

**FINAL
ORDINANCE NO. 111**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING DISTRICT RULE 24 AND RULE 11**

FINDINGS

1. The Water Management District is charged under the Monterey Peninsula Water Management District Law with the integrated management of the ground and surface water resources in the Monterey Peninsula area.
2. The Water Management District has general and specific power to cause and implement water conservation activities as set forth in Sections 325 and 328 of the Monterey Peninsula Water Management District Law.
3. This ordinance amends Rule 24 to clarify that the rule pertains to the overall water permit process.
4. This ordinance amends and clarifies water fixture definitions to more accurately account for water use, and to promote water conservation.
5. The terms defined in this ordinance clarify operations of the existing water permit process.
6. This ordinance incorporates the provisions of MPWMD Resolution 2001-09 into the permanent Rules and Regulations of the District to provide consistency in the application of District policy.
7. The title of Rule 24 has been changed to more accurately reflect current policies and procedures. The prior title caused confusion as to the scope and purpose of Rule 24
8. This ordinance amends Rule 24 to add the provisions of Resolution 2001-09, Disallowing Water Use Credit for Multiple Utility Sink Installations (Indoor and Outdoor) and Other Outdoor Water Fixtures. Resolution 2001-09 was unanimously adopted by the Board of Directors on July 19, 2001
9. This ordinance shall revise, amend and republish Rule 11 and Rule 24 of the Rules and Regulations of the Water Management District.

10. This ordinance shall be reviewed and approved under CEQA (California Environmental Quality Act) based upon a Negative Declaration.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This ordinance shall be known as the MPWMD 2003 Residential Fixture Amendment ordinance.

Section Two: Purpose

This ordinance amends and clarifies the fixture unit values and definitions of residential fixtures listed in District Rule 24-C (2), Table 1: Residential Fixture Unit Count. This ordinance amends and republishes District Rule 24 and Table 1: Residential Fixture Unit Count.

Section Three: Amendment of Rule 24: Connection Charges

- A. A. The title of Rule 24 shall be changed from "Connection Charges" to "Water Permit Process."
- B. B. The first paragraph of Rule 24 shall be revised as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~):

"The following ~~connection charges~~ *water permit process* shall apply to the expansion, extension, and *and/or* increased utilization of *water from or through* any connection or water-measuring device in a potable water distribution system within the District."

Section Four: Amendment of Rule 24-C: Residential Expansions

District Rule 24-C shall be revised as shown in bold italics (*bold italics*) and strikethrough (~~strikethrough~~), and Table 1: Residential Fixture Unit Count shall be replaced with the amended Table 1, as follows:

C. RESIDENTIAL EXPANSIONS

- 1. 1. Determination of Fixture Unit Component for Each Dwelling Unit
 - a. Each expansion/extension permit application for residential use will be assessed a connection charge *and water shall be debited from the applicable jurisdiction's water allocation* for each added fixture unit in accord with Table No. 1 below. This table shall be revised periodically and approved by *ordinance* the Board. ~~The revised tables so approved~~

~~shall be published together with these Rules and Regulations.~~ The applicant shall provide complete and final construction plans *to the District for evaluation of the fixture unit component of any new construction, remodel or addition that involves water fixtures.* The General Manager *or his/her designee* shall review the project and determine the fixture units count to be used in the formula set forth in this rule. Fixtures which deviate from those categories listed on Table No. 1 shall be characterized by the General Manager as "other", and assigned a fixture unit value ~~by the General Manager~~ which has a positive correlation to the anticipated water use facilitated by that fixture.

- b. Portable water fixtures, *fountains, ponds, hot tub/spas, drinking fountains, pot fillers, darkroom sinks, outdoor showers, outdoor sinks, pet/livestock wash racks and water troughs, and multiple utility sinks (more than one per site)* shall be exempt from the connection charge and shall have no fixture unit value. *The General Manager may waive the limitations set by this paragraph upon credible evidence that the fixtures had been legally installed. The General Manager's determination shall be subject to appeal pursuant to Rule 70.*
- c. Special fixture unit accounting shall apply to any expansion application that proposes to add a second bathroom to an existing single-family dwelling unit on a single-family residential site that, prior to the application, has only one bathroom. This accounting protocol shall be limited, and shall apply only to the following water appliances if these are installed in a new second bathroom as an expansion of an existing single family dwelling unit: (a) a single water closet, and (b) a single standard tub, or single shower stall, or a single standard tub-shower combination, and (c) one or two wash basins. This special fixture unit accounting shall further apply on a pro rata basis to any expansion application that proposes to add one or more of the referenced water appliances to an existing second bathroom that lacks that same appliance within an existing single-family residential site that, prior to the application, has less than two full bathrooms. The special fixture unit accounting referenced above shall not apply to any multi-family dwelling or multi-family residential site. This special fixture unit accounting shall apply only to dwelling units that have a final building permit as of the effective date of this ordinance.

