

## ORDINANCE NO. 17-\_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2,  
SECTIONS 11-2.00 AND 11-2.47 OF THE HAYWARD  
MUNICIPAL CODE ESTABLISHING PROHIBITIONS ON  
WASTEFUL WATER PRACTICES

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 11, Article 2, Section 11-2.00 and Section 11-2.47, of the Hayward Municipal Code are amended to read in full as follows:

## SEC. 11-2.00 – Definitions

For the purposes of this Article, certain words and phrases are defined and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

- a. Applicant. Any person, business, organization or agency that applies for water service.
- b. Backflow Prevention. Prevention of a condition, caused by a differential in pressure, that causes the flow of water or other liquids, gases, mixtures or substances into the distributing pipes of a potable water supply from any source or sources other than an approved water supply source.
- c. City. The City of Hayward, a charter city.
- d. Cross-Connection. Any unprotected actual or potential connection between a potable water system and any source or system containing water or substance that is not or cannot be approved as safe, wholesome, and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or other assemblies through which backflow could occur, shall be considered to be cross-connections.
- e. Customer. Any person, business, organization or other agency that obtains water from the Hayward Water System.
- f. Fire Service Connection. A service connection to furnish water solely for extinguishing fires or testing of firefighting systems.
- g. Hayward Municipal Water System. All of the property, heretofore or hereafter constructed and/or owned by the City of Hayward, for the treatment, storage and distribution of water. It includes land, reservoirs, pipes and appurtenances, pumping stations, wells, and all other general property. Also known as Water System.

- h. Irrigation Meter. A water meter used exclusively to measure the volume of water used for landscape irrigation purposes.
- i. Meter. A device used to measure the quantity of water delivered to a customer.
- j. Person. Any person, firm, partnership, association, corporation, company, organization, or governmental entity.
- k. Premises. Any lot, piece or parcel of land, any building or other structure or any part of any building or structure used or useful for human habitation or gathering or for carrying on a business or occupation. Any other unit that can be separately owned, such as a condominium unit, shall also be considered one (1) premise.
- l. Service Charge. A fixed bi-monthly charge for customer service, meter reading, billing, and meter maintenance.
- m. Water. Potable water from the Hayward Municipal Water System.
- n. Water Usage Charge. A charge based on the volume of water delivered to a customer during a bi-monthly billing period.
- o. Water Distribution Main. All pipelines owned by the City and used to distribute water to individual customers.
- p. Water Facilities Fee. A fee that is paid to: (a) buy into existing public water system facilities; and (b) fund the future construction of facilities needed for development. The Facilities Fee paid therefore represents the proportion of the existing system that will be used by the new customer and the proportion of costs of future projects that will be needed to serve the new customer.
- q. Water Service Connection. The physical connection of the customer's pipe with the City's pipe, meter, or other facility owned by the City.

#### SEC. 11-2.47 – PROHIBITION OF WASTEFUL WATER PRACTICES

No person shall use water obtained from the Hayward Water System for wasteful practices as herein defined.

- a. Wasteful Practices Defined. The following uses of water are hereby determined to be wasteful, except as further provided herein:
  - 1. Excessive use, loss or escape of water due to broken or defective plumbing, sprinkler, watering, or irrigation systems, for any period of time after such use of water should have reasonably been discovered and corrected, and in no

event more than seventy-two (72) hours after the customer has received written notice from the City.

2. Use of water that results in flooding or runoff in gutters or streets.
  3. Use of water for irrigation of any lawn, landscaping or other vegetated area in a manner that causes or allows excessive water flow, overspray or runoff onto adjacent property, non-irrigated areas, private and public walkways roadways, parking lots, or structures.
  4. Application of water to outdoor landscapes during and within forty-eight (48) hours after measurable rainfall.
  5. Application of water to driveways and sidewalks.
  6. Use of water through a hose for washing buildings, structures, mobile homes, patios, parking lots, tennis courts, or other hard-surface areas, unless the hose is equipped with a positive shut-off nozzle.
  7. The washing of all vehicles through a hose, including but not limited to automobiles, motorcycles, recreational vehicles, trucks, transit vehicles, trailers, boats, trains and airplanes, unless the hose is equipped with a positive shut-off nozzle.
  8. Use of water for irrigation of ornamental turf on public street medians.
  9. 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.
  10. Use of water in a fountain or other decorative water feature except where the water is part of a recirculating system.
  11. The irrigation of 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, and the City's Water Efficient Landscape Ordinance.
- b. Other Wasteful Water Use Prohibitions. The following devices shall not be installed in new applicable facilities unless the City specifically approves a waiver:
1. Single-pass cooling systems in new buildings.
  2. Non-recirculating water systems in new commercial car washes.

3. Non-recirculating water systems in new industrial laundries.
- c. Water Conservation in Hotels and Motels. 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.
- d. Application. The provisions of this ordinance apply to any person in the use of potable water provided by the Hayward Water System, except for uses of water necessary to protect public health or safety or for essential government services such as police and fire service and water system maintenance services.
- e. Enforcement. The Director of Utilities and Environmental Services is authorized to enforce all provisions of this section. The provisions of this ordinance may be enforced by one (1) or more of the following measures:
  1. Correction Notice. When the City becomes aware of a violation of the provisions of this ordinance, a correction notice shall be delivered to the property and to the customer of record (if mailing address is different) for the property. Said notice shall: 1) describe the date, approximate time, address or description of the location of the violation; 2) describe the violation and the subsection violated; 3) order that the violation be corrected and abated immediately, or within a specified time as the Director of Utilities and Environmental Services determines is reasonable; and 4) explain the consequences of failure to correct the violation, including a monetary fine.
  2. Administrative Citation. In addition to other remedies available to the City, violations of this section may be subject to an administrative citation. The amount of the fine shall be set forth by Resolution of the City Council. Citations shall be issued and administered in accordance with Chapter 1, Article 7 of the Hayward Municipal Code. Administrative citations may be issued to the property owner, customer of record for the property, or to any other person causing wasteful use of water as described in this section.
  3. Installation of Flow Restricting Measures. The City may, after one (1) written notice, install a flow-restricting device on the service line of any customer violating any of the provisions of this section.
  4. Reduction or Discontinuance of Water Service. Water waste consisting of continued water consumption in violation of the provisions of this section may result in the reduction or discontinuance of water service by the City. The City may reduce or discontinue water service after two (2) correction notices, as described in Section 11-2-47.e.1., have been delivered to the property and to the customer of record (if mailing address is different) and if the corrective actions required are not taken within the time frame specified.

5. Injunctive Relief.

Costs incurred by the City for the reduction or discontinuance of water service and for the resumption of water service will be the responsibility of the customer. Water service shall not be resumed until the Director of Utilities and Environmental Services is satisfied that the violation has been fully corrected.

- f. Penalties. Violation of this ordinance shall not constitute a crime and may be enforced only through civil measures as stated herein.

Section 2. Severance. Should any part of this ordinance be declared by a final decision of a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Section 4. CEQA. This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 44 of the California Code of Regulations) because there is no possibility that the ordinance will have a significant effect on the environment. This ordinance would also qualify as exempt pursuant to Section 15378(b)(3) of the CEQA Guidelines as the term “project” does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following votes of the said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward