ORDINANCE NO. 11-002

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA, REPEALING THE 2006 EDITION OF THE UNIFORM PLUMBING CODE REPEALING ORDINANCE 08-006, AND ADOPTING BY REFERENCE THE UNIFORM PLUMBING CODE, 2009 EDITION AND THE CALIFORNIA PLUMBING CODE, 2010 EDITION, INCLUDING APPENDICES, WITH AMENDMENTS THERETO.

The Board of Supervisors of the County of Orange, California, does ordain as follows:

SECTION 1. Article 1 of Division 3 of Title 7 of the Orange County Codified Ordinances is hereby repealed.

SECTION 2. Article 1 of Division 3 is hereby added to Title 7 of the Orange County Codified Ordinances to read as follows:

Division 3

PLUMBING REGULATIONS

ARTICLE 1. ADOPTION OF UNIFORM PLUMBING CODE, 2009 EDITION AND THE CALIFORNIA PLUMBING CODE, 2010 EDITION, INCLUDING APPENDICES AND AMENDMENTS THERETO

Sec. 7-3-1. ADOPTION OF THE UNIFORM PLUMBING CODE AND THE CALIFORNIA PLUMBING CODE

a. The Board of Supervisors of the County of Orange hereby adopts the Uniform Plumbing Code, 2009 Edition and the California Plumbing Code, 2010 Edition, including Appendices A, B, D and I only, except Chapter 1, Administration of the Uniform Plumbing Code, and such other portions as are deleted, modified, or amended by this Article.

b. The purpose of the codes is to prescribe regulations for the protection of the public health and safety and to establish minimum regulations for the installation, alteration, or repair of plumbing and drainage systems, and the inspection thereof.

c. Not less than one (1) copy of each has been made and is now filed in the office of the OC Public Works. They are hereby adopted and incorporated as if set forth at length herein.

Section 7-3-2. REFERENCE TO UNIFORM PLUMBING CODE and CALIFORNIA PLUMBING CODE

This article shall be known as the Uniform Plumbing Code and the California Plumbing Code and will be referred to in this Article as "this Code." In the event of any differences between the California Code and the Uniform Code, the text of the California Code shall govern. Where a specific provision varies from a general provision, the specific provision shall apply. When, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

Sec. 7-3-3. APPLICATION AND SCOPE.

The provisions of this Code shall apply to all new construction, relocated buildings, and to any alterations, repairs, or reconstruction, except as provided for otherwise in this Code.

(a) Maintenance. The plumbing and drainage system of any premises under the jurisdiction of the Building Official shall be maintained in a sanitary and safe operating condition by the owner or the owner's agent.

(b) Existing Construction. No provision of this Code shall be deemed to require a change in any portion of a plumbing or drainage system or any other work regulated by this Code in or on an existing building or lot when such work was installed and is maintained in accordance with law in effect prior to the effective date of this Code, except when any such plumbing or drainage system or other work regulated by this Code is determined by the Building Official to be in fact dangerous, unsafe, insanitary, or a nuisance and a menace to life, health, or property.

(c) Additions, alterations, repairs and replacement of plumbing systems shall comply with the provisions for new systems except as otherwise provided in Section (d).

(d) Application to Existing Plumbing System.

(1) Additions, Alterations or Repairs. Additions, alterations or repairs may be made to any plumbing system without requiring the existing plumbing system to comply with all the requirements of this Code, provided the addition, alteration or repair conforms to

that required for a new plumbing system. Additions, alterations or repairs shall not cause an existing system to become unsafe, insanitary or overloaded.

(2) Health and Safety. Whenever compliance with all the provisions of this Code fails to eliminate or alleviate a nuisance or any other dangerous or insanitary condition which may involve health or safety hazards, the owner or the owner's agent shall install such additional plumbing and drainage facilities or shall make such repairs or alterations as may be ordered by the Building Official.

(3) Existing Installation. Plumbing system lawfully in existence at the time of the adoption of this Code may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to life, health or property has been created by such plumbing system.

(4) Changes in Building Occupancy. Plumbing systems which are a part of any building or structure undergoing a change in use or occupancy, as defined in the Building Code, shall comply to all requirements of this Code which may be applicable to the new use or occupancy.

