

**ORDINANCE NO. 61  
AN ORDINANCE OF THE  
BOARD OF DIRECTORS OF THE  
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
AMENDING RESTRICTIONS FOR WATER WASTE AND  
REPEALING RULES REQUIRED BY THE DROUGHT  
INDUCED WATER SUPPLY EMERGENCY**

**FINDINGS**

1. This ordinance shall amend the existing definitions of water waste, and the standards and procedures for restricting non-essential water use.
2. This ordinance shall repeal and supersede Ordinance Nos. 38 and 54 (Water Rationing) and related water rationing provisions of the District Rules and Regulations.
3. This ordinance shall not repeal or amend limitations set by Ordinance No. 52, or Ordinance No. 59, or Ordinance No. 62.
4. The following District Rules shall be deleted by this ordinance: Rule 92 ("Rationing Variance"), Rule 104 ("Rationing"), and Rule 105 ("Moratorium").
5. The following District Rules shall be added or amended by this ordinance: Rule No. 11 ("Definitions") and Rule No. 83 ("Water Waste Fees").
6. This ordinance shall amend the user fee established by Ordinance No. 58. This ordinance deletes the one percent surcharge which partially funded Phase III rationing expenses.

NOW THEREFORE be it ordained as follows:

**ORDINANCE**

**Section One: Short Title**

This ordinance shall be known as the 1992 Water Waste Ordinance of the Monterey Peninsula Water Management District.

**Section Two: Statement of Purpose**

The Monterey Peninsula Water Management District enacts this Water Waste Ordinance as legal authority to modify existing standards defining water waste and non-essential water use for the Monterey Peninsula, and to modify the Rules and Regulations of the District. This ordinance declares an end to the drought induced water supply emergency, and repeals rules and procedures required by the drought induced water supply emergency.

This ordinance, however, shall not repeal limitations on new water uses set by Ordinance No. 52, or Ordinance No. 59, or Ordinance No. 62, and shall not be deemed to declare an end to the water supply emergency which is caused by the limited availability of the area's limited long-term water supply. This ordinance amends the existing user fee structure to terminate revenue no longer required to finance mandatory water rationing.

**Section Three: Definitions.**

A. Unless the context specifically indicates otherwise, the following words or phrases shall be given the definitions set forth below for the purpose of this ordinance.

B. "Water waste" shall mean the indiscriminate, unreasonable, or excessive running or dissipation of potable water. Water Waste shall include, but not be limited, to the following:

1. Waste caused by correctable leaks, breaks or malfunctions. This loss of potable water may be cited as water waste after a reasonable period of time has passed in which the leak or malfunction could have been corrected. Exceptions may be granted by the General Manager for corrections which are not feasible or practical.
2. Use of potable water to wash sidewalks or roadways where air blowers or sweeping provide a reasonable alternative, or where sub-potable water is reasonably available.
3. Indiscriminate or excessive water use which allows excess to run to waste.
4. Use of potable water to irrigate turf, lawns, gardens or ornamental landscaping between 9:00 a.m. and 5:00 p.m. by means other than drip irrigation, or hand watering without quick acting positive shut-off nozzles. (Exceptions will be made for professional gardeners where there is no ability to not water between 9:00 a.m. to 5:00 p.m.).
5. Individual washing of cars, buildings, or exterior surfaces without use of quick acting positive shut-off nozzles.
6. Transportation of water from the Monterey Peninsula Water Resources System without prior written authorization from the MPWMD shall be deemed water waste. Emergency or health related situations are exempt from this provision.

C. "Non-Essential Water Use" shall mean the indiscriminate or excessive dissipation of potable water which is unproductive, or does not reasonably sustain life or economic benefits. Non-essential water use includes but is not limited to the following:

1. Serving drinking water to any customer, unless expressly requested, by any restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered for sale.
2. Operation of fountains, ponds, lakes, or other ornamental use of potable water without recycling.
3. Unreasonable or excessive use of potable water for dust control or earth compaction without prior written approval of General Manager where non-potable water or other alternatives are readily available or satisfactory.
4. Use of un-metered fire hydrant water by individuals other than for fire suppression or utility system maintenance purposes, except upon prior approval of General Manager.
5. Failure to meet MPWMD Ordinance No. 30, Section IV, retrofit requirements for existing business after having been notified of such requirement and having been given a reasonable amount of time to comply.

