

ORDINANCE NO. 732

**CITY OF MILLBRAE, COUNTY OF SAN MATEO
STATE OF CALIFORNIA**

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**AN ORDINANCE OF THE CITY OF MILLBRAE
ADDING CHAPTER 9.60 OF TITLE 9 OF THE
MILLBRAE MUNICIPAL CODE REGARDING
INDOOR WATER USE EFFICIENCY REGULATIONS**

Be it ordained by the City Council of the City of Millbrae as follows:

**SECTION 1: ADDING CHAPTER 9.60, INDOOR WATER USE EFFICIENCY
REGULATIONS, OF TITLE 9 OF THE MILLBRAE MUNICIPAL CODE.**

Chapter 9.60 of the Millbrae Municipal Code is hereby added to read as follows:

Chapter 9.60

INDOOR WATER USE EFFICIENCY REGULATIONS

Sections:

- 9.60.010 Title; Purpose
- 9.60.020 Definitions
- 9.60.030 Applicability
- 9.60.040 Minimum Indoor Fixture Requirements Table
- 9.60.050 Compliance with the Ordinance
- 9.60.060 Components of the Indoor Water Use Efficiency Checklist
- 9.60.070 Penalties and Enforcement
- 9.60.080 Public Education
- 9.60.090 Severability

9.60.010 Title; Purpose

This Ordinance shall be known as the City of Millbrae Indoor Water Use Efficiency Ordinance. The purpose of the Indoor Water Use Efficiency Regulation is to enhance public health and welfare by encouraging water conservation measures in the design, construction, and maintenance of buildings. In light of the limited water supply available to the City through the Hetch Hetchy System administered by the San Francisco Public Utilities Commission, the water use efficiency practices required in this Ordinance are intended to achieve the following goals:

- To encourage the conservation of natural resources;
- B. To increase water efficiency and lower water costs;
- C. To reduce the operating and maintenance costs for buildings;
- D. To promote a healthier indoor environment;
- E. To give clearer guidance to ensure compliance with State and Federal law.

9.60.020 Definitions

For purposes of this chapter, the following definitions pertain.

"Certified Professional" means a licensed contractor, licensed architect, licensed professional engineer by the State of California.

"Energy Star Qualified" means that a given fixture meets the United States Environmental Protection Agency standard for an energy efficient product.

"Gal / Cycle" means gallons per cycle.

"Gal / 100 lbs Ice" means gallons per hundred pounds of ice.

"GPF" means gallons per flush.

"GPM" means gallons per minute.

"Grams" means the amount of solids that can be moved through a toilet of 1.28 or less gallons per flush.

"Local Agency" means a city or county, including a charter city or charter county, or water district that is responsible for adopting and implementing this ordinance. The local agency is also responsible for the enforcement of this ordinance, including but not limited to, in the case of a city or county, approval of a permit and plan check or design review of a project; and in the case of a district, approval of a new or expanded water service.

"Local Water Purveyor" means any entity, including a public agency, city, county, or private water company that provided retail water service.

"LSI" means Langlier Saturation Index providing an indication of the degree of saturation of water with respect to calcium carbonate related to cooling tower efficiency.

"Permit" means the document issued by local agencies in connection with new construction, remodels or renovations and which authorizes the lawful initiation of construction, improvements, or repairs to a building or structure.

"Project Applicant" means the individual or entity submitting an Indoor Water Use Efficiency Checklist as required in MMC Section 9.60.060, and requesting a permit, plan check, design review, or new or expanded water service application from the local agency. A project applicant may be the property owner or his or her designee.

"RMF" means residential multi-family.

"Sq. Ft." means square feet.

"Water Factor" means the number of gallons per cycle per cubic foot that a clothes washer uses.

"Working Days" means Monday through Friday, excluding city holidays.

9.60.030 Applicability

A. The provisions of this ordinance shall apply to the following projects:

1. Any New Construction.
2. All Additions with new or expanded water use.
3. Remodels involving one or more of the following:
 - A. Kitchen
 - B. Bathroom(s)
 - C. Remodel of a building which exceeds \$50,000 in construction valuation
 - D. Remodeling involving 50% or more of the building interior
 - E. Expanded water service (except for fire sprinkler systems)

B. The provisions of this ordinance shall not apply to:

1. Existing buildings not seeking a building permit.
2. Registered local, state or federal historic sites.
3. Remodels where, at the discretion of the Building Official, the unique configuration of the building, its drainage system or portions of the public sewer, or both, are incompatible with efficiency standards listed in the Indoor Water Use Efficiency Table and require a greater quantity of water to flush the system in a manner that is consistent with public health. In order to make this decision, documentation must be provided by the project applicant wishing to use this exception. The applicant must show that the system will not function properly with the reduced water flow and justify the requested increase in the amount of water needed to make the system function while still meeting the intent of the efficiency standards.

