

ORDINANCE NO. 9041 (NEW SERIES)

AN ORDINANCE REPEALING AND REENACTING  
THE COUNTY PLUMBING CODE

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Chapters 1 and 2 of Division 3 of Title 5 of the San Diego County Code of Regulatory Ordinances are hereby repealed and reenacted to read as follows:

TITLE 5

BUILDING AND BUILDING REGULATIONS

DIVISION 3

COUNTY PLUMBING CODE

CHAPTER 1

ADOPTION OF COUNTY AMENDMENTS TO  
THE CALIFORNIA BUILDING STANDARDS CODE

CHAPTER 1

ADOPTION OF COUNTY AMENDMENTS TO THE CALIFORNIA BUILDING  
STANDARDS CODE

GENERAL PROVISIONS, DEFINITIONS

**SEC. 53.101. ADOPTION OF THE PLUMBING CODE PORTION OF THE  
CALIFORNIA BUILDING STANDARDS CODE AND COUNTY AMENDMENTS  
TO THE PLUMBING CODE PORTION OF THE CALIFORNIA BUILDING  
STANDARDS CODE.**

Pursuant to Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the County hereby adopts the Plumbing Code portion of the California Building Standards Code (Part 5 of Title 24 of the California Code of Regulations) with the County Amendments as specified in this Division. Amendments are made by specific reference to corresponding section numbers of the Plumbing Code portion of the California Building Standards Code in the provisions of this Division.

The Plumbing Code portion of the California Building Standards Code together with the County of San Diego amendments shall be the County Plumbing Code, for the purpose of prescribing regulations in the unincorporated territory of the County of San Diego for the protection of the public health and safety, requiring a permit and inspection

for the installation or alteration of plumbing and drainage systems and the inspection thereof, and providing penalties for the violation thereof.

The provisions of this Code shall apply to all new construction and to any alterations, repairs, or reconstruction, except as provided for otherwise in this Code.

#### **SEC. 53.102. SIGNIFICANCE OF WORDS.**

Whenever in this Division the following terms are used they shall have the following meanings:

(a) "This Code" and "Uniform Plumbing Code". Notwithstanding the provisions of Section 12.108 of the San Diego County Code, the terms "this Code" and "Uniform Plumbing Code" shall mean the Plumbing Code portion of the California Building Standards Code, referred to in Section 53.101 as modified by the deletions, revisions and additions thereto hereafter set forth in this Division.

(b) "Administrative Authority" and "Administrative Authority and Assistants". The terms "Administrative Authority" and "Administrative Authority and Assistants" shall mean the Director of Planning and Land Use or the Director's duly authorized representatives.

(c) "Building Inspector" and "Building Official". The terms "Building Inspector" and "Building Official" shall mean the Director of Planning and Land Use or the Director's duly authorized representatives.

(d) "Person" and "person, firm, or corporation". The terms "person" and "person, firm or corporation" shall mean any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust receiver syndicate, county (other than the County of San Diego), city and county, city, municipal corporation, district or other political subdivision, or any other group of [or] combination acting as a unit.

(e) "This Division". "This Division" shall mean Division 3 of Title 5 of the San Diego County Code.

(f) "Commission". "Commission" shall mean State of California Commission of Housing and Community Development.

(g) "Water Code". "Water Code" shall mean State of California Water Code.

(h) "Approved". The term "approved" shall mean meeting the approval of the Administrative Authority, except as otherwise provided by statute [statute], when used in connection with any system, material, type of construction, fixture or appliance as the result of investigation and tests conducted by the agency or by reason of accepted

principles or tests by national authorities, technical, health or scientific organizations or agencies.

(i) "Approved Listing Agency". The term "approved listing agency" shall mean any agency approved by the Administrative Authority unless otherwise provided by statute which is in the business of listing and labeling and which makes available at least an annual published report of such listings in which specific information is included that the product has been tested to recognized standards and found to comply.

(j) "Approved Testing Agency". The term "approved testing agency" shall mean any agency which is determined by the Administrative Authority except as otherwise provided by statute, to have adequate personnel and expertise to carry out the testing of systems, materials, type of construction, fixtures or appliances.

