

ORDINANCE NO. 26

AN ORDINANCE OF THE  
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
CLARIFYING THE ADMINISTRATION OF CHARGES  
AND CREDIT/REFUND PROVISIONS OF  
THE DISTRICT'S RULES AND REGULATIONS

WHEREAS, the Monterey Peninsula Water Management District is authorized by the California Legislature to review and approve expansions to local water distribution systems, including the intensification of water use through single water meters;

WHEREAS, the Monterey Peninsula Water Management District has previously enacted a comprehensive connection to partially fund efforts to augment the water supply available to the community;

WHEREAS, the present administrative practices of the Monterey Peninsula Water Management District need clarification to provide for efficient handling of water use connection applications; and

WHEREAS, the administrative fees relating to administrative matters were last adjusted in May, 1981.

NOW, THEREFORE, be it ordained that:

SECTION ONE

The additions, modifications, and/or deletions set forth in paragraphs 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, 9.0 and 10.0 shall be made to the Monterey Peninsula Water Management Rules and Regulations:

\* \* \* \* \*

1.0 Rule 11 shall have the term "connection" modified to read:

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 to another parcel 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, service for fire protection shall not be deemed a connection. Each new connection, based upon

projected quantity of water use, shall be categorized as either "Residential", "Commercial/Governmental", or "Industrial" as follows:

Residential Connection: Unless otherwise determined by the General Manager, on a case-by-case determination, any house, apartment or other living quarters intended for residential use.

Commercial/Governmental Connection: Unless otherwise determined by the General Manager, on a case-by-case determination, any public use, business or manufacturing company that requires a separate water service where the water is not used principally in the manufacturing or processing function including, but not limited to, offices, retail stores, hospitals, churches, gas stations and service businesses.

Industrial Connection: Unless otherwise determined by the General Manager, on a case-by-case determination, any manufacturing or processing function, including but not limited to, factories, refineries, bottling plants, nurseries, laundries and golf courses.

\* \* \* \* \*

- 2.0 Rule 11 shall have the definition of the term "intensification of use" added as follows:

**INTENSIFICATION OF USE - "Intensification of Use" shall mean an increase either in the number of fixture units served or an increase in the projected capacity for water use per annum which may occur through an existing connection.**

\* \* \* \* \*

- 3.0 Rule 20 B shall be modified to read as follows:

**B. PERMITS TO EXPAND/EXTEND A WATER DISTRIBUTION SYSTEM**

Before any person expands/extends a Water Distribution system, such person shall obtain a written permit from the District. [or the District's delegated agent] The addition of any connection to a Water Distribution System and/or the intensification of use of an existing connection shall be deemed an expansion or extension of that system. Any change in use, size, location, or relocation of a connection or water-measuring device which may allow an intensification of use or increased water consumption, or any permit transfer pursuant to Rule 28 which may allow an intensification of use or increased water consumption, shall be deemed an expansion or extension of that system. A proper applicant for such an expansion/extension permit may be

either the owner or operator of the Water Distribution System, the prospective user of the proposed connection as the real party in interest, or any agent thereof.

\* \* \* \* \*

4.0 Rule 21 shall be modified to read as follows:

Rule 21. APPLICATIONS

A. APPLICATION FOR PERMIT TO ESTABLISH/CREATE A WATER DISTRIBUTION SYSTEM

The applicant shall submit the following:

- (1) A completed written application in the manner and form prescribed by the General Manager; and
- (2) Environmental information as required by the District Environmental Guidelines; and
- (3) Proof of land use approval **which may be required for the proposed project** by the municipal unit in which proposed system would be located (i.e., **tentative map, use permit, etc.**); and
- (4) A copy of the application submitted to the Monterey County Environmental Health Department for Creation of a Water Distribution System; and
- (5) The name and address of each responsible party; and
- (6) The results of a pumping test, the cost of which shall be borne by the applicant, and which shall be observed by a District representative or agent; and
- (7) The Applicable fees prescribed in Rule 60.

