

**FINAL
ORDINANCE NO. 98**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING RESIDENTIAL WATER FIXTURE UNIT VALUES**

FINDINGS

1. The Water Management District is charged under the Monterey Peninsula Water Management District Law with the integrated management of the ground and surface water resources in the Monterey Peninsula area.
2. The Water Management District has general and specific power to ensure water is available for present beneficial uses as set forth in Sections 325 and 328 of the Monterey Peninsula Water Management District Law.
3. Existing rules of the Water Management District apportion a discrete increment of water demand for various water using residential fixtures. This apportionment, denominated as the "fixture unit methodology" is made on the basis of the theoretic capacity for water use that may occur through each residential fixture. It is recognized that actual water use may vary from the theoretic capacity for water use.
4. Existing Water Management District rules enable adjustment of the "standard" fixture unit methodology in several circumstances. For example, Rule 24 G enables deviation from the fixture unit methodology in any setting where "special circumstances" are found to exist. Other variations from the "standard" residential fixture unit methodology have been recognized for the addition of a second wash basin in a master bath, and for use of both a tub and separate shower in a master bath. The unique treatment of water using fixtures in a residential master bath is occasioned by the recognition that these extra water appliances are typically added to a master bath for the purpose of aesthetics or convenience, but these extra water appliances do not significantly cause additional water demand. This ordinance extends the "special circumstance" treatment afforded to water using fixtures in a residential master bath to the addition of a second bathroom in any existing residence.
5. The Water Management District is mindful that people, not fixtures, use water. The Water Management District finds that the addition of a second bath to an

existing residence is primarily for the purpose of convenience. These added water appliances shall not significantly cause additional water demand.

6. The additional of a bathroom by this ordinance shall trigger District Rule 144-B, Mandatory Retrofit Upon Expansion of Use.
7. This ordinance shall allow the addition of a single bathroom to a one bathroom single-family residential site that has or had no more than one dwelling unit as defined by the District Rules and Regulations.
8. A valid Water Use Credit for the permanent abandonment of a one bathroom single-family dwelling unit shall be regarded as an existing dwelling unit and shall allow the reconstruction of single-family dwelling unit with the addition of the water fixtures allowed by this ordinance.
9. This ordinance shall amend and republish Rule No. 24 C (“Residential Expansions”) of the Rules and Regulations of the Water Management District.

NOW THEREFORE be it ordained as follows:

ORDINANCE

Section One: **Short Title**

This ordinance shall be known as the Bathroom Fixture Ordinance of the Monterey Peninsula Water Management District.

Section Two: **Purpose**

This ordinance revises, amends and republishes existing residential water use fixture criteria set forth in District Rule 24.

Section Three: **Amendment of Rule 24 C (Residential Expansions)**

District Rule 24 C shall be amended by deleting the portion set forth in strikeout type (~~strikeout~~) and adding the portion set forth in italicized and bold face type (***bold face italic***). In all other respects, the text of District Rule 24 shall be republished by this ordinance.

24 C. Residential Expansions

(1) Determination of Fixture Unit Component for Each Dwelling Unit

Each expansion/extension permit application for residential use will be assessed a connection charge for each added fixture unit in accord with Table No. 1 below. This table shall be revised periodically and approved by the Board. The revised tables so approved shall be published together with these Rules and Regulations. The applicant shall provide complete and final construction plans. The General Manager shall review the project and determine the fixture unit count to be used in the formula set forth in this rule. Fixtures which deviate from those categories listed on Table No. 1 shall be characterized by the General Manager as "other", and assigned a fixture unit value by the General Manager which has a positive correlation to the anticipated water use facilitated by that fixture.

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

Special fixture unit accounting shall apply to any expansion application that proposes to add a second bathroom to an existing single-family dwelling unit on a single-family residential site that, prior to the application, has only one bathroom. This accounting protocol shall be limited, and shall apply only to the following water appliances if these are installed in a new second bathroom as an expansion of an existing single family dwelling unit: (a) a single water closet, and (b) a single standard tub, or single shower stall, or a single standard tub-shower combination, and (c) one or two wash basins. This special fixture unit accounting shall further apply on a pro rata basis to any expansion application that proposes to add one or more of the referenced water appliances to an existing second bathroom that lacks that same appliance within an existing single-family residential site that, prior to the application, has less than two full bathrooms. The special fixture unit accounting referenced above shall not apply to any multi-family dwelling or multi-family residential site. This special fixture unit accounting shall apply only to dwelling units that have a finalized building permit as of the effective date of this ordinance.

Under this second bathroom special accounting protocol, the General Manager shall not debit the municipal allocation for the installation of select water fixtures in the second bathroom addition or remodel. Connection charges shall nonetheless be collected for the addition of these fixture units to the second bathroom addition. No on-site, off-site or transfer of credit shall be granted for removal or retrofit of any fixture added pursuant to this second bathroom accounting protocol. The provisions of this special fixture unit accounting protocol shall take precedence and supersede any contrary provision of the Water Management District Rules and Regulations.

Section Four: Reporting

As a condition precedent to the issuance of any permit pursuant to this rule, each property owner shall authorize the District to access and use Cal-Am records relating to past, present and future water use on this site for a period of sixty (60) months from the date the permit is issued.

Section Five: 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. Section titles and captions are provided for convenience and shall not be construed to limit the application of the text.

Section Six: Effective Date and Sunset

This ordinance shall take effect at 12:01 a.m. on the 30th day after it has been enacted on second reading. This Ordinance shall not have a sunset date. During each calendar year, the board shall review the District Rule enacted by this ordinance to determine whether or not amendment or revocation is warranted. Such action, however, shall require enactment of an implementing ordinance. A comprehensive review of the District Rules affected by this ordinance shall be held during calendar year 2006.

Section Seven: 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 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 Pendergrass, and second by Director Chesshire, the foregoing ordinance is adopted upon this 16th day of April, 2001, by the following vote:

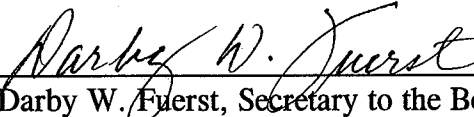
AYES: Directors Chesshire, Pendergrass, Potter, Edwards, Lindstrom

NAYS: Directors Erickson and Henson

ABSENT: None

I, Darby W. Fuerst, 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 16th day of April, 2001.

Witness my hand and seal of the Board of Directors this 3rd day of May 2001.



Darby W. Fuerst, Secretary to the Board

U:\staff\wp\ordinances\final\ord98.wpd
5/2/2001