

MARINA COAST

# MARINA COAST

WATER DISTRICT CODE

CALIFORNIA

2001

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**A Codification of the General Ordinances of  
of the Marina Coast Water District, California**

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**Beginning with Supp. No. 9,  
Supplemented by Municipal Code Corporation**

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## PREFACE

The Marina Coast Water District, California Code, originally published by Book Publishing Company, has been kept current by regular supplementation by Municipal Code Corporation, its successor in interest.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Lloyd Lowrey, Jr., attorney.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 9, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

**This supplement brings the Code up to date through Ordinance 54, passed June 14, 2011.**

Municipal Code Corporation

1700 Capital Circle SW

Tallahassee, FL 32310

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## HOW TO USE YOUR CODE

This code is organized to make the laws of the district as accessible as possible to officials, employees and private citizens. Please take a moment to familiarize yourself with some of the important elements of this code.

### Numbering System.

The numbering system is the backbone of a Code of Ordinances; Municipal Code Corporation uses a unique and versatile numbering structure that allows for easy expansion and amendment of this Code. It is based on three tiers, beginning with title, then chapter, and ending with section. Each part is represented in the code section number. For example, Section 2.04.010 is Section .010, in Chapter 2.04 of Title 2.

### Title.

A title is a broad category under which ordinances on a related subject are compiled. This code contains about 15 to 20 titles. For example, the first title is Title 1, General Provisions, which may contain ordinances about the general penalty, code adoption and definitions. The titles in this code are separated by tabbed divider pages for quick reference. Some titles are Reserved for later use.

### Chapter.

Chapters deal with more specific subjects, and are often derived from one ordinance. All of the chapters on a related subject are grouped in one title. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material. For example, Chapter 2.06, District Manager, can be added between 2.04, District Council, and Chapter 2.08, District Attorney.

### Section.

Each section of the code contains substantive ordinance material. The sections are numbered by "tens" to allow for expansion of the code without renumbering.

### Tables of Contents.

There are many tables of contents in this code to assist in locating specific information. At the beginning of the code is the main table of contents listing each title. In addition, each title and chapter has its own table of contents listing the chapters and sections, respectively.

### Ordinance History Note.

At the end of each code section, you will find an "ordinance history note," which lists the underlying ordinances for that section. The ordinances are listed by number, section (if applicable) and year. (Example: (Ord. 272 § 1, 1992).)

Beginning with Supplement No. 9 a secondary ordinance history note will be appended to affected sections. Ordinance history notes will be amended with the most recent ordinance added to the end. These history notes can be cross referenced to the code comparative table and disposition list appearing at the back of the volume preceding the index.

### **Statutory References.**

The statutory references direct the code user to those portions of the state statutes that are applicable to the laws of the municipality. As the statutes are revised, these references will be updated.

### **Cross-Reference Table.**

When a code is based on an earlier codification, the cross-reference table will help users find older or "prior" code references in the new code. The cross-reference table is located near the end of the code, under the tabbed divider "Tables." This table lists the prior code section in the column labeled "Prior Code Section" and the new code section in the column labeled "Herein."

As of Supplement No. 9, this table will no longer be updated.

### **Ordinance List and Disposition Table.**

To find a specific ordinance in the code, turn to the section called "Tables" for the Ordinance List and Disposition Table. This very useful table tells you the status of every ordinance reviewed for inclusion in the code. The table is organized by ordinance number and provides a brief description and the disposition of the ordinance. If the ordinance is codified, the chapter (or chapters) will be indicated. (Example: (2.04, 6.12, 9.04).) If the ordinance is of a temporary nature or deals with subjects not normally codified, such as budgets, taxes, annexations or rezones, the disposition will be "(Special)." If the ordinance is for some reason omitted from the code, usually at the direction of the municipality, the disposition will be "(Not codified)." Other dispositions sometimes used are "(Tabled)," "(Pending)," "(Number Not Used)" or "(Missing)."

Beginning with Supplement No. 9, this table will be replaced with the "Code Comparative Table and Disposition List."

### **Code Comparative Table and Disposition List.**

Beginning with Supplement No.9, a Code Comparative Table and Disposition List has been added for use in tracking legislative history. Located in the back of this volume, this table is a chronological listing of each ordinance considered for codification. The Code Comparative Table and Disposition List specifies the ordinance number, adoption date, description of the ordinance and the disposition within the code of each ordinance. By use of the Code Comparative Table and Disposition List, the reader can locate any section of the code as supplemented, and any subsequent ordinance included herein.

### **Index.**

If you are not certain where to look for a particular subject in this code, start with the index. This is an alphabetical multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you need, then the appropriate subheadings:

#### **BUSINESS LICENSE**

See also BUSINESS TAX

Fee 5.04.030

Required when 5.04.010

The index will be updated as necessary when the code text is amended.

**Instruction Sheet.**

Each supplement to the new code will be accompanied by an Instruction Sheet. The Instruction Sheet will tell the code user the date of the most recent supplement and the last ordinance contained in that supplement. It will then list the pages that must be pulled from the code and the new pages that must be inserted. Following these instructions carefully will assure that the code is kept accurate and current. Removed pages should be kept for future reference.

**Page Numbers.**

When originally published, the pages of this code were consecutively numbered. As of Supplement No. \_\_\_, when new pages are inserted with amendments, the pages will follow a "Point Numbering System". (Example: 32, 32.1, 32.2, 32.2.1, 32.2.2., 33). Backs of pages that are blank (in codes that are printed double-sided) will be left unnumbered but the number will be "reserved" for later use.

**Electronic Submission.**

In the interests of accuracy and speed, we encourage you to submit your ordinances electronically if at all possible. We can accept most any file format, including Word, WordPerfect or text files. If you have a choice, we prefer Word, any version. You can send files to us as an e-mail attachment, by FTP, on a diskette or CD-ROM. Electronic files enable us not only to get you your code more quickly but also ensure that it is error-free. Our e-mail address is: ords@municode.com.

For hard copy, send two copies of all ordinances passed to:

Municipal Code Corporation

P.O. Box 2235

Tallahassee, FL 32316

**Customer Service.**

If you have any questions about this code or our services, please contact Municipal Code Corporation at 1-800-262-2633 or:

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Tallahassee, FL 32310

SUPPLEMENT HISTORY TABLE

**SUPPLEMENT HISTORY TABLE**

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Include/Omit	Supp. No.
54	6-14-2011	Include	11

## **Title 1 - GENERAL PROVISIONS**

### **Chapters:**

#### **Chapter 1.01 - CODE ADOPTION**

##### **Sections:**

##### **1.01.010 - Purpose.**

The purpose of the ordinance codified in this chapter is to recompile and recodify the district's existing code pursuant to Section 50022.10 of the California Government Code, and to repeal and amend certain existing district ordinances as set forth in Section 1.01.050 below, and to adopt the proposed code.

*(Ord. 35 § 3 (part), 2001)*

##### **1.01.020 - Adoption of new code and repeal of former code.**

The district hereby adopts the "Marina Coast Water District Code" as published from time to time by Book Publishing Company, Seattle, Washington, together with those secondary codes adopted by reference as authorized by law, save and except those portions of the secondary codes as are deleted or modified by the provisions of the "Marina Coast Water District Code."

*(Ord. 35 § 4 (part), 2001)*

##### **1.01.030 - Repeal of superseded or obsolete ordinances.**

As provided in Section 1.01.060, certain superseded ordinances or sections of ordinances are repealed, and certain sections of ordinances are amended and the language superseded by the amendments is repealed, and provisions of district ordinances in effect on the adoption date of Ordinance No. 35 are recompiled and recodified as set forth in Section 1.10.070. These ordinances are further summarized in the disposition table, Appendix F (Exhibit A of Section 1.10.070). The disposition table therein lists the subject matter of each superseded provision and any corresponding replacement provisions.

*(Ord. 35 § 5 (part), 2001)*

##### **1.01.040 - Effect of repeal on past actions and obligations.**

The ordinance codified in this chapter does not affect prosecutions for ordinance violations committed prior to the effective date of the ordinance codified in this chapter, does not waive any fee or penalty due and unpaid on the effective date of the ordinance codified in this chapter, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

*(Ord. 35 § 6 (part), 2001)*

##### **1.01.050 - Title, chapter and section headings.**

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

*(Ord. 35 § 8 (part), 2001)*

##### **1.01.060 - Repeal.**

The ordinances and provisions, as set forth in Section 1.01.070, are hereby repealed, amended, and incorporated herein.

*(Ord. 35 § 9 (part), 2001)*

##### **1.01.070 - Disposition table.**

The disposition table as set forth in Appendix F (Exhibit A) lists Ordinances 1 through 34 of the Marina Coast Water District. Over time, these ordinances enacted new regulations or amended previous ordinances. In April 2001, the district enacted Ordinance 35, which codified all previous ordinances by repealing, amending or codifying them. Ordinance 35 also enacted a new section, Section 3.08.070, regarding service to subsequent tenants.

The disposition table indicates the disposition of each ordinance: repealed, not codified or the current code reference.

*(Ord. 35 Exh. A (part), 2001)*

## **Chapter 1.04 - GENERAL PROVISIONS**

##### **Sections:**

##### **1.04.010 - Definitions.**

The following words and phrases, whenever used in this code, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

Additional Definitions. For the purpose of this title, additional terms shall have the meaning indicated in Chapter 1 of the Uniform Plumbing Code.

"Air-gap separation" means a physical break between a supply pipe and a receiving vessel. The air-gap shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel, and in no case less than two inches.

"Annexation fee" means the fee imposed as a condition of annexing areas outside present district boundaries, to pay the district's costs of annexing the property to the district. Such costs include, but are not limited to, professional fees (engineering, legal, accounting, financial consultants, etc.) and the district's administrative costs.

"Applicant" means the person or agent of the property of record making application for water service or a permit for a sewer or plumbing installation and shall be the owner of premises to be served by the water and sewer connection for which a permit is requested or his authorized agent or any other water user requesting a service from the district for which there is a fee or charge.

"Approved." Whenever the words approved, unapproved, as directed, satisfactory or words of like import are used, it shall be understood that the meaning is "approved by the district," "as directed by the district," etc.

"Approved backflow prevention device" means devices which have passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated its competency to perform such tests to the California Department of Health Services.

"Approved water supply" means any water supply whose potability is regulated by a state or local health agency.

"Automatic shutoff nozzle" means a water release mechanism securely affixed to the end of a water hose. It requires the person using the hose to apply and maintain pressure at the outlet end of the hose to activate and maintain the flow of water, and shuts off immediately when such pressure is released.

"Auxiliary supply" means any water supply on or available to the premises other than the approved water supply.

"Available to existing water users." Recycled water is deemed available to existing water users when the Marina Coast Water District has provided a service lateral from the recycled water system to the property line and has installed a water meter for the recycled water to be used on the property.

"Available to new water users." Recycled water is deemed available to new water users when the distance between the nearest recycled water line and the near edge of the parcel is less than the following distance: twenty-five feet plus the distance between the nearest potable water main and the near edge of the parcel.

"AWWA standard" means an official standard developed and approved by the American Water Works Association (AWWA).

"Backflow" means a flow condition, caused by a differential in pressure, that causes the flow of water or other liquids, gases, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than an approved water supply source. Back siphonage and back pressure are the causes of backflow.

"Board" means the board of directors of the Marina Coast Water District.

"Building" means any structure used for human habitation or a place of business, recreation or other purpose, containing sanitary facilities.

"Building sewer" means that portion of any sewer beginning two feet outside the foundation wall of any building or industrial facility and running to the property line or to a private sewage disposal system.

"Capacity charge" means contribution toward existing or future capital improvements, for facilities in existence at the time the charge is imposed or charges for new facilities to be constructed and operated in the future which are of benefit to the person or property being charged. Capacity charges shall apply to the expansion, extension, and increased utilization of any service connection where use of the service or demand on the district's system increases.

"Change of ownership" means a transfer of a present interest in the property, and a transfer of the right to beneficial use thereof, the value of which is substantially equal to the value of the fee interest, regardless of whether such transfer is voluntary, involuntary, or by operation of law, court order, grant, gift, devise, inheritance, trust, contract of sale, addition or deletion of an owner, property settlement, or any other means.

"Change of use" means a change from one use to another use as uses are categorized in the district code for all service connections.

"Commercial service" means provision of water to premises where the customer is engaged in trade, including any person engaging in business or transient-residential businesses from a service connection. Schools, public or private, nonprofit institutions,



and governmental entities shall be considered commercial service.

"Condominium" means an individual, separately owned unit within a condominium project.

"Condominium project" means any or all of the following:

1. Two or more proposed condominiums, as defined in Section 783 of the California Civil Code;
2. The entire parcel of real property divided, or to be divided, into condominiums, including all existing or proposed structures therein;
3. A community apartment project, as defined in Section 11004 of the Business and Professions Code, containing two or more rights of exclusive occupancy;
4. A planned development, as defined in Section 11003 of the Business and Professions Code, containing two or more rights of exclusive occupancy;
5. A stock cooperative, as defined in Section 11003.2 of the Business and Professions Code, containing two or more rights of exclusive occupancy.

"Connection fees" means all fees and charges, but not including capacity charges, to reimburse the district for its actual costs of connecting a user of water or sewer services to the district's water or sewer system.

"Contamination" means a degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health, or which may impair the usefulness or quality of the water.

"Contractor" means an individual, firm, corporation, partnership or association duly licensed by the state to perform the type of work to be done under the permit.

"County" means the county of Monterey, California.

"Cross-connection" means any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.

"Customer" means an individual or agency of record receiving water service from the utility.

"Date of presentation" means the date upon which a bill of notice is mailed or delivered personally to the customer.

"Depositor" means a person, firm, corporation or agency paying cash to the district to guarantee payment for water and/or services to be received from the district.

"Developer" means a person having the right under the applicable laws and regulations governing land use within the area served by the district to make application for governmental approvals to change the use of or the improvements on real property served by the district.

"District" means the Marina Coast Water District or the area within the territorial limits of the Marina Coast Water District and such territory outside the district boundaries over which the district has jurisdiction or control by virtue of any constitutional or statutory provision.

"District engineer" means the engineer employed by the district and shall be a registered civil engineer in the state.

"District inspector" means the plan check engineer or designee acting under the direction of the district engineer.

"Double check valve assembly" means an assembly of at least two independently acting check valves including tightly closing shutoff valves on each side of the check valve assembly and test cocks available for testing the watertightness of each check valve.

"Dwelling unit" means one room, or a suite of two or more rooms, designed for, intended for or used by one household, which household lives, sleeps and cooks therein, and which unit has only one kitchen or kitchenette and at least one bathroom. Dwelling units may be single-family homes or portions of multifamily homes (such as duplexes, triplexes, or apartments).

"Equivalent dwelling unit (EDU)" means a measurement of demand on district facilities equivalent to a typical single-family dwelling. For water, one EDU equals the amount of water used by one single-family, residential dwelling unit, defined as 0.33 acre-foot of water per year. For sewer, one EDU equals the daily flow, discharged by a typical, single-family dwelling unit. The general manager may develop and maintain a schedule of equivalent uses, to establish the number of EDU's for different users of water and sewer service for purposes of this title. Any such schedule and change thereto shall be approved by the board.

"Existing water user" means the owner, or agent of the owner, of a parcel of land that is being, or has been, provided potable water service by the Marina Coast Water District.

"Fixture unit" means a unit in terms of which the load producing effects of the plumbing system is measured. Fixture units shall be as listed in Table 4-1 of the Uniform Plumbing Code.

"Food service establishment" means an establishment that prepares and/or sells food for consumption either on or off the premises, including, but not limited to, restaurants, sandwich shops, delicatessens, bakeries or pizzerias. The term, as used in this chapter, does not refer to food stores or establishments that do not prepare food on premises or process food in a manner so as to contribute grease to the sewer system.

"Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

"General manager" means the person designated by the board of directors to act as general manager of the district.

"Grease interceptor" means a device designed and installed to separate and retain deleterious, hazardous or undesirable matter from normal wastes and to permit normal sewage or liquid wastes to discharge into the disposal terminal by gravity.

"Grease trap" means a device designed to retain grease from one to a maximum of four fixtures.

"Health agency" means the California Department of Health Services or the local health agency with respect to a small water system.

"Hot water recirculating system" means a system of pipes with a motor-driven pump or convection system that recirculates water between the hot water heater and hot water faucets, so that substantially all the cold water standing in the pipes will be returned to the water heater and reheated before the faucet is turned on. The pump may be turned on and off by a manually operated switch, by a timer-operated switch, or otherwise, or may be left permanently on. The entire pipe in the recirculating loop shall be insulated with insulating material in accordance with Title 24 of the California Code of Regulations.

"Industrial service" means provision of water to premises engaged in manufacture, assembly, processing or development of products.

"In-tract facilities" means all system components and appurtenances, including, without limitation, easements, wells, tanks, pumping stations, water treatment and filter plants, storage facilities, mains and other pipelines, pressure enhancement and reduction facilities, connectors, valves, fittings, fire hydrants and service stubs, exclusive of individual service connections and meters, located within the boundaries of a tract and necessary to provide service to the tract in accordance with applicable laws and regulations.

"Lateral sewer" means the portion of a sewer lying within a public street connecting a building sewer to the main sewer.

"Law" denotes applicable federal law, the Constitution and statutes of the state, the ordinances of the Marina Coast Water District, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

"Local health agency" means the county or city health authority.

"Main sewer" means a public sewer designed to accommodate more than one lateral sewer.

"Mains" means distribution pipelines located in streets, highways, public ways or private rights-of-way that are used to serve the general public.

"Master meter" means a device for measuring water consumption by a commercial or industrial customer of the district, usually serving a series of individual consumers such as a mobile home park or apartment complex.

"May" is permissive.

"Month" means a calendar month.

"Must" and "shall" are each mandatory.

"New addition" means additional space attached to an already existing structure.

"New construction" means any construction of a previously non-existent structure requiring a discretionary or ministerial permit issued after the effective date of this ordinance. "New construction" shall also include additions, modifications or structural improvements which add square footage to floor space of existing structures.

"New water user" means an applicant who requests one or more service connections be provided to one or more parcels of land which have never been served potable water or recycled wastewater from the Marina Coast Water District.

"Non-residential" means all classes of service other than for residential.

"Observation well" means any artificial excavation constructed by any method for the purpose of monitoring fluctuations in groundwater levels, quality of underground waters, or the concentration of contaminants in underground waters.

"Out of tract facilities" means all system components and appurtenances necessary to connect in-tract facilities with the district's main system and to provide service to a tract.

"Outside sewer" means a sanitary sewer beyond the limits of the district.

"Overdraft" means the condition of a groundwater basin where the amount of water withdrawn by pumping exceeds the amount of water replenishing the basin over an extended period of time, or where the amount of water withdrawn by pumping results in an unacceptable degradation of groundwater quality within the basin.

"Owner," applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

"Parcel" means any unit of land which qualifies as a parcel or lot under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other parcel (or are separated only by a road or easement), and (2) for which there is unity of ownership, and (3) which have an identical present use. The term "parcel" shall be given the same meaning as the term "site".

"Permit" means any written authorization required pursuant to this or any other regulation of the district for the installation of any water or sewer works.

"Person" means any human being, individual, firm, company, partnership, association and private or public and municipal corporations, the United States of America, the state, districts and all political subdivisions, governmental agencies and mandatories thereof.

"Personal property" means and includes money, goods, chattels, things in action and evidences of debt.

"Plumbing system" means all plumbing fixtures and traps, or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a building and extending to the building sewer connection two feet outside the building wall.

"Potable water" means water that meets all state and federal requirements for human consumption without threat to health or safety.

"Preceding" and "following" means next before and next after, respectively.

"Premises" means any and all areas on a water user's property, which are served or have the potential to be served by the public water system.

"Private fire service" means provision of water to fire hydrants or fire suppression systems located on private property.

"Private sewer" means a sewer serving an independent sewage disposal system not connected with a public sewer and which accommodates one or more buildings or industries.

"Property" means and includes real and personal property.

"Public customers" means any municipal corporation or other governmental entity existing under the laws of the United States of America or the state of California, served by the district.

"Public fire protection" means facilities provided for the Marina fire district.

"Public sewer" means a sewer lying within a street, alley, easement or public right-of-way.

"Public water system" means a system for the provision of piped water to the public for human consumption that has five or more service connections or regularly serves an average of twenty-five individuals daily at least sixty days out of the year.

"Quasi-public entities" include educational institutions, churches, recreational facilities open to the public, and other similar commercial service entities designated as "quasi-public" by the general manager.

"Rate and fee schedules" means the effective rates, fees, rentals, charges, and regulations, as set forth by the district.

"Real property" means and includes parcel of land and tenements.

"Recycled water" means a wastewater, which, as a result of treatment, is suitable for uses other than potable use. "Reclaimed water" or "water recycling" has the same meaning as recycled water as defined in subdivision (N) of the section 13050 of the California Water Code.

"Reduced-pressure principle backflow prevention device" means a device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.

"Residential service" means provision of water for household residential purposes, including water for sprinkling lawns, gardens and shrubbery; watering livestock; washing vehicles; and other similar and customary purposes.

"Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

"Sanitation pipes" means pipes which are part of a sanitary sewer.

"Sewage" means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

"Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Sewer service connection" means to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof from a specified place of service to a parcel of land.

"Shallow well" defined as a well no deeper than one hundred feet below ground surface which may be constructed for nonpotable purposes.

"Shutoff nozzle" means a water release mechanism ("nozzle") securely affixed to the end of a water hose which enables the user of the hose to control the flow of water in the hose, including stopping the flow of water completely and securely, by a lever or mechanical device in the nozzle.

"Side sewer" means the sewer line beginning two feet outside the foundation wall of any building and terminating at the main sewer and includes the building sewer and lateral sewer together.

"State" means the state of California.

"Storm sewer" or "storm drain" means a sewer, which carries storm and surface or ground waters and drainage but excludes sewage and polluted industrial wastes.

"Street" means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, public easement or right-of-way, or other public ways in this district which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

"Submeter" means a meter or series of meters installed downstream from a master meter in order to determine water consumption in individual buildings and/or units. Such submeters may or may not be under the ownership of the district and subject to district operation and maintenance.

"Temporary water service" means provision of water either for human consumption for a period not exceeding six months or water from potable, recycled or non-Title 22 sources for construction work or similar uses that because of their nature will not be used steadily or permanently.

"Tenant" and "occupant," applied to a building or land, mean and include any person who occupies the whole or a part of such building or land, whether alone or with others.

"Time-share development" means a time-share project as defined in Section 11003.5(a) of the Business and Professions Code.

"Time-share unit" means a time-share estate and/or a time-share use as defined in Sections 11003.5(b) and (c) of the Business and Professions Code.

"Tract" means any parcel of land authorized for development by Monterey County or any city within which the district provides service.

"Transient-residential" means every person engaged in the business of operating a hotel, motel, bed and breakfast, time-share, recreational vehicle park or any other similar rented temporary living facilities.

"Water service connection" means the water or recycled water pipe, valves and other facilities by means of which the utility conducts water or recycled water from its distribution mains to the meter and meter box located at a specified place of delivery of water to a parcel of land.

"Water supplier" means the person who owns or operates the public water system.

"Water supply assessment" means the assessment required by Section 10910 of the California Water Code.

"Water supply verification" means the verification required by Section 66473.7 of the California Government Code.

"Water user" means any person obtaining water from a public water supply system.

"Water waste" means the indiscriminate, unreasonable or excessive use of potable water.

"Written" means and includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in permanent visible form.

"Xeriscape" means the use of drought-tolerant, low-water-use plants in landscaping. Drought-tolerant plants are those which can survive on little or no water other than available rainfall.

"Year" means a calendar year.

*(Ord. 47 § 4 (part), 2007; Ord. 46 § 4 (part), 2007; Ord. 42 § 4 (part), 2006; Ord. 39 § 4 (part), 2004; Ord. 38 § 4, 2003; Ord. 37 § 4, 2003; amended during 3-02 supplement: Ord. 34 § 7, 1998; Ord. 34 § 9A, 1998; Ord. 33 § 4A, 1998; Ord. 29 § 3, 1995; Ord. 25 § 4, 1993; Ord. 18 § 2, 1990; Ord. 7 Art. 2, 1989; Ord. 6 Art. I, § 2, 1988; Ord. 5 (part), 1988; Ord. 2 §§ 101—128, 1967; Ord. 1 Art. II, § 1, 1967)*

#### **1.04.020 - Title of office.**

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the district.

*(Amended during 3-02 supplement: Ord. 34 § 9B, 1998)*

#### **1.04.030 - Interpretation of language.**

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

*(Amended during 3-02 supplement: Ord. 34 § 9C, 1998)*

#### **1.04.040 - Grammatical interpretation.**

The following grammatical rules shall apply in this code unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.
- B. Singular and plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.

*(Amended during 3-02 supplement: Ord. 34 § 9D, 1998)*

#### **1.04.050 - Acts by agents.**

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

*(Amended during 3-02 supplement: Ord. 34 § 9E, 1998)*

#### **1.04.060 - Prohibited acts include causing and permitting.**

Whenever in this code any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

*(Amended during 3-02 supplement: Ord. 34 § 9F, 1998)*

#### **1.04.065 - Design and construction standards.**

- A. Minimum standards for the design and construction of water, recycled water and sewer infrastructure within the district shall be in accordance with the current design requirements and standard plan and specifications adopted by the district, copies of which are on file in the district office. The district engineer may permit modifications or may require higher standards where unusual conditions are encountered.
- B. "As-built" drawings showing the actual location of all mains, structures, valves, fire hydrants, Y's, laterals and cleanouts shall be filed with the district before final acceptance of the work.

*(Ord. 38 § 5, 2003)*

#### **1.04.070 - Computation of time.**

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

*(Amended during 3-02 supplement: Ord. 34 § 9H, 1998)*

#### **1.04.080 - Notices.**

##### **A.**

Notices to customers.

##### **1.**

Notices from the district to a customer will normally be given in writing, and either delivered or mailed to him at his last known address.

##### **2.**

Where conditions warrant and in emergencies, the district may resort to notification either by telephone or messenger.

##### **B.**

Notices from customers. Notice from the customer to the district may be given by him or his authorized representative orally or in writing: (1) at the district's operating offices, (2) to an employee of the district or (3) to an agent duly authorized to receive notices or complaints.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 9, 1967)*

#### **1.04.090 - Construction.**

The provisions of this code and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

*(Amended during 3-02 supplement: Ord. 34 § 9I, 1998)*

#### **1.04.100 - Repeal shall not revive any ordinance.**

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinances.

*(Amended during 3-02 supplement: Ord. 34 § 9J, 1998)*

#### **1.04.110 - Severability.**

If any section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional or invalid, or superseded by some other provision of law, such provisions shall be severed from and shall not affect the validity of the remaining provisions of this code. The board hereby declares that it would have passed this code and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any other part thereof be unconstitutional or invalid, or superseded by some other provision of law. The parts of this code which are not unconstitutional, invalid or superseded shall remain in full force and effect and shall be enforced according to their terms.

*(Amended during 3-02 supplement)*

#### **1.04.120 - Rules and procedures.**

The board may adopt rules and procedures by resolution to assist in implementing this chapter, but this chapter is self-executing and does not depend on rules and procedures to be effective.

*(Amended during 3-02 supplement: Ord. 7 Art. VI, § 2, 1989; Ord. 6 Art. III, § 2, 1988; Ord. 2 Art. II, § 1, 1967)*

## **Title 2 - ADMINISTRATION**

### **Editor's note—**

**Employer-Employee Relations are covered in the Personnel Policy Manual that was adopted February 26, 1997.**

### **Chapters:**

## **Chapter 2.04 - WATER AND SEWER PERMITS**

### **Sections:**

#### **2.04.010 - Purpose.**

The purposes of this chapter are to establish indemnity and insurance requirements for work authorized by water and sewer permit, to protect the district from risks of such work and to establish additional requirements for work authorized by water and sewer permit.

*(Ord. 7 Art. 1, 1989)*

#### **2.04.020 - Indemnity and insurance agreement required.**

An applicant's execution of an indemnity and insurance agreement shall be a condition precedent to the district's issuance of a water or sewer permit. The agreement shall contain the following terms:

#### **A.**

##### Indemnity.

##### 1.

The district, its directors, officers, employees, independent contractors and agents ("agents") shall not be answerable or accountable in any manner for any loss or damage that may occur to the work authorized by the permit, for any loss, damage or injury to persons or property arising from or related to the work authorized by the permit. The applicant shall properly guard against all such loss, injury or damage to persons and property.

##### 2.

The applicant shall be responsible for any damage to any person or property resulting from defects or obstructions or from any cause whatsoever during the progress of work, or at any time before its completion and final acceptance, in the case of public facilities, and during the period of the project guarantee as defined in Section 2.04.040D. The applicant shall assume the defense and indemnify and save harmless the district and its agents from every expense, liability or payment by reason of loss, injury (including death) or damage to person or property suffered through any applicant or applicant's contractors or sub-contractors, or anyone directly or indirectly employed by any of them, or arising in any way from the work authorized by this permit, on any part of the premises on which the work is performed. This provision shall not be deemed to require the applicant to indemnify the district and its agents against liability for damages arising from the sole negligence or willful misconduct of the district or its agents who are directly responsible to the district.

#### **B.**

##### Insurance.

##### 1.

Applicant shall, at its sole cost and expense, obtain and maintain during the performance of the work authorized by this permit policies of insurance of the following types, with limits acceptable to the general manager based on the scope of the permitted work and the risk to the district:

##### a.

Comprehensive general liability and auto liability insurance covering all operations and use of vehicles, including coverage for completed operations and for contractual liability. The property damage portion shall be written as "broad form" and shall include coverage for "x," "c" and "u" hazards.

##### b.

Worker's compensation and employer's liability insurance.

##### 2.

Applicant shall not commence the work authorized by the permit until all insurance required by this section has been obtained and the insurance and carrier have been approved by the district. Approval of insurance by the district shall neither relieve nor decrease the liability of the applicant.

##### 3.

The district and its agents shall be named additional insureds on the policies of insurance. If the standard Insurance Services Office (ISO) form wording for "other insurance" is not contained in the applicant's liability insurance policy, an endorsement must be provided that said insurance will be primary insurance and no insurance of the additional insured will be called upon to contribute to a loss.

##### 4.

Applicant shall furnish to the district certificates of the insurance required by this section. The certificate of liability insurance shall indicate that broad form property damage "x," "c" and "u" coverage and contractual liability are provided, and shall have attached thereto an executed copy of the additional insured endorsement. Certificates shall

also provide that not less than thirty days' advance written notice shall be given to the district in the event of cancellation or material change in the policy. Upon request and within ten days of request, applicant shall also furnish to the district a certified copy of any or all policies of insurance covering the work authorized by the permit. (Amended during 3-02 supplement: Ord. 7 Art. 3, 1989)

#### **2.04.030 - Work authorized by permit.**

- A. Expiration of permits. If work under a permit is not commenced within six months from the date of issuance thereof, or if after partial completion the work is discontinued for a period of one year, the permit shall thereupon expire and become void, and no further work shall be done until a new permit is secured. A new fee shall be paid upon the issuance of the new permit.
- B. Commencing work. Applicant shall give written notice to the district at least five days before initially starting the work authorized by permit, and the district shall be notified when work is stopped and again started. (Amended during 3-02 supplement: Ord. 7 Art. 4, 1989)

#### **2.04.040 - Works within public rights-of-way.**

- A. District property. Upon completion of construction and installation of any public mains, services, appurtenances and facilities to the general manager's satisfaction, all of said mains, services, appurtenances and facilities shall automatically and immediately become the property of the district, and the district may make extensions therefrom and connect laterals thereto at any points thereon.
- B. Areas of installation. No portion of the installation of any public mains, services, appurtenances or facilities shall be made unless the areas of installation are within dedicated streets, rights-of-way, or easements within pumping plant sites which have been furnished to and accepted by the district.
- C. Fire hydrants. Applicant's installation of or payment for one or more fire hydrants located in public rights-of-way, and the acceptance thereof by the district, shall give the applicant no new individual right or interest as to any such hydrant, and the applicant's rights or interests as to any such hydrant are the same as though a public fire protection agency or other responsible public or governmental agency had contracted and paid for, or made, the installation. On transfer to, and acceptance by, the district, the hydrants shall be district property and shall be used for public fire protection.
- D. Repair and replacement. If, within a period of one year after completion of any public work authorized by a permit, any structure or part of any structure furnished or installed or constructed by applicant, or any work done pursuant to the permit, fails to fulfill any of the district's requirements or the specifications approved by the district, applicant shall, without delay and without any cost to the district, repair, replace or reconstruct any defective or otherwise unsatisfactory part or parts of the work or structure. If applicant fails to act promptly or if the exigencies of the case require repairs or replacements to be made before applicant can be notified, the district may, at its option, make the necessary repairs or replacements or perform the necessary work, and the applicant shall pay to the district the actual cost of those repairs, plus fifteen percent.
- E. Bonds. Applicant shall furnish the district with a labor and materials bond and a bond for faithful performance executed by a surety company admitted to do business in California. These bonds shall be for one hundred percent of the construction costs for the public water mains, sanitary sewers and appurtenances that are called for in the project plans approved by the general manager of the district. These bonds shall remain in force throughout the period required to complete the work and thereafter for a period of one year after final acceptance of the work to cover any defects in workmanship, materials or equipment which develop in that time. (Amended during 3-02 supplement: Ord. 7 Art. 5, 1989)

### **Chapter 2.06 - BILLING PROCEDURES**

#### **Sections:**

#### **2.06.010 - Bills and payment.**

- A. Rendering of bills.
  - 1. Meter readings.
    - a. Meters will be read at monthly intervals for the preparation of regular bills, and as required for the preparation of opening bills, closing bills and special bills.
    - b. It may not always be possible to read meters on the same day of each period.
    - c. Where a meter cannot be read without undue difficulty because of an obstruction, the customer will be notified and requested to correct the condition. The district has the right to discontinue the service if the condition is not corrected. Where service is turned off for such cause, the district may require payment of a turn-on charge of one hundred dollars before restoring service.



2. Bills for water service will be rendered monthly.
3. Opening and closing bills.
  - a. Opening bills rendered for periods smaller or greater than one month will be prorated. For opening bills rendered for periods smaller or greater than one month, the minimum will be prorated with the usage charged per HCF.
  - b. Both opening and closing bills will be for not less than the monthly minimum charge, prorated for the number of days the account was active.

**B.**

Payment of bills.

1. Periodic bills are due and payable upon delivery to the customer. Payment may be made at the district's office or to an authorized collector.
2. When bills are delinquent, the district may demand that the full amount of both delinquent and current bills be paid in full.
3. If service is to be discontinued, closing bills are due and payable by the date on the bill.
4. A fee of one hundred dollars may be charged if customer insists on field collection or if it is necessary to visit the customer's premises in order to collect his delinquent account. Exception to this provision may be made in cases of hardship.

**C.**

Billing of separate meters not combined. Each meter on customer's premises will be considered separately and the readings of two or more meters will not be combined, unless the district's operating convenience requires the use of more than one meter, or of a battery of meters. The minimum monthly charge for such combined meters will be based on the diameter of the total combined discharge areas of the meters. (Amended during 3-02 supplement: Ord. 34 § 8A, 1998; Ord. 3A § 3, 1987; Ord. 1 Art. II, § 12, 1967)

**2.06.020 - Disputed bills.**

To dispute a bill, a customer must contact the district and provide all available evidence.

Should the customer not pay the disputed bill within fifteen days after presentation, the district will notify the customer in writing:

**A.**

That in lieu of paying the disputed bill he may deposit with the general manager the amount claimed due by the district.

**B.**

That checks or other forms of remittance so deposited should be made payable to the Marina Coast Water District.

**C.**

That upon receipt of a deposit, the general manager will investigate the matter, advise both parties of his findings, and dispose of the deposit in accordance therewith.

**D.**

That service will not be discontinued pending the outcome of the general manager's investigation provided that subsequent bills are paid or deposited with the district.

**E.**

That failure of the customer to make such deposits within ten days after the date of notification will warrant discontinuance of his service without further notice in accordance with Chapter 3.20. (Amended during 3-02 supplement: Ord. 34 § 8B, 1998; Ord. 3A § 4, 1987; Ord. 1 Art. II, § 13, 1967)

**Chapter 2.08 - VARIANCES AND APPEALS—REVENUES FROM ENFORCEMENT**

**Sections:**

**2.08.010 - Purpose.**

The purpose of this chapter is to establish a procedure for variances and appeals, when variances and appeals are allowed by other provisions of this code.

**2.08.020 - Variances.**

**A.**

Any person affected by this code may, at any time, apply in writing for a variance from the strict application of this code. The

general manager shall prepare and maintain a form of application for variance as an element of the district's Procedures Guidelines and Design Requirements. A written application for the variance shall be filed with the district in substantially the form in the district's Procedures Guidelines and Design Requirements.

**B.**

Within five business days after a written request for a variance is filed with the district, the general manager or the general manager's designee shall make a written determination of the interpretation and application of this code and recommendation for action to the district board of directors on the variance request, and mail the written determination and recommendation to the address supplied by the applicant with the meeting date of the next regularly scheduled board meeting clearly stated in the letter, schedule permitting.

**C.**

The board will take action at that meeting or defer action until a later meeting when more information can be provided if required.

**D.**

The board shall have the power, by resolution, to approve or disapprove requests for variances, after considering recommendations received from the general manager. The board may approve variances from the requirements of this code only if the board makes the following findings:

**1.**

The strict application of the code would result in unfair or unequal treatment, undue hardship, or an emergency condition exists which requires that the variance be granted; and

**2.**

Granting the variance will not cause a significant adverse effect on the water supply or on service to other persons served by the district; and

**3.**

The variance is in the best interests of the district.

If each of these findings cannot be made, the variance shall be disapproved.

**E.**

In granting a variance, the board may impose any conditions in order to ensure that the variance is consistent with the purpose of the requirement from which the variance is granted. The granting of a variance and any conditions imposed upon such variance shall be set forth in writing by board action.

**F.**

Decisions under this section shall be final. A written notice of the decision shall be mailed to the address supplied by the applicant. Any civil proceedings relating to the underlying violation or alleged violation, and the decision of the court in such civil proceeding shall prevail over any contrary result in the administrative appeal.

*(Ord. 45 § 4, 2007: amended during 3-02 supplement)*

### **2.08.030 - Appeals.**

**A.**

Any person who has been cited for violation of this code, and any person aggrieved by any action taken by the general manager pursuant to this code, may appeal such citation, action, or decision to the board, by filing a written appeal with the district within ten days after the date of the citation, action, or decision. There will be a filing fee of fifteen dollars for all appeals.

**B.**

Rules and regulations for giving public notice of and for the conduct of the meetings and hearings of appeals shall be the same as for meetings and hearings of the board.

**C.**

Decisions on appeals under this section shall be final. A written notice of the decision shall be mailed to the appellant.

**D.**

In rendering its decision on appeals, the board shall determine which party is the prevailing party. If the appellant is the prevailing party, then the filing fee paid by the appellant shall be refunded to the appellant.

**E.**

The filing of an appeal hereunder will not stay any civil proceedings relating to the underlying violation or alleged violation, and the decision of the court in such civil proceeding shall prevail over any contrary result in the administrative appeal.  
(Amended during 3-02 supplement)

### **2.08.040 - Rules and procedures.**

The board may adopt rules and procedures by resolution to assist in implementing this chapter, but this chapter is self-executing and does not depend on rules and procedures to be effective. (Amended during 3-02 supplement)

### **2.08.050 - Revenues received from enforcement.**

All revenues generated from enforcement of this code shall be used exclusively for district purposes, including but not limited to administrative, monitoring, appeals, and enforcement costs. (Amended during 3-02 supplement)

## **Chapter 2.09 - LOCAL EMERGENCY**

### **Sections:**

#### **2.09.010 - Purpose.**

The purpose of this chapter is to establish procedures for issuance of an emergency proclamation to provide the basis for a duly proclaimed existence of conditions of emergency, that is, conditions of disaster or of extreme peril to the safety of person and property within the district, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the governor's warning of an earthquake or volcanic prediction, or an earthquake, terrorism, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the district and require the combined forces of others to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage, which declaration will help mobilizing necessary services and personnel, and in requesting disaster assistance and funding from local, state and federal agencies.

*(Ord. 44 § 4 (part), 2007)*

#### **2.09.020 - Emergency proclamation.**

- A.** The district general manager may proclaim the existence or threatened existence of a local emergency when the district is affected or likely to be affected by a public calamity and the district board of directors is not in session. The general manager must find that conditions described in Section 2.09.010 exist and that these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of said district.
- B.** Based on the findings in subsection A of this section, the general manager may proclaim that a local emergency exists in the district, and order that during the existence of the emergency, the powers, functions, and duties of the emergency organization of the district shall be those prescribed by state law, by ordinances, and resolutions of the district; and that this emergency proclamation shall expire in seven days after issuance unless confirmed and ratified by the governing body of the district or as soon as possible thereafter. The general manager may extend the length of the emergency proclamation until the board can meet and take action on the proclamation. The proclamation will be substantially in the form set forth in Exhibit A, Sample Emergency Proclamation, Appendix G.

*(Ord. 44 § 4 (part), 2007)*

#### **2.09.030 - Emergency procedures.**

During an emergency proclaimed pursuant to Section 2.09.020, the following shall apply:

- A.** The general manager shall have authority to obligate the funds of the district in accordance with resolutions adopted from time to time by the board of directors will apply.
- B.** The board of directors will meet within seven days after issuance of the emergency proclamation, or as soon thereafter as possible, to confirm and ratify the general manager's emergency proclamation.
- C.** The district shall take the following specific actions:
- 1.** The district shall provide to the county of Monterey, office of emergency services and California Department of Health Services, confirmation that a proclamation of emergency has been issued by the district as soon as possible after issuance. The district shall notify other local land use jurisdiction representatives, such as city managers, of the proclamation in a time reflecting the immediacy of the impact to their jurisdiction.
  - 2.** The district shall document costs associated with the emergency and shall apply for available federal and state financial assistance to pay for costs occasioned by the emergency.
- D.** The general manager shall terminate the emergency when (1) the conditions that caused the proclamation to be issued no longer exist or are believed by the general manager to no longer exist; and (2) recovery from these conditions has reached a stage that will permit a return to normal operations.

*(Ord. 44 § 4 (part), 2007)*

## **Chapter 2.10 - LOCAL HIRING FOR PUBLIC WORKS**

### **Sections:**

#### **2.10.010 - Local hiring for public works.**

All district contracts for public works or other new construction not performed by district personnel shall contain provisions which require the contractor to make a good faith effort, to include but not limited to requesting the assistance of community resources designated by the district, to hire qualified individuals who are residents of the Monterey Bay area. All such contractors

shall strive to hire no less than eighty percent of their employees performing the work from the pool of qualified workers who reside in Monterey, Santa Cruz or San Benito Counties. Only persons who are domiciled in one of these counties at the time of the bid shall be considered "local" for the purpose of this resolution. This requirement also applies to subcontractor employees under such contracts.

*(Ord. No. 53, § 4, 5-27-2010)*

#### **2.10.020 - Binding on subcontractors.**

The good faith local hiring provisions of this chapter shall bind the contractor both with regard to persons hired directly and to all persons hired by the contractor's subcontractors. The contractor shall include the following in all contracts with subcontractors:

"This contract is for labor for a MCWD public works project. As subcontractor on a district project you are required to comply with all of the provisions of Ordinance 53 Local Hiring. Failure to comply with the local hiring ordinance may subject the subcontractor herein with disqualification from any future MCWD public works contracts."

*(Ord. No. 53, § 4, 5-27-2010)*

#### **2.10.030 - Required documentation.**

The contractor shall keep an accurate record on a standardized form showing the name, place of residence, classification, hours employed, per diem wages and benefits of each person employed by the contractor on specific public works projects.

*(Ord. No. 53, § 4, 5-27-2010)*

#### **2.10.040 - Noncompliance.**

If the MCWD manager with responsibility for the contract believes that any contractor or subcontractor has not made a good faith effort to comply with this provision, the manager shall conduct an investigation. If the investigation reveals non-compliance, the manager shall make a report to the general manager or his designee. The report shall be provided to the contractor who shall have an opportunity to appeal any negative finding to the general manager. Appeals must be made within ten days of receipt of the negative finding. The general manager, after due consideration of any appeal, may disqualify any contractor or subcontractor declared to be non-compliant with this ordinance disqualified from eligibility for providing services to the district for a period of one year.

*(Ord. No. 53, § 4, 5-27-2010)*

#### **2.10.050 - Definitions.**

The following definitions shall apply to this ordinance:

"Contractor" means any person or entity which, pursuant to a written agreement, provides labor services on a public works project to MCWD.

"Hire" means hire or employ on the specified project.

"Monterey Bay Area" means Monterey County, San Benito County and Santa Cruz County.

"Resident of the Monterey Bay area" means an individual who is domiciled within the boundaries of the three counties and who can provide reliable evidence that verifies resident status. A worker who is a building trade journeyman or apprentice whose local hiring hall has jurisdiction over the Monterey Bay area is also deemed a resident of the Monterey Bay area.

"Subcontractor" means any person or entity who provides labor services under an agreement with a contractor who is contracted to provide such services on a public works project for the district.

*(Ord. No. 53, § 4, 5-27-2010)*

#### **2.10.060 - Exceptions.**

The provisions of the ordinance codified in this chapter shall not apply under the following circumstances:

Whenever a state, federal or local law or regulation applicable to a particular grant or contract for public works prohibits a local hire requirement;

Whenever the district in accordance with the requirements of its rules, determines that the contract is necessary to respond to an emergency which endangers the public health, safety or welfare;

Whenever the district determines that a suitable pool of persons providing specialized skills does not exist locally for a specific public works project;

When such an exception is invoked, the basis of the exception shall be included in a staff report to the board.

*(Ord. No. 53, § 4, 5-27-2010)*

## **Title 3 - WATER SERVICE SYSTEM**

### **Chapters:**

### **Chapter 3.04 - GENERAL PROVISIONS**

#### **Sections:**

#### **3.04.010 - Service area.**

The district's service area comprises the area within the boundaries of the district, and any area outside the district boundaries that the district serves pursuant to law or agreement.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 2, 1967)*

#### **3.04.020 - Description of service.**

##### **A.**

Supply. The district will endeavor, so far as is reasonably possible, to deliver a continuous supply of water to the customer at a sufficient pressure at the meter, and to avoid any shortage or interruption in delivery. If, in the opinion of the district, it is doubtful if satisfactory water service can be given due to location or elevation of the premises, then the district may require a written release from liability for any damage or inconvenience that may occur by reason of insufficient pressure or inadequate volume of water or intermittent supply. The said release shall, without further notice from the district, remain in effect for all consumers taking water through the service, until changes, extensions or betterments may be made to the distribution system by the district.

##### **B.**

Quality. The district will endeavor to supply safe water at all times. The district will also endeavor to provide timely and accurate bills for customers.

##### **C.**

Classes of service. All services installed by the district will be classified as follows:

###### **1.**

Residential;

###### **2.**

Commercial;

###### **3.**

Industrial;

###### **4.**

Public fire protection;

###### **5.**

Private fire service;

###### **6.**

Temporary non-potable;

###### **7.**

Temporary potable;

##### **D.**

Types of service. All services except connections to approved separate fire protection service or to authorized fire hydrants will be metered.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 3, 1967)*

#### **3.04.030 - Water loss or leakage.**

The consumer has sole control of the amount of water drawn from the district's mains through the meter and is responsible for maintenance and repairs of pipes and fixtures beyond the meter. No allowance will be made for loss of water due to faulty fixtures or broken or damaged water pipes beyond the meter; provided, however, that if and when that such loss or leakage has occurred without negligence upon the part of the customer, an allowance may be made by the district to the extent of such estimated loss.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 26, 1967)*

#### **3.04.040 - Access to premises.**

##### **A.**

The district or its duly authorized agents shall at all reasonable times have the right to enter the customer's premises for any purpose properly connected with the service of water to the customer.

##### **B.**

Any inspection or recommendations made by the district or its agents on plumbing or appliances or use of water on the customer's premises, either as the result of a complaint or otherwise, will be made without charge.

*(Amended during 3-02 supplement: Ord. 1 Art. II § 27, 1967)*

### **3.04.050 - Interruptions in service.**

The district will not be liable for interruption, shortage or insufficiency of supply, or for any loss or damage occasioned thereby. The district whenever it may find it necessary or convenient for the purpose of making repairs or improvements to its system shall have the right to temporarily suspend delivery of water and it shall not be liable for any loss or damage occasioned thereby. Repairs or improvements will be made as rapidly as is practicable and, so far as possible, at such times as will cause the least inconvenience to the customers. Whenever possible and as time permits, all customers affected will be notified prior to such shutdowns.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 28, 1967)*

### **3.04.060 - Resale of water.**

Except by special agreement with the district, no customer shall resell any of the water received by him from the district, nor shall such water be delivered to premises other than those specified in his application for service.

*(Amended during 3-02 supplement: Ord. 1, § 11, 1967)*

## **Chapter 3.08 - WATER SERVICE APPLICATIONS**

### **Sections:**

### **3.08.010 - Application for service.**

#### **A.**

Application. Each applicant for water service will be required to sign a form provided by the district setting forth:

1. The date and place of application;
2. The location of premises to be served;
3. Whether the premises have ever before been supplied by the district;
4. The purpose for which the service is to be used;
5. The size of service;
6. The address to which bills are to be mailed or delivered;
7. The applicant's authority to apply for service;
8. An agreement to abide by all regulations of the district;
9. Notification of service connection charge and fees.

The application is merely a written request for service and does not bind the applicant to take service for any period of time longer than the one upon which the rates and minimum charges of the rate schedule are based; neither does it bind the district to give service.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 4, 1967)*

### **3.08.020 - Special contracts.**

Contracts, other than applications, may be required prior to service, under the following conditions:

- A. When construction of special extension facilities is necessary;
- B. For temporary service;
- C. For standby service or fire service;
- D. For connections with other qualified utilities;
- E. For meters two inches or larger;

F.

For service outside the district.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 5, 1967)*

**3.08.030 - Special information.**

A.

Contracts. Conditions of special contracts for water service shall at all times be subject to such changes or modifications by the board of directors of the district as it may, from time to time, direct in the exercise of its jurisdiction.

B.

Deposit receipts. Each receipt for a cash deposit to establish or re-establish credit for service will contain the following statements:

"This deposit will be applied to unpaid balances if service has been discontinued by the district because of non-payment of bills and the full amount shall be re-established before service will be resumed."

"This deposit, less the amount of any unpaid water bills, will be refunded, on discontinuance of service."

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 6, 1967)*

**3.08.040 - Credit establishment.**

A.

Establishment of credit. Each applicant, before receiving service, may be required to establish his credit by either of the following methods:

1.

A cash deposit to secure payment of his water bills as prescribed, in the regulation on deposits; or

2.

Use of service for more than a year, during the last twelve months of which the customer paid all water bills promptly.

B.

Reestablishment of credit. To reestablish his credit, a customer will be required to pay all past due bills up to time service was discontinued. He will be required to pay a reconnection charge and make a cash deposit as described in the regulation on deposits.

*(Amended during 3-02 supplement: Ord. 3A § 1, 1987: Ord. 1 Art. II, § 7, 1967)*

**3.08.050 - Deposits.**

A.

Establishment of credit. The amount required to establish credit for service shall be in accordance with the current credit deposit schedule.

B.

Reestablish credit. To reestablish credit, customers must deposit an amount in accordance with the current credit deposit schedule.

C.

Unpaid accounts.

1.

Deposits prescribed herein may be applied to unpaid bills for water service when such service has been discontinued.

2.

The district will require the customer to pay all outstanding bills and redeposit the specified amount before rendering water service again.

D.

Refund or disposition of deposits.

1.

This deposit, less the amount of any unpaid water bills, will be refunded, without interest, on discontinuance of service.

2.

District shall notify the customer of the customer's entitlement to refund of deposit at the customer's last known address as shown on the records of the district.

E.

Exceptions. The above requirements for deposit shall not apply to federal, state, county or municipal service, nor to service to other utilities, religious or charitable institutions.

F.

Unclaimed deposits. Unclaimed deposits shall revert to the district after two years. Deposits shall be deemed unclaimed and shall revert to the district upon the elapse of two years from the date the district mails the notice of entitlement to refund, if no request for refund has been received by the district.

*(Amended during 3-02 supplement: Ord. 3A § 2, 1987: Ord. 1 Art. II, § 8, 1967)*



### **3.08.060 - Extension of service.**

#### **A.**

General. All applicants for service shall be required to make the following payments with their application:

##### **1.**

For service within the district as of May 5, 1967;

##### **a.**

For service to structures in existence and accepted as of that date, the service connection charges and bond retirement charge set by the district,

##### **b.**

For service to structures completed after May 5, 1967, the service connection charges set by the district plus the district capacity charge and bond retirement charge.

##### **2.**

For service to areas annexed to the district after May 5, 1967;

##### **a.**

Service connection charges set by the district,

##### **b.**

Capacity charge,

##### **c.**

Bond retirement charge,

##### **d.**

Annexation charge.

#### **B.**

Capacity charge. The capacity charge shall be determined by the board from time to time and set forth by ordinance. It shall be based on the number and size of service connections and shall be payable upon application for service (or upon construction and prior to acceptance of or service to an in-tract water system in the case of developers). Such charge shall be computed so as, in the sole discretion of the board, to equalize the cost of providing storage, supply, treatment and transmission facilities, with necessary appurtenances, throughout the district. The capacity charge payable by developers or owners shall be in accordance with the capacity charge as established or revised from time to time by the board. If a tract lot owner subsequently applies for a meter larger than the first installed, the difference between the capacity charge for the meter ordered and the capacity charge for the meter first installed shall be payable upon application for service.

#### **C.**

Bond retirement charge. A bond retirement charge shall be determined by the board from time to time and set forth by resolution. It shall be based on a pro rata of bond service cost after June 30, 1967. All future bond issue and service costs shall be considered as an addition to the issue of 1966 and prorated as applicable.

#### **D.**

Annexation charges. The owner or owners of lands within areas to be annexed to the district shall pay to the district, prior to the final hearing on the proposed annexation, an amount to be fixed by the district board which shall equal the engineering, legal and publication costs and all other charges which may be incurred by the district in preparing and examining maps, legal descriptions and other documents in relation thereto, and other expenses regularly incurred in connection therewith.

#### **E.**

Dedication of facilities. All facilities necessary to serve a tract, including easements, well sites, and tank sites, must be dedicated to the district before acceptance of a development for service. The cost of such necessary in-tract and out-of-tract facilities shall be borne by the developer or owner.

#### **F.**

Commercial services. Applicants for commercial service shall be treated either as individual applicants or as subdividers for the purpose of determining capacity charges and bond retirement charges, as appropriate in the discretion of the board. The board shall consider such factors as the size of the property served, the number of connections necessary, the amount of main extension required in and out of streets, storage and pressure requirements, and like factors. The board shall have the power to make special arrangements or agreements, or impose special conditions as to commercial services where such seem appropriate.

#### **G.**

Inadequate in-tract system. The board in its sole discretion may accept for annexation areas with existing in-tract systems, which do not meet district specifications. In such case, an in-tract facilities charge shall be levied. Such rate shall be determined from time to time by the board and set forth by resolution. It shall be based on size and number of service connections, and shall be payable at time of annexation, unless the board shall determine that such charges may be financed by the applicant by formation of an improvement or assessment district or by some other means. It shall be computed on the basis of actual cost of installation of in-tract systems, with a credit given for the depreciated value of the existing system of applicant.

#### **H.**

Credit for construction of facilities by developers or owners.

##### **1.**

The cost of out-of-tract facilities (including engineering design fees) after certification as reasonable and proper by the district engineer may be credited against capacity charges.

2.

If the approved cost of facilities exceeds the required charges, the district may enter into an agreement to refund such excess from capacity charges collected for a period not to exceed ten years from future connectors to such out-of-tract facility. The district will make no refunds and will pay only those capacity charges sums actually collected from such future connectors, as defined by the district at time of such agreement.

*(Amended during 3-02 supplement: Ord. 32 § 7, 1998: Ord. 1 Art. II, § 29, 1967)*

### **3.08.070 - Responsibility of owner.**

Where service is provided for residential use to a customer who is a tenant, and the tenant fails to pay his account, the district may require that service to subsequent tenants be furnished on the account of the landlord or property owner.

*(Amended during 3-02 supplement: Ord. 1 § 16C, 1967)*

## **Chapter 3.12 - WATER SERVICE CONNECTIONS AND METERS**

### **Sections:**

#### **3.12.010 - Service connections and meters.**

A.

Service connections. The district will furnish and install a service of such size and at such location as approved by the district. The service will be installed from its water distribution main to the curb line or property line of the premises which may abut on the street, on other thoroughfares, or on the district right of way or easement. Charges for new service are payable in advance and shall be as fixed by the board of directors by resolution.

B.

Meters.

1.

Meters will be installed at or near the curb or at the property line, at the determination of the district, and shall be owned by the district.

2.

No rent or other charge will be paid by the district for a meter or other facilities, including housing and connections, located on a customer's premises.

3.

All meters will be sealed by the district at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.

4.

Only duly authorized employees or agents of the district will be permitted to install a service connection from the district's main to the customer's premises.

C.

Changes in location of meters or services. Meters or services moved for the convenience of the customers will be relocated by the customer at the customer's expense. If meters or services are moved to protect the district's property, through no fault or accident of customer, the cost will not be borne by the customer.

D.

Changes in size of meter or service. Changes in the size of meter or service of existing services will be made by the customer at the customer's expense.

E.

Ownership. The service connection, whether located on public or private property, is the property of the district, and the district reserves the right to relocate, repair, replace and maintain it, as well as to remove it upon discontinuance of service.

F.

Maintenance. The service connection, including the meter and the meter box, will be repaired and maintained by the district at its expense, but the district is not responsible for the installation and maintenance of water lines beyond the end of its service connection.

*(Ord. 38 § 6, 2003; amended during 3-02 supplement: Ord. 1 Art. II, § 10, 1967)*

#### **3.12.020 - Meter error.**

A.

Meter test.

1.

Prior to installation, each meter will have been tested and no meter failing to comply with AWWA Standards will be placed in service.

2.

On customer request:

a.

A customer giving not less than one week's notice, may request the district to test the meter serving his

premises.

b.

The district will require the customer to deposit an amount to cover the reasonable cost of test, as follows:

Size of meter	Amount of deposit
All sizes	\$15.00

c.

This deposit will be returned if the meter is found to register more than three percent (3%) fast.

d.

A written report giving the results of the test will be available to the customer within ten days after completion of the test.

**B.**

Adjustment of bills for meter error.

1.

Fast meters. When a tested meter is found to be registering more than three percent (3%) fast, under conditions of normal operation, the district will refund to the customer the full amount of the overcharge based on corrected meter readings for the period not exceeding six months, that the meter was in use; unless the exact duration of fast meter registration can be determined.

2.

Slow meters.

a.

When a tested meter used for domestic or residential service is found to be registering more than twenty-five percent (25%) slow, the district may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, that the meter was in use.

b.

When, upon test, a meter used for other than domestic or residential service is found to be registering more than five percent (5%) slow, the district may bill the customer for the amount of the undercharge based upon correct meter readings for the period, not exceeding six months, that the meter was in use.

3.

Nonregistering and unreadable meters. The district may bill the customer for water consumed while the meter was not registering or not readable. The bill will be at the minimum monthly meter rate or will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions.

**C.**

The opinion and findings of the general manager shall be conclusive, subject to the right of appeal to the board of directors.

*(Amended during 3-02 supplement: Ord. 3A § 5, 1987: Ord. 1 Art. II, § 14, 1967)*

### **3.12.030 - Multiple units.**

**A.**

Number of services to separate premises. Separate premises will be supplied through individual or dual service connections at the option of the district.

**B.**

Service to multiple units.

1.

Separate houses, buildings, living or business quarters on the same premises, under a single control or management, may be served at the option of the district by one of the following methods:

a.

Through separate service connections and individual meters to each or any unit provided that the pipelines system from each service is independent of the others, and is not interconnected.

b.

For properties completed and occupied as of June 26, 1998 through a single service connection to the entire premises, on which only one minimum charge will be applied. The district reserves the right to limit the number of units or area served by one connection.

2.

Service connections shall not be used at any time to supply adjoining property of different ownership or supply property of same ownership on opposite sides of any street or alley.

3.