Under this second bathroom special accounting protocol, the General Manager shall not debit the municipal allocation for the installation of select water fixtures in the second bathroom addition or remodel.

Connection charges shall nonetheless be collected for the addition of these fixture units to the second bathroom addition. No on-site, off-site or transfer of credit shall be granted for removal or retrofit of any fixture added pursuant to this second bathroom accounting protocol. The provisions of this special fixture unit accounting protocol shall take precedence and supersede any contrary provision of the Water Management District Rules and Regulations.

- d. The District shall grant a Water Use Credit for the permanent removal of water using fixtures providing that the fixture was properly and lawfully installed. Credit for fixtures listed in Section C.1.b shall only receive credit upon evidence of a water permit showing a debit to a jurisdiction's allocation and payment of related connection charges. However, the District shall not provide a water use credit of greater than four (4) fixture units for the complete removal of any shower or bathtub.*
- e. All fixtures utilizing a Master Bathroom fixture unit value must occur in the same bathroom, and that bathroom shall be designated as the "Master Bathroom." Each dwelling unit shall have no more than one Master Bathroom.*

TABLE 1: RESIDENTIAL FIXTURE UNIT COUNT

	Water Fixture Description	Fixture Unit Value
1	Washbasin (lavatory sink), each	1
2	Two washbasins in the Master Bathroom	1
3	Toilet, ultra low-flow (1.6 gallons-per-flush)	1.7
4	Toilet, ultra low-flow (1.0 gallon-per-flush)	1.3
5	Toilet, ultra low-flow (0.5 gallon-per-flush)	1.0
5	Urinal (1.0 gallon-per-flush)	1
6	Urinal (0.5 gallon-per-flush)	0.5
7	Waterless Urinal	0
8	Master bathroom only (one per site): Bathtub & separate shower	3
9	Large bathtub (may have showerhead above)	3
10	Standard bathtub (may have showerhead above)	2
11	Shower, separate stall	2
12	Shower, each additional fixture (including additional showerheads, rain bars, body spray nozzles, etc.)	2
13	Shower system or custom shower	Varies according to specifications
14	Kitchen sink (including optional adjacent dishwasher)	2
15	Kitchen sink with adjacent ultra-low consumption dishwasher	1.5
16	Dishwasher, each additional (including optional adjacent sink)	2
17	Dishwasher, ultra-low consumption, each additional (including optional adjacent sink)	1.5
18	Laundry sink/utility sink (debit/connection charge applies to laundry/utility sink per residential site)	2
19	Washing machine	2
20	Washing machine, ultra-low consumption (< 18 gallons maximum per cycle)	1
21	Washing machine, ultra-low consumption (18-28 gallons maximum per cycle)	1.5
22	Bidet	2
23	Bar sink	1
24	Entertainment sink	1
25	Vegetable sink	1
26	Swimming pool (each 100 square-feet of pool surface area)	1
27	Outdoor water uses (new connection only) – (Lot size of 10,000 square-feet or less)	50% total interior fixture units
28	Outdoor water uses (new connection only) – (Lot size exceeding 10,000 square-feet)	50% total interior fixture units, plus additional fixture unit values based on water budget.

Section Five: Amendment to Rule 11, Definitions

District Rule 11, Definitions, shall be amended as follows, where the portion set forth in strikeout type (~~strikeout~~) is deleted and the portion set forth in italicized and bold face type (***bold face***) is added. Additional words used in this ordinance are defined in Rule 11.