D. Required Conservation Measures

1. Flush sewers with sub-potable or reclaimed water except in cases of emergency.
2. New Construction: Plumbing fixtures must meet or exceed the following water conservation requirements: toilets shall not use more than 1.6 gallons per flush maximum; urinals shall use no more than 1.0 gallons per flush; showerheads shall use no more than 2.5 gallons per minute without a separate restriction device and faucets shall have aerators that use no more than 2.2 gallons per minute maximum irrespective of the pressure in the water supply line; hot water systems must be instant access; drip irrigation must be installed for all shrub or tree areas rather than spray heads, unless plant material or site conditions preclude drip as the most appropriate choice. Hand-held watering may also be used. Instant access shall be defined as providing hot water at the point of service within five (5) seconds.
3. Additions and remodels must meet the following conservation requirements: If you are adding plumbing fixtures, and/or expanding more than 25% of the existing square-footage, new construction requirements must be met

throughout the structure with the exception of retrofitting to drip irrigation and instant-access hot water systems.

E. The words and phrases defined above in this Section Three shall further be set forth as defined terms within Rule 11 of the District's Rules and Regulations.

**Section Four: Repeal of Prior Water Rationing Rules**

A. This ordinance shall repeal and supersede Ordinance No. 54.

B. This ordinance shall cause the repeal and deletion of Rule No. 92 (Rationing Variances) from the District's Rules and Regulations (Added by Ordinance No. 38), Rule No. 104 ("Rationing") (Added by Ordinance No. 7), and Rule No. 105 ("Moratorium").

**Section Five: Fees for Water Waste or Non-Essential Water Use**

A. A \$50.00 fee shall be assessed for each flagrant occurrence of Water Waste or Non-Essential Water Use, as those terms are defined by Rule No. 11. Each occurrence of Water Waste or Non-Essential Water Use which continues after the water user has had reasonable notice to cease and desist that type of water use shall constitute a flagrant occurrence.

B. A \$150.00 fee will be imposed for each subsequent occurrence (including multiple occurrences) of Water Waste or Non-Essential Water Use which occurs within 18 months of the first occurrence.

C. All fees shall be paid within 30 days.

D. Within the 30 day period, a water user may seek waiver or forgiveness of all or part of the Water Waste fees on the basis of hardship. The water user must provide the District with a written explanation as to why the fees should not be collected. Staff shall be authorized to determine whether or not fees should be waived in full or in part, with the final decision resting with the Water Demand Manager.

E. After 30 days, fees which have not been paid or waived shall result in a lien being placed on the property served by that water account.

F. Repeated occurrences of Water Waste or Non-Essential Water Use, which continue or occur after the water user has had reasonable notice to cease and desist that type of water use, or which continue or occur after the water user has had a reasonable opportunity to cure any defect causing that type of water use, shall provide cause for the placement of a flow restrictor upon that

water line or meter. Placement of a flow restrictor shall be approved in advance by the Board of Directors after a hearing involving the water account holder and/or water user. The water user and account holder shall receive written notice, and be provided an opportunity to be heard prior to any action of the Board.

G. The provisions of this Section Five shall further be set forth as Rule No. 83 ("Water Waste Fees") of the District's Rules and Regulations.

**Section Six User Fee Amendment**

This ordinance shall modify the collection of a 2.11 percent user fee established by Ordinance No. 55 to fund water conservation activities. The modification shall consist of reduction of the rate from 2.11 to 1.11 percent.

This ordinance shall authorize the collection of a user fee to fund District expenses in the aggregate amount of 7.125 percent of the Cal-Am water bill, replacing prior fees. A similar charge shall be made to other district water distribution systems of fifty (50) connections or more to implement a surcharge on each water distribution system bill in a manner to distribute the charge equitably among water users based upon quantity of water use.

**Section Seven: Effective Date**

This ordinance shall have an effective date of August 1, 1992.

**Section Eight: 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. This ordinance shall be read in conjunction with and compliment those provisions of the District's Rules and Regulations, provided, however that the provisions enacted by this measure shall take precedence and supersede any contradictory provision of those rules. Section titles and captions are provided for convenience and shall not be construed to limit the application of the text.

**Section Eight: Severability**

If any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would

have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases may be declared invalid.

On motion of Director Long, and second by Director Karas, the foregoing ordinance is adopted this 20th day of July, 1992, by the following vote:


AYES: Directors Hekhuis, Long, Hughes, Farina, Karas, Pendergrass and Heuer

NAYS: None

ABSENT: None

I, James R. Cofer, 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 this 20th day of July, 1992.

Witness my hand and seal of the Board of Directors this 23 day of July, 1992.

  
James R. Cofer, Secretary to the Board

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Draft #2: March 10, 1992

Draft #3: June 5, 1992

Draft #4: June 9, 1992

Draft #5: July 2, 1992

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