

McKINLEYVILLE COMMUNITY SERVICES DISTRICT

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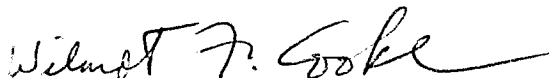
McKINLEYVILLE, CALIFORNIA 95521

707-839-3251

September 23, 1977

Ordinance Numbers 16 and 17 which were passed by the Board of Directors on September 22, 1977, were posted in the following public places:

1. Notice put on door of office building at 1656 Sutter Road.
2. Glen & Etta's Laundromat, 1549 City Center Road, McKinleyville.
3. Cask and Flash Liquors, McKinleyville Shopping Center,
1523 City Center Road, McKinleyville, Calif.


Wilmot F. Cooke, Secretary

ORDINANCE NO. 17

MCKINLEYVILLE COMMUNITY SERVICES DISTRICT

AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR SEWAGE EXTENSION, CONNECTION, AND DISPOSAL SERVICE AND PROVIDING PROCEDURES AND PENALTIES FOR ITS ENFORCEMENT.

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

ARTICLE I

GENERAL PROVISIONS

Sec. 1.01. Short Title. This Ordinance may be cited as "District Sewer Service Charge Ordinance."

Sec. 1.02. Definitions. Unless the context otherwise indicates, terms used herein have the following meanings:

- (a) "Board" means the Board of Directors of McKinleyville Community Services District.
- (b) "Connection Charges" shall mean any fee or charges made by the District for the privilege of connecting to the sanitary sewer system.
- (c) "District" means the McKinleyville Community Services District.
- (d) "Fixture" shall mean any sink, tub, shower, receptor, water closet or other facility connected by a drain to the sewer.

- (e) "Living Unit" shall mean any residence, trailer, mobile home, habitation or other structure customarily occupied by a person or family containing bath and kitchen facilities.
- (f) "Major Contributing Industry" shall mean any wastewater contributor identified by the Standard Industrial Classification (SIC) Manual in any of Divisions A, B, D, E, and I that: (1) has a discharge flow of 50,000 gallons or more per average work day (if seasonal, the average should be computed for the period of use); or (2) has a flow or pollutant loading greater than five percent of the design capacity of the elements of the Authority's treatment works which serve the wastewater contributor; or (3) has in its wastes toxic pollutants in toxic amounts as defined in the standards issued under Section 307 (a) of the Federal Water Pollution Control Act Amendments of 1972; or (4) is found by the General Manager to have significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works.
- (g) "Outlet" means any properties of a sewer system to which a fixture may be connected.
- (h) "Premises" shall mean any parcel of real estate or portion thereof including any improvements thereon which is determined by the District to be a single user for purposes of receiving, using and paying for service.

- (i) "Permit" shall mean any written authorization required pursuant to this or any other rule, regulation or ordinance of the District for the installation of, connection to, or use of any wastewater works.
- (j) "Person" shall mean any individual, firm, company, partnership, association, and private, public and municipal corporation's responsible corporate officer, the United States of America, the State of California, districts and all political subdivision, governmental agencies and mandatories thereof.
- (k) "Report" means the report referred to in Section 5473 of the Health and Safety Code of the State of California.
- (l) "Sewer Service Charges" means fees, rates or other charges for service or the ability to provide service furnished by District in connection with its sanitation or sewerage system.

Sec. 1.03. Separability. The Board hereby declares that it would have passed this Ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, sub-sections, sentences, clauses or phrases be declared invalid.

ARTICLE II

SEWER SERVICE CHARGES

Sec. 2.01. Rate Schedule. Sewer service charges are hereby prescribed as follows:

Schedule of Charges

<u>User Classification</u>	<u>Monthly Charge</u>
Single Family Residence	\$ 11.00
Apartment or Multiple Living Units	11.00 per living unit
Mobile Home	11.00
Barber & Beauty Shops	11.00
Office Building (to 2000 sq. ft.) with less than 7 people	11.00
Halls	11.00
Churches	11.00
Church Rectory	11.00
Mobile Home Parks (per space)	11.00
Restaurants, Taverns and Bakeries	\$ 11.00 plus \$2.50/ 100 ft ³ of water over 440 ft ³
Motels, Convalescent Homes, Hotels and Rooming Homes	\$ 11.00 plus \$1.45/ 100 ft ³ of water over 759 ft ³
Bowling Alley, Service Stations and Garages	\$ 11.00 plus \$1.40/ 100 ft ³ of water over 786 ft ³
Laundromats	\$ 11.00 plus \$1.31/ 100 ft ³ of water over 840 ft ³
Schools, Retail Establishments, Banks Theatres and All Others	\$ 11.00 plus \$1.43/ 100 ft ³ of water over 769 ft ³
Industrial Wastewater or Major Contributing Industries	To be calculated for each case on application

Sec. 2.02. The Board of Directors reserves the right to set special sewer service charges where, in the opinion of the Manager, a waste discharge strength and loading does not fit into existing rate schedules.

Sec. 2.03. Relief from Unjust Rates. The owner or occupants of any premises who by reason of special circumstances finds that the foregoing rates are unjust or inequitable as applied to their premises, may make written application to the Board, stating the circumstances and requesting a different basis of charges for sewer services to their premises. If such application be approved, the Board may by resolution fix and establish fair and equitable rates for such premises to be effective as of the date of such application and continuing during the period of such special circumstances. The Board may on its own motion find that by reason of special circumstances the foregoing rates are unjust and inequitable as applied to particular premises and may by resolution fix and establish fair and equitable rates for such premises during the period of such special circumstances, or any part thereof.

Sec. 2.04. Waiver of Sewer Service Charges. If a living unit is to be totally unoccupied for a minimum period of thirty (30) days and water service is terminated, the sewer charge may be waived for that living unit for such period if the Manager determines that the sewer will not be used for such period.

Sec. 2.05. Standby Charges. Charges shall be levied upon and be payable by the owner of any building that is not connected to the public sewer as required by any law or ordinance of District, Humboldt County, or State of California. Such sewer service charges shall accrue commencing ninety (90) days after the date of official notice to connect to said public sewer.

This standby availability charge has been calculated to be 79 percent of the typical service charge or \$8.70 per living unit.

2.06. Industrial Cost Recovery. In addition to any other service charges, "Major Contributing Industries" shall pay an Industrial Capital recovery charge, based on a pro rata use of all sewerage facilities funded by the 75 percent Environmental Protection Agency Grant over a 30 year period.

ARTICLE III

EXTENSION CHARGES

Sec. 3.01. 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, all 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 District shall use, as a guide for the cost of such services, the average cost of initial installation for the District system modified by inflation, depth, paving and ground conditions as determined by the Manager. 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 use of the main extension.

ARTICLE IV

CONNECTION CHARGES

Sec. 4.01. General. It is hereby found and determined that it is necessary to reimburse the District for money advanced and to establish conditions of equality as to properties, either not assessed or by later occurring facts, deemed to have been under-assessed, during special assessment proceedings conducted by the District for the purpose of constructing sewer mains and facilities to serve properties within the assessment district created therefore when such non-assessed properties are permitted to connect to such sewer mains and facilities.

"Non-assessed properties" include, but are not limited to, portions of larger parcels which, at the time of assessment levy, were expected to continue in residential use by a single family but which are thereafter divided or segregated for separate residential use, either alone or in combination with other property, and may include properties which at the time of assessment levy, were owned by a government entity but which thereafter become privately owned. "Non-assessed properties" also include acreage whose later parceling or subdivision results in a larger number of direct connections to the system than was originally anticipated at the time of assessment, or may also be the result of any "more intensive" use than was contemplated by the original assessment levy.

Sec. 4.02. Connection Charge. The connection charge provided by this Ordinance shall be computed by the Manager based upon "what the share of the cost of said sewer main and

facilities of the connecting property would have been had it been assessed in said proceedings, using the same formula as used in the assessment district for determining the assessment." The basis of the original assessment levy is as follows:

- (a) General area charge (all land within 600 feet of sewer main) = \$180 per acre.
- (b) Local area charge (all land within 200 feet of a sewer main) = \$540.00 per acre.
- (c) Unit charge
 - 1) Lateral charge - 4 inch = \$405.00
Lateral charge - 6 inch = \$625.00
 - 2) Local sewer availability - 4 inch = \$405.00
Local sewer availability - 6 inch = \$625.00
- (d) Development intensity charge - per excess living unit with allowance of one living unit per one-half (1/2) acre of land area = \$225.00 per unit.