The responsibility for payment of charges for all water furnished to combined units, supplied through a single service connection, must be assumed by the applicant.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 11, 1967)*

### **3.12.040 - Temporary service.**

- A.  
Service types.
1. Hydrant meters.
  2. Temporary in-ground or on-ground meters.
- B.  
Time limit. Temporary service connections shall be disconnected and terminated within six months after installation unless the permit states otherwise or an extension of time is granted in writing by the district.
- C.  
Charge for water served. Charges for water furnished through a temporary service connection shall be at the established rates.
- D.  
Installation charge and deposits. The applicant for temporary service will be required:
1. To obtain a portable meter from the district or pay for a temporary meter installation;
  2. To deposit with the district an amount equal to the replacement cost of any equipment loaned to such applicant for use in temporary service, such value to be set by the general manager;
  3. Temporary service other than a fire hydrant meter shall require deposit in accordance with the schedule for service connection charges. After receipt of deposit, district will provide the temporary facilities. Upon request, the district will remove temporary service facilities and credit customer with the salvage value of materials and equipment removed. All district charges shall be paid before return of customer credits.
- E.  
Responsibility for meters and installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the utility which are involved in furnishing the temporary service from the time they are installed until they are removed, or until forty-eight hours' notice in writing has been given to the district that the contractor or other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer.
- F.  
Temporary service on a fire hydrant. If temporary service is supplied through a fire hydrant, a permit for the use of the hydrant shall be obtained from the fire district authority and the district. It is specifically prohibited for any person other than authorized fire or water district personnel to operate the valve of any fire hydrant. The hydrant valve will not be used for throttling or regulating the flow rate.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 17, 1967)*

### **3.12.050 - Pools and tanks.**

- A.  
When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the district prior to taking such water.
- B.  
Permission to take water in unusual quantities will be given only if it can be safely delivered through the district's facilities and if other consumers are not inconvenienced.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 18, 1967)*

### **3.12.060 - Responsibility for equipment.**

The customer's responsibility begins on the customer's side of the meter. The customer shall, at his own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and using water. The district shall not be responsible for any loss or damage caused by the improper installation of such water equipment, or the negligence, want of proper care or wrongful act of the customer or of any of his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, using, operating or interfering with such equipment. The district shall not be responsible for damage to property caused by spigots, faucets, valves and other equipment that are open when water is turned on at the meter, either when the water is turned on originally or when turned on after a temporary shutdown.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 20, 1967)*

### **3.12.070 - Damage to district 's property.**

The customer shall be liable for any damage to a meter or other equipment or property owned by the district which is caused by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or

steam from a boiler or heater on the customer's premises. The customer shall reimburse the district for any such damage promptly on presentation of a bill.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 21, 1967)*

### **3.12.080 - Control valves.**

A.

The customer shall install a suitable valve, as close to the meter location as practicable, the operation of which will control the entire water supply from the service.

B.

The operation by the customer of the curb stop in the meter box is not permitted.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 22, 1967)*

### **3.12.090 - Ground-wire attachments.**

All individuals or business organizations are forbidden to attach any ground-wires to any plumbing which is or may be connected to a service connection or main belonging to the district; the district will hold the customer liable for any damage to its property occasioned by such ground-wire attachments.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 25, 1967)*

## **Chapter 3.20 - TERMINATION OF WATER SERVICE**

**Sections:**

### **3.20.010 - Notice to actual users.**

Whenever the district provides water through a master meter or furnishes individually metered service in a multiunit residential structure, mobilehome park or farm labor camp where the owner, manager or farm labor employer is listed by the district as the customer of record of the service, the district shall make every good faith effort to inform the actual users of the services, when the account is in arrears, by means of a notice of proposed termination of water service.

*(Amended during 3-02 supplement: Ord. 9 § 2.1, 1989)*

### **3.20.020 - Contents of notice.**

The notice required by Section 3.20.010 above shall inform the actual users of the water service that:

A.

Water service will be terminated in ten days; and

B.

They have the right to become customers of the district without being required to pay the amount due on the delinquent account.

*(Amended during 3-02 supplement: Ord. 9 § 2.2, 1989)*

### **3.20.030 - Service to actual users.**

The district is not required to make water service available to the actual users unless each actual user agrees to the terms and conditions of service and meets the district's requirements for water service. However, if one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the district, or if there is a physical means, legally available to the district, of selectively terminating service to those actual users who have not met the district's requirements for water service, the district shall make service available to the actual users who have met those requirements.

*(Amended during 3-02 supplement: Ord. 9 § 2.3, 1989)*

### **3.20.040 - Restrictions on termination.**

The district shall not terminate residential water service for nonpayment in any of the following situations:

A.

During the pendency of an investigation by the district of a customer dispute or complaint;

B.

When a customer has been granted an extension of the period for payment of a bill;

C.

On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the district has determined the customer is financially unable to pay for water service within the normal payment period and is willing to enter into an amortization agreement with the district pursuant to Section 3.20.060, with respect to all charges that the customer is unable to pay prior to delinquency;

**D.**

When a customer is complying with an amortization agreement, as provided for in Section 3.20.060, the customer keeps the account current as charges accrue in each subsequent billing period.

*(Amended during 3-02 supplement: Ord. 9 § 3.1, 1989)*

**3.20.050 - Complaints—Requests for investigation.**

Any residential customer who has initiated a complaint or requested an investigation, prior to the due date of the disputed bill, or who has, within thirteen days of mailing of the notice required by Sections 3.20.080 through 3.20.140, made a request for extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment, shall be given an opportunity for review of the complaint, investigation, or request by the general manager of the district.

*(Amended during 3-02 supplement: Ord. 9 § 3.2, 1989)*

**3.20.060 - Amortization agreements.**

The review of the complaint or request shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time not to exceed twelve months. The district shall permit, upon request, any customer meeting the requirements of Section 3.20.040C to amortize, over a period not to exceed twelve months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal period for payment.

*(Amended during 3-02 supplement: Ord. 9 § 3.3, 1989)*

**3.20.070 - Appeals.**

Any customer whose complaint or request for an investigation pursuant to Section 3.20.050 has resulted in an adverse determination by the general manager may appeal the determination to the board.

*(Amended during 3-02 supplement: Ord. 9 § 3.4, 1989)*

**3.20.080 - Notice of termination.**

The district may not terminate residential water service on account of nonpayment of a delinquent account unless the district first gives notice of the delinquency and impending termination ("the notice").

*(Amended during 3-02 supplement: Ord. 9 § 4.1, 1989)*

**3.20.090 - Manner of delivery.**

The notice shall be mailed, postage prepaid, to the customer to whom the service is billed.

*(Amended during 3-02 supplement: Ord. 9 § 4.2, 1989)*

**3.20.100 - Time of mailing and termination.**

The notice shall be mailed not earlier than nineteen days after the date of the mailing of the district's bill for services. The date of proposed termination shall be at least fifteen days after the date of mailing the notice.

*(Amended during 3-02 supplement: Ord. 9 § 4.3, 1989)*

**3.20.110 - Contents of notice.**

Every notice of termination of water service pursuant to this chapter shall include the following information:

**A.**

The name and address of the customer whose account is delinquent;

**B.**

The amount of the delinquency;

**C.**

The date by which payment or arrangements for payment is required in order to avoid termination;

**D.**

The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, except that if the disputed bill for service contains a description of that procedure, the notice is not required to contain that information;

**E.**

The procedure by which the customer may request amortization of the unpaid charges;

**F.**

The procedure for the customer to obtain information on the availability of financial assistance, including private, local,

state or federal sources, if applicable.

**G.**

The telephone number of a representative of the district who can provide additional information or make arrangements for payment.

*(Amended during 3-02 supplement: Ord. 9 § 4.4, 1989)*

**3.20.120 - Personal notice.**

In addition to the required written notice above, the district shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least forty-eight hours prior to any termination of water service. This notice shall include the items of information in subsections (A), (B), (C), (F), and (G) of Section 3.20.110.

*(Amended during 3-02 supplement: Ord. 9 § 4.5, 1989)*

**3.20.130 - Failure to comply with amortization agreement.**

If a residential customer fails to comply with an amortization agreement, the district shall not terminate water service without giving notice to the customer at least forty-eight hours prior to termination of the conditions the customer is required to meet to avoid termination, but the notice does not entitle the customer to further investigation by the district.

*(Amended during 3-02 supplement: Ord. 9 § 4.6, 1989)*

**3.20.140 - Wrongful termination.**

No termination of residential water service may be effected without compliance with Sections 3.20.080 through 3.20.140, and any water service wrongfully terminated shall be restored without charge for the restoration of service.

*(Amended during 3-02 supplement: Ord. 9 § 4.7, 1989)*

**3.20.150 - Cessation of water service when business office not open.**

The district shall not, by reason of delinquency in payment for water service, cause cessation of that service on any Saturday, Sunday, legal holiday, or at any time during which the business offices of the district are not open to the public.

*(Amended during 3-02 supplement: Ord. 9 § Art. V, 1989)*

**3.20.160 - Discontinuance of service.**

**A.**

Nonpayment of bills.

**1.**

A customer's water service may be discontinued if a bill is not paid within fifteen days after the due date. The service will not be discontinued, however, until the amount of the deposit made to establish credit for that service has been fully absorbed.

**2.**

A customer's water service may be discontinued if water service furnished at a previous location is not paid for within fifteen days after the due date of a bill.

**3.**

If a customer receives water service at more than one location and the bill for service at any one location is not paid within fifteen days after presentation, water service at all locations may be turned off. Residential service, however, will not be turned off for nonpayment of bills for other classes of service.

**B.**

Unsafe apparatus.

**1.**

The district may refuse to furnish water and may discontinue service to any premises where apparatus, appliance or equipment using water are dangerous, unsafe or not in conformity with any laws or ordinances. All customer installed booster pump installations shall be approved by the district prior to operation. The district does not assume responsibility for operation or maintenance of such booster pumps nor guarantee flow or pressure resulting therefrom.

**2.**

The district does not assume liability for inspecting apparatus on the customer's property. The district does reserve the right of inspection, however, if there is reason to believe that unsafe apparatus is in use.

**C.**

Service detrimental to others. The district may discontinue service to any premises where the demand is greatly in excess of past average or seasonal use, and where such excessive demands by one customer are or may be detrimental or injurious to the service furnished to other customers as provided in Section 3.28.060. Where water is wastefully or negligently used on a customer's premises, the district may discontinue the service if such conditions are not corrected within five days after giving the customer written notice.

- D.** Fraud and abuse. The district shall have the right to refuse or to discontinue water service to any premises to protect itself against fraud or abuse.
- E.** Noncompliance. The district may, unless otherwise provided, discontinue water service to a customer for noncompliance with any of these regulations if the customer fails to comply with them within five days after receiving written notice of the district's intention to discontinue service. If such noncompliance affects matters of health and safety, and conditions warrant, the district may discontinue water service immediately.
- F.** Customer's request for service discontinuance.
- 1.** A customer may have his water service discontinued by notifying the district twenty-four hours in advance of the desired date of discontinuance. He will be required to pay all water charges until the date of such discontinuance.
  - 2.** If notice is not given, the customer will be required to pay for water service for two days after the district has learned that the customer has vacated the premises or otherwise has discontinued service.
- G.** Restoration—Reconnection charge. The district may charge one hundred dollars for restoring water service which has been discontinued pursuant to this section.  
*(Amended during 3-02 supplement: Ord. 3A § 6, 1987: Ord. 1 Art. II, § 15, 1967)*

## **Chapter 3.24 - FIRE HYDRANTS**

### **Sections:**

#### **3.24.010 - Use of and damage to fire hydrants.**

No person or persons, other than those designated and authorized by the fire district authority, or by the district, shall open any fire hydrant, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be enforced according to Section 3.36.050.

*(Amended during 3-02 supplement: Ord. 1 Art II, § 19A, 1967)*

#### **3.24.020 - Moving of fire hydrants.**

When a fire hydrant has been installed in the location specified by the proper authority, the district has fulfilled its obligation. If a property owner or other party desires a change in the size, type or location of the hydrant, he shall bear all costs of such changes, by advance deposit. Any change in the location of a fire hydrant must be approved by the proper authority.

*(Amended during 3-02 supplement: Ord. 1 Art II, § 19B, 1967)*

## **Chapter 3.28 - CROSS-CONNECTION CONTROL**

### **Sections:**

#### **3.28.010 - Purpose.**

- A.** The purpose of this chapter is:
- 1.** To protect the public water supply against actual or potential contamination through cross-connections by isolating sources of contamination that may occur within a water user's premises because of some undiscovered or unauthorized cross-connection on the premises; and
  - 2.** To eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption; and
  - 3.** To eliminate cross-connections between drinking water systems and sources of contamination; and
  - 4.** To prevent the making of cross-connections in the future.
- B.** These regulations are adopted pursuant to the California Code of Regulations, Title 17, Public Health, and entitled Regulations Relating to Cross-Connections.
- C.** It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the district water department and any other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which, by reason of their construction, may cause or allow backflow of



water or other substances into the water supply system of the district.  
(Amended during 3-02 supplement: Ord. 5 (part), 1988)

### **3.28.020 - Cross-connection protection requirements.**

#### **A.**

General provisions.

1. Unprotected cross-connections with the public water supply are prohibited.
2. Whenever backflow protection has been found necessary, the district will require the water user to install an approved backflow prevention device by and at his expense for continued service or before a new service will be granted.
3. Wherever backflow protection has been found necessary on a water supply line entering a water user's premises, then any and all water supply lines from the district's mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention device. The type of device to be installed will be in accordance with the requirements of this chapter.

#### **B.**

Where protection is required.

1. Each service connection from the district water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is accepted as an additional source by the district, and is approved by the public health agency having jurisdiction.
2. Each service connection from the district water system for supplying water to any premises on which any substance is handled in such fashion as may allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the district water system which have been subjected to deterioration in sanitary quality.
3. Backflow prevention devices shall be installed on the service connection to any premises having: (a) internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the state or local health department and the district, or (b) intricate plumbing and piping arrangements or (c) where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist.

#### **C.**

Type of protection required.

1. The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the water user's premises. The types of protective devices that may be required (listed in an increasing level of protection) include: Double Check Valve Assembly (DC), Reduced Pressure Principle Backflow Prevention Device (RP), and an Air-Gap Separation (AG). The water user may choose a higher level of protection than required by the district. The minimum types of backflow protection required to protect the public water supply, at the water user's connection to premises with various degrees of hazard are given in Table 1 of 17 California Code of Regulations 7604, a copy of which is attached and incorporated herein by this reference. Situations which are not covered in Table 1 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the district or health agency.
2. Two or more services supplying water from different street mains to the same building, structure, or premises through which an inter-street main flow may occur, shall have at least a standard check valve on each water service to be located adjacent to and on the property side of the respective meters. Such check valve shall not be considered adequate if backflow protection is deemed necessary to protect the district's mains from pollution or contamination; in such cases the installation of approved backflow devices at such service connections shall be required. (Amended during 3-02 supplement: Ord. 5 (part), 1988)

### **3.28.030 - Backflow prevention devices.**

#### **A.**

Approved backflow prevention devices.

1. Only backflow prevention devices which have been approved by the district shall be acceptable for installation by a water user connected to the district's potable water system. Backflow prevention devices approved by AWWA and/or the University of Southern California (USC) shall be deemed acceptable for installation.
2. The district will provide, upon request, to any affected customer a list of approved backflow prevention devices.

#### **B.**

Backflow prevention device installation.

1.

Backflow prevention devices shall be installed in the manner prescribed in Section 7603, Title 17 of the California Code of Regulations and in accordance with district standard details. Location of the devices should be as close as practical to the water user's connection. The district shall have the final authority in determining the required location of a backflow prevention device.

a.

AG: The air-gap separation shall be located on the water user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and entirely visible. No water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate at a distance of at least two pipe diameters of the supply inlet, but in no case less than two inches above the overflow rim of the receiving tank.

b.

RP: The approved reduced pressure principle backflow prevention device shall be installed on the water user's side of and as close to the service connection as is practical. The device shall be installed a minimum of twelve inches above grade and not more than thirty-six inches above grade measured from the bottom of the device and with a minimum of twelve inches side clearance. The device shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP device shall be protected in a manner approved by the district.

c.

DC: The approved double check valve assembly shall be located as close as practical to the water user's connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. If a double check valve assembly is put below grade it must be installed in a vault such that there is a minimum of six inches between the bottom of the vault and the bottom of the device, so that the top of the device is no more than a maximum of eight inches below grade, so there is a minimum of twelve inches of clearance between the side of the device with the test cocks and the side of the vault, and so there is a minimum of twelve inches clearance between the other side of the device and the side of the vault. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the device. Vaults which do not have an integrated bottom must be placed on a six-inch layer of gravel.

2.

All backflow prevention devices for which any portion of the device exceeds twelve inches in height from the adjacent finish grade shall be fully screened from view from the public right-of-way. However, this subsection shall not require any screening in a front yard to exceed forty-two inches in height from the adjacent finished grade. Landscaping shall compose one component of all screening, which is not otherwise accomplished by a building(s) on the site.

C.

Backflow prevention device testing and maintenance.

1.

The owners of any premises on which, or on account of which, backflow prevention devices are installed, shall have the devices tested by a person who has demonstrated his or her competency in testing of these devices to the district. Persons who have current certification issued by AWWA or USC as backflow prevention device testers shall be deemed to have demonstrated such competency. Backflow prevention devices must be tested at least annually and immediately after installation, relocation or repair. The district may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the district shall be filed with the district each time a device is tested, relocated, or repaired. These devices shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user.

2.

The district will supply affected water users with a list of persons acceptable to the district to test backflow prevention devices. The district will notify affected customers by mail when annual testing of a device is needed and also supply users with the necessary forms which must be filled out each time a device is tested or repaired.

D.

Backflow prevention device removal.

Approval must be obtained from the district before a backflow prevention device is removed, relocated, or replaced:

1.

Removal. The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the district to verify that a hazard no longer exists or is not likely to be created in the future;

2.

Relocation. A device may be relocated following confirmation by the district that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device;

3.

Repair. A device may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved

by the district. A retest will be required following the repair of the device; and

4.

Replacement. A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement devices must be approved by the district and must be commensurate with the degree of hazard involved.

*(Amended during 3-02 supplement: Ord. 8 Art. I, 1989; Ord. 5 (part), 1988)*

### **3.28.040 - User supervisor.**

The district and/or health agency may, at their discretion, require an industrial water user to designate a user supervisor, at the water user's expense, when the water user's premises has a multipiping system that conveys various types of fluids, some of which may be hazardous and where changes in the piping system are frequently made. The user supervisor shall be responsible for the avoidance of cross-connections during the installation, operation and maintenance of the water user's pipelines and equipment.

*(Amended during 3-02 supplement: Ord. 5 (part), 1988)*

### **3.28.050 - Administrative procedures.**

A.

Water system survey.

1.

The district shall review all requests for new service to determine if backflow protection is needed. Plans and specifications must be submitted to the district upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention device is necessary to protect the public water system, the required device must be installed before service will be granted.

2.

The district may require an on-premise preliminary inspection (screening) to evaluate cross-connection hazards. The district will transmit a written notice requesting an inspection appointment to each affected water user. Any water user who cannot or will not allow an on-premise inspection of his piping system shall be required to install the backflow prevention device the district considers necessary.

3.

If the preliminary inspection reveals that cross-connection hazards do exist on any premises, the district and/or the health agency shall conduct a detailed inspection to evaluate the existing hazards. The district will transmit a written notice requesting an inspection appointment to each affected water user.

4.

Any water user who cannot or will not allow an on-premise inspection of water user's piping system shall be required to install the backflow prevention device the district or health agency considers necessary.

5.

Based on findings of the detailed inspection, the district will prepare a report outlining the defect found and the manner in which it is to be corrected.

B.

Customer notification—Device installation.

1.

The district will notify the water user of the inspection findings, listing the corrective actions to be taken. A period of sixty days will be given to complete all required corrective actions, including installation of backflow prevention devices. In the event the water user installs a mechanical backflow prevention assembly, the water user may elect to have the district perform the initial testing of the assembly.

2.

The district will reinspect the premises at the end of that time period to verify compliance or noncompliance. Findings of this inspection will be given to the health agency.

3.

If the water user does not comply within the time period allowed, the district and/or the health agency will issue a second notice. The second notice will give the water user fourteen days to take the required corrective action.

4.

If the water user fails to comply within the fourteen day period, the district may terminate water service to the affected water user until compliance is obtained.

C.

Customer notification—Testing and maintenance.

1.

The district will notify each affected water user when it is time for the backflow prevention device installed on their service connection to be tested. This written notice shall give the water user thirty days to have the device tested and supply the water user with the necessary form to be completed and submitted to the district.

2.

A second notice shall be sent to each water user who fails to have the backflow prevention device tested as

prescribed in the first notice within the thirty day period allowed. The second notice will give the water user fourteen days to comply. If no action is taken within this time period, the district may terminate water service to that water user until the subject device is tested.

3.

Reports of testing and maintenance shall be maintained by the district for a minimum of three years.

*(Amended during 3-02 supplement: Ord. 5 (part), 1988)*

### **3.28.060 - Water service termination.**

A.

General. When the district encounters water uses that represent clear and immediate hazards to the potable water supply that cannot be immediately abated, the district shall discontinue water service as described in subsection C of this section.

B.

Basis for termination.

Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following:

1. Refusal to install a required backflow prevention device;
2. Refusal to test a backflow prevention device;
3. Refusal to repair a faulty backflow prevention device;
4. Refusal to replace a faulty backflow prevention device;
5. Direct or indirect connection between the public water system and a sewer line;
6. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants;
7. Unprotected direct or indirect connection between the public water system and an auxiliary water system; and
8. A situation which presents an immediate health hazard to the public water system.

C.

Water service termination procedures.

1. For conditions of subsections (B)(1), (2), (3), or (4) of this section, the district will terminate service to a customer's premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be taken. If no action is taken within the time period allowed, the district may terminate water service.
2. For conditions of subsections (B)(5), (6), (7), or (8) of this section, the district will take the following steps:
  - a. Make reasonable efforts to advise the water user of its intent to terminate water service;
  - b. Immediately terminate water service and lock the service valve. The water service will remain inactive until the condition has been corrected to the satisfaction of the district.

*(Amended during 3-02 supplement: Ord. 5 (part), 1988)*

## **Chapter 3.32 - WATERWELL PERMITS AND STANDARDS**

Sections:

### **3.32.010 - Certain provisions adopted.**

The provisions of Chapter 15.08, Waterwells, of the Monterey County code, now in effect and as they may be amended hereafter, except as otherwise hereinafter provided, are adopted, enacted and set out in full with amendments as Appendix B to this code.

*(Amended during 3-02 supplement: Ord. 13A § 1990: Ord. 13 §§ 1, 2, 1990)*

### **3.32.020 - Non-district waterwells restricted.**

Except as provided in subsection A of this code, no water well may be constructed or reconstructed within the boundary of Marina Coast Water District, excepting wells constructed by the district.

- A.** Small, shallow wells allowed under permit. Wells no deeper than one hundred feet below ground surface may be constructed for landscape irrigation or other non-potable purposes under permits issued and administered by the district pursuant to this chapter. A district permit shall be issued only after all other state, county and city agencies having jurisdiction have approved and set conditions for the well construction. The district shall not issue a permit for any well with a casing inside diameter larger than six inches. All wells shall conform to the requirements of this chapter, concerning water wells. Approval or disapproval of a permit for proposed well construction shall be at the sole discretion of the district.
- B.** Existing wells. Wells constructed and existing before the effective date of this section shall be exempt from the restrictions of this section and the requirements of Section 3.32.030, as long as such wells are functional without redrilling, recasing, rescreening or major reconstruction. Redrilling, recasing, rescreening and major reconstruction shall require compliance with this section and with Section 3.32.030. Replacement of foot valves, pumps, motors, discharge piping and accessory equipment shall not be considered major reconstruction for purposes of this chapter.
- C.** Well water must be used on site. Water from non-district wells shall not be used off of the parcel on which the well is located.

*(Amended during 3-02 supplement: Ord. 31 § 4.4, 1996)*

### **3.32.030 - Well permits.**

Permits required by Section 3.32.020 of this chapter shall be issued and administered in accordance with this section.

- A.** Permit procedure. Before commencement of construction of a well the owner shall first obtain a written permit signed by the general manager. The application for such permit shall be made on a form furnished by the district, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the general manager. A permit and inspection fee as established by the district shall be paid to the district at the time application is filed.
- 1.** Application for a water well permit or exploratory well permit shall be made to the general manager on a form that contains all of the following information. If any of this required information is lacking or incomplete, the general manager shall reject the application:
    - a.** Full names, addresses and signatures of the owner or owners of the property on which the proposed well will be located and of the property on which the water from the proposed well will be used or applied;
    - b.** A list of the names and addresses of the owners of property within a radius of two hundred feet from the location of the proposed well, and of property adjoining the property on which the proposed well will be located;
    - c.** A plat showing the location of the well in relation to properties within a two hundred foot radius of the well, and in relation to properties adjoining the property on which the proposed well will be located;
    - d.** A profile diagram showing the depth, direction and dimensions of the proposed well and any casings or other components of the well, including any pump, storage and electrical service;
    - e.** Pump and well specification and calculations showing the potential capacity of the proposed well;
    - f.** An environmental assessment as provided in the district's regulations and in the CEQA Guidelines published by the California State Office of Planning and Research; and
    - g.** A nonrefundable fee of five hundred dollars for each application, both temporary and permanent applications, for the costs of processing the applications.
  - 2.** An exploratory or production groundwater well permit may be issued only if the district determines that in the course of exploration or production a well would not be likely to present risks to the public health, safety or welfare.
  - 3.** The general manager shall determine whether the application shows that the development of the proposed well would have a "significant environmental impact" under the California Environmental Quality Act and take such action as may be required. If an environmental impact report is required, the general manager shall recommend to the district the engagement of an environmental consultant and such other experts as may be required to prepare such a report. The applicant shall advance the estimated costs of the preparation of the report, including but not limited to the fees and expenses of experts, and typing, mailing and reproduction

costs. If the applicant fails to advance such costs in full within thirty days of notification of the estimate costs, the application shall be denied.

4. The district shall set a public hearing on the application after the completion of environmental review and give fifteen days' notice of the hearing by regular mail to the owners of property within a radius of two hundred feet of the location of the proposed well, and to owners of property adjoining the property on which the proposed well will be located. A notice of public hearing shall also be placed in a general circulation newspaper, with applicant bearing the cost.
  5. The district shall deny the application if it determines that the proposed well would have a significant adverse effect on the environment or present a reasonable likelihood of contaminating water underground or present a reasonable likelihood of producing water whose constituent concentrations upon discharge to the sanitary sewer system would in aggregation with existing concentration exceed the levels permitted by the district's wastewater discharge permit. The district may attach terms and conditions to any permit, and make the permit revocable upon violation of the terms and conditions. The terms and conditions may include security and insurance for environmental hazards, clean-up, and well abandonment.
  6. In the case of an exploratory well or a production well for which data regarding future effects is inconclusive, the district may issue a temporary well permit after the procedure in subsection A of this section has been completed. The permit shall be temporary for the period of one hundred eighty days, and it shall be void thereafter, unless a permanent permit has been issued. The applicant shall apply for a permanent production well permit during the term of the temporary permit. Application for a permanent production well permit shall follow the same procedure and be determined on the basis of the same standards provided in said subsection A. This is including but not limited to subsequent or supplemental environmental analysis and the applicant shall pay the additional reasonable costs of processing, as estimated by the general manager. This also shall include, but not be limited to, the costs of notice, hearing and staff, and preliminary environmental analysis. If subsequent or supplemental environmental analysis is required, the applicant shall advance the estimated costs of the preparation of the analysis, including, but not limited to, the fees and expenses of experts, and typing, mailing and reproduction costs. If the applicant fails to advance such costs in full within thirty days of notification of the estimated costs, the application shall be denied.
- B.** Construction commencement. Construction of a well cannot commence until construction drawings have been approved and a district permit has been issued and posted on the construction site.
- C.** Permit compliance. After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the well, the depth, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the district general manager or other authorized representative.
- D.** All work to be inspected. All well construction work shall be inspected by an inspector acting for the district to insure compliance with all requirements of the district. No well shall be completed until it has been inspected and passed for acceptance. Upon satisfactory inspection, and review of the driller's log or a true copy of the driller's well log, the inspector shall issue a certificate of satisfactory completion.
- E.** Notification. It shall be the duty of the person doing the work authorized by permit to notify the district in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four hours before the work is to be inspected.
- F.** Agreement. The applicant's signature on an application for any permit as set forth in subsection A of this subsection, shall constitute an agreement to comply with all of the provisions, terms and requirements of this chapter and other ordinances, rules and regulations of the district, and with the plans and specifications the applicant has filed with the application, together with such corrections or modifications as may be made or permitted by the district, if any. Such agreement shall be binding upon the applicant and may be altered only by the district upon the written request for the alteration from the applicant.

*(Amended during 3-02 supplement: Ord. 31 § 4.2, 1996)*

### **3.32.040 - Well abandonment.**

Whenever any existing water well is abandoned, the owner of said well shall, at his expense, seal and cap the well in accordance with the requirements of applicable authorities or as directed by the district.

*(Amended during 3-02 supplement: Ord. 1 Art. II, § 23, 1967)*

### **3.32.050 - Enforcement and administration.**

The general manager and all officers and employees of the district, including all ex officio officers and employees, shall enforce all the provisions of Sections 3.32.020 and 3.32.030 this chapter. The general manager shall implement and administer this section. The general manager shall report to the board all factors which affect the implementation of this section and shall maintain

a separate file of violations of Sections 3.32.020 and 3.32.030 and a file of any requests for variances from Sections 3.32.020 and 3.32.030.

*(Amended during 3-02 supplement: Ord. 31 § 4.3 (part), 1996)*

### **3.32.060 - Violations and warnings.**

#### **A.**

If any person fails or refuses to comply with Sections 3.32.020 and 3.32.030 of this chapter, the general manager or his agent shall provide that person with written notice of the violation and an opportunity to correct the noncompliance. The notice shall be in writing and shall:

1. Be posted at the site of the noncompliance;
2. State the time, date, and place of violation;
3. State a general description of the violation;
4. State the means to correct the violation;
5. State a date by which correction is required; and
6. State the possible consequences of failing to correct the violation.

#### **B.**

A copy of the written notice shall be mailed to the address of the violation.

#### **C.**

Each person who receives a written notice of violation shall pay to the district an administrative fee of twenty-five dollars for the first notice and fifty dollars for each subsequent notice. To encourage cooperative water conservation, the general manager may waive payment of the fee for the first notice during all or any part of the first sixty days Sections 3.32.020 and 3.32.030 is in effect.

