MARINA COAST WATER DISTRICT
ORDINANCE NO. 66

AN ORDINANCE AMENDING
CHAPTER 1.04, SECTION 1.04.010 AND
CHAPTER 3.36, SECTION 3.36.030
OF THE MARINA COAST WATER DISTRICT CODE

Be it ordained by the Board of Directors of
Marina Coast Water District
as follows:

Section 1. Authority. This Ordinance is enacted pursuant to County Water District Law, Water Code section 30000 et seq., Water Code sections 375 and 376, and Water Code section 10608.14.

Section 2. Findings.

A. This ordinance is considered for action by the Board of Directors at a regularly scheduled and noticed meeting. The agenda was posted in accordance with the Brown Act with an opportunity for public review in advance of the meeting and public comment during consideration of the ordinance by the Board. The District has complied with the publication, notice, and hearing requirements of Water Code section 375, and will publish this ordinance as required by Water Code section 376.

B. The protection, conservation, and replenishment of the underground water supplies is one of the main functions of a County Water District. (Atchinson Etc. Ry Co. V. Kings Co. Water District, (1956) 47 Cal. 2d 140, 146). The District has the power to perform all acts necessary to carry out fully the provision of the County Water District Law (Water Code 31001), may establish rules and regulations for the distribution and use of water (Water Code 31024), may undertake a water conservation program to reduce water use (Water Code 31035), may commence and maintain actions and proceedings to prevent interference with or diminution of any natural subterranean supply of water which may (a) be used or useful for any purpose of the District, (b) be of common benefit to the land or its inhabitants, or (c) endanger the inhabitants or land (Water Code 31082), and may by ordinance require water conservation and prevent water waste (Water Code 31029.1). The ordinance may provide that violation of the ordinance is an infraction or nuisance, may provide for the recovery of costs to eliminate or mitigate the nuisance and may establish civil penalties to be assessed by a court against persons found to have committed a nuisance. (Water Code 31029.1).

   Wasteful water use practices in the area served by the District constitute a potential threat to, and an unacceptable diminution of the District's underground water supplies. The prevention of water waste is an economically and environmentally feasible way to protect, conserve and prevent unacceptable diminution of the District's underground water supplies.

C. The Board of Directors finds that it is in the best interests of the District to adopt this ordinance.

Section 3. Purpose of Ordinance. The purpose of this Ordinance is to amend sections 1.04.010 and 3.36.030.

Section 4. General Provisions. Chapter 1.04, Section 1.04.010, Definitions, is hereby amended by adding the following definitions:

"CII" refers to commercial water users, industrial water users, and institutional water users as defined in Water Code, section 10608.12, subdivisions (f), (p), and (q), respectively.

"Common area" means that portion of a common interest development or of a property owned or managed by a homeowners' association or a community service organization or similar entity that is not assigned or allocated to the exclusive use of the occupants of an individual dwelling unit within the property, as defined in Water Code, section 10608.12, subdivision (g).

"Common interest development" has the same meaning as in Section 4100 of the Civil Code, as defined in Water Code section 10608.12, subdivision (h).

"Community service organization or similar entity" has the same meaning as in Section 4110 of the Civil Code, as defined in Water Code section 10608.12, subdivision (i).

"Community space" means an area designated by a property owner or a governmental agency to accommodate human foot traffic for civic, ceremonial, or other community events or social gatherings, as defined in Water Code section 10608.12, subdivision (j).

"Disadvantaged community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income, as defined in Water Code section 10608.12, subdivision (l). For purposes of section 3.36.030(B)(4), whether a property is located in a disadvantaged community shall be determined as provided in section 3.36.030(B)(4)(e).

"Functional turf" means a ground cover surface of turf located in a recreational use area or community space. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly is not functional turf, as defined in Water Code section 10608.12, subdivision (m).

"Homeowners' association" means an "association" as defined in Section 4080 of the Civil Code, per Water Code section 10608.12, subdivision (o).

"Non-functional turf" or "nonfunctional turf" means any turf that is not functional turf, and includes turf located within street rights-of-way and parking lots, as defined in Water Code section 10608.12, subdivision (u).

