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**ORDINANCE NO. 64**

**AN URGENCY ORDINANCE OF THE  
BOARD OF DIRECTORS OF THE  
MONTEREY PENINSULA  
WATER MANAGEMENT DISTRICT  
ALLOWING WATER CONNECTION PERMITS  
BASED UPON CONSERVED WATER CREDITS**

**FINDINGS**

1. Ordinance 52 enacted a temporary moratorium on new uses of water as an interim measure required by the over-dedication of existing water supplies. Ordinance 52 allowed select new water connections during the moratorium.
2. Ordinance 62 added an exemption category to the continuing moratorium to enable minor additions and remodels to existing residential water meters. Each expanded water use is to be debited from new water supplies whenever such supplies became available.
3. Approximately two hundred development applications were in process at the time Ordinance 62 was adopted which planned to re-use water credits caused by a reduction in fixture units at those sites. Partially due to the manner in which Ordinance 52 had been implemented, and in part due to changes caused by Ordinance 62, a change in procedure would affect that group. This ordinance equitably addresses concerns of this group, and fosters the District's water conservation goals by enabling re-use of conserved water in single family residences for all reductions in fixture units which have occurred since January 1, 1991.
4. Reuse of conserved water promotes the welfare of the citizens of the District by facilitating residential needs of the Monterey Peninsula without causing an undue increase in the burden to our water resource system. The reuse of water shall nonetheless be strictly accounted for, and that water use should be debited from anticipated savings caused by mandated conservation measures.
5. In all other respects, the moratorium on new water use permits enacted by Ordinance 52, and the amendments to that ordinance caused by Ordinance 62 shall remain unchanged by this ordinance.
6. This ordinance shall promote the public health, safety and

welfare of the community by encouraging water conservation practices in addition to those which are already mandated by law. Reduced water use benefits the environmental resources of the community which are dependant upon water supplies, and shall stretch water supplies available to all citizens in times of drought and other water shortages. Accordingly, this ordinance is enacted as an urgency measure, and shall take effect upon its adoption.

NOW THEREFORE be it ordained as follows:

## ORDINANCE

### Section One: Short Title.

This Ordinance shall be known as the Conserved Water Permit Ordinance of the Monterey Peninsula Water Management District.

### Section Two: Statement of Purpose.

The Monterey Peninsula Water Management District enacts this ordinance to modify the standards for the issuance of water connection permits during the temporary limit on new uses of water first enacted by Ordinance 52.

In all other respects, the moratorium on new water use permits enacted by Ordinance 52 and amended by Ordinance 59 and 62 shall remain unchanged by this ordinance. The continuing moratorium on all new or intensified uses of water is required due to the present over-dedication of the existing water supply. This circumstance continues to constitute a water supply emergency in accord with Section 332 of the District Law.

This ordinance fosters the District's water conservation goals by enabling re-use of conserved water in single family residences for all reductions in fixture units which have occurred since January 1, 1991. Reuse of conserved water promotes the welfare of the citizens of the District by facilitating residential needs of the Monterey Peninsula without causing an undue increase in the burden to our water resource system.

This ordinance also causes a technical correction to Ordinance 60 by deleting an inadvertent reference to "hose bibs" in the criteria to process permits for intensified water use set forth in section seven, paragraph A (5).

**Section Three: Authorization for the Re-use of Water Conservation Credits.**

The following category shall be added to Section Three, Paragraph A, of Ordinance 52, creating an exception to the limit on issuance of permits for new or expanded water use.

**A. Water Conservation Credits for Single Family Residences.**

a. Notwithstanding the limit on the issuance of permits set forth by Ordinances 52 and 59, the District may continue to receive and process applications, and grant permits, which propose interior residential water use through an existing single family residential water meter, provided the proposed interior water use has been offset by a Water Conservation Credit (i.e., a reduction in fixture units) which has been achieved on that site within the past twenty four (24) months, but such credits shall not be given for reductions which occurred earlier than January 1, 1991. The use of Water Conservation Credits under this ordinance shall not apply to commercial, industrial, or multi-family residential connections.

b. The term "Water Conservation Credit" shall refer to the permanent abandonment of some or all prior residential water use on that Site. A Water Conservation Credit shall enable use of that increment of conserved water on that same Site. These credits shall not be transferred to any other Site.

c. District staff (1) shall verify that the all water use reductions are permanent, and (2) shall quantify reduced water use (abandoned capacity) in terms of fixture units. Credit shall not be given for any reduction which occurred more than twenty four (24) months prior to the date of the application.

d. Re-use of water via a Water Conservation Credit may be combined with the ten (10) fixture unit intensification allowed for residential water use by Ordinance No. 62.

e. An application for a permit based entirely upon reuse of water credits (as well as any application which relies in part upon the ten (10) fixture unit intensification allowed by Ordinance 62) shall also require approval of the city or county.

f. Issuance of a Water Conservation Credit shall not result in any change to a jurisdiction's allocation. Use of any Water Conservation Credit shall similarly not cause a change to a jurisdiction's allocation.

g. There shall be no connection charge assessed for the capacity for water used pursuant to any Water Conservation

Credit. Connection charges, however, shall apply to the capacity for water use which exceeds the Water Conservation Credit, or for any expansion of use following the expiration of the Water Conservation Credit. No refund shall accrue by reason of water use reduction, or abandonment of capacity, whether or not reflected by a Water Conservation Credit, provided however, that the General Manager may refund fees collected for permits issued between August 1, 1992 and the effective date of this ordinance to the extent those permits would have qualified for a credit under the terms of this ordinance.

