

## APPENDIX D

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### City of Tracy Recycled Water Ordinance

- City of Tracy Municipal Code Chapter 11.30—Recycled and Non-Potable Water



City of Tracy Municipal Code Chapter 11.30—Recycled and  
Non-Potable Water



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**Chapter 11.30 RECYCLED AND NON-POTABLE WATER <sup>[2]</sup>**

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**11.30.010 Purpose; regulatory authority.**

- (a) *Purpose.* It is the City's policy that recycled water determined to be available under Water Code section 13550 be used for non-potable uses within the designated recycled water use areas set forth in this chapter and as permitted by Title 22 of the California Code of Regulations (Division 1, Chapter 5; Division 5, Chapters 1-3).
- (b) *Regulatory authority.* This chapter is adopted under the authority of the California Water Conservation Act of 2009 (SBx7-7; Water Code section 10608 and following); State Water Resources Control Board Resolution No. 2009-0011 (Adoption of Recycled Water Policy); the 2010 California Green Building Standards Code; the California Department of Water Resources Model Water Efficient Landscape Ordinance; and the City's Sustainability Action Plan.

(Ord. No. 1183, § 1, 3-5-2013)

**11.30.020 Definitions.**

In this chapter, unless the context in which they are used clearly indicates otherwise:

- (a) *Common areas* means, but is not limited to, golf courses, parks, greenbelts, landscaped streets, landscaped medians.
- (b) *Development project* means any development as defined in Government Code section 65927 (the Permit Streamlining Act) and includes a project requiring subdivision approval, a use permit, grading permit or building permit.
- (c) *Director* means the City's Director of Public Works or his or her designee.
- (d) *Industrial cooling or processing purposes* means evaporative or heat exchange cooling serving industrial processing, or power production, as accomplished by cooling towers, enclosed heat exchange systems, washdown systems, and other similar equipment and devices.
- (e)

- Non-potable groundwater* means any groundwater that does not conform to federal, state, and local agency standards for human consumption.
- (f) *Non-potable water* means water which does not conform to federal, state, and local agency standards for human consumption. It includes recycled water, non-potable groundwater, untreated surface water, and other subsurface or surface water which may be used for a beneficial purpose in compliance with applicable local, state, and federal laws defining standards for non-potable uses.
- (g) *Potable water* means water which conforms to federal, state, and local agency standards for human consumption.
- (h) *Premises* shall mean any lot or any piece or parcel of land comprising two or more lots of record in one ownership, or 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 or any commercial or industrial activity.
- (i) *Person* means an individual and any domestic and foreign corporation, association, syndicate, joint stock corporation, partnership of every kind, club.
- (j) *Recycled water* means tertiary treated water which results from the treatment of wastewater, is suitable for direct beneficial use, and conforms to the definition of disinfected tertiary recycled water in accordance with State law.
- (k) *Recycled water area* or *designated recycled water use area* means all geographic areas located within the City limits.
- (l) *Recycled water distribution system* means a system intended for the delivery of recycled water, including, but not limited to, pipelines, pumps, and reservoirs. The recycled water distribution system is separate from any potable water distribution system. The system controls the recycled water distribution from the source of supply to the point of connection with a building or structural lateral supply pipeline.
- (m) *Recycled water use* means irrigation of landscaped common areas which are professionally maintained by a licensed landscape contractor, and use for industrial cooling or processing purposes and other approved industrial uses.
- (n) *Recycled water use permit* means a permit given by the City to the customer which grants permission to use recycled water and requires the user to use recycled water in accordance with the rules, regulations and standards of the Recycled Water User's Guide and all applicable state and local rules and regulations.
- (o) *Recycled Water User's Guide* means the City's document which details the requirements of the state and local rules and regulations that apply to the design, installation, and operations and maintenance of the on-site recycled water system, including, but not limited to, the requirements of the California Code of Regulations, Title 22.
- (p) *Untreated surface water* means surface water that has not received the required treatment necessary to conform to federal, state, and local agency standards for human consumption.
- (q) *User* means a person or entity having a connection into the City's recycled water system or potable water system.

(Ord. No. 1183, § 1, 3-5-2013)

### **11.30.030 Use and distribution of recycled water.**

- (a) The City reserves the right to require all users who connect to the City water system to use recycled water for approved recycled water uses.

- (b) Each subdivision for which a tentative map or parcel map is required under Government Code section 66426 and located within designated recycled water use areas is required to install a recycled water distribution system to provide recycled water to the common areas of the subdivision and for any industrial cooling or processing uses in the subdivision.
- (c) The water distribution system shall be constructed in conformance with Title 22 of the California Code of Regulations.
- (d) The recycled water distribution system shall be independent of the plumbing system provided to serve domestic, residential, or other potable water uses within the subdivision.
- (e) Recycled water service shall not commence within a designated recycled water use area:
  - (1) In any service area of a private utility as defined in Public Utilities Code section 1502; or
  - (2) To any service area of a public agency retail water supplier that is not a local agency as defined in Government Code section 65603(b), except in accordance with a written agreement between the recycled water producer and the private utility or public agency retail water supplier.