B. APPLICATION FOR PERMIT TO EXTEND/EXPAND A WATER DISTRIBUTION SYSTEM

The applicant shall submit the following:

- (1) A completed written application in the manner and form prescribed by the General Manager; and
- (2) **For those applications for which a building permit has been granted**, proof of the Building Permit by municipal unit in which extension or expansion is proposed. [or statement of need for proposed expansion/extension]
- (3) **For those applications for which a building permit has not yet been granted**, architectural contract

drawings of sufficient detail to reflect water use pursuant to Tables 1 or 2 of the Rule 24, together with any amendment, addition, or modification of those drawings which may be made prior to use or occupancy of the project, and any drawings which may be submitted to the municipal unit for land use or building approvals, and a statement of near term need for the proposed expansion/extension.

(4) Architectural contract drawings for each change in the project made prior to use or occupancy which may affect the project's capacity to use water.

(5)[(3)] The Applicable fees prescribed in Rule 60.

(6)[(4)] The connection charge prescribed in Rule 24.

5.0 Rule 23 A (1) shall be modified to read as follows:

(1) The General Manager shall not issue an expansion/extension permit unless the applicant has either,

(a) previously obtained a valid municipal or county building permit which will allow the construction of an enclosed structure suitable for human occupancy on the parcel for which the application is proposed, unless the General Manager determines that the expansion is reasonably required to satisfy the near term potable water needs of the applicant, or

(b) submitted a complete set of architectural contract drawings sufficient for the District to determine the project's capacity for water use pursuant to Tables 1 or 2 of Rule 24, together with any amendment, addition, or modification of those drawings which may be made prior to use or occupancy of the project, and any drawings which may be submitted to the municipal unit for land use or building permit approvals.

\* \* \* \* \*

6.0 Rule 23 A (7) shall be modified to read as follows:

(7) The General Manager shall not issue an expansion/extension permit until all fees and connection charges are paid by, or on behalf of, the applicant. At the time of first use or occupancy of the project, the General Manager may adjust the charge, and cause a refund or the imposition and collection of an additional charge in accord with the provisions of Rule 24 B.

\* \* \* \* \*

7.0 Rule 24 B shall be modified to read,

Applications Which Affect Existing Conditions or Which Relate to an Intensification of Use

Projects which will relocate, enlarge, resize, or alter the type or quantity of use from an existing permanent connection, including projects which will add to or remodel existing structures, shall pay the connection fee required by this Rule. For such projects, the General Manager shall first determine the connection charge calculation in this Rule. Thereafter, the General Manager may reduce the connection charge with respect to applications for an amended permit which seek only to relocate, increase, or alter the type or quantity of use from an existing permanent connection. The connection charge for intensification of use from an existing connection shall exact a charge only as it relates to the extra increment of water which will be available to and subject to use by the applicant as the function of the relocated, increased, or altered use from the connection.

With respect to both new and amended expansion/extension permits, a project's capacity to use water shall be finally determined at the time the project is first available for use or occupancy. At this final determination the General Manager shall adjust the connection charge to ensure that final connection charge bears a positive correlation to the water use capacity of the project as built, rather than the project as planned. Adjustment of the connection charge, including refunds or the imposition and collection of additional charges based upon water use capacity reflected by Table 1 or 2, shall be made at that time, subject to the administrative fee required by Rule 60.

A change of use following the project's first use or occupancy which results in a less intensive utilization of water shall not entitle the user to any refund of connection charges which have previously been paid, except where an adjustment is permitted under paragraph 7 G, and where such adjustment was approved at the time the original permit was granted.

\* \* \* \* \*

8.0 Rule 24 C (1) shall be modified to read,

Each expansion/extension permit applicant seeking a residential use shall provide to the District the number of fixture units as determined for each residential dwelling unit of that project in accord with Table No. 1 below. This table shall be revised annually and approved by Board

resolution. The revised tables so approved shall be published together with these Rules and Regulations. The applicant shall provide project building plans and site plans in the form and manner requested by the General Manager. The General Manager shall review this information and determine the fixture unit count to be used in the formula set forth in this Rule. Each free standing structure housing one or more dwelling unit shall be presumed to benefit from and shall be charged for a minimum of two (2) outdoor faucets. 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.

