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San Francisco Building Inspection Commission (BIC) Codes

# CHAPTER 12A
# RESIDENTIAL WATER CONSERVATION

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## SEC. 12A01. TITLE.

[Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 256-07, App. 11/6/07]

This chapter shall be known as the Residential Water Conservation Ordinance.

## SEC. 12A02. FINDINGS.

[Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 256-07, App. 11/6/07; Ord. 76-09, App. 5/14/09, effective 7/1/09]

The Board of Supervisors finds that:

(a) Demand management measures, including feasible, cost effective conservation, are a proven method of reducing water demand in urban areas.

(b) The application of proven water conservation measures will allow San Francisco's economy and population to prosper without placing additional demands on this valuable resource. Retrofitting water using devices such as water efficient showerheads, faucet aerators, and water closets is one of the most cost effective ways of reducing the City's potable water use.

(c) As a signatory to the California Urban Water Conservation Council Memorandum of Understanding Regarding Urban Water Conservation, the San Francisco Public Utilities Commission has agreed to actively promote the replacement of high water volume water closets and showerheads, among other water using devices, with more efficient models in San Francisco. The purpose of this section is to reduce demand for potable water within the City and County of San Francisco by establishing water efficiency standards for plumbing fixtures. Water saved from these programs will help to ensure a reliable water supply for customers both within and outside of San Francisco. This ordinance is part of a continuing program to achieve the City's goal of reducing water consumption in all residential, commercial, industrial and municipal buildings in the City and County of San Francisco.

## SEC. 12A03. INTENT.

[Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 256-07, App. 11/6/07; Ord. 76-09, App. 5/14/09, effective 7/1/09]

It is the intent of this ordinance to conserve existing water supplies by reducing the overall demand for water in residential buildings by requiring the installation of water conservation devices in all residential buildings, except for tourist hotels and motels, upon the occurrence of specific events such as when the building undergoes major improvements, when there is a meter conversion, when there is a condominium conversion, and when there is a transfer of title.

## SEC. 12A04. DEFINITIONS.

[Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 256-07, App. 11/6/07; Ord. 76-09, App. 5/14/09, effective 7/1/09]

In addition to the definitions contained in Chapters 4 and 12 of this Code, for the purposes of this chapter the following words and phrases shall have the meanings ascribed to them by this Section.

(a) **Qualified Inspector.** A qualified inspector is an inspector defined in Chapter 13A, Section 1314A, of the San Francisco Building Code.

(b) **Water Conservation Inspection.** Inspection of a residential building for compliance with the requirements of this ordinance.

(c) **Residential Building**. A residential building is as defined in 1204(i) of this Code.

## SEC. 12A05. WATER CONSERVATION INSPECTIONS.

[Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 256-07, App. 11/6/07]

A water conservation inspection which satisfies the requirements of this chapter shall be performed concurrently with the energy inspection required by Chapter 12 of this Code and must be performed by a qualified inspector.

## SEC. 12A06. PROOF OF COMPLIANCE WITH MINIMUM WATER CONSERVATION MEASURES.

[Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95; Ord. 256-07, App. 11/6/07; Ord. 76-09, App. 5/14/09, effective 7/1/09]

(a) **Inspection Form.** The Department of Building Inspection shall provide a standardized form, that may be paper and/or electronic, suitable for conducting a valid water conservation inspection and certifying compliance with the requirements of this ordinance, which forms may be paper and/or electronic. Said form may be combined with the energy inspection form required by Section 1207 of this Code. The inspection form shall be completed and signed by any qualified inspector, furnished to the building owner or the owner's authorized agent, and submitted to the Department of Building Inspection within 15 days from the date of completing the inspection.

(b) **Certificate of Compliance.** When all of the water conservation requirements have been met, a certificate of compliance shall be submitted to the Department of Building Inspection and recorded. Proof of compliance with the requirements of this chapter shall be accomplished by submitting the completed certificate of compliance to the Department of Building Inspection, which shall maintain either a paper or electronic copy. A copy of the completed certificate of compliance shall be recorded by the building owner, or the building owner's authorized representative, with the San Francisco County Recorder's Office. In the event of a title transfer, it shall be recorded prior to or concurrent with the transfer of title.

