

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT AMENDING REGULATION 5, APPLICATION OF REGULAR WATER SERVICE, OF THE MCSD RULES AND REGULATIONS

WHEREAS, recent state legislation has provided for changes regarding connection charges of Accessory Dwelling Units (ADU); and

WHEREAS, Humboldt County has recently clarified the definition of an ADU with its Ordinance No. 2652; and

WHEREAS, the McKinleyville Community Services District is in need of clarifying its rules and regulations relating to ADU's and Connection Charges.

NOW, THEREFORE, the Board of Directors of the McKinleyville Community Services District ordains as follows:

Regulation 5, Application of Regular Water Service, of the District's adopted Rules and Regulations are amended to read as follows:

REGULATION 5 – APPLICATION FOR REGULAR WATER SERVICE

Rule 5.01. APPLICATION - a property owner or his agent may make application for regular water service on the following application form or by letter giving the same information and paying a nonrefundable processing fee of \$20.00 (twenty dollars).

MCSD APPLICATION FOR SERVICE				
APPLICANT'S NAME (PRINT):		PHONE NUMBERS:		
NAME OF CO APPLICANT:		HOME:	CELL:	
OWN OR RENT?	DRIVER'S LICENSE #:	WORK:		
		IF RENTED, OWNER'S NAME:		
		E-Mail:		
<small>I the undersigned hereby request that the McKinleyville Community Services District deliver utility services as specified above, to the address or location as listed below. I do hereby agree to comply with the applicable provisions of the Rules and Regulation and the standard specifications of the McKinleyville Community Services District, copies of which are available upon request.</small>				
SIGNATURE:				
DATE ON	DATE OFF	ROUTE/ACCT.	ADDRESS/SERVICE LOCATION	CUST.#
MAILING ADDRESS:				
Name:				
Employer:		Contact Person:		
SSN:		Phone Number:		
DOB:				

In addition to the application for service the District will require a deposit equivalent to 2 1/2 (two and one-half) times the monthly average for each class of customers other than property-owners. (See current MCSD fee schedule in Appendix A) This refundable deposit can be waived if the customer can bring in proof of a good payment history with another utility. The deposit will be applied to the account as a credit after 12 months with a good payment record.

Rule 5.02. UNDERTAKING OF APPLICANT - such application will signify the customers' willingness and intention to comply with this and other ordinances or regulations relating to the regular water service and to make payment for all fees, costs and expenses associated with provision of the water service. In the event an application is executed by two or more individuals as the customer, each individual executing the application shall be jointly and severally liable to make payment for all fees, costs and expenses associated with provision of the water service.

Rule 5.03. PAYMENT FOR PREVIOUS SERVICE - an application will not be honored unless payment in full has been made for water service previously rendered to the applicant by the District.

Rule 5.04. INSTALLATION CHARGES - services and meters shall be installed without charge for all applications for water service received prior to or during the initial construction of the District's water system. The charges below will apply to applications received after the District's Contractor has progressed with the work beyond their property frontage. Such services and meters will be installed without charge only to areas having an existing need providing the owner guarantees to pay at least the minimum each month (whether used or not) for at least a one- year period.

Where service is installed without charge for a vacant lot the owner must guarantee to pay at least the minimum each month (whether used or not) for at least a two-year period.

Where the applicant requests installation of a 1 1/2 inch or larger water meter or where unusual circumstances exist, the charge for installation of water service shall be equal to the estimated cost plus 10 percent of such service connection. The applicant shall deposit said amount with the District prior to installation, the District will track actual expenditures, the District will compute the difference between the deposit and the actual expenditure, the District will rebate the difference to the applicant where the actual expenditure is less than the deposit. The term "unusual circumstances", as used in this rule, shall include water mains deeper than 6 feet, slopes greater than 20 percent, service line lengths of more than 35 feet and closure of roadway due to traffic safety considerations. The schedule for all other service connections is as follows:

5/8" x 3/4" Meter	\$1332.00
3/4" Meter	\$1357.00
1" Meter	\$1496.00

Where the applicant requests the installation of a water meter in an existing water meter box, and the requested meter is to be connected to an existing meter set, the schedule of water meter installation charges shall be as follows:

5/8" x 3/4" Meter	\$285.00
3/4" Meter	\$310.00
1" Meter	\$371.00

Connection charges do not include paving over trenches as required by Humboldt County Public Works Department. Paving costs are the responsibility of the Developer.

Rule 5.05. INSTALLATION OF SERVICE - regular water services will be installed as desired by the applicant of the size determined by the Water Department. Service installations will be made only to property abutting on distribution mains as have been constructed in public streets, alleys, or easements, or to extensions thereof as hereby provided. Services installed in new subdivisions prior to the construction of streets or in advance of street improvement must be accepted by the applicant in the installed location.

Rule 5.06. CHANGES IN CUSTOMER'S EQUIPMENT - customers making any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the District written notice of the nature of the change and, if necessary, amend their application.

Rule 5.07. SIZE AND LOCATION - the District reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be served. The laying of consumer's pipeline to the meter should not be done until the location of the service connection has been approved by the District.