Example: For a one-half (1/2) acre parcel of normal shape that falls entirely within the local and general area with a single dwelling unit constructed thereon, cost would be:

General area charge - \$180 x .5 acre =	90.00
\$540.00 x .5 acre	= 270.00
4 inch lateral	= 405.00
Sewer availability	= <u>405.00</u>
Subtotal	\$1170.00

Sec. 4.03. Development Credit. For subdivisions or main extensions wherein the owner constructs all of the local sewers at their own cost for connection to the District's system, a credit for such construction cost to be subtracted from the general connection charge may be made for all except the availability charge of \$405.00 per unit or the intense land development charge of \$225.00 per excess unit. The actual construction costs shall be the general connection charge or an estimate thereof as approved by the Manager. The total credit, however, shall never be more than actual or estimated cost as approved by the Manager.

ARTICLE V

PERMITS AND FEES

Sec. 5.01. Sewer Permits. There shall be five (5) classes of permits requiring various fees, as follows:

- | | |
|----------------------------------------------------------------|---------------------------------------------------------------------------------|
| (a) Single Family Residence | \$ 20.00 |
| (b) * XXXXXX XXXXX X Multiple Dwellings | \$ 20.00 plus \$2.00 per living unit up to 50 units all over at \$1.00 per unit |
| (c) Commercial, Industrial, School, Public & Other User Permit | \$ 20.00 plus \$.25 per foot over 100 feet of building sewer length |
| (d) Public Sewer Construction Permit | \$ 20.00 plus 5% of estimated construction cost |
| (e) Sewer Alteration Permit* <u>and Trailer Court</u> | \$ 20.00 |

The above permit fees are hereby waived for all properties connecting within 90 days after notice to do so, which properties were assessed during the original assessment period and which connect or are requested to connect as a direct result of the initial construction.

* Revisions per Ordinance No. 20 dated 12/6/79.

ARTICLE V

PERMITS AND FEES

Sec. 5.01. Sewer Permits. There shall be five (5) classes of permits requiring various fees, as follows:

- | | |
|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| (a) Single Family Residence | \$ 20.00 |
| (b) Trailer Court & Multiple Dwellings | \$ 20.00 plus
\$2.00 per living
unit up to 50
units - all over
at \$1.00 per unit |
| (c) Commercial, Industrial, School,
Public & Other User Permit | \$ 20.00 plus
\$.25 per foot over
100 feet of building
sewer length |
| (d) Public Sewer Construction Permit | \$ 20.00 plus
5% of estimated
construction cost |
| (e) Sewer Alteration Permit | \$ 20.00 |

The above permit fees are hereby waived for all properties connecting within 90 days after notice to do so, which properties were assessed during the original assessment period and which connect or are requested to connect as a direct result of the initial construction.

Sec. 5.02. Plan Check Fees. A plan check fee in the amount of 2 percent of the estimated construction cost for main extensions and engineering review of subdivisions will be charged in addition to the permits noted above.

Sec. 5.03. No person shall uncover, make any connection with or opening into, use, alter, extend, or disturb any public sewer or appurtenance or perform any work on any lateral or building sewer without first obtaining a written permit from the District.

Sec. 5.04. 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. Manager may require plans, specifications, or drawings and such other information as may be deemed necessary.

ARTICLE VI

BILLING AND COLLECTING

Sec. 6.01. Billing. The regular billing period will be for each calendar month, or bi-monthly, as determined by the Board.

Sec. 6.02. Opening and Closing Bills. Opening and closing bills for less than the normal billing period shall be prorated on a daily use or water used basis.

Sec. 6.03. Billing Time. Bills for sewer service shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided.

Sec. 6.04. Liability of Owner and Rental Agent. Every owner or rental agent of property is liable for sewer service charges for any premises they have rented in the event any tenant thereof does not pay the sewer service bill.

Sec. 6.05. Collection by Suit. As an alternative to any of the other procedures herein provided, the District may collect said unpaid charges by suit, in which event it shall also have judgment for the cost of suit and reasonable attorney's fees.

Sec. 6.06. Other Utility Charges. The District will provide for the collection of its sewer service charges with the rates for the services of the water system or other utility service furnished. The sewer service charges shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charge.

Sec. 6.07. Discontinuing Service. If all or any part of the bill on which any sewer service charge is collected is not

paid, the District may discontinue its water or utility service until such bill is paid.