(k) "Graywater System." The term "graywater system" shall mean a system designed and operated for the purpose of storage and distribution of household wastewater other than toilet water and which is in compliance with the San Diego County graywater standards, a copy of which is on file with the Clerk of the Board of Supervisors as Document No. 746988(a).

(l) "Residential Lot." The term "residential lot" shall mean any lot, parcel or tract of real property which is in legal use for residential purposes.

### **SEC. 53.103. DUTIES OF THE ADMINISTRATIVE AUTHORITY.**

The Administrative Authority shall perform the following duties:

1. Require submission of, examine and check plans and specifications, drawings, descriptions, and/or diagrams necessary to show clearly the character, kind and extent of plumbing work covered by application for a permit and upon approval thereof shall issue the permit applied for. Nothing herein shall prevent the Building Official from making copies of said plans, specifications and permits and retaining said copies in lieu of the plans, specifications and permits. Plans, submitted for checking, for which no permit is issued and on which no action is taken by the applicant for one year shall be destroyed.
2. Collect all fees for permits issued as provided by this Code and issue receipts therefor in duplicate, the duplicate copy of which shall be maintained as an office record.
3. Administer and enforce the provisions of this Code in a manner consistent with the intent thereof and shall inspect all plumbing and drainage work authorized by any permit to assure compliance with provisions of this Code or amendments thereto, approving or condemning said work in whole or in part as conditions require.

4. Issue upon request a Certificate of Approval for any work approved by the Administrative Authority.
5. Condemn and reject all work done or being done or materials used or being used which do not in all respects comply with the provisions of this Code and amendments thereto.
6. Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this Code.
7. Investigate any construction or work regulated by this Code and issue such notices and orders as required.

#### **SEC. 53.104. AUTHORITY OF ADMINISTRATIVE AUTHORITY.**

The Administrative Authority and assistants shall carry proper credentials and have the right during reasonable hours, or at any time when extreme danger exists, to enter any building in the discharge of their official duties or for the purpose of making an inspection, reinspection, or test of the plumbing installations, devices, fixtures, appliances and equipment contained therein. The Administrative Authority shall have the authority to cut or disconnect any such installations, in case of emergency, where necessary to safety of life or property, or where such installations may interfere with the work of fire fighting forces. The Administrative Authority is hereby authorized to disconnect or order discontinuance or removal of plumbing installations, fixtures, devices, appliances, or equipment found to be dangerous to life or property because they are defective or defectively installed.

#### **SEC. 53.105. PERMIT REQUIRED.**

(a) It shall be unlawful for any person to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture or water heating or treating equipment in a building or premises without first obtaining a permit to do such work from the Administrative Authority.

Exceptions:

- (1) A plumbing permit for a replacement hot water heater installation shall not be required when the installation is performed by a plumbing contractor licensed by the State of California.
- (2) A plumbing permit for the replacement of a toilet, bidet, showerhead, or faucet inside a building shall not be required when the installation is limited to the repair or replacement of the fixture and is performed by the building owner or a plumbing contractor licensed by the State of California. The work shall be limited to plumbing on the service side of the fixture's water supply shut-off valve and shall not include work

within any floor, ceiling, or wall cavities. Notwithstanding Exception (1) above, the work shall not include any fixture with a connection to gas lines or an electrical service.

(b) A separate permit shall be obtained for each building or structure.

Exception: Subsection (b) of this section shall not be construed to require separate permits for a dwelling or duplex and auxiliary buildings or structures on the same property providing such auxiliary buildings or structures are being constructed simultaneously with the dwelling or duplex.

(c) The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other ordinance or from revoking any Certificate of Approval when issued in error.

(d) Every permit issued by the Administrative Authority under the provisions of this Code shall expire in accordance with the provisions of Section 51.0106.4.4 of the County Building Code.