"Recreational use area" means an area designated by a property owner or governmental agency to accommodate human foot traffic for recreation, including, but not limited to, sports fields, golf courses, playgrounds, picnic grounds, or pet exercise areas. This recreation may be either formal or informal, per Water Code section 10608.12 subdivision (aa).

"Turf" has the same meaning as defined in Section 491 of Title 23 of the California Code of Regulations, per Water Code section 10608.12, subdivision (ae).

Section 5. In Section 3.36.030, Mandatory restrictions on water waste, a new Subsection 4 is added to Section B, Watering/Irrigation, and Sections S, New Construction, T, New Additions, Renovations, or Remodels, U, Retrofitting Existing Hotels/Motels and Apartment Buildings, and V, Retrofitting Upon Change of Ownership or Use are amended in their entirety.

Section B, Watering/Irrigation.

4. Nonfunctional Turf. No person shall use, suffer, or permit the use of potable water, as defined in Water Code section 10608.12, subdivision (x), for the irrigation of nonfunctional turf located on commercial, industrial, or institutional property, other than a cemetery, or on the common areas of property of a homeowners' association, common interest development, or community service organization or similar entity, beginning on the following dates:

a. All properties owned by the State of California Department of General Services, and all properties owned by local governments, local or regional public agencies, and public water systems, except those described in subparagraph (d), beginning January 1, 2027 (Wat. Code, section 10608.14, subdivision (a)(1), (2));

b. All other institutional properties and all commercial and industrial properties, beginning January 1, 2028 (Water Code section 10608.14, subdivision (a)(3));

c. All common areas of properties of homeowners' associations, common interest developments, and community service organizations or similar entities, beginning January 1, 2029 (Water Code section 10608.14, subdivision (a)(4)); and

d. All properties owned by local governments, local public agencies, and public water systems in a disadvantaged community, beginning January 1, 2031, or the date upon which a state funding source is made available to fund conversion of nonfunctional turf on these properties to climate-appropriate landscapes, whichever is later (Water Code section 10608.14, subdivision (a)(5)).

e. For purposes of subparagraph (d), a property is located in a disadvantaged community if the property is located within a census tract or block group designated as a disadvantaged community, as defined in Water Code section 10608.12, subdivision (l).

f. This prohibition does not apply to the use of potable water to the extent necessary to ensure the health of trees and other perennial nonturf plantings, or to the extent necessary to address an immediate health and safety need. (Water Code section 10608.14, subdivision (b).)

g. This prohibition does not restrict the use of recycled water, as defined in Water Code section 10608.12, subdivision (ab), or other non-potable water for the irrigation of nonfunctional turf. Recycled water use shall be in accordance with Chapter 4.28, Recycled Water, of this code.

h. Any compliance date in this subsection shall be deemed extended for a person, institution, or business to the extent the State Water Resources Control Board postpones that date pursuant to Water Code section 10608.14, subdivision (c).

S. New Construction.

1. In all new construction, the following applies:

a. Only high efficiency toilets (HET) or ultra-high efficiency toilets (UHET) with a maximum flush volume of 1.28 gallons per flush or less that meet the District's standard specifications shall be installed. Dual flush toilets may qualify as HET. No toilet at or above 1.6 gallons per flush will be installed.

b. There shall be one control valve, or one set of hot and cold valves required for each low flow showerhead which shall have a maximum flow rate of not more than 1.8 gallons per minute. Showerheads shall be certified to the performance criteria of the U.S. EPA and WaterSense specification for showerheads.

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 wall-mounted urinals at or less than 0.125 gallons per flush and floor-mounted urinals at or less than 0.5 gallons per flush, in that they shall not use water to flush waste.

e. All new water fixtures shall comply with current California plumbing and energy standards/codes when more restrictive than the District's.

