

**ORDINANCE 38**

**AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT  
AMENDING THE DISTRICT'S RULES AND REGULATIONS TO ADD  
PROVISIONS RELATED TO STREET LIGHTING**

THE BOARD OF DIRECTORS OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The following Rules are added to Regulation 1 of the District Rules and Regulations and the existing Rules of Regulation 1 are renumbered accordingly:

Rule 1.26 INHABITED AREAS shall mean any specifically described geographic area within the District.

Rule 1.43 DEVELOPER STREET LIGHTING CHARGES shall mean the total monthly street lighting charge for all lots in a new subdivision which are imposed upon the subdivision developer prior to the developer's sale of individual lots and the establishment of regular street lighting service pursuant to Regulation 52.

Rule 1.52 STREET LIGHTING FACILITIES shall mean all works or improvements used or useful for the lighting of public places as set forth in sections 22533 and 22534 of the California Streets and Highway Code.

Rule 1.53 STREET LIGHTING PLAN shall mean the staff report and any related drawings pertaining to the location of street lighting facilities within a street lighting zone.

Rule 1.54 STREET LIGHTING ZONE shall mean the geographic area included in a resolution adopted pursuant to Rule 53.05 or Rule 54.06.

Section 2. The following Regulation is added to the District's Rules and Regulations and the existing Regulations are renumbered accordingly:

## **ARTICLE V - STREET LIGHTING SERVICES**

### **REGULATION 50 - GENERAL PROVISIONS - STREET LIGHTS**

Rule 50.01. PURPOSE AND POLICY. This article sets forth the standards, processes and fees associated with street lighting services. The District desires to encourage the installation and operation of street lights to promote public safety and enjoyment of the community where the installation of lights is either required by Humboldt County or requested by the residents of a specific area.

### **REGULATION 51 - STREET LIGHTING STANDARDS**

Rule 51.01. DESIGN AND CONSTRUCTION STANDARDS. Design and construction of street lighting facilities shall be in accordance with the District and electric public utility rules, regulations and ordinances.

Rule 51.02. SITING. Street lighting facilities shall be sited in coordination with the electric public utility to achieve the following standards:

- (a) All Intersections-One 200 watt fixture
- (b) All Cul de Sacs-One 100 watt fixture
- (c) Every 300 to 500 feet between intersections- One 100 watt fixture.

Rule 51.03. EFFICIENCY. All new street lighting facilities will be equipped with the most energy efficient fixtures available from the electric public utility at that time.

Rule 51.04. LOT SIZE AND SUBDIVISION SIZE. Street lighting facilities will not be required for minor subdivisions (less than five lots) or for subdivisions where the average lot size is 10,000 square feet or greater.

Rule 51.05. DIVISION OF COSTS. The monthly street lighting charge for each customer in a specific zone shall be equal to the total electric public utility charge for that month in that zone divided by the number of street lighting customers in that zone plus a proportionate share of the administrative charge prescribed in Rule 56.02.

## **REGULATION 52 - APPLICATION FOR REGULAR LIGHTING SERVICE**

Rule 52.01. APPLICATION. A property owner or his agent who applies for water or sewer service in a street lighting zone shall be deemed to have applied for street lighting services upon payment of the prescribed processing fee.

Rule 52.02. UNDERTAKING OF APPLICANT. Such application will signify the customer's willingness and intent to make prompt payment for street lighting service rendered.

Rule 52.03. PROCESSING FEE. The processing fee for establishment of street lighting services shall be ten (\$10) dollars.

Rule 52.04. PAYMENT FOR PREVIOUS SERVICE. An application will not be honored unless payment in full has been made for street lighting services previously rendered to the applicant by the District.

## **REGULATION 53 - ZONE FORMATION-NEW SUBDIVISIONS**

Rule 53.01. PERMIT REQUIRED. No person shall construct street lighting facilities in the District without first paying all fees and obtaining a written permit from the District to form a street lighting zone and install street lighting facilities. The provisions of this rule shall not apply to the District, its contractors or the agents of a electric public utility.

Rule 53.02. APPLICATION TO FORM STREET LIGHTING ZONE AND INSTALL STREET LIGHTING. A property owner or his agent shall make application for a permit to form a street lighting zone and install street lighting facilities by filing the form provided by the District along with the prescribed fees and supporting documentation.

Rule 53.03. PLANS, PROFILES AND SPECIFICATIONS. The application for a permit under this regulation shall be accompanied by complete plans, profiles and specifications prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application shall be examined by the manager who shall determine if it is complete. If the manager determines that the application is not complete, he may require the applicant to submit additional information until the application is deemed complete.

Rule 53.04. STAFF REPORT. Once the application is deemed complete, the manager shall compile a report to the Board

describing the application and recommending a street lighting plan as well as a formula for division of electric public utility charges and administrative charges among the properties.

