



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 400, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN JAMES, DIRECTOR

May 10, 2002

AGENDA: May 21, 2002

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

PROGRESS REPORT ON ORDINANCE AMENDING CHAPTER 7.69 OF THE SANTA CRUZ COUNTY CODE RELATING TO THE INSTALLATION OF WATER CONSERVATION DEVICES

Members of the Board:

On March 5, 2002 your Board accepted a Status Report On An Ordinance Amending Chapter 7.69 Of The Santa Cruz County Code, Installation of Water Conservation Devices. Staff was directed at that time to bring the Ordinance amending Chapter 7.69 to your Board for consideration on this date. The proposed amendments to Chapter 7.69 and other materials are included today for your review and consideration but not for your approval at this time. Staff is not seeking Board approval at this time in order that the amended Ordinance can be brought back to your Board for a first reading at the same time the City of Santa Cruz goes forward with a similar ordinance. The goal of going forward simultaneously with the City is to coordinate the effective dates, insuring an orderly process for sellers and real estate agents.

Background Information

A clean copy and a strike over copy of proposed amendments to Chapter 7.69, Installation of Water Conservation Devices, are included for your information as Attachment 1. As you may note, most of the changes incorporate improvements in plumbing fixture technology for toilets and showerheads. Liquidated damages in section 7.69.070, Civil Remedy, have been increased from \$50 to \$250, to approximate the cost of new plumbing fixtures and installation. Additional changes involve the creation of a water conservation certification form. The form will need to be approved by your Board at the time your Board formally considers the Ordinance. The form as presently drafted acknowledges compliance by either certification of installation of water conservation devices by the seller, or prior installation of these devices before the transfer of ownership.

A proposed draft of the Water Conservation Certification form is included as Attachment 2. A proposed draft handout acknowledging the Water Conservation Ordinance has been prepared and is included as Attachment 3.

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Staff has developed the proposed amendment through consultation with County Counsel, the Interagency Water Resources Working Group, the Water Advisory Commission, and the Board of Realtors. Also as indicated above, staff has collaborated extensively with staff from the City of Santa Cruz Water Department. Your Board should be aware that although the objectives of the County of Santa Cruz and City of Santa Cruz are similar, the approach taken by the two entities differs.

The standards for the installation of water conserving plumbing fixtures are identical in each proposed ordinance. However, since the County is not a purveyor of water, our proposed approach to administering the program is much simpler than that being considered by the City of Santa Cruz. For example, as the unincorporated area in the County of Santa Cruz is much larger than the City's service area, the County Ordinance does not rely on inspection beyond the transmittal of the Water Conservation Certification form. Equally, the County Ordinance does not allow for transfer of the responsibility from the seller to a buyer and the requisite additional follow-up demands on staff time. The City approach differs largely because of their need to document and verify planned conservation savings (through inspections).

City water conservation staff has not yet presented a draft ordinance to the City Council. However, City staff discussed their Plumbing Fixture Retrofit Ordinance in a March 26, 2002 memorandum to their Water Commission. A copy of that memorandum is included as Attachment 4. It provides more substance to the detail of this process for their staff. One item for your Board to note is that City staff proposes to allow the City's Ordinance to supercede the County's in the unincorporated areas served by the City. The intent of this request is to make their requirements consistent throughout their entire water service area and to allow them the authority to enforce it in the unincorporated area of their water service area.

County Staff agree with the City's request and have suggested that amending existing Chapter 7.74 of the County Code, Prohibition Of Certain Uses Of Water And Requirements For Installation Of Water Conservation Devices In Areas Of The County Served By The City Of Santa Cruz Water Supply System, would be the appropriate mechanism to do so. As a result, County staff will work with the City staff to amend Chapter 7.74 and County staff plans to bring these amendments before your Board as soon as schedules to do so can be coordinated. A copy of existing Chapter 7.74 is included for your review as Attachment 5. This ordinance could be easily amended to meet the City's request.

