

Chapter 13.05

NONPOTABLE WATER DISTRIBUTION SYSTEM

Sections:

- 13.05.010 Findings, purpose and intent.**
- 13.05.020 Nonpotable water policy.**
- 13.05.030 Definitions.**
- 13.05.040 Administration.**
- 13.05.050 Penalty for violation.**
- 13.05.060 Water reclamation master plan.**
- 13.05.070 Mandatory nonpotable water use.**
- 13.05.080 Implementation program.**

13.05.010 Findings purpose and intent.

The council of the city finds that:

A. The people of the state of California and the city of Ripon have a primary interest in the development of facilities to utilize nonpotable water in order to supplement the existing surface and underground water supplies and to assist in meeting the future water requirements of the city and state and to conserve potable water supplies.

B. The conservation of all available water resources includes and requires the maximum use of nonpotable water, including surface water, for beneficial uses of water.

C. The continued use of potable water for the irrigation of greenbelt areas and for other uses such as decorative ponds and lagoons, watering outdoor plantings, gardens and lawns in the city where the use of nonpotable water is suitable may be an unreasonable use of such water where non-potable water, including surface water, is available.

D. The policies described in this chapter are in the best interest of the city. This chapter is necessary to protect the common water supply of the city which is vital to the city's residents' public health, safety and well-being, and to prevent endangerment of public and private property. By developing and utilizing available nonpotable water, including surface water where available, the need for additional imported water can be reduced and the present potable water supply can be conserved. In light of all these circumstances, certain uses of potable water may be considered unreasonable or to constitute a nuisance where nonpotable water is available for such use under controlled circumstances. (Ord. 481 § 1 (part), 1991)

13.05.020 Nonpotable water policy.

It is the policy of the city that nonpotable water, including surface water, shall be used within its jurisdiction wherever feasible and consistent with legal requirements and regulations and the preservation of public health, safety and welfare, and the environment. (Ord. 481 § 1 (part), 1991)

13.05.030 Definitions.

The following terms are defined for purposes of this chapter

Agricultural purposes means and includes the growing of field and nursery crops, row crops, trees, and vines and the feeding of fowl and livestock.

Artificial lake means a human-made lake, pond, lagoon, or other body of water that is used wholly or partly for a landscape impoundment, a restricted recreational impoundment or a nonrestricted recreational impoundment.

City means the city of Ripon.

Commercial office building means any building for office or commercial uses with water requirements which include, but are not limited to, landscape irrigation and decorative fountains or ponds.

Cross-connection means any physical connection or arrangement which would allow the movement of fluids between the potable water system and any other piping system such as the nonpotable water system.

Distribution main means those conduits used to supply nonpotable water to service lines from distribution lines.

Greenbelt areas means and includes, but is not limited, to, such areas as golf courses, cemeteries, parks and other types of landscaping.

Industrial process water means water used by any industrial facility with process water requirements which include, but are not limited to, rinsing, washing, cooling and circulation, or construction, including any facility regulated by any industrial waste water discharge requirements of the city, or which create offensive odors or vapors.

Nonpotable water means water not meeting current potable water standards and specifically including surface water where available which is still suitable for certain beneficial uses specifically excluding human consumption. Specifically excluded from this definition are gray "water" and "reclaimed water," which shall not be considered nonpotable water to be used for any purposes pursuant to this chapter.

Nonpotable water distribution means a piping system intended for the delivery of nonpotable water which shall be entirely separate from any potable water distribution system and designed to prevent human consumption.

Off-site facilities means nonpotable water facilities from the source of its supply to the

point of connection with the on-site facilities, normally up to the user's real property line.

On-site facilities means nonpotable water facilities under the control of the owner, normally downstream from the water user's real property line.

Potable water means water which con-, forms to the federal, state, and local standards, including any San Joaquin County Health Department requirements, for human consumption.

Service line means that conduit for nonpotable water from a distribution main to the property line of owner.

