



SCOTIA COMMUNITY SERVICES DISTRICT  
NOTICE IS HEREBY GIVEN THAT A  
**SPECIAL MEETING**  
OF THE BOARD OF DIRECTORS

WILL BE HELD AT:  
122 MAIN STREET  
SCOTIA,  
CALIFORNIA

**Thursday, February 2, 2017**  
**Special Meeting at 5:30 P.M.**

**AGENDA**

- A. **CALL TO ORDER/ ROLL CALL** The Presiding officer will call the meeting to order and call the roll of members to determine the presence of a quorum.
- PLEDGE OF ALLEGIANCE**
- B. **SETTING OF AGENDA**  
The Board may adopt/ revise the order of the agenda as presented.
- C. **PUBLIC COMMENT & WRITTEN COMMUNICATION**  
At every *special meeting*, the legislative body shall provide the public with an opportunity to address the body on any item described in the notice before or during consideration of that item. Comments are not generally taken on non-action items such as reports or information. Comments should be limited to three minutes.
- D. **PUBLIC HEARING - NONE**
- E. **BUSINESS**
- E1. New Business –**
- a. **Consider Comments on Initiated Proposition 218 Proceedings** *p. 3*
  - b. **Consider adoption of Ordinance 2017-1: An Ordinance of the Board of Directors of the Scotia Community Services District Adopting Title V - Streets and Street Lighting – First Reading** *p. 5*
  - c. **Consider adoption of Ordinance 2017-2: An Ordinance of the Board of Directors of the Scotia Community Services District Adopting Title VI – Storm Drainage – First Reading** *p. 13*
  - d. **Reminder for Ethics Certificates**
- E2. Old Business - NONE**
- F. **ADJOURN TO CLOSED SESSION**
- F1. Call to Order**
  - F2. Roll Call**

**F3. Government Code §54956.8 Real Property Negotiations. Agency Negotiators: Tracy M Boobar & President Rick Walsh. Negotiating Parties: Scotia Community Services District & Town of Scotia Company LLC.**

**F4. Closed Session Discussion**

**G. ADJOURN TO OPEN SESSION**

**G1. Report out of Closed Session**

**H. ADJOURNMENT**

Next Regular Meeting of the SCSD will be February 16, 2017 at 5:30 PM.

A Special meeting may be held prior to that.

Notice regarding the Americans with Disabilities Act: The District adheres to the [Americans with Disabilities Act](#). Persons requiring special accommodations or more information about accessibility should contact the District Office. Notice regarding Rights of Appeal: Persons who are dissatisfied with the decisions of the SCSD Board of Directors have the right to have the decision reviewed by a State Court. The District has adopted [Section 1094.6](#) of the [Code of Civil Procedure](#) which generally limits the time within which the decision may be judicially challenged to 90 days.

# Scotia Community Services District

## Staff Report

DATE: February 2, 2016  
TO: Scotia Community Services District Board of Directors  
FROM: Steve Tyler, Interim District Manager and Tracy Boobar, Legal Counsel  
SUBJECT: Updated Prop 218 Balloting Process and Timeline for User Fee and Benefit Assessment

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### **RECOMMENDATION:**

The Administrative staff recommends that the Board receive comments on the Proposition 218 proceedings, for which the public hearing is scheduled for February 16, 2017.

### **ACTION:**

None

### **DISCUSSION:**

The SCSD initiated Proposition 218 proceedings on December 15, 2016 to establish property-related user fees and assessments that will support District acceptance and management of the services currently owned and managed by the Town of Scotia Company, LLC. (TOS):

- Domestic drinking water and Raw Water
- Wastewater collection, treatment and re-use
- Limited Storm water drainage

The following will be the Scotia CSD's Prop 218 Process:

1. Board Adoption of Prop 218 Procedure Resolutions
2. Board Review and Acceptance of Rate Studies and Engineers Reports
3. Direct Staff to send Notice & send Notice
4. Informational Meetings and Outreach
5. Public Hearing
6. Protest (Ballot Tabulation)

Tentative Timeline

ACTION ITEMS	TENTATIVE DATES	STATUS
- Board adopted and initiated Prop 218 Procedures - Board accepted Rate Studies and Engineers Reports	December 15, 2016	complete
Staff finalizes notice/ballot	December 16 – 22, 2016	complete
Staff mails notice/ballot to property owners (45 day noticing period begins)	December 23, 2016	complete
Board sets informational item on agenda for user fee/benefit assessment process; public comment received	January 19, 2017	In Progress
Board sets informational item on agenda for user fee/benefit assessment process; public comment received	Sp. February 2, 2017	
Board conducts public hearing and clerk or other independent entity tabulates submitted ballots (45 day noticing period ends February 6)	February 16, 2016	