It is therefore RECOMMENDED that your Board:

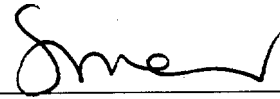
- 1) Accept and file this Progress Report On Ordinance Amending Chapter 7.69 of the Santa Cruz County Code Relating To The Installation Of Water Conservation Devices: and
- 2) Direct Planning staff to bring amended Chapter 7.69, Installation of Water Conservation Devices for a first reading on or before September 17, 2002; and
- 3) Direct Planning staff to work with City staff on bringing back amendments to Chapter 7.74 of the County Code, Prohibitions Of Certain Uses Of Water And Requirements For Installation Of Water Conservation Devices In Areas Of The

Sincerely,



ALVIN D. JAMES
Planning Director

RECOMMENDED



SUSAN A. MAURIELLO
County Administrative Officer

Blc/WRM02-03

- Attachments:
- 1) Proposed Ordinance Amending Chapter 7.69, Installation of Water Conservation Devices.
 - 2) Proposed Water Conservation Certification form.
 - 3) Proposed Informational handout for Real Estate Agents and Sellers.
 - 4) March 26, 2002 memorandum from City of Santa Cruz staff to their Water Commission.
 - 5) Existing Chapter 7.74, Prohibition Of Certain Uses Of Water And Requirements For Installation Of Water Conservation Devices In Areas Of The County Served By The City Of Santa Cruz Water Supply System.

cc: County Counsel
City of Santa Cruz Water Department
Interagency Water Resources Working Group
County Water Advisory Commission
Board of Realtors

ORDINANCE NO. __

ORDINANCE AMENDING CHAPTER 7.69 OF THE SANTA CRUZ COUNTY CODE RELATING TO THE INSTALLATION OF WATER CONSERVATION DEVICES

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Chapter 7.69 of the Santa Cruz County Code is hereby amended by to read as follows:

Chapter 7.69

INSTALLATION OF WATER CONSERVATION DEVICES

Sections:

- 7.69.010 Findings and purpose.**
- 7.69.020 Definitions.**
- 7.69.030 Requirements for water conservation retrofit devices.**
- 7.69.040 Exemptions.**
- 7.69.050 Notice by sellers and agents.**
- 7.69.060 Violation--Penalty.**
- 7.69.070 Civil remedy.**

7.69.010 Findings and purpose.

The installation of water-saving low-flow showerheads and ultra-low-flush toilets before the sale of property would result in a substantial conservation of water and energy, and also reduce the burden on septic tank systems and sewer systems; and that such water and energy conservation devices may be installed at a nominal cost. (Ord. 3792 § 1 (part), 1986)

7.69.020 Definitions.

For purposes of this chapter, “water conservation retrofit devices” means for showers a low-flow showerhead which will have a maximum flow rate of not exceeding 2.5 gallons per minute (gpm), and for toilets, an ultra-low-flush toilet not exceeding 1.6 gallon per flush (gpf). (Ord. 3792 § 1 (part), 1986)

7.69.030 Requirements for water conservation retrofit devices.

Commencing June 1, 2002, all sellers of residential, commercial or industrial property using water in showers, faucets, and toilets shall be required to install water conservation retrofit devices as defined in Section 7.69.020 prior to the recording of any deed transferring title to the property, as a result of a sale of the property, or prior to the recording of a contract of sale pursuant to Section 2985 of the California Civil Code. (Ord. 3792 § 1 (part), 1986)

7.69.040 Exemptions.

A. The requirement for the installation of water conservation retrofit devices on showers shall not apply to any of the following:

1. Any shower or any property for which building permits were issued after June 1992;
2. Any shower that is fitted with a low-flow showerhead with a maximum flow rate that does not exceed 2.5 gallons per minute;
3. Any emergency shower installed for health or safety purposes that cannot safely operate with a maximum flow rate that does not exceed 2.5 gallons per minute;
4. Any shower requiring significant structural modification to comply with this chapter;
5. Any shower that will not function properly after being retrofitted in accordance with this chapter.

B. The requirement for the installation of ultra-low-flush toilets shall not apply to any toilet that already uses less than 1.6 gallons per flush. (Ord. 3901 § 1, 1988; Ord. 3792 § 1 (part), 1986)

7.69.050 Notice by sellers and agents.

Any real estate agent, broker or salesperson involved in the sale of property subject to this chapter shall give written notice to the buyer and seller of these requirements prior to the closing of the sale of the property. A seller of any property subject to this chapter shall provide the buyer with a written certification of compliance with the requirements of this chapter, on a form approved by the County, stating that the required water conservation retrofit devices have been installed or that installation of devices is not required and the reasons why installation is not required under the terms of this chapter. The seller shall provide the County with a copy of any certification made pursuant to this chapter. (Ord. 3792 § 1 (part), 1986)

7.69.060 Violation--Penalty.

Any person, ~~firm~~ or corporation violating any of the provisions of this chapter shall be deemed guilty of an infraction and be fined in accordance with the provisions of Section 1.12.040 of the Santa Cruz County Code. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 3792 § 1 (part), 1986)