#### **SEC. 53.106. WORK NOT REQUIRING PERMIT.**

No permit shall be required in the case of any repair work as follows: The stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should any trap, drainpipe, soil, waste or vent pipe be or become defective and it becomes necessary to remove and replace same with new material in any part or parts, the same shall be considered as such new work and a permit shall be procured and inspection made as hereinbefore provided. No permit shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

#### **SEC. 53.107. TO WHOM PERMITS MAY BE ISSUED.**

A permit may be issued to any person not acting in violation of any current contractor licensing law or any other relevant laws, ordinances, rules and regulations.

#### **SEC. 53.108. APPLICATION FOR PERMIT.**

Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. He or she shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises in connection therewith. The Administrative Authority may require plans, specifications or drawings and such other information as he or she may deem necessary. The Administrative Authority shall require the applicant to provide documentation demonstrating that a sewerage agency has entered into a contractually

binding agreement to provide public sewer service to the premises or that the Health Officer has approved the connection of the premises to an approved private sewage disposal system. For water service availability requirements see Section 53.131.

If the Administrative Authority determines that the plans, specification, drawings, descriptions or information furnished by the applicant is in compliance with this Code, the permit applied for shall be issued upon payment of the required fee.

#### **SEC. 53.109. COST OF PERMIT.**

Every applicant for a permit to do work regulated by this Code shall state in writing on the application form provided for that purpose, the character or work proposed to be done and the amount and kind in connection therewith, together with such information, pertinent thereto as may be required.

Applicants shall pay a permit fee for each permit issued. Said fees shall be that fee prescribed in a resolution or ordinance duly adopted by the Board of Supervisors.

Any person who shall commence any work for which a permit is required by the Code without first having obtained a permit therefor shall, if subsequently permitted to obtain a permit, pay the fees prescribed in Section 51.0107.5 of the County Building Code, provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the Administrative Authority that such work was urgently necessary and that it was not practical to obtain a permit therefore before the commencement of the work. In all such cases a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

For the purpose of this section a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconnection and retest of existing plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, gas systems, water heaters, etc., involved.

**EXCEPTIONS:** (1) Factory Built Housing: No fixture or water heater fee shall be charged for those fixtures and water heaters installed at the factory when the structure has been manufactured in accordance with the State of California Factory Built Housing Law. (2) The United States, the State of California, school districts, counties and cities shall not be required to pay any fees for filing an application for a permit pursuant to this Code unless County inspection services are requested. If so requested, the regular fee schedules to this Code would apply.

**SEC. 53.110. ALL WORK TO BE INSPECTED.**

All plumbing and drainage systems shall be inspected by the Administrative Authority to ensure compliance with all the requirements of this Code. It shall be unlawful for any person, firm or corporation not to obtain inspections required by this Code to ensure compliance with all the provisions of this Code.

**SEC. 53.111. NOTIFICATION.**

It shall be the duty of the person doing the work authorized by the permit to notify the Administrative Authority orally or in writing, that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected.

**SEC. 53.112. [REINSPECTIONS.]**

Reinspections shall be in accordance with the provisions of Section 108.8 of the Building Code portion of the California Building Standards Code.

**SEC. 53.113. STANDARDS FOR INSTALLATION AND MATERIALS.**

All installations and materials shall be in conformity with the provisions of this Code and with approved standards of safety as to life and property. All installations on any public or private piers or on the tidelands shall be in conformity with the provisions of this Code. The disposal of effluent must meet the approval of the Health Officer.

EXCEPTION: Moved residential buildings shall be permitted the retention of existing materials and methods of construction provided such buildings comply with the rules and regulations of the Commission, are not substandard buildings, and provided their foundations comply with the standards for new construction. Additions which increase the area, volume or size of a moved building shall comply with the requirements for new buildings.

**SEC. 53.115. STOP ORDERS.**

Whenever any work is being done contrary to the provisions of this Code, the Administrative Authority or his authorized representative may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Administrative Authority to proceed with the work.

**SEC. 53.116. SUSPENSION OR REVOCATION.**

The Administrative Authority may, in writing, suspend or revoke a permit issued under provisions of this Code. Whenever the permit is issued in error or on the basis of

incorrect information supplied or in violation of any ordinance or regulation of any provisions of this Code.