(c) **Public Record.** Water conservation inspection results and certificates of compliance shall be public information, shall be available for inspection by any interested person during regular business hours at the Department of Building Inspection, and may be made available electronically via the internet

(d) **Fees**. Reasonable fees may be required to pay for, but not exceed, the cost of implementing this chapter and shall be established pursuant to Section 1216.

## SEC. 12A07. POSTPONEMENT OF REQUIREMENTS.

[Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95; Ord. 256-07, App. 11/6/07]

Application of inspection and water conservation requirements for any residential building shall be postponed for one year from the date of application for a demolition permit for said building. If the residential building is demolished and Certificate of Completion issued by the Department of Building Inspection before the end of the one-year postponement, the requirements of this chapter shall not apply. If the residential building is not demolished after the expiration of one year, the provisions of this chapter shall

apply, even though the demolition permit is still in effect or a new demolition permit has been issued.

## SEC. 12A08. WATER CONSERVATION REQUIREMENTS UPON MAJOR IMPROVEMENT, METERING CONVERSION, RESIDENTIAL CONDOMINIUM CONVERSION, OR COMPLETE INSPECTION.

[Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 256-07, App. 11/6/07; Ord. 76-09, App. 5/14/09, effective 7/1/09]

A valid water conservation inspection pursuant to Section 12A05 and subsequent compliance with required water conservation measures pursuant to Section 12A10 shall be required of a residential building concurrently with the energy conservation inspection and compliance requirements set forth in Section 1210 and 1211 of this Code.

## SEC. 12A09. WATER CONSERVATION INSPECTION REQUIREMENTS AT TRANSFER OF TITLE.

[Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 256-07, App. 11/6/07; Ord. 76-09, App. 5/14/09, effective 7/1/09]

Prior to any transfer of title as a result of sale or exchange of any residential building subject to the provisions of this chapter, the seller or the seller's authorized representative shall obtain a valid water conservation inspection pursuant to Section 12A05 and shall install all applicable water conservation measures required by Section 12A10 as enumerated in the water conservation inspection form. Compliance with the Section shall be concurrent with the energy conservation inspection required by Section 1211 of this Code and shall be in accordance with the provisions set forth in said Section, including but not limited to the option to transfer responsibility for compliance with applicable water conservation measures required by Section 12A10 to the buyer through an Energy Conservation Escrow Account pursuant to Section 1211(c).

## SEC. 12A10. REQUIRED WATER CONSERVATION MEASURES.

[Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 361-94, App. 10/19/94; Ord. 350-95, App. 11/3/95; Ord. 256-07, App. 11/6/07; Ord. 76-09, App. 5/14/09, effective 7/1/09]

The following water conservation measures are required for residential buildings as defined in Section 1204(i) of this Code, notwithstanding Section 1209 of this Code:

(a) Replace all showerheads having a maximum flow rate exceeding 2.5 gallons per minute, with showerheads not exceeding the maximum flow rate established by the California Energy Commission, as set forth in the Appliance Efficiency Regulations, California Code of Regulations, Title 20, Sections 1601 to 1608, as it may be amended. Showers shall have no more than one showerhead per valve. For purposes of this subsection, the term "showerheads" includes rain heads, rain tiles, or any other fitting that transmits water for purposes of showering.

(b) Replace all faucets and faucet aerators having a maximum flow rate exceeding 2.2 gallons per minute at a water pressure of 60 pounds per square inch, with plumbing fittings not exceeding the maximum flow rate established by the California Energy Commission, as set forth in the Appliance Efficiency Regulations, California Code of Regulations, Title 20, Sections 1601 to 1608, as it may be amended.

(c) Replace all water closets that have a rated water consumption exceeding 1.6 gallons per flush with fixtures not exceeding the maximum rated water consumption established in the San Francisco Plumbing Code, Chapter 4, Section 402.2, as it may be amended. A seller of a residential building may request an exemption from replacing a water closet in the building if the replacement would detract from the historical integrity of the building, as determined by the Director of the Department of Building Inspection pursuant to the California Historical Building Code and Section 12A11(b).

(d) Leak repair: All water leaks shall be located and repaired.