Trunk main means those conduits used to supply nonpotable water from its source to a distribution main.

Waste discharge means water deposited, released or discharged into a sewer system from any commercial, industrial or residential source which contains levels of any substance which may cause substantial harm to any water treatment or reclamation facility or which may prevent any use of nonpotable water authorized by law, provided levels exceed those found in water actually delivered to the source of the waste discharge by the water purveyor. (Ord. 481 § 1 (part), 1991)

13.05.040 Administration.

A. General. The city administrator shall administer, implement and enforce the provisions of this chapter and any resolutions of the city council adopted pursuant to this chapter. Any powers & duties to or duties imposed upon the city administrator may be delegated by the city administrator to such other persons as he may determine in the employ of the city.

B. Regulations. The city administrator shall also make and enforce or cause to be made and enforced such further rules and

regulations as are necessary for the administration of this chapter. The administrator may amend such rules and regulations from time to time as conditions require. However, these rules and regulations shall be subject to the approval of the city council and be consistent with the general policy established in this chapter by the city council. (Ord. 481 § 1 (part), 1991)

13.05.050 Penalty for violation.

A. Public Nuisance. Discharge of or the use of nonpotable water in any manner in violation of this chapter or any rules and regulations adopted pursuant to this chapter or of any permit issued hereunder is declared a public nuisance and shall be corrected or abated as directed by the city. Any person creating such a public nuisance is guilty of a misdemeanor and subject to the penalties as set forth in this chapter.

B. Injunction. Whenever a use of nonpotable water is in violation of this chapter or otherwise causes or threatens to cause a condition of nuisance, the city may seek such injunctive relief as may be appropriate to enjoin such discharge or use.

C. Permit Revocation. In addition to any other statute or rule or regulation authorizing termination of nonpotable water service, the city administrator may revoke any permit issued under this chapter if a violation of any provision of this chapter or any rules and regulations adopted pursuant hereto is found to exist or if the use of nonpotable water causes or threatens to cause a nuisance.

D. Penalty. Any person who violates any penal provision of this chapter shall, for each day of violation or portion thereof, be subject to a fine not exceeding one thousand dollars. In addition, all water service to the property

may be discontinued. (Ord. 481 § 1 (part), 1991)

13.05.060 Water reclamation master plan.

A. General. Upon adoption of the ordinance codified in this chapter, the city shall prepare and adopt a water reclamation master plan to define, encourage, and develop the use of nonpotable water, including surface water, within its boundaries. The master plan shall be updated every five years. The master plan may be one or more documents covering specific portions of the city or the total planning area of city.

B. Contents of the Nonpotable Master Plan. The master plan shall include but not be limited to the following:

1. Plants and facilities: an evaluation of the location and size of present and future nonpotable water sources, distribution mains, lines, pump stations, reservoirs and any other related facilities which may be necessary including cost estimates and potential financing methods;

2. Nonpotable water service areas: a designation, based on the criteria set forth in Section 13.05.020 and the information derived from 13.05.060 (B)(1) and this subsection concerning the areas within the city that can or may in the future use nonpotable water in lieu of potable water. Nonpotable water uses may also include, but are not limited to, the irrigation of greenbelt and agricultural areas, the filling of artificial lakes, the watering of lawns, landscaping, gardens and any other appropriate industrial and commercial uses of nonpotable water;

3. Quality of nonpotable water: an evaluation of water quality with respect to the effect on anticipated uses of nonpotable water; an evaluation of possible sources of water

contamination, waste discharge and sewer inflow that may, directly or cumulatively, substantially contribute to adverse water quality conditions in nonpotable water, including surface water, or its use. In the event that sufficient data is not available, recommendations on an enhanced sampling and monitoring program to provide additional data for further development of nonpotable water use options or necessary discharge regulations;

4. Tributary protection measures: recommendations of control measures and management practices for any designated area to maintain or improve the quality of nonpotable water;

5. Schedule: a schedule for implementation, including additional planning and predesign steps, institutional arrangements, permits, land acquisition if necessary, design, construction, startup, facility and mains and line phasing for each nonpotable water service area. (Ord. 481 § 1 (part), 1991)

13.05.070 Mandatory nonpotable water use.

A. General. No person or public agency, as used in California Water Code Section 13551, shall use water from any source or of quality suitable for potable domestic use for the irrigation of greenbelt areas, lawns, gardens, or other uses where the use of nonpotable water is suitable, and when nonpotable water, including surface water, is available and its use is required and authorized by city.