7.69.070 Civil remedy.

In the event that the seller of any property fails to comply with any provisions of this chapter, the buyer may bring a civil action to recover liquidated damages of two hundred and fifty dollars (\$250). (Ord. 3792 § 1 (part), 1986)

SECTION II

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this ____ day of _____, 2002, by the Board of Supervisors of the County of Santa Cruz by the following vote:

- AYES: SUPERVISORS
- NOES: SUPERVISORS
- ABSENT: SUPERVISORS
- ABSTAIN: SUPERVISORS

 Chairperson of the
 Board of Supervisors

Attest: _____
 Clerk of the Board

APPROVED AS TO FORM:

 Assistant County Counsel

ORDINANCE NO. ___

ORDINANCE AMENDING CHAPTER 7.69 OF THE SANTA CRUZ COUNTY CODE RELATING TO THE INSTALLATION OF WATER CONSERVATION DEVICES

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Chapter **7.69** of the Santa Cruz County Code is hereby amended by to read as follows:

Chapter 7.69

INSTALLATION OF WATER CONSERVATION DEVICES

Sections:

- 7.69.010 Findings and purpose.**
- 7.69.020 Definitions.**
- 7.69.030 Requirements for water conservation retrofit devices.**
- 7.69.040 Exemptions.**
- 7.69.050 Notice by sellers and agents.**
- 7.69.060 Violation--Penalty.**
- 7.69.070 Civil remedy.**

7.69.010 Findings and purpose.

~~It is hereby found and declared that~~ The installation of water-saving low-flow showerheads and ultra-low-flush toilets and water-displacing devices in toilet tanks before the sale of property would result in a substantial conservation of water and energy, and also reduce the burden on septic tank systems and sewer systems; and that such water and energy conservation devices may be installed at a nominal cost. (Ord. 3792 § 1 (part), 1986)

7.69.020 Definitions.

For purposes of this chapter, "water conservation retrofit devices" means for showers a low-flow showerhead which will have a maximum flow rate of not exceeding ~~three~~ 2.5 gallons per minute (gpm), and for water closets means toilets, an ultra-low-flush toilet not exceeding 1.6 a device that will reduce the amount of water used ~~by water closets by at least one-half~~

~~of one~~ gallon per flush (gpf). (Ord. 3792 § 1 (part), 1986)

7.69.030 Requirements for water conservation retrofit devices.

Commencing ~~July 1, 1987~~ June 1, 2002, all sellers of residential, commercial or industrial property using water in showers, faucets and toilets ~~and in water closets~~ shall be required to install water conservation retrofit devices as defined in Section 7.69.020 prior to the recording of any deed transferring title to the property, as a result of a sale of the property, or prior to the recording of a contract of sale pursuant to Section 2985 of the California Civil Code. (Ord. 3792 § 1 (part), 1986)

7.69.040 Exemptions.

A. The requirement for the installation of water conservation retrofit devices on showers shall not apply to any of the following:

1. Any shower or any property for which building permits were issued after ~~December 22, 1978~~ June 1992;
2. Any shower that is fitted with a low-flow showerhead with a maximum flow rate that does not exceed ~~three~~ 2.5 gallons per minute;
3. Any emergency shower installed for health or safety purposes that cannot safely operate with a maximum flow rate that does not exceed ~~three~~ 2.5 gallons per minute;
4. Any shower requiring significant structural modification to comply with this chapter;
5. Any shower that ~~will~~ not function properly after being retrofitted in accordance with this chapter.

~~E. The requirement for the installation of water conservation retrofit devices for water closets shall not apply to the following:~~

- ~~1. Any water closet already fitted with a device that reduces the amount of water used by an average of at least one-half of one gallon per flush;~~
- ~~2. Any water closet that does not use more than an average of three and one-half gallons per flush;~~
- ~~3. Any blowout water closets or associated flushometer valves;~~
- ~~4. Any water closet that will not function properly after being retrofitted in accordance with this chapter.~~

B. The requirement for the installation of ultra-low-flush toilets shall not apply to any toilet that already uses less than 1.6 gallons per flush. (Ord. 3901 § 1, 1988; Ord. 3792 § 1 (part), 1986)

