

Chapter 14-21  
**WATER WASTE REGULATIONS**

**§ 14-21.010 Purpose.**

The purpose of this chapter is to promote the efficient use of potable and recycled water by prohibiting water uses which constitute water waste. The sections of this chapter encourage reasonable use of the potable and recycled water supply by eliminating all intentional or unintentional water waste when a reasonable solution is available and discouraging use of equipment which is wasteful.

(Ord. 3426 § 2, 1999; Ord. 3845 § 7, 2007)

**§ 14-21.020 ~~Water waste~~—Definitions:**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

**“Water waste”** means:

- (A) Potable or recycled water use in outdoor areas resulting in runoff; or
- (B) The escape of water through breaks or leaks or due to an equipment malfunction within a customer’s plumbing or private distribution system for any substantial period of time within which such break, leak, or equipment malfunction should have been discovered and corrected.

**“Commercial water user”** means a water user that provides or distributes a product or service.

**“Common area”** means the portion of a common interest development or of a property owned or managed by a homeowners’ association or a community service organization or similar entity that is not assigned or allocated to the exclusive use of the occupants or an individual dwelling unit with the property.

**“Common interest development”** means any of the following:

- (A) A community apartment project.
- (B) A condominium project.
- (C) A planned development.
- (D) A stock cooperative.

**“Community service organization or similar entity”** means a nonprofit entity, other than an association, that is organized to provide services to residents of the common interest

development or to the public in addition to the residents, to the extent community common area or facilities are available to the public. “Community service organization or similar entity” does not include an entity that has been organized solely to raise moneys and contribute to other nonprofit organizations that are qualified as tax exempt under Section 501(c)(3) of the Internal Revenue Code and that provide housing or housing assistance.

“**Community space**” means an area designated by a property owner or a governmental agency to accommodate human foot traffic for civic, ceremonial, or other community events or social gatherings.

“**Disadvantaged community**” means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.

“**Functional Turf**” means a ground cover surface of turf located in a recreational use area or community space. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly is not functional turf.

“**Homeowners’ association**” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

“**Industrial water user**” means a water user that is primarily a manufacturer or processor of materials as defined by the North American Industry Classification System code sectors 31 to 33, inclusive, or an entity that is a water user primarily engaged in research and development.

“**Institutional water user**” means a water user dedicated to public service. This type of user includes, among other users, higher education institutions, schools, courts, churches, hospitals, government facilities, and nonprofit research institutions.

“**Nonfunctional Turf**” means any turf that is not functional turf, and includes turf located within street rights-of-way and parking lots.

“**Potable water**” means water that is suitable for human consumption.

“**Recreational use area**” means an area designated by a property owner or a governmental agency to accommodate human foot traffic for recreation, including, but not limited to, sports fields, golf courses, playgrounds, picnic grounds, or pet exercise areas. This recreation may be either formal or informal.

(Ord. 3426 § 2, 1999; Ord. 3845 § 7, 2007; Ord. 2023-014, 11/14/2023)

**§ 14-21.030 Prohibition of potable or recycled water waste.**

A customer shall not allow potable or recycled water waste.

(Ord. 3426 § 2, 1999; Ord. 3845 § 7, 2007)

**§ 14-21.040 Requirements for certain recirculating systems in new potable or recycled water services.**

New potable or recycled water services shall be equipped with recycling or reuse systems for the following equipment: evaporative cooling systems, decorative water fountains, conveyor car washes and industrial clothes washers.

(Ord. 3426 § 2, 1999; Ord. 3845 § 7, 2007; Ord. 2023-014, 11/14/2023)

**§ 14-21.050. Prohibition of irrigating nonfunctional turf.**

(A) The use of potable water for the irrigation of nonfunctional turf located on commercial, industrial, and institutional properties, other than a cemetery, and on properties of homeowners' associations, common interest developments, and community service organizations or similar entities is prohibited as of the following dates:

- (1) All properties owned by the Department of General Services, beginning January 1, 2027.
- (2) All properties owned by local governments, local or regional public agencies, and public water systems, except those specified in paragraph (5), beginning January 1, 2027.
- (3) All other institutional properties and all commercial and industrial properties, beginning January 1, 2028.
- (4) All common areas of properties of homeowners' associations, common interest developments, and community service organizations or similar entities, beginning January 1, 2029.
- (5) All properties owned by local governments, local public agencies, and public water systems in a disadvantaged community, beginning January 1, 2031, or the date upon which a state funding source is made available to fund conversion of nonfunctional turf on these properties to climate-appropriate landscapes, whichever is later.