B. Identification of Users. Persons or agencies who are mandated to use nonpotable water are to be identified and permitted as described in this section.

C. Existing Potable Water Service.

1. Preliminary Determination. Upon the designation of each nonpotable water service area or the commencement of the design of nonpotable water facilities, the city shall make preliminary determinations as to which existing potable water customers shall be converted to the use of or required to use nonpotable water. Each such water customer shall be notified of the basis for such a determination that the use of non-potable water service will be required, as well as the proposed conditions and schedule for use.

2. Notice. The notice of such a preliminary determination, including the proposed conditions and time schedule for compliance, and a nonpotable water permit application shall be sent to the water customer by certified mail.

3. Objections. The water customer may file an objection with the city administrator within thirty days after any notice of determination to comply is delivered or mailed to the customer, and may request reconsideration of the determination or modification of the proposed conditions or schedule for conversion or use. The objection must be in writing and specify the reasons for the objection. The preliminary determination shall be final if the customer does not file a timely objection. The city administrator shall appoint a panel of three staff members, including the city engineer, who shall review the objection and shall confirm modify or abandon the preliminary determination. The panel shall make a final determination within thirty days of the filing of the notice of objection.

D. Developments, Annexations, and Water Service Approvals.

1. The owner or developer of any proposed annexation to city where any new development is contemplated, whether residential, commercial or industrial, shall cause to have designed, constructed and installed at owner's or developer's expense a nonpotable water system, if required by the city. The actual system and its design and the line sizes required shall be first approved by city before their installation.

For all areas within proposed annexations to the city, including commercial, industrial or residential developments, or any other type of development utilizing water for the irrigation of yards, parks, lawns, other landscaped areas, or ponds and lagoons or lakes, shall have designed and constructed non-potable distribution mains to serve all areas within the proposed development. If non-potable supply or surface water lines are within one thousand feet of the proposed new development, a service line shall be extended and connected to the nonpotable line by owner or developer at no cost to city, if requested by city.

For good cause and with the approval of the city council upon a proper application therefor, a new annexation and-development may, however, be allowed to utilize water solely from the potable system of the city for irrigation purposes, rather than being required to use nonpotable water. In the event that such an exemption is granted by the city council, water meter installations may be required, however, by city or by action of the state of California to conserve the use of potable water.

2. Conditions. Upon application by a developer, owner or water customer (herein referred to as "applicant") for a tentative map, subdivision map, land use permit, or any other development project as defined by

Government Code Section 65928, the city administrator shall review the master plan and make a preliminary determination whether the current or proposed use of the subject property requires it to be served with nonpotable water, including surface water, or to include facilities designed to accommodate the use of nonpotable water in the future due to its location within an existing or proposed nonpotable water service area. Based upon such determination, a permit for such use may be required as a condition of approval of any such application, in addition to any other conditions of approval or service if the city so determines.

3. Single-family Home Developments. All single-family home developments and subdivisions constructed after the effective date of the ordinance codified in this chapter shall provide for and include a nonpotable water distribution system, including any necessary mains and lines and shall connect to the nonpotable water system of city where nonpotable water, including surface water, is available and if the city, requires such a connection.