Rule 53.05. FORMATION OF STREET LIGHTING ZONE FOR NEW SUBDIVISION. Once the application is deemed complete, the manager shall schedule consideration at the next available board meeting. The board may approve, deny or amend the proposed lighting plan and shall establish a schedule of charges reflecting the cost division formula approved by the board by ordinance. The applicant shall enter into an agreement with the District providing for payment of Developer Street Lighting Charges which shall be subject to reduction as lots in the Subdivision are subsequently sold and the purchaser establishes regular service pursuant to Regulation 52 or otherwise assumes the applicant's obligation with respect to the lot purchased.

Rule 53.06. ISSUANCE OF LIGHTING PERMIT. Upon execution of the funding agreement required by Rule 54.04, the manager shall issue a permit prescribing such terms and conditions as ordered by the Board.

Rule 53.07. APPLICATION FEE. The application fee for formation of a street lighting zone and installation of street lighting facilities shall be twenty (\$20) dollars.

Rule 53.08. COORDINATION WITH ELECTRIC PUBLIC UTILITY. The District will not request street lighting services from the electric public utility until all requirements of this regulation have been met.

#### **REGULATION 54 - ZONE FORMATIONS-INHABITED AREAS**

Rule 54.01. PETITION. Any person shall have the right to petition the Board to form a street lighting zone on the form provided by the District. Such petition shall be accompanied by a map showing the lots proposed for inclusion in the zone, a listing of the properties in the proposed zone and the signatures of over fifty percent of the property owners in the proposed zone who support the petition. The listing of properties shall include the assessor parcel number of each lot, the street address of each lot, and the name, address and phone number of each owner.

Rule 54.02. DRAFT MANAGER'S REPORT. Once the petition is deemed complete by the manager, the manager shall compile a report to the Board describing the petition, evaluating the need for street lighting facilities, recommending a street

lighting plan, and recommending a formula for division of costs among the properties. Where the report identifies street lighting facilities with costs exceeding the amount the electric public utility will spend, the street lighting plan will estimate the costs of such facilities and comment on the willingness of the petitioner to fund this expenditure. Where the petitioner is unwilling to pay for these facilities prior to formation of the zone, the manager shall propose a method for payment of these costs in the formula for division of costs.

Rule 54.03. PROTEST HEARING NOTIFICATION. Once the draft manager's report is complete, the manager shall schedule a hearing to receive protests and other comments on the petition on the next available Board agenda. The manager shall mail notice of the hearing to each property owner in the proposed zone at least two weeks prior to the hearing. Such notice shall include a copy of the draft manager's report, the petition and a protest form.

Rule 54.04. PROTEST HEARING. Any property owner in the proposed zone may protest the formation of the zone by filing their signed form prior to or at the protest hearing. Property owners who have protested may withdraw their protest prior to the conclusion of the hearing. After closing the hearing, the Board may consider the adoption of a resolution initiating formation of a street lighting zone. Such resolution may exclude property owners who have protested the formation of the zone or excuse protesting property owners from paying lighting charges. The resolution shall further direct staff to revise the Draft Managers's report to adjust for excluded or excused properties.

Rule 54.05. NOTIFICATION OF ZONE FORMATION HEARING. Once the final manager's report is complete, the manager shall schedule a public hearing for the next available board meeting to consider formation of the street lighting zone. The manager shall mail notice to each property owner in the revised zone at least two weeks prior to the hearing. Such notice shall include a copy of the final manager's report.

Rule 54.06. ZONE FORMATION. After closing the public hearing required by Rule 54.05, the board may consider adoption of a resolution forming a street lighting zone. No property shall be included in the zone unless the owners have been provided with notice of the hearing pursuant to Rule 54.03. The resolution may provide that subsequent owners of lots which have been excused from paying lighting charges as provided in Rule 54.04 shall become subject to payment of lighting charges upon acquisition of any lot which, in fact, is determined by the Board to benefit from the provision of street lighting services within the zone. The District shall

provide written notice to any property owner within the zone whose lot is excused from payment of lighting charges that successors in ownership shall be subject to the charges imposed by this regulation.

Rule 54.07. ZONE AMENDMENT. Any property owner in an existing street lighting zone may petition the Board for addition of new lots or the deletion of existing lots to said zone on the form provided by the District. Said petition shall be accompanied by a description of the proposed amendment and the signatures of over fifty percent of the property owners in the zone that support the petition. The Manager shall schedule a hearing on the petition and mail notice of the hearing to each property owner in the zone. The Board may amend the resolution by resolution or choose not to amend the resolution. The District will notify all property owners in the zone of the Board's action.

Rule 54.08. ZONE DISSOLUTION. Any property owner in an existing street lighting zone may petition the Board for dissolution of said zone on the form supplied by the District, provided, however that no zone shall be dissolved within five years of its formation. Said petition shall be accompanied by the signatures of over fifty percent of the property owners in the zone that support the dissolution. The manager shall schedule a hearing on the petition and mail notice of the hearing to all property owners in the zone. The Board may choose not to dissolve the zone or dissolve the zone by resolution where it finds that continued existence of the zone is not necessary for the protection of public health and safety. The District shall mail notice of the Board's action to all property owners within the zone.

Rule 54.09. SINGLE PROPERTY EXCEPTION. A property owner may secure a permit to locate street lighting facilities on his property without forming a street lighting zone.

