

September 18, 1989

ORDINANCE NO. 43

AN ORDINANCE OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING MANDATORY PLUMBING RETROFIT
STANDARDS UPON CHANGE OF OWNERSHIP OR USE

FINDINGS

1. The Monterey Peninsula Water Management District has adopted and regularly implements water conservation measures which, inter alia, sets standards for the installation of plumbing fixtures in new construction, and requires the retrofit of existing plumbing fixtures upon change of ownership or use. The District has exercised this power in accord with the provisions of Chapter 527 of the Statutes of 1977.

2. The Monterey Peninsula Water Management District (the District) has found and determined that it is in the best interest of the District and the inhabitants of the District to provide plumbing retrofit standards for the conservation of potable water supplies within the District. Retrofit of existing plumbing fixtures shall lessen consumption of the limited potable water resources available on the Monterey Peninsula liberating such potable water for other uses within the California-American Water Company ("Cal-Am") service territory.

3. The District has determined that the conservation and retrofit effort shall benefit the public good by increasing the supply of potable water available for new use, and by reducing the existing demand for potable water. The reduction in demand will reduce production impacts upon the environment.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

SECTION ONE: PURPOSE

It is the purpose of this ordinance to establish a new retrofit standard upon the change of ownership or use of property by deleting the existing exemption for 3.5 gallon toilets. The deletion of this exemption shall lessen near term consumption of limitable potable water supplies, and to enable the reuse of potable water supplies which are freed by reason of the new retrofit standard. The exemption for 3.5 gallon toilets had been scheduled to end on December 31, 1997. This ordinance accelerates that sunset date set forth in the present District Rules, and shall require retrofit of all toilets which use more than 1.6 gallons per use.

SECTION TWO: AMENDMENT OF MANDATORY PLUMBING RETROFIT STANDARDS
UPON CHANGE OF OWNERSHIP OR USE

The deletion (shown in overstrike) shall be made to the mandatory retrofit standards as set forth in the District's Rules and Regulations, Rule 144 C, Retrofit Exemptions, as follows:

C. RETROFIT EXEMPTIONS

(1) ~~GALLON-TOILETS~~

~~Previously installed toilets with fixtures using a maximum of 3.5 gallons per flush shall be exempted from the provisions of this section and are not required to be removed for any change of ownership or use which occurs on or before December 31, 1997, provided these toilets are fitted with a toilet water use reduction device capable of reducing flow by at least 1.0 gallon per flush. All retrofits upon change of ownership or use following December 31, 1997, shall exclusively use low water use plumbing fixtures defined by this ordinance.~~

(2) OTHER

The General Manager shall defer retrofit requirements of this regulation for any plumbing fixture for which present technology is not available to cause the required flow reduction, or where retrofitting is not otherwise feasible. When feasible, retrofit shall be required at the time technology becomes available.

SECTION THREE: Publication

The provisions of this ordinance shall be published in the Rules and Regulations of the Monterey Peninsula Water Management District as Amendments to Rules 144. Except as shown, no other changes shall be made to those rules.

SECTION FOUR: 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 or unenforceability 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 of Director Russell, and second by Director ~~passed to print~~ ^{adopted} Hekhuis, the foregoing ordinance is duly ¹⁹⁹⁰ ~~passed to print~~ this 22nd day of January, ~~1989~~, by the following vote:

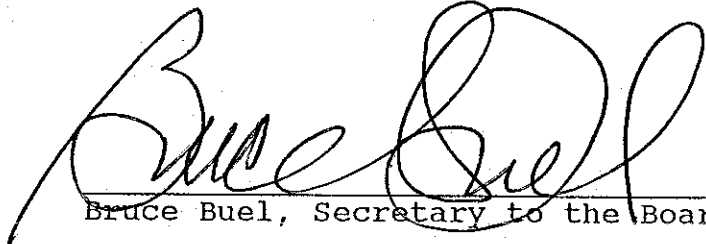
AYES: Directors Russell, Davis, Hekhuis, Heuer and Hughes

NAYS: None

ABSENT: Directors Fisher and Strasser Kauffman

I, Bruce Buel, 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} ~~passed to print~~ this 22nd day of January, ¹⁹⁹⁰ ~~1989~~.

Witness my hand and seal of the Board of Directors this 30th day of January, ¹⁹⁹⁰ ~~1989~~.


Bruce Buel, Secretary to the Board

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Ordinance.43

*Revised to comply with
1/22/90*