing water conservation practices and prohibit specific uses of potable water; and

WHEREAS, in 2024, the State Water Resources Control Board adopted water conservation regulations as part of the “Making Conservation a California Way of Life” legislation, and;

WHEREAS, the City of Burlingame recognizes and is committed to Urban Water Use Objectives (UWUO) in compliance with standards for long-term urban water use efficiency; and

WHEREAS, California Assembly Bill 1572 (AB 1572), signed into law on October 13, 2023, prohibits the use of potable water to irrigate Non-Functional Turf on certain properties and requires the City of Burlingame, as the water supplying agency, to update its regulations to enforce the state-mandated prohibitions; and

WHEREAS, Non-Functional Turf is considered living turf grass that is ornamental in nature and is not used for recreation or congregation; and,

WHEREAS, certain properties are Commercially-, Industrially-, and Institutionally- owned properties and those properties containing common areas owned by HOAs; and,

WHEREAS, AB 1572 requires that this protocol be codified in the water supplier’s Municipal Code or equivalent regulatory documents by January 1, 2027.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGAME ORDAINS 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. Chapter 15.07 “Wasteful Water Use Restrictions” of Title 15 of the Burlingame Municipal Code shall be amended to add the following language. Additions are

reflected by underlined text. Any Burlingame Municipal Code Sections not included in Section 2 remain unchanged.

15.07.010 Purpose.

The permanent water use restrictions in this chapter are designed to preserve water as an essential resource in keeping with the Governor of California's Executive Order B-40-17 and Assembly Bill 1572 (AB 1572), both of 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:

"Commercial Property"

means a water customer that provides or distributes a product or service (e.g., offices, restaurants, grocery stores, private schools).

"Common Area"

means that portion of a common interest development or of a property owned or managed by a homeowners' association or a community service organization or similar entity that is not assigned or allocated to the exclusive use of the occupants of an individual dwelling unit within the property.

"Common Interest Development"

means a community apartment project, a condominium project, a planned development, or a stock cooperative.

"Community Service Organization"

means a nonprofit entity, other than an association, that is organized to provide services to residents of the common interest development or to the public in addition to the residents, to the extent community common area or facilities are available to the public.

"Customer"

means any person using water supplied by the city of Burlingame.

"Director"

means the director of public works of the city.

"Functional Turf"

means turf designated by a property owner or a governmental agency to accommodate human foot traffic for recreation, including, but not limited to, sports fields, golf courses, playgrounds, picnic grounds, and pet exercise areas or community space designated by a property owner or a governmental agency to accommodate human foot traffic for civic, ceremonial, or other community events or social gatherings.

"Homeowners' Association"

means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

“Industrial Property”

means a water customer that is primarily a manufacturer or processor of materials as defined by the North American 90 Industry Classification System code sectors 31 to 33, inclusive, or an entity that is a water user primarily engaged in research and development.

“Institutional Property”

means a water customer dedicated to public service. This type of user includes, among other users, higher education institutions, public schools, courts, churches, hospitals, government facilities, and nonprofit research institutions.

“Non-Functional Turf”

means Turf that is not Functional Turf, i.e., turf that is solely ornamental and does not serve a community or recreational function.

"Potable water"

means water sold by the city of Burlingame intended for human consumption.

"Recirculated water"

means water that is circulated in a system that recirculates water through an internal circulation device.

"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.

"Runoff"

means water that is not absorbed by the surface to which it is applied and flows from the area.

"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.

“Turf”

means a ground cover surface of non-native, ornamental grass, or a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.

"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 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 (d) 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.
- (j) For all Institutional Properties, beginning January 1, 2027, Non-Functional Turf may not be irrigated with potable water.
- (k) For all Industrial and Commercial Properties, beginning January 1, 2028, Non-Functional Turf may not be irrigated with potable water.
- (l) For all Common Areas of Homeowners' Association, Common Interest Developments, and Community Service Organizations or similar entities, beginning January 1, 2029, Non-Functional Turf may not be irrigated with potable water.
- (m) The use of potable water is not prohibited to the extent necessary to ensure the health of trees and other perennial non-Turf and/or Functional Turf plantings or to the extent necessary to address immediate health and safety, sanitation, or fire protection needs.

- (n) Upon a showing of good cause for reasons including economic hardship, critical business need, and potential impacts to human health or safety, the State Water Resources Control Board may postpone a compliance deadline for certain persons, institutions, or businesses subject to the requirements in (j), (k), or (l) for up to 3 years.

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 this 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.

(c) On or before January 1, 2027, City of Burlingame staff shall give notice to water customers about the prohibitions specified in Section 15.07.030 (j) – (l) of this Chapter. In the event a water customer is informed by City of Burlingame staff that their property may contain Non-Functional Turf subject to the irrigation prohibitions, the water customer shall have the opportunity to demonstrate some or all the identified Turf should be classified as Functional Turf. If no attempt is made by the customer to demonstrate that the identified Turf is Functional, the Turf shall be deemed to be Non-Functional Turf. In the event of a dispute between City of Burlingame staff and a customer on the classification of Turf, the Director will have the final authority on this classification.

15.07.060 Reporting Requirements

(a) An owner of commercial, industrial, or institutional property with more than 5,000 square feet of irrigated area other than a cemetery shall certify to the State Water Resources Control Board, commencing June 30, 2030, and every three years thereafter, through 2039, that their property is in compliance with the requirements of this Chapter.

(b) An owner of a property with more than 5,000 square feet of irrigated common area that is a homeowners' association, common interest development, or community service organization or similar entity shall certify to the State Water Resources Control Board, commencing June 30, 2031, and every three years thereafter, through 2040, that their property is in compliance with the requirements of this chapter.

Section 3. The Public Works Department is directed to take necessary actions to implement

this ordinance and may adopt administrative regulations to implement the intent and provisions of this Ordinance.

Section 4. The City Council finds and determines the 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 5. 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 6. This Ordinance shall go into effect 30 days following its adoption.

Section 7. The City Clerk is directed to publish this ordinance in the manner required by law.

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

Michael Brownrigg, Mayor

I, Meaghan Hassel-Shearer, City Clerk of the City of Burlingame, certify that the foregoing ordinance was introduced at a regular meeting of the City Council held on the 15th day of June, 2026, and adopted thereafter at a regular meeting of the City Council held on the 6th day of July, 2026, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

ATTEST:

Meaghan Hassel-Shearer, City Clerk