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

None, Optional Memo available if desired from Board Clerk

# Scotia Community Services District

## Staff Report

DATE: February 2, 2017  
TO: Scotia Community Services District Board of Directors  
FROM: Steve Tyler, Interim District Manager  
SUBJECT: SCSD Streets and Street Lighting Ordinance 2017-1

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### **RECOMMENDATION:**

The Administrative staff recommends that the Board consider adoption of Ordinance 2017-1: An Ordinance of the SCSD Board adopting Title V – Streets and Street Lighting.

### **ACTION:**

Consider Adoption of Ordinance 2017-1, *first reading*.

### **DISCUSSION:**

Community Services Districts are required to adopt Ordinances for each service that is provided to the residents of the District. The SCSD Ordinance Title II- Water Service, was adopted on 11/19/2015, the SCSD Ordinance Title III- Wastewater Service was adopted on 11/19/2015 and the SCSD Ordinance Title IV- Parks and Recreation was adopted on 12/15/2016.

The Streets and Street Lighting Ordinance was developed utilizing information obtained from other agencies that provide streets and street lighting services and includes input provided by the SCSD Board.

This ordinance will be presented to the Board, for the *second reading*, at the next Board meeting.

### **FISCAL IMPACT:**

None

### **ATTACHMENT:**

SCSD Streets and Street Lighting Ordinance 2017-1

**ORDINANCE NO. 2017 - 1**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE  
SCOTIA COMMUNITY SERVICES DISTRICT  
ADOPTING TITLE V – STREETS AND STREET LIGHTING**

The Board of Directors of the Scotia Community Services District does ordain as follows:

**Section 1:** Title V (Streets and Street Lighting) is hereby adopted as follows:

**TITLE V - STREETS AND STREET LIGHTING**

**CHAPTER 1 – PURPOSE**

**SEC. 1.01. PURPOSE AND POLICY.** This article sets forth the standards, processes and fees associated with streets and street lighting services. The District desires to encourage the long-term maintenance of streets and street lighting under District ownership where the maintenance is either required by Humboldt County or requested by residents of a specific area under the responsibility of the District. This article is intended to implement the provisions of the Improvement Act of 1911 (Division 7 of the Streets & Highways Code §5000 *et seq.*) herein referred to as the "Act."

**CHAPTER 2 – DISTRICT DESIGNATED STREETS, ALLEYS, AND LIGHTING**

**SEC. 2.01. DESIGNATED STREETS AND ALLEYS.**

- A. The streets and alleys of District responsibility are defined by resolution and approved by the Board of Directors of the SCSD and designated on maps of the District, as prepared and compiled by SHN or other organization, and are on file in the District office. Any additions to the District responsibility which have been accepted and approved by the Board of Supervisors and SCSD Board of Directors in future phases of subdivision will be adopted in the same manner.

**SEC. 2.02. DESIGNATED LIGHTING.**

- A. The lights of District responsibility are defined by resolution and approved by the Board of Directors of the SCSD and designated on maps of the District, as prepared and compiled by SHN or other organization, and are on file in the District office. Any additions to the District responsibility which have been accepted and approved by the Board of Supervisors and SCSD Board of Directors in future phases of subdivision will be adopted in the same manner.
- B. The District owns and maintains approximately twenty (20) decorative lights that primarily front Main Street. These lights are maintained by District staff or a sub-

contractor, at the District's discretion. The historic decorative lights are separately metered and the District will pay associated electric charges to PG&E.

- C. The District is responsible for payment of the electric charges associated with PG&E Lights, which includes any maintenance costs. The PG&E Lights are owned and maintained by PG&E and located throughout the residential streets in Scotia.

### **CHAPTER 3 - GENERAL PROVISIONS**

**SEC. 3.01. VANDALISM OF STREET LAMPS.** No person shall vandalize, break, or damage any lamppost or public lamp; nor extinguish any public light or any light maintained at any place for public convenience or safety, except when he is authorized to do so; nor remove, or cause the removal of, any portion from any public lamp or post; nor obliterate, deface, destroy or interfere

**SEC. 3.02. FENCE PROHIBITIONS.** No person shall place, use or maintain any fence, blockage, etc. within a public easement or right of way.

**SEC. 3.03. BARBED WIRE PROHIBITED.** No person shall place, use or maintain any barbed wire on any fence, etc. thereof, fronting on a public lane, alley, avenue, street, highway, sidewalk, crosswalk, park or place.