(1) For residential buildings with one and two units, water meter registration shall be used to determine the existence of leaks. Compliance is achieved if there is no meter movement for ten minutes while all household fixtures are shut off.

(2) For residential buildings with three or more units, visual inspection or water meter registration shall be used. If water meter registration is used, compliance is achieved if there is no meter movement for ten minutes while all household fixtures are shut off.

(3) In all residential buildings, all tank type water closets shall be tested with leak detector tablets or dye to detect slow valve leaks, and all flushometer type fixtures shall be visually checked for proper operation with respect to timing and leaks.

(e) An exemption from the requirement for showerheads listed in Paragraph (a) of this Section will be granted for a residence upon filing with the Public Utilities Commission a letter from a licensed physician specifying a valid medical reason on the part of the occupant of that residence for non-compliance. An exemption under this Section shall continue in force until the individual qualifying for the exemption no longer resides at the exempted property, or until the medical condition qualifying for the exemption terminates. Within one year following the departure of the individual qualifying for the exemption from the exempted residence or termination of the medical condition, all showerheads in the property shall be replaced in compliance with Section 12A10(a). Upon transfer of title of any building subject to an exemption in whole or in part under this Section, the provisions of Section 12A09 shall apply; however, proof of an exemption under this Section shall be sufficient to show compliance with the requirements of this chapter as to low-flow showerhead and/or an exempted residence within a multiple-family residential building. An exemption for a single residence under this Section shall not constitute an exemption for an entire multiple-family building wherein the single residence is located.

## SEC. 12A11. APPEAL FROM RESULTS OF A WATER CONSERVATION INSPECTION.

[Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 350-95, App. 11/3/95; Ord. 256-07, App. 11/6/07; Ord. 76-09, App. 5/14/09, effective 7/1/09]

(a) Any person with an interest in the property subject to a water conservation inspection who contests

the determination of a qualified inspector regarding required water conservation measures may appeal said decision to the Director of the Department of Building Inspection within ten working days from the date the completed inspection form was filed with the Department of Building Inspection. The notice of appeal shall state, clearly and concisely, the grounds upon which the appeal is based. The burden of proof shall be on the appellant to demonstrate that the water conservation measure is not required under this chapter. The determination of the Director may be appealed to the Building Inspection Commission pursuant to the notice and appeal procedures established in the Administrative Code Chapter 77.

(b) Any person with an interest in the property subject to a water conservation inspection who claims an exemption pursuant to Section 12A10(c) of this Chapter may request a determination of exemption from the Director of the Department of Building Inspection by filing the request and stating the basis for the claim. The burden of proof shall be on the applicant to demonstrate the qualifications for the exemption. The determination of the Director may be appealed to the Building Inspection Commission pursuant to the procedures for notice and appeal established in the Administrative Code Chapter 77.

(c) Any appeal or request for exemption to the Director filed pursuant to this Section shall be accompanied by payment of a filing fee, pursuant to Section 1216 of this Code.

## SEC. 12A12. CIVIL REMEDIES.

[Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 256-07, App. 11/6/07; Ord. 76-09, App. 5/14/09, effective 7/1/09]

(a) **Remedies.** The remedies for failure to comply with the requirements of Section 12A08 and 12A09 of this chapter shall be as set forth in Subsections (a) and (b) of Section 1215 of this Code for violations of the Residential Energy Conservation Ordinance.

(b) **Exceptions.** In undertaking this program of water conservation inspections, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its offices and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

No civil liability, based on this ordinance, shall ensue from claims that the performance of, nonperformance of, negligent performance of, untimely performance of, or failure to perform in a proper manner, a water conservation inspection or audit shall cause injury to any person where that inspection or audit is conducted by a utility, or representative of a utility, which offers inspection, water-use survey or audit service for which no charge is made to the homeowner.

## SEC. 12A13. SEVERABILITY.

[Added by Ord. 185-91, App. 5/15/91; amended by Ord. 346-91, App. 10/19/91; Ord. 161-92, App. 6/4/92; Ord. 256-07, App. 11/6/07; Ord. 76-09, App. 5/14/09, effective 7/1/09]

If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions, and clauses of this ordinance are declared to be severable.

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