#### **D.**

If a person fails to correct the violation within the time specified in the written notice, the general manager shall take one or more of the following actions:

1. Give the person one or more additional written notices of the violation;
2. Refuse to initiate water service to the site of the violation, if water service has not yet begun;
3. Terminate water service to the site of the violation, in accordance with the district's ordinances and code and procedures for terminating water service;
4. Abate the violation as a nuisance in accordance with Section 3.32.060 of this chapter.

*(Amended during 3-02 supplement: Ord. 31 § 4.3 (part), 1996)*

### **3.32.070 - Nuisances, abatement and injunctive relief.**

#### **A.**

Any violation of Sections 3.32.020 and 3.32.030 is declared to be a public nuisance.

#### **B.**

The district may summarily abate the public nuisance and the district's attorney may, upon order of the board, bring civil suit or other action to enjoin or abate the nuisance.

#### **C.**

Any person who creates or maintains a public nuisance in violation of Sections 3.32.020 and 3.32.030 shall, in a civil proceeding brought to abate a nuisance or to obtain injunctive relief, be liable for the costs of abatement, including but not limited to the following:

1. Costs of investigation;
2. Costs of labor and parts to bring any well into compliance with sections 3.32.020 and 3.32.030;
3. Court costs;
4. Attorneys' fees and costs, including the fees and costs of experts employed by the attorney;

5. Costs of monitoring compliance.

**D.**

If any person causes, suffers, or permits a public nuisance to continue after written notice is given to such person by the district, directing such person to cease the nuisance, and such continuation goes beyond the time set for abatement in the notice, then such person shall be liable to the district for the following:

1. The costs of abatement set forth above;
2. Any other costs of enforcement imposed by the court;
- 3.

A civil penalty of fifty percent (50%) of abatement and enforcement costs, payable to the district.

*(Amended during 3-02 supplement: Ord. 31 § 4.3 (part), 1996)*

## **Chapter 3.36 - WATER CONSERVATION\***

### **Sections:**

#### **3.36.010 - Purpose.**

The purpose of this chapter is to establish standards and procedures for water conservation, to reduce or eliminate the waste of water in the district, and enable implementation of the district's water shortage contingency plan.

*(Ord. 41 § 4 (part), 2005; Ord. 40 § 4 (part), 2005)*

#### **3.36.020 - Application.**

**A.**

This chapter shall apply within the district, and compliance with the provisions of this chapter shall be a condition of water service within the district and in all areas outside the district to which the district provides water service.

**B.**

The district shall work cooperatively with the Fort Ord Reuse Authority and other land use jurisdictions within the Ord Community service area, including the cities of Seaside, Del Rey Oaks, Marina, and Monterey; and UCMBEST; CSUMB; US Army; and the county of Monterey to facilitate the adoption of ordinances and regulations to conserve water, including inspection of installations made pursuant to this chapter.

**C.**

All references to standard specifications contained in this chapter shall refer to the latest versions of the district Standard Plans and Specifications for Construction of Domestic Water, Sewer, and Recycled Water Facilities and Procedures, Guidelines and Design Requirements.

*(Ord. 41 § 4 (part), 2005; Ord. 40 § 4 (part), 2005)*

#### **3.36.030 - Mandatory restrictions on water waste.**

**A.**

Repair of Plumbing, Sprinkler and Irrigation System. Any owner, manager, or person responsible for the day-to-day operation of any premises shall within seventy-two hours after such person first learns of such leaks, breaks, or defects, initiate steps to repair any leaking, broken or defective water pipes, faucets, plumbing fixtures, other water service appliances, sprinklers, watering or irrigation systems, or distribution systems which cause or may cause water waste and shall thereafter diligently and promptly pursue such repair work to completion, unless a variance is obtained from the district.

**B.**

Watering/Irrigation.

**1.**

No person shall water grass, lawns, groundcover, shrubbery, and open ground between the hours of ten a.m. and five p.m. except as provided below:

**a.**

Persons may water between the hours of ten a.m. and five p.m. using any of the following three methods:

**i.**

Drip irrigation;

**ii.**

By hand, using a bucket; and/or

**iii.**

By hand, using a hose with an automatic shutoff nozzle.

**b.**

The general manager may grant an administrative variance for methods other than those included in subsection (B)(1)(a) of this section if:

**i.**



The person requesting the variance is now using, or will use as a condition to the granting of the variance, water-conserving irrigation practices approved by the general manager that minimize water evaporation losses, and that assure that no substantial amount of water is permitted to run off the area of application. Recycled water use shall be in accordance with Chapter 4.28, Recycled Water, of this code.

ii.

As a condition of granting a variance, the general manager may require the water user to post, at locations conspicuous to view, notices of the variance.

c.

In lieu of granting a variance, the general manager may, at his/her discretion, refer a variance request directly to the board for its decision.

2.

No person shall allow grass, lawns, groundcover, shrubbery, and open ground to be watered at any time while it is raining.

3.

No person shall use, suffer, or permit the use of water for agricultural irrigation in a manner or to an extent which substantially conflicts with or deviates from best management practices in the county of Monterey or which allows water to run to waste.

C.

Washing of Vehicles. No person shall use a water hose to wash any car, truck, boat, trailer, bus, recreational vehicle, camper, aircraft, tractor, or any other vehicle, or any portion thereof, unless the hose is equipped with an automatic shutoff nozzle.

D.

Cleaning of Structures. No person shall use water through a hose to clean the exterior of any building or structure unless such hose is equipped with a shutoff nozzle.

E.

Cleaning of Surfaces. No person shall use water through a hose to clean any sidewalk, driveway, roadway, parking lot, or any other outdoor paved or hard surfaced area, except where necessary to protect public health or safety. The use of water from a bucket for cleaning food, grease, oil, or other stains or spillage from surfaces is permissible.

F.

Water Spillage. No person shall cause, suffer, or permit water to spill into streets, curbs, or gutters. No person shall use any water in any manner that results in runoff beyond the immediate area of use. Every person is deemed to have under his/her control at all times his/her water distribution lines and facilities, and to know the manner and extent of his/her water use and excess runoff.

G.

Swimming Pools and Spas. No person shall empty and refill a swimming pool or spa except to prevent or repair structural damage or to comply with public health regulations. All pools and spas shall be covered to prevent evaporative losses when not in use.

H.

Fountains. No person shall use water to operate or maintain levels in decorative fountains, unless such water is recirculated in the fountain.

I.

Visitor-Serving Facilities. The owner and manager of each hotel, motel, restaurant, convention and other visitor-serving facility shall ensure that such facility displays, in places visible to all customers, placards or decals approved by the district, promoting public awareness of the need for water conservation and/or advising the public that waste of water is prohibited.

J.

Public and Quasi-Public Entities. All public and quasi-public entities shall display, in visible locations in all restrooms, kitchens, and dining areas, placards or decals approved by the district, promoting public awareness of the need for water conservation and/or advising the public that waste of water is prohibited. Placement of placards or decals by a quasi-public entity of a type not specifically mentioned in this chapter shall not be required unless the general manager gives written notice to the entity that this chapter is applicable to the entity so notified and that placement of placards or decals is required.

K.

Restaurants. Restaurants in the district shall not serve water to restaurant customers, except upon request of the customer.

L.

Commercial Car Washes. No person in charge of the operation of any commercial car wash facility shall suffer or permit the washing of any boat or vehicle in such facility or on its premises, other than by the following methods:

1.

Use of mechanical automatic car wash facilities utilizing water-recycling equipment;

2.

Use of a hose that operates on a timer for limited time periods and shuts off automatically at the expiration of the time period;

3.

Use of a hose equipped with an automatic shutoff nozzle; and/or

4.

Use of bucket and hand washing.

**M.**

Construction.

**1.**

No potable water may be used for compacting or dust control purposes in construction activities where there is a reasonably available source of recycled or other nonpotable water approved by the California State Department of Health Services and appropriate for such use.

**2.**

All water hoses used in connection with any construction activities shall be equipped with an automatic shutoff nozzle when an automatic shutoff nozzle can be purchased or otherwise obtained for the size or type of hose in use.

**N.**

Use of Hydrants. No person may tap into any fire hydrant for any purpose other than fire suppression or emergency aid, without first obtaining written approval from the district engineer or his/her designee.

**O.**

Agricultural Dust Control. No potable water may be used for dust control purposes in agricultural activities where there is a reasonably available source of recycled or other nonpotable water appropriate for such use. Recycled water use shall be in accordance with Chapter 4.28, Recycled Water, of this code.

**P.**

Maintenance/Training. No person shall use water for routine water system flushing for normal maintenance, routine sewer system flushing for normal maintenance, and/or fire personnel training except as approved in advance in writing by the general manager, district engineer, or his/her designee.

**Q.**

Indiscriminate Use. No person shall cause, suffer, or permit the indiscriminate running of water not otherwise prohibited above which is wasteful and without reasonable purpose.

**R.**

Public Health and Safety. These regulations shall not be construed to limit water use which is immediately necessary to protect public health or safety.

**S.**

New Construction.

**1.**

In all new construction, the following applies:

**a.**

Only high efficiency toilets (HET) that meet the district's standard specifications shall be installed. Dual flush toilets qualify as HET.

**b.**

There shall be one control valve, or one set of hot and cold valves required for each low flow showerhead which shall be defined to provide not more than 2.5 gallons per minute.

**c.**

A hot water recirculation system or point-of-use hot water heater shall supply water to hot water fixtures further than ten linear feet of pipe away from the hot water heater.

**d.**

All urinals installed will be zero water use urinals, in that they shall not use water to flush waste.

**e.**

All residential units equipped with clothes washer connections shall have installed high efficiency (HE) clothes washer(s) meeting district's standard specifications.

**2.**

All new construction shall conform with district's standard specifications for landscaping and irrigation systems and the requirements of the state of California Model Landscape Ordinance, Title 23, Division 2, California Code of Regulations Chapter 2.7 or applicable local ordinances superseding the state ordinance.

**T.**

New Additions, Renovations, or Remodels. This subsection includes, but is not limited to, projects in which the replacement or addition of plumbing fixtures is included.

**1.**

All new additions, renovations, or remodels that involve any plumbing fixture additions and require district review and approval must install:

**a.**

Ultra low flow toilets (ULFT), high efficiency toilets (HET), or zero water use urinals (in place of water use urinals);

**b.**

Low flow showerheads with a maximum flow capacity of 2.5 gallons per minute; and

**c.**

New additions, renovations, or remodels must also include the retrofitting of all existing toilets and showerheads with low flow showerheads, ULFT's or HET's.

2. All renovations/remodels that do not require plan checks by the district, but do involve a change in a toilet must replace at least that toilet with an ULFT or an HET. All renovations/remodels that do not require plan checks by the district, but do involve the change of a showerhead must replace at least that showerhead with a low flow showerhead.

**U.**

Retrofitting Existing Hotels/Motels and Apartment Buildings. All existing hotels/motels, and apartment buildings shall, within six and twelve months, respectively, following the effective date of the ordinance codified in this chapter, be retrofitted with low flow showerheads.

**V.**

Retrofitting Upon Change of Ownership or Use.

1. All existing residential structures shall, at the time of ownership change, be retrofitted, if not already so, with HET's or ULFT's with a maximum tank size, flush volume, or flush system volume of 1.6 gallons per flush. Low flow showerheads with a maximum flow capacity of 2.5 gallons per minute shall be installed.
2. All existing commercial and industrial structures shall, at the time of ownership change or change of use, be retrofitted, if not already so, with HET's or ULFT's with a maximum tank size, flush volume, or flush system of 1.6 gallons per flush. Low flow showerheads with a maximum flow capacity of 2.5 gallons per minute shall be installed. High efficiency clothes washing machines using a maximum of 8.5 gallons of water per cubic foot of laundry shall also be installed. All urinals will be retrofitted to zero water use urinals.

**W.**

Metering.

1. All water use shall be metered unless it is used by authorized persons for public health and safety issues or if that use is otherwise recognized by the district.
2. New Construction.
  - a. Newly constructed multifamily dwelling units, including condominiums, and detached dwelling units will be metered individually as of the effective date of the ordinance codified in this chapter.
  - b. Newly constructed motel/hotel units of less than one thousand square feet will be exempt from the requirement to individually meter.
  - c. Newly constructed hotel/motel units greater than or equal to one thousand square feet shall be separately metered.
  - d. Newly constructed time-share units will be separately metered.
3. Conversion of Existing Structures. The following existing units shall be individually metered upon conversion:
  - a. Multifamily units converted into condominiums or time-share units;
  - b. Motel/hotel units converted into multifamily units, time-share units or condominiums;
  - c. Time-share units converted into multifamily units, condominiums or motel/hotel units;
  - d. Condominium units converted into multifamily units, time-share units or motel/hotel units;
  - e. Detached garages or other nondwelling structures converted into dwelling units.
4. Other Multifamily Water Uses. All other uses within multifamily dwelling complexes, such as irrigation systems and laundry rooms, shall be metered separately, subject to the approval of the district engineer or his/her designee.
5. Meter Location. Meters shall be located at the property boundary or the public utility easement. Exact meter locations are subject to district engineer approval or his/her designee.
6. Meter Type and Size. The district shall approve the size and type of meters required. The owner shall pay for the meters and construct their connections in accordance with the district's standard specifications.

*(Ord. 42 § 4 (part), 2006; Ord. 41 § 4 (part), 2005; Ord. 40 § 4 (part), 2005)*

The district maintains a water shortage contingency plan in conformance with the Water Code Section 10632. Provisions of that plan will be enforced through this chapter.

*(Ord. 41 § 4 (part), 2005: Ord. 40 § 4 (part), 2005)*

### **3.36.040 - Enforcement and administration.**

The general manager and all officers and employees of the district, including all ex officio officers and employees, shall enforce all the provisions of this chapter. The general manager shall implement and administer this chapter. The general manager shall report to the board of directors all factors which affect the implementation of this chapter and shall maintain a separate file of violations of this chapter and a file of any requests for variances from this chapter.

*(Ord. 41 § 4 (part), 2005: Ord. 40 § 4 (part), 2005)*

### **3.36.050 - Violations and notices.**

#### **A.**

If any person fails or refuses to comply with this chapter, the general manager or his/her agent shall provide that person with written notice of the violation and an opportunity to correct the noncompliance. The written notice shall:

1. Be posted or presented at the site of the noncompliance;
2. State the time, date, and place of violation;
3. State a general description of the violation;
4. State the means to correct the violation;
5. State a date by which correction is required;
6. State the possible consequences of failing to correct the violation; and
- 7.

A copy of the written notice shall be mailed to the address of the violation, to the party who is billed for the water, or to the owner of the property, as appropriate.

#### **B.**

Each person who receives a written notice of violation shall pay to the district an administrative fee of one hundred dollars for the first notice, two hundred dollars for the second notice, and five hundred dollars for each additional violation within one year. To encourage cooperative water conservation, the general manager may waive payment of the fee for the first or second notice.

#### **C.**

If a person fails to correct the violation within the time specified in the written notice, the general manager shall take one or more of the following actions:

1. Give the person one or more additional written notices of the violation;
2. Refuse to initiate water service to the site of the violation, if water service has not yet begun or has been discontinued;
3. Terminate water service to the site of the violation, in accordance with the district's ordinances and procedures for terminating water service;
4. Abate the violation as a nuisance in accordance with Section 3.36.060 of this chapter;
- 5.

Impose a use fee of four times the regular water rate for each unit (hcf) of water that the district estimates is wasted.

*(Ord. 41 § 4 (part), 2005: Ord. 40 § 4 (part), 2005)*

### **3.36.060 - Nuisances, abatement, injunctive relief.**

#### **A.**

Any violation of this chapter is declared to be a public nuisance.

#### **B.**

The district may summarily abate the public nuisance and the district's attorney may, upon order of the board of directors, bring civil suit or other action to enjoin or abate the nuisance.

#### **C.**

In a civil proceeding brought to abate a nuisance or to obtain injunctive relief under this chapter, any person who creates or

maintains a public nuisance in violation of this chapter shall be liable for the costs of abatement, including but not limited to the following:

1. Costs of investigation;
2. Costs of labor and parts to repair any affected water system or premises, to bring such water system or premises into compliance with this chapter, or to install facilities necessary to assure compliance with this chapter;
3. Court costs;
4. Attorneys' fees and costs, including the fees and costs of experts employed by the attorney; and
5. Costs of monitoring compliance.

**D.**

If any person causes, suffers, or permits a public nuisance to continue after written notice is given to such person by the district directing such person to cease the nuisance, and such continuation goes beyond the time set for abatement in the notice, then such person shall be liable to the district for the following:

1. The costs of abatement set forth above;
2. Any other costs of enforcement imposed by the court; and
3. A civil penalty of fifty percent (50%) of those costs (subsections (D)(1) and (D)(2) of this section), payable to the district.

**E.**

This does not preclude the district from taking action against individuals for unauthorized taking of water under Penal Code Section 498.

*(Ord. 41 § 4 (part), 2005; Ord. 40 § 4 (part), 2005)*

## **Title 4 - RECYCLED WATER**

### **Chapters:**

#### **Chapter 4.28 - RECYCLED WATER**

### **Sections:**

#### **4.28.010 - Applicability.**

This chapter applies to publicly owned properties, to commercial, industrial and business properties, and to other such properties as may be specified from time to time by Marina Coast Water District, by ordinance, and which meet the requirements of state and county health officials with regard to the use of recycled water.

*(Amended during 3-02 supplement: Ord. 29 § 4, 1995)*

#### **4.28.020 - Charges and fees.**

All charges and fees applicable to potable water connection and use shall be likewise applicable to users of recycled water except as otherwise specified by this chapter. Recycled water distribution pipelines which are deeded to and remain the property and responsibility of the district, shall be constructed by an applicant for service only under the same circumstances as would be required for potable water service to the same property.

*(Amended during 3-02 supplement: Ord. 29 § 5, 1995)*

#### **4.28.030 - Recycled water service availability.**

- A.** When recycled water is available to a particular property, as described in Section 1.04.010, the owner must connect to the recycled water system. The owner must bear the cost of completing this connection to the recycled water system.
- B.** New water users who are not required to connect to recycled water because the distance to the nearest recycled water line is greater than the distance provided in Section 1.04.010, shall be required to construct isolated plumbing infrastructure for landscape irrigation or other anticipated non-potable uses, with a temporary connection to the potable water supply.
- C.** All new private or public irrigation water systems, whether currently anticipating connection to the recycled system or which shall be connected to the potable water system temporarily while awaiting availability of recycled water, shall be constructed of purple PVC pipe to the existing district standard specification.

*(Amended during 3-02 supplement: Ord. 29 § 6, 1995)*

#### **4.28.040 - General provisions.**

Each user of recycled wastewater shall be served through a separate meter connecting the public facility belonging to the district to the customer's private distribution system. Each such service shall require establishment of a billing account in the district's accounting system. All charges for construction, metering, connection fees, capacity charges, water usage charges, penalties or other authorized charges for service provided within the boundary of the district shall be the same as charges authorized for potable water service.

- B.** Discharge of recycled water, including overflow, bypass, and/or overspray to adjacent drainage ways or properties is prohibited. For the purposes of this prohibition, insignificant amounts of runoff at peripheries of spray-irrigated areas shall not be considered a violation of this section provided that the runoff is minimal and the user is utilizing good irrigation practices.
- C.** Use of recycled water shall be accomplished at a time and in a manner that minimizes ponding and the possibility of public contact. Usage shall occur only during periods when grounds will have maximum opportunity to dry out before use by the public or provided that public is excluded during irrigation and drying. Drinking water fountains shall be protected from direct or windblown spray.
- D.** Recycled water use for dust mitigation and soil compaction shall comply with California Department of Health Services' Guidelines for the Use of Recycled Water for Construction Purposes and Guidelines for Worker Protection.
- E.** Recycled water shall be applied at such a rate and volume as not to exceed vegetative demand and soil moisture conditions. Special precautions must be taken to prevent clogging of spray nozzles, to prevent over watering and to minimize runoff. Pipelines and facilities shall be maintained to prevent leakage.
- F.** Recycled water shall not be used during periods of extended rainfall and/or runoff.
- G.**

Signs shall be provided to inform the public that recycled water is being stored or used. For golf courses, notification shall be provided on scorecards.

**H.**

Personnel involved in producing, transporting, or using recycled water shall have undergone adequate training in recycled water use, as provided by the district or the user's site supervisor.

**I.**

Vehicles used for transporting recycled water shall be appropriately labeled and shall not leak.

**J.**

Vehicle and disposal bin washing shall be limited to stall areas where airborne spray is contained and runoff is diverted into the sanitary sewer system.

**K.**

Recycled water piping, (excluding existing landscape piping), controllers, valves, etc., shall be marked or colored purple for easy differentiation from potable water facilities.

**L.**

Recycled water valves, couplers, and all other facilities shall be secured in a manner that permits operation only by authorized personnel.

**M.**

Use or installation of hose bibs on recycled water systems is prohibited.

**N.**

Proper backflow and cross-connection prevention equipment shall be required on all potable water systems where recycled water systems are in use.

**O.**

Recycled water shall not be used for irrigation or impounded within one hundred feet of any well used for domestic supply.

**P.**

Recycled water systems shall be regularly inspected to assure proper operation and compliance with rules.

*(Amended during 3-02 supplement: Ord. 27 § 5, 1994)*

## **Title 5 - SEWER SERVICE SYSTEM**

### **Chapters:**

#### **Chapter 5.08 - ADMINISTRATION AND ENFORCEMENT**

##### **Sections:**

##### **5.08.010 - Violation unlawful.**

It is unlawful for any person to connect, to construct, install or provide any other means of sewage disposal from any building in the district except by connection to a public sewer except as provided in this title.

*(Amended during 3-02 supplement: Ord. 2 § 204, 1967)*

##### **5.08.020 - Relief on application.**

When any person by reason of special circumstances, is of the opinion that any provision of the ordinance codified in this chapter is unjust or inequitable as applies to his premises, he may make written application to the board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises. If such application be approved, the board may, by resolution, suspend or modify the provision complained of, as applied to such premises.

*(Amended during 3-02 supplement: Ord. 2 § 205, 1967)*

##### **5.08.030 - Violation.**

Any person found to be violating any provision of this or any other ordinance, rule or regulation of the district, except this section and Section 5.16.250, shall be served by the general manager or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two nor more than seven working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the district. Upon being notified by the general manager of any defect arising in any sewer or of any violation of this title, the person or persons having charge of said work shall immediately correct the same.

*(Amended during 3-02 supplement: Ord. 2 § 1101, 1967)*

##### **5.08.040 - Protection from damage.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the district sewage works. All persons violating this provision shall be subject to the penalties provided by law.

*(Amended during 3-02 supplement: Ord. 2 § 1201, 1967)*

##### **5.08.050 - Occupancy prohibited.**

No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of the district.

*(Amended during 3-02 supplement: Ord. 2 § 304, 1967)*

##### **5.08.060 - Public nuisance.**

Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the district is declared to be a public nuisance. The district may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

*(Amended during 3-02 supplement: Ord. 2 § 1102, 1967)*

##### **5.08.070 - Disconnection.**

As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the district, the general manager shall have the power to disconnect the user or subdivision sewer system from the sewer mains of the district. Upon disconnection, the general manager shall estimate the cost of disconnection from and reconnection to the system, and such user shall deposit the estimated cost of disconnection and reconnection before such user is reconnected to the system. The general manager shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

*(Amended during 3-02 supplement: Ord. 2 § 1103, 1967)*

##### **5.08.080 - Public nuisance—Abatement.**



During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the district shall cause proceedings to be brought for the abatement for the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the district a reasonable attorney's fee and cost of suit arising in said action.

*(Amended during 3-02 supplement: Ord. 2 § 1104, 1967)*

#### **5.08.090 - Means of enforcement only.**

The district declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

*(Amended during 3-02 supplement: Ord. 2 § 1105, 1967)*

#### **5.08.100 - Powers and authorities of inspectors.**

The officers, inspectors, managers and any duly authorized employees of the district shall wear or carry an official badge of office or other evidence establishing his position as such and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the district.

*(Amended during 3-02 supplement: Ord. 2 § 1202, 1967)*

#### **5.08.110 - Violation—Misdemeanor.**

Section 6523 of the Health and Safety Code of the state of California provides that the violation of an ordinance, rule or regulation of a district by any person is a misdemeanor punishable by fine not to exceed one hundred dollars, imprisonment not to exceed one month, or both. Each and every connection or occupancy in violation of the ordinances, rules and regulations of the district shall be deemed a separate violation and each and every day or part of a day a violation of the ordinance, rule or regulation continues shall be deemed a separate offense hereunder and shall be punishable as such.

*(Amended during 3-02 supplement: Ord. 2 § 1106, 1967)*

#### **5.08.120 - Liability for violation.**

Any person violating any of the provisions of the ordinances, rules and regulations of the district shall become liable to the district for any expense, loss or damage occasioned by the district by reason of such violation.

*(Amended during 3-02 supplement: Ord. 2 § 1107, 1967)*

### **Chapter 5.12 - PRIVATE SEWAGE DISPOSAL**

#### **Sections:**

#### **5.12.010 - Disposal of wastes.**

It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the district, or in any area under the jurisdiction of the district, any human or animal excrement, garbage, or other objectionable waste.

*(Amended during 3-02 supplement: Ord. 2 § 301, 1967)*

#### **5.12.020 - Treatment of wastes required.**

It is unlawful to discharge to any stream, pond or to the ocean any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this title.

*(Amended during 3-02 supplement: Ord. 2 § 302, 1967)*

#### **5.12.030 - Unlawful disposal.**

Except as herein provided it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage.

*(Amended during 3-02 supplement: Ord. 2 § 303, 1967)*

#### **5.12.040 - Sewer not available.**

Where a public sewer is not available under the provisions of Section 5.20.010 of this title, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this title.

*(Amended during 3-02 supplement: Ord. 2 § 401, 1967)*

#### **5.12.050 - Permit required.**

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit in accordance with Chapter 5.24 of this title.

*(Amended during 3-02 supplement: Ord. 2 § 402, 1967)*

#### **5.12.060 - Inspection required.**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the district inspector. He shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the district inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight hours, Sundays and holidays excluded, of the receipt of the notice by the district inspector.

*(Amended during 3-02 supplement: Ord. 2 § 403, 1967)*

#### **5.12.070 - Design requirements.**

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the state of California and the district engineer. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than six thousand square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or any stream or watercourse.

*(Amended during 3-02 supplement: Ord. 2 § 404, 1967)*

#### **5.12.080 - Abandonment of facilities.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 5.20.010 of this title, a direct connection shall be made to the public sewer in compliance with the ordinances, rules and regulations of the district, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned as required by the district.

*(Amended during 3-02 supplement: Ord. 2 § 405, 1967)*

#### **5.12.090 - Cost of maintenance by owner.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the district.

*(Amended during 3-02 supplement: Ord. 2 § 406, 1967)*

#### **5.12.100 - Additional requirements.**

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation or by the health officer of the county.

*(Amended during 3-02 supplement: Ord. 2 § 407, 1967)*

### **Chapter 5.16 - SEWER CONSTRUCTION AND CONNECTIONS**

#### **Sections:**

#### **5.16.010 - Permit required.**

No person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the district and paying all fees and connection charges as required therein.

*(Amended during 3-02 supplement: Ord. 2 § 601, 1967)*

#### **5.16.020 - Construction requirements.**

Construction of building sewers and lateral sewers shall be in accordance with the requirements of the Uniform Plumbing Code and all other requirements of the district.

*(Amended during 3-02 supplement: Ord. 2 § 602, 1967)*

#### **5.16.030 - Minimum size and slope.**

The minimum size-building sewer for a single-family dwelling or duplex under single ownership shall be four inches diameter. The minimum size-building sewer for a multiple-family dwelling, commercial building or building service up to a maximum of five hundred equivalent fixture units shall be six inches diameter. When more than one building sewer shall be connected to a single side sewer, the side sewer from the point of intersection of one or more building sewers to the public sewer shall be not less than six inches diameter. The minimum slope of a building sewer shall be two feet per one hundred feet (two percent slope).

*(Amended during 3-02 supplement: Ord. 2 § 603, 1967)*

#### **5.16.040 - Separate sewers.**

No two adjacent lots fronting on the same street shall be permitted to join in the use of the same side sewer. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, one or more buildings located on property belonging to the same owner may be served with the same side sewer during the period of said ownership. Upon the subsequent subdivision and sale of a portion of said lot, the portion not directly connected with such public sewer shall be separately connected to a public sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

*(Amended during 3-02 supplement: Ord. 2 § 604, 1967)*

#### **5.16.050 - Old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the district inspector, to meet all requirements of the district.

*(Amended during 3-02 supplement: Ord. 2 § 605, 1967)*

#### **5.16.060 - Sewer too low.**

In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the general manager, and discharged to the public sewer at the expense of the owner.

*(Amended during 3-02 supplement: Ord. 2 § 606, 1967)*

#### **5.16.070 - Connection to public sewer.**

The connection of the building sewer into the public sewer shall be made at the lateral or "Y" branch, if such lateral or "Y" branch is available at a suitable location. Where no properly located "Y" branch is available, all connections shall be made in accordance with Standard Detail S-105. The connection to the public sewer shall be made in the presence of the district inspector and under his supervision and direction. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the district inspector.

*(Amended during 3-02 supplement: Ord. 2 § 607, 1967)*

#### **5.16.080 - Protection of excavation.**

All excavations for a side sewer installation shall be adequately guarded with barricades or lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the district and the county or any other person having jurisdiction thereover.

*(Amended during 3-02 supplement: Ord. 2 § 608, 1967)*

#### **5.16.090 - Maintenance of side sewer.**

Side sewers shall be maintained by the owner of the property served thereby.

*(Amended during 3-02 supplement: Ord. 2 § 609, 1967)*

#### **5.16.100 - Building sewer materials.**

The building sewer, beginning two feet from any building or structure shall be vitrified clay pipe extra strength (ASTM C700 and C594 or C425), asbestos cement pipe (ASTM C644 or C428 class 2400 Type II) or cast iron pipe (ASTM A74 NO HUB)

*(Amended during 3-02 supplement: Ord. 2 § 610, 1967)*

#### **5.16.110 - Installation and jointing of building sewers.**

Jointing methods shall be: approved Caulder type or bell-and-spigot connections for vitrified clay pipe; rubber ring connections for asbestos cement pipe; band seal connection with stainless steel clamps for cast iron pipe.

