

## **Article 7: Plumbing and Mechanical Regulations**

### **Division 4: Other Water-Conserving Plumbing Standards**

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### **§147.0401 Purpose of Water-Conserving Plumbing Standards**

The purpose of this division is to reduce sewer flows and decrease the use of imported, potable water in the City by establishing water-conserving plumbing standards for plumbing fixtures.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### **§147.0402 When the Water-Conserving Plumbing Standards Apply**

The provisions of this division apply to the installation of water-conserving plumbing fixtures in any structure served by the City of San Diego Water Utilities Department.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### **§147.0403 Definitions for this Division**

The following definitions are applicable to this Division.

*Change of Ownership* means a transfer, sale, or exchange of the fee interest in any real property.

*Existing Plumbing Fixture* means the following:

- (1) any toilet manufactured to use 3.5 gallons of water per flush;
- (2) any urinal manufactured to use more than one gallon of water per flush;
- (3) any showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute;
- (4) any faucet that emits more than 2.2 gallons of water per minute; or
- (5) any residential reverse osmosis system that does not have a shutoff valve.

*Plumbing Fixture Alteration* means any change or addition to any structure for which a Plumbing/Mechanical Permit is required under Section 129.0402.

*Existing Structure* means either of the following:

- (1) any structure served by the City of San Diego Water Utilities Department and equipped with toilets manufactured to use 3.5 gallons of water per flush, or urinals manufactured to use more than 1 gallon of water per flush; or
- (2) any structure served by the City of San Diego Water Utilities Department and equipped with showerheads that have a flow capacity of more than 2.5 gallons of water per minute, faucets that emit more than 2.2 gallons of water per minute, or residential reverse osmosis systems that do not have a shutoff valves.

*Responsible Person* means either the transferee or transferor.

*Retrofit* means to replace any existing plumbing fixture in an exiting structure with a water-conserving plumbing fixture.

*Transfer of Responsibility to Retrofit Certificate* means a certificate filed by a transferor of any existing structure before a change of ownership that certifies that the transferor and the transferee mutually agree that responsibility for compliance with Section 147.0301 is assumed by the transferee of the existing structure.

*Water-Conserving Plumbing Fixture* means:

- (1) any toilet manufactured to use no more than 1.6 gallons of water per flush, that meets performance standards established by American Society of Mechanical Engineers Standards A112.19.2-1990 and A112.19.6-1990;
- (2) any urinal manufactured to use no more than 1 gallon of water per flush, that meets performance standards established by American Society of Mechanical Engineers Standards A112.19.2-1990 and A112.19.6-1990;
- (3) any showerhead manufactured to have a flow capacity of no more than 2.5 gallons of water per minute;
- (4) any faucet that emits no more than 2.2 gallons of water per minute; or
- (5) any residential reverse osmosis system that has a shutoff valve.

*(Amended 9-24-2002 by O-19105 N.S.)*

*(Amended 1-27-2022 by O-21422 N.S.; effective 2-26-2022.)*

**§147.0404      Regulations to Retrofit upon Change of Ownership**

- (a) Before a change of ownership, the transferor of any *existing structure* shall replace any *existing plumbing fixture* with a *water-conserving plumbing fixture* in accordance with California Civil Code section 1101.3(c) and applicable provisions of the San Diego Municipal Code.
- (b) Before a change of ownership, the transferor and the transferee of any *existing structure* may agree to transfer responsibility for compliance with this division to the transferee in accordance with California Civil Code section 1101.3(c) and applicable provisions of the San Diego Municipal Code.
- (c) The transferor and the transferee of any existing structure may agree to have compliance with this division included as a condition of escrow, have the responsibility for retrofitting assumed by the transferee, and have the retrofit paid for from the proceeds of the sale of the existing structure.
  - (1) If the transferor and the transferee agree to have compliance with this division included as a condition of escrow, the escrow agent shall retain a sufficient sum of money, agreed upon by the transferor and the transferee, to be retained from the proceeds of the sale to complete the retrofit.
  - (2) The transferee shall complete the retrofit within at least 90 calendar days of the close of escrow.
  - (3) After the transferee has completed the retrofit, the transferee shall submit proof of completion of the retrofit to the escrow agent. The escrow agent may release the retained funds from the proceeds of the sale upon receiving reasonable, satisfactory proof of completion of the retrofit from the transferee.
- (d) The transferor of any existing structure shall not be required to retrofit when a change of ownership occurs as a result of the following:
  - (1) A court order, including an order by a probate court in the administration of an estate;
  - (2) A foreclosure or voluntary or involuntary bankruptcy;
  - (3) The exercise of eminent domain;