7.69.050 Notice by sellers and agents.

Any real estate agent, broker or salesperson involved in the sale of property subject to this chapter shall give written notice to the buyer and seller of these requirements prior to the closing of the sale of the property. A seller of any property subject to this chapter shall provide the buyer with a written certification of compliance with the requirements of this chapter, on a form approved by the County, stating that the required water conservation retrofit devices have been installed or that installation of devices is not required and the reasons why installation is not required under the terms of this chapter. The seller shall provide the County with a copy of any certification made pursuant to this chapter. (Ord. 3792 § 1 (part), 1986)

7.69.060 Violation--Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of an infraction and be fined in accordance with the provisions of Section 1.12.040 of the Santa Cruz County Code. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 3792 § 1 (part), 1986)

7.69.070 Civil remedy.

In the event that the seller of any property fails to comply with any provisions of this chapter, the buyer may bring a civil action to recover liquidated damages of two hundred and fifty dollars (\$250). (Ord. 3792 § 1 (part), 1986)

SECTION II

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this ____ day of _____, 2002, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the
Board of Supervisors

Attest: _____

Clerk of the Board

APPROVED AS TO FORM:

Assistant County Counsel

DRAFT

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SANTA CRUZ COUNTY WATER CONSERVATION PROGRAM
WATER CONSERVATION CERTIFICATION

- 1. Assessor's Parcel Number (APN) _____
- 2. Property Address _____ City _____ Zip _____
- 3. Daytime phone (____) _____
- 4. I, _____ am the seller of the property located at the
(PRINT NAME)
above address. I hereby certify that the above property is in compliance with Water Conservation Law as ordained in Chapter 7.69, Installing Water Conservation Devices, of the Santa Cruz County Code.

This certification is verified by the following (check all that apply):

- a. ___ Seller Certification
- b. ___ Exemption for house newly constructed or remodeled with permits after 1992.

I declare under penalty of perjury that the information stated above is true and complete, to the best of my knowledge.

Signature

Date

MAIL ORIGINAL CERTIFICATION FORM TO:
Santa Cruz County Water Conservation Program 701 Ocean Street, room 400 Santa Cruz, CA 95060

DRAFT

0300

Selling a Property in the unincorporated area of Santa Cruz County

Santa Cruz County Code (SCCC) Chapter 7.69, Installation of Water Conservation Devices, requires that all residential buildings, prior to a change in ownership, be certified as having water conservation plumbing fixtures in place. All residential water customers who reside in the unincorporated area of the County of Santa Cruz are affected by this Ordinance.

Examples of plumbing fixtures requiring retrofit include: toilets which were manufactured to use more than 1.6 gallons per flush and showerheads that emit more than 2.5 gallons per minute.

Upon resale, the seller of a property submits a signed Water Conservation Certificate (WCC) to the agent or transmits it directly to the Santa Cruz County Water Conservation Program, to demonstrate code compliance. (Please note that a WCC is filed only one time per property, as identified by the Assessors Parcel Number. It does not have to be re-filed when the property undergoes subsequent sale.)

Many properties in the unincorporated area of Santa Cruz County have been in compliance since they were built or remodeled. Any house newly built or remodeled with permits after 1992 is already equipped with compliant plumbing fixtures and can be certified as such. Please call the County of Santa Cruz at (831) 454-2580 for any questions about this program.



WATER DEPARTMENT MEMORANDUM

DATE: March 26, 2002
TO: Water Commission
FROM: Toby Goddard, Water Conservation Coordinator
SUBJECT: Plumbing Fixture Retrofit Ordinance

RECOMMENDATION: That the Water Commission recommend that City Council adopt a new ordinance establishing water efficiency standards for interior plumbing fixtures when changes in ownership of real property occur.

BACKGROUND: On March 7, 2000, City Council adopted the Water Conservation Plan to guide the Water Department's efforts in the area of water conservation over the next several years. The plan calls for implementing a residential plumbing fixture retrofit ordinance as the next major activity following completion of the residential conservation kit program. In addition, the City, as a signatory to the *Memorandum of Understanding Regarding Urban Water Conservation in California*, is committed to implementing a toilet replacement program that is "at least as effective as requiring toilet replacement at the time of resale." The City has offered a rebate program to promote installation of 1.6 gallon flush toilets since 1995, and expanded the program last year to help replace flush valve toilets and urinals in commercial buildings with low consumption fixtures. The intent of adopting water efficiency standards for plumbing fixtures when changes in ownership of real property occur is to further accelerate the replacement of older plumbing equipment with new, low consumption fixtures, and thereby reduce demand for water on existing accounts.