#### **REGULATION 55 - STREET LIGHTING FACILITIES-INHABITED AREAS**

Rule 55.01. PERMIT REQUIRED. No person shall construct street lighting facilities in the District without first obtaining a written permit from the District to install lighting facilities and paying all fees as required herein. The provisions of this rule shall not apply to the District, its contractors or the agents of a electric public utility.

Rule 55.02. APPLICATION TO INSTALL STREET LIGHTING FACILITIES. A property owner or his agent shall make application for a permit to install street lighting facilities by filing the form provided by staff to the District along with the prescribed fees and supporting documentation.

Rule 55.03. PLANS, PROFILES AND SPECIFICATIONS. The application for a permit under this regulation shall be accompanied by complete plans, profiles and specifications prepared by a Registered Civil Engineer showing all details

of the proposed street lighting facilities based on an accurate survey of the ground. The application shall be examined by the manager who shall determine if it is complete. If the manager determines that the application is not complete, he may require the applicant to submit additional information until the application is deemed complete.

Rule 55.04. ISSUANCE OF LIGHTING PERMIT. Upon formation of the street lighting zone as prescribed by Regulation 54, the manager shall issue a permit prescribing terms and conditions.

Rule 55.05. APPLICATION FEE. The application fee for formation of a lighting zone of lighting facilities shall be twenty (\$20) dollars.

Rule 55.06. EASEMENTS. In the event that an easement is required for the construction of street lighting facilities, the applicant shall procure and have accepted by the manager proper easement sufficient for such facilities, normally 20 feet minimum.

Rule 55.07. PERSONS AUTHORIZED TO PERFORM WORK. Only licensed contractors shall be authorized to construct street lighting facilities within the District. All terms and conditions of the District permit shall be binding on the contractor.

Rule 55.08. COMPLIANCE WITH LOCAL REGULATIONS. Any person constructing street lighting facilities shall comply with all state and county laws, rules and regulations and shall obtain all permits required by other agencies prior to commencing construction.

Rule 55.09. REPAIR TO EXISTING PUBLIC WORKS. Streets, sidewalks and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the District and any other person having jurisdiction thereover.

#### **REGULATION 56 - RATES AND CHARGES**

Rule 56.01. BASIS FOR DETERMINATION OF CHARGES. The District business manager will determine the charge for each month for each customer residing in a street lighting zone based on the total charges for the zone from the electric public utility, the number of customers in the zone, the formula for division of costs as set forth in the ordinance

and the current administrative charge as set forth in Rule 56.02.

Rule 56.02. ADMINISTRATIVE CHARGE. The District shall charge a fifty cent (\$.50) administrative charge per customer per month.

Rule 56.03. NOTIFICATION. The District business manager shall notify each street lighting customer of changes in the rate schedule of the electric public utility that affect their charges and of changes in the administrative charge.

Rule 56.04. ADMINISTRATION. Opening and closing bills for less than a normal billing period shall be prorated on a daily use basis. Bills for street lighting services shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided. Every owner of property is liable for street lighting charges for any premises they have rented in the event that any tenant thereof does not pay the street lighting bill.

Rule 56.05. CONSOLIDATED BILL. The District will collect its street lighting charges with the rates for other utility service furnished. The street lighting charges shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charge.

Rule 56.06. DISCONTINUING SERVICE. If all or any part of the bill described in Rule 56.05 is not paid when due, the District may discontinue water or sewer service until such bill is paid.

Rule 56.07. COLLECTION ON TAX ROLL. The District may provide for collection of all such delinquent charges upon the tax roll in the manner provided by law therefore.

Rule 56.08. COLLECTION. All laws applicable to the levy, collection and enforcement of general taxes of the District, including but not limited to those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to street lighting charges.

Rule 56.09. USE OF REVENUES. Revenues derived under this Article shall be used only for street lighting costs and the administration of street lighting services.



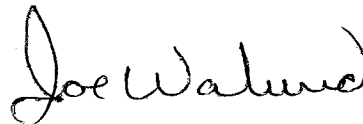
Section 3. This ordinance when effective shall be added to the Rules and Regulations of the District as a codified ordinance of the Board of Directors of the McKinleyville Community Services District.

On the Motion of Director BEN SHEPHERD and seconded by Director DON HARLING, the foregoing ordinance is duly adopted on second reading this 16TH day of AUGUST, 1990 by the following vote:

AYES: ESTES, HARLING, RAMEY, SHEPHERD, WALUND

NOES: NONE

ABSENT: NONE




President, Board of Directors  
McKinleyville Community Services  
District

ATTEST:



Secretary, Board of Directors  
McKinleyville Community Services District

I, BARBARA L. BETHEL, Secretary to the Board of Directors of the MCKINLEYVILLE COMMUNITY SERVICES DISTRICT, hereby certify that the foregoing is a full, true, and correct copy of an ordinance duly adopted this 16TH day of AUGUST, 1990.



Secretary to the Board of  
Directors of McKinleyville  
Community Services District

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