Rule 5.08. CURB COCK - every service connection installed by the District shall be equipped with a curb cock on the inlet side of the meter. The curb cock is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the curb cock is damaged by the consumer's use to an extent requiring replacement, such replacement shall be at the consumer's expense.

Rule 5.09. DOMESTIC, COMMERCIAL AND INDUSTRIAL SERVICE CONNECTION - it shall be unlawful to maintain a connection excepting in conformity with the following rules:

- (a) **SEPARATE BUILDING.** Each house or building under separate ownership must be provided with a separate service connection. Two or more houses on the same lot shall have separate services if the houses could legally be sold separately. Two or more houses under one ownership and on the same lot or parcel of land may (with specific Board approval, based on hardship or extenuating circumstances) be supplied through the same service connection; provided that for each house under a separate roof an additional minimum will be applied to the single meter serving said houses. The District reserves the right to limit the number of houses or the area of land under one ownership to be supplied by one service connection. This rule will not apply to the extent it conflicts with rules regarding ADUs.
- (b) **SEPARATE PROPERTY.** A service connection shall not be used to supply property of the same owner across a street or alley, without written approval for specific cases otherwise meeting the intent of this ordinance.
- (c) **DIVIDED PROPERTY.** When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

Rule 5.10. SERVICE CONNECTIONS - the service connections extending from the water main to the property line and including the meter, meter box and curb cock or wheel valve, shall be maintained by the District. All pipes and fixtures extending or lying beyond the meter shall be installed and maintained by the owner of the property.

Rule 5.11. WATER CAPACITY FEE - a water capacity fee shall be collected from each applicant requesting a new water service in addition to any processing fees and/or installation charges. The capacity fee is based on meter size, as follows:

Size	Fee	Size	Fee
5/8"	\$3,913	3"	\$51,297
3/4"	\$5,607	4"	\$85,142
1"	\$8,991	6"	\$169,755
1 1/2"	\$17,455	8"	\$271,290

2" \$27,606 10" \$389,750

Due to recent changes in building code regulations, new single-family homes are to be sized with a 3/4" meter because of fire protection systems, rather than the typical 5/8" meter. It is recommended that all new single family residential units, with meter sizes 5/8" and 3/4" be charged the 5/8" meter rate to reflect their typical demand on the system.

Each July 1st, each rate set forth above shall be adjusted by the percentage change in the Construction Cost Index for the San Francisco Bay Area as published in the Engineering News Record between June 2017 and the then most recently published Construction Cost Index.

Rule 5.12. COMMERCIAL LANDSCAPE METERS - the manager shall encourage all commercial users to install an irrigation meter in addition to the regular water meter. Where the customer agrees to install an irrigation meter, the overall connection charge shall be the same as if one water meter had been installed and the installation charge shall reflect the actual time and materials cost of adding an additional meter on the service line constructed for the primary meter.

Rule 5.13. ACCESSORY DWELING UNIT/SECONDARY DWELLING UNIT CONNECTION CHARGE.

- (a) For the purposes of this Rule, and in conformance with California Government Code Section 65852.2 and Humboldt County Ordinance Title III, Division I, Chapters 3 and 4, an Accessory Dwelling Unit (ADU) shall be defined as follows: For a unit detached from the Primary Dwelling Unit, an ADU is a detached unit with a total floor area of 1,200 square feet or less. For a unit attached to the Primary Dwelling Unit, an ADU is a unit with a total floor area that does not exceed 50 percent of the floor area of the Primary Dwelling Unit. Any detached Secondary Dwelling in excess of 1,200 square feet or attached Secondary Dwelling Unit over 50 percent of the floor area of the Primary Dwelling Unit shall be charged connection fees as detailed in Rule 21.02.
- (b) An ADU constructed within an existing primary dwelling unit or existing structure shall not be charged any connection fees or charges per Humboldt County Code Section 69.05.4.1.3 unless the ADU was constructed with the Primary Dwelling or unless the connection is requested by the owner or developer and installed. If the ADU is constructed with a new Primary Dwelling, or the owner or developer requests a connection not otherwise required, the fixture count within the ADU and the Primary Dwelling shall be used to establish the ERU and fees for the structure as detailed in Rules 5.04 and 5.11.
- (c) The District may require a newly constructed ADU, not contained within the existing space of the primary residence, to install new water and sewer connections. If new connections are required and installed or are requested by the owner or developer and installed, the connection charges shall correspond to those established in Rules 5.04 and 5.11. If a new, separate ADU is constructed and utilizes the existing water and sewer connection of the primary residence as approved by the District, no new connection fees or charges will be required by the District.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

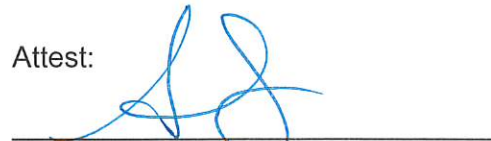
Introduced at a regular meeting of the Board of Directors held on January 6, 2021 and passed and adopted by the Board of Directors on February 3, 2021, upon the motion of Director Orsini and seconded by Director Couch and by the following polled vote:

AYES: Binder, Clark-Peterson, Couch, Orsini and Mayo
NOES: None
ABSTAIN: None
ABSENT: None



Dennis Mayo, Board President

Attest:



April Sousa, CMC, Board Secretary