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. High efficiency toilets (HET), ultra-high efficiency toilets (UHET) with a maximum flush volume of 1.28 gallons per flush or less, or wall-mounted urinals at or less than 0.125 gallons per flush and floor-mounted urinals at or less than 0.5 gallons per flush (in place of water use urinals);

b. Showerheads with a maximum flow capacity of not more than 1.8 gallons per minute. Showerheads shall be certified to the performance criteria of the U.S. EPA and WaterSense specification for showerheads; and

c. New additions, renovations, or remodels must also include the replacement or retrofitting of all existing toilets and showerheads with WaterSense showerheads, HET's or UHET's; and,

d. Faucets shall be replaced or retrofitted to flow at the following maximum flow rates:

i. Lavatory faucets in common and public use areas – 0.5 gallons per minute

ii. Residential lavatory faucets – 1.2 gallons per minute

iii. Metering faucets – 0.2 gallons per minute

iv. Kitchen faucets – 1.8 gallons per minute

e. All new water fixtures shall comply with the current California plumbing and energy standards/codes when more restrictive than the District's.

f. Dedicated landscape water meters or submeters, isolation valves, pressure regulation, weather-based irrigation controllers, and master shut-off valves for landscapes that are being rehabilitated, are associated with the permitted work, and have an aggregate landscape area equal to or greater than 2,500 square feet.

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 WaterSense certified 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 WaterSense certified showerheads. Faucets shall be replaced or retrofitted to flow at the following maximum flow rates:

1. Lavatory faucets in common and public use areas – 0.5 gallons per minute
2. Guest room and residential lavatory faucets – 1.2 gallons per minute
3. Metering faucets – 0.2 gallons per cycle
4. Kitchen faucets – 1.8 gallons per minute

V. Retrofitting Upon Change of Ownership or Use.

1. Upon change of ownership or use, all existing single-family and multi-family residential structures shall be retrofitted, if not already so, with HET's or UHET's with a maximum flush volume of 1.28 gallons per flush or less, and WaterSense certified showerheads with a maximum flow capacity not more than 1.8 gallons per minute. Faucets shall be replaced or retrofitted to flow at the following maximum flow rates:
   a. Lavatory faucets in common areas – 0.5 gallons per minute
   b. Residential lavatory faucets – 1.2 gallons per minute
   c. Residential kitchen faucets – 1.8 gallons per minute
2. Upon change of ownership or use, all existing commercial, institutional, and industrial structures shall be retrofitted, if not already so, with HET's or UHET's with a maximum flush volume of 1.28 gallons per flush or less, and WaterSense certified showerheads with a maximum flow capacity not more than 1.8 gallons per minute. High efficiency clothes washing machines using a maximum of 8.5 gallons of water per cubic foot of laundry shall also be utilized. All urinals will be retrofitted to wall-mounted urinals at or less than 0.125 gallons per flush and floor-mounted urinals at or less than 0.5 gallons per flush. Faucets shall be replaced or retrofitted to flow at the following maximum flow rates:
   a. Lavatory faucets in common and public use areas – 0.5 gallons per minute
   b. Lavatory faucets - 0.5 gallons per minute
   c. Metering faucets - 0.2 gallons per minute
   d. Kitchen faucets – 1.8 gallons per minute
3. All replacement water fixtures shall comply with current California plumbing and energy standards/codes when more restrictive than the District's.

Section 6. 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 Ordinance. The General Manager shall implement and administer this Ordinance. The General Manager shall report to the Board all factors which affect the implementation of this Ordinance and shall maintain a separate file of violations of this Ordinance and a file of any requests for variances from this Ordinance.

Section 7. Effective Date. All sections of this Ordinance shall be in full force and effect immediately upon adoption pursuant to Water Code section 376 (a).

Section 8. Publication and Posting. Within 10 days after adoption, the District shall publish, in a newspaper published in Monterey County and circulated within the District, this ordinance with the names of those directors voting for and against adoption, and shall post in the District

office a certified copy of the full text of this ordinance as adopted along with the names of those directors voting for and against adoption.

Section 9. Interpretation. Words and phrases used in this ordinance shall be read conjunctively with and shall have the same meaning as in prior District ordinances and the District Code, unless specifically changed by this ordinance or unless the context requires some other construction. If there is any inconsistency between this ordinance and prior provisions, this ordinance shall control.

On motion of Director[ ], seconded by Director[ ]; the foregoing Ordinance is enacted and shall take effect upon adoption by the following roll call of the Board:

Ayes: _____

Nays: _____

Absent: _____

Abstained: _____

By _____
Gail Morton, President

ATTEST:

_____
Remleh Scherzinger, Secretary

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that the foregoing Ordinance No. 66 was adopted and approved by the Board of Directors at their regular meeting on December 14, 2026.

_____
Remleh Scherzinger, Secretary