**SEC. 53.117. FEE REFUNDS.**

(a) The Administrative Authority may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

(b) The Administrative Authority may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The Administrative Authority will withhold 20 percent of the fee paid but not less than \$10 to offset the administrative costs.

(c) The Administrative Authority shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one year after the date of fee payment. A refund will not be authorized if the total refundable amount, after deduction of County administrative cost as herein above provided, is less than \$10.

**SEC. 53.118. BUILDING CONSTRUCTION APPEALS ADVISORY BOARD.**

The Building Construction Appeals Advisory Board shall be the Board established by Section 51.0105 of the San Diego County Code. Upon the filing of an appeal, or when requested by the Director of Planning and Land Use, the Building Construction Appeals Advisory Board shall investigate and advise as to the suitability of alternate materials and types of construction and shall recommend reasonable interpretations of the provisions of this Code, except that the requirements of this Code relating to access by physically handicapped persons will not be subject to appeal.

**SEC. 53.119. SELF-REGENERATING WATER SOFTENERS IN SPECIFIED AREAS: ISSUANCE OF PERMIT PROHIBITED.**

Notwithstanding any other provisions of this Code, no Plumbing Permit shall be issued for self-regenerating water system units in the following Sanitation Districts: Buena, that portion of Cardiff east of Interstate Freeway 5, Fairbanks Ranch, Julian, Pine Valley, Ramona, Rancho Santa Fe, Whispering Palms.

**SEC. 53.123. WATER CONSERVATION MEASURES.**

Notwithstanding other provisions of this Division 3, no permit shall be issued pursuant to Section 53.105 unless it conforms to the following:

- (a) All faucets for lavatories or handwashing fixtures in a toilet room in any nonresidential building shall be self-closing and approved by the Administrative Authority.

(b) All sprinkler systems providing landscaping irrigation to an area of a total of .5 acres or larger shall be equipped with an automatic flow control device (such as a timer or moisture sensor override unit) approved by the Administrative Authority.

**SEC. 53.124. VIOLATIONS, PENALTIES, AND RESPONSIBILITY FOR COMPLIANCE WITH THE COUNTY PLUMBING CODE.**

It shall be unlawful for any person, firm or corporation or [to] use any property or erect, construct, enlarge, alter, repair, move, remove, improve, convert, demolish, equip, use, occupy or maintain any building or structure, or cause the same to be done, contrary to or in violation of any of the provisions of this ordinance. Any violation of this ordinance shall be a misdemeanor unless, in the discretion of the prosecutor, it is charged as an infraction.

(a) Each day or portion of a day that any person violates or continues to violate this ordinance constitutes a separate offense and may be charged and punished separately without awaiting conviction on any prior offense.

(b) Any person convicted of a misdemeanor under this ordinance shall be punished by imprisonment in the County jail not exceeding six months, or by a fine not exceeding \$1,000, or by both.

(c) Any person convicted of an infraction under this ordinance shall be punished by a fine not exceeding \$100 for the first violation; by a fine not exceeding \$200 for a second violation of the same ordinance within one year; and by a fine not exceeding \$500 for each additional violation of the same provision of this ordinance committed by that person on the same site within one year.

(d) Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any conditions which violates any provisions of this ordinance.

A property owner shall be considered to have allowed any use or improvement of property occupied by, or under the dominion and control of, the owner, and shall be responsible for the discontinuance and removal of any violation of the County Plumbing Code. Said responsibility shall include property leased to other parties. A property owner shall also be responsible for the discontinuance and removal of any violation of the County Plumbing Code that existed on the property prior to the current owners purchase of the property.

**SEC. 53.125. VIOLATIONS CONSTITUTE PUBLIC NUISANCE.**

Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted [converted], demolished, equipped, used, occupied, or maintained contrary to the provisions of this Division shall be, and the same is hereby declared to be unlawful and a public nuisance. The County Counsel or District Attorney shall, as appropriate, upon order of the Board of Supervisors or Building Official, respectively, commence necessary proceedings to abate, remove and/or enjoin any such public nuisance in the manner provided by law. Alternatively, the Building Official, may commence abatement proceedings in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code or any other procedure permitted by law.

