

ORDINANCE NO. 2446

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING THE CHULA VISTA MUNICIPAL CODE BY ADDING CHAPTER 9.70 TO PROHIBIT THE INSTALLATION OF, AND THE SALE WITH INTENT TO INSTALL, HIGH FLOW WATER FIXTURES, TO REQUIRE THE MARKING OF HIGH FLOW WATER FIXTURES AND TO REQUIRE THE POSTING OF NOTICE OF SAME AT RETAIL ESTABLISHMENTS OFFERING HIGH FLOW WATER FIXTURES

The City Council of the City of Chula Vista does hereby ordain as follows:

SECTION I. The Chula Vista Municipal Code is hereby amended by adding Chapter 9.70 to read as follows:

X. ENVIRONMENTAL PROTECTION AND CONSERVATION

Section 9.70.010. Regulation of Sale and Installation of High Flow Water Fixtures.

A. Definitions.

1. "High Flow Water Fixture", for the purposes of this Section, shall mean any of the following devices:
 - a. A toilet (also known as a water closet) which permits the usage of greater than 3.5 gallons per flush ("High Flow Toilet").
 - b. A shower nozzle which permits the usage of greater than 2.5 gallons per minute per maximum volume ("High Flow Shower Nozzle").
 - c. A urinal which permits the usage of greater than 1.0 gallons per flush. ("High Flow Urinal").
 - d. A sink faucet which permits the usage of greater than 2.5 gallons per minute ("High Flow Sink Faucet").
 - e. A lavatory faucet which permits the usage of greater than 2.0 gallons per minute ("High Flow Lavatory Faucet").
2. "Retailer", for the purposes of this Section, shall mean any person, including, but not limited to, an individual, firm, association, or corporation, licensed by the City to conduct, or conducting a commercial retail business.

B. Installation of High Flow Water Fixtures Within City.

It shall be illegal from and after April 15, 1991, for any person, including but not limited to any individual, partnership, firm, corporation, or association, to install a High Flow Water Fixture in any building on property which, in whole or in part, is located within the City limits of the City of Chula Vista.

C. Marking of High Flow Water Fixtures.

1. No Retailer in the City of Chula Vista shall offer a High Flow Toilet (or water closet) within the City limits without having clearly marked thereon, or if said toilet is presented for sale in a package, then on the package in which the said toilet is offered for sale, accurately and in a manner and location clearly visible from on the outside of said package the number of gallons, measured to the nearest 1/10th of a gallon, which the toilet uses each flush, and the admonition that the installation of the device in Chula Vista is illegal.
2. No Retailer in the City of Chula Vista shall offer a High Flow Shower Nozzle within the City limits without having clearly marked thereon, or if said shower nozzle is presented for sale in a package, then on the package in which the said shower nozzle is offered for sale, accurately and in a manner and location clearly visible from on the outside of said package, the number of gallons, measured to the nearest 1/10th of a gallon, which said shower nozzle uses each minute at maximum volume, and the admonition that the installation of the device in Chula Vista is illegal.
3. No Retailer in the City of Chula Vista shall offer a High Flow Urinal within the City limits without having clearly marked thereon, or if said urinal is presented for sale in a package, then on the package in which the said urinal is offered for sale, accurately and in a manner and location clearly visible from on the outside of said package, the number of gallons, measured to the nearest 1/10th of a gallon, which said urinal uses each minute at maximum volume, and the admonition that the installation of the device in Chula Vista is illegal.
4. No Retailer in the City of Chula Vista shall offer any High Flow Sink Faucet within the City limits without having clearly marked thereon, or if said faucet is presented for sale in a package, then on the package in which the said faucet is offered for sale, accurately and in a manner and location clearly visible from on the outside of said package, then number of gallons, measured to the nearest 1/10th of a gallon, which said faucet uses each minute at maximum volume, and the admonition that the installation of the device in Chula Vista is illegal.

5. No Retailer in the City of Chula Vista shall offer any High Flow Lavatory Faucet within the City limits without having clearly marked thereon, or if said faucet is presented for sale in a package, then on the package in which the said faucet is offered for sale, accurately and in a manner and location clearly visible from on the outside of said package, the number of gallons, measured to the nearest 1/10th of a gallon, which said faucet uses each minute at maximum volume, and the admonition that the installation of the device in Chula Vista is illegal.

