§ 15-0314. Powers and responsibilities with respect to certain plumbing fixtures.

1. On and after the effective date of this section, no individual, public or private corporation, political subdivision, government agency, department or bureau of the state, municipality, industry, co-partnership, association, firm, trust, estate or other legal entity shall, for purposes of use in this state, distribute, sell, offer for sale, import or install any sink faucet or lavatory faucet, shower head, drinking water fountain, urinal or water closet, including tank-type toilets, flushometer-tank toilets, flushometer-valve toilets, electromechanical hydraulic toilets, and all other types of toilets that use water and associated flush-valve, if any, unless it shall meet the water saving performance standards as provided for in subdivision two of this section.

2. The water saving performance standards for sink and lavatory faucets, shower heads, drinking water fountains, urinals and water closets, including tank-type toilets, flushometer-tank toilets, flushometer-valve toilets, electromechanical hydraulic toilets, dual-flush toilets and all other types of toilets that use water shall be as follows:

(a) for lavatory faucets, at a constant water pressure of sixty pounds per square inch, maximum flow shall not exceed 1.5 gallons of water per minute (or .25 gallons per cycle for lavatory faucets designed as metering faucets) and provided that those faucet models installed in public buildings must be of a self-closing variety and must be designed to limit the discharged flow rate of water to a maximum of .5 gallons per minute at a constant water pressure of sixty pounds per square inch or must be of the metering type which limit the discharge of water to a maximum of .25 gallons per cycle; and

(b) for sink faucets, at a constant water pressure of sixty pounds per square inch, maximum flow shall not exceed 2.2 gallons of water per minute; and

(c) for shower heads, at a constant water pressure of eighty pounds per square inch, maximum flow shall not exceed 2.0 gallons of water per minute; and

(d) for urinals and associated flush-valve, if any, maximum flow shall not exceed an average of 0.5 gallons of water per flush (except for urinals designated and marketed exclusively for use in prisons or mental health care facilities); and

(e) except for water closets and toilets designed and marketed exclusively for use in prisons or mental health care facilities, (1) for water closets and associated flush-valve, if any, maximum flow shall not exceed an average of 1.28 gallons of water per flush; (2) for dual-flush tank-type water closets, the average of two reduced flushes and one full flush shall not exceed 1.28 gallons of water per flush; and (3) for dual-flush flushometer-valve water closets, maximum flow shall not exceed an average of 1.28 gallons of water per flush; and

(f) drinking water fountains must be of a self-closing variety.

3. Each shower head, sink or lavatory faucet, both box and product, shall be marked and labeled, and each water closet or urinal, or each component if the water closet or urinal is comprised of two or more components, both box and product, shall be marked and labeled in accordance with the latest revision of the standards designated American National Standards, written under American National Standards Institute (ANSI), and, as applicable, the following United States Environmental Protection Agency watersense program specification: showerheads (July 26, 2018), tank-type toilets (June 2, 2014), lavatory faucets (October 1, 2007), flushing urinals (August 14, 2009), and flushometer-valve toilets (December 17, 2015).

4. The commissioner may permit the sale and installation of water closets, blow out toilets and associated flush-valves, if any, which do not meet the standards provided for in subdivision two of this section if after application therefor it is determined by the commissioner that the installation of fixtures which meet such standards would be detrimental to the operation of the existing sewerage system or part of such system, servicing such fixtures.

5. The provisions of this section shall not apply to fixtures which were in compliance with this section and other applicable provisions of law on the date on which they were installed which are removed and

relocated to another room or area of the same building or to another building owned or leased by the owner of the building from which such fixtures were removed after the effective date of this section, nor shall they apply to fixtures such as safety showers, bedpan washer equipped water closets and aspirator faucets, which, in order to perform a specialized function, cannot meet the standards specified in subdivision two of this section.

6. "Public building" as used in this section, means any building or portion thereof, used or controlled by any department or branch of a state or local government, or which is constructed wholly or partially through state or municipal funds, including tax funds, funds obtained through bond issues or grants or loans under any state law, which is likely to be used by the public, including, but not limited to theaters, concert halls, auditoriums, museums, schools, libraries, recreation facilities, transportation terminals and stations, factories, office buildings and building establishments. In addition, "public building" includes those facilities such as stores, restaurants and hotels which have restrooms which are open to the public or the clientele of the facility but not including private restrooms which are part of sleeping quarters in such a facility. The term "public building" does not include privately owned residential structures, public housing structures, or police, fire or correction structures.

7. A violation of the provisions of this section shall be liable for a penalty pursuant to section 71-1127 of this chapter.

8. The commissioner, to the extent practicable and appropriate, shall utilize the latest revision of the standards designated American National Standards, written under American National Standards Institute (ANSI) procedures in determining requirements under this section, and, as applicable, the following United States Environmental Protection Agency watersense program specification: showerheads (July 26, 2018), tank-type toilets (June 2, 2014), lavatory faucets (October 1, 2007), flushing urinals (August 14, 2009), and flushometer-valve toilets (December 17, 2015).