Any failure, refusal or neglect to obtain a permit as required by this Division shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition, equipment, use, occupation, or maintenance of a building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, used, occupied, or maintained contrary to the provisions of this Code.

#### **SEC. 53.126. CITATION AUTHORITY.**

Pursuant to the provisions of the California Penal Code Section 836.5, the Director of the Department of Planning and Land Use or specific individuals deputized by the Director, may arrest a person without warrant whenever the Director of [or] the authorized deputy has reasonable cause to believe that the person arrested has committed an infraction or misdemeanor which is a violation of an ordinance, code, or statute [statute] which he or she has the duty to enforce. An officer or employee making an arrest under the authority of this section shall follow the citation-release procedures prescribed by the California Penal Code, or such procedure hereinafter enacted by the State of California. No agent or deputy shall exercise the power to issue citations authorized above unless such agent or deputy shall first have completed a course of training that meets the minimum standards prescribed by the Commission or [on] Peace Officers Standards and Training and [as] established in Section 832(a) of the Penal Code.

#### **SEC. 53.127. PARTIAL CORRECTNESS OF CODE SECTION.**

If any section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Board of Supervisors hereby declares that it would have passed this Code, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

## **SEC. 53.128. REFUSAL TO ISSUE OR SUSPENSION OF BUILDING PERMIT.**

The Building Official may suspend or refuse to issue any building permit, including plumbing, electrical, mechanical and structural permits, if the Building Official determines that there is a violation of this ordinance or any other ordinance or regulation involving the property upon which the permit was applied for or was issued or involving signs advertising the subdivision or development within which the property is located.

Written notice of the suspension or refusal to issue shall be mailed to the applicant for the building permit and to the property owner, if different from the applicant. Such written notice shall include information regarding the specific violation(s) and the action(s) necessary to abate such violations.

The Building Official shall rescind the suspension or refusal or issue the permit upon submission of evidence satisfactory to the Building Official that the violations have been abated.

## **SEC. 53.129. WAIVER OF SPECIFIED FEES FOR FARM EMPLOYEE HOUSING AND FARM LABOR CAMPS.**

Notwithstanding any other provision of this chapter, the permit fees specified in Section 53.109 shall be waived for:

(1) Any farm employee housing or farm labor camp project for which (i) a complete application for an Administrative Permit or a Minor Use Permit was filed between July 13, 1990, and January 13, 1991 pursuant to Ordinance No. 7768 (N.S.); or was filed between April 5, 1991 and October 5, 1991, pursuant to Ordinance No. 7875 (N.S.); or was filed between October 31, 1991 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.); or was filed between July 30, 1993 and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.); or any farm employee housing or farm labor camp project for which a complete application for a Building Permit or Minor Use Permit was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9021 (N.S.) and (ii) the application was approved; or

(2) Any farm employee housing or farm labor camp project for which (i) Section 17021.5 or Section 17021.6 of the California Health and Safety Code is applicable; (ii) the Agricultural Commissioner has issued a certificate of active agricultural enterprise; (iii) the housing is not the subject of an active code enforcement action; (iv) the applicant has entered into the contract required by Section 6156 u.11 or Section 6906 d. of The Zoning Ordinance; and (v) the application was filed between July

30, 1993, and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.); or was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9021 (N.S.).

**SEC. 53.130. WAIVER OF SPECIFIED FEES FOR UNREINFORCED MASONRY SEISMIC RETROFIT.**

Notwithstanding any other provision of this chapter, the permit fees specified in Section 53.109 shall be waived for any unreinforced masonry building seismic retrofit required by Chapter 6 of Division 1 of Title 5 (commencing at Section 51.601) of the San Diego County Code of Regulatory Ordinances.

**SEC. 53.131. CERTIFICATION OF ADEQUATE WATER SERVICE.**

(a) No building permit shall be issued unless the applicant has presented an executed form satisfactory to the Administrative Authority demonstrating that a water district will provide water service to the premises, subject to the following conditions:

(1) This Section shall only apply to properties which have not obtained written permission from the County Health Department for a well and which are located within the boundaries of a water district which is a member agency of the County Water Authority.