*(Amended during 3-02 supplement: Ord. 2 § 611, 1967)*

### **5.16.120 - Cleanouts.**

Cleanouts shall be installed in every building sewer at the plumbing system connection, usually two feet from the foundation, at bends of forty-five degrees or larger, and at the connection to the lateral sewer, usually at the property line. In no case shall the distance between cleanouts measured along the pipeline be greater than one hundred feet. The cleanouts shall be constructed of the same material and size as the building sewer as shown in Standard Detail S-106.

*(Amended during 3-02 supplement: Ord. 2 § 612, 1967)*

### **5.16.130 - Building sewer testing.**

A wet test will be required of the building sewer from the connection at the street lateral to the connection with the building plumbing system. The building sewer shall be plugged at its connection with the street lateral and completely filled with water from its lowest point to finished grade at its highest point. The building sewer shall be water-tight at all points and no leakage will be allowed. The district shall be notified at least twenty-four hours before the work is to be tested and inspected. No building sewer shall be covered or put into use until it has been tested and approved as prescribed herein. The contractor shall supply all equipment and materials to complete the test.

*(Amended during 3-02 supplement: Ord. 2 § 613, 1967)*

### **5.16.140 - Abandoned sewage disposal facilities.**

- A. Every abandoned building (house) sewer or part thereof, shall be plugged or capped in an approved manner within five feet of the property line.
- B. Every cesspool, septic tank or seepage pit which has been abandoned or has been discontinued otherwise from future use shall have the sewage removed therefrom, a hole made in the bottom slab, and be completely filled with sand or other approved material.
- C. The top cover or arch over the cesspool or septic tank or seepage pit shall be removed and filled in accordance with Section 1119(c) of the Uniform Plumbing Code.

*(Amended during 3-02 supplement: Ord. 2 § 614, 1967)*

### **5.16.150 - Backwater protection.**

Devices to prevent reverse sewage flows from entering any building shall be installed in accordance with Standard Detail S-111.

*(Amended during 3-02 supplement: Ord. 2 § 615, 1967)*

### **5.16.160 - Permit required.**

In accordance with Chapter 5.24 of this code, no person shall construct, extend or connect to any public sewer without first obtaining a written permit from the district and paying all fees and connection charges and furnishing bonds as required therein. The provisions of this section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the district.

*(Amended during 3-02 supplement: Ord. 2 § 701, 1967)*

### **5.16.170 - Plans, profiles and specifications required.**

The application for a permit for public sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of district, prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the district engineer who shall within thirty days approve them as filed or require them to be modified as he deems necessary for proper installation. After examination by the district engineer, the application, plans, profiles and specifications shall be submitted to the board at its next regular meeting for its consideration. When the board is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, it shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the district. The permit shall prescribe such terms and conditions, as the board finds necessary in the public interest.

*(Amended during 3-02 supplement: Ord. 2 § 702, 1967)*

### **5.16.180 - Subdivisions.**

The requirements of Sections 5.16.160 and 5.16.170 shall be fully complied with before any final subdivision map shall be approved. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights of way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to

serve the tract is not completed within the time limit allowed in the permit, the board may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

*(Amended during 3-02 supplement: Ord. 2 § 703, 1967)*

#### **5.16.190 - Easements or rights-of-way.**

In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the board a proper easement or grant of right-of-way sufficient in law to allow the laying and maintenance of such extension or connection.

*(Amended during 3-02 supplement: Ord. 2 § 704, 1967)*

#### **5.16.200 - Persons authorized to perform work.**

Only properly licensed contractors shall be authorized to perform the work of public sewer construction within the district. All terms and conditions of the permit issued by the district to the applicant shall be binding on the contractor. The requirements of this section shall apply to side sewers installed concurrently with public sewer construction.

*(Amended during 3-02 supplement: Ord. 2 § 705, 1967)*

#### **5.16.210 - Grade stakes.**

Grade and line stakes shall be set by a registered civil engineer prior to the start of work on any public sewer construction. The contractor shall be responsible for accurately transferring grades to grade bars and sewer invert.

*(Amended during 3-02 supplement: Ord. 2 § 706, 1967)*

#### **5.16.220 - Compliance with local regulations.**

Any person constructing a sewer within a street shall comply with all state, county or city laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the district.

*(Amended during 3-02 supplement: Ord. 2 § 707, 1967)*

#### **5.16.230 - Protection of excavation.**

The applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. He shall also likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the district and the county or any other person having jurisdiction thereover.

*(Amended during 3-02 supplement: Ord. 2 § 708, 1967)*

#### **5.16.240 - Design and construction standards.**

**A.** Minimum standards for the design and construction of sewers within the district shall be in accordance with the current design standards and standard specifications adopted by the district, copies of which are on file in the district office. The district engineer may permit modifications or may require higher standards where unusual conditions are encountered.

**B.** "As-built" drawings showing the actual location of all mains, structures, Y's, laterals and cleanouts shall be filed with the district before final acceptance of the work.

*(Amended during 3-02 supplement: Ord. 2 § 709, 1967)*

#### **5.16.250 - Completion of sewer required.**

Before any acceptance of any sewer line by the district and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the current design standards and standard specifications and to the satisfaction of the district engineer.

*(Amended during 3-02 supplement: Ord. 2 § 710, 1967)*

### **Chapter 5.20 - USE OF PUBLIC SEWERS**

**Sections:**

#### **5.20.010 - Sewer required.**

The owner of any building situated within the district and abutting on any street in which there is now located or may in the future be located a public sewer of the district, is required at his expense to connect said building directly with the proper public sewer in accordance with the provisions of this title, within ninety days after date of official notice to do so, provided that said public sewer is within one hundred feet of the building.

*(Amended during 3-02 supplement: Ord. 2 § 305, 1967)*

#### **5.20.020 - Drainage into sanitary sewers prohibited.**

No leaders from roofs and no surface drains for rainwater shall be connected to any sanitary sewer. No surface or subsurface drainage, rain water, stormwater, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter any sanitary sewer by any device or method whatsoever.

*(Amended during 3-02 supplement: Ord. 2 § 801, 1967)*

#### **5.20.030 - Use of storm sewers required.**

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet. Industrial cooling water or unpolluted process waters shall be discharged to a storm sewer or natural outlet.

*(Amended during 3-02 supplement: Ord. 2 § 802, 1967)*

#### **5.20.040 - Types of wastes prohibited.**

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer as required by the Code of Federal Regulations (40 CFR 403.5) and the following:

- A. Any liquid or vapor having a temperature higher than one hundred fifty degrees F;
- B. Any water or waste which may contain more than one hundred parts per million, by weight, of fat, oil or grease;
- C. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- D. Any garbage that has not been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than three-eighths inch in any dimension;
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- F. Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant;
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance;
- J. Any septic tank sludge.

*(Ord. 38 § 8, 2003: amended during 3-02 supplement: Ord. 2 § 803, 1967)*

#### **5.20.050 - Grease trap, grease interceptor or other device required.**

- A. A food service establishment or any other business discharging grease, oil or other similar material shall have an operable and properly sized grease trap, grease interceptor or other comparable device(s) as determined by the general manager. All grease traps, grease interceptor or other devices shall be of a type and capacity approved by the general manager and shall be so located as to be readily and easily accessible for cleaning and inspection.

- B.** All drains from food preparation and clean up areas including, but not limited to, pre-wash sinks, floor drains, food waste disposal units, pots and pans sinks, scullery sinks and garbage can wash areas shall be connected to such trap or interceptor.
- C.** Sizing Formula. The size of a grease trap or grease interceptor shall be as determined by the district. Notwithstanding the foregoing, grease traps required by this chapter shall be no smaller than an eighty gallon capacity trap with a seventy-five gallon per minute flow rate.
- D.** Existing grease traps, grease interceptors or similar devices. All existing grease traps, grease interceptors or similar devices shall comply with these requirements.  
*(Ord. 38 § 9, 2003: amended during 3-02 supplement: Ord. 2 § 804, 1967)*

#### **5.20.060 - Maintenance of interceptors.**

- A.** Traps and interceptors shall be maintained by the owner, at his expense, and shall continuously operate efficiently at all times. The owner shall periodically remove accumulated grease from the trap or interceptor. No collected grease shall be introduced into any public or private drainage piping.
- B.** Any grease trap or grease interceptor required by this chapter shall be readily accessible for inspection and properly maintained to assure that accumulations of grease or oil do not impair its efficiency or transport grease or oil into the sewer system.
- C.** The general manager or its designee shall perform grease trap and grease interceptor inspections bi-annually or more often, at the owner's expense, and at the discretion of the district should maintenance reports not be received or should a grease trap or grease interceptor fail to operate properly.
- D.** In the event the District determines that a food service establishment or business required to install and maintain a grease trap either fails to maintain the maintenance record required by this section, or fails to maintain the grease trap as required by this section, the district may require the immediate installation of a grease interceptor.  
*(Ord. 38 § 10, 2003: amended during 3-02 supplement: Ord. 2 § 805, 1967)*

#### **5.20.070 - Preliminary treatment of wastes.**

- A.** The general manager shall review and approve the following waters or wastes before admission into the public sewers:
1. A five-day biochemical oxygen demand greater than three hundred parts per million by weight; or
  2. Containing more than three hundred fifty parts per million by weight of suspended solids; or
  3. Containing any quantity of substance having the characteristics described in Section 4.20.040; or
  4. Having an average daily sewage flow greater than two percent of the average daily sewage flow of the district.
- B.** Where necessary in the opinion of the general manager, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:
1. Reduce the biochemical oxygen demand to three hundred parts per million and the suspended solids to three hundred fifty parts per million by weight; or
  2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 5.20.040; or
  3. Control the quantities and rates of discharge of such waters or wastes.
- C.** Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the general manager and of the water quality control board of the state and no construction of such facilities shall be commenced until said approvals are obtained in writing. (Amended during 3-02 supplement: Ord. 2 § 806, 1967)

#### **5.20.080 - Maintenance of pretreatment facilities.**

Where pretreatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

*(Amended during 3-02 supplement: Ord. 2 § 807, 1967)*

#### **5.20.090 - Control manholes.**

When required by the general manager, the owner of any property served by a side sewer carrying industrial wastes shall install a suitable control manhole in the side sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the district engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

*(Amended during 3-02 supplement: Ord. 2 § 808, 1967)*

#### **5.20.100 - Measurements and tests.**

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in Sections 5.20.040 and 5.20.070 shall be determined in accordance with standard methods and shall be determined at the control manhole provided for in Section 5.20.090, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the side sewer is connected.

*(Amended during 3-02 supplement: Ord. 2 § 809, 1967)*

#### **5.20.110 - Special agreements.**

No statement contained in Sections 5.20.020 through 5.20.120 shall be construed as preventing any special agreement or arrangement between the district and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the district for treatment, subject to payment therefor by the industrial concern and subject to such terms and conditions as might be required by the district.

*(Amended during 3-02 supplement: Ord. 2 § 810, 1967)*

#### **5.20.120 - Swimming pools.**

It shall be unlawful for any person to discharge the contents of a swimming pool into a sanitary sewer except in the manner specified herein. The size of pipe carrying discharge water shall not be larger than two inches and shall not be under a head to exceed twenty feet. If the water is discharged by pumping, the rate of flow shall not exceed one hundred gallons per minute. Each swimming pool discharging to a sanitary sewer shall be equipped with an approved separator to preclude any possibility of a backflow of sewage into the swimming pool or piping system.

*(Amended during 3-02 supplement: Ord. 2 § 811, 1967)*

### **Chapter 5.24 - PERMITS AND FEES**

#### **Sections:**

#### **5.24.010 - Permit required.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance, nor install, alter, or repair any public sewer, side sewer, plumbing system or other sewage facility, without first obtaining a written permit from the district and paying all fees in accordance with the current fee schedule as adopted by the board.

*(Amended during 3-02 supplement: Ord. 2 § 901, 1967)*

#### **5.24.020 - Commencement of construction.**

Construction cannot commence until construction drawings have been approved and a permit from the Marina Coast Water District has been issued and posted on the construction site.

*(Amended during 3-02 supplement: Ord. 2 § 902, 1967)*

#### **5.24.030 - Compliance with permit.**

After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the district, the general manager or other authorized representatives.

*(Amended during 3-02 supplement: Ord. 2 § 903, 1967)*

#### **5.24.040 - Agreement.**



The applicant's signature on an application for any permit as set forth in Section 5.24.050, shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the district, and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the district, if any. Such agreement shall be binding upon the applicant and may be altered only by the district upon the written request for the alteration from the applicant.

*(Amended during 3-02 supplement: Ord. 2 § 904, 1967)*

#### **5.24.050 - Classes of permits.**

There shall be five classes of permits, as follows:

- A. Residential or commercial building sewer permit;
- B. Industrial sewer connection permit;
- C. Public sewer construction;
- D. Private sewage disposal permit;
- E. Plumbing work permit.

*(Amended during 3-02 supplement: Ord. 2 § 905, 1967)*

#### **5.24.060 - Fees—Annexation charges.**

The owner or owners of lands within areas to be annexed to the district shall pay to the district, prior to the final hearing on the proposed annexation an amount to be fixed by the district board which shall equal the engineering, legal and publication costs and all other charges which may be incurred by the district in preparing and examining maps, legal descriptions and other documents in relation thereto, and other expenses regularly incurred in connection therewith.

An applicant for annexation of property to the district shall deposit with the district an amount equal to the greater of one thousand dollars per acre or one hundred fifty dollars per EDU, before the district requests approval from the LAFCO for the annexation. Following completion of the annexation proceedings, whether or not the property is annexed to the district, actual costs of the annexation proceedings shall be determined by the district, and the applicant shall be responsible for any costs in excess of the deposit. Any balance of the deposit in excess of the annexation fee authorized by the LAFCO shall be returned to the applicant.

*(Amended during 3-02 supplement: Ord. 6 Art. 2 § 1988: Ord. 2 § 906, 1967)*

#### **5.24.070 - Fees.**

- A. Connection charges. All connection charges, rules and regulations as set forth in the ordinances, rules and regulations of the district as heretofore or hereafter fixed shall be paid and complied with in the manner provided in said ordinances, rules or regulations.
  - 1. A connection charge for each single-family unit and for each space in a trailer court shall be paid to the district by persons desiring connection to the public sewer.
  - 2. A fee shall be paid to the district for issuing a permit and inspecting each residential or commercial building sewer installation.
  - 3. A fee shall be paid to the district for issuing a permit and inspecting an industrial building sewer installation.

*(Amended during 3-02 supplement: Ord. 2 §§ 907—909, 1967)*

#### **5.24.080 - Fees and bond—Public sewer construction.**

- A. A fee shall be paid to the district for reviewing plans and specifications, issuing a permit and inspecting the installation of public sewer mains and laterals.
- B. In addition, a connection fee will be paid to the district for the privilege of using any public sewer lying within one hundred feet, measured from the nearest corner or point on the property line of the parcel or tract of land to be served. The connection fee shall be paid prior to the issuance of a permit for the work. The extension of the public sewer to serve any parcel or tract of land shall be done by and at the expense of the owner although the district reserves the right to perform the work and bill the owner for the cost thereof, to perform the work itself or to perform the work pursuant to special assessment proceedings.

C.

Where the public sewer is more than one hundred feet from the nearest corner or point on the property line of the parcel or tract of land to be served, the connection fee will be reduced by a specified amount for each foot of public sewer main extension required to reach within one hundred feet of said property as measured above.

D.

The size of the sewer pipe to be installed shall be as required by the district engineer.

E.

When the credit allowed for the sewer main extension over the one hundred foot minimum exceeds the amount of the connection fee for the parcel or tract to be served, the owner and district may enter into a reimbursement agreement whereby the owner may recover up to the above specified amounts per foot for the extension of the public sewer main from funds collected by the district from others who connect to the public sewer lines so installed and paid for by said owner within ten years from the date of said permit. No interest shall be paid on any sum due under such reimbursement agreement. Such sums as are actually received by the district shall be paid by the district to the person or persons originally installing the public main extension, but the district shall in no way be obligated to be sure that the person or persons making such extension is paid the total cost thereof. Where more than one person contributes toward the cost of the public main extension, such sums shall be refunded to such persons pro rata according to the amount which they severally contributed toward the cost of the extension. The total amount of said reimbursement shall not exceed the amount so credited. Said agreement shall be made and entered into prior to the issuing of a permit for the work.

F.

Prior to the issuance of a permit for public sewer construction, the applicant shall furnish to the district a faithful performance bond or cash in the amount of the total estimated cost of the work. Said bond to be secured by a surety or sureties satisfactory to the district. The cash deposit or faithful performance bond shall be conditioned upon the performance of the terms and conditions of the permit and shall guarantee the correction of faulty workmanship and the replacement of defective materials for a period of one year after the date of acceptance of the work.

*(Amended during 3-02 supplement: Ord. 2 § 910, 1967)*

#### **5.24.090 - Fees—Private sewage disposal.**

A fee per single-family unit shall be paid to the district for reviewing plans and specifications, issuing a permit and inspecting the installation of a private sewage disposal system.

*(Amended during 3-02 supplement: Ord. 2 § 911, 1967)*

#### **5.24.100 - Fees—Plumbing work.**

Fees as set forth in Section 1.13, Schedule of Fees, of the Uniform Plumbing Code shall be charged and collected prior to the issuing of a permit to install, add to, alter, relocate or replace a plumbing or drainage system within any building in the district. The district may delegate the collection of fees and inspection for plumbing work to the building inspection department of the county or any other person having jurisdiction thereover.

*(Amended during 3-02 supplement: Ord. 2 § 912, 1967)*

#### **5.24.110 - All work to be inspected.**

All sewer construction work and building sewers shall be inspected by an inspector acting for the district to insure compliance with all requirements of the district. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the district's public sewer until the work covered by the permit has been completed, inspected and approved by the district inspector. After the test proves satisfactory and there is evidence of plumbing code compliance, the inspector shall issue a certificate of satisfactory completion.

*(Amended during 3-02 supplement: Ord. 2 § 913, 1967)*

#### **5.24.120 - Notification.**

It shall be the duty of the person doing the work authorized by permit to notify the office of the district in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four hours before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the district before giving the above notification.

*(Amended during 3-02 supplement: Ord. 2 § 914, 1967)*

#### **5.24.130 - Condemned work.**

When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the district.

*(Amended during 3-02 supplement: Ord. 2 § 915, 1967)*

#### **5.24.140 - All costs paid by owner.**

All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the district from any loss or damage that may directly be occasioned by the work.

*(Amended during 3-02 supplement: Ord. 2 § 916, 1967)*

#### **5.24.150 - Outside sewers.**

Permission shall not be granted to connect any lot or parcel of land outside the district to any public sewer in or under the jurisdiction of the district unless a permit is obtained. The applicant shall first enter into a contract in writing whereby he shall bind himself, his heirs, successors and assigns to abide by all ordinances, rules and regulations in regard to the manner in which such sewer shall be used, the connection therewith and also shall agree to pay all fees required for securing the permit and a monthly fee in the amount set by the district for the privilege of using such sewer.

*(Amended during 3-02 supplement: Ord. 2 § 917, 1967)*

#### **5.24.160 - Permit optional.**

The granting of such permission for an outside sewer in any event shall be optional with the board.

*(Amended during 3-02 supplement: Ord. 2 § 918, 1967)*

#### **5.24.170 - Special outside agreements.**

Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the district.

*(Amended during 3-02 supplement: Ord. 2 § 919, 1967)*

#### **5.24.180 - Street excavation permit.**

A separate permit must be secured from the county or any other person having jurisdiction thereover by owners and contractors intending to excavate in a public street for the purposes of installing sewers or making sewer connections.

*(Amended during 3-02 supplement: Ord. 2 § 920, 1967)*

#### **5.24.190 - Liability.**

The district and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for and shall save the district and its officers, agents and employees harmless from any liability imposed by law upon the district or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

*(Amended during 3-02 supplement: Ord. 2 § 921, 1967)*

#### **5.24.200 - Time limit on permits.**

If work under a permit is not commenced within six months from the date of issuance of or if after partial completion the work is discontinued for a period of one year, the permit shall thereupon become void and no further work shall be done until a new permit is secured. A new fee shall be paid upon the issuance of said new permit.

*(Amended during 3-02 supplement: Ord. 2 § 922, 1967)*

## Title 6 - WATER AND SEWER FEES AND CHARGES

### Chapters:

Chapter 6.04 - GENERAL PROVISIONS  
Chapter 6.08 - WATER SERVICE CHARGES  
Chapter 6.12 - SEWER SERVICE CHARGES  
Chapter 6.16 - OTHER FEES AND CHARGES

### Chapter 6.04 - GENERAL PROVISIONS

#### Sections:

[6.04.010 - Purpose.](#)  
[6.04.020 - Existing fees and charges.](#)  
[6.04.030 - User charge billing.](#)  
[6.04.040 - Payment of charges—Delinquencies.](#)  
[6.04.050 - Cost center separation.](#)

#### 6.04.010 - Purpose.

The purpose of this title is to provide funding for water and sewer services and facilities which the district's board has found to be necessary and appropriate.

(Amended during 3-02 supplement: Ord. 6 Art. I, § 1, 1988)

#### 6.04.020 - Existing fees and charges.

A. Existing fees and charges in effect when the ordinance codified in this chapter is adopted shall remain in effect unless specifically changed by this title.

(Ord. 44 § 6, 2007; Ord. 37 § 6, 2003: amended during 3-02 supplement: Ord. 6 Art. I, § 3, 1988)

#### 6.04.030 - User charge billing.

All billings for sewer system user charges shall be either in the name of the property owner as registered with the district or in the name of tenant or occupant of the premises, if so requested in writing by the owner. All billings for water or sewer service shall be either in the name of the property owner as registered with the district or in the name of the tenant or occupant of the premises, if so requested in writing by the owner.

(Amended during 3-02 supplement: Ord. 26 § 6D, 1994)

**6.04.040 - Payment of charges—Delinquencies.**

All charges and fees made pursuant to the provisions of district ordinances, rules and regulations, or any amendments thereto, shall be due and payable upon the specified due date. Any charge or fee levied by the district shall have added to it a basic penalty charge of ten percent of the fee or charge, or portion thereof, that remains unpaid more than fifteen days following the specified due date appearing on the bill or statement of charges, plus an additional penalty of one and one-half percent per month for nonpayment of the delinquent amount, including the basic penalty.

(Amended during 3-02 supplement: Ord. 26 § 6E, 1994)

**6.04.050 - Cost center separation.**

For so long as justified by objective administrative, engineering, financial or legal considerations, and notwithstanding the termination of the district's water and wastewater agreement with the Fort Ord Reuse Authority, the MCWD will account for its operations for the Ord Community service area as a separate fund within the general MCWD operation. The Ord Community service area fund will have its own line items and account numbers, and will give the district the ability to report on revenues, operating and capital expenses for the Ord Community service area.

(Ord. 43 § 4, 2006)

## Chapter 6.08 - WATER SERVICE CHARGES

**Sections:**

[6.08.010 - Monthly water rates and charges.](#)

[6.08.020 - Water meter connection fee.](#)

[6.08.030 - Temporary water service.](#)

[6.08.040 - Repair, replacement and maintenance of hydrants.](#)

[6.08.050 - Cross-connection control permit.](#)

[6.08.060 - Monthly minimum water charges.](#)

[6.08.070 - Long-term water supply.](#)

[6.08.080 - Private fire service.](#)

[6.08.090 - Capacity charges for new or modified potable and recycled water service connections.](#)

[6.08.100 - Water consumption rates.](#)

**6.08.010 - Monthly water rates and charges.**

Monthly minimum service charge. Minimum monthly service charges shall be fixed by the board of directors from time to time and set forth by ordinance.

(Amended during 3-02 supplement: Ord. 34 § 8C, 1998; Res. 70-14; Ord. 1 Art. II, § 16, 1967)

**6.08.020 - Water meter connection fee.**

A. New meters. Applicant shall provide tapping and water service piping and vault. The district will install the meter in applicant-furnished vault.

Title 6 - WATER AND SEWER FEES AND CHARGES  
Chapter 6.08 - WATER SERVICE CHARGES

Meter size	Meter charge
3 / 4â€³	\$350.00
1â€³	\$400.00
1 1 / 2â€³	\$450.00
2â€³	\$700.00
3â€³ and larger	Actual direct and indirect cost to district, advance payment to be based on estimated cost.

B. Moving a meter. The customer shall make a two hundred dollars deposit and shall pay all costs incurred by the district in moving a meter. The customer shall provide the new service at the location approved by the district and shall install the on-site system piping. Once the new installation has been accepted by the district, the district shall install the relocated meter in the customer-provided meter box.

C. Replacing a meter box. The district shall, at its discretion, replace a damaged meter box or meter box lid when, in its opinion, the damaged meter box or meter box lid does not provide sufficient protection of the installed meter or when the damaged meter box or meter box lid itself poses a public safety hazard. The costs incurred by the district in replacing such damaged meter box or meter box lid shall be paid by the customer. When the estimated cost of such replacement exceeds one hundred dollars, the district shall notify the customer prior to such replacement to allow the customer the option of replacing the meter box or meter box lid using his own forces. Should the meter box or meter box lid not be replaced within thirty days or should the damaged meter box or meter box lid pose a public safety hazard, the district may replace the meter box or meter box lid and charge the cost of such replacement to the owner.

(Ord. 38 § 11, 2003; Ord. 36 § 4, 2002; amended during 3-02 supplement: Ord. 34 § 4 (part), 1998; Ord. 6 Art. II, § 2b, 1988)

**6.08.030 - Temporary water service.**

A. The district may grant permission to use water from specified hydrants, or other specified points of connection, by issuing a permit. Application for a permit should be made at least twenty-four hours before service is required. Except for qualified fire protection agency representatives, no person or persons shall operate or draw water from a fire hydrant without a permit. A charge of one hundred dollars per day per connection will be levied against any person taking water without a permit, using a non-district owned hydrant meter or other temporary water service without a permit and against any person that improperly attaches any hydrant meter to a fire hydrant and against any person that does not provide adequate backflow protection. The district shall have the right to remove any non-district owned hydrant meter attached or any district owned hydrant meter improperly attached to a hydrant.

B. The district owned meter shall be installed at the district's specified point of connection to measure the quantity of water used. Permittee shall return the permit the next regular working day after its date of expiration.

C. The applicant shall deposit in advance an amount equal to the cost of the estimated quantity of water for one month to be used or one thousand one hundred dollars which ever is greater and the cost of the district equipment to be installed as set forth in subsection F of this section. Deposits will be returned after the applicant has paid all fees and charges and the district completes the inspection of its equipment, including, but not limited to, the hydrant meter, gate valve, backflow device, and the fire

Title 6 - WATER AND SEWER FEES AND CHARGES  
Chapter 6.08 - WATER SERVICE CHARGES

hydrant.

D. Temporary water service other than from fire hydrants is to be granted at the convenience of the district and will be provided only after receipt of deposit and all fees and charges for the required service.

E. Applicant for temporary water service shall pay:

1. All direct and indirect costs to the district in rendering such service including but not limited to the making of connections and use of district equipment as set forth below.
2. For all water used as set forth in subsection F of this section.

F. The applicant shall be responsible for district equipment utilized for this purpose and the necessary repair or replacement costs shall be deducted from the applicant's deposit. The applicant is responsible for returning the district equipment and closing the account promptly after the job is complete. If a meter is not returned promptly, the district shall deduct the cost of replacing the meter from the applicant's deposit.

Gate Valve/Meter deposit	\$ 650.00
Water consumption deposit	1,100.00 minimum
Set or remove hydrant meter	140.00
Relocate meter per occurrence	140.00
Meter set, other than on fire hydrant	Actual Cost
Minimum monthly service charge (Effective July 1, 2011)	82.24
Minimum monthly service charge (Effective July 1, 2012)	86.35
Monthly quantity rate for each HCF (see Section 6.08.100 Water Consumption Rates)	

(Ord. 37 § 7, 2003: Ord. 36 § 5, 2002: amended during 3-02 supplement: Ord. 6 Art. II, § 2c, 1988)

(Ord. No. 51, § 4, 7-23-2008; Ord. No. 52, § 4, 8-10-2010; Ord. No. 54, § 4, 6-14-2011)

**6.08.040 - Repair, replacement and maintenance of hydrants.**

A. Private customers who desire to have the district maintain and repair fire hydrants on private property shall enter into an agreement with the district for that purpose.

Said agreement will in general:

1. Authorize the district to access the property to perform such services;
2. Require the customer to pay the district for all costs incurred in entering into and providing such services;
3. Require a deposit of six hundred dollars at time of execution of the agreement;
4. Require protection by bollards or guard posts should a hydrant be repeatedly damaged. The district may also require that the hydrant be relocated to a less vulnerable location. Such relocation or protection will be paid for by the customer and will be subject to the approval of the local fire protection agency;
5. Limit the liability of the district for loss or damages resulting from the district providing such services to loss or damages resulting from the district's sole negligence in performing such services.

B. The district will not maintain or repair nor will the district be liable for any loss or damage that results from a customer's failure to enter into an agreement with the district to provide the above described hydrant maintenance and repair services. In addition, the district may notify the local fire protection agency of the customer's failure to enter into a fire hydrant maintenance and repair agreement.

C. Public customers who desire to have the district maintain and repair fire hydrants under the public customer's jurisdiction may have the district provide such service by entering into an agreement to do so and by paying the fees indicated below. Such fees shall cover all costs incurred by the district in providing such maintenance and repair service.

Type of connection	Monthly charge per hydrant
Single/double outlet, all sizes main	\$13.50 per month

(Ord. 36 § 6, 2002: amended during 3-02 supplement: Ord. 6 Art. II, § 2e, 1988)

**6.08.050 - Cross-connection control permit.**

Permit fees are as follows:

First backflow prevention device	\$45/year
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Title 6 - WATER AND SEWER FEES AND CHARGES  
Chapter 6.08 - WATER SERVICE CHARGES

Each additional backflow prevention device	30/year
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(Amended during 3-02 supplement: Ord. 6 Art. II, § 2f, 1988)

**6.08.060 - Monthly minimum water charges.**

The monthly minimum charges for water service shall be:

Meter Size	Effective July 1, 2011 Charges	Effective July 1, 2012 Charges
½â€³ or ¾â€³	\$ 17.95	\$ 18.85
1â€³	44.85	47.09
1½â€³	89.70	94.19
2â€³	143.50	150.68
3â€³	269.07	282.52
4â€³	448.45	470.87
6â€³	896.90	941.75
8â€³	1,793.80	1,883.49

(Ord. 36 § 7, 2002: amended during 3-02 supplement: Ord. 26 § 6A, 1994)

(Ord. No. 51, § 5, 7-23-2008; Ord. No. 52, § 5, 8-10-2010; Ord. No. 54, § 5, 6-14-2011)

**6.08.070 - Long-term water supply.**

Subject to the requirements of debt instruments issued by the district, twenty-five percent of all monthly charges collected shall be used for long-term water supply projects. This section may be waived on an annual basis.

