

ARTICLE 23

INDOOR WATER USE EFFICIENCY ORDINANCE

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ARTICLE 23

INDOOR WATER USE EFFICIENCY ORDINANCE

SEC. 10-23.01 TITLE. This Ordinance shall be known as the City of Hayward Indoor Water Use Efficiency Ordinance.

SEC. 10-23.02 DEFINITIONS.

- (a) “Applicable standard” means the water use standard as set forth in the Indoor Water Use Efficiency Table in Section 10-23.05 of the Hayward Municipal Code.
- (b) “Certified professional” means a licensed contractor, licensed architect or licensed professional engineer.
- (c) “City” shall mean the City of Hayward, a charter city.
- (d) “Energy Star Qualified” means that a given fixture meets the United States Environmental Protection Agency standard for an energy efficient product.
- (e) “gal/cycle” means gallons per cycle.
- (f) “gal/100 lbs ice” means gallons per hundred pounds of ice.
- (g) “gpf” means gallons per flush.
- (h) “gpm” means gallons per minute.
- (i) “Hayward Water System” means the system owned and operated by the City for the storage and distribution of potable water.
- (j) “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.
- (k) “Permit” means the document issued by City in connection with new construction, remodels or renovations and which authorizes the lawful initiation of construction, improvements or repairs to a building or structure.
- (l) “Project applicant” means the individual or entity submitting a Indoor Water Use Efficiency Checklist as required under Section 10-23.06, and requesting a permit, plan check, design review, or new or expanded water service application from City. A project applicant may be the property owner or his or her designee.
- (m) “RMF” means residential multi-family.
- (n) “sq. ft.” means square feet.

- (o) “Water Factor” means the number of gallons per cycle per cubic foot used by a clothes washer.

SEC. 10-23.03 COORDINATION WITH PLUMBING CODE. To the extent the provisions of this Ordinance conflict with any provisions in the existing Plumbing Code, as amended, or the California Building Standards Code, as amended, the provisions of this Ordinance shall supersede and control with regard to the indoor fixture requirements described herein.

SEC. 10-23.04 APPLICABILITY.

- (a) The provisions of this Ordinance shall apply to the following projects:
 - (1) All new construction, regardless of building classification, requiring a building permit, plan check or design review, or requiring new or expanded water service. For new construction, all fixtures and appliances that are being installed by the Project applicant shall comply with the applicable water use efficiency standards.
 - (2) All kitchen and bathroom remodels requiring a building permit, plan check, or design review, or requiring new or expanded water service, except that the provisions of this Ordinance will only apply to the fixtures normally included in the kitchen or bathroom, as the case may be, to be remodeled, as follows:
 - (A) Residential Projects.
 - i. Kitchens. Faucets shall comply with the applicable standard. Project applicants are not required to upgrade existing dishwashers as part of the project; however, if replacement dishwashers are installed as part of the project, they shall comply with the applicable standard.
 - ii. Bathrooms. Faucets and showerheads shall comply with the applicable standards. Existing toilets that use more than 1.6 gpf shall be replaced with toilets that meet the applicable standard.
 - (B) Non-Residential Projects.
 - i. Kitchen and Food Processing Facilities. Faucets, food steamers, ice machines, and pre-rinse spray valves shall comply with applicable standards. Commercial refrigeration shall comply with applicable standards. Project applicants are not required to upgrade existing dishwashers as part of the project; however, if replacement dishwashers are installed as part of the project, they shall comply with the applicable standard.
 - ii. Bathrooms. Faucets and showerheads shall comply with the applicable standards. Existing toilets that use more than 1.6 gpf shall be replaced with toilets that meet the applicable standard. Existing urinals that use more than 0.5 gpf shall be replaced with urinals that meet the applicable standard.

- (3) Any remodel:
 - (A) the cost of which exceeds \$50,000; or
 - (B) the size of which exceeds 500 square feet, as determined by the City, in its sole discretion; or
 - (C) that requires new or expanded water service.