It was estimated in the Water Conservation plan that, at full implementation in 2010, such an ordinance would result in water savings of about 100 million gallons annually. As such, it is the measure with the largest potential savings of any of the seventeen programs listed in the water conservation plan.

Over the past several months, the Water Conservation Office has worked to develop such an ordinance, which is now ready for review and comment. In the process, we carefully evaluated the ordinances of ten other cities and water agencies across California that have adopted standards for plumbing fixtures when a transfer in ownership of real property takes place. A summary of other agencies ordinances is included as Attachment 1.

DISCUSSION: The proposed ordinance would require all residential, commercial, and industrial properties to be retrofitted with low consumption showerheads, toilets, and urinals at the time property ownership changes, i.e., close of escrow. Under the proposed ordinance, the person selling or transferring property would be responsible for replacing any fixtures that use water in excess of the applicable flush volume and flow rate standards. They would then be required to independently verify, either by City staff inspection or other acceptable method, that all fixtures comply with the standards. Once compliance has been verified, the person selling or transferring property would be issued a certificate by the Water Department to be included along with written notification of city requirements in the escrow documentation package in order to inform the buyer that the requirements have been fulfilled.

We considered the idea of including a standard in the ordinance for kitchen and lavatory faucets but later rejected it because it would potentially require considerable more staff time for information and enforcement activities in return for a very small amount of water savings.

In other jurisdictions having such a retrofit regulation, a common concern is that the person selling or transferring property usually installs the cheapest possible fixture to avoid spending any more than necessary to comply with the requirement, which can cause problems with the buyer down the road. Based on discussions with representatives of the real estate industry, we have included a process by which the responsibility for retrofitting can be transferred to the buyer if the parties agree to do so. In this case the buyer could apply for a temporary certificate to allow escrow to proceed, and be granted 90 days in which to do any necessary plumbing fixture changes with equipment that suit their needs. The city would not be involved in any private negotiations about who would pay for the cost of retrofitting in such cases.

The City Attorney has reviewed and the proposed ordinance and his suggestions have been incorporated into the attached ordinance (Attachment 2). Another meeting is planned Friday March 29 to get input and feedback from members of the Santa Cruz Association of Realtors, Local Government Relations (LGR) committee, who have offered to work with us in crafting an acceptable ordinance. Their views on the matter will be reported at the upcoming Water Commission meeting, and may result in refinement or changes to the proposed language. One important issue that we have discussed in past meetings with the LGR is the relationship of this ordinance to the rebate program. At this time we are recommending that rebates continue to be made available to those selling or transferring property. The experience of other agencies is that rebates help considerably with customer acceptance of the ordinance, as it helps recoup some of the cost of toilet replacement, improves compliance, and creates a spirit of partnership toward solving a community's water supply problem. If we choose not to allow rebates for such replacements, every person requesting a rebate application would need to be screened as to their motivations up front.

A considerable amount of work remains to be completed before this ordinance would become effective. The certificate form needs to be developed; the programming on the utility billing system for managing data on certified properties needs to be done, and arrangements need to be made to acquire the necessary information that allows for independently tracking of real estate sales and transfers for enforcement purposes. Outreach to real estate and title insurance companies must also be undertaken.

The Water Department will also need to work in the coming weeks with both the County Counsel of the County of Santa Cruz and the City Attorney for City of Capitola to have similar ordinances adopted that would enable the provisions of this ordinance to be enforced in areas that are served by the city water system beyond the Santa Cruz city limits. The County of Santa Cruz has been considering for some time adopting similar plumbing fixtures requirements for the unincorporated area, but through a different approach. If the County does adopt such an ordinance, we will propose that the County's ordinance allow the City's ordinance to supercede in unincorporated areas served by the city in order to make the requirements consistent throughout the entire water service area.

According to the Santa Cruz Association of Realtors, the number of properties that change ownership in the service area every year ranges from over 600 to more than 900 (Attachment 3). Note that this table does not include all transfers. It is estimated that the proposed ordinance will require one full time and one half-time staff to administer, including processing paperwork, fielding questions, and performing inspections. With the conservation kit program complete, we plan using existing staff at least in the near term, until we can make a more informed judgment about actual staffing needs and assess the impact of this ordinance on other conservation projects and programs.

Finally, it should be noted that legislation (**AB 2734**) has been introduced this February by Assembly Member Pavley that would make installation of low consumption plumbing fixtures mandatory across California when properties change hands, beginning in 2004 for commercial or industrial property, and in 2005 for residential property. We will be following the status of this bill as it could negate the need for an active City role in this area if it were to be passed by the legislature and signed into law.