(Amended during 3-02 supplement: Ord. 24 § 4b, 1993)

**6.08.080 - Private fire service.**

The monthly charge for private fire service shall be twenty dollars.

(Amended during 3-02 supplement: Ord. 24 § 4c, 1993)

**6.08.090 - Capacity charges for new or modified potable and recycled water service connections.**

A. The water capacity charge for each equivalent dwelling unit ("EDU," as defined in Section 1.04.010) shall be as follows:

\$5,450.00 per EDU

Title 6 - WATER AND SEWER FEES AND CHARGES  
Chapter 6.08 - WATER SERVICE CHARGES

The capacity charge for water supply for non-residential purposes shall be as follows:

\$16,350.00 per acre-foot

Appendix C shall be the basis for determining capacity charges for water service connections. The general manager shall determine the assigned water rate for those uses not specified in Appendix C. The assigned water rate for any use not specified in Appendix C may be increased within six months after the end of the first full year of any such use, if actual, metered water use for the year is higher than the use determined by the general manager in calculating the capacity charge.

B. The capacity charges adopted by this code shall each year, commencing on July 1, 2003, and continuing thereafter on each succeeding July 1st, be adjusted by an increment based on the change in the Engineering News Record 20-City Average Construction Cost Index over the prior year, using the index published for the first quarter of the calendar year, and rounded to the nearest twenty-five dollars. The board may, by resolution adopted before the effective date of any annual adjustment, determine that such adjustment shall not be effective for the next succeeding year, or that the adjustment shall be some other amount within the ranges set forth in this code.

C. For each new or modified water service connection, the general manager shall determine the appropriate use type or types. If the general manager determines that a new or increased service connection involves more than one use, the general manager shall determine the capacity charge based on such multiple uses. Increased service at each service connection shall be based on Appendix C and shall be adjusted based on the difference between an existing use type and the proposed use type. A change of use following the existing use which results in a less intensive assigned water use shall not entitle the user to any refund of capacity charges previously paid. The general manager's determination may be appealed to the board pursuant to the procedures under Section 2.08.020

D. If connection is not made to the district's water or recycled water system within one year from the date a capacity charge is paid after the effective date of this provision, the difference between the amount of the capacity charge paid and the amount of the revised capacity charge in effect at the time of the connection shall be paid to the district before the connection is installed. No credit will be provided by the district if the capacity charge is reduced. No additional payment shall be required for connections for which connection charges are paid before the effective date of this provision. No service shall be provided through a connection for which the required capacity charge has not been paid.

(Ord. 49 § 4 (part), 2007; Ord. 48 § 4 (part), 2007; Ord. 47 § 4 (part), 2007; Ord. 46 § 4 (part), 2007; Ord. 37 § 8, 2003; Ord. 36 § 8, 2002: amended during 3-02 supplement: Ord. 28 § 6(B)(1), 1995: Ord. 17 § 2.2, 1990)

(Ord. No. 51, § 6, 7-23-2008; Ord. No. 52, § 6, 8-10-2010)

**6.08.100 - Water consumption rates.**

A. Water consumption by District Customers shall be measured in units of one hundred cubic feet (seven hundred forty-eight gallons). The quantity charge for water consumption per one hundred cubic feet (HCF) shall be as follows:

	Effective July 1, 2011	Effective July 1, 2012
0—8 hcf	\$2.18 per hcf	\$2.29 per hcf

Title 6 - WATER AND SEWER FEES AND CHARGES  
Chapter 6.08 - WATER SERVICE CHARGES

9—16 hcf	2.66 per hcf	2.79 per hcf
16 + hcf	4.85 per hcf	5.09 per hcf

<b>Construction Water Depots:</b>	
Minimum Monthly Charge (Effective July 1, 2011)	\$ 82.24
Minimum Monthly Charge (Effective July 1, 2012)	86.35
Monthly Quantity rate for each HCF	
(see above table for Consumption Rates)	

B. The quantity charge shall be increased in amount just sufficient to pay any utility tax or assessment levied on the district by the state, municipality or other government entity.

(Ord. 37 § 9, 2003: amended during 3-02 supplement: Ord. 32 § 5, 1998: Ord. 30 § 5, 1996: Ord. 28 § 6, 1995)

(Ord. No. 51, § 7, 7-23-2008; Ord. No. 52, § 7, 8-10-2010; Ord. No. 54, § 6, 6-14-2011)

## Chapter 6.12 - SEWER SERVICE CHARGES

**Sections:**

- [6.12.010 - Monthly sewer rates and charges.](#)
- [6.12.020 - Capacity charge.](#)
- [6.12.030 - Industrial waste discharge permit.](#)
- [6.12.040 - Capacity charge for new and modified sewer service connection.](#)
- [6.12.050 - Wastewater collection rates.](#)

**6.12.010 - Monthly sewer rates and charges.**

Minimum monthly sewer service charges shall be fixed by the board of directors from time to time and set forth by ordinance. The payment of charges shall be the responsibility of the owner. The board of directors by resolution shall establish such procedures for the billing and collection of charges as shall be deemed necessary and proper.

(Amended during 3-02 supplement: Ord. 34 § 80, 1998; Ord. 2 § 923, 1967)

**6.12.020 - Capacity charge.**

A. The collection system capacity charge for residential and equivalent dwelling units (EDU) shall be as follows:

\$3,950.00 per EDU

B. Connector element: Three hundred seventy dollars per EDU, charged only to properties which will be served by facilities not considered in the adopted facilities plan and which must be constructed by the district.

C. The capacity charges adopted by this code shall each year, commencing on July 1, 2003, and continuing thereafter on each succeeding July 1st, be adjusted by an increment based on the change in the Engineering News Record 20-City Average Construction Cost Index over the prior year, using the index published for the first quarter of the calendar year, and rounded to the nearest twenty-five dollars. The board may, by resolution adopted before the effective date of any annual adjustment, determine that such adjustment shall not be effective for the next succeeding year, or that the adjustment shall be some other amount within the ranges set forth in this code.

D. If connection is not made to the district's sewer system within one year from the date a capacity charge is paid after the effective date of this provision, the difference between the amount of the capacity charge paid and the amount of the revised capacity charge in effect at the time of the connection shall be paid to the district before the connection is installed. No credit will be provided by the district if the capacity charge is reduced. No additional payment shall be required for connections for which connection charges are paid before the effective date of this provision. No service shall be provided through a connection for which the required capacity charge has not been paid.

(Ord. 49 § 4 (part), 2007; Ord. 48 § 4 (part), 2007; Ord. 47 § 4 (part), 2007; Ord. 46 § 4 (part), 2007; Ord. 37 § 10 (part), 2003: amended during 3-02 supplement: Ord. 28 § 6, 1995; Ord. 6 § 3, 1988)

(Ord. No. 51, § 8, 7-23-2008; Ord. No. 52, § 8, 8-10-2010)

**6.12.030 - Industrial waste discharge permit.**

The industrial waste discharge permit charge is forty-five dollars per year.

(Amended during 3-02 supplement: Ord. 6 Art. II § 3b, 1988)

**6.12.040 - Capacity charge for new and modified sewer service connection.**

The sewer collection system element of the capacity charge for nonresidential units shall be based on "fixture units," as defined in the Uniform Plumbing Code, under the specified public or assembly uses, using the following guidelines:

- A. Twenty fixture units equal one EDU;
- B. The minimum charge for any connection to the public sewer system is one EDU;
- C. Fees shall be imposed at the time of connection to each structure for all plumbing fixtures on the customer's approved building plans, regardless of the number of fixtures installed at the time of the initial connection. Increased service shall be based on the Uniform Plumbing Code and shall be adjusted based on the difference between the existing fixture units and the proposed fixture units. A change of units following the project's initial fixture units, which results in fewer fixture units, shall not entitle the user to any refund of capacity charges previously paid.

Table 6.12.040 summarizes the sewer collection system charge.

Table 6.12.040

**SEWER CAPACITY CHARGES**

**Residential Units**

Sewer collection system capacity charge \$3,950.00 per EDU.

Same charge per unit for single-family, multiple dwelling, condominium, trailer space, or mobile home.

**Nonresidential Units**

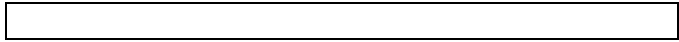
Sewer collection system capacity charge—Based on fixture units as defined in the Uniform Plumbing Code per structure.

Fixture units are to be assigned based on ultimate plumbing fixtures per approved building plans, regardless of number of fixtures initially installed.

Each twenty fixture units are equivalent to one equivalent dwelling unit (EDU). For each hotel/motel unit a minimum of one EDU per room will be applied.

The sewer collection system capacity charge is collected at the ratio of one EDU per each twenty fixture units. For example, twenty-four fixture units equals one point two (1.2) EDU's for a capacity fee of \$4,740.00 when the capacity charge per EDU is \$3,950.00.

Each nonresidential connection is a minimum of one EDU.



(Ord. 37 § 10 (part), 2003; Ord. 36 § 10, 2002; amended during 3-02 supplement: Ord. 12 § 2.1, 1989)

(Ord. No. 51, § 8, 7-23-2008; Ord. No. 52, § 8, 8-10-2010)

**6.12.050 - Wastewater collection rates.**

Wastewater collection rates for all classes of customers within the district shall be as follows per month per equivalent dwelling unit (EDU), calculated using the table of user classifications and wastewater demand factors set forth in Appendix D of this code.

\$8.71 per equivalent dwelling unit

(Effective July 1, 2011)

\$9.15 per equivalent dwelling unit

(Effective July 1, 2012)

(Ord. 37 § 11, 2003; Ord. 36 § 11, 2002; amended during 3-02 supplement: Ord. 32 § 6, 1998; Ord. 26 § 6, 1994)

(Ord. No. 51, § 9, 7-23-2008; Ord. No. 52, § 9, 8-10-2010; Ord. No. 54, § 7, 6-14-2011)

**Chapter 6.16 - OTHER FEES AND CHARGES**

**Sections:**

[6.16.010 - Charges for services common to water and sewer service.](#)

[6.16.020 - Charges to schools, colleges, and state agencies.](#)

[6.16.030 - Fee for completion of water assessment charges.](#)

**6.16.010 - Charges for services common to water and sewer service.**

**A. Plan review.**

1. The district shall require a fee of two hundred dollars before undertaking a plan review/water conservation review for all existing residential modifications or additions and four hundred dollars for all existing commercial modifications or additions. The district shall require a fee of five hundred dollars before undertaking a plan review for a small project. For a large project, the district shall require a fee of five hundred dollars, plus an additional cost as determined by the district engineer, in order to recover the district's actual costs incurred for inspections, plan checks, administrative and legal costs. The applicant shall be advised before the additional cost is incurred and shall be given the option of withdrawing the plans or being billed for the additional cost.

2. The review is intended to provide: (a) an assessment of the proposed connection(s), and (b) an estimate of the development's impact on the district's facilities, (c) an estimate of fire flow rates in the vicinity of the project, and (d) a projection of the project's potential contribution to connection fees or reimbursement agreements.

**B. Construction inspection.**

1. The district shall require a deposit before undertaking a construction inspection check review of a proposed development. The fee shall be five hundred dollars for a large project, and four hundred dollars for a small project. A small project is defined as a single-family residence, duplex, etc. that is connecting to an existing main, with minimal on-site piping. A large project is defined as a subdivision, an apartment complex, a commercial development, or other project larger than a single-family home. If the construction inspection costs more than the fee, the applicant shall be advised before the additional cost is incurred and shall be given the option of withdrawing the plans or being billed for the additional cost.

2. The applicant will submit actual construction bid data. The submitted data shall be in a unit cost format and shall be certified by both the contractor and the applicant as being the actual costs incurred in furnishing and installing the water and sewer facilities. The water and sewer construction costs must be reviewed and accepted by the district.

3. The applicant shall deposit the appropriate inspection fee with the district at the time that permits are issued. The district will charge expenses incurred in inspecting the project against this account. Should the district incur costs in excess of the amount deposited, the developer will be required to make additional deposits.

**C. Permit fees.** Each water service or sewer lateral: thirty dollars. (Amended during 3-02 supplement: Ord. 21 § 6, 1991; Ord. 6 Art. II § 5, 1988)

**6.16.020 - Charges to schools, colleges, and state agencies.**

Notwithstanding the foregoing, the capacity charge shall not apply to any of the following:

- A. Any school district;
- B. The county office of education;
- C. Any community college district;
- D. The California State University;
- E. The University of California; or
- F. Any state agency.

Except upon compliance with Section 54999.3 of the Government Code, including, if necessary, negotiation with the public agencies to which Section 54999.3 applies, and the board's ratification of a negotiated agreement pursuant to Section 54999.3, the board directs that each such agreement provide for an application of the capacity charge on a nondiscriminatory basis, based upon each entity's proportionate share of use of those facilities.

(Amended during 3-02 supplement: Ord. 6 Art. II § 6, 1988)

**6.16.030 - Fee for completion of water assessment charges.**

A. Collection of fee. The district shall collect a fee to pay the district's costs of preparing and providing a water supply assessment or water verification for a development pursuant to the applicable sections of the Water Code and the Government Code. Costs may include, but are not limited to, all consultant fees associated with the preparation of the documentation, district staff time to assist with, prepare or otherwise coordinate the completion of the documentation. If the water supply assessment or water supply verification is requested by the developer, the fee will be paid at the time of the request. If the water supply assessment or water supply verification is requested by a land use jurisdiction and the requesting jurisdiction collects the district-specified fee from the developer, the fee will be paid at the time of the request. If the requesting jurisdiction does not pay the fee at the time the water supply assessment or water supply verification is requested, the fee will be collected from the developer at the time of the first request for service or the first request for a plan review or water conservation review for the development.

B. Calculation and payment of balance. The district will request payment and, if the water supply assessment or water supply verification is requested by the developer, will require payment of the estimated cost before preparing a water supply assessment or water supply verification. When the district submits the water supply assessment or water supply verification to the land use jurisdiction, the district will submit to the jurisdiction and the developer a final statement for all preparation costs. If the district has collected an estimated cost payment, the district will refund any balance remaining at the time of the final statement. If the district has not collected an estimated cost payment or if the costs exceed the estimated cost payment, the district will collect the balance before doing a plan review or water conservation review for the development.

C. Notice of obligation. The district will record a notice of obligation at the Monterey County recorder's office against the property for any fee not collected at the time the water supply assessment or water supply verification is requested.

(Ord. 39 § 4 (part), 2004)

## **Title 7 - PLUMBING**

### **Chapters:**

#### **Chapter 7.04 - UNIFORM PLUMBING CODE ADOPTED**

##### **Sections:**

##### **7.04.010 - Uniform plumbing code adopted.**

All that certain plumbing code, entitled California Plumbing Code, consisting of the latest edition of the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, as modified and approved by the California Building Standards Commission for inclusion in Title 24 of the California Code of Regulations, is adopted as the Uniform Plumbing Code of Marina Coast Water District.

*(Amended during 3-02 supplement: Ord. 2 § 501, 1967)*

##### **7.04.020 - Administrative authority.**

Wherever the term "administrative authority" is used in the Uniform Plumbing Code, it shall be construed to mean only those persons duly authorized by the district board to administer the code as follows:

- A. Administration of the code and enforcement of regulations thereof shall be under the direction of the general manager.
- B. The interpretation of technical provisions of the ordinance codified in this section, review of plans and specifications required hereby, determination of the suitability of alternate materials and types of construction and the development of rules and regulations covering unusual conditions not inconsistent with the requirements of said ordinance shall be made by the district engineer.

*(Amended during 3-02 supplement: Ord. 2 § 502, 1967)*

#### **Chapter 7.08 - PLUMBERS**

##### **Sections:**

##### **7.08.010 - Registration of plumbers.**

Every plumber operating, conducting and carrying on a trade or business of performing plumbing work in the district must have a license therefor issued by the Contractors State License Board of the state. It is unlawful for any person to carry on, conduct, or operate in the trade or business of plumbing in the district unless that person is a plumber registered as herein provided, and has filed a copy of insurance carried as set forth in Sections 7.08.020 through 7.08.070.

*(Amended during 3-02 supplement: Ord. 2 § 1001, 1967)*

##### **7.08.020 - Insurance.**

- A. The plumber shall carry public liability and property damage insurance to protect himself and the district, its officers or agents, against liability, imposed by law for damages on account of bodily injury including resulting death therefrom, suffered or alleged to have been suffered by any person or persons, other than employees of said plumber, resulting directly or indirectly from the performance or execution of the work, and also to protect, defend, and hold harmless the district, its officers, employees or agents, against loss from liability imposed by law, or damage to any property, caused directly or indirectly by the installation of any lateral sewers.
- B. Such public liability and property damage insurance shall be maintained in full force and effect by the plumber during the entire performance of the work in amounts not less than the following:

- 1. Limit of liability for injury or accidental death:

One person	\$1,000,000.00
One accident	\$2,000,000.00

- 2. Limit of liability for property damage:

One accident	\$1,000,000.00
Aggregate liability for loss	\$2,000,000.00

*(Amended during 3-02 supplement: Ord. 2 § 1002, 1967)*



#### **7.08.030 - Workmen's compensation.**

The plumber shall maintain adequate Workmen's Compensation Insurance under the laws of the state for all labor employed by him or by any subcontractor under him who may come within the protection of such workmen's compensation laws and shall provide where applicable employers general liability insurance for the benefit of his employees and employees of any subcontractor under him not protected by such compensation laws.

*(Amended during 3-02 supplement: Ord. 2 § 1003, 1967)*

#### **7.08.040 - Street opening.**

The plumber shall obtain the necessary bond and permit for opening streets or for encroachments in streets required by the district.

*(Amended during 3-02 supplement: Ord. 2 § 1004, 1967)*

#### **7.08.050 - Responsibility for defects and guarantee of the work performed.**

**A.**

All plumbers shall be held strictly responsible for any and all acts of agents or employees done under the ordinance codified in this chapter by virtue of his or their registration. Upon being notified by the district of any defect arising therefrom in the plumbing system of a building or of any violation of the ordinance codified in this chapter, the person or persons having charge of said work shall immediately correct the same.

**B.**

The plumber shall warrant and guarantee to correct any defects in an installed lateral sewer line, public sewer line, or connection to a sewer line, including settlement of back fill, for a period of one year after completion.

*(Amended during 3-02 supplement: Ord. 2 § 1005, 1967)*

#### **7.08.060 - Insurance and bond certificates.**

The plumber shall provide proof of insurance and street opening bond by submission of a certificate satisfactory to the district prior to the commencement of any work.

*(Amended during 3-02 supplement: Ord. 2 § 1006, 1967)*

#### **7.08.070 - Registration exclusive.**

Any registered plumber lending his registration certificate to any person or persons, or taking out permits in his or their names at the office of the district for the use of any person or persons not regularly registered, or who does not comply in every way with the requirements of the ordinance codified in this chapter shall have his or their permits suspended or revoked.

*(Amended during 3-02 supplement: Ord. 2 § 1007, 1967)*

**Appendix to  
Section 3.28.030**

**Table 1**

**Type of Backflow Protection Required**

Degree of Hazard		Minimum Type of Backflow Prevention	
(a)	Sewage and Hazardous Substances		
	(1)	Premises where the public water system is used to supplement the reclaimed water supply.	AG
	(2)	Premises where there are waste water pumping and/or treatment plants and there is no interconnection with the potable water system. This does not include a single family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and the District.	AG
	(3)	Premises where reclaimed water is used and there is no interconnection with the potable water system. A RP may be provided in lieu of an AG if approved by the health agency and the District.	AG
	(4)	Premises where hazardous substances are handled in any manner in which the substances may enter a potable water system. This does not include a single family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and the District.	AG
	(5)	Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected.	AG
(b)	Auxiliary Water Supplies		
	(1)	Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. A RP or DC may be provided in lieu	AG

		of an AG if approved by the health agency and the District.	
	(2)	Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of a RP if approved by the health agency and the District.	RP
(c)	Fire Protection Systems		
	(1)	Premises where the fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected).	DC
	(2)	Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. A RP may be provided in lieu of an AG if approved by the health agency and the District.	AG
	(3)	Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used.	DC
(d)	Dockside Watering Points and Marine Facilities		
	(1)	Pier hydrants for supplying water to vessels for any purpose.	DC
	(2)	Premises where there are marine facilities.	RP
(e)	Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.	RP	
(f)	Premises where there is a repeated history of cross-connections being	RP	

	established or re-established.	
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## APPENDIX B

### Editor's note—

\* Editor's Note: Appendix B represents Chapter 15.08, waterwells, of the Monterey County Code as amended and referenced in Section 3.32.010 of this code.

### Chapter 15.08 WATERWELLS

#### Sections:

#### 15.08.010 - PURPOSE.

The purposes of this chapter are:

##### A.

It is the purpose of this chapter to provide for the construction, repair, and reconstruction of all wells, including cathodic protection wells, test wells, observation wells, and monitoring wells, to the end that the groundwater of this County will not be polluted or contaminated and that water obtained from such wells will be suitable for the purpose for which used and will not jeopardize the health, safety or welfare of the people of this County. It is also the purpose of this chapter to provide for the destruction of abandoned wells, monitoring wells, observation wells, test wells, and cathodic protection wells found to be public nuisances, or when otherwise appropriate, to the end that all such wells will not cause pollution or contamination of groundwater.

##### B.

To comply with Articles 1, 2, 3, and 4 (commencing with Section 13700) of Chapter 10, Division 7 of the Water Code, relating to water wells, cathodic protection wells and monitoring wells.

*(Ord. 3316 §§ 1 & 2, 1988; Ord. 1967 § 1, 1973.)*

#### 15.08.020 - DEFINITIONS AND INTERPRETATION.

##### A.

As used in this chapter, the following words shall have the meaning provided in this section:

##### 1.

"Abandoned well" means any well whose original purpose and use has been permanently discontinued or which is in such a state of disrepair that it cannot be used for its original purpose. A well is considered abandoned when it has not been used for a period of one year, unless the owner demonstrates his intent to use the well again for supplying water or other associated purposes, and the well is considered an inactive well as set forth in Section 15.08.120.

##### 2.

"Abatement" means the construction, reconstruction, repair or destruction of a well so as to eliminate the possibility that such well could pollute or contaminate groundwater.

##### 3.

"Air-gap Separation (AG)" is a physical break between the supply line and the receiving vessel.

##### 4.

"Cathodic protection well" means any artificial excavation in excess of fifty feet in depth constructed by any method for the purpose of installing equipment or facilities for the protection electronically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.

##### 5.

"Casing" means an approved conduit required to prevent the waste and pollution of the groundwater and to hold the bore hole open during the use of the well.

##### 6.

"Double check valve (DC)" is an assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve.

##### 7.

"Groundwater problem area" means an area in Monterey County where groundwater quality does not meet Federal, State or local drinking water standards. The location of these areas are usually known to the Health Officer or his authorized representative, the Director of Environmental Health. When this code refers to "areas where groundwater problems are known to exist," it refers to those areas where the Health Officer knows, or has reason to believe, groundwater does not meet the Federal, State, or Local drinking water standards.

##### 8.

"Health Officer" means the Health Officer of the County of Monterey, or his authorized representative, including the Director of Environmental Health.

##### 9.

"Inactive well" means a well not routinely operated but capable of being made an operating well with a minimum of effort.

##### 10.

"Issuance of permit." A permit is issued when it is signed by the Health Officer or his authorized representative and is available to be picked up by the applicant or mailed to the applicant.

11.

"Monitoring well" means any artificial excavation constructed by any method for the purpose of monitoring fluctuations in groundwater levels, quality of underground waters, or the concentration of contaminants in underground waters.

12.

"Person" means any individual, organization, partnership, business, association, corporation, or governmental agency.

13.

"Property line" means the legally established line separating one piece of property from another or separating a public right-of-way from private properties.

14.

"Test well" means any artificial excavation used for water quality testing, electric logging, water quantity testing and/or other tests to determine aquifer quality and quantity characteristics.

15.

"Well" or "water well" means any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. "Well" includes abandoned wells, monitoring wells, observation wells, cathodic protection wells, test wells, and dry wells. "Well" or "water well" does not include:

a.

Oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or

b.

Wells used for the purpose of dewatering excavation during construction, or stabilizing hillsides or earth embankments.

16.

"Enforcement agency" means that agency(s) designated by the Board of Directors of the Marina Coast Water District to administer and enforce this chapter.

B.

Words used in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural, and the plural the singular.

C.

Section headings, when contained in this chapter, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any section.

*(Amended during 3-02 supplement: Ord. 13, § (2)(a), 1990; Ord. 3316 §§ 1 & 2, 1988; Ord. § 2, 1977; Ord. 1967 § 2, 1973.)*

### **15.08.030 - PERMIT—REQUIRED.**

A.

No person shall construct, repair, reconstruct or destroy any well, abandoned well, cathodic protection well, observation well, monitoring well, or test well unless a written permit has first been obtained from the County Health Officer of the County or his authorized representative as provided in this chapter.

B.

Any person who shall commence any work for which a permit is required by this chapter without having obtained a permit therefor, shall, if subsequently granted a permit, pay double the permit fee for such work; provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the County Health Officer that such work was urgently necessary and that it was not practical to obtain a permit before commencement of the work. In all cases in which emergency work is necessary, a permit shall be obtained within three (3) working days after commencement of the work. The applicant for a permit for any such emergency work shall, in any case, demonstrate that all work performed is in compliance with the technical standards of Section 15.08.110 of this chapter. Emergency work includes but is not limited to wells necessary for the operation of a water system or agricultural operation.

C.

Obtaining the permit, pursuant to this chapter, does not relieve an applicant from obtaining other required permits or following the regulations required by any other Federal, State, or local Codes.

*(Ord. 3316 §§ 1 & 2, 1988; Ord. 1967 § 3(a), 1973.)*

### **15.08.040 - PERMIT—COMPLIANCE WITH CONDITIONS.**

A.

No person to whom a permit has been issued, as provided for in Section 15.08.030, shall fail to comply with all of the terms and conditions of the permit and with the standards specified in this chapter.

B.

No person shall undertake to dig, bore, or drill a "well," including a water well, cathodic protection well, observation well, test well, or monitoring well, or to deepen or re-perforate any water well, cathodic protection well, observation well, test well, or monitoring well, or to abandon or destroy any water well, cathodic protection well, or monitoring well, unless the person responsible for that construction, alteration, destruction, or abandonment possesses a Contractor's license in accordance with the Contractor's License Law (Chapter 9, Division 3, of the California Business and Professions Code) provided,

however, that a property owner may construct or destruct a well on his own property, which well serves or will serve the property that is neither being offered for sale nor intended to be so offered. (Water Code Section 13750.5.)

*(Ord. 3316 §§ 1 & 2, 1988; Ord. 1967 § 3(b), (c), 1973.)*

#### **15.08.050 - PERMIT—APPLICATION FEE.**

##### **A.**

Application for a permit pursuant to this chapter shall be made to the County Health Officer, in such form as he may prescribe, setting forth such information as he may reasonably require to secure the purposes of this chapter, and shall contain:

##### **1.**

Property owner's name, home address and telephone number.

##### **2.**

A description of the property where the work is to be done, sufficient for identification, such as street address, name of subdivisions or tract, lot number, and county assessor's parcel number.

##### **3.**

Sketched outline of the property, giving dimensions and the direction of north to include:

##### **a.**

Location and nature of any existing sewage disposal installation on the property or within one hundred fifty (150) feet of the property.

##### **b.**

Location of any existing well, whether domestic or irrigation, and whether in use or abandoned, either on the property or within one hundred (100) feet of the property.

##### **c.**

Location of ocean, lakes, sloughs, streams, springs, water channels and water supplies on or adjacent to the property.

##### **d.**

Location of all recorded easements.

##### **e.**

Location of all recorded well lots on the property or within two hundred (200) feet of the property.

##### **4.**

The type of work to be done and a description of the type of construction.

##### **5.**

Such additional data as may be necessary, in the judgment of the County Health Officer, to insure public health, safety, and welfare.

##### **B.**

The application shall be accompanied by a fee as prescribed in Title 10.08, Section 10.08.050BB, no part of which shall be refundable.

##### **C.**

Within two (2) days after the application has been made to the County Health Officer, a copy of the application shall be filed with the General Manager of the Marina Coast Water District.

*(Amended during 3-02 supplement: Ord. 13 § (2)(b), 1990; Ord. 3316 §§ 1 & 2, 1988; Ord. 3256 § 4, 1987; Ord. 2944, 1983; Ord. 2567, 1979; Ord. 2252, 1979; Ord. 2034, 1974; Ord. 1967 § 4(a), 1973.)*

#### **15.08.060 - PERMIT—ISSUANCE OR DENIAL.**

When the County Health Officer issues a permit pursuant to this chapter, he may condition the permit in any manner he deems necessary to carry out the purposes of this chapter. Conditions may include, but are not limited to, proper construction, destruction, reconstruction, sealing methods, and quantity and quality testing methods as the County Health Officer finds necessary to carry out the purposes of this chapter. The County Health Officer shall deny an application for a permit if, in his judgment, its issuance would tend to defeat the purpose of this chapter.

*(Ord. 3316 §§ 1 & 2, 1988; Ord. 1967 § 4(b), 1973.)*

#### **15.08.070 - PERMIT—EXPIRATION.**

Every permit issued pursuant to this chapter shall expire and become null and void if the work authorized thereby has not been completed within one (1) year following its issuance. Upon expiration no further work shall be done unless and until a new permit has been obtained or applicant has received up to a 60-day extension in exceptional circumstances.

*(Ord. 3316 §§ 1 & 2, 1988; Ord. 2980 § 1, 1984; Ord. 1967, 1973.)*

#### **15.08.080 - PERMIT—SUSPENSION AND REVOCATION.**

##### **A.**

The Health Officer may suspend or revoke any permit issued pursuant to this chapter, whenever he finds that the permittee

has violated any of the provisions of this chapter, or has misrepresented any material fact in his application, or any supporting documents, for such permit. Prior to ordering any such suspension or revocation, the Health Officer shall give the permittee an opportunity for a hearing thereon, after reasonable notice. The hearing shall be an informal hearing before the Health Officer or his designated representative. An appeal may be taken as set forth in § 15.08.160.