(5) Maintenance. All plumbing systems, materials and appurtenances, both existing and new, and all parts thereof shall be maintained in proper operating condition. All devices or safeguards required by this Code shall be maintained in conformance with the Code edition under which installed. The owner or the owner's designated agent shall be responsible for maintenance of plumbing systems. To determine compliance with this subsection, the Building Official may cause any plumbing system to be reinspected.

(6) Moved Buildings. Plumbing systems which are part of buildings or structures moved into this jurisdiction shall comply with the provisions of this Code for new installations.

Sec. 7-3-4. AUTHORITY HAVING JURISDICTION.

Whenever the term "Authority Having Jurisdiction" is used in this Code, it shall mean the "Building Official" of the County of Orange.

Unless otherwise provided for by law, the office of the Authority Having Jurisdiction shall be that of the Building Official of the County of Orange.

Sec. 7-3-5. DUTIES OF AUTHORITY HAVING JURISDICTION.

The Building Official shall maintain public office hours necessary to efficiently administer the provisions of this Code and amendments hereto and perform the following duties:

(a) Require submission of, examine and check plans and specifications drawings, descriptions, and/or diagrams necessary to show clearly the character, kind and extent of plumbing work covered by applications for a permit and upon approval thereof shall issue the permit applied for.

(b) Administer and enforce the provisions of this Code in a manner consistent with the intent thereof and shall inspect all plumbing and drainage for conformity with any permit to assure compliance with provisions of the Code or amendments thereto, approving and rejecting said work in whole or in part as conditions require.

(c) Condemn and reject all work done or being done or materials used or being used which do not in all respects comply with the provisions of this Code and amendments thereto.

(d) Investigate any construction or work regulated by this Code and issue such notices and orders as provided in Section 7-3-7.

Sec. 7-3-6. RIGHT-OF-ENTRY.

(a) Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe as defined in Section 116 of the International Building Code, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code; provided that if such building or premises be occupied,

he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

(b) Liability. The Building Official charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the Building Official or employee because of such act or omission performed by the Building Official or employee in the enforcement of any provisions of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

Sec. 7-3-7. DANGEROUS AND UNSANITARY CONSTRUCTION OR CONDITION.

(a) Any portion of a plumbing system found by the Building Official to be unsanitary as defined herein is hereby declared to be a nuisance.

(b) Whenever brought to the attention of the agency or department having jurisdiction that any unsanitary conditions exist, or that any construction or work regulated by the this Code is dangerous, unsafe, unsanitary, a nuisance or a menace to life, health, or property or otherwise in violation of this

Code, the said agency or department may request an investigation by the Building Official who, upon determining such information to be fact, shall order any person, firm, or corporation using or maintaining any such condition or responsible for the use or maintenance thereof to discontinue the use or maintenance thereof or to repair, alter, change, remove or demolish same as he may consider necessary for the proper protection of life, health or property; and in the case of any gas piping or gas appliance may order any person, firm or corporation, supplying gas to such piping or appliance to discontinue supplying gas to such piping or appliance until such piping or appliance is made safe to life, health, or property.

(c) Notice, hearing, procedure. Any construction or condition found to be unsanitary, dangerous, damaged, unsafe, a nuisance, or a menace to life, health, or property or otherwise in violation of this Code shall be reported, and the Building Official, upon a determination of such condition, shall give notice to the owner, authorized representative, or other responsible person in accordance with the provisions of Section 7-1-16 - UNSAFE BUILDING, NUISANCE, NOTICE, ADMINISTRATIVE HEARING, APPEAL - of the Orange County Codified Ordinances. The provisions, procedures, hearings, and appeals set forth in the above said Code section shall be fully applicable to this Code and are referred to and incorporated herein as though set forth at length.

Sec. 7-3-8. BOARD OF APPEALS.

In order to provide for final interpretation of the provisions of this Code, there shall be and is hereby created a Board of Appeals as specified in Codified Ordinance Sec. 7-1-23.

Sec. 7-3-9. VALIDITY AND LENGTH OF PERMIT.

(a) Validity. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or any other ordinance of the County. Permits presuming to give authority to violate or cancel the provisions of this Code or other ordinances of the County shall not be valid.

The issuance of a permit based upon plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications and other

data, or from preventing building operations being carried on thereunder when in violation of this Code or of any other ordinances of the County.

(b) Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be commenced or recommenced, a permit shall first be extended or re-issued.