Retrofit on Sale Ordinances

Agency	Description of Ordinance	Process	No. of staff	Do they Inspect Properties?	Have Incentives Programs?	Comments	Contact
City of Los Angeles	All properties must retrofit at time of sale: Residential must replace toilets and showerheads; Commercial must replace showerheads and fit toilets with flush reduction devices.	Certificate of Compliance signed by owner, buyer and qualified inspector. No exceptions allowed. Not required for customers outside the city limits.	Five customer service reps process paperwork, along with other duties.	No	Yes. They have a free ULFT distribution program and a \$100 toilet rebate program.	Would like to have more staff so that they would be able to inspect properties. Needed to work with the realtors. Fines up to \$1000.	818 504-2658 Tom Gackstetter 213 367-0936
City of San Diego	All properties must be retrofitted at time of sale if toilets are larger than 3.5 gpf, urinals over 1.0 gpf, showers over 2.5 gpm, and sinks more than 2.2 gpm. Reverse osmosis systems must have shut-off valves.	Water Conservation Certificate signed by the buyer and seller required. Buyer can transfer the responsibility for the retrofit to buyer. Must file Transfer Certificate at time of sale and WCC certifying retrofit within three months.	One person does all the paperwork. (Staff of three for all conservation programs.)	No	Yes. They have a \$75 toilet rebate program.	They would like to change the \$10 filing fee to \$100.	Mark Broder, 619 533-4290
City of San Francisco Water Dept.	Residential properties must be retrofitted to 2.5 gpm showers, faucets need aerators, and 1.6 gpf toilets upon change of title, major improvement, condominium conversion, or within ten years of the passage of the ordinance which is pending at this time.	Inspection form provided by building department and completed by qualified inspector. Certificate of compliance required—must be signed and recorded with the SF PUC.	Not operational yet.	No	Yes, \$50 toilet rebate program and at \$10 toilet distribution program.	Ordinance has not passed yet. Could be passed in Jan. 01. Ordinance goes into effect 5 years after passage. Properties that do not do this will be charged a higher rate for water.	Kim Knox; 415 923-2471 415 923-2571
City of San Luis Obispo	All properties sold, remodels, additions, or change of use, must be retrofitted with 2.5 gpm showers, 2.2 faucets, 1.0 urinals, and 1.6 gpf toilets.	Conservation Certificate required.	One, he also works on other programs. Three people in department.	Yes, some random inspections with contractors, then he gives them a certificate to give realtors. Inspects all of the ones not installed by contractors.	A free showerhead program. Toilet rebate of \$100 per bathroom; Offset program for development provides toilets free.	Realtors did not like it at first. You need to act quickly when they call so they are satisfied. Recommendations having recommended brands that keep people buying good toilets.	Bob Nichoals; 805 781-7217

Retrofit on Sale Ordinances

Agency	Description of Ordinance	Process	No. of staff	Do they Inspect Properties?	Have Incentives Programs?	Comments	Contact
City of Santa Monica	All properties must retrofit before change of ownership. ULFTs, urinals at 1.0 gpf, 1.0gpf urinals, showers and faucets 2.5 gpm, Reverse osmosis water filtration systems must have shut off valves.	Compliance Certificate required at escrow; proof or purchase or inspection required. Certificate issued after inspection verifies the retrofit.	Two full time.	Yes, all transfers are inspected, unless the City's direct install contractor has installed the toilet. Repeat transfers are inspected.	Toilet Rebate and direct install program, City selected contractors install toilets for \$35.	Failure to comply is a misdemeanor.	Sharon Norwood; 310 458-8972 x2
Marina Coast Water District	All properties must retrofit to 1.6 gpf toilets, 2.5 gpm showers at time of transfer of property, new additions/remodels, and commercial change of use.	Conservation Certification form required at time of sale.	1 full time conservation person does all programs.	Yes, all properties are inspected.	Toilet rebate available.	Failure to comply results in fines of up to \$50, termination of water or a fee of four times the regular water rate wasted. They are in the process of making this tougher.	Rich Youngblood, 831 384-6131
Monterey County Water Resources Agency	Requires retrofit of toilets to 1.6 gpf and showers to 2.5 gpm upon sale of residential & commercial property, or commercial change of use. Required mandatory retrofit of all visitor serving facilities with 1.6 gpf toilets and 2.5 gpm showers by Dec 31, 2000.	Certificate of compliance required.	One person handles paperwork along with other duties.	No	No	Allows penalties of \$50 per day fro 12 months, and \$100 per day after that.	Lisa, 831 755-4860
Monterey Peninsula Water Management District	All properties must retrofit to 1.6 gpf toilets, 2.5 gpm showers, 2.2 gpm faucets at change in ownership, remodels or 25% or bathroom additions, and commercial change in use.	Inspection and Certification form required. Seller calls MPWMD for verification inspection, gets inspection report, and submits to buyer. Seller and buyer both sign the Water Conservation form. Buyer can get 120 day extension for retrofit.	Two, process paperwork and do inspections.	Yes, all properties, including subsequent property transfers.	Toilet Rebate available prior to change in ownership	Need to respond quickly to realtors. Realtors make the program happen. Places liens on property if not in compliance.	Gabby Ayala, 831 658-5601 0305

