

McKINLEYVILLE COMMUNITY SERVICES DISTRICT

POST OFFICE BOX 2037

McKINLEYVILLE, CALIFORNIA 95521

707-839-3251

December 16, 1988

Ordinance No. 34, which was adopted by the Board of Directors on December 15, 1988, was posted in the following Public places:

1. Notice put on door of office building at 1656 Sutter Rd., McKinleyville
2. Laundromat, (John C. Ayres), 1549 City Center Rd., McKinleyville
3. Cask And Flask Liquors, McKinleyville Shopping Center, 1523 City Center Road, McKinleyville, California


Wilmot F. Cooke, Secretary

ORDINANCE NO. 34

AN ORDINANCE AMENDING ORDINANCE NO. 3 ESTABLISHING
RATES, RULES AND REGULATIONS FOR WATER SERVICE
BY THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT

BE IT ORDAINED by the Directors of McKinleyville Community Services District, Humboldt County, California as follows:

Ordinance No. 25 passed and adopted on the 26th of April 1984 is hereby deleted and declared nul and void.

Ordinance No. 32 passed and adopted on the 19th of March 1987 is hereby deleted and declared nul and void.

Ordinance No. 3, Articles 6 and 7 passed and adopted on the 7th of September 1972 are hereby deleted and declared nul and void.

BE IT FURTHER ORDAINED that Ordinance No. 3, Article 6 is revised to read as follows:

ARTICLE 6 COMMUNITY WATER FACILITIES CONSTRUCTION

100. Permit Required. No person shall construct, extend or connect to any community water facilities without first obtaining a written approval from the District and paying all fees and furnishing bonds as required therein.

101. Plans, Profiles and Specifications. The application for community water line construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the District prepared by a Registered Civil Engineer showing all details for 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 Manager who shall approve

them as filed or require them to be modified as he deems necessary for proper installation. After examination by the Manager, and approval by the Board of Directors, a permit shall be issued predicated upon the payment of all fees and furnishing bonds as required by the District. The permit shall prescribe such terms and conditions as the Manager finds necessary in the public interest.

102. Extension Charges General. In general, those requiring service that requires a main extension to or in front of their property shall pay the entire cost of such service, which in some cases may be partially reimbursable if other parties connect, or as allowed by District Ordinance. Upon application, the Manager will determine the cost of such extension and arrange for such extension, either by District or outside contract services. Upon approval by the Board, and upon advance of funds by the applicant for such work, the District will cause the work to be performed. The applicant may provide for the construction in accordance with District specifications. If the work is to be accomplished by District forces, or by outside contract, the estimated cost will be placed on deposit prior to the commencement of work. Any actual difference in cost will either be refunded to the applicant or paid in addition by them prior to the use of the main extension.

103. Notwithstanding the provisions of Section 102 above, the Board of Directors may approve alternate methods for funding main extensions where they determine it is in the interest of the general public's health, safety and welfare.

PERMITS AND FEES

104. Public Water Construction Permit. An amount equal to 3% of the estimated construction cost shall be deposited by the applicant prior to commencement of construction. Actual cost will be charged when the project is approved and accepted by the District.

105. Plan Check Fees. A plan check fee in the amount of 2% of the estimated construction cost for main extensions and the engineering review of subdivisions will be charged when an application for service is filed with the District. Actual cost will be charged when the application is approved by the Board of Directors.

106. No person shall uncover, make a connection with or opening into, use, alter, extend, or disturb any public water facilities or perform any work without first obtaining a written permit from the District.

107. Application for permit. Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. They shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The Manager may require plans, specifications or drawings and such other information as may be deemed necessary.

108. Subdivisions. The requirements of this Ordinance shall be fully complied with before any final subdivision map shall be approved by the County or District. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights of way in which community water lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing water facilities to serve the tract is not completed within the time limit allowed in the permit, the Manager 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.

109. Easements or Rights of Way. In the event that an easement is required for the extension of the community water or the making of connections, the applicant shall procure and have accepted by the Manager proper easement or grant of right of way sufficient in width to allow the laying and maintenance of such

extension or connection, normally 20 feet minimum.

110. Persons Authorized To Perform Work. Only properly licensed contractors shall be authorized to perform the work of community water construction within the District. All terms and conditions of the permit issued by the County and District to the applicant shall be binding on the contractor.

111. Grade Stakes. Grade and line stakes shall be set by a Registered Civil Engineer or Licensed Land Surveyor prior to the start of work on any community water facilities construction.

112. Compliance With Local Regulations. Any person constructing water facilities within a street shall comply with all state and county laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, safety, lighting and protecting 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.

113. 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 water line facility is under construction and of each dangerous condition to be encountered as a result thereof. The applicant shall also protect the public in the use of the sidewalk against any such conditions in connection with the construction. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the County and District and any other person having jurisdiction thereover.

114. Design and Construction Standards. Minimum standards for the design and construction of water facilities within the District shall be in accordance with the applicable provisions of

the ordinances, rules and regulations heretofore or hereinafter adopted by the District, copies of which are on file in the office of the Manager. The District may permit modifications or may require higher standards where unusual conditions are encountered. "As-built" drawings showing the actual location of all mains, structures, and appurtenances shall be filed with the District before final acceptance of the work.

