

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE TO AMEND SECTION 12.34.020 OF
TITLE 12 (WATER AND SEWERS) OF THE SUNNYVALE
MUNICIPAL CODE RELATING TO PROHIBITION OF
NONESSENTIAL USES OF WATER

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 and renumbered to read 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) To prevent the waste and unreasonable use of water and to promote water conservation, the following actions are hereby prohibited, except where necessary to address an immediate health or safety need or to comply with a term or condition in a permit issued by a state or federal agency:~~

~~(a1) Allowing or maintaining The use of broken or defective plumbing, sprinklers, watering or irrigation systems ~~which that~~ permit the escape or leakage of potable water.~~

~~(b2) The application of potable water to outdoor landscaping in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures. Using potable water in any manner which causes, allows or permits the flooding of any premises, or any portion thereof, or which causes, allows or permits water to escape from any premises or any portion thereof and flow into gutters, streets, or any surface water drainage system.~~

~~(3) The use of potable water to irrigate outdoor landscaping between the hours of nine a.m. and six p.m. during daylight savings time except with a bucket or a hose that is fitted with a shut-off nozzle or device that causes it to cease dispensing water immediately when not in use.~~

~~(4) The use of potable water to irrigate outdoor landscaping 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, weather-based controllers, or stream rotor sprinklers that meet a seventy-one percent efficiency standard.~~

~~(e5) The use of a hose that dispenses potable water to wash any motor vehicle, watercraft, mobilehome, or other vehicles or machinery unless the hose is fitted with a shut-off nozzle or device that causes it to cease dispensing water immediately when not in use. Using any hose or similar device using potable water for washing automobiles, trucks, buses, boats, trailers, equipment, recreational vehicles, mobilehomes or other vehicles or machinery, unless the hose or device is equipped with a positive automatic shutoff valve.~~

~~(d6) Using The use of potable water to wash sidewalks, driveways, filling station aprons, patios, parking lots, porches or other paved or hard surfaced areas, unless there is a positive automatic shutoff valve on the outlet end of the hose.~~

~~(7) The use of potable water in a fountain or other decorative water feature unless the water is part of a recirculating system.~~

~~(8) The application of potable water to outdoor landscapes while it is raining or within 48 hours after measurable rainfall (0.20 inches).~~

~~(e9) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased. The service of water by any restaurant or other eating or refreshment establishment to any patron, except upon the specific request by a patron for such services.~~

~~(10) The use of potable water to irrigate ornamental turf on public street medians.~~

~~(11) The use of potable water to irrigate landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.~~

~~(f12) The i~~Installation of any single pass cooling process in new construction.

~~(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 environmental services.~~

~~(h) During the period of time when daylight savings time is in effect, no person shall use, permit, or allow the use of potable water to irrigate any outdoor landscaping between the hours of nine a.m. and six p.m., unless the person 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, weather-based controllers, or stream rotor sprinklers that meet a seventy one percent efficiency standard.~~

(b) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.

SECTION 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15307 that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that is an action by a regulatory agency for the protection of natural resources.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, 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 passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. 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 once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice 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 _____, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney