



TOWN OF FAIRFAX

STAFF REPORT

April 6, 2016

TO: Mayor and Town Council

FROM: Jim Moore, Director of Planning and Building Services
Garrett Toy, Town Manager 

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

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 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

On November 4, 2015, at a duly-noticed public hearing, the Town Council introduced Ordinance No. 796. At the second reading of the Ordinance on December 2, 2015 the Council pulled the item in order to address concerns raised by the Marin Association of Realtors (MAR). The ordinance came back for a second reading at the Council's February 2, 2016 meeting. After discussion, the Council directed staff to revise the ordinance to further address MAR's concerns. The Council introduced a revised ordinance at its March 2, 2016 meeting. Specifically, the amendment requires the replacement of toilets to occur no later than 60 days after the sale or transfer of property and clarified that the requirement is not a condition of the sale or transfer of property.

Tonight is the second reading and adoption. If adopted, the ordinance would take effect in 30 days.

CEQA REVIEW

Exempt from the California Environmental Quality Act per 14 CCR 15061(b)(3), as it can be shown with certainty that the action will have no significant adverse effect on the environment.

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, no later than 60 days after the sale or transfer of the property. The requirement to replace non-compliant toilets with water conserving toilets shall not delay the sale or transfer of 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 2nd day of March 2016, and duly adopted at the next regular meeting of the Town Council on the 6th day of April 2016, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Renée Goddard, Mayor

Attest:

Michele Gardner, Town Clerk

Date