\* \* \* \* \*

9.0 Rule 60 shall be modified to read,

Every applicant, excepting governmental agencies, shall pay such non-refundable **administrative processing** fees at time of application as follows:

(1) **Administrative fee for each Permit to Create/Establish a Water Distribution System - \$500.00**

- a) **less than 25 connections - \$750.00**
- b) **more than 24 connections - \$1500.00**

(2) **Administrative fee for each Permit to Expand/Extend a Water Distribution System - \$10.00**

- a) **single family & duplex residential connections - \$25.00 per dwelling unit**
- b) **multi family residential connections**

- i) **10 or less dwelling units per free standing structure: \$100 per structure**

- ii) **more than 10 dwelling units per free standing structure: \$200 per structure**

- c) **commercial/industrial connections**

- i) **projected annual water use of 1.5 acre feet or less: \$200 per connection**

- ii) **projected annual water use greater than 1.5 acre feet: \$500 per connection**

(3) **Fee for Expansion Surcharge - Those fees established annually, on or about July 1, by a resolution of the Board**

establishing the fees to be paid by new Residential, Commercial, and Industrial users to pay for the projected costs of the irrigation program for the four wells in lower Carmel Valley.

(4) Administrative fee for each Amendment of an Expansion/ Extension Permit - \$100.00

- a) residential connections - \$10.00 per dwelling unit
- b) commercial/industrial - \$100.00 per free standing structure

(5) Administrative fee for each Minor River Works Permit - \$10.00

(6) Administrative fee for each River Works Permit - \$25.00

(7) Administrative fee for each Emergency River Works Permit - \$25.00

(8) Administrative fee for each amendment of a water distribution system creation permit:

- a) 1 connection: \$125
- b) 2-24 connections: \$750
- c) 25 or more connections: \$1500

(9) Administrative fee for the recalculation of final connection fees pursuant to Rule 24 B: \$100 per connection

\* \* \* \* \*

10.0 Rule 61 shall be modified to read,

When other than a public agency, the maximum fees and charges for publications shall be set forth below:

- (1) Copies of Rules and Regulations - \$5.00
- (2) Copies of Environmental Guidelines - \$5.00
- (3) Copies of permits and other materials - 10 cents per page

\* \* \* \* \*

**SECTION TWO**

The following provisions of this Ordinance shall not be printed as a part of the Monterey Peninsula Water Management District Rules and Regulations.

**Deletion of Rules 24 I and 24 M from the District Rules**

11.0 The provisions of Ordinance 21 enacting Rule 24 I relating to projects in progress prior to July 9, 1984, and Rule 24 M relating to Ordinance 20 shall no longer be published as part of the Rules and Regulations of the Monterey Peninsula Water Management District.

It is the District's express intent not to change, modify, or alter the force or effect of these provisions, and staff is directed to comply with those provisions when applicable as if those provisions had been published in the Rules and Regulations.

**12.0 SAVINGS EFFECT**

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 or unenforceability shall not affect the validity or enforcement of the remaining portions of this Ordinance or of any provisions of Monterey Peninsula Water Management District Ordinance 21, 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 any one or more subdivisions, paragraphs, sentences, clauses or phrases be declared invalid or unenforceable.

**13.0 NON-EFFECT UPON ORDINANCE 21**

It is the District's express intent, by the adoption of Ordinance, to clarify the application of the District's administrative practices, and to address issues not heretofore dealt with by the Monterey Peninsula Water Management District Rules and Regulations. Except for the modification of administrative fees, the Monterey Peninsula Water Management District does not intend to modify, amend, revoke, or supersede any provision of ordinances which have previously been adopted. Specifically, the provisions of Monterey Peninsula Water Management District Ordinance No. 21 are herewith not modified, or revoked, or superseded by the provisions of this Ordinance. Should the provisions of this Ordinance be construed to modify, revoke, or supersede the provisions of Monterey Peninsula Water Management District Ordinance 21 in such a fashion to affect the validity of Ordinance 21 as declared by the Monterey Peninsula County



Superior Court in Case No. M 15851, it is the intent of the District that this Ordinance shall be null and void, and take no effect whatsoever, retroactive to its first adoption.

\* \* \* \* \*

On Motion of Director Bernardi, and seconded by Director Williams, the foregoing ordinance is duly adopted this 8th day of September, 1986 by the following votes:

AYES: Directors Pendergrass, DeBerry, Strasser Kauffman, Heuer, Bernardi, Lombardo and Williams

NAYES: None

ABSENT: None

I Gladys McKillop, Secretary of the Board of Directors of the Monterey Peninsula Water Management District, hereby certifies that the foregoing is a full, true and correct copy of an ordinance duly adopted on the 8th day of September, 1986.

Witness my hand and seal of the Board of Directors this 9th day of September, 1986.

  
Gladys McKillop, District Secretary