Retrofit on Sale Ordinances

Agency	Description of Ordinance	Process	No. of staff	Do they Inspect Properties?	Have Incentives Programs?	Comments	Contact
Marin Municipal Water District	Requires retrofit of toilets over 1.6 gpf and pressure regulation devices at the time of change in ownership of residential, hotels/motels and properties built for shelter or housing	Seller and District inspector sign a Certificate of Compliance. A 20% surcharge based on the annual water bill is added to buyers monthly water charges if not in compliance six months after escrow.	Program not in effect yet.	Yes	They offer a \$75 rebate, which will end when the Retrofit on Change of Ownership law goes into effect, June 1, 2002.	Program goes into effect June 1, 2002	(415) 475-1455
North Marin Water District	Retrofit of toilets over 3.5 gpf, showers to 2.5 gpm, and faucets at 2.2 gpm required at change of ownership	Certificate of Compliance required or transferor can pay the District \$315 for each bathroom that does not comply, then the District transfers the responsibility to the buyer who has to retrofit in one year. After inspection by the District, the \$\$ paid the District is paid to the buyer.	One part time conservation person doing all programs.	Only when the buyer is responsible for the retrofit.	\$50 ULFT rebate available.	Would like more staff. Unable to inspect.	Ryan Grisso 415 897-4133

Chapter 7.74

PROHIBITION OF CERTAIN USES OF WATER
AND REQUIREMENTS FOR INSTALLATION OF
WATER CONSERVATION DEVICES IN AREAS
OF THE COUNTY SERVED BY THE CITY OF
SANTA CRUZ WATER SUPPLY SYSTEM

Sections:

7.74.010	Purpose of provisions.
7.74.020	Definitions.
7.74.030	Application of chapter.
7.74.040	Prohibited water uses.
7.74.045	Large user regulations.
7.74.050	Variances.
7.74.060	Enforcement.
7.74.070	Violation.
7.74.075	Nuisance.

7.74.010 Purpose of provisions.

The public well-being requires that water not be wasted or put to unproductive uses. (Prior code § 11.95.010; Ord. 3196, 2/9/82)

7.74.020 Definitions.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this chapter. Words used in the present tense include the future; the singular number includes the plural and the plural the singular.

A. "Customer" means the person who has contracted for water service with the city;

B. "Business customer" means a customer in the sales class designated "01";

C. "Customer" means a customer who has contracted for water service from the city of Santa Cruz;

D. "Director" means the director of the water department of the city of Santa Cruz, or his or her designated representative;

E. "Industrial customer" means a customer in the sales class designated "04";

F. "Large multifamily residential customer" means a customer in the sales class designated "03" with ten or more housing units, exempting those multifamily customers where individual housing units served from one water service account are individually owned;

G. "Person" means any individual, firm, partnership, association, corporation or political entity;

H. "Water" means any water obtained from the water department of the city of Santa Cruz. (Ord. 4013 § 1 (part), 1989; prior code § 11.95.020; Ord. 3196, 2/9/82)

7.74.030 Application of chapter. 0307

The provisions of this chapter shall apply to all persons and customers within the unincorporated area of the county using water obtained from the city of Santa Cruz. (Ord. 4013 § 1 (part), 1989; prior code § 11.95.030; Ord. 3196, 2/9/82)

7.74.040 Prohibited water uses.

It is unlawful for any person to use water for any of the following uses:

A. Use of water from any fire hydrant unless specifically authorized by permit from the city, except by regularly constituted fire protection agencies for fire suppression purposes;

B. The watering of grass, lawn, groundcover, shrubbery, open ground, crops and trees, including agricultural irrigation, in a manner or to an extent which allows excess water to run to waste.