**B.**

No person whose permit has been suspended or revoked shall continue to perform the work for which the permit was granted until, in the case of suspension, such permit has been reinstated by the Health Officer.

**C.**

Upon suspending or revoking any permit, the Health Officer may order the permittee to perform any work reasonably necessary to protect the underground waters from pollution or contamination, if any work already done by the permittee has left a well in such condition as to constitute a hazard to the quality of the underground waters. No permittee or person who has held any permit issued pursuant to this chapter shall fail to comply with any such order.

*(Ord. 3316 §§ 1 & 2, 1988; Ord. 1967 § 5, 1973.)*

### **15.08.090 - VARIANCES.**

The Health Officer shall have the power, in specific cases, to grant a variance from any provision of the standards incorporated into this chapter by reference whenever he finds that special circumstances exist in a particular case and that practical difficulties or unnecessary hardship would result from the strict interpretation and enforcement of any such standard, and that the granting of such a variance would not tend to defeat the purposes of this chapter. There is no appeal from denial of a variance. The standards incorporated into this chapter are based upon public health standards for the protection of groundwater supplies. Variances are based upon the technical expertise of the Health Officer or his authorized representative, the Director of Environmental Health, and his exercise of discretion in using that expertise.

*(Ord. 3316 §§ 1 & 2, 1988; Ord. 1967 § 6, 1973.)*

### **15.08.100 - INSPECTIONS.**

Upon receipt of an application an inspection of the location of the well, test well, or cathodic protection well shall be made by the Health Officer prior to issuance of a well permit. Inspection of monitoring well or observation well locations prior to permit issuance may be made at the discretion of the Health Officer.

The person responsible for construction, reconstruction or destruction of any well shall notify the Health Officer when work commences. All work shall be subject to inspection by the Health Officer to insure compliance with all the requirements of this chapter.

*(Ord. 3316 §§ 1 & 2, 1988.)*

### **15.08.110 - TECHNICAL STANDARDS.**

**A.**

Standards.

Standards for the construction, repair, reconstruction or destruction of "wells," including abandoned wells, monitoring wells, test wells, observation wells, and cathodic protection wells shall be as set forth in Chapter II and Appendices A, B, C, D of the Department of Water Resources Bulletin No 74-81, "Water Well Standards" (December, 1981) and the Department of Water Resources Bulletin No. 74-1, "Cathodic Protection Well Standards" (March, 1973), or as subsequently revised or supplemented. Copies of these standards are available in the offices of the Division of Environmental Health or on file with the Health Officer. These standards are incorporated by reference in this chapter, with the following modifications:

1. The minimum distance between wells and subsurface sewage leaching fields or septic tanks shall be 100 feet, and the minimum distance between wells and seepage pits shall be 150 feet.
2. The annular space surrounding the conductor casing of all wells shall be sealed with neat cement, sand cement grout, neat cement/ pozzolan/polymer mixture, bentonite clay (in continuously saturated zones), or any other equal or similar compound approved by the Health Officer from the ground level to a minimum depth of 50 feet or as required by the Health Officer for groundwater protection. The annular space shall be at least two inches when measured at any point around the casing.
3. The seal shall do all of the following:
  - a. Restore, as far as feasible, the controlling hydrological conditions that existed before the well was drilled and constructed, including the elimination of physical hazards.
  - b. Prevent pollution of groundwater.
  - c.



Conserve the yield and hydrostatic head of aquifers.

d.

Prevent intermingling of desirable and undesirable waters.

4.

Drilling fluids and other drilling materials used in connection with well construction shall not be allowed to discharge onto streets or into waterways; and shall not be allowed to discharge off the parcel on which the well is constructed onto adjacent properties; provided, that adjacent property may be used temporarily for the discharge of such fluids and materials pursuant to a written agreement with the owner(s) of the adjacent property and provided that such fluids and materials are removed and cleaned up within thirty days of completion of the well drilling.

5.

Water generated during test pumping of wells shall be dispersed or disposed of in a manner which will not cause significant erosion.

6.

Modifications 1 and 2 may not apply to monitoring wells at the discretion of the Health Officer or his authorized representative.

B.

Casing.

All wells shall be cased and constructed so as to prevent pollution. The casing shall meet the minimum applicable standards set by the American Petroleum Institute, the American Society for Testing and Materials, the American Water Works Association, and the Plastic Pipe Institute, as they relate to the specifications for water well casing.

C.

Capping of a Well.

If a pump is not installed at the time of drilling a well, a tight cap shall be placed over the casing so as to prevent pollution of the well or injury to animals or humans. During this time, as well as after a pump is installed, all openings shall be sealed off to prevent any pollution of the well.

D.

Domestic Water Well Sanitization.

All domestic water wells shall be provided with a pipe or other effective means of directly introducing chlorine or other disinfecting agents into the well.

E.

Exclusion of Contamination.

All water wells shall be designed and constructed to exclude contamination as follows:

1.

All sanitization pipes, for an above surface pump discharge installation, shall extend to a height equal to the pump pedestal that is at least 8 inches above the finished grade. The pipe shall be kept sealed by a threaded or equivalently secure cap.

2.

All sanitization pipes for a subsurface pump discharge installation shall be kept sealed by a threaded or equivalently secure cap.

3.

All air relief vents at the well head shall terminate downward and be screened and protected against the possibility of contaminating material entering the vent.

4.

All entry pipes into gravel packed sections of a well shall be kept sealed by a threaded or equivalently secure cap.

F.

Sounding Tube.

A "sounding tube" or similar access for the introduction of water level measuring devices shall be applied to the casing of all water wells. For wells fitted with a "well cap" the cap shall have a removable plug for this purpose. For wells with turbine pumps special sounding tube designs may be required by the Health Officer or his authorized representative.

(Ord. 3316 §§ 1 & 2, 1988.)

**15.08.120 - ABANDONED WELL.**

A.

A well is considered "abandoned" when it had not been used for a period of one year, unless the owner can demonstrate his intention to use the well again for supplying water or other associated purpose (such as an observation well, monitoring well,

or injection well). The well shall then be considered "inactive." As evidence of his intentions for continued use, the owner shall properly maintain the well in such a way that:

1. The well has no defects which will allow the impairment of quality of water in the well or in the water-bearing formations penetrated.
  2. The well is covered such that the cover is watertight and cannot be removed, except with the aid of equipment or the use of a tool.
  3. The well is marked so that it can be clearly seen.
  4. The area surrounding the area is kept clear of brush or debris.
- If the pump has been removed for repair or replacement, the well shall not be considered "abandoned." During the repair period, the well shall be adequately covered to prevent injury to people and to prevent the entrance of undesirable water or foreign matter.

**B.**

In areas where groundwater problems are known to exist, abandoned wells that penetrate and/or are perforated into two (2) or more aquifers shall be destroyed and shall be considered "inactive."

**C.**

On abandonment of a well or on the order of the local Health Officer, a well shall be destroyed by methods described in Bulletin 74-81 which are incorporated by reference in this chapter with the following modifications:

1. All open wells shall be immediately capped with a fixed cover until the well is properly destroyed.
2. In areas where groundwater problems are known to exist and where an abandoned well penetrates and/or is perforated in more than one (1) aquifer, the perforations shall be cleaned (when applicable), the casing shall be perforated (when applicable) and neat cement, neat cement/pozzolan/polymer mixture, or any other approved compound by the County Health Officer shall be forced out under pressure into the surrounding formation in order to prevent migration of water from one aquifer to another.

**D.**

Monitoring wells, observation wells or test wells used in the investigation or management of groundwater basins by governmental agencies or engineering or research organizations are not considered "abandoned," so long as they are maintained for this purpose. Such wells, however, shall be covered with an appropriate cap, bearing the label, "OBSERVATION WELL," and the name of the agency or organization, and preferably shall be locked when measurements are not being made. When these wells are no longer used for this purpose or for supplying water, they shall be considered "abandoned." Abandonment shall be the responsibility of the landowner.

**E.**

All test wells not completed according to these standards shall be destroyed by methods described by Bulletin 74-81.

*(Ord. 3316 §§ 1 & 2, 1988.)*

**15.08.130 - REPEALED BY ORD. 13 § (2)(C).**

**15.08.140 - SPECIAL GROUNDWATER PROTECTION.**

**A.**

In areas where groundwater quality problems are known to exist and where a well will penetrate more than one (1) aquifer, the County Health Officer shall require special well seal(s) to prevent mixing of aquifers. If required by the County Health Officer, the applicant shall provide a hydrologist, geohydrologist, engineer or other qualified person approved by the County Health Officer to identify strata containing poor water quality and recommend the location and specifications of the seal or seals needed to prevent the entrance of poor-quality water or its migration into other aquifers. Interpretation of aquifers shall be based upon data obtained from the litholog, multiple probe electric log and spontaneous potential logs of the well hole.

If a hydrologist, geohydrologist, engineer or other such qualified person is required, the well shall be completed with the seal or seals specified by the hydrologist, geohydrologist, engineer or other such qualified person. Any person performing and evaluating a multiple probe electric log or spontaneous potential log shall submit copies of the logs and analysis to the County Health Officer. The County Health Officer may require other types of well logs such as caliper logs, acoustic logs, and cement bond logs.

**B.**

In the Marina Coast Water District, well construction shall be subject to the requirements found in the Specifications for Wells in Zone 6 of the Monterey County Flood Control and Water Conservation District which are on file with the County Health Officer and the Monterey County Flood Control and Water Conservation District.

*(Amended during 3-02 supplement: Ord. 13 § (2)(d), 1990; Ord. 3316 §§ 1 & 2, 1988.)*

**15.08.150 - FEDERAL, STATE AND LOCAL REPORTING REGULATIONS.**

- A. Nothing contained in this chapter shall be deemed to excuse any person from compliance with the provisions of Article 3 (commencing at Section 13750) of Chapter 10, Division 7 of the Water Code, relating to notices and reports of completion or any other State or Federal reporting regulations.
- B. Upon completion of any well, the owner or his authorized representative shall file with the County Health Officer and with the General Manager of the Marina Coast Water District a copy of the report of completion referred to in Section 13751 of the Water Code.
- C. Nothing contained in this chapter shall be deemed to excuse any person from compliance with local codes regarding reporting and registration.
- D. In accordance with California Water Code section 13752, reports shall be kept confidential. Reports shall be made available to any person who obtains written authorization from the owner of the well.  
*(Amended during 3-02 supplement: Ord. 13 § (2)(e), (f), 1990; Ord. 3316 §§ 1 & 2, 1988; Ord. 1967 § 8, 1973.)*

### **15.08.160 - APPEALS.**

- A. Any person whose application for a permit has been denied, or granted conditionally, or whose permit has been suspended or revoked, may appeal to the board of supervisors, in writing, within ten (10) days after any such denial, conditional granting, suspension, or revocation. Such appeal shall specify the grounds upon which it is taken, and shall be accompanied by a filing fee as set forth herein. The clerk of the board shall set such appeal for hearing at the earliest practicable time, and shall notify the appellant and the County Health Officer, in writing, of the time so set at least five (5) days prior to the hearing.
- B. After such hearing, the board of supervisors may reverse, wholly or partly, or may modify the order or determination appealed from.
- C. The filing fee may be set from time to time by the board of supervisors by ordinance (Fee Ordinance: Monterey County Code § 10.08.050BB).  
*(Ord. 3316 §§ 1 & 2, 1988; Ord. 1967 § 9, 1973.)*

### **15.08.170 - RIGHT OF ENTRY AND INSPECTION.**

The County Health Officer is designated the primary agency, and the General Manager of the Marina Coast Water District is designated as the secondary agency to enforce and administer this chapter. Representatives of the enforcement agency and of the Marina Coast Water District shall have the right to enter upon any premises at all reasonable times to make inspections and tests for the purpose of such enforcement and administration. If any such premises are occupied, the inspecting representative shall first present proper credentials and demand entry, and if same is unoccupied, the inspecting representative shall first make a reasonable effort to locate the owner or other person having charge or control of same and demand entry. If such entry is refused, the County Health Officer and the Marina Coast Water District shall have recourse to such remedies as are provided by law to secure entry.

*(Amended during 3-02 supplement: Ord. 13 § (2)(g), 1990; Ord. 3316 §§ 1 & 2, 1988; Ord. 1967 § 10, 1973.)*

### **15.08.180 - CRIMINAL ENFORCEMENT AND PENALTIES.**

- A. Violation a Misdemeanor. Any person, private agency or public agency who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof is punishable by imprisonment in the county jail for not more than six (6) months, or by a fine not exceeding five hundred dollars (\$500.00), or by both. Each separate date, or portion thereof, during which any such violation continues, shall be deemed a separate offense.  
*(Ord. 3316 §§ 1 & 2, 1988.)*

### **15.08.190 - CIVIL ENFORCEMENT—NOTICE OF VIOLATION.**

- A. Notice of Violation Recordation. Whenever the County Health Officer determines that a well has not been completed in accordance with a well permit or the plans and specifications relating thereto, or whenever the County Health Officer determines that a well has been constructed or destroyed without the required permit, the County Health Officer may record a notice of violation with the office of the county recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible for the violation shall be notified of the recordation, if their address is available.  
If the property owner(s) or authorized agent disagree with the determination, he may submit to the County Health Officer indicating that there is no violation and then shall have a right to appeal on adverse decision of the County Health Officer to the Board of Supervisors, in accordance with the provisions of Section 15.08.190(B).

**B.**

Appeal—Action by Board of Supervisors.

**1.**

Upon receipt of the notice of appeal the board of supervisors shall, within fifteen (15) days following the filing of the appeal, set a date for public hearing thereon.

**2.**

The evidence presented to the board of supervisors on appeal shall be limited to that evidence which is available at the time of the appeal, the application may be returned to the County Health Officer for reconsideration.

**3.**

If the basis of the appeal is the adequacy or weight of the evidence to support the decision of the County Health Officer, the board of supervisors shall affirm if there is substantial evidence to affirm.

**4.**

The board of supervisors may reverse or affirm, wholly or in part, or modify the decision or the notice of violation and may make such order as should be made, and such action shall be final.

**C.**

Violation Removal of Notice.

**1.**

The County Health Officer shall submit a removal of notice of violation to the county recorder when:

**a.**

It is determined by the County Health Officer or the board of supervisors, after review, that no violation of this chapter exists; or

**b.**

All required and corrective work has been completed and approved by the County Health Officer.

**2.**

The fee for the submittal of removal of notice of violation shall be that set from time to time by the board of supervisors (Fee Ordinance: Monterey County Code § 10.08.050 BB).

*(Ord. 3316 §§ 1 & 2, 1988.)*

**15.08.200 - CIVIL ENFORCEMENT—NUISANCE.**

Violations of this chapter may also be redressed in the matter hereinafter set forth by civil action.

**A.**

Civil Enforcement Against Nuisance. Any well abandoned contrary to the provisions of this chapter, and/or any well constructed, operated or maintained contrary to the provisions of this chapter, shall be, and the same is hereby declared to be a violation of this chapter, and a public nuisance. The County and/or the Marina Coast Water District may summarily abate the public nuisance, and the County upon order of the Board of Supervisors, and the Marina Coast Water District upon order of its Board, may bring civil suit, or other action, to enjoin or abate the nuisance.

**B.**

Each Day is a Violation.

Each day any violation of this chapter continues shall be regarded as a new and separate offense. The remedies provided in this chapter shall be cumulative and not exclusive.

**C.**

Cost of Civil Enforcement.

Any person, firm or corporation who creates or maintains a public nuisance in violation of this chapter shall be liable for the costs of abatement which shall include, but not be limited to:

**1.**

Cost of investigation;

**2.**

Court costs;

**3.**

Attorney's fees;

**4.**

Costs of monitoring compliance.

Upon a continuation of the public nuisance after notice from the County to cease the nuisance, any person, firm or corporation shall be liable for the costs of abatement set forth above plus a civil penalty of fifty (50) percent of those costs payable to the County in addition to any other costs of enforcement imposed by the court.

**D.**

Remedies Cumulative. The remedies available to the County and the Marina Coast Water District to enforce this chapter are in addition to any other remedies available under ordinance, the Monterey County Code, or statute, and do not replace or supplant any other remedy, but are cumulative thereto. (Amended during 3-02 supplement: Ord. 13

§ 2 (h), (i), 1990; Ord. 3316 §§ 1 & 2, 1988; Ord. 2786, 1981.)

**15.08.210 - SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause or phrase of this chapter is or any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, it shall not affect the remaining portions of this chapter, including any other section, subsection, sentence, clause or phrase therein. (Amended during 3-02 supplement: Ord. 3316 § 1 & 2, 1988.)

**APPENDIX C**

\* Adopted by Ordinance 37, as referenced in Section 6.08.090 of this code.

**Marina Coast Water District Assigned Water Use Factors for  
Determining Water Capacity Charges**

The district, through the general manager, assigns water use factors from this Appendix C for new and modified, non-residential uses. Each new or modified non-residential service connection that involves two or more uses shall be subject to a use calculation for each proposed use. Where a proposed use may be designated as more than one type of use, the type of use which most accurately depicts the proposed non-residential use shall be selected. Where doubt exists, the higher intensity use type shall be chosen. Water use rates are assigned for various uses per unit—square footage, number of rooms, seats, etc. The assigned water use rates are determined considering estimated water use availability and fire flow availability for various commercial uses. The type of use and assigned water use rates are listed below.

Type of Use	Basis	Assigned Water Use Rates By Acre-Ft	Total Water Use Per Annum (Acre-Ft)
Auto repair shops	sq. ft.	× 0.00007	=
Bar	seats	× 0.024	=
Beauty shop/barber shop	stations	× 0.059	=
Car wash w/recycle	sq. ft.	× *	=
Child Care	sq. ft.	× 0.0072	=
Commercial laundry	washers	× 0.1735	=
Delicatessen (w/o seating)	sq. ft.	× 0.00027	=
Dental offices	sq. ft.	× 0.00029	=
Dry Cleaners (no washer machines)	sq. ft.	× 0.00040	=
Gas station	pumps	× 0.1051	=
General retail	sq. ft.	× 0.00005	=
General office	sq. ft.	× 0.00012	=
Grocery and other Markets	sq. ft.	× 0.00039	=
Hotel/motel/bed & breakfast	units	× 0.170	=
Laundromat (self-serve)	washers	× 0.202	=
Medical offices	sq. ft.	× 0.00018	=
Meeting halls, churches	sq. ft.	× 0.0001	=
Nursing home	rooms	× 0.142	=
Landscape (non-turf)	acres	× 2.1	=
Landscape (turf)	acres	× 2.5	=
Photographic lab	sq. ft.	× 0.003	=

Plant nursery	sq. ft. land	× 0.00009	=
Public restroom	toilets	× 0.0676	=
Restaurant (incl. fast food, deli, sandwich shop)	seats	× 0.029	=
Retail photo w/processing	sq. ft.	× 0.00020	=
Swimming pool (per 100 sq. ft. pool surface area)		× 0.020	=
Theater	seat	× 0.0014	=
Veterinary	sq. ft.	× 0.00026	=
Warehouse, distribution, self-storage	sq. ft.	× 0.00001	=

The assigned water use rate is then multiplied by the appropriate square footage, room, or seat number for each use and the capacity charge per acre-foot of water.

Example: To compute capacity charges in August 2002 for a 1,000-sq. ft. office (assume only a single use), multiply 1,000 by 0.00012 (from the table) and then by \$11,000. The resultant capacity charge applied in August 2002 for this office would be \$1,320.

\* See manufacturer's recommendation.

(Ord. 50 § 4, 2007; Ord. 37, 2003)

**APPENDIX B**

**MONTHLY WASTEWATER COLLECTION RATES**

User Classification	Wastewater Demand Factor
Single-family residence	1.0
Apartment unit with washer	1.0
Apartment unit without washer	0.8
Apartment central laundry facility	0.6/machine
Mobile home with washer	1.0
Mobile home without washer	0.8
Mobile home park central laundry	0.6/machine
Hotels, motels and rooming houses	0.25/room
Campground with central facilities	0.20/space
RV park with individual hookups	0.30/space
Barber and beauty shops	0.30/station
Service station with restrooms	2.0
Service station without restrooms	0.8
Recreational vehicle dump station	2.0/station
Auto or truck repair shop	1.0
Mortuary	0.4/employee
Bakeries, catering service	0.3/employee
Restaurants	0.07/seat
Restaurants, twenty-four-hour, fast food	0.09/seat
Bars, cardrooms, casinos, taverns	0.1/seat
Bowling alley	0.1/alley
Theater (maximum capacity)	0.02/seat
Laundry or laundromat	0.6/machine
Dry cleaner	0.1/employee plus 1.0/machine
Fire station	0.2/employee
Offices (attorney; accountant; realtor; etc.)	0.1/employee
Dentist	0.5/operator
Doctor office or clinic	1.0/office or MD
Dry goods retail store	0.1/employee
Commercial swimming pool	2.5/pool
Car wash	3.0/stall
Food markets	0.1/employee
Public buildings	0.1/employee
School	0.07/enrollment
Meeting hall; Church	0.01/seat
Fairgrounds complex	4.0
Restroom buildings	1.0/toilet
Hospital	0.80/bed
Convalescent or nursing home	0.50/bed
Industrial waste	Per discharge permit
Minimum demand for all classifications	0.80/account

To calculate the monthly wastewater collection rate in fiscal year 2002/2003, the wastewater demand factor is multiplied by \$5.56 then by the wastewater demand factor for the appropriate user classification. For example:

One single-family residence:	$1 \times \$5.56 = \$5.56$
Twelve apartment units w/o washers:	$12 \times (\$5.56 \times .80) = \$53.38$
One 25 unit motel:	$25 \times (\$5.56 \times .25) = \$34.75$

*(Ord. 37, 2003: amended during 3-02 supplement: Ord. 32 § 6, 1998; Ord. 26 § 6B, 1994)*



## APPENDIX F

(RESERVED)

**APPENDIX F****EXHIBIT A OF SECTION 1.01.070****Editor's note—**

\* **Editor's note: Appendix F represents Exhibit A of Ordinance 35 which adopts the Marina Coast Water District Code and repeals and replaces former code.**

Ordinance/Article/Section	Subject Matter	Disposition
Ord. 1, Art. I, § 1	Short title	Repealed
Ord. 1, Art. I, § 2	Separability	§ 1.04.110
Ord. 1, Art. II, § 1	Definition of terms	§ 1.04.010
Ord. 1, Art. II, § 2	Service area	§ 3.04.010
Ord. 1, Art. II, § 3	Description of service	§ 3.04.020
Ord. 1, Art. II, § 4	Application for service	§ 3.08.010
Ord. 1, Art. II, § 5	Special contracts	§ 3.08.020
Ord. 1, Art. II, § 6	Special information	§ 3.08.030
Ord. 1, Art. II, § 6.A	Contracts	§ 3.08.030.A
Ord. 1, Art. II, § 6.B	Customers' bills	§ 3.20.160
Ord. 1, Art. II, § 6.C	Deposit receipts	§ 3.08.030.B
Ord. 1, Art. II, § 7	Credit establishment	§ 3.08.040
Ord. 1, Art. II, § 8	Deposits	§ 3.08.050
Ord. 1, Art. II, § 9	Notices	§ 1.04.080
Ord. 1, Art. II, § 10	Service connections and meters	§ 3.12.010
Ord. 1, Art. II, § 11	Multiple units	§ 3.12.030
Ord. 1, Art. II, § 11.A	Number of services to separate premises	§ 3.12.030.A
Ord. 1, Art. II, § 11.B	Service to multiple units	§ 3.12.030.B
Ord. 1, Art. II, § 11.C	Resale of water	§ 3.12.030
Ord. 1, Art. II, § 12	Bills and payment	§ 2.06.010
Ord. 1, Art. II, § 13	Disputed bills	§ 2.06.020
Ord. 1, Art. II, § 14	Meter error	§ 3.12.020
Ord. 1, Art. II, § 14.A	Meter test	§ 3.12.020.A
Ord. 1, Art. II, § 14.B	Adjustment of bills for meter error	§ 3.12.020.B, C
Ord. 1, Art. II, § 15	Discontinuance of service	§ 3.20.160
Ord. 1, Art. II, § 16	Monthly water rates and charges	§ 6.08
Ord. 1, Art. II, § 16.A	Monthly minimum service charge	§ 6.08.010
Ord. 1, Art. II, § 16.B	Service outside the boundaries of the district	Repealed
Ord. 1, Art. II, § 16.C	Responsibility of owner	§ 3.08.070
Ord. 1, Art. II, § 17	Temporary service	§ 3.12.040
Ord. 1, Art. II, § 18	Pools and tanks	§ 3.12.050
Ord. 1, Art. II, § 19	Fire hydrants	§ 3.24
Ord. 1, Art. II, § 20	Responsibility for equipment	§ 3.12.060
Ord. 1, Art. II, § 21	Damage to district's property	§ 3.12.070
Ord. 1, Art. II, § 22	Control valves	§ 3.12.080
Ord. 1, Art. II, § 23	Well abandonment	§ 3.32.040
Ord. 1, Art. II, § 24	Cross connections	Repealed by Ord. 5
Ord. 1, Art. II, § 25	Ground-wire attachments	§ 3.12.090
Ord. 1, Art. II, § 26	Water waste	Repealed
Ord. 1, Art. II, § 27	Access to premises	§ 3.04.040
Ord. 1, Art. II, § 28	Interruptions in service	§ 3.04.050
Ord. 1, Art. II, § 29	Extension of service	§ 3.08.060
Ord. 2, Art. I	Definitions	§ 1.04.010
Ord. 2, Art. II, § 201	Rules and regulations	§ 1.04.120
Ord. 2, Art. II, § 202	Purpose	Not codified
Ord. 2, Art. II, § 203	Short title	Repealed
Ord. 2, Art. II, § 204	Violation unlawful	§ 5.08.010
Ord. 2, Art. II, § 205	Relief on application	§ 5.08.020

Ord. 2, Art. II, § 206	Relief on own motion	Repealed
Ord. 2, Art. II, § 207	District inspector, compensation	Repealed
Ord. 2, Art. II, § 208	Permits and fees	§ 5.24.010
Ord. 2, Art. III, § 301	Disposal of wastes	§ 5.12.010
Ord. 2, Art. III, § 302	Treatment of wastes required	§ 5.12.020
Ord. 2, Art. III, § 303	Unlawful disposal	§ 5.12.030
Ord. 2, Art. III, § 304	Occupancy prohibited	§ 5.08.050
Ord. 2, Art. III, § 305	Sewer required	§ 5.20.010
Ord. 2, Art. IV, § 401	Sewer not available	§ 5.12.040
Ord. 2, Art. IV, § 402	Permit required	§ 5.12.050
Ord. 2, Art. IV, § 403	Inspection required	§ 5.12.060
Ord. 2, Art. IV, § 404	Design requirements	§ 5.12.070
Ord. 2, Art. IV, § 405	Abandonment of facilities	§ 5.12.080
Ord. 2, Art. IV, § 406	Cost of maintenance by owner	§ 5.12.090
Ord. 2, Art. IV, § 407	Additional requirements	§ 5.12.100
Ord. 2, Art. V	Uniform plumbing code	Ch. 7.04
Ord. 2, Art. VI	Building sewers, lateral sewers and connections	Ch. 5.16, Art. 1
Ord. 2, Art. VII	Public sewer construction	Ch. 5.16, Art. 2
Ord. 2, Art. VIII	Use of public sewers	Ch. 5.20
Ord. 2, Art. IX, § 901	Permit required	§ 5.24.010
Ord. 2, Art. IX, § 902	Commencement of construction	§ 5.24.020
Ord. 2, Art. IX, § 903	Compliance with permit	§ 5.24.030
Ord. 2, Art. IX, § 904	Agreement	§ 5.24.040
Ord. 2, Art. IX, § 905	Classes of permits	§ 5.24.050
Ord. 2, Art. IX, § 906	Fees - annexation charges	§ 5.24.060
Ord. 2, Art. IX, § 907	Fees - connection charges, annexed areas	§ 5.24.070.A
Ord. 2, Art. IX, § 908	Fees - residential or commercial building sewer	§ 5.24.070.A.1, 2
Ord. 2, Art. IX, § 909	Fees - industrial sewer connection	§ 5.24.070.A.3
Ord. 2, Art. IX, § 910	Fees and bond - public sewer construction	§ 5.24.080
Ord. 2, Art. IX, § 911	Fees - private sewage disposal	§ 5.24.090
Ord. 2, Art. IX, § 912	Fees - plumbing work	§ 5.24.100
Ord. 2, Art. IX, § 913	All work to be inspected	§ 5.24.110
Ord. 2, Art. IX, § 914	Notification	§ 5.24.120
Ord. 2, Art. IX, § 915	Condemned work	§ 5.24.130
Ord. 2, Art. IX, § 916	All costs paid by owner	§ 5.24.140
Ord. 2, Art. IX, § 917	Outside sewers	§ 5.24.150
Ord. 2, Art. IX, § 918	Permit optional	§ 5.24.160
Ord. 2, Art. IX, § 919	Special outside agreements	§ 5.24.170
Ord. 2, Art. IX, § 920	Street excavation permit	§ 5.24.180
Ord. 2, Art. IX, § 921	Liability	§ 5.24.190
Ord. 2, Art. IX, § 922	Time limit on permits	§ 5.24.200
Ord. 2, Art. IX, § 923	Monthly sewer rates and charges	§ 6.12.010
Ord. 2, Art. X	Qualification and duties of plumbers	Ch. 7.08
Ord. 2, Art. XI, § 1101	Violation	§ 5.08.030
Ord. 2, Art. XI, § 1102	Public nuisance	§ 5.08.060
Ord. 2, Art. XI, § 1103	Disconnection	§ 5.08.070
Ord. 2, Art. XI, § 1104	Public nuisance abatement	§ 5.08.080
Ord. 2, Art. XI, § 1105	Means of enforcement only	§ 5.08.090
Ord. 2, Art. XI, § 1106	Violation - misdemeanor	§ 5.08.110
Ord. 2, Art. XI, § 1107	Liability for violation	§ 5.08.120
Ord. 2, Art. XII, § 1201	Protection from damage	§ 5.08.040
Ord. 2, Art. XII, § 1202	Powers and authorities of inspectors	§ 5.08.100
Ord. 2, Art. XII, § 1203	Separability	§ 1.04.110
Ord. 3	Employer - employee relations	Repealed
Ord. 3A, § 1	Credit establishment	§ 3.08.040
Ord. 3A, § 2	Deposits	§ 3.08.050

