



Adopted on July 21, 2014 – Effective on August 20, 2014

**FINAL
ORDINANCE NO. 161**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING RULE 23-A-1-I
REGARDING WATER MEASURING DEVICE REQUIREMENTS**

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 11, Definitions, for consistency with District policy that a Connection does not cease to exist if the meter size is changed or the meter is moved to another location on the Site. It also adds an alternative definition for Water-Measuring Device.
4. This ordinance amends Rule 23-A-1-i, Action on Application for a Water Permit to Connect to or Modify an Existing Water Distribution System.
5. Rule 23 requires Water Measuring Devices maintained by the Water Distribution System Operator for each User. However, a Site utilizing a Water Credit that results in one or more new Users (each residence, commercial enterprise, or industrial enterprise shall be deemed a separate and distinct User) does not increase system-wide Water Use Capacity.
6. This ordinance establishes conditions under which sub-metering is allowed as a condition of a Water Permit.
7. This ordinance authorizes sub-meters. Sub-meters are water meters on the User's side of

the Water Distribution System Operator's Water-Measuring Device to record water consumption between an existing Connection and the water User in certain cases where installation of individual water meters by the Water Distribution System Operator is not possible.

8. This ordinance is limited to Sites where a Water Credit is used to obtain a Water Permit and the Site has an existing Connection to a Water Distribution System.
9. This ordinance requires that the sub-metering conditions are recorded on the title of the property and that the conditions are applicable to all future owners of the property. The deed restriction will be rescinded when the property owner installs Water Measuring Devices managed by the Water Distribution System Operator for each sub-metered User.
10. This ordinance requires installation of a Water Measuring Device managed by the Water Distribution System Operator at the conclusion of a moratorium.
11. The proposed ordinance has less than significant impacts on the environment as determined by the Initial Study as all water use has been accounted for as a Water Credit.
12. This ordinance shall amend and republish the Rules and Regulations of the Water Management District.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: **Short Title**

This ordinance shall be known as the ***2014 Sub-Metering Policy Ordinance*** of the Monterey Peninsula Water Management District.

Section Two: **Purpose**

This ordinance authorizes the use of sub-meters when installation of individual User water meters by the Water Distribution System Operator is not feasible.

Section Three: **Amendment of Rule 11, Definitions**

Rule 11, Definitions, shall be amended as follows, with added language shown in ***bold italic*** type face and deleted language shown in ~~strikeout~~ type face.

CONNECTION - "Connection" means the point of intersection where a User gains access to the Water Distribution System. Where a Water-Measuring Device is installed, the Water Distribution System shall include the Water-Measuring Device and the Connection shall be the nearest point of User access beyond the Water-Measuring Device. Where a Water-Measuring Device is removed for a period exceeding 36 months, ~~or is relocated or resized~~, the former Connection shall cease to exist. Where any Permit is transferred in contravention of Rule 28, the Connection(s) affected by said Permit shall cease to exist. For the purpose of these Rules and Regulations, access for fire protection and/or access for short-term use through a hydrant meter installed with the consent of the Water Distribution System Operator shall not be deemed a Connection. Each new Connection, based upon projected quantity of water use, shall be categorized as either "Residential" or "Non-Residential."

WATER-MEASURING DEVICE - "Water-Measuring Device" means any water meter or other measuring device intended to measure water usage ~~by a User of the Water Distribution System~~. *The term "Water-Measuring Device" shall have the same meaning as the term "Water Meter."*

WATER METER – "Water Meter" means any measuring device intended to measure water usage. The term "Water Meter" shall have the same meaning as the term "Water Measuring Device."

Section Four: **Amendment of Rule 23-A-1-i, Action on Application for a Water Permit to Connect to or Modify an Existing Water Distribution System**

Rule 23-A-1-i, Action on Application for a Water Permit to Connect to or Modify an Existing Water Distribution System, shall be amended as follows, with added language shown in ***bold italic*** type face and deleted language shown in ~~strikeout~~ type face.

- i. Water ~~Measuring Devices~~ ***Meters*** maintained by the Water Distribution System Operator shall be installed for each Residential and Non-Residential water User ***except as allowed in 23-A-1-i-(3), (4), and (5).***
 - (1) A Non-Residential User may extend water use to another Non-Residential User within an existing structure unless the Remodel or Addition requires a Water Permit for a Change of Use (as defined in Rule 11).

- (2) A Change of Use as defined in Rule 11 shall trigger the requirement for a separate Water ~~Meter~~**Measuring Device**.
- (3) Users of multiple structures on a Site occupied by one Non-Residential User may apply for a variance of this Rule.
- (4) The General Manager shall ~~consider~~ **allow** ~~Non-Residential variances to this Rule~~ **sub-metering for each User** when the installation of separate Water ~~Meters~~**Measuring Devices** is not feasible **and the Site is utilizing Water Credits on a Site that has a Connection**. ~~In considering a variance, the General Manager shall determine if another type of Water Measuring Device is appropriate and shall make reporting of consumption a condition of approval. Approval of a Water Permit allowing sub-metering under this provision shall require recordation of a deed restriction on the title of the property that shall encumber current and future Site owners to comply with the following conditions:~~
 - a. *Site's owner shall have Water Meters installed for each sub-metered User by the Water Distribution System Operator within ninety (90) days of the conclusion of a Connection moratorium. Once Water Meters maintained by the Water Distribution System Operator have been installed, the deed restriction shall be removed;*
 - b. *Annually at the conclusion of the Water Year, and within 30 days of change in tenancy, the Site's owner shall provide the General Manager with individual monthly consumption for each User in a format acceptable to the District. Information shall identify the User of the sub-meter (e.g. apartment number or lease space number) and the number of residents in each Residential Dwelling Unit or the type of use according to Rule 24, Table 2, for each Non-Residential User;*
 - c. *During Stages 4-7 of the Expanded Water Conservation and Standby Rationing Plan (Regulation XV), the General Manager shall be provided with information about the number of occupants and type of uses within the sub-metered Dwelling Units and Uses;*

d. During Stages 4-7 of the Expanded Water Conservation and Standby Rationing Plan (Regulation XV), sub-metered consumption and occupant contact information shall be provided to the District monthly or more frequently if requested by the General Manager;

- (5) The Board shall consider ~~Mixed Use and Residential~~ variances to this Rule when the installation of separate Water Measuring Devices is not feasible *due to Special Circumstances*. In considering a variance, the Board shall determine if another type of Water Measuring Device is appropriate and shall make reporting of consumption a condition of approval.

Section Five: **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 Six: **Effective Date and Sunset**

This ordinance shall take effect at 12:01 a.m. on the 30th day after it has been enacted on second reading.

This Ordinance shall not have a sunset date.

Section Seven: **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 Pendergrass, and second by Director Lewis, the foregoing ordinance is adopted upon this 21st day of July 2014 by the following vote:

AYES: Directors Pendergrass, Lewis, Markey, Lewis and Potter

NAYS: None

ABSENT: Directors Brower and Byrne

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is an ordinance duly adopted on the 21st day of July 2014.

Witness my hand and seal of the Board of Directors this 29th day of July 2014.



David J. Stoldt, Secretary to the Board

COPY CERTIFICATION

I, David J. Stoldt, 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 Ordinance No. 161 duly adopted on the 21st day of July 2014.



David J. Stoldt,
Secretary to the Board of Directors

7.29.14
Date