~~(A)~~(B) Notwithstanding subdivision (A), the use of potable water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial nonturf plantings, or to the extent necessary to address an immediate health and safety need.

**§ 14-21.0650 Enforcement—Administrative fines and disconnection.**

(A) Administrative Fines. Notwithstanding any other provisions contained within the Santa Rosa City Code, the Director of Santa Rosa Water, or the Director's designee, may impose the following administrative fines for violations of Sections 14-21.030 and 14-21.050. Any violation of Sections 14-21.030 and 14-21.050 that continues for longer than 72 hours shall constitute a separate violation.

(1) First violation during a 12-month period: A written warning describing the violation and the penalties for subsequent violations shall be issued to the customer.

(2) Second violation during a 12-month period: If seven calendar days have elapsed from the date the written warning was issued under subsection (A)(1) of this section, a written notice of violation describing the violation and the penalty shall be issued to the customer. A penalty of 100 dollars shall be imposed. ~~The, but this~~ penalty may be removed from the water service bill for violations of Section 14-21.030 if, within 72 hours after the date of the penalty notice, the customer begins actively working towards finding and fixing the leak and has provided evidence to the Water Department staff of this progress. The penalty may be removed for violations of Section 14-21.050 if, within 72 hours after the date of the penalty notice, the customer permanently discontinues irrigation of nonfunctional turf and has provided evidence of the discontinuation to the Water Department.

(3) Third violation during a 12-month period: A written notice of violation describing the violation and the penalty shall be issued to the customer. A penalty of 200 dollars shall be imposed.

(4) Fourth violation and any successive violations during any 12-month period: A written notice of violation describing the violation and the penalty shall be issued to the customer. A penalty of 500 dollars shall be imposed.

(B) Disconnection.

(1) For violations of Section 14-21.030, depending on the nature and extent of the water waste, Santa Rosa Water may also disconnect water service pursuant to Section 14-04.210(B).

(2) For violations of Section 14-21.040, Santa Rosa Water may disconnect water service pursuant to Section 14-04.210(B).<sup>u</sup>

(3) For violations of Section 14-21.050, depending on the nature and extent of the water waste, Santa Rosa Water may also disconnect water service pursuant to Section 14-04.210(B).

(Ord. 2023-014, 11/14/2023)

### **§ 14-21.0760 Exceptions.**

(A) Any customer may, in advance of receiving a notice of violation under Section 14-21.030, make written application for an exception to the water waste regulations contained within this chapter, which application shall describe in detail why applicant believes an exception is justified.

(B) The Director of Santa Rosa Water, or the Director's designee, may grant exceptions for use of water otherwise prohibited by this chapter if an exception is necessary to avoid an adverse impact on health, sanitation, or safety of the applicant or the public, or to avoid undue hardship for the applicant or the public. Any exception granted shall not be broader than necessary or of duration longer than necessary to avoid the adverse effect on health, sanitation, fire protection, or safety or to avoid the undue hardship.

(C) The decision of the Director of Santa Rosa Water, or the Director's designee, may be appealed to the Board of Public Utilities (BPU) by submitting a written appeal to the Recording Secretary for the BPU within 15 calendar days of the date of the Director's decision. Upon granting any appeal, the BPU may impose any conditions it determines to be just and proper. Exceptions granted by the BPU shall be in writing, and the BPU may require the exception be recorded at applicant's expense.

(Ord. 2023-014, 11/14/2023)

### **§ 14-21.0870 Appeal.**

Any customer may appeal the final decision of Santa Rosa Water staff Department regarding violations of this chapter to the Director of Santa Rosa Water, or a final decision of the

Director of Santa Rosa Water to the Board of Public Utilities, by submitting a notice of appeal within 15 calendar days of the date of the final decision.  
(Ord. 2023-014, 11/14/2023)

DRAFT