D. Sale Knowing Intent to Install.

No Retailer in the City of Chula Vista shall sell a High Flow Water Fixture to any purchaser when said Retailer knows, or should, in the exercise of reasonable judgment, know, that the purchaser intends to install same within the City of Chula Vista.

1. No Retailer shall be liable under this subsection if said Retailer shall have posted the signage required by this Section, and the purchaser has certifies in writing that the High Flow Water Fixture is not for installation within the City of Chula Vista.

E. Signage Required to be Posted.

Every Retailer in the City of Chula Vista which offers a High Flow Water Fixture for sale shall post a sign in the building where said Fixtures are offered for sale which contain the message and is located pursuant to the provisions of this section.

1. Location of Signs in Building.

If the High Flow Water Fixture is displayed for view by customers, the subject sign shall be posted in the immediate vicinity of said High Flow Water Fixture or Fixtures at a point which can be clearly seen by the customer at the same time the customer is viewing said subject Fixtures. If the High Flow Water Fixture is not displayed for view by customers, the subject sign shall be posted at or near all entrance ways to the building.

2. Size of Type; Content of Sign.

The signs required by this Section shall contain the following message in at least 50 point type, according to the following type of High Flow Water Fixture:

- a. High Flow Toilets: "Warning, it is illegal to install in any building in the City of Chula Vista a toilet which permits the usage of greater than 3.5 gallons per flush.

- b. High Flow Shower Nozzles: "Warning, it is illegal to install in any building in the City of Chula Vista a shower nozzle which permits the usage of greater than 2.5 gallons per minute."
- c. High Flow Urinals: "Warning, it is illegal to install in any building in the City of Chula Vista a urinal which permits the usage of greater than 1.0 gallons per flush."
- d. High Flow Sink Faucets: "Warning, it is illegal to install in any building in the City of Chula Vista a sink faucet which permits the usage of greater than 2.5 gallons per minute."
- e. High Flow Lavatory Faucets: "Warning, it is illegal to install in any building in the City of Chula Vista a lavatory faucet which permits the usage of greater than 2.0 gallons per minute."

F. Retailers Liable for Acts of Agents.

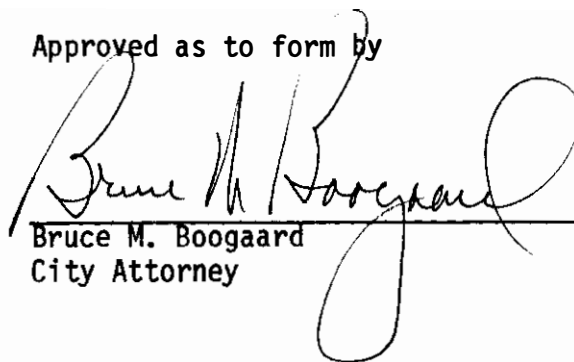
A Retailer who retains employees or agents to perform services for said retailer shall be liable for the acts of said employees and agents to the extent that said employees or agents violate the provisions of this section while employed by, or acting on behalf of, the Retailer.

SECTION II. This ordinance shall take effect and be in full force and effect on the thirtieth day from and after its adoption.

Presented by



Kenneth G. Larsen
Director of Building & Housing

Approved as to form by


Bruce M. Boogaard
City Attorney

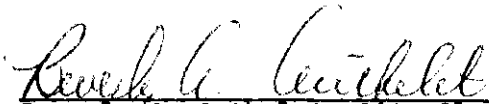
PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 5th day of March, 1991, by the following vote:

AYES: Councilmembers: Malcolm, Moore, Nader, Rindone
NOES: Councilmembers: None
ABSENT: Councilmembers: None
ABSTAIN: Councilmembers: None



Leonard M. Moore
Mayor, Pro-Tempore

ATTEST:

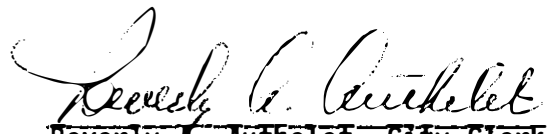


Beverly A. Authalet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Beverly A. Authalet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2446 had its first reading on February 26, 1991, and its second reading and adoption at a regular meeting of said City Council held on the 5th day of March, 1991.

Executed this 5th day of March, 1991.



Beverly A. Authalet, City Clerk