

ORDINANCE NO. 80

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT AMENDING THE PROCEDURE FOR ISSUANCE OF WATER PERMITS, ESTABLISHING A PROCESSING FEE AND REFUND PROCEDURE FOR CONDITIONAL WATER PERMITS, REVISING THE WATER DISTRIBUTION SYSTEMS LIST, AND EXEMPTING PORTABLE WATER FIXTURES FROM CONNECTION CHARGES

FINDINGS

1. This ordinance shall amend the process by which the Monterey Peninsula Water Management District issues permits for new water use or intensified water use.
2. This ordinance amends existing standards and procedures for the issuance of water connection permits, and shall amend the Rules and Regulations of the District.
3. This ordinance amends the fixture unit count as it applies to one master bathroom in a house.
4. This ordinance relocates the commercial water use factor for medical offices from Group II to Group I on Table II, Rule 24. Water intensive medical uses shall remain in Group II.
5. This ordinance defines a large bathtub.
6. This ordinance adds a provision for the refund of connection charges for Conditional Water Permits, establishing time lines for the refund of charges based on the amount of refund.
7. This ordinance eliminates a connection charge for the use of any water credits gained by public retrofits (Ordinance No. 75) and by transfers of commercial water credits (Ordinance No. 80).
8. This ordinance revises the list of water distribution systems located in the Monterey Peninsula Water Resources System.
9. This ordinance exempts portable water fixtures from standard water permit requirements.
10. The following District Rules shall be amended by this ordinance: Rule 11 (Definitions); Rule 24-C, Table I (Residential Fixture Unit Count); Rule 24-C, Table II (Commercial

Water Use Factors); Rule 60 (Permit Fees); Rule 24-H (Connection Charge Refunds); Rule 25.7 (Public Water Credits), Rule 24-C (Residential Expansions).

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: Short Title

This Ordinance shall be known as the "1995 Permit Process Ordinance" of the Monterey Peninsula Water Management District.

Section Two: Statement of Purpose

The Monterey Peninsula Water Management District enacts this 1995 Permit Process Ordinance as legal authority to modify existing standards and procedures pertaining to the review and issuance of water connection (expansion/extension) permits, to amend processing fees, to modify the manner in which select connection charges are calculated, to establish a processing fee and refund policy for Conditional Water Permits, to amend the list of water distribution systems used in its Rules and Regulations, and to exempt portable water fixtures from standard permit requirements. This ordinance shall modify the existing Rules and Regulations of the District.

Section Three: Water Distribution Systems Affected

This ordinance shall apply to each water connection (expansion/extension) permit issued by the District.

Section Four: 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.

1. "Master Bathroom" - shall mean one bathroom, usually located adjacent to the master bedroom. A home shall not have more than one Master Bathroom.
2. "Large Bathtub" - shall be any bathtub or jacuzzi bathtub with an overflow capacity of greater than 55 gallons as indicated in the manufacturer's product specifications or as detailed by the custom designer.
3. "Portable Water Fixture" - shall be any portable interior or exterior fixture not intended for permanent use. Examples include portable hot tubs/spas, portable fountains, water tanks, etc.

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

Section Five: Amendment to Rule 24, Table I, Fixture Unit Count

The following additions and deletions shall be made to Rule 24 C, Table I, of the District Rules and Regulations.

Table No. 1 which establishes a fixture unit count for each residential water fixture shall be revised to include the following:

Master Bathroom (available for one master bathroom per site):

- Large Tub and Single Stall Shower - 3 units
- Wash Basins (One or Two) - 1 unit

Section Six: Amendment of Rule 24 D, Table II, Commercial Water Use Factors

The water use factor for general medical offices shall be listed in Group I. Water intensive medical uses (medical clinic or hospital) shall be retained in Group II.

Section Seven: Revision of "Large Tub" Definition.

The definition of a large bathtub shall be:

"Large Bathtub" - shall be any bathtub or jacuzzi bathtub with a capacity of greater than 55 gallons to overflow as indicated in the manufacturer's product specifications or as detailed by the custom designer.

Section Eight: Addition to Rule 60, "Permit Fees."

The following provisions shall be added as Rule 60-2(e) of the District Rules and Regulations, spelling out the processing fee for conditional water permits:

- e. Conditional Water Permits: \$750 per application

Section Nine: Addition to Rule 24-H, "Connection Charge Refunds."

The following condition shall be added to District Rule 24-H:

Refunds requested for connection charges paid to obtain a Conditional Water Permit shall be processed under the following time lines and shall be subject to the administrative processing fee of one hundred dollars (\$100) per permit to process a refund application:

Refunds of less than fifty thousand dollars (\$50,000) shall be processed within thirty (30) days; refunds between fifty thousand dollars (\$50,000) and one hundred thousand dollars (\$100,000) shall be processed within forty-five (45) days; and refunds over one hundred thousand dollars (\$100,000) shall be processed within sixty (60) days.

Section Ten: Revision of Rule 25.7, "Public Water Credits."

The following subsection in Rule 25.7 shall be deleted:

E. The transfer of public water credits to an allocation shall not affect the connection charge assessed for a water permit. Water permits for all debits to an allocation will continue to require payment of connection charges for all increases in use.

Section Eleven: Revision of Rule 11, "Definitions."

The following list shall replace the one shown under the definition of the MONTEREY PENINSULA WATER RESOURCE SYSTEM in Rule 11:

The following water distribution systems derive their source of supply from the Monterey Peninsula Water Resource System:

- California-American (Cal-Am) Water Company, all Cal-Am sub-units, including Rancho Fiesta Mutual and Water West systems, with the exceptions of Carmel Valley Mutual and Ryan Ranch.
- Canada Woods Water Company
- Carmel Valley Road II
- Carmel Greens Agricultural
- Chaney/Schaffer
- Fair Weather
- Good Neighbor
- Jones/Areias
- Old River Ranch
- Rancho San Carlos Road
- Riverside RV Park
- Schut/Jones
- Seaside Municipal
- Selle
- Clark-Wells Fargo

- Sleepy Hollow (Potable)
- any water system which receives its source of supply from one or more subunits of the Monterey Peninsula Water Resource System

Section Twelve: Amendment to Rule 24-C, Residential Expansions

The following text shall be added as a second paragraph to Rule 24-C (1), Determination of Fixture Unit Component for Each Dwelling Unit:

"Portable water fixtures shall be exempt from the connection charge and shall have no fixture unit value."

Section Thirteen: 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 complement those provisions of the District's Rules and Regulations, provided; however, the provisions enacted by this measure shall take precedence over 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 Fourteen: Effective Date

This ordinance shall be given effect at 12:01 a.m. on January 1, 1996. The modifications of permit processes and/or fee calculation methods made by this 1995 Permit Process Ordinance shall be given prospective effect only. No refund or credit shall be allowed for any permit issued prior to the effective date.

Section Fifteen: 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

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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 Karas, and second by Director Burkleo, the foregoing ordinance is adopted upon this 20th day of November, 1995, by the following vote:


AYES: Directors Farina, Burkleo, Haddad, Heuer, Hughes, Karas and Pendergrass

NAYS: None

ABSENT: None

I, Ray Millard, 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 20th day of November, 1995.

Witness my hand and seal of the Board of Directors this 8th day of December, 1995.



Ray Millard, Secretary to the Board