**SEC. 3.04. WATER DISCHARGE FROM PRIVATE PROPERTY.** No person shall cause or permit water from private property to be discharged in or to flow into or on any District street, alley or easement or cause erosion problems.

**SEC. 3.06. WHEELED DEVICES IN POSTED AREAS.**

- A. No person shall bicycle, roller skate, skateboard or use any other wheeled device propelled, in whole or in part, by human power in any District public area posted against such activities or uses. The provisions of this section shall not apply to wheeled devices which are reasonably necessary to assist those with a temporary or permanent disability.

### **CHAPTER 4 - OBSTRUCTION OF STREETS AND SIDEWALKS**

**SEC. 4.01. OBSTRUCTION OF STREETS AND SIDEWALKS PROHIBITIONS AND — EXCEPTIONS.**

- A. It is declared a nuisance and is unlawful for any person to place an obstruction of any kind in a District street or alley, or to authorize, procure or permit any obstruction to be placed therein or thereon; provided that (1) merchants and others receiving and delivering goods, whose premises are not served by an alley, shall be allowed two hours from the time such goods are deposited on a sidewalk or parkway until they are removed, and (2) a space five feet in width shall at all times be kept clear for a combination of persons passing. Each day any such obstruction is maintained or permitted in any such street or alley shall be deemed a separate offense.

- B. The provisions of this section shall not apply to:
1. The temporary obstruction of streets or alleys while buildings are being moved from one place to another.
  2. Temporary obstructions for which encroachment permits have first been obtained from the General Manager.
  3. Potted shrubs, plants, or other landscaping, clocks, drinking fountains and public telephones placed or maintained upon a public parkway or sidewalk within the District by any person who has first obtained a permit in writing to do so from the General Manager.

**SEC. 4.02. GATES.** It is unlawful to place or leave any gate extended across or upon any District street, alleyway or easement resulting in an obstruction to persons passing thereon.

**SEC. 4.03. STORING PRIVATE PROPERTY.** No person shall store private property upon any District street, alley, or easement or other public place in the District, so as to obstruct the free use of them, as determined by the District. Items prohibited include, but are not limited to, appliances, inoperable vehicles, fire wood, construction materials, wagons, bikes, scooters, trampolines, basketball hoops, trash, garbage, compost piles, cans, or debris. Operable vehicles may be parked no longer than 24 hours. Long term operable vehicle parking is prohibited and subject to tow away per the California Vehicle Code and as determined by the District.

## **CHAPTER 5 - WIRES OVER STREETS**

**SEC. 5.01. PERMIT REQUIRED.** No one without an easement shall run, stretch or maintain through, along or across any District street, alley or easement any wire, cable, rope or cord, on poles or otherwise, without first obtaining a permit to do so from the District.

**SEC. 5.02. ELECTRIC OR NON-ELECTRICAL WIRES.** Any person now holding, or who may hereafter obtain, a franchise permitting the use of public streets, avenues, alleys, highways or public places in the District for the purpose of running or stretching wires therein, shall comply with the regulations set out in this section concerning the running or stretching of such wires. All wires used for the purpose of conducting an electric current or electricity for the purpose of producing electric light or non-electrical shall be run or stretched at least thirty feet above the ground and all other wires shall be placed at least two feet below the electric light or non-electrical wires.

## **CHAPTER 6 – EXCAVATIONS**

**SEC. 6.01. LIGHTING DANGEROUS PLACES.** Any person by whom makes dangerous a public street, avenue, alley, sidewalk, public park or place that may be made dangerous shall do the following:



- A. Obtain an appropriate permit from the SCSD; and
- B. Erect, and, so long as the danger may continue, maintain around the portion thereof so made dangerous, a good and substantial barrier approved by SCSD; and
- C. Cause to be maintained during every night, from sunset to daylight, suitable warning lights at the ends of every portion so made dangerous, and at every side of a street crossing so made dangerous.

**SEC. 6.02. PROPERTY OWNER RESPONSIBILITY FOR MAINTENANCE.**

- A. The District may permit a property owner to maintain trees within a District alley easement, provided the type of tree planted therein is approved by District.
- B. All trimming and other maintenance work upon such trees shall be done by a licensed tree trimmer or by the owner under the general supervision of the District and in accordance with this chapter.

**SEC. 6.03. PROPERTY OWNER RESPONSIBILITY FOR REMOVAL.**

- A. The District, with concurrence of the General Manager, may permit a property owner to remove trees from District property or easement adjoining or within his property.