Ord. 3A, § 3	Bills and payment	§ 2.06.010
Ord. 3A, § 4	Disputed bills	§ 2.06.020
Ord. 3A, § 5	Meter error	§ 3.12.020
Ord. 3A, § 6	Discontinuance of service	§ 3.20.160
Ord. 4	Cross-connection control	Repealed by Ord. 5
Ord. 5, § 24, A - G	Cross-connection control	Ch. 3.28
Ord. 5, § 24, I	Severability	§ 1.04.110
Ord. 5, § 24, J	Effective date	Not codified
Ord. 5, § 24, K	Supersedes prior ordinances	Not codified
Ord. 6, Art. I, § 1	Purpose	§ 6.040.10
Ord. 6, Art. I, § 2	Definitions	§ 1.04.010
Ord. 6, Art. I, § 3	Existing fees and charges	§ 6.040.020
Ord. 6, Art. II, § 1	Annexation fee	§ 5.24.060
Ord. 6, Art. II, § 2.A	Capacity charge	Repealed by Ord. 34
Ord. 6, Art. II, § 2.B	Water meter charges 1. New meters 2. Moving a meter 3. Replacing a meter box	§ 6.08.020 § 6.08.020.A § 6.08.020.B § 6.08.020.C
Ord. 6, Art. II, § 2.C	Temporary water service	§ 6.08.030
Ord. 6, Art. II, § 2.D	Construction water service and other non-potable water uses	Repealed by Ord. 34
Ord. 6, Art. II, § 2.E	Repair, replacement and maintenance of hydrants 1. Private customers 2. Public customers	§ 6.08.040 § 6.08.040.A, B § 6.08.040.C
Ord. 6, Art. II, § 2.F	Cross-connection control permit	§ 6.08.050
Ord. 6, Art. II, § 3	Sewer service charges	§ 6.12
Ord. 6, Art. II, § 3.A	Capacity charge	§ 6.12.020 Paragraph C Repealed
Ord. 6, Art. II, § 3.B	Industrial waste discharge permit	§ 6.12.030
Ord. 6, Art. II, § 4	Annual adjustment of capacity charges	Repealed
Ord. 6, Art. II, § 5	Charges for services common to water and sewer service	§ 6.16.010
Ord. 6, Art. II, § 5.A	Preliminary project review	§ 6.16.010.A
Ord. 6, Art. II, § 5.B	Construction plan check review	§ 6.16.010.B.1
Ord. 6, Art. II, § 5.C	Permit fees	§ 6.16.010.C
Ord. 6, Art. II, § 5.D	Inspection fees	§ 6.16.010.B.2
Ord. 6, Art. II, § 6	Charges to public agencies	§ 6.16.020
Ord. 6, Art. III, § 1	Variances: exemptions	§ 2.08.020
Ord. 6, Art. III, § 2	Rules: procedures	§ 2.08.040
Ord. 6, Art. III, § 3	Severability	§ 1.04.110
Ord. 6, Art. III, § 4	Repeal of inconsistent prior provisions	Not codified
Ord. 6, Art. III, § 5	Effective date	Not codified
Ord. 7, Art. I	Purpose	§ 2.04.010
Ord. 7, Art. II	Definitions	§ 1.04.010
Ord. 7, Art. III, § 1	Indemnity and insurance agreement	§ 2.04.020
Ord. 7, Art. III, § 1.A	Indemnity	§ 2.04.020.A
Ord. 7, Art. III, § 1.B	Insurance	§ 2.04.020.B
Ord. 7, Art. IV	Works authorized by permit	§ 2.04.030
Ord. 7, Art. IV, § 1	Expiration of permits	§ 2.04.030.A
Ord. 7, Art. IV, § 2	Commencing work	§ 2.04.030.B
Ord. 7, Art. V	Works within public right-of-way	§ 2.04.040
Ord. 7, Art. V, § 1	District property	§ 2.04.040.A
Ord. 7, Art. V, § 2	Areas of installation	§ 2.04.040.B
Ord. 7, Art. V, § 3	Fire hydrants	§ 2.04.040.C
Ord. 7, Art. V, § 4	Repair and replacement	§ 2.04.040.D
Ord. 7, Art. V, § 5	Bonds	§ 2.04.040.E
Ord. 7, Art. VI, § 1	Variances: exemptions	§ 2.08.020
Ord. 7, Art. VI, § 2	Rules: procedures	§ 2.08.040
Ord. 7, Art. VI, § 3	Severability	§ 1.04.110
Ord. 7, Art. VI, § 4	Repeal of inconsistent prior provisions	Not codified
Ord. 7, Art. VI, § 5	Modification, additions, changes	Repealed
Ord. 7, Art. VI, § 6	Effective date	Not codified

Ord. 8, Art. I, § 24.2	Amends Ord. 5, Art. II, § 24.D.2 Backflow prevention device installation	§ 3.28.030.B.2
Ord. 8, Art. II, § 1	Variances: exemptions	§ 2.08.020
Ord. 8, Art. II, § 2	Rules: procedures	§ 2.08.040
Ord. 8, Art. II, § 3	Severability	§ 1.04.110
Ord. 8, Art. II, § 4	Repeal of inconsistent prior provisions	Not codified
Ord. 8, Art. II, § 5	Effective date	Not codified
Ord. 9, Art. I	Purpose	Not codified
Ord. 9, Art. II, § 2.1	Notice to actual users	§ 3.20.010
Ord. 9, Art. II, § 2.2	Contents of notice	§ 3.20.020
Ord. 9, Art. II, § 2.3	Service to actual users	§ 3.20.030
Ord. 9, Art. III, § 3.1	Restriction on termination	§ 3.20.040
Ord. 9, Art. III, § 3.2	Complaints: requests for investigation	§ 3.20.050
Ord. 9, Art. III, § 3.3	Amortization agreements	§ 3.20.060
Ord. 9, Art. III, § 3.4	Appeals	§ 3.20.070
Ord. 9, Art. IV, § 4.1	Notice of termination	§ 3.20.080
Ord. 9, Art. IV, § 4.2	Manner of delivery	§ 3.20.090
Ord. 9, Art. IV, § 4.3	Time of mailing and termination	§ 3.20.100
Ord. 9, Art. IV, § 4.4	Contents of notice	§ 3.20.110
Ord. 9, Art. IV, § 4.5	Personal notice	§ 3.20.120
Ord. 9, Art. IV, § 4.6	Failure to comply with amortization agreement	§ 3.20.130
Ord. 9, Art. IV, § 4.7	Wrongful termination	§ 3.20.140
Ord. 9, Art. V	Cessation of water service when business office not open	§ 3.20.150
Ord. 9, Art. VI, § 6.1	Variances: exemptions	§ 2.08.020
Ord. 9, Art. VI, § 6.2	Rules: procedures	§ 2.08.040
Ord. 9, Art. VI, § 6.3	Severability	§ 1.04.110
Ord. 9, Art. VI, § 6.4	Repeal of inconsistent prior provisions	Not codified
Ord. 9, Art. VI, § 6.5	Modifications, additions, changes	Repealed
Ord. 9, Art. VI, § 6.6	Effective date	Not codified
Ord. 10	Employee representation	Repealed (Sections 1 and 2 previously repealed by Ord. 34)
Ord. 11, § 2 and 3	Water and sewer rates	Repealed (Articles 2 and 3 previously repealed by Ord. 34)
Ord. 12, Art. I, § 1.1	Purpose	Not codified
Ord. 12, Art. I, § 1.2	Exiting fees and charges	Not codified
Ord. 12, Art. II, § 2.1	Sewer capacity charge	§ 6.12.040
Ord. 12, Art. II, Schedule 1	Summary of fees	Appendix D
Ord. 12, Art. III, § 3.1	Water capacity charge	Repealed by Ord. 34
Ord. 12, Art. IV, § 4.1	Variances: exemptions	§ 2.08.020
Ord. 12, Art. IV, § 4.2	Rules: procedures	§ 2.08.040
Ord. 12, Art. IV, § 4.3	Severability	§ 1.04.110
Ord. 12, Art. IV, § 4.4	Repeal of inconsistent prior provisions	Not codified
Ord. 12, Art. IV, § 4.5	Effective date	Not codified
Ord. 13, § 1	Adopts Ch. 15.08 of Monterey County code, with exceptions	§ 3.32.010.A Appendix B
Ord. 13, § 2	Changes to Ch. 15.08	§ 3.32.010.B Appendix B
Ord. 13, § 3	Reports	Repealed
Ord. 13, § 4	Severability	§ 1.04.110
Ord. 13, § 5	Repeal of inconsistent provisions	Not codified
Ord. 13, § 6	Effective date	Not codified
Ord. 13 A	Renumbered Ordinance 12 to Ordinance 13	Not codified
Ord. 14	Water capacity charges	Repealed by Ord. 34
Ord. 15		
Ord. 16		
Ord. 17, Art. I, § 1.1	Purpose	Not codified
Ord. 17, Art. II, § 2.1	Water capacity charges	Repealed
Ord. 17, Art. II, § 2.2	Capacity charge for non-residential	Part repealed Part to § 6.08.090

	water service	
Ord. 18, § 1	Purpose	Not codified
Ord. 18, § 2	Definition	§ 1.04.010
Ord. 18, § 3	Severability	§ 1.04.110
Ord. 18, § 4	Repeal of prior inconsistent provisions	Not codified
Ord. 18, § 5	Effective date	Not codified
Ord. 18, § 6	Notice of exemption	Not codified
Ord. 19	Water and sewer charges and rates	Repealed
Ord. 20	Water conservation	Repealed by Ord. 25
Ord. 21, § 1	Findings	Not codified
Ord. 21, § 2	Purpose	Not codified
Ord. 21, § 3	Existing fees and charges	Not codified
Ord. 21, §§ 4 and 5	Water and sewer charges and rates	Repealed by Ord. 34
Ord. 21, § 6	Deposit for construction inspection	§ 6.16.010.B.1
Ord. 21, § 7	Variances: exemptions	§ 2.08.020
Ord. 21, § 8	Rules: procedures	§ 1.04.120
Ord. 21, § 9	Severability	§ 1.04.110
Ord. 21, § 10	Interpretation: repeal of prior inconsistent provisions	Not codified
Ord. 21, § 11	Effective date	Not codified
Ord. 21, § 12	Notice of exemption	Not codified
Ord. 22	Water conservation	Repealed by Ord. 25
Ord. 23	Codification of ordinances	Repealed
Ord. 24, § 1	Findings	Not codified
Ord. 24, § 2	Purpose	Not codified
Ord. 24, § 3	Existing fees and charges	Not codified
Ord. 24, § 4(a)	Water charges	Repealed by Ord. 34
Ord. 24, § 4(b)	Long-term water supply	§ 6.08.070
Ord. 24, § 4(c)	Private water service	§ 6.08.080
Ord. 24, § 5	Sewer rates	Repealed by Ord. 34
Ord. 24, § 6	Variances: exemptions	§ 2.08.020
Ord. 24, § 7	There is no § 7 in Ord. 24	
Ord. 24, § 8	Rules: procedures	§ 1.04.120
Ord. 24, § 9	Severability	§ 1.04.110
Ord. 24, § 10	Interpretation: repeal of prior inconsistent provisions	Not codified
Ord. 24, § 11	Effective date	Not codified
Ord. 25, § 1	Authority	Not codified
Ord. 25, § 2	Findings	Not codified
Ord. 25, § 3	Purpose	§ 3.36.010
Ord. 25, § 4	Definitions	§ 1.04.010
Ord. 25, § 5	Application	§ 3.36.020
Ord. 25, § 6	Mandatory restrictions on water waste	§ 3.36.030
Ord. 25, § 7	Enforcement/administration	§ 3.36.040
Ord. 25, § 8	Violations/notices	§ 3.36.050
Ord. 25, § 9	Nuisances, abatement, injunctive relief	§ 3.36.060
Ord. 25, § 10	Variances	§ 2.08.020
Ord. 25, § 11	Appeals	§ 2.08.030
Ord. 25, § 12	Revenues received from enforcement	§ 2.08.050
Ord. 25, § 13	Severability	§ 1.04.110
Ord. 25, § 14	Rules and procedures	§ 1.04.120
Ord. 25, § 15	Repeal of inconsistent prior provisions	Not codified
Ord. 25, § 16	Effective date	Not codified
Ord. 25, § 17	Conjunctive application	Not codified
Ord. 25, § 18	Notice of exemption	Not codified
Ord. 26, § 1	Authority	Not codified
Ord. 26, § 2	Findings	Not codified
Ord. 26, § 3	Codification of the ordinance	Repealed
Ord. 26, § 4	Purpose of ordinance	Not codified
Ord. 26, § 5	Existing charges	Not codified

Ord. 26, § 6.A	Monthly minimum water charge	§ 6.08.060
Ord. 26, § 6.B	Monthly sewer collection charge	§ 6.12.050 Appendix D
Ord. 26, § 6.C.1	Capacity charges for new accounts - water	Repealed by Ord. 34
Ord. 26, § 6.C.2	Capacity charges for new accounts - wastewater	Repealed by Ord. 34
Ord. 26, § 6.D	User charge billing	§ 6.04.030
Ord. 26, § 6.E	Payment of charges: delinquencies	§ 6.04.040
Ord. 26, § 6.F	Waiver of resolution 91-16	Not codified
Ord. 26, § 7	Variances: exemptions	§ 2.08.020
Ord. 26, § 8	Rules and procedures	§ 1.04.120
Ord. 26, § 9	Severability	§ 1.04.110
Ord. 26, § 10	Interpretation: repeal of inconsistent provisions	Not codified
Ord. 26, § 11	Notice of exemption	Not codified
Ord. 26, § 12	Effective date	Not codified
Ord. 27, § 1	Authority	Not codified
Ord. 27, § 2	Findings	Not codified
Ord. 27, § 3	Codification	Repealed
Ord. 27, § 4	Purpose	Not codified
Ord. 27, § 5	Recycled water - general provisions	§ 4.28.040
Ord. 27, § 6	Variances: exemptions	§ 2.08.020
Ord. 27, § 7	Rules: procedures	§ 1.04.120
Ord. 27, § 8	Severability	§ 1.04.110
Ord. 27, § 9	Interpretation	Not codified
Ord. 27, § 10	Notice of exemption	Not codified
Ord. 27, § 11	Effective date	Not codified
Ord. 28, § 1	Authority	Not codified
Ord. 28, § 2	Findings	Not codified
Ord. 28, § 3	Codification	Repealed
Ord. 28, § 4	Purpose	Not codified
Ord. 28, § 5	Existing charges	Not codified
Ord. 28, § 6(A)	Water consumption rates	§ 6.08.100
Ord. 28, § 6(B)(1)	Water (potable and reclaimed) Capacity charges	§ 6.08.090
Ord. 28, § 6(B)(2)	Wastewater (sewer) capacity charges	§ 6.12.020
Ord. 28, § 7	Variances: exemptions	§ 2.08.020
Ord. 28, § 8	Rules: procedures	§ 1.04.120
Ord. 28, § 9	Severability	§ 1.04.110
Ord. 28, § 10	Interpretation	Not codified
Ord. 28, § 11	Notice of exemption	Not codified
Ord. 28, § 12	Effective date	Not codified
Ord. 29, § 1	Authority	Not codified
Ord. 29, § 2	Findings	Not codified
Ord. 29, § 3	Definitions	Code § 1.04.010
Ord. 29, § 4	Applicability	Code § 4.28.010
Ord. 29, § 5	Charges and fees	Code § 4.28.020
Ord. 29, § 6	Reclaimed water service availability	Code § 4.28.030
Ord. 29, § 7	Variances and exceptions	§ 2.08.020
Ord. 29, § 8	Rules and procedures	§ 1.04.120
Ord. 29, § 9	Severability	§ 1.04.110
Ord. 29, § 10	Interpretation and repeal of inconsistent provisions	Not codified
Ord. 29, § 11	Notice of exemption	Not codified
Ord. 29, § 12	Effective date	Not codified
Ord. 30, § 1	Authority	Not codified
Ord. 30, § 2	Findings	Not codified
Ord. 30, § 3	Purpose	Not codified
Ord. 30, § 4	Existing charges	Not codified
Ord. 30, § 5(A)	Water consumption rates	Code § 6.08.100

Ord. 30, § 6	Variances: exemptions	§ 2.08.020
Ord. 30, § 7	Rules: procedures	§ 1.04.120
Ord. 30, § 8	Severability	§ 1.04.110
Ord. 30, § 9	Interpretation	Not codified
Ord. 30, § 10	Notice of exemption	Not codified
Ord. 30, § 11	Effective date	Not codified
Ord. 31, § 1	Authority	Not codified
Ord. 31, § 2	Findings	Not codified
Ord. 31, § 3	Purpose	Not codified
Ord. 31, § 4.1	Sections renumbered	Repealed
Ord. 31, § 4.2	Well permits (Section 204 added)	Code § 3.32.030
Ord. 31, § 4.3	Enforcement/administration etc. (part 2 of Article 2 added)	Code § 3.32.050 Code § 3.32.060 Code § 3.32.070 Code § 2.08.020 Code § 2.08.030 Code § 2.08.050
Ord. 31, § 4.4	Nondistrict water wells restricted (Section 362 added)	§ 3.32.020
Ord. 31, § 5	Rules: procedures	§ 1.04.120
Ord. 31, § 6	Repeal of inconsistent provisions	Not codified
Ord. 31, § 7	Severability	§ 1.04.110
Ord. 31, § 8	Conjunctive application	Not codified
Ord. 31, § 9	Notice of exemption	Not codified
Ord. 31, § 10	Effective date	Not codified
Ord. 32, § 1	Authority	Not codified
Ord. 32, § 2	Findings	Not codified
Ord. 32, § 3	Codification	Repeals § 521 of District Code
Ord. 32, § 4	Purpose of ordinance	Not codified
Ord. 32, § 5(A)	Water consumption rates	Code § 6.08.100
Ord. 32, § 6	Wastewater rates	Code § 6.12.05
Ord. 32, § 7.A	Headings amendment	Repealed
Ord. 32, § 7.B	Capacity charge	Code § 3.08.060
Ord. 32, § 8	Existing charges	Not codified
Ord. 32, § 9	Severability	§ 1.04.110
Ord. 32, § 10	Variances: exemptions	§ 2.08.020
Ord. 32, § 11	Rules: procedures	§ 1.04.120
Ord. 32, § 12	Severability	§ 1.04.110
Ord. 32, § 13	Interpretation	Not codified
Ord. 32, § 14	Notice of exemption	Not codified
Ord. 32, § 15	Effective date	Not codified
Ord. 33, § 1	Authority	Not codified
Ord. 33, § 2	Findings	Not codified
Ord. 33, § 3	Purpose	Not codified
Ord. 33, § 4(A)	Definitions	§ 1.04.010
Ord. 33, § 4(B-F)	New construction, conversion of existing structures, other multi-family water uses, meter location, meter type and size.	§ 3.36.030(W)
Ord. 33, § 5	Severability	§ 1.04.110
Ord. 33, § 6	Rules and regulations	§ 1.04.120
Ord. 33, § 7	Interpretation	Not codified
Ord. 33, § 8	Conjunctive application	Not codified
Ord. 33, § 9	Effective date	Not codified
Ord. 34, § 1	Authority	Not codified
Ord. 34, § 2	Findings	Not codified
Ord. 34, § 3	Purpose	Not codified
Ord. 34, § 4	Repeal of superseded or obsolete ordinances	Not codified
Ord. 34, § 5	Repeal not revive ordinances	Not codified
Ord. 34, § 6	Effect of repeal	Not codified
Ord. 34, § 7	Definitions	Code §1.04.010
Ord. 34, § 8.A	Bills and payment	Code § 2.06.010.B



Ord. 34, § 8.B	Disputed bills	Code § 2.06.020
Ord. 34, § 8.C	Monthly water rates and charges	Code § 6.08.010
Ord. 34, § 8.D	Monthly sewer rates and charges	Code § 6.12.010
Ord. 34, § 9.A	Definitions	Code § 1.04.010
Ord. 34, § 9.B	Title of office	Code § 1.04.020
Ord. 34, § 9.C	Interpretation of language	Code § 1.04.030
Ord. 34, § 9.D	Grammatical interpretation	Code § 1.04.040
Ord. 34, § 9.E	Acts by agents	Code § 1.04.050
Ord. 34, § 9.F	Prohibited acts include causing and permitting	Code § 1.04.060
Ord. 34, § 9.H	Computation of time	Code § 1.04.070
Ord. 34, § 9.I	Construction	Code § 1.04.090
Ord. 34, § 9.J	Repeal shall not revive any ordinance	Code § 1.04.100
Ord. 34, § 10	Severability	§ 1.04.110
Ord. 34, § 11	Rules and regulations	§ 1.04.120
Ord. 34, § 12	Interpretation	Not codified
Ord. 34, § 13	Conjunctive application	Not codified
Ord. 34, § 14	Effective date	Not codified

**EXHIBIT A OF CHAPTER 2.09**

**Marina Coast Water District**  
Sample Emergency Proclamation

Whereas, Marina Coast Water District Ordinance No. 44 empowers the General Manager to proclaim the existence or threatened existence of a local emergency when Marina Coast Water District is affected or likely to be affected by a public calamity, and the Marina Coast Water District Board of Directors is not in session, and;

Whereas, the General Manager of Marina Coast Water District does hereby find:

1. That conditions of extreme peril to the safety of persons and property have arisen or are likely to arise within said Marina Coast Water District, caused by \_\_\_\_\_ (fire, flood, storm, mudslides, torrential rain, wind, earthquake, drought, act of terrorism) or other causes; which began on the \_\_\_\_\_ the day of \_\_\_\_\_, 200\_\_\_\_\_; and,:
2. That these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of Marina Coast Water District; and:
3. The Marina Coast Water District Board of Directors is not in session.

Now, therefore, it is hereby proclaimed that a local emergency now exists in the Marina Coast Water District; and,

It is further proclaimed and ordered that during the existence of said local emergency the powers, functions, and duties of the emergency organization of Marina Coast Water District shall be those prescribed by state law, by ordinances, and resolutions of the Marina Coast Water District, and; that this emergency proclamation shall expire in 7 days after issuance unless confirmed and ratified by Board of Directors of the Marina Coast Water District or extended by the General Manager.

Dated: \_\_\_\_\_ by:  
Print Name \_\_\_\_\_, General Manager  
Address \_\_\_\_\_  
*(Ord. 44 § 4 (part), 2007)*

## CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a numerical listing of the ordinances of the Marina Water Code District beginning with Supplement No. 9, included in this Code.

Ordinance

Number	Date	Description	Section	Section this Code
51	7-23-2008	Changes rates, fees and charges for water and sewer services	4	6.08.030(F)
			5	6.08.060
			6	6.08.090
			7	6.08.100
			8	6.12.020 6.12.040
			9	6.12.050
52	8-10-2010	Water and sewer fees and charges	4	6.08.030(F)
			5	6.08.060
			6	6.08.090(A)
			7	6.08.100(A)
			8	6.12.020(A), 6.12.040
			9	6.12.050
53	5-27-2010	Local hiring for public works	4 Added	2.10.010 2.10.060
54	6-14-2011	Changes rates, fees and charges for water and sewer services	4	6.08.030(F)
			5	6.08.060
			6	6.08.100
			7	6.12.050

**ORDINANCE LIST AND DISPOSITION TABLE  
FOR MARINA COAST WATER DISTRICT, CALIFORNIA**

Beginning with Supplement No. 9, this table will be replaced with the "Code Comparative Table and Disposition List."

Ordinance Number	
1	Rules and regulations for water service (3.04, 3.08, 3.12, 3.16, 3.20, 3.24)
2	Installation and use of public and private sewers and drains (4.04, 4.08, 4.12, 4.16, 4.20, 4.24, 6.04, 6.08)
3	Employer-employee relations (2.08)
3A	Amends Art. II §§ 7, 8, 12, 13, 14 and 15 of Ord. 1, rules and regulations for water service (3.08, 3.16, 3.20)
4	Amends Art. II § 24 of Ord. 1, rules and regulations for water service (Repealed by 5)
5	Repeals and replaces Art. II § 24 of Ord. 1 and repeals Ord. 4, rules and regulations for water service (3.28)
6	Fees and charges for water and sewer service (5.04, 5.08, 5.12, 5.16)
7	Requirements for work authorized by permit (2.04)
8	Adds subsection (D)(2)(b) and other provisions to § 24 of Ord. 5, rules and regulations for water service (3.28)
9	Termination of residential utility service (3.20)
10	Adds § 7.05 to and amends §§ 3.03 and 3.05 of Ord. 3, employer-employee relations; renumbers Ord. 3 dated 2/10/87 to be Ord. 3A (2.08)
11	Amends Ords. 1 and 2, rates and charges for water and sewer service (Repealed by 34)
12	Adds provisions to Ord. 6, fees and charges for water and sewer service (5.12)
13	Adopts and amends Monterey County Code Ch. 15.08 by adding §§ 15.08.020(A)(16), 15.08.050(C) and 15.08.150(D), amending §§ 15.08.140(B), 15.08.150(B), 15.08.170 and 15.08.200 (A) and (D), and repealing § 15.08.130, well standards (3.32)
13A	Renumbers Ord. 12 dated 2/1/90 to be Ord. 13 (3.32)
14	Water service capacity charges (Repealed by 34)
15	Water service capacity charges (Repealed by 34)
16	Water service capacity charges (Repealed by 34)
17	Water service capacity charges (5.08)
18	Clarifies definitions used in Ords. 6 and 12 related to fees and charges for water and sewer service (5.04)
19	Fees and charges for water and sewer service (Repealed by 34)
20	Water conservation (Repealed by 25)
21	Fees and charges for water and sewer service (5.16)
22	Adds §§ 52.11, 330.5, 330.6 and 346.2.3 to prior code; amends prior code §§ 40, 52.4, 330.3, 330.4, 341 heading, 341.1.1, 341.1.7, 341.2, 346.1, 346.18, 347.1, 347.2.1 and 347.2.3; repeals § 347.2.2, water conservation (Repealed by 25)
23	Adopts the Marina County Water District Code
24	Amends Ord. 21, fees and charges for water and sewer service (5.08)
25	Water conservation; repeals Ords. 20 and 22 (3.36)
26	Fees and charges for water and sewer service; amends § 1.17 of the water code and § 8.23 of the sewer code (5.04, 5.08, 5.12)
27	Adds to and amends prior code Art. 5, Part 2, §§ 551 and

	571, fees and charges for water and sewer service (4.28)
28	Fees and charges for water and sewer service (5.08, 5.12)
29	Fees and charges for water and sewer service (4.28)
30	Fees and charges for water and sewer service (5.08)
31	Renumbers prior code §§ 204, 205, 206, 207 and 208 to be 203.8, 203.9, 203.10, 203.11 and 203.12; adds §§ 204, 250, 251, 252, 253, 254, 255 and 362 to prior code; renumbers §§ 358.6, 358.7, 358.8 and 359.9 [358.9] to be 361.6, 361.7, 361.8 and 361.9, restrictions on nondistrict wells (3.32)
32	Amends prior code §§ 501, 532.2.2 and 533, Ord. 1, §§ 29.A.2.b and 29.B, Ord. 26 § 6.B and Ord. 30, § 5.A; repeals prior code § 521, water service regulations (3.08, 5.08, 5.12)
33	Adds certain provisions to Ord. 25; repeals Ord. 25, § 6(W), water conservation regulations (3.36)
34	Adds definitions to T. 3 and Ord. 1 and general provisions to T. 1; amends Ord. 1, Art. II, §§ 12(B)(3), 13, 16(A) and Ord. 2, § 923; repeals Ord. 6, Art. II, § 2(a) and (d), Ord. 11, Arts. 2 and 3, Ord. 12, § 3.1, Ords. 14, 15 and 16, Ord. 17, § 2.1, Ord. 19, Art. II and § 3.1, Ord. 21, §§ 4 and 5, Ord. 24, §§ 4(a) and 5, Ord. 26, §§ 6(C)(1), 6(C)(2) and Ord. 28, § 6(A), various provisions (1.04, 3.04, 3.16, 4.24, 5.08)
35	Adopts the Marina Coast Water District Code and repeals and replaces former code (1.01)
36	Amends §§ 6.08.020, 6.08.030, 6.08.040, 6.08.060, 6.08.090, 6.08.100, 6.12.040 and 6.12.050, fees and charges for water and sewer service (6.08, 6.12)
37	Amends §§ 1.04.010, 3.36.050, 6.04.020, 6.08.030, 6.08.090, 6.08.100, 6.12.020, 6.12.040, 6.12.050 and Appendices C, D and E, fees and charges for water and sewer service (1.04, 3.36, 6.04, 6.08, 6.12)

**\*Editor's Notes: The Marina Coast Water District Code is represented through underlying ordinances; however, parts of the code adopted by Ordinance 23 appear in Appendices A,B, and C of this code. Ordinance 35 adopts the Marina Coast Water District Code and repeals and replaces former code as referenced in Section 1.01.070.**

Ordinance Number	
38	Adds § 1.04.065, general provisions; amends § 1.04.010, general provisions, §§ 3.12.010 and 3.36.030, water service system, §§ 5.20.040—5.20.060, public sewers and § 6.08.020, water service charges (1.04, 3.12, 3.36, 5.20, 6.08)
39	Adds § 6.16.030; amends § 1.04.010, other fees and charges, general provisions (1.04, 6.16)
40	Amends Ch. 3.36, water conservation (3.36)
41	Amends Ch. 3.36, water conservation (3.36)
42	Amends §§ 1.04.010 and 3.36.030, dwelling unit (1.04, 3.36)
43	Adds § 6.04.050, general provisions (6.04)
44	Adds Ch. 2.09 and Appendix G; amends Appendix E; repeals § 6.04.020(B), local emergency, general provisions (2.09, 6.04)
45	Amends § 2.08.020, variances and appeals (2.08)
46	Urgency ordinance adding §§ 6.08.090(D) and 6.12.020(D) and amending § 1.04.010, general provisions, water and sewer service charges (1.04, 6.08, 6.12)
47	Adds §§ 6.08.090(D) and 6.12.020(D); amends § 1.04.010, general provisions, water and sewer service charges (1.04, 6.08, 6.12)
48	Urgency ordinance adding §§ 6.08.090(D) and 6.12.020(D), water and sewer service charges (6.08, 6.12)

49	Urgency ordinance adding §§ 6.08.090(D) and 6.12.020(D), water and sewer service charges (6.08, 6.12)
50	Amends Appendix C, water capacity charges (Appendix C)

Beginning with Supplement No. 9, this table will be replaced with the "Code Comparative Table and Disposition List."