9.60.040 Minimum Indoor Fixture Requirements

All new construction and applicable additions and remodels will have, at the minimum, fixtures that comply with the efficiency standards listed below:

Fixture	Residential - 1 or 2 Family	Multi-Family, Commercial or Non-Residential
Toilets	≤ 1.28 $\overline{\text{gpf}}$, and ≥ 500 grams	≤ 1.28 gpf, and ≥ 500 grams
Urinals	≤ 0.5 gpf	≤ 0.5 gpf
Shower Heads	≤ 1.5 gpm	≤ 1.5 gpm
Bathroom Faucets	≤ 0.5 gpm	≤ 0.5 gpm
Kitchen Faucets	≤ 1.5 gpm	≤ 1.5 gpm
Clothes Washers	≤ 6.0 Water Factor	≤ 6.0 Water Factor
Dish Washers	≤ 6.5 gal / cycle or Energy Star Qualified	Energy Star Qualified
Cooling Towers	N/A	≥ 5-10 cycles or ≥ 2.5 LSI
Food Steamers	N/A	Boiler Less or Self Contained
Ice Machines	N/A	≤ 25 gal/100 lbs ice, or air cooled
Pre-Rinse Spray Valves	N/A	≤ 1.15.gpm
Automatic Vehicle Wash Facilities	N/A	≥ 50% or more of water used must be recycled on site
Commercial Refrigeration	N/A	Closed Loop, or Air Cooled
Water Meters	Separate meter for outdoor landscaping > 5000 sq. ft.	Sub-meters, and Separate meter for outdoor landscaping > 5000 sq. ft.

The City shall incorporate the forgoing table into an Indoor Water Use Efficiency Checklist.

9.60.050 Compliance with the Ordinance

- A. The City of Millbrae shall:
 - 1. Provide the project applicant with the ordinance and the Indoor Water Use Efficiency Checklist requirements when it provides applicant with the procedures for permits, plan checks, design reviews or new or expanded water service applications.
 - 2. Review the Indoor Water Use Efficiency Checklist submitted by the project applicant.
 - 3. Approve or deny the project applicant’s Indoor Water Use Efficiency checklist submittal.
 - 4. Only upon approval of the Indoor Water Use Efficiency Checklist, issue a permit or approve the plan check, design review or new expanded water service application for the project applicant.
 - 5. In its discretion, inspect the installation of the water efficient fixtures and appliances to verify that they have been installed and are performing at the required use levels.

- B. The Project Applicant shall:
 - 1. Meet the minimum water use efficiency standards for indoor fixtures and appliances provided for in the Indoor Water Use Efficiency Table and Checklist.
 - 2. Prior to construction, submit all portions of the Indoor Water Use Efficiency Checklist to the city for verification.

9.60.060 Components of the Indoor Water Use Efficiency Checklist

The Indoor Water Use Efficiency Checklist shall require at a minimum:

- A. Project Information.
- B. Quantity and unit water use factors of all indoor fixtures and appliances relative to the standards listed in the Indoor Water Use Efficiency Checklist.
- C. Contain the following statements to be completed by the project applicant: “I certify that the subject project meets the specified requirements of the Indoor Water Use Efficiency Ordinance.”
- D. Bear the signature of the project applicant, or that of a certified professional.

9.60.070 Penalties and Enforcement

A. Violation and Notice of Correction

It is unlawful for any person, firm, partnership, association, or corporation subject to the requirements of this ordinance to fail to comply with the water use efficiency requirements or to alter or replace the fixtures and appliances required by this ordinance with non-compliant fixtures or appliances after the completion of the construction or remodel. Whenever the City determines that a violation of this ordinance has occurred, the City may serve a notice of correction on the owner(s) of the property on which the violation is situated. The owner(s) of record shall have a maximum of ninety (90) days to take corrective action. Failure to take corrective action can lead to infraction or misdemeanor actions being taken by the City.

B. In addition to any other remedy provided in the Millbrae Municipal Code, any provision of this ordinance may be enforced by an administrative order issued pursuant to Section 1.05.030. The hearing officer shall be as outlined in Section 1.05.030 of the Code.

9.60.080 Public Education

The City of Millbrae shall provide information to all applicants regarding the installation of water efficient fixtures and appliances and on rebates for plumbing fixtures and appliances.

9.60.090 Severability

If any section, subsection, provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

SECTION 2: AMENDING SECTION 1.05.020, PENALTY PROVISIONS - ENFORCEMENT - CITATION AUTHORITY, OF TITLE 1 OF THE MILLBRAE MUNICIPAL CODE.

Section 1.05.020 of the Millbrae Municipal Code is hereby amended as set forth below:

Under item 5, include the referenced chapter to the designated position.

- Associate Engineer - Add Chapter 9.6
- Engineering Technician - Add Chapter 9.60
- Water Resources and Conservation - Add Chapter 9.60

SECTION 3: EFFECTIVE DATE; PUBLICATION; POSTING.

This ordinance shall be in full force and effect thirty (30) days from and after its passage. At least five (5) days prior to its adoption and within fifteen (15) days after its adoption, a summary of this ordinance, the latter summary to include the names of those City Council members voting for and against the ordinance, shall be published once in a newspaper of general circulation printed and published in the County of San Mateo and circulated in the City of Millbrae. At the time of the publication of each summary, the City Clerk shall post in the Office of the City Clerk a copy of the full text of this ordinance in compliance with Section 36933(c)(1) of the Government Code.

INTRODUCED at a regular meeting of the City Council of the City of Millbrae held on the 9th day of March, 2010.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Millbrae held on the 23rd day of March, 2010.




MAYOR

ATTEST:


CITY CLERK

I do hereby certify that the foregoing Ordinance was duly and regularly passed and adopted by the City Council of the City of Millbrae this 23rd day of March 2010, by the following vote:

AYES:	COUNCILMEMBERS:	Seto, Quigg, Colapietro, Papan, and Holober
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
EXCUSED:	COUNCILMEMBERS:	None


CITY CLERK