



# TOWN OF FAIRFAX

## STAFF REPORT

### December 2, 2015

**TO:** Mayor and Town Council

**FROM:** Michele Gardner, Town Clerk *MG*

**SUBJECT:** Second reading by title only and adoption of an Ordinance of the Town of Fairfax Amending Town Code Chapter 17.132, Water Conservation, Reducing the Effective Flush Volumes for Newly Installed Toilets and for Toilets on Properties Involved in Sales or Transfers from 1.6 to 1.28 Gallons.

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#### **RECOMMENDATION**

Waive second reading and read by title only and adopt Ordinance No. 796, an Ordinance of the Town Council of the Town of Fairfax Amending Fairfax Town Code Chapter 17.132, Water Conservation: Reducing the Effective Flush Volumes for Newly Installed Toilets and for Toilets on Properties Involved in Sales or Transfers from 1.6 to 1.28 Gallons.

#### **DISCUSSION**

The Council introduced and held the first reading of Ordinance No. 796 at its November 4<sup>th</sup> regular meeting. Tonight is the second reading and adoption. If adopted, the ordinance would take effect in 30 days.

Environmental Review: CEQA categorically exempt, § 15061(b)(3) and 14 C.C.R. § 15308.

#### **FISCAL IMPACT**

None

#### **ATTACHMENT**

Ordinance No. 796

**ORDINANCE NO. 796**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING  
FAIRFAX TOWN CODE CHAPTER 17.132, WATER CONSERVATION:  
REDUCING THE EFFECTIVE FLUSH VOLUMES FOR NEWLY INSTALLED TOILETS AND  
FOR TOILETS ON PROPERTIES INVOLVED IN SALE OR TRANSFERS  
FROM 1.6 TO 1.28 GALLONS**

**WHEREAS**, the Town Council wishes to implement certain water conservation policies set by the Fairfax 2010-2030 General Plan; and

**WHEREAS**, the Marin Municipal Water District (MMWD) Code section 13.02.021(3) B.4 and the California Plumbing Code (CPC) Chapter 4, Section 403.2.1, both now require toilets that flush with 1.28 gallons or less; and

**WHEREAS**, the Town Council desires to amend the Town's Code to reflect these changes, a 20% savings from the Town's current maximum of 1.6 gallons (per Town Code § 17.132.040);

**WHEREAS**, this Ordinance is exempt from further review under the California Environmental Quality Act ('CEQA,' as codified at Public Resources Code §§ 15000, et seq., and as further governed by the CEQA Guidelines, found at 14 California Code of Regulations §§ 21000, et seq.) per 14 C.C.R. § 15061(b)(3), as it can be seen with certainty that adoption of this Ordinance has no possibility of having a significant effect on the environment, and 14 C.C.R. § 15308, as adoption of this Ordinance is an action taken by the Town of Fairfax, in its capacity as a regulatory agency, for the protection of natural resources.

**NOW, THEREFORE**, The Town Council of the Town of Fairfax does ordain as follows:

**SECTION 1:** Section 17.132.030 of the Fairfax Town Code is hereby amended to read as follows:

"Whenever a toilet (water closet) is replaced, added, or moved under a plumbing permit issued by the town, the rated water usage on the new toilet shall not exceed 1.28 gallons per flush or as required by the CPC as amended and adopted by the Town Council."

**SECTION 2:** Section 17.132.040 of the Town Code is hereby amended to read as follows:

"All structures in Fairfax, in all zoning districts, shall have all of their toilets (water closets) whose rated water usage exceeds 1.28 gallons per flush, replaced with water conserving toilets not exceeding 1.28 gallons per flush, or as required by the CPC as amended and adopted by the Town Council, prior to the sale or transfer of the property."

**SECTION 3:** This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women's Club building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the fourth day of November 2015, and duly adopted at the next regular meeting of the Town Council on the second day of December 2015, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Mayor

Attest:

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Michele Gardner, Town Clerk

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Date