- (4) The administration of a deceased person's estate, guardianship, conservatorship, or trust;
- (5) One title co-holder of real property transferring, selling, or exchanging with one or more other title co-holders;
- (6) A transfer, without consideration, from one family member to another family member; or
- (7) A decree of dissolution of marriage, a decree of legal separation, or from a property settlement agreement incidental to such a decree.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Amended 1-27-2022 by O-21422 N.S.; effective 2-26-2022.)*

## **§147.0405      Retrofit upon Alteration**

When a *responsible person* proposes to replace plumbing fixtures, the *responsible person* shall replace plumbing fixtures with *water-conserving plumbing fixtures* complying with California Civil Code section 1101.3(c) and applicable provisions of the San Diego Municipal Code.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Retitled from "Retrofit upon Bathroom Alteration" to "Retrofit upon Alteration" and amended 4-9-2020 by O-21181 N.S.; effective 5-9-2020.)*

*(Amended 1-27-2022 by O-21422 N.S.; effective 2-26-2022.)*

## **§147.0406      Retrofit Exemptions**

An exemption to the provisions of this Division will apply if any of the following conditions exist:

- (a) A water-conserving plumbing fixture would be installed in an existing structure that has been identified by a local, state, or federal government entity as an historical site, and an historically accurate water-conserving plumbing fixture is not available;
- (b) Installation of a water-conserving plumbing fixture would require modifications to plumbing system components located beneath a finished wall or surface; or
- (c) The unique configuration of a building drainage system or portions of a public sewer, or both, require a greater quantity of water to flush the system in a manner consistent with public health.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Amended 1-27-2022 by O-21422 N.S.; effective 2-26-2022.)*

**§147.0407 When a Plumbing Permit Is Required for *Water-conserving Plumbing Fixture Installation***

Any person who installs a water-conserving plumbing fixture pursuant to Section 147.0404 in any single dwelling unit, or in any multiple dwelling unit with 8 or fewer units, shall not be required to obtain a plumbing permit pursuant to Section 129.0402, unless the installation requires an alteration or replacement of drainage, waste, vent, or supply-plumbing pipes.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Retitled from “When a Plumbing Permit is Required for Water-conserving Plumbing Fixture Installation” to “When a Plumbing Permit is Required for *Water-conserving Plumbing Fixture Installation*” on 1-27-2022 by O-21422 N.S.; effective 2-26-2022.)*

**§147.0408 Self-verification**

Before a change of ownership, the transferor and the transferee of any structure or any *existing structure* shall comply with California Civil Code section 1101.3(c) and applicable provisions of the San Diego Municipal Code.

In the event the transferor and transferee of an *existing structure* agree that the transferee shall have responsibility for the retrofit upon change of ownership, the transferee will comply with California Civil Code section 1101.3(c) and applicable provisions of the San Diego Municipal Code.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

*(Amended 1-27-2022 by O-21422 N.S.; effective 2-26-2022.)*

**§147.0409 Agents of a Transferor**

Nothing in this division is intended to create any duty upon the agent of a transferor or a transferee of any structure or any existing structure, unless otherwise mutually agreed to in writing.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§147.0410 Water Submeters**

- (a) Notwithstanding Section 147.0402, water *submeters* shall be installed in the following types of *development* to provide for the measurement of the volume of water used in each *dwelling unit*:
  - (1) New *multiple dwelling units* with three or more *dwelling units*.
  - (2) Existing *multiple dwelling units* with three or more *dwelling units* where the entire interior potable water supply piping is being replaced.
    - (i) This subsection does not apply to existing *multiple dwelling units* whose individual units are served by more than one cold water riser and one hot water riser system.
- (b) Every water *submeter* shall be installed in accordance with Title 4, Division 9 of the California Code of Regulations, and such that the primary indicator or remote reader may be easily accessed and read by the occupant of the *dwelling unit*, and read by the owner or manager of the *multiple dwelling unit* without entering the *dwelling unit*.
- (c) Water *submeters* installed pursuant to this Section must be certified for use for commercial purposes pursuant to Section 12500.5 of the California Business and Professions Code, or any subsequent amendments.
- (d) For *development* of *dwelling units* designated as affordable housing pursuant to a recorded regulatory agreement with a governmental agency, *dwelling units* shall be pre-plumbed for water submeters. The requirement of this Section to install a water *submeter* shall only apply when a *dwelling unit* is no longer designated as affordable housing.

*(Added 4-23-2010 by O-19946 N.S; effective 6-1-2010.)*