(1) Requesting extension of an unexpired permit: Any permittee holding an unexpired permit or a permit which has expired for less than 180 days may apply for an extension of time within which permittee may commence work under that permit when permittee is unable to commence or recommence work within the time required by this section for good and sastifactory reason. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits extended in this manner will not be subject to new regulations adopted after issuance of the permit. Fees for time extension shall be established by the Board of Supervisors. Fees shall not be required for first extension.

(2) Requesting re-issuance of a permit which has been expired for 180 days or more: Any permittee holding a permit which has been expired for 180 days or more may apply for re-issuance of the permit subject to compliance with current regulations and payment of full plan check and permit fees. Plans must be re-submitted for plan check. Portions of the structure which have been built under the expired permit will not be subject to current regulations.

For the purpose of permit extension, multiple permits of the same structure such as building, foundation, retaining wall, plumbing, mechanical, and electrical permits shall be considered as one permit. Extension of building permit shall include extension of ancillary permits for the same structure.

Each separate permit with work completed, inspected and approved entirely prior to suspension or abandonment will not be subject to extension or re-issuance.

(c) Change of contractor or of ownership. A permit issued hereunder shall expire upon a change of ownership or a change of contractor regarding the building or structure for which said permit was issued if the work thereon has not been completed, and a new permit shall be required for the completion of the work. If the provisions of Section (b) above are not applicable and if no changes have been made to the plans and specifications last submitted to the Building Official, no charge, other than a "name change" and a permit issuance fee, shall be made for the issuance of the new permit under such circumstances. If, however, changes have been made to the plans and specifications last submitted to the Building Official, fees as established by the Board of Supervisors shall be charged to the permit applicant.

(d) Suspension or revocation. The Building Official may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation or any of the provisions of this Code.

Sec. 7-3-10. VIOLATIONS AND PENALTIES.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the County, or cause the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

In addition to the provisions of the subsections above, a notice of violation of this Code may be recorded in accordance with subsections 1 through 6 of Section 7-1-24 of the Orange County Codified Ordinances.

Sec. 7-3-11. PERMIT REQUIRED

(a) No plumbing or drainage work shall be commenced in any building, structure, or in or about any premises until a permit to do such work has been first obtained from the Building Official.

(b) A separate permit shall be obtained for each building or structure.

Sec. 7-3-12. WORK NOT REQUIRING PERMIT.

No permit shall be required in the case of any repair work as follows:

(a) For the clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

(b) For the stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should any trap, drain pipe, soil, waste or vent pipe be or become defective and it becomes necessary to remove and replace the same shall be considered as such new work and a permit shall be procured and inspection made as herein provided.

(c) Other incidental improvements of a minor nature may be exempt from the provisions of this Code upon the determination of the Building Official.

Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

Sec. 7-3-13. APPLICATION FOR PERMIT.

Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. He shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises in connection therewith. The Building Official may require plans, specifications, or drawings and such other information as may be deemed necessary.

If the Building Official determines that the plans, specifications, drawings, descriptions, or information furnished by the applicant is in compliance with this Code, he shall issue the permit upon payment of the required fee as establish by the Board of Supervisors.

Sec. 7-3-14. ALL WORK TO BE INSPECTED.

All plumbing and drainage systems shall be inspected by the Building Official to ensure compliance with all requirements of this Code.

It shall be the duty of the person doing the work authorized by the permit to notify the Building Official orally, in writing or by Internet that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected.

It shall be the duty of the person doing the work authorized by the permit to make sure that the work will stand the tests prescribed elsewhere in this Code before giving the above notification.

Sec. 7-3-15. FEES AND PLAN REVIEW.

(a) Plan Review Fees. When a plan or other data is required to be submitted for plan review, a plan-checking fee shall be paid at the time of submitting plans and specifications for checking. Said plan-checking fee shall be established by the Board of Supervisors.

(1) Expiration of Plan Review. Application for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period of 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(2) Additional Plan Review Fees. Where plans are incomplete or changed so as to require additional plan checking, an additional plan checking fee as established by the Board of Supervisors shall be paid. Said fee may be waived when in the opinion of the Building Official the additional fee is not warranted.

(b) Permit fee. A fee as established by the Board of Supervisors shall be paid for each permit at the time of issuance.