(2) This Section shall only apply to permits which, as determined by the Administrative Authority, require a new water service connection or require the enlargement of an existing service connection.

(b) The requirements of this Section may be waived by the Administrative Authority if it is determined that the applicant has requested the serving district to provide said form and use district has denied that request for reasons not related to water availability.

**CHAPTER 2**

**DELETIONS, REVISIONS AND ADDITIONS TO THE PLUMBING CODE  
PORTION OF THE CALIFORNIA BUILDING STANDARDS CODE**

**SEC. 53.201. DELETIONS, REVISIONS, ADDITIONS AND NUMERICAL EXPLANATION.**

The following deletions, revisions and additions are hereby made to the Plumbing Code portion of the California Building Standards Code. To provide ready reference to such changes, where made possible by the format of the Plumbing Code portion of the

California Building Standards Code, the last four digits in parentheses of the section numbers in this chapter refer to the affected section of the Plumbing Code portion of the California Building Standards Code, (e.g., Sec. 53.203 (0001.1) refers to the appropriate change in Section 1.1 of the Plumbing Code portion of the California Building Standards Code).

**SEC. 53.202(0101.2 - 0103.9.5). [DELETIONS OF SECTIONS 101.2 THROUGH 103.9.5.]**

Sections 101.2 through 103.9.5 of the Plumbing Code portion of the California Building Standards Code (Chapter 1, Administration) are hereby deleted.

**SEC. 53.203.(402.1). [ADDITION OF SECTION 402.1.]**

Section 402.1 of the Plumbing Code portion of the California Building Standards Code is hereby added to read as follows:

(a) Effective March 21, 1991, only tank-type water closets that use an average of 1.6 gallons of water per flush or less and urinals and associated flushometer valves, if any, that use an average of 1 gallon of water per flush or less shall be installed in new construction. All tank-type water closets, urinals and associated flushometer valves shall be approved by the Administrative Authority as meeting adequate standards of safety and sanitation.

(b) In all additions to and renovations of existing buildings, water closets, urinals, and their associated flushometer valves, if any, which are added or replaced for any reason shall be retrofitted as required to comply with the provisions for new buildings.

(c) In all additions to and renovations of existing buildings, as defined in Subsection (d) of this Section, existing water closets, urinals, and their associated flushometer valves, if any, shall be retrofitted as required to comply with the provisions for new buildings. In satisfaction of the requirements of this section and subject to the provisions of Section 18930 of the Health and Safety Code, the Administrative Authority shall permit the continued use of existing tank-type water closets and urinals when equipped with approved water-limiting devices approved by the Administrative Authority.

(d) The requirements of Subsection (c) of this Section shall only be applicable to additions to and renovations of existing buildings which meet any of the following criteria:

(i) If the permitted work within a unit of a multifamily residential building has a valuation of \$10,000 or more, all fixtures within that unit shall comply;

(ii) If the permitted work within a single-family or duplex residential, industrial, or commercial building has a valuation of \$20,000 or more, all such fixtures within that building shall comply; or

(iii) If the permitted work is a Tenant Improvement within an existing industrial or commercial building and the permitted work has a valuation of \$10,000 or more, all required fixtures shall comply.

(e) All water closets, urinals, and associated flushometer valves installed after January 1, 1991, must meet performance standards established by the American National Standards Institute Standard A112.19.2, as applicable, and shall be approved the State Department of Housing and Community Development as meeting acceptable standards for safety and sanitation. The Administrative Authority shall approve for use fixtures and water-limiting devices which are approved by the State and are found on the list periodically published by the State Department of Housing and Community Development or which are approved by a recognized approval agency acceptable to the Administrative Authority.

(f) Blowout water closets, blow-out urinals, and their associated flushometer valves approved by the State of California, are exempt from the requirements of this section. Fixtures installed in mobile homes approved by the State of California are exempt from the requirements of this Section.

(g) Existing standard flush toilets, tank-type water closets, urinals and their associated flushometer valves, if any, may be allowed to continue in service when the enforcement of the retrofitting requirements will require substantial modification of the existing plumbing system, as determined by the Administrative Authority.