- (b) The provisions of this Ordinance shall not apply to:
 - (1) Existing buildings not seeking a building permit, plan check or design review;
 - (2) Registered local, state or federal historical sites;
 - (3) Remodels where, in the discretion of the City 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.
 - (4) Projects that are not served potable water from the Hayward Water System.

SEC. 10-23.05 MINIMUM INDOOR FIXTURE REQUIREMENTS. All new construction and applicable remodels will have, at a minimum, fixtures that comply with the efficiency standards listed below (the “Indoor Water Use Efficiency Table”):

INDOOR WATER USE EFFICIENCY TABLE

Fixture	Residential	Non-Residential
Toilets	≤ 1.28 gpf	≤ 1.28 gpf
Urinals	≤ 0.5 gpf	≤ 0.5 gpf
Showerheads	≤ 2.0 gpm	≤ 2.0 gpm
Bathroom faucets	≤ 1.5 gpm	≤ 0.5 gpm
Kitchen faucets	≤ 2.2 gpm	≤ 2.2 gpm
Clothes washers	≤ 6.0 Water Factor	≤ 6.0 Water Factor
Dishwashers	≤ 6.5 gal/cycle, or Energy Star Qualified	Energy Star Qualified
Cooling towers	≥ 5 - 10 cycles, or ≥ 2.5 LSI	≥ 5 - 10 cycles, or ≥ 2.5 LSI
Food steamers	--	Boilerless, or Self-contained
Ice machines	--	≤ 25 gal/100 lbs ice, or Air-cooled
Pre-rinse spray valves	--	≤ 1.15 gpm
Automatic vehicle wash facilities	--	≥ 50% of water that is recycled on site
Commercial refrigeration	--	Closed loop, or Air-cooled
Meters	Submeters for RMF ⁽¹⁾ , and Separate meter for outdoor if landscape >5000 sq. ft.	Submeters ⁽¹⁾ , and Separate meter for outdoor if landscape >5000 sq. ft.

⁽¹⁾ Submeters shall only be required for new multi-family residential and non-residential projects.

SEC. 10-23.06 COMPLIANCE WITH ORDINANCE.

- (a) 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; and
 - (2) Prior to construction, complete and submit all portions of the Indoor Water Use Efficiency Checklist, on a form approved by the City, to the Building Division for verification.

- (b) The Building Division shall:
- (1) Review the Indoor Water Use Efficiency Checklist submitted by the Project applicant;
 - (2) Approve or deny the Project applicant's Indoor Water Use Efficiency Checklist submittal;
 - (3) Only upon approval of the Indoor Water Use Efficiency Checklist, issue a permit or approve the plan check, design review or new or expanded water service application for the Project applicant; and
 - (4) At 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.

SEC 10-23.07 COMPONENTS OF THE INDOOR WATER USE EFFICIENCY CHECKLIST. The Indoor Water Use Efficiency Checklist shall require, at a minimum, the following:

- (a) Project Information, including applicant name and phone number, project type, site address and project size;
- (b) Quantity and unit water use factors of all indoor fixtures and appliances relative to the standards listed in the Indoor Water Use Efficiency Table and Checklist;
- (c) The following statement to be completed by the Project applicant: "I certify that the subject project meets the specified requirements of the Indoor Water Use Efficiency Ordinance"; and
- (d) Signature of the Project applicant, or that of a certified professional.

SEC. 10-23.08 PENALTIES AND ENFORCEMENT. The City Building Official is authorized to enforce all provisions of this Ordinance. 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 other noncompliant fixtures or appliances after the completion of construction or remodel. The provisions of this Ordinance may be enforced by one or more of the following measures:

- (a) Violation and Notice of Correction. Whenever the City Building Official determines that a violation of this Ordinance has occurred, the City Building Official 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 ninety (90) days to take corrective action.
- (b) Administrative Citation. In addition to other remedies available to the City, violations of this Ordinance 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.

SEC. 10-23.09 Public Education. The City shall provide information to all Project applicants regarding the installation of water efficient fixtures and appliances.