4. Alterations and Remodeling. On a case by case basis, upon application for a permit for the alteration or remodeling of a single-family, multifamily, commercial or, industrial structure, the city administrator shall review the master plan and make a preliminary determination whether the subject property is within a nonpotable water service area (existing or proposed) and should be served with nonpotable water, or include facilities designed to accommodate the use of nonpotable water, including surface water, in the future. Based upon such determination that use of nonpotable water and provision of nonpotable water distribution systems or other

facilities for the use of nonpotable water, including surface water, is appropriate, a permit for such use may, be required as a condition of approval of the application.

5. Voluntary Requested Service. On a case by case basis, upon a voluntary application for a permit to use nonpotable water on a property not covered by subsections D (1-4) of this section, the city administrator shall review the master plan and make a determination whether the subject property should be served with nonpotable water, including surface water, and that such service is available. Based upon such determination, the application for the permit shall be accepted and processed subject to subsection C of this section.

6. Notice of Determination. A notice of the basis for the preliminary determination, proposed conditions of approval and schedule for compliance shall be provided to the applicant prior to approval of the development application or application for water service.

E. Nonpotable Water Permit Process. Upon a final determination by the city that a property shall be served with nonpotable water or upon the adoption of a condition of annexation, development approval or water service requiring the use or accommodation of the use of nonpotable water, the water customer, owner or applicant shall obtain a nonpotable water permit.

1. Permit Conditions. The permit shall specify the design and operational requirements for the applicant's water distribution facilities and schedule for compliance, based on such rules and regulations adopted by city pursuant to Section 13.05.040.

2. Plan Approval. Plans for the nonpotable water distribution systems for the

parcel or any development or building or construction shall be reviewed by the city and a field inspection conducted before the permit is granted.

3. Permit Issuance. Upon approval of plans the permit shall be issued. Nonpotable water shall not be supplied to a property until inspection by the city determines that the applicant is in compliance with the permit conditions and that no cross-connections and contamination of the potable water supply exists.

F. Temporary Use of Potable Water. At the discretion of the city, potable water may be made available on a temporary basis to any property, until nonpotable water is available. Before the applicant receives temporary potable water, a nonpotable water permit, as described in Section 13.05.070 (C), must be obtained for new on-site distribution facilities.

G. Prior to commencement of nonpotable water service, an inspection of the on-site facilities will be conducted to verify that the facilities have been maintained and are in compliance with the nonpotable water permit and current requirements for service. Upon verification of compliance, nonpotable water shall be served to the parcel for the intended use. If the facilities are not in compliance, the applicant shall be notified of the corrective actions necessary and shall have at least thirty days to take such actions prior to initiation of enforcement proceedings.

H. No person shall perform any work on the nonpotable water system of city without first obtaining the written consent of the city. In addition, no person shall tamper with, alter, damage, cut into, or make a connection with the nonpotable water system of city. Further, no on-site cross-connections shall be permitted between the potable and nonpotable

water systems and each system shall have independent and separate distribution lines, mains and valves. Each separate system shall have a different colored taping or pipe coloring as designated by city to make identification readily possible. No outside hose bibs shall be permitted on any system lines other than for potable water in order to avoid the possibility of the consumption of nonpotable water.

I. Nonpotable Water Rate. The rates to be charged for nonpotable water shall be established by resolution of the City. The city shall also have the right to require the installation of a water meter on any non-potable or potable service if deemed necessary by the city. (Ord. 481 § 1 (part), 1991)

13.05.080 Implementation program.

A. Rules and Regulations. The city

administrator and the city engineer shall establish general rules and regulations governing the use and distribution of nonpotable water.

B. Public Awareness Program. The city administrator shall also establish a comprehensive nonpotable water public awareness program.

C. Financing Programs. The city administrator may, through the master plan, or other program, identify resources and adopt measures to assist water users in the financing of necessary conversions mandated by this chapter. (Ord. 481 § 1 (part), 1991)

13.05.090 Non-Potable Water Rates.

The City Council may establish, by resolution, rates, terms and conditions for the use of non-potable water pursuant to this Chapter 13.05. (Ord. 686 § 1, 2004)