(h) The use of standard flush toilets may be allowed, when in the opinion of the Administrative Authority, the configuration of the building drainage system requires a greater quantity of water to adequately flush the system.

(i) This section shall not apply to any area or region subject to waste discharge requirements imposed pursuant to Article 4 (commencing with Section 13260) of Chapter 4 of Division 7 of the Water Code when the Administrative Authority determines that the wastewater discharges would exceed such wastewater requirements if this Section were made applicable.

(j) The requirements prescribed by this Section may be waived for a specific permit application by the Administrative Authority when it determines that there is an inadequate supply, including a choice of style or colors for the consumer, of water closets specified in this section to meet the needs of the proposed construction, and additions to and renovations of existing buildings; such water closets are not available at reasonable prices as compared to water closets not complying with the requirements of this section.

(k) If the permitted work would add a swimming pool or spa, the spa or pool shall be fitted with an insulative-type cover.

(l) Permit applicants with unique circumstances not fully addressed by this Section may appeal to have requirements of this Section waived. Such appeal shall be heard by the Building Construction Appeals Advisory Board. The Administrative Authority may modify the requirements of this Section in accordance with the findings and recommendations of the Building Construction Appeals Advisory Board subject to the provisions of Section 51.0105.

**SEC. 53.204 (1201.1). [ADDITION OF SECTION 1201.1.]**

Section 1201.1 of the Plumbing Code portion of the California Building Standards Code is hereby added to read as follows:

1201.1 Transportation of Gas by Pipeline. The owner or operator of a gas piping system subject to the Natural Gas Pipeline Safety Act of 1968 shall be responsible for compliance with the federal regulations enforced by the Federal Office of Pipeline Safety.

**SEC. 53.205. DELETIONS FROM APPENDIX.**

Appendix E, F, G, K, and L are hereby deleted from the Plumbing Code portion of the California Building Standards Code.

**SEC. 53.206 (0305). [SEWER REQUIRED.]**

Section 305 of the Plumbing Code portion of the California Building Standards Code is hereby amended to read as follows:

305. Sewer required.

305.1 Every building in which plumbing fixtures are installed shall have a connection to a public or private sewer except as provided in subsection 305.2 of this section. In addition to this requirement for connection to a public or private sewer, the installation and operation of a graywater system may be approved as specified in subsection 305.4.

305.2 When a public sewer is not available for use, drainage piping from buildings and premises shall be connected to an approved private sewage disposal system.

305.3 In cities and/or counties where the installation of building sewers is under the jurisdiction of a department other than the Administrative Authority, the provisions of this Code relating to building sewers need not apply.

305.4 Upon proper application as required in this division, compliance with Chapter 3 (commencing at Section 68.301) of Division 8 of Title 6 of this code (Septic Tank Ordinance), and the payment of all applicable fees, the Administrative Authority may approve the installation and operation of a graywater system in compliance with the following requirements:

- (1) The temporary installation and operation of a graywater system may be approved within the unincorporated area when said system is determined to be warranted by the Administrative Authority due to water shortages or other restrictions which prohibit the use of potable water for landscape irrigation purposes.
- (2) The permanent installation and operation of a graywater system may be approved within the unincorporated area on any residential lot which has been certified by the Administrative Authority for the use of a private subsurface sewage disposal system.
- (3) The graywater systems specified in subsections (d)(1) and (d)(2) above shall not be approved, installed, or operated unless in compliance with the San Diego County graywater standards, a copy of which is on file with the Clerk of the Board of Supervisors as Document No. 746988(a).
- (4) Notwithstanding any other provision of this section or any entitlement of a permit, a graywater system shall be removed, or its use discontinued, as required by the Administrative Authority, when such removal or discontinued use is determined to be necessary in order to protect the public health or safety.

Section 2. Effective date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.

Section 3. Operative Date. This ordinance shall be operative on July 1, 1999.

PASSED, APPROVED AND ADOPTED this 18th day of May 1999.

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Chairwoman of the Board of Supervisors  
of the County of San Diego,  
State of California