1. ***BAR SINK*** - "***Bar Sink***" shall mean a secondary water basin, 15" x 13" or smaller. The term "***bar sink***" shall have the same meaning as "***entertainment sink***" and "***vegetable sink***."
2. ***BIDET*** - "***Bidet***" shall mean a bathroom fixture designed for bathing the external genitals and the posterior parts of the body and may include horizontal and vertical sprays.
3. ***BODY SPRAY NOZZLE*** - "***Body Spray Nozzle***" shall mean an individual water nozzle designed to emit water at various levels within a shower. A body spray nozzle shall have the same fixture unit count as a showerhead.
4. ***CISTERN SYSTEM*** - "***Cistern System***" shall mean one or more water tanks that are integrated into an irrigation system and connected to a rainwater collection system.
5. ***CUSTOM SHOWER*** - "***Custom Shower***" shall mean a system consisting of valves, water outlets, volume controls, showerheads, hand showers and/or body sprays used in a bathtub or shower. The term "***custom shower***" shall have the same meaning as "***shower system***."
6. ***DISHWASHER*** - "***Dishwasher***" shall mean a permanently installed appliance with a water connection used to wash dishes.
7. ***DRIP IRRIGATION*** - "***Drip Irrigation***" shall mean a low pressure, low volume irrigation watering system that applies water applied slowly to plants, near or at ground level, to minimize runoff and loss to evaporation. The term "***drip irrigation***" shall have the same meaning as "***micro irrigation***" and "***trickle irrigation***."
8. ***ENTERTAINMENT SINK*** - "***Entertainment Sink***" shall mean a secondary water basin, 15" x 13" or smaller. The term "***entertainment sink***" shall have the same meaning as "***bar sink***" and "***vegetable sink***."
9. ***EXPANSION OF USE*** - "***Expansion of Use***" shall mean the addition of any water fixture and/or increase to existing floor area.
10. ***HOT WATER DEMAND PUMPING SYSTEM*** - "***Hot water demand pumping system***" shall mean electric water pumping systems that quickly (typically within 30 seconds)

bring hot water to the fixture by drawing water from the hot water tank and returning ambient house temperature water back to the hot water tank where it is heated. When a predetermined set point temperature (usually 5°F above room temperature) in the line near the fixture is reached, the pump stops automatically and hot water is thereby available at the faucet. The pump may be operated by a switch placed next to the fixture or by a remote control. Hot water demand pumping systems shall have the U.S. Environmental Protection Agency Energy Star rating to qualify for a rebate.

11. **IRRIGATION SYSTEM** - *“Irrigation System” shall mean a device or combination of devices having a hose, pipe or other type of conduit installed in the landscape which transmits water, and through which device or combination of devices, water is drawn and applied to residential, industrial or commercial lawns, landscapes or green space.*
12. **INSTANT-ACCESS HOT WATER SYSTEM** - *“Instant-Access Hot Water System” shall mean any device or system, which is capable of supply supplying hot water at each hot water access point in the structure within six ten (6 10) seconds of demand.*
13. **KITCHEN SINK** - *“Kitchen Sink” shall mean a single large water basin or multiple interconnected basins located in a kitchen.*
14. **LAUNDRY SINK** - *“Laundry Sink” shall mean a water basin with a utilitarian use that is approximately 18” deep. A water basin connected to a dishwasher or containing a garbage disposal shall not be a “utility sink,” but instead shall be a “kitchen sink.” The term “laundry sink” shall have the same meaning as “utility sink.”*
15. **LAVATORY SINK** - *“Lavatory Sink” shall mean a single plumbed washbowl or sink intended for hand or face washing. The term “lavatory sink” shall be given the same meaning as the term “washbasin.”*
16. **LEGAL LOT OF RECORD** - *“Legal Lot of Record” shall mean a lot resulting from a subdivision of property in which the final map has been recorded in Cities and Towns, or in which the parcel map has been recorded in Parcels and Maps or Records of Surveys. The following exemptions to this definition are determined to be legal lots: (1) Subdivision maps filed prior to March 4, 1972 and subsequently approved by the local agency, or (2) subdivisions exempted from map requirements by a Certificate of Exemption, or the equivalent, applied for prior to March 4, 1972, and subsequently issued by a local agency pursuant to local ordinance, or (3) lots for which a Certificate of Compliance has been issued by the local agency that indicates the local agency has determined that the property complies with the Subdivision Map Act and local ordinances enacted pursuant to the Subdivision Map Act, or (4) lots declared legal by local ordinance shall be deemed established on the date the map or certificate was filed with the local agency.*

