

# **Santa Cruz County Code Title 7.69:**

## **Installation of Water Conservation Devices**

### **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. 4698 § 2 (part), 1/7/03)

### **7.69.015 Relationship to other code requirements.**

Property located within the water service area of the city of Santa Cruz shall comply with the requirements for the installation of water conservation devices as set forth in Chapter 7.74 of the county code. (Ord. 4698 § 2 (part), 1/7/03)

### **7.69.020 Definitions.**

For purposes of this chapter:

- A. “Significant expense” means that the cost for retrofitting any single fixture is estimated to be more than one-half of one percent (1/2 %) of the market value of the property subject to transfer.
- B. “Water conservation retrofit devices” means for showers a low-flow showerhead which will have a maximum flow rate of not exceeding two and one-half gallons per minute (gpm), and for toilets, an ultra-low-flush toilet not exceeding one and six-tenths gallon per flush (gpf). (Ord. 4781 § 1, 4/5/05; Ord. 4698 § 2 (part), 1/7/03)

### **7.69.030 Requirements for water conservation retrofit devices.**

Commencing March 1, 2003, all sellers of residential, commercial or industrial property using water in showers 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 to implement 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. 4698 § 2 (part), 1/7/03)

### **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. All structures that include plumbing fixtures on the property changing ownership with evidence documenting that they were constructed or renovated in 1994 or later;
  - 2. Any shower that is fitted with a low-flow showerhead with a maximum flow

- rate that does not exceed two and one-half 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 two and one-half gallons per minute;
  - 4. When the retrofit of a shower fixture to comply with this chapter would require a significant expense;
  - 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 of the following:
- 1. Any toilet that already uses less than one and six-tenths gallons per flush.
  - 2. When the retrofit of a toilet fixture to comply with this chapter would require a significant expense;
  - 3. Any toilet that will not function properly after being retrofitted in accordance with this chapter. (Ord. 4781 § 2, 4/5/05: Ord. 4698 § 2 (part), 1/7/03)

**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 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. (Ord. 4698 § 2 (part), 1/7/03)

**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. 4698 § 2 (part), 1/7/03)

**7.69.070 Civil remedy.**

If the seller fails to comply with the retrofit requirements, the buyer shall install the low consumption plumbing fixtures within ninety days from the date of sale. Any seller who fails to comply with the requirements of this chapter is liable to the buyer in the amount of two hundred and fifty dollars for each fixture that does not comply with this chapter at the time of sale, or the actual costs of the buyer to comply with this chapter, whichever amounts are greater. (Ord. 4698 § 2 (part), 1/7/03)