

1 [Commercial Water Conservation Ordinance Amendments.]

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3 **Ordinance amending Chapter 13A of the San Francisco Building Code to achieve water**  
4 **conservation by improving the water efficiency of commercial buildings by changing**  
5 **the standards for water closets, urinals, showerheads and faucet aerators and**  
6 **requiring leak repair, required upon the occurrence of major additions or**  
7 **improvements, and in all defined commercial buildings no later than January 1, 2017,**  
8 **authorizing an exemption to preserve historical integrity of the building, authorizing**  
9 **paper and/or electronic forms for compliance and providing that compliance records**  
10 **may be available via the internet, providing that reasonable fees may be required to pay**  
11 **for the cost of implementing this Chapter, to be established by subsequent Board**  
12 **action, and providing that this ordinance shall be effective no earlier than July 1, 2009.**

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14 Note: Additions are single-underline italics Times New Roman;  
15 deletions are ~~strikethrough italics Times New Roman~~.  
16 Board amendment additions are double underlined.  
17 Board amendment deletions are ~~strikethrough normal~~.

18 Be it ordained by the People of the City and County of San Francisco:

19 Section 1. The San Francisco Building Code is hereby amended by amending Chapter  
20 13A, to read as follows:

21 SEC. ~~TION~~ 1301A. —TITLE.

22 This chapter shall be known as the “Commercial Water Conservation Ordinance.”

23 SEC. ~~TION~~ 1302A. — INTENT.

24 It is the intent of this chapter to conserve existing water supplies by ~~reducing~~ *managing*  
25 the overall demand for water in commercial buildings, including tourist hotels and motels, by

1 requiring the installation of water conservation devices in commercial buildings upon the  
2 occurrence of specific events and in any event no later than ~~November 1, 1994~~ January 1, 2017.

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4 SECTION 1303A. —DEFINITIONS.

5 For the purpose of this chapter, certain terms are defined as follows:

6 ACCESSIBLE means there is sufficient space in which to install the specified water and  
7 energy conservation measure without significant alteration to the structure. For ducts,  
8 plenums or pipes, “accessible” shall mean all ductwork, plenums or pipes located in  
9 mechanical rooms, on roofs and around all air handling units. In addition, pipes located above  
10 movable ceiling panels shall be considered accessible, but not ducts or plenums.

11 ACCESSIBLE ATTIC SPACE means a space between a ceiling joist and roof rafter  
12 where the vertical clear height from the top of the bottom chord of the truss or ceiling joist to  
13 the underside of the roof sheeting at the roof ridge is greater than 18 inches (957 mm).

14 BUILDING OCCUPANCY means OCCUPANCY as defined in Chapter 3 of this code  
15 and shall also, where practicable, include the primary business activity of the property as  
16 classified by Standard Industrial Classification (SIC).

17 BUILDING TYPE means the type of building construction, as defined in Chapter 6 of  
18 this code, and shall take into consideration whether the building is a high-rise building as  
19 defined by Section 403 of this code.

20 COMMERCIAL BUILDING means any privately owned building except those  
21 residential buildings and portions of mixed residential-commercial buildings ~~or portions thereof~~  
22 that are subject to the energy or water conservation requirements of Chapter 12 or Chapter 12A  
23 of the San Francisco Housing Code (Residential Energy Conservation Ordinance and  
24 Residential Water Conservation Ordinance).

1 COST-EFFECTIVE means having a simple economic payback that does not exceed  
2 four years or the expected life of an energy conservation measure, whichever is shorter.

3 ~~ESCROW means any transaction wherein one person, for the purpose of effecting the sale,~~  
4 ~~transfer, encumbering or leasing of real property to another person, delivers any written instrument,~~  
5 ~~money, evidence of title to real property or other thing of value to a third person to be held by such~~  
6 ~~third person until the happening of a specified event or the performance of a prescribed condition,~~  
7 ~~when it is then to be delivered by such third person to a grantee, grantor, promisee, promisor, obligee,~~  
8 ~~obligor, bailee, bailor or any agent or employee of any of the latter.~~

9 ESTABLISHED CONTRACTOR'S COST means the contractor's fee, including labor  
10 and material, plus the engineer's fee to do the required work, provided that the engineer's fees  
11 do not exceed the schedule of fees provided by the Building Official.

12 PERMIT APPLICANT means the person listed on the building permit application as the  
13 owner or lessee of the building.

14 QUALIFIED INSPECTOR means an *energy* inspector defined in Section ~~1316A~~ 1314A,  
15 who is authorized to perform a water conservation inspection.

16 QUALIFIED PROFESSIONAL means a person regularly engaged in the field of making  
17 repairs, adjustments and inspection of energy-using equipment contained in HVAC, lighting or  
18 service hot water systems.

19 SERVICE HOT WATER means the supply of hot water for domestic or commercial  
20 purposes other than comfort heating.

21 SIMPLE ECONOMIC PAYBACK means the time needed to recover a conservation  
22 investment on the basis of expected energy savings at current energy costs. Simple  
23 economic payback is expressed in years, and is calculated by dividing the established  
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1 contractor's cost of a conservation measure by the estimated dollar savings in the first year.  
2 Available tax credits, incentives and future energy costs are not considered in the calculation.

3 *TRANSFER OF TITLE means the conveyance of title to real property by one or more persons*  
4 *as a result of sale or exchange, and includes the execution of a real property sales contract as defined*  
5 *in Section 2985 of the California Civil Code and any change of ownership described in subdivisions (c)*  
6 *and (h) of Section 61 and subdivision (c) of Section 64 of the Revenue and Taxation Code.*

7 WATER CONSERVATION INSPECTION means inspection of a commercial building  
8 for compliance with the requirements of this chapter.

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10 SECTION 1304A. —RULES AND GUIDELINES.

11 1304A.1 Adopt Rules. The Building Official, in cooperation with the General Manager  
12 of the Public Utilities Commission and other advisors as the Building Official may deem  
13 appropriate, shall adopt reasonable rules and guidelines implementing the provisions and  
14 intent of this chapter and shall make them available to the public along with the informational  
15 brochure described in Section ~~1309A~~ 1307A. The Building Official, in cooperation with the  
16 General Manager of the Public Utilities Commission, may amend these rules and guidelines  
17 from time to time after considering public input.

18 1304A.2 Inspection procedures. The Building Official shall include coverage of this  
19 chapter's requirements in the Water Inspection Procedures established by the Department.

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21 SECTION 1305A. —CIVIL REMEDIES.

22 1305A.1 Abatement. A commercial building shall constitute a nuisance under the  
23 terms of Section 102A of this code when the installation of a water conservation measure in a

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1 commercial building is required pursuant to this chapter and the water conservation measure  
2 has not been installed *by November 1, 1994.*

3 The nuisance shall be abated by civil action pursuant to procedures set forth in Section  
4 102A of this code for unsafe buildings; provided, however, that in no event shall any violation  
5 constitute a misdemeanor.

6 ~~1305A.2 Title Transfer. No transfer subject to this chapter shall be invalidated solely because  
7 of the failure of any person to comply with any provision of this chapter. However, any person who  
8 willfully or negligently violates or fails to perform any duty prescribed by any provision of this chapter  
9 shall be liable in the amount of actual damages suffered by a plaintiff. Except as otherwise provided in  
10 Section 1308A, the buyer may institute a civil action to require compliance with the requirements of  
11 this chapter whenever an inspection and installation of conservation measures required pursuant to  
12 this chapter as a result of a title transfer was not done. In addition to the cost of compliance with this  
13 chapter, the plaintiff shall be entitled to court fees and attorney's fees necessary to bring about  
14 compliance with the chapter.~~

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## 16 SECTION 1306A. —REQUIREMENTS.

17 ~~1306A.1 Transfer of Title. The seller shall obtain a valid water conservation inspection and  
18 shall comply with the applicable water conservation measures required by this chapter prior to any  
19 transfer of title of any commercial building, or portion thereof, subject to the provisions of this chapter.~~

20 ~~The seller must furnish a copy of the completed inspection form showing compliance with this  
21 chapter to the buyer prior to transfer of title.~~

22 ~~1306A.1.1 Scope. This section shall apply to the entire portion of the commercial building that  
23 is transferred.~~

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1           ~~1306A.2~~ 1306A.1 Building Additions. For building additions where the sum of concurrent  
2 building permits by the same permit applicant would increase the floor area of the space in a  
3 building by more than ten ~~10~~ percent, the permit applicant shall obtain a valid water  
4 conservation inspection and shall comply with the applicable water conservation measures  
5 required by this chapter as a condition for issuance of a Certificate of Final Completion and  
6 Occupancy by the Department upon completion of the addition.

7           ~~1306A.2.1~~ 1306A.1.1 Scope. This subsection shall apply to the entire building.

8           ~~1306A.3~~ 1306A.2 Building Alterations and Improvements.

9           1306A.2.1 For alterations or improvements where the total construction cost estimated  
10 in the building permit is greater than ~~\$50,000~~ \$150,000, as a condition for issuance of a Certificate  
11 of Final Completion and Occupancy, or final permit sign off, by the Department upon completion of the  
12 alterations or improvements, the permit applicant shall obtain a valid water conservation inspection and  
13 shall install the applicable water conservation devices required by this chapter that serve the specific  
14 area of alteration or improvement.

15           ~~1306A.3.1~~ 1306A.2.2 Notwithstanding Section 1306A2.1, for any alterations or improvements  
16 to a room containing any of the water conservation devices identified in Section 1313A, as a condition  
17 for issuance of a Certificate of Final Completion and Occupancy or final permit signoff by the  
18 Department upon completion of the alterations or improvements, the permit applicant shall install the  
19 applicable water conservation devices required by this chapter in that room.

20           1306A.3 On or before January 1, 2017, all commercial buildings shall be in compliance with  
21 this chapter, and the owner or the owner's authorized representative shall cause a water conservation  
22 inspection to be completed, and shall have a certificate of compliance on file with the Department for  
23 the entire building, or the entire portion of the mixed residential and commercial building that is  
24 subject to the required water compliance measures identified in Section 1313A.

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~~SECTION 1307A—TIME ALLOWED FOR COMPLIANCE~~

~~1307A.1 Title Transfers or Major Improvements. For title transfers or building additions, alterations and improvements (Section 1306A above), compliance with this chapter shall be triggered by the requirement of an water conservation inspection for compliance with the water conservation measures set forth in this chapter.~~

~~1307A.2 Affidavits. In lieu of the inspection and certificate of compliance requirements of Section 1313A, the owner or the owner's authorized agent shall file with the Public Utilities Commission an affidavit signed by the owner affirming that the water conservation devices required by Section 1315A either have been installed or compliance is not required. The affidavit shall be on a form provided by the Public Utilities Commission. Copies of the affidavit are to be filed in the Department.~~

~~SECTION 1308A—TRANSFER OF RESPONSIBILITY FOR COMPLIANCE~~

~~1308A.1 Transfer to Buyer. The seller may transfer to the buyer of the building responsibility for compliance with the water conservation measures of this chapter in accordance with the provisions of this section, if at the time of transfer of title, the requirements of either Section 1308A.2 or 1308A.3 have been met.~~

~~1308A.2 Escrow Account Procedure.~~

~~1308A.2.1 Water conservation inspection. A qualified inspector shall conduct a water conservation inspection. The seller or the seller's authorized agent shall file the water inspection form with the Department along with a written statement indicating that an escrow account has been set up pursuant to this section and giving the escrow holder's name and address and the escrow number.~~

1           ~~1308A.2.2 Written agreement. A written agreement signed by the buyer and seller shall be~~  
2 ~~deposited into the escrow containing the following:~~

3           ~~1308A.2.2.1 The buyer's agreement that the required water conservation measures will be~~  
4 ~~installed, and the certificate of compliance filed with the Department, within the time allowed for~~  
5 ~~compliance under Section 1307A;~~

6           ~~1308A.2.2.2 The seller's agreement that funds equal to 1 percent of the purchase price~~  
7 ~~indicated on the accepted purchase offer or \$150,000, whichever is less, shall be retained by the~~  
8 ~~escrow holder and disbursed as follows:~~

9           ~~1. Upon delivery to the escrow holder of a copy of the completed certificate of compliance with~~  
10 ~~this chapter as filed with the Department within the time allowed for compliance under Section 1307A,~~  
11 ~~the escrow holder shall, upon written instructions of the buyer, disburse to the buyer as much of these~~  
12 ~~funds as are required to pay the provider(s) of the materials and labor used to bring the property into~~  
13 ~~compliance with the provisions of this chapter and shall disburse the surplus thereafter remaining to~~  
14 ~~the seller;~~

15           ~~2. If such certificate of compliance is not delivered to the escrow holder within the time allowed~~  
16 ~~for compliance under Section 1307A, the escrow holder shall deposit all said funds into the~~  
17 ~~Commercial Water Conservation Account of the Repair and Demolition Fund of the City and County of~~  
18 ~~San Francisco established pursuant to Section 102A.13 of this code to be used exclusively to defray the~~  
19 ~~cost of materials, labor and administrative fees necessary to bring the building into compliance with~~  
20 ~~the provisions of this chapter, with any surplus funds to be returned to the seller once compliance is~~  
21 ~~achieved. No funds shall be deposited in the Commercial Water Conservation Account under this~~  
22 ~~section so long as an appeal is pending or an extension has been granted pursuant to Section 1310A~~  
23 ~~with regard to that building.~~

1           ~~1308A.3 Filing of Written Agreement. The seller or the seller's authorized agent shall file the~~  
2 ~~water inspection form with the Department along with a written agreement signed by the buyer and~~  
3 ~~seller whereby the buyer agrees that the required water conservation measures will be installed within~~  
4 ~~180 days of the close of escrow with a certificate of compliance filed pursuant to Section 1313A.~~

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6 ~~SECTION 1309A-1307A.~~ —INFORMATIONAL BROCHURE.

7           ~~1309A.1 1307A.1 Written Notice. The seller, or the seller's authorized agent, involved in the~~  
8 ~~sale or exchange of commercial property subject to the provisions of this chapter shall give written~~  
9 ~~notice of the requirements of this chapter to the buyer.~~—The Department shall make available to the  
10 public an informational brochure specifying the water conservation requirements. ~~Delivery of~~  
11 ~~this brochure by the seller or the seller's agent to the buyer shall satisfy the notice requirements of this~~  
12 ~~section. Failure to give notice as required by this section shall not excuse or exempt the seller or buyer~~  
13 ~~of commercial property from compliance with the requirements of this chapter~~

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15 ~~SECTION 1310A-1308A.~~ —POSTPONEMENTS OF REQUIREMENTS.

16           ~~1310A.1 1308A.1 Postponement for Demolition. The duty of a seller, buyer an owner~~ or  
17 permit applicant to comply with inspection and water conservation requirements applicable to  
18 any portion of a building subject to this chapter shall be postponed for one year from the date  
19 of issuance of a demolition permit for said building. If the building is demolished and a  
20 certificate of completion is issued by the Department before the end of the one-year  
21 postponement, the requirements of this chapter shall not apply. If the building is not  
22 demolished after the expiration of one year, the provisions of this chapter shall apply, subject  
23 to appeal, even though the demolition permit is still in effect or a new demolition permit has  
24 been issued.

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~~SECTION 1311A 1309A.~~— EARLY COMPLIANCE WITH WATER CONSERVATION MEASURES.

~~1311A.1 1309A.1~~ Early Compliance. To encourage early compliance with the requirements of this chapter, compliance pursuant to Section 1311A may be completed ~~an affidavit of compliance may be voluntarily filed with the Public Utilities Commission in accordance with Section 1307A~~ at any time before compliance would otherwise be required. In the event of early compliance, a water conservation inspection shall be completed and a certificate of compliance shall be filed with the Department in accordance with Section 1311A.

~~SECTION 1312A 1310A.~~—WATER CONSERVATION INSPECTIONS.

~~1312A.1 1310A.1~~ Inspections. A water conservation inspection which satisfies the requirements of this chapter shall be performed as required by this chapter.

~~SECTION 1313A 1311A.~~—PROOF OF COMPLIANCE WITH WATER CONSERVATION MEASURES.

~~1313A.1 1311A.1~~ Inspection Form. The Department shall provide standardized forms, that may be paper and/or electronic suitable for conducting a valid water conservation inspection and certifying compliance with the requirements of this chapter,. The inspection form shall be completed and signed by a qualified inspector, furnished to the permit applicant, building owner or the owner's authorized representative, and ~~filed~~ submitted to the Department in accordance with this Section ~~1313A.2 of this code.~~

1           ~~1313A.2~~ 1311A.2 Certificate of Compliance. When all of the water conservation  
2 requirements have been met, a certificate of compliance shall be signed, ~~and filed~~ submitted to  
3 the Department and recorded in accordance with Section 1313A.3.

4           ~~1313A.3~~ 1311A.3 Public Records. ~~Completed w~~ Water conservation inspection results  
5 forms, informational surveys and certificates of compliance shall be ~~filed with the Department and~~  
6 ~~are~~ public information, shall be available for inspection by any interested person records, and any  
7 ~~person may inspect them~~ during regular business hours at the Department, and may be made  
8 available electronically via the internet.

9           ~~Affidavits filed pursuant to this Section 1307A shall be public records, and any person may~~  
10 ~~inspect them during regular business hours at the Public Utilities Commission.~~

11           1311A.4 Fees. Reasonable fees may be required to pay for, but not exceed, the costs of  
12 implementing this chapter. Such fees shall be established by the Board of Supervisors upon  
13 recommendation of the Director of the Department and shall include:

14           1. The cost of inspections performed by the Department;

15           2 The cost of the appeal process and the request for exemption process;

16           3. The cost of filing and processing documents at the Department;

17           4. The cost of printing forms and informational brochures by the Department;

18           5. Other expenses incurred by the City and County of San Francisco in implementing this

19 Chapter.

20           1311A.4.1 Fee Schedule. See Building Code Section 110A, Table 1 A-N for the applicable fees,  
21 once established.

22           1311A.4.2 Fee Review. The Director of the Department of Building Inspection shall cause an  
23 annual report of fees to be made and filed with the Controller as set forth in Section 3.17-2 of the San

1 Francisco Administrative Code. The Controller shall review the report and file it with the Board of  
2 Supervisors along with a proposed ordinance readjusting the fee rates as necessary.

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4 SECTION 1314A.1 1312A. —APPEALS FROM RESULTS OF A WATER CONSERVATION  
5 INSPECTION OR REQUEST FOR EXEMPTION.

6 1314A.1 1312A.1 Notice of Appeal. Any person with an interest in the property subject  
7 to a water conservation inspection who contests the determination of a qualified inspector  
8 regarding required water conservation measures may appeal said decision to the *Building*  
9 *Official Director* within ~~20~~ ten working days from the date the completed inspection form was  
10 filed with the Department. The notice of appeal shall state, clearly and concisely, the grounds  
11 upon which the appeal is based. The burden of proof shall be on the applicant to demonstrate  
12 that the water conservation measure is not required under this chapter. The determination of  
13 the Director may be appealed to the Building Inspection Commission pursuant to the appeal  
14 procedures established in the Administrative Code Chapter 77.

15 1314A.2 1312A.2 Appeal Procedures. ~~The applicant may appeal the Building Official's~~  
16 ~~Director's decision to a hearing officer or the Abatement Appeals Board within ten 10 working days~~  
17 ~~from the date that said decision was issued. The hearing officer shall be appointed by the Building~~  
18 ~~Official. The determination of the hearing officer or Abatement Appeals Board shall be final.~~

19 ~~—The Building Official, in conjunction with the Public Utilities Commission, shall develop clear~~  
20 ~~rules and procedures for submitting and processing appeals, and the rules set forth in Section 105A.2~~  
21 ~~of this code shall not be applicable to these appeals. Any person filing an appeal pursuant to this~~  
22 ~~section shall pay a filing fee.~~ Exemptions. Any person with an interest in the property subject to a  
23 water conservation inspection who claims an exemption pursuant to Section 1313A.3 and 1313A.4 of  
24 this chapter may request a determination of exemption from the Director by filing the request and

1 stating the basis for the claim. The burden of proof shall be on the applicant to demonstrate the  
2 qualifications for the exemption. The determination of the Director may be appealed to the Building  
3 Inspection Commission pursuant to the appeal procedures established in the Administrative Code  
4 Chapter 77. Any appeal or request for exemption to the Director pursuant to this Section shall be  
5 accompanied by payment of a filing fee, pursuant to Section 1216 of the San Francisco Housing Code.

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7 ~~SECTION 1315A~~ 1313A.—REQUIRED WATER CONSERVATION MEASURES.

8 The following water conservation measures are required for commercial buildings:

9 ~~1315A.1~~ 1313A.1 Showerheads. ~~Low flow devices on all accessible~~ Replace all  
10 showerheads having a maximum flow rate exceeding rated flow of not more than 2.5 gallons  
11 (9.46 liters) per minute, with showerheads not exceeding the maximum flow rate established by the  
12 California Energy Commission, as set forth in the Appliance Efficiency Regulations, California Code of  
13 Regulations, Title 20, Sections 1601 to 1608, as it may be amended. Showers shall have no more than  
14 one showerhead per valve. For purposes of this subsection, the term "showerheads" includes rain  
15 heads, rain tiles, or any other fitting that transmits water for purposes of showering. Showerheads of  
16 the ball joint type that cannot easily be removed from the wall without structural alteration are exempt  
17 from this requirement.

18 ~~1315A.2~~ 1313A.2 Faucet Aerators. ~~Aerators attached to sink faucets which faucets are~~  
19 ~~designed to accept such devices. These aerators shall include a flow restrictor and shall be of a type~~  
20 ~~approved by the Building Official of the Department. Replace all faucets and faucet aerators having a~~  
21 ~~maximum flow rate exceeding 2.2 gallons per minute at a water pressure of 60 pounds per square inch,~~  
22 ~~with plumbing fittings not exceeding the maximum flow rate established by the California Energy~~  
23 ~~Commission, as set forth in the Appliance Efficiency Regulations, California Code of Regulations, Title~~  
24 ~~20, Sections 1601 to 1608, as it may be amended. Health-care facilities that are subject to the~~

1 requirements of this chapter shall be exempt from the requirements of installing aerators on sink  
2 faucets within such health care facilities required by this chapter to install faucet aerators may satisfy  
3 that requirement by installing other flow restricting devices, such as laminar flow control devices.

4 ~~1315A.3~~ 1313A.3 Water Closets Low-Flow Toilets. Low flow toilets [3.5 gallons (13.25 liters)  
5 per flush or less] or approved devices in toilets designed to reduce the total volume of water in each  
6 toilet flush, including but not limited to (1) flush reducers, (2) flow restrictors and (3) volume reducers.  
7 Installation of a retrofit device will not be required when its installation will impede the designed  
8 functioning and/or flushing of the toilet. Replace all water closets that have a rated water consumption  
9 exceeding 1.6 gallons per flush with fixtures not exceeding the rated maximum water consumption  
10 established in the San Francisco Plumbing Code Chapter 4, Section 402.2, as it may be amended. An  
11 owner of a commercial building may request an exemption from replacing a water closet in the  
12 building if the replacement would detract from the historical integrity of the building, as determined by  
13 the Director of the Department of Building Inspection pursuant to the California Historic Building  
14 Code and Section 1312A.2.

15 1313A.4 Urinals. Replace all urinals that have a flow rate exceeding one gallon per flush with  
16 fixtures not exceeding the maximum flow rate established in the San Francisco Plumbing Code, Section  
17 402.3, as it may be amended. An owner of a commercial building may request an exemption from  
18 replacing a urinal in the building if the replacement would detract from the historical integrity of the  
19 building, as determined by the Director of the Department of Building Inspection pursuant to the  
20 California Historical building Code and Section 1312A.2.

21 1313A.5 Leak repair. All water leaks shall be located and repaired. To determine the existence  
22 of leaks, the following is required.

23 1. Visual inspection or water meter registration. If water meter registration is used, compliance  
24 is achieved if there is no meter movement for ten minutes while all fixtures are shut off.

1 2. All tank type water closets shall be tested with leak detector tablets or dye to detect slow  
2 valve leaks and all flushometer type fixtures shall be visually checked for proper operation with respect  
3 to timing and leaks.

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5 ~~SECTION 1316A~~ 1314A. —WATER CONSERVATION INSPECTIONS.

6 ~~1316A.1~~ 1314A.1 Inspections. Inspections to determine compliance with the water  
7 conservation requirements of this chapter may be conducted by one of the following:

- 8 1. An authorized inspector of the Department;
- 9 2. A private inspector authorized by the Building Official pursuant to established rules  
10 and guidelines;
- 11 3. A private inspector hired by the Department, or Public Utilities Commission, on a  
12 contractual basis under terms and fees to be recommended by the Departments and  
13 established by the Board of Supervisors.

14 ~~1316A.2~~ 1314A.2 Qualified Inspector Duties. The duties of a qualified inspector shall be  
15 as follows:

- 16 1. To inspect portions of a building that are subject to this chapter to determine  
17 whether the water conservation standards specified in Section ~~1315A~~ 1313A have been met  
18 and, if met, to sign a certificate of compliance, pursuant to Section ~~1313A~~ 1311A, and to furnish  
19 it to the permit applicant, building owner or owner's agent;
- 20 2. To record on an official inspection form, pursuant to Section ~~1313A~~ 1311A, all  
21 measures required by this chapter for which the building is in noncompliance, and to sign the  
22 inspection form and furnish it to the permit applicant, building owner or owner's agent.

1           ~~1316A.3~~ 1314A.3 Private Water Inspectors. Private inspectors shall be required to  
2 demonstrate financial responsibility by being insured and/or bonded in amounts to be  
3 determined by the Building Official.

4           ~~1316A.4~~ 1314A.4 Conflict of Interest. No authorized inspector may conduct a water  
5 inspection on any building in which that inspector has a financial interest. For the purposes of  
6 this section, an inspector shall be deemed to have a financial interest in a building if the  
7 inspector:

8           1. Is an owner of the building or the property upon which the building is located in full  
9 or in part;

10          2. Is a full- or part-time employee of the building or its owners;

11          3. Is regularly placed on the building staff by a company that provides building  
12 engineering, operations and maintenance, or other building services to the property.

13           ~~1316A.5~~ 1314A.5 Inspector as Employee. No inspector may ~~sign~~ approve a certificate of  
14 water conservation compliance for a building where that inspector is an employee or officer of  
15 a company that performed construction or repair work required by this chapter.

16           ~~1316A.6~~ 1314A.6 Limitation. Water conservation inspections are intended to enforce  
17 the provisions of this chapter only, and are not intended to determine compliance or  
18 noncompliance with any other portions of this code.

19           Section 2. This ordinance shall be effective no earlier than July 1, 2009.

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22 APPROVED AS TO FORM:  
23 DENNIS J. HERRERA, City Attorney

24

25 By: \_\_\_\_\_  
Noreen Ambrose  
Deputy City Attorney