

ORDINANCE NO. 63

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT AMENDING PLAN CHECK AND PROCESSING FEES

FINDINGS

1. Fees and charges imposed by the Monterey Peninsula Water Management District for plan check and processing of applications, variances, and appeals (excluding connection charges) were last reviewed and amended in 1984.
2. This ordinance shall amend the costs to the applicant of plan check and processing efforts of the District. This ordinance, however, shall not cause any change, modification, or amendment to the amount, means of collection, method of computation, and/or accounting of the District's connection charge, or to the Capital Projects Fund ("Sinking Fund").
3. This ordinance shall amend the Rules and Regulations of the District.
4. The following District Rules shall be added or amended by this ordinance: Rules 60, 63, 70 and 90.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This Ordinance shall be known as the 1992 Fee Modification Ordinance of the Monterey Peninsula Water Management District.

Section Two: Statement of Purpose

The Monterey Peninsula Water Management District enacts this 1992 Fee Modification Ordinance as legal authority to amend fees and charges pertaining to a variety of District activities, including plan check and processing for water permits, appeals and variances,

pursuant to the Rules and Regulations of the District. This ordinance shall cause a modification to those Rules and Regulations.

Section Three: Definitions.

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.

1. "Acre Foot" - shall mean an amount of water equal to 325,851 gallons. One fixture unit shall be deemed to have an annual water use capacity equivalent to 0.01 acre foot.
2. "District" - shall mean the Monterey Peninsula Water Management District (MPWMD).
3. "Shall" - shall be mandatory, "May" shall be permissive.
4. "Water Use Credit" - shall mean a limited entitlement by a Person to use a specific quantity of water upon a specific Site. Water Use Credits shall be limited by time, and by other conditions as set forth in the District's Rules and Regulations.

Section Four: Amendment of Rule 60 "Permit Fees".

The following additions (in **bold face**) and deletions (in ~~strikeover~~) shall be made to Rule 60 (2), (4), (9), and (10) of the District Rules and Regulations:

RULE 60. Permit Fees.

- (2) **Plan Check and Processing Administrative fee for Permit to Expand/Extend a Water Distribution System, or to use a Water Use Credit:**
 - a) single-family and duplex residential connections:
\$150 ~~\$25~~ per dwelling unit
 - b) multi-family residential connections:
 - i) 10 or less dwelling units per free-standing structure: **\$250** ~~\$100~~ per structure
 - ii) more than 10 dwelling units per free-standing structure: **\$500** ~~\$200~~ per structure

- c) commercial/industrial connections:
 - i) capacity for projected annual water use of one-half (0.5) ~~1.5~~ acre feet or less: \$250 ~~\$200~~ per structure connection
 - ii) capacity for projected annual water use greater than one-half (0.5) ~~1.5~~ acre feet but not greater than one (1.0) acre feet: \$500 per structure connection
 - iii) capacity for annual water use greater than one (1.0) acre feet: \$750 per structure
 - d) unusually complex applications - \$30.00 per hour of staff time for all necessary efforts in excess of twenty (20) hours per application.

- (4) Processing and Plan Check Administrative fee for each amendment of an expansion/extension permit:
 - a) residential connections: \$25 ~~\$10~~ per dwelling unit
 - b) commercial/industrial: \$125 ~~\$100~~ per free-standing structure
 - c) unusually complex amendments: \$30.00 per hour of staff time for all necessary efforts in excess of five (5) hours per amendment.

- (9) Processing and Plan Check Administrative fee for the recalculation of final connection fees pursuant to Rule 24 B: ~~\$100 per connection~~ \$30.00 per hour of staff time for all necessary efforts in excess of five (5) hours per Site requiring recalculation.

Section Five: Amendment of Rule 63 "Miscellaneous Fees".

The following additions (in **bold face**) and deletions (in ~~strikeover~~) shall be made to Rule 63 of the District Rules and Regulations:

RULE 63. Miscellaneous Fees.

Every applicant excepting governmental agencies, shall pay at time of application, a non-refundable fee as follows:

- (1) Fee for appeal: ~~of determination - \$125 flat fee~~
 - i) capacity for annual water use of one-half (0.5) acre feet

or less: \$250 per structure

ii) capacity for annual water use greater than one-half (0.5) acre feet but not greater than one (1.0) acre feet: \$500 per structure

iii) capacity for annual water use greater than one (1.0) acre feet: \$750 per structure

(2) Fee for variance: ~~\$125 flat fee~~

i) capacity for annual water use of one-half (0.5) acre feet or less: \$250 per structure

ii) capacity for annual water use greater than one-half (0.5) acre feet but not greater than one (1.0) acre feet: \$500 per structure

iii) capacity for annual water use greater than one (1.0) acre feet: \$750 per structure

(3) Fee for short-term variance - \$125 \$75

(4) Fee for assessment appeal - \$125 \$25

(5) Additional Fees for Complex Appeals or Variances - \$30.00 per hour of staff time for all necessary efforts in excess of twenty (20) hours per appeal or variance.

Section Six: Amendment of Rule 70 "Appeals".

A. Upon hearing the appeal, the Board shall also have the discretion in unusual matters to reduce and rebate in full or in part the fee for appeal otherwise set by Rule 63 (1).

B. The text of Paragraph A above shall be added to Rule 70 of the District Rules and Regulations.

Section Seven: Amendment of Rule 90 "Variances".

A. Upon hearing the variance, the Board shall also have the discretion in unusual matters to reduce and rebate in full or in part the fee for appeal otherwise set by Rule 63 (2).

B. The text of Paragraph A above shall be added to Rule 90 of the District Rules and Regulations.

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 Nine: Effective Date

This ordinance shall be given effect at 12:01 a.m., August 1, 1992.

Section Ten: 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 Heuer, and second by Director Karas, the foregoing ordinance is adopted upon this 15th day of June, 1992, by the following vote:

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

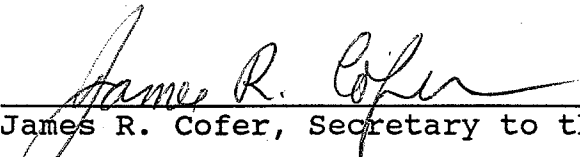
NAYS: None

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 on the 15th day of June, 1992.

Witness my hand and seal of the Board of Directors this 7th
day of July, 1992.



James R. Cofer, Secretary to the Board

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[FINAL - as approved by B.O.D.]
6/16/92