115. Main Extension. The District will provide for all main extensions upon application for service. The applicant shall pay for the cost of the main to and across their frontage. Special provisions may be required for a corner lot or other irregular shaped lots and shall be determined by the Manager. Normally the main shall be extended the same size as terminated or as a minimum six (6) inch unless a waiver for short dead-end line is allowed by the Manager, in which case a four (4) inch will be the minimum size required. In the event the applicant is required to pay for the construction of a main extension across others property frontage where the property is already served by the District, the District may share in the cost of construction for that portion of the main extension, provided it is not a part of the applicants frontage. The District will share in the cost of construction only where it is the Manager's opinion, the applicant cannot reasonably expect a refund as provided in Section 116 of this Ordinance. The maximum District contribution toward construction costs will be fifty percent (50%) of the total construction cost, or One Thousand Two Hundred and Fifty Dollars (1,250.00), whichever is less. The District will determine the fair and reasonable value for construction of said facilities. The District will pay its share of construction costs when all

facilities are completed in accordance with the District Standard Specifications and accepted by the District. The District will not be a party of any agreement, either verbal or written, by or between the applicant and their contractor. The cost sharing provisions of this section do not apply to subdivisions.

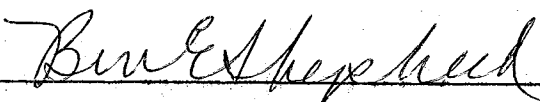
116. Advance Costs and Refunds. When a person applies to connect their property to a main extension previously paid for by others as set forth above, such applicant shall pay to the District, in addition to all other charges, one-half of the actual original cost of the main extension across their street frontage, presuming they own property on one side of the street only. When such connection is made within ten years of the date of original connection of such extension to the District's system, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the person who paid for the extension originally. When a person applies for an additional or enlarged service to property that fronts on a main extension paid for by others subsequent to the date the applicant's property was originally connected to the system, such applicant shall pay the District one-half of the actual original cost of such main extension across his street frontage. When such additional or enlarged service is connected within ten years of the date of original connection, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the applicant who paid for the main extension originally. Refund provisions do not apply to subdivision lots.

117. Completion of Water Facilities Required. Before acceptance of any facilities by the District and prior to the commencement of water service, the facilities shall be tested and shall be complete in full compliance with all requirements of

the accepted specifications and to the satisfaction of the Manager. When completed in accordance with District specifications, the Directors shall act to accept the facilities into the District's maintained system.

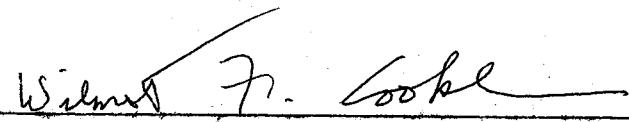
PASSED AND ADOPTED by the Board of Directors of the McKinleyville Community Services District on this 15th day of December, 1988, by the following polled vote:

AYES: ESTES, HARLING, RAMEY, SHEPHERD
NOES: NONE
ABSENT: WALUND



President of the Board of Directors

ATTEST:



Secretary-Treasurer of the Board of Directors

SECRETARY'S CERTIFICATE

I, Wilmot F. Cooke, Secretary of the Board of Directors of the McKinleyville Community Services Dist, do hereby certify as follows:

The foregoing is a full, true and correct copy of Ordinance # 34, duly passed and adopted by the Board of Directors of said District at a Adjourned-Reg., meeting of said Board duly and legally held at the regular meeting place thereof on December 15,, 19 88, of which meeting all of the members of said Board had due notice and at which a majority thereof were present.

At said meeting, said Ordinance # 34 was, upon motion by Director Grant Ramey, and seconded by Director Donald Harling adopted by the following vote:

AYES: ESTES, HARLING, RAMEY, SHEPHERD

NOES: NONE

ABSENT: WALUND

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and said Ordinance # 34 is a full, true and correct copy of the original Ordinance # 34 adopted at said meeting and entered in said minutes.

The original Ordinance # 34 has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: December 16,, 19 88.

Wilmot F. Gohl

Secretary, to the Board of Directors, McKinleyville
Community Services District

SECRETARY'S CERTIFICATE

I, Wilmot F. Cooke, Secretary of the Board of Directors of the MCKINLEYVILLE COMMUNITY SERVICES DISTRICT, do hereby certify as follows:

The foregoing is a full, true and correct copy of Ordinance No. # 34, duly introduced by the Board of Directors of said District at a Regular meeting of said Board duly and legally held at the regular meeting place thereof on November 10th, 1988, of which meeting all of the members of said Board had due notice and at which a majority thereof were present.

At said meeting, said Ordinance No. 34 was, upon motion by Director Edward Estes, and seconded by Director Joe Walund introduced by the following vote:

AYES: Estes, Harling, Ramey, Shepherd, Walund

NOES: None

ABSENT: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and said Ordinance # 34 is a full, true and correct copy of the original Ordinance # 34 introduced at said meeting and entered in said minutes.

The original Ordinance # 34 has not been amended, modified or rescinded since the date of its introduction.

DATED: November 28, 1988.

Wilmot F. Cooke
Secretary to the Board of Directors
MCKINLEYVILLE COMMUNITY SERVICES District