

ORDINANCE NO. 28597

AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING PARTS 2 AND 3 OF CHAPTER 15.10 OF TITLE 15 OF THE SAN JOSÉ MUNICIPAL CODE TO STRENGTHEN REQUIREMENTS RELATED TO WATER CONSERVATION AND WATER SHORTAGES

WHEREAS, on June 12, 2009, this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, under File No. PP09-134;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. Chapter 15.10 of Title 15 of the San José Municipal Code is amended by adding a Section to be numbered, entitled, and to read as follows:

15.10.045 Food Service Establishment

“Food Service Establishment” means a user that prepares and/or sells food for consumption either on or off the premises or washes utensils or dishes on premises, including, but not limited to, restaurants, sandwich shops, delicatessens, bakeries, cafeterias, markets, bed and breakfast inns, motels, hotels, meeting halls, caterers, retirement and nursing homes or pizzerias.

SECTION 2. Section 15.10.230 of Part 2 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to be entitled and read as follows:

15.10.230 Food Service Establishments.

- A. No person shall provide any water to any customer at any Food Service Establishment unless and until the customer requests water.
- B. No person shall use any non-water conserving dish wash spray valve in any Food Service Establishment

SECTION 3. Chapter 15.10 of Title 15 of the San José Municipal Code is amended by adding a Section to be numbered, entitled, and to read as follows:

15.19.235 Hotels, Motels and Other Lodgings

The owner and manager of every hotel, motel, inn, guest house, bed and breakfast facility, and every other short-term commercial lodging shall prominently display a written notice in each bathroom of the facility providing customers or guests with the option of helping to conserve water by not having towels and linens laundered daily.

SECTION 4. Section 15.10.290 of Part 2 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows:

15.10.290 Landscape Irrigation

- A. No person shall use, permit or allow the use of potable water to irrigate any outdoor landscaping or other vegetated material at any time between the hours of 8:00 a.m. and 6:00 p.m. during Pacific Daylight Savings Time, or between the hours of 10:00 a.m. and 3:00 p.m. during Pacific Standard Time, unless the person using 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.

- B. No person shall use, permit or allow the use of potable water to irrigate any outdoor landscaping or other vegetated area more than fifteen (15) 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 (2) gallons of water per hour and weather-based controllers or stream rotor sprinklers that meet a 70% efficiency standard.
- C. The restrictions on landscape irrigation contained in this Section do not apply to the following activities:
 - 1. Syringing of golf course greens, golf course tees, lawn bowling greens or lawn tennis courts;
 - 2. The conduct of a landscape water management audit to provide for the evaluation and adjustment of a landscape irrigation system.

SECTION 5. Section 15.10.300 of Part 3 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows

15.10.300 Water Shortage Measures

- A. The City Council may, by resolution, declare a state of water shortage whenever it finds that water supplies are expected to be inadequate to meet at least ninety percent (90%) of projected water demand, or whenever a minimum conservation level of ten percent (10%) or more has been established by the Santa Clara Valley Water District.
- B. In adopting such a resolution, the City Council may declare whether the water shortage is a ten percent (10%) shortage; a twenty-five percent (25%) shortage; a thirty percent (30%) shortage; or a forty percent (40%) shortage. In the event

that a water shortage resolution adopted by the City Council fails to declare the level of water shortage, the resolution shall be deemed to be a resolution of a ten percent (10%) water shortage.

- C. In addition to the requirements of Part 2 of this Chapter, the provisions of this Part 3 shall apply to all uses of water for such period of time as a water shortage resolution adopted by the Council remains in effect.

SECTION 6. Section 15.10.320 of Part 3 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows

15.10.320 Ornamental Lakes and Ponds

Upon adoption by the City Council of a resolution declaring a twenty five percent (25%) or greater water shortage, no person shall cause, permit or allow filling or re-filling ornamental lakes or ponds with potable water, except to the extent needed to sustain aquatic life that is of significant value and which has been actively managed within the water feature prior to declaration of a supply shortage level by the City Council.

SECTION 7. Section 15.10.325 of Part 3 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows

15.10.325 Car Washing

Upon adoption by the City Council of a resolution declaring a twenty-five percent (25%) or greater water shortage, no person shall cause, permit or allow the use of water to wash or clean a vehicle, except at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water.

SECTION 8. Section 15.10.330 of Part 3 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows

15.10.330 Residential Swimming Pools and Outdoor Spas

Upon adoption by the City Council of a resolution declaring a twenty five percent (25%) or greater water shortage, no person shall cause, permit or allow re-filling of more than one (1) foot or initial filling of residential swimming pools or outdoor spas with potable water.

SECTION 9. Section 15.10.340 of Part 3 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows:

15.10.340 Cleaning Of Structures And Surfaces

Upon adoption by the City Council of a resolution declaring a twenty-five percent (25%) or greater water shortage, it shall be unlawful for any person to:

- A. Use potable water, to clean sidewalks, driveways, patios, decks, tennis courts, parking lots or any other exterior paved or hard-surfaced areas, except by the use of a bucket or pursuant to a prior approved written exception from the Director.

- B. Use potable water, to clean the exterior of any building or structure, except as surface preparation for the application of any architectural coating, or in connection with waxing, except by the use of a bucket or pursuant to a prior approved written exception from the Director. For purposes of this section, "structures" includes mobile homes and manufactured homes.

SECTION 10. Section 15.10.350 of Part 3 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows

15.10.350 Operation of Decorative Fountains

After the adoption by the City Council of a resolution declaring a twenty five percent (25%) or greater water shortage, it shall be unlawful for any person to operate any decorative fountain with potable water unless such decorative fountain is recirculating, non-misting and fully lined.

SECTION 11. Chapter 15.10 of Title 15 of the San José Municipal Code is amended by adding a Section to be numbered, entitled, and to read as follows:

15.10.355 Leak Repair

- A. Upon adoption by the City Council of a resolution declaring a forty percent (40%) or greater water shortage no owner or manager or other person responsible for the day-to-day operation of any premises shall fail to initiate repair of any leaking, broken or defective water pipes, faucets, plumbing fixtures, other water service appliances, sprinklers, watering or irrigation systems within forty eight (48) hours after the owner, manager or other responsible person knew or should have known of such leaks, breaks or defects.

- B. Upon adoption by the City Council of a resolution declaring a forty percent (40%) or greater water shortage no owner or manager or other person responsible for the day-to-day operation of any premises shall fail to complete repair of any leaking, broken or defective water pipes, faucets, plumbing fixtures, other water service appliances, sprinklers, watering or irrigation systems, as soon as practical after initiation of such repair.

SECTION 12. Section 15.10.370 of Part 3 of Chapter 15.14 of Title 15 of the San José Municipal Code is amended to read as follows

15.10.370 Prohibition on Landscape Irrigation

Upon adoption by the City Council of a resolution declaring a forty percent (40%) or greater water shortage, it shall be unlawful for any person to use or allow the use of potable water to irrigate any outdoor landscaping, unless the person using 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, except for the following purposes: fire protection; soil erosion control; maintenance of rare or protected species; maintenance of public parks, playing fields, day care centers, golf course greens and school grounds provided such irrigation is done in a water efficient manner; and irrigation of environmental mitigation projects.

PASSED FOR PUBLICATION of title this 16th day of June, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NGUYEN.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk