

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE AMENDING CHAPTER 12.34 (WATER  
CONSERVATION RESTRICTIONS) OF TITLE 12 (WATER  
AND SEWERS)**

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

SECTION 1. SECTION 12.34.020 AMENDED. Section 12.34.020 of Chapter 12.34 (Water Conservation Restrictions) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

**12.34.020. Nonessential uses prohibited.**

The following uses, methods, types or techniques of uses of water are hereby determined and declared nonessential, and except as expressly provided to the contrary, are hereby prohibited:

(a) – (f) [Text unchanged]

(g) Any use of nonpotable water not in compliance with all federal, state and local laws, rules and regulations. Use of reclaimed water from the city's water pollution control plant shall be subject to the discretion of the director of ~~public-works~~environmental services.

(h) 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 a.m. and 6:00 p.m., unless the person using, permitting 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.

(i) No person shall use, permit or allow the use of potable water to irrigate any outdoor landscaping or other vegetated area more than fifteen minutes per day per station when using a landscape irrigation system or a watering device that is not continuously attended, except for landscape irrigation systems that exclusively use very low-flow drip-type irrigation systems when no emitter produces more than two gallons of water per hour and weather-based controllers or stream rotor sprinklers that meet a seventy-one percent efficiency standard.

SECTION 2. SECTION 12.34.030 AMENDED. Section 12.34.030 of Chapter 12.34 (Water Conservation Restrictions) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

**12.34.030. Exceptions.**

(a) The director of ~~public-works~~environmental services is hereby authorized to grant to any user an exception to the prohibitions set forth in Section 12.34.020, upon a finding by the director that such exception is necessary to prevent an emergency condition affecting the health, sanitation or fire protection of such user, and that the user to whom such adjustment or exception pertains has adopted or used all practicable water conservation measures.

(b) [Text unchanged]

SECTION 3. SECTION 12.34.040 AMENDED. Section 12.34.040 of Chapter 12.34 (Water Conservation Restrictions) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

**12.34.040. Penalty – Flow restricting devices.**

(a) Upon a determination by the director of ~~public works~~environmental services that a user has continuously or repeatedly violated or failed to comply with one or more provisions of Section 12.34.020, or of any conditions of any exception granted pursuant to the provisions of Section 12.34.030, the director may issue an order to cease and desist from continued or repeated violation, and further order such user to comply forthwith with such provisions or terms of exception, or otherwise to take appropriate remedial or preventive action. If after the issuance of such cease and desist order, such user continues to consume or use, or again consumes or uses water in violation of any such provision or condition of exception, the director may order the installation of a flow restricting device upon the water service line to the premises of such user. Such flow restricting device shall be installed and maintained for a period of not less than three days nor more than ten days for a first violation, and shall be installed and maintained for not less than ten days for each succeeding violation, and may be ordered to remain installed and maintained for a period of up to three months upon a finding by the director that any user is habitually in violation of any of the provisions of this chapter, or the provisions of any exception granted pursuant to Section 12.34.030.

(b) – (c) [Text unchanged]

SECTION 4. SECTION 12.34.050 AMENDED. Section 12.34.050 of Chapter 12.34 (Water Conservation Restrictions) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code is hereby amended as follows:

**12.34.050. Implementation.**

The director of ~~public works~~environmental services is authorized to delegate authority granted under this chapter to such deputies, officers, employees or agents of the city as the director shall designate, and to establish such rules, regulations and procedures, and to prepare or furnish such forms as the director deems necessary or appropriate to carry out the provisions of this chapter.

SECTION 5. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 6. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this

ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 7. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 8. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on \_\_\_\_\_, 2014, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_

\_\_\_\_\_  
Mayor

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney