NOTE:

Ordinance repealing the 2016 Plumbing Code in its entirety and enacting a 2019 Plumbing Code consisting of the 2019 California Plumbing Code as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing an operative date of January 1, 2020; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission as required by State law.

[Plumbing Code - Repeal of Existing 2016 Code and Enactment of 2019 Edition]

Unchanged Code text and uncodified text are in plain Arial font.

Additions to Codes are in <u>single-underline italics Times New Roman font</u>.

Deletions to Codes are in <u>strikethrough italics Times New Roman font</u>.

Board amendment additions are in <u>double-underlined Arial font</u>.

Board amendment deletions are in <u>strikethrough Arial font</u>.

Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 190963 and is incorporated herein by reference. The Board affirms this determination.

Section 2. General Findings.

(a) The California Building Standards Code is contained in Title 24 of the California Code of Regulations. It consists of 12 Parts, which are based upon model codes that are amended by the State agencies with jurisdiction over the subject matter. The California Plumbing Code is Part 5 of Title 24 of the California Code of Regulations.

- (b) The State of California adopts a new California Building Standards Code every three years ("triennial CBSC") with supplemental amendments published in intervening years. The triennial CBSC goes into effect throughout the State of California 180 days after its publication by the California Building Standards Commission or at a later date established by the Commission. The 2019 triennial CBSC will go into effect on January 1, 2020.
- (c) Local jurisdictions must enforce the California Building Standards Code but they may also enact more restrictive building standards that are reasonably necessary because of local climate, geologic, or topographical conditions. Local amendments may be made both to the triennial CBSC and to its individual Parts during the intervening years; however, local amendments previously adopted are not automatically applicable to a triennial CBSC. Rather, they must be re-enacted with the required findings of local climate, geologic, or topographical conditions, expressly made applicable to the new triennial CBSC, and with an operative date no earlier than the effective date of the triennial CBSC.
- (d) As in past triennial CBSC adoption cycles, by this ordinance the Board of Supervisors repeals the 2016 San Francisco Plumbing Code in its entirety, enacts the 2019 San Francisco Plumbing Code, and re-enacts the existing local amendments to make them applicable to the 2019 California Plumbing Code.
- (e) Pursuant to Charter Section D3.750-5, the Building Inspection Commission considered and approved San Francisco's amendments to the 2019 California Plumbing Code at a duly noticed public hearing that was held on July 17, 2019.

Section 3. Findings regarding Local Conditions.

(a) California Health and Safety Code Sections 17958.7 and 18941.5 provide that before making any changes or modifications to the California Plumbing Code and any other applicable provisions published by the California Building Standards Commission, the

governing body must make an express finding that each such change or modification is reasonably necessary because of specified local conditions. The local amendments together with the required findings must be filed with the California Building Standards Commission before the local changes or modifications can go into effect.

- (b) The City and County of San Francisco is unique among California communities with respect to local climate, geologic, topographical, and other conditions. A specific list of findings that support San Francisco's modifications to the 2019 California Plumbing Code, with a section-by-section correlation of each modification with a specific numbered finding, are contained in Exhibit A entitled "Standard Findings for San Francisco Building Standards Code Amendments."
- (c) Pursuant to California Health and Safety Code Sections 17958.7 and 18941.5, the Board of Supervisors finds and determines that the local conditions described in Exhibit A constitute a general summary of the most significant local conditions giving rise to the need for modification of the 2019 California Plumbing Code provisions published by the California Building Standards Commission. The Board of Supervisors further finds and determines that the proposed modifications are reasonably necessary based upon the local conditions set forth in Exhibit A.

Section 4. Repeal of the 2016 San Francisco Plumbing Code and Enactment of the 2019 San Francisco Plumbing Code.

(a) The 2016 San Francisco Plumbing Code is hereby repealed in its entirety. The San Francisco Plumbing Code being repealed was enacted on November 22, 2016, by Ordinance No. 231-16, with an operative date of January 1, 2017. It was amended by Ordinance Nos. 0096-18, 0065-19, and 0087-19. These ordinances are available on the Board of Supervisors' website.

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(b) The 2019 San Francisco Plumbing Code is hereby enacted. It consists of the 2019 California Plumbing Code and San Francisco's existing local amendments, which are reenacted and expressly made applicable to the 2019 California Plumbing Code. Copies of the 2019 California Plumbing Code and the stand-alone San Francisco amendments are declared to be part of Board File No. 190963 and are incorporated into this ordinance by reference as though fully set forth. Existing San Francisco amendments that are being made applicable to the 2019 California Plumbing Code are shown in unformatted ("plain") text and may include bold and/or italicized formatting; new San Francisco amendments are underlined; and deleted San Francisco amendments are in strikeout text.

Section 5. Continuance of Actions Under Prior Code. Nothing contained in this ordinance shall be construed as abating any action now pending under or by virtue of any ordinance of the City and County of San Francisco hereby repealed, nor shall this ordinance be construed as discontinuing, abating, modifying or altering any penalties accruing, or to accrue, or as waiving any right of the City under any such ordinance.

Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase of this ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 7. Effective and Operative Dates. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor

returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance. This ordinance shall take effect and be in full force on and after either January 1, 2020 or its effective date if the effective date is later.

Section 8. Directions to Clerk. Upon final passage of this ordinance, the Clerk of the Board of Supervisors is hereby directed to transmit to to the California Building Standards Commission pursuant to the applicable provisions of State law 1) this ordinance, 2) the Exhibit A attachment, and 3) the San Francisco amendments to the 2019 California Plumbing Code.

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

Ву:

JUDITH A. BOYAJIAN Deputy City Attorney

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## City and County of San Francisco Tails

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

## Ordinance

File Number:

190963

Date Passed: November 12, 2019

Ordinance repealing the 2016 Plumbing Code in its entirety and enacting a 2019 Plumbing Code consisting of the 2019 California Plumbing Code as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing an operative date of January 1, 2020; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission as required by State law.

October 28, 2019 Land Use and Transportation Committee - RECOMMENDED

November 05, 2019 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton

and Yee

Excused: 1 - Brown

November 12, 2019 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani,

Walton and Yee

File No. 190963

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/12/2019 by the Board of Supervisors of the City and County of San Francisco.

> Angela Calvillo Clerk of the Board

London N. Breed Mayor **Date Approved**