Sec. 6.08. Billing and Collecting Delinquencies on Tax Roll. The District may provide for the collection of all such delinquent charges that have not been paid and collected at the time of establishing its tax rate, upon the tax roll which District taxes are collected and in the same manner provided by law therefore.

Sec. 6.09. Other Remedies. The District may provide otherwise for the collection of such delinquent charges. All remedies herein provided for their enforcement and collection are cumulative and may be pursued alternatively or collectively as the District determines.

Sec. 6.10. Procedure. When the District elects to use the tax roll on which general taxes are collected for the collection of current and delinquent sewer service charges, proceedings therefore shall be had as now or hereafter provided therefore in Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code.

Sec. 6.11. Alternative. The powers authorized by this Article shall be an alternative to all other powers of the District and an alternative to procedures adopted by the Board thereof for the collection of such charges.

Sec. 6.12. Report. A written report shall be prepared and filed with the Clerk, which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for the forthcoming fiscal year, computed in conformity with the charges prescribed by this Ordinance.

Sec. 6.13. Notice. The Clerk shall cause notice of the filing of the report and of the time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for hearing, in a newspaper of general circulation, printed and published in the general area. Prior to such hearing for the first time, the Clerk shall mail a notice in writing of the filing of said first report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any part of parcel of real property described in the report is assessed in the last equalized assessment roll on which general taxes are collected, at the address shown on said roll or as known to the Clerk.

Sec. 6.14. Hearing. At the time of said hearing, the Board shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time.

Sec. 6.15. Final Determination of Charges. Upon the conclusion of the hearing on the report, the Board will adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in said report, which determination shall be final.

Sec. 6.16. Filing of Report with County Auditor. On or before the 10th day of August in each year following the final determination of the Board, the Clerk shall file with the Auditor a copy of said report with a statement endorsed thereon

over the Clerk's signature that it has been finally adopted by the Board of the District, and the Auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.

Sec. 6.17. Parcels Outside the District. Where any such parcels are outside the boundaries of the District, they shall be added to the assessment roll of the entity for the purpose of collecting such charges.

Sec. 6.18. Parcels Not on Roll. If the property is not described on the roll, the Auditor shall enter the description thereon together with the amounts of the charges, as shown on the report.

Sec. 6.19. Lien. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March of each year. The Tax Collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

Sec. 6.20. Tax Bill. Thereafter, the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from the general taxes for the District, and shall be delinquent at the same time and thereafter be subject to the same penalties for delinquency.

Sec. 6.21. 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 such charges.

Sec. 6.22. Compensation of County. The Tax Collector may, issue separate bills for such charges and separate receipts for collection on account of such charges. The County shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for the District in an amount to be fixed by agreement between the Board of Supervisors and the District. The compensation shall not exceed one percent (1%) of all money collected. The compensation shall be paid into the County fund.

Sec. 6.23. Use of Revenues. Revenues derived under this Ordinance shall be used only for the acquisition, construction, or reconstruction, maintenance and operation of sanitation or sewerage facilities of the District and to repay principal and interest on bonds issued for the construction of such sanitary or sewerage facilities and to repay federal, state, county or other loans or advances made to the District for the construction or reconstruction of sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals, as distinguished from main trunk, interceptor and outfall sewers.

Sec. 6.24. Disconnection. As an alternative method of collecting such charges, the District may disconnect any premises from the water and sewer system if the user fails to pay the service charges for their premises after they shall have become delinquent. The person in charge of the sewer system shall

estimate the cost of disconnection of such premises from the enterprise and the cost of reconnecting it thereto, and such user shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the sewer system. In the event such arrearages are paid and the premises are reconnected to the sewer system, the person in charge shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Sec. 6.25. Abatement. During the period of non-connection or disconnection, habitation of such premises by human being shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of said premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorneys' fees and costs of suit arising in said action.

Grant A. Ramey
President, Board of Directors
McKinleyville Community Services
District

ATTEST:

Wilmot F. Cook
Clerk

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a full, true and correct copy of an Ordinance passed and adopted at a meeting of the McKinleyville Community Services District, Humboldt County, California, duly held on the 22nd day of September, 1977, by the following vote:

AYES, and in favor thereof, Board Members, ESTES, FORSON, RAMEY

NOES, Board Members, NONE

ABSENT, Board Members, HOOVEN, STOCKWELL

Wilmot F. Cook
Clerk