Failure to pay fees and obtain a permit before commencing work shall be deemed a violation of this Code, except when it can be proven to the satisfaction of the Building Official that an emergency existed which made it impractical to first obtain the permit. A violation shall result in an assessment of double fees for work done prior to permit issuance. Payment of a double fee shall not relieve any person from fully complying with the requirements of this Code nor from any other penalties prescribed herein.

For the purpose of this section, a sanitary plumbing outlet on or to which a fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconnection and retest of existing plumbing systems in relocated buildings shall be as established by the Board of Supervisors.

When a permit has been obtained to connect an existing building or existing work to the public sewer or to a new private disposal facility back-filling of private sewage disposal facilities abandoned consequent to such connection is included in the building sewer permit.

(c) Special investigation fee. A special investigation may be required before a permit will be issued for work which has been started without first obtaining a permit. Except in the case of emergency work, a fee as established by the Board of Supervisors may be collected for such investigation. The special investigation fee shall be in addition to any regular or double fee. No permit shall be issued when an investigation fee is due until such fee has been paid.

The payment of the investigation fee shall not exempt any person from compliance with the provisions of this Code nor from any penalty prescribed by law.

(d) Reinspection fee. When any reinspection is required due to the failure of the permit holder, his agent or other responsible persons to comply with previous correction instructions, a fee as established by the Board of Supervisors may be charged by the Building Official for each such reinspection. This fee shall be paid before any further inspections are made.(e) Refunds. The Building Official may authorize refunding of fees which was erroneously paid or collected.

(f) Change of Contractor or of Ownership. A permit issued hereunder shall expire upon a change of ownership or a change of contractor regarding the building, structure or grading for which said permit was issued if the work thereon has not been completed, and a new permit shall be required for the completion of the work. If the provisions of section (f) above are not applicable and if no changes have been made to the plans and specifications last submitted to the Building Official, no charge, other than a "name change" and a permit issuance fee, shall be made for the issuance of the new permit under such circumstances. If, however, changes have been made to the plans and specifications last submitted to the Building Official, a fee as established by the Board of Supervisors shall be charged to the permit application.

Sec. 7-3-16. Section 604.1 - MATERIALS amended.

Section 604.1 of said California Plumbing Code and Uniform Plumbing Code is hereby amended to read as follows:

Section 604.1 All pipe, tube, and fittings carrying water used in potable water systems intended to supply drinking water shall meet the requirements of NSF 61 as found in Table 14-1. All materials used in the water supply system, except valves and similar devices shall be of a like material, except where otherwise approved by the Building Official.

Materials for building water piping and building supply piping shall be in accordance with Table 6-4 and the standards in Table 14-1. Galvanized malleable iron, galvanized wrought iron, or galvanized steel are prohibited materials.

Note: The balance of the California Plumbing Code and the Uniform Plumbing Code Section 604.1 is implemented as written.

Sec. 7-3-17. Section 609.3.1 – INSTALLATION.

Section 609.3.1 of said California Plumbing Code and Uniform Plumbing Code is hereby amended to read as follows:

Section 609.3.1 Ferrous piping shall be prohibited.

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This ordinance shall take effect and be in full force thirty (30) days from and after its passage and before the expiration of fifteen (15) days after the passage thereof, shall be published once in an adjudicated newspaper in the County of Orange.

THE FOREGOING was **PASSED** and **ADOPTED** by the following vote of the Orange County Board of Supervisors on January 25, 2011, to wit:

AYES: Supervisors: PATRICIA BATES, JANET NGUYEN, JOHN M. W. MOORLACH SHAWN NELSON, BILL CAMPBELL

NOES:
EXCUSED:
ABSTAINED:

Bill Campbell
CHAIRMAN

STATE OF CALIFORNIA)
) ss:
COUNTY OF ORANGE)

I, DARLENE J. BLOOM, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Ordinance was duly and regularly adopted by the Orange County Board of Supervisors.

IN WITNESS WHEREOF, I have hereto set my hand and seal.

DARLENE J. BLOOM
Clerk of the Board.
County of Orange, State of California

Ordinance No.: 11-002
Agenda Date: 01/25/2011
Item No.: 48

I certify that the foregoing is a true and correct copy of the Ordinance adopted by the Board of Supervisors , Orange County, State of California

DARLENE J. BLOOM, Clerk of the Board of Supervisors

By:_____
Deputy