17. **LOW WATER-USE PLUMBING FIXTURES** - "Low Water-Use Plumbing Fixtures" shall mean any toilets using a maximum of 1.6 gallons per flush; showerheads, *rain bars*, or *body sprays* designed to emit a maximum of 2.5 gallons per minute (gpm) of water; faucet aerators designed to emit a maximum of 2.2 gallons per minute; *ultra-low consumption dishwashers*; *ultra-low consumption washing machines*; and instant-access hot water systems.
18. **MICRO IRRIGATION** - "*Micro Irrigation*" shall mean a low pressure, low volume watering system that applies water slowly to plants, near or at ground level, to minimize runoff and loss to evaporation. The term "micro irrigation" shall have the same meaning as "*drip irrigation*" and "*trickle irrigation*."
19. **RAIN BAR** - "*Rain Bar*" shall mean a length of pipe with multiple water emitters installed in a shower or above a bathtub to bathe various areas of the body.
20. **RAIN SENSOR** - "*Rain Sensor*" shall mean a device that measures rainfall and overrides the irrigation cycle of an irrigation system, thus turning the irrigation system off, when a predetermined amount of rain has fallen.
21. **SHOWER SYSTEM** - "*Shower System*" shall mean a system consisting of valves, water outlets, volume controls, showerheads, hand showers and/or body sprays used in a bathtub or shower. The term "shower system" shall have the same meaning as "*custom shower*."
22. **SHOWER, EACH ADDITIONAL FIXTURE** - "*Shower, Each Additional Fixture*" shall mean the second and any additional showerhead, rain bar, or body spray nozzles, installed above a bathtub or in a separate stall shower.
23. **SHOWER, SEPARATE STALL** - "*Shower, Separate Stall*" shall mean an enclosure that contains one showerhead and is neither a standard bathtub nor a large bathtub.
24. **SHOWERHEAD** - "*Showerhead*" shall mean a fixture in which water is sprayed on the bather in fine streams from a showerhead, usually secured overhead.
25. **STANDARD BATHTUB** - "*Standard Bathtub*" shall mean a tub for bathing that holds no more than 55 gallons of water to the overflow drain. Manufacturer's specifications shall be acceptable evidence of the water capacity of the tub for the purpose of this definition. (See *Large Bathtub* for bathtubs holding more than 55 gallons of water).
26. **SWIMMING POOL** - "*Swimming Pool*" shall mean a permanent fixture filled with water and used for swimming.

27. **TRICKLE IRRIGATION** - *"Trickle Irrigation" shall mean a low pressure, low volume watering system that applies water slowly to plants, near or at ground level, to minimize runoff and loss to evaporation. The term "trickle irrigation" shall have the same meaning as "drip irrigation" and "micro irrigation."*
28. **URINAL** - *"Urinal" shall mean a fixture, typically attached upright to a wall, used by men for urinating.*
29. **UTILITY SINK** - *"Utility Sink" shall mean a water basin with a utilitarian use that is approximately 18" deep. A water basin connected to a dishwasher or containing a garbage disposal shall not be a "utility sink," but instead shall be a "kitchen sink." The term "utility sink" shall have the same meaning as "laundry sink."*
30. **VEGETABLE SINK** - *"Vegetable Sink" shall mean a secondary water basin, 15" x 13" or smaller. The term "vegetable sink" shall have the same meaning as "bar sink" and "entertainment sink."*
31. **WASHBASIN** - *"Washbasin" shall mean a single plumbed washbowl or sink intended for hand or face washing. The term "washbasin" shall be given the same meaning as the term "lavatory sink."*
32. **WASHING MACHINE** - *"Washing Machine" shall mean an appliance for washing clothing or linens.*
33. **WATERLESS URINAL** - *"Waterless Urinal" shall mean a fixture, typically attached upright to a wall, used by men for urinating, that uses no water by replacing the water flush with a specially designed trap that contains a layer of immiscible liquid that floats above a urine layer, blocking sewer gas and urine odors from the room.*

Section Six: **Publication and Application**

The provisions of this ordinance shall cause the republication and amendment of the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

Section Seven: **Effective Date and Sunset**

This ordinance shall take effect at 12:01 a.m. on March 1, 2004.

This Ordinance shall not have a sunset date.

Section Eight:

Severability

If any subdivision, paragraph, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion by Director Markey and second by Director Potter, the foregoing ordinance is adopted upon this 29th day of January 2004, by the following vote:

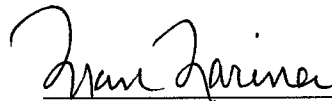
AYES: Directors Edwards, Foy, Knight, Pendergrass and Potter

NAYS: Directors Lehman and Markey

ABSENT: None

I, Fran Farina, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of an ordinance duly adopted on the 29th day of January 2004.

Witness my hand and seal of the Board of Directors this 12th day of March
2004.



Fran Farina, Secretary to the Board