

Title 1 GENERAL PROVISIONS

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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1.01.030 Repeal of superseded or obsolete ordinances.

As provided in Section 1.01.060, certain superseded ordinances or sections of ordinances are repealed, and certain sections of ordinances are amended and the language superseded by the amendments is repealed, and provisions of district ordinances in effect on the adoption date of Ordinance No. 35 are recompiled and recodified as set forth in Section 1.10.070.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

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therein lists the subject matter of each superseded provision and any corresponding replacement provisions.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)

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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.

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"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.

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"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.

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"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.

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"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.

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"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.

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"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)

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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)