(Ord. No. 1183, § 1, 3-5-2013)

#### **11.30.040 Duty to connect to recycled water distribution system; recycled water use permit.**

- (a) *Duty to connect.* Unless an exception applies under [section 11.30.080](#), each person owning or using any premises within the City limits and upon or in which any recycled water supply is produced or used is required to make an application to connect to the recycled water distribution system. If the application is approved, the City will issue a recycled water use permit and the user shall connect the premises to the City recycled water system within sixty (60) days after the date when a City recycled water main located within 200 feet is completed and available for connection to the premises. Thereafter, all recycled water supplied to such premises shall be obtained from the City system.
- (b) *Recycled water use permit.* The City will issue to each recycled water user a recycled water use permit for each site. The permit grants permission to use recycled water and requires the user to use recycled water in accordance with the rules, regulations and standards of the Recycled Water User's Guide and all applicable state and local rules and regulations.
- (c) *Prohibition.* No person owning or using any premises within the City limits shall maintain on the premises a non-potable water supply other than a recycled water supply from the City water system, or an untreated surface water supply as described in [subsection] [11.30.080](#) (b), when the premises are located within 200 feet from the point at which a connection can be made to the City recycled water mains. The further maintenance or use of another non-potable water supply on any premises constitutes a public nuisance.

(Ord. No. 1183, § 1, 3-5-2013)

#### **11.30.050 Recycled Water User's Guide.**

The City Director of Public Works will prepare, maintain and update a Recycled Water User's Guide. The purpose of the Recycled Water User's Guide is to detail the following requirements as they apply to the City's recycled water system: this chapter; the California Code of Regulations Title 22; and other state and local rules and regulations related to the use of recycled water.

(Ord. No. 1183, § 1, 3-5-2013)

### **11.30.060 Operation and maintenance of user equipment; site supervisor; backflow prevention; entry on premises.**

- (a) *Operation and maintenance.* Each user is required to operate and maintain the on-site recycled water system in accordance with the Recycled Water User's Guide and recycled water use permit.
- (b) *Site supervisor.* Each user will be required to designate a site supervisor for each site covered by a recycled water use permit. The site supervisor serves as a liaison with the City, and must have the authority to carry out the requirements of the Recycled Water User's Guide and recycled water use permit, including the operations and maintenance of the on-site recycled water system and prevention of potential hazards.
- (c) *Backflow prevention.* The City reserves the right to require a backflow prevention device on the user's recycled water system if it is determined that there is a backflow hazard on site. If a backflow device is required, it must be properly maintained by the user, inspected quarterly and tested at least annually. All required tests must be submitted to the City in accordance with the City backflow prevention program in the Recycled Water User's Guide.
- (d) *Entry on premises.* As a condition of the recycled water use permit, the user will permit the City to enter upon the user's property during the City's normal working hours, or in case of emergency at any time, to inspect the user's on-site recycled water system for compliance with this chapter and the terms of the permit. The City reserves the right to take any action necessary with respect to the operation of the user's recycled water system to safeguard public health.

(Ord. No. 1183, § 1, 3-5-2013)

### **11.30.070 Enforcement.**

The Director may immediately terminate recycled water service to a user who violates this chapter or the terms of the permit. In the alternative, the Director may issue a written warning. If a user does not correct the violation within 15 days of notification, or such other time as specified, the Director may terminate recycled water service without further notice.

(Ord. No. 1183, § 1, 3-5-2013)

### **11.30.080 Exemptions.**

- (a) *Exemptions.* This chapter does not apply if:
  - (1) The tentative map or development was approved by the City before February 6, 2002.
  - (2) The subdivision map application was deemed complete under Government Code section 65943 before February 2, 2002.
  - (3) A person establishes to the satisfaction of the Director that any of the following circumstances apply:
    - i. There is a higher or better use for the recycled water consistent with the regulatory authorities described in [subsection] [11.30.010\(b\)](#);
    - ii. Use of recycled water is not economically justified; or
    - iii. Use of recycled water is not technically feasible.
- (b) *Recycled water supplies not readily available.* Upon approval from the Director, if recycled water supplies are not readily available, untreated surface water supplies may be used in lieu of recycled water supplies to meet non-potable water demands on an interim basis, until December 31, 2020. Such untreated surface water supplies shall be distributed using the



recycled water distribution system. The use of untreated surface water supplies in lieu of recycled water supplies is not permitted after December 31, 2020.

(Ord. No. 1183, § 1, 3-5-2013)

### 11.30.090 Appeal.

A person may appeal to the City Manager a staff determination that the exemptions of [section 11.30.080\(a\)](#) are inapplicable, in accordance with [section 1.12.010](#) of the Tracy Municipal Code.

(Ord. No. 1183, § 1, 3-5-2013)

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#### FOOTNOTE(S):

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**Editor's note**—Ord. No. 1183, adopted Mar. 5, 2013, amended ch. 11.30 in its entirety to read as herein set out. Former ch. 11.30 pertained to the same subject matter, consisted of §§ 11.30.010—11.30.050, and derived from Ord. 1035, 2002; and Ord. 1111, 2007. ([Back](#))