B. The provisions of paragraph A ("Water Conservation Credits for Single Family Residences") of Section Three (set forth above) shall be added as an additional paragraph to Rule 25.5 of the Rules and Regulations of the District, and captioned "Water Conservation Credits".

**Section Four: Accounting for Reductions in Water Savings.**

Each water use permit based upon the re-use of water credits allowed by this ordinance shall be quantified to enable the accurate accounting of future water conservation within the Cal-Am water distribution system. Although the amount of water which is placed back into service shall be quantified, that quantity shall not be deducted from any city, county or District allocation. Instead, in all future calculations of water available for use from the Monterey Peninsula Water Resource System, the quantity of water re-used under this ordinance shall be deducted from water savings which are anticipated to be achieved as a part of the District's long term 15% conservation goal.

Issuance of a Water Conservation Credit shall not result in any change to a jurisdiction's allocation. Use of any Water Conservation Credit shall similarly not cause a change to a jurisdiction's allocation.

**Section Five: Technical Correction Deleting "Hose Bib" References in Ordinance 60.**

The following deletions (shown by ~~strike-out~~) shall be made to the criteria to process permits for intensified water use set forth in Ordinance 60, section seven, paragraph A (5):

Residential Water Demand. Each authorization for interior water demand for residential water connections shall be based on the fixture units planned for that Site. Water use capacity for remodelling or replacement of an existing residence, or for any new residence shall be based on the increase in fixture units on the Site.

A single standard shall apply to the calculation of fixture units regardless of where the property is located. This method shall not include an increment of water for open space or landscape use. Instead, landscape water demand for each residential use shall be calculated by the District independent from the fixture unit criteria ~~7~~ and instead shall be based upon the number of hose bibs which are reasonable and necessary for that site. The Board of Directors shall adopt guidelines to guide staff's implementation of the landscape water use criteria and hose bib calculation process provided by this Rule.

Except as modified by this section six, the provisions enacted by Ordinance 60 shall remain unchanged by this ordinance.

**Section Six: Definitions.**

Unless the context specifically indicates otherwise, all words and phrases used in this ordinance shall be given definitions as set forth in Rule 11 of the District Rules and Regulations, or as set forth in Ordinance 52, or as set forth in Ordinance 59.

**Section Seven: Republication of Ordinances 52, 59 and 62.**

Except as modified by this ordinance, the provisions enacted by Ordinance 52, 59 and 62 shall remain unchanged by this ordinance, and shall hereby be republished.

**Section Eight: Urgency Ordinance Taking Immediate Effect.**

This ordinance shall be adopted with urgency effect, and shall therefore take effect at 12:01 a.m. on the day following its adoption.

**Section Nine: Publication and Application.**

Except for the provisions of Section Three, this ordinance shall not be published in 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 of this measure shall take precedence and supersede any contradictory provision of those rules. This Ordinance shall also be read in conjunction with and compliment those provisions of District Ordinance 52, 59, and 62 provided, however that the provisions of this measure shall take precedence and supersede any contradictory provision of those ordinances.

**Section Ten: Sunset Date**

This ordinance shall not have continuing effect, but shall have the same sunset date as Ordinance 52.

**Section Eleven: 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 Farina, and second by Director Hughes, the foregoing ordinance is adopted this 5th day of October, 1992, by the following vote:

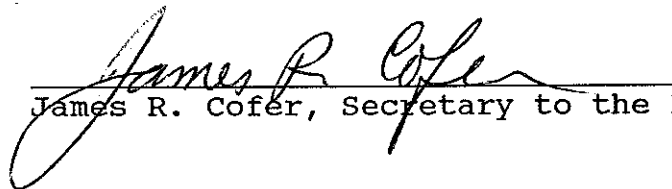
**AYES:** Directors Farina, Hughes, Long, Pendergrass, Heuer and Karas

**NAYS:** None

**ABSENT:** Director Hekhuis

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 5th day of October, 1992.

Witness my hand and seal of the Board of Directors this 12th day of October, 1992.

  
James R. Cofer, Secretary to the Board

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- Adopted  
- 10/5/92

## RESIDENTIAL WATER CREDITS

All applications which include the use of water credits are subject to inspection by the District prior to permitting. Original fixtures should not be replaced until an inspection is completed. For additional information, please call the Permit Office at 649-2500.

<u>Water Fixture</u>	<u>Standard Use</u>	<u>Conservation Use</u>	<u>Credit Available</u>	<u>Cost</u>
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Dishwashers	12 gallons±	7.66 gallons or less	.5 Fixture Units	\$800+
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NOTE: Brands which meet District guidelines: Miele, Asco Asea, Bosch.

Washing Machine	45 gallons±	15 gallons per cycle or 1.5 gallons per pound maximum	1 Fixture Unit	\$750 +
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NOTE: To receive credit for installing a water conserving washing machine, the appliance must be built in and remain as a permanent fixture in the house.

Instant-Access Hot Water System	Varies	\$500±
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NOTE: Credit for replacement of inefficient hot water systems is available on a case-by-case basis. Credit shall be calculated on the annual savings expected with installation of an efficient system.

ULF Toilets	3-7 gpf	1.6 gpf or less	2.3 fixture units	\$80+
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NOTE: Credit will be given for the replacement of existing inefficient toilets with ultra-low-flow toilets.

Adopted 10/29/92