C. The escape of water through leaks, breaks or malfunction within the water user's plumbing or distribution system for any period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four hours after the water user discovers such break, leak or malfunction, or receives notice from the city of such condition, whichever occurs first, is a reasonable time within which to correct such condition or to make arrangements for correction.

D. The use of water for washing cars, building exteriors, mobile home exteriors, boats, sidewalks, driveways or other exterior surfaces, without the use of a quick-acting, positive shutoff nozzle on the hose;

E. The operation of any ornamental fountain, car wash or other such structure using water from the city domestic water system, unless water for such use is recycled;

F. The indiscriminate running of water or washing with water not otherwise prohibited in this section which is wasteful and without reasonable purpose. (Prior code § 11.95.040; Ord. 3196, 2/9/82)

7.74.045 Large user regulations.

A. Business, industrial and large multifamily residential customers shall conform with the following low water use plumbing requirements, unless the director shall grant written waiver of such compliance:

1. Showerheads shall have a maximum flow rate of 2.75 gallons per minute (gpm);

2. Wash basin faucets shall have a maximum flow rate of 2.5 gpm;

3. **Tank** style toilets which exceed 3.5 gallons per flush shall be adjusted not to exceed 3.5 gallons per flush or retrofitted with toilet water-use reduction devices capable of reducing flow to 3.5 gallons per flush or by at least 1.0 gallon per flush;

4. Urinals which exceed 3.5 gallons per flush shall be adjusted not to exceed 3.5 gallons per flush or retrofitted with water-use reduction devices to limit the flush volume to 3.5 gallons per flush, or to reduce flush volume by at least 1.0 gallon per flush;

B. Each business, industrial or large multifamily residential customer, current or future, shall employ or request a qualified person, as indicated by the water department, to inspect the building or structure and to certify its compliance with the requirements of this section. A certificate of compliance with the requirements of this section shall be submitted to the water department on a form provided by the water department. The certificate of compliance shall be signed by the customer or the customer's agent and the qualified person who performed the inspection and shall be filed with the water department by the qualified person within fifteen days after the completion of the installation or inspection. Any person who knowingly or wilfully makes a false statement or representation, or fails to disclose a material fact in a Certificate of compliance is subject to a civil and/or criminal prosecution as provided in Section 1.12.040 of this code. (Ord. 4013 § 3 (part), 1989)

7.74.050 Variances.

The health officer may grant variances for uses of water otherwise prohibited if he finds and determines that to fail to do so would cause an emergency condition affecting the health, sanitation or fire protection of the applicant, an undue and severe hardship on a particular business, or render the continued operation of such a business economically infeasible. (Prior code § 11.95.050: Ord. 3196, 2/9/82)

7.74.060 Enforcement.

All peace officers and persons authorized by law to issue citations within the area of the county served by the city of Santa Cruz water supply system shall, in conjunction with duties imposed by the law, diligently enforce the provisions of this chapter. Pursuant to the provisions of Section 836.5 of the California Penal Code, the county health officer, his or her delegated subordinates and such officers and employees of the city of Santa Cruz water department as are designated by the director of the water department are hereby authorized to issue citations

for enforcement of this chapter. (Ord. 4013 § 2 (part), 1989; prior code § 11.95.070: Ord. 3196, 2/9/82)

7.74.070 Violation.

Any person or customer violating Section 7.74.040, Prohibited water uses, of this chapter shall be deemed guilty of an infraction and upon conviction thereof shall be fined in an amount not to exceed one hundred dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such. Any customer violating Section 7.74.045, Large user requirements, of this chapter, including any person who installs or removes plumbing fixtures contrary to the provisions of Section 7.74.045 with the intent to defeat the purposes of this chapter, is subject to a civil and/or criminal prosecution as provided in Section 1.12.040 of this code. (Ord. 4013 § 2 (part), 1989; prior code § 11.95.060: Ord. 3196, 2/9/82)

7.74.075 Nuisance.

A condition caused or permitted to exist as a result of violation of the provisions of this chapter is a public nuisance, as provided by Section 1.12.040 of this code. So long as such nuisance continues no authority, permit or license pertaining to the premises shall be granted by the city of Santa Cruz to any person who has caused or is responsible for such nuisance shall be liable for the costs of abatement, and cost of correction, which shall include, but not be limited to:

- A. Cost of investigation;
- B. Court costs;
- C. Attorney's fees;
- D. Costs of monitoring compliance. (Ord. 4013 § 3 (part), 1989)