**SEC. 6.04. NUISANCE ON PRIVATE PROPERTY.**

- A. Whenever any tree adjacent to or overhanging any District street, alley or public area is in such condition as to constitute a hazard or impediment to public travel, it shall be declared a public nuisance.
- B. If the owner of the private property on which the tree is located does not correct or remove the nuisance within ten days after receipt of written notice thereof from the District, the District shall cause the nuisance to be corrected or removed and the cost thereof shall be assessed to the owner.
- C. Property owners are prohibited from using any pesticide or herbicide within District streets, alleys or easements and shall control such usage on private property from encroaching on District property, easement or public space.

**SEC. 6.05. LIABILITY.** Nothing contained in this chapter shall be deemed to impose any liability upon the District, its officers or employees, nor to relieve the owner of private property from the duty to keep any tree on his property from constituting a public nuisance.

**SEC. 6.06. APPEAL.**

- A. Any person aggrieved by the action or proposed action of the District acting under this chapter may appeal the decision to the Board of Directors, whose decision shall be final.
- B. Such person shall file a notice of appeal, in writing, with the District clerk within seven (7) business days after the action or proposed action of the District.

**SEC. 6.07. UTILITY MAINTENANCE.**

- A. Any person owning, maintaining or operating any gas pipes, or mains beneath the surface or any District planting strip, street, easement or public area shall properly maintain such utilities to prevent damage to District property or easement.
- B. If such person neglects to provide proper maintenance of such utilities and such neglect results in damage to District property or easement, the full cost of repair shall be borne by such person.

**CHAPTER 7. – ENFORCEMENT**

**SEC. 7.01 AUTHORITY.** California Government Code Section 61064(a) states the “violation of any rule, regulation, or ordinance adopted by a board of directors is a misdemeanor punishable pursuant to Section 19 of the Penal Code.” California Government Code Section 61064(b) allows any citation issued by the SCSD for the violation of a rule, regulation, or ordinance adopted by the Board “may be processed as an infraction pursuant to subdivision (d) of Section 17 of the Penal Code.” Finally, Cal. Gov’t Code 61064(c) allows the Board to confer on “designated uniformed district employees the power to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or district rules, regulations, or ordinances when the violation is committed within a facility and in the presence of the employee issuing the citation. District employees shall issue citations pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.”

**SEC. 7.02 DESIGNATED EMPLOYEES.** A violation of this section is punishable as a misdemeanor or infraction, chargeable at the General Manager’s or District’s Counsel’s discretion. Each act that violates this Streets and Street Lighting Ordinance is a violation of the SCSD’s laws and shall constitute a separate offense.

**SEC. 7.03 PENALTY.**

- A. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this ordinance or the provisions of any ordinance adopted by reference by this ordinance. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this ordinance shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this ordinance shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for every day during any portion of which any violation of any provision of this ordinance, or the provisions of any ordinance adopted by reference by this ordinance, is committed, continued, or permitted by such person and shall be punishable accordingly. Any violation of this ordinance which is declared to be a misdemeanor shall be considered and treated as an infraction subject to the procedures described in Cal. Penal Code §§ 19.6 and 19.7, when:

1. The District Manager or District Counsel files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor; or
  2. The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.
- B. In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this ordinance, or the provisions of any ordinance adopted by reference by this ordinance, shall be deemed a public nuisance and may be summarily abated by this District, and each day such condition continues shall be regarded as a new and separate offense.
- C. Each violation of this ordinance expressly declared to be an infraction is punishable by:
1. A fine not exceeding \$50 for the first violation;
  2. A fine not exceeding \$100 for the second violation of the same ordinance within one year;
  3. A fine not exceeding \$250 for each additional violation of the same ordinance within one year.

**Section 2: Severability.** If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The Board of Directors hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

**Section 3: California Environmental Quality Act (CEQA) Determination.** Under the EIR that was completed upon the formation of the Scotia Community Services District, a determination was made that the District would not result in a significant environmental impact. This ordinance is also exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**Section 4: Limitation of Actions.** Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

**Section 5:** This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: \_\_\_\_\_, 2017

ATTEST:

APPROVED:

\_\_\_\_\_  
Clerk, Scotia Community Services District

\_\_\_\_\_  
President, Scotia Community Services District

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2017-1, passed and adopted at a regular meeting of the Board of Directors of the Scotia Community Services District, Humboldt County, California on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

\_\_\_\_\_  
Clerk, Scotia Community Services District

# Scotia Community Services District

## Staff Report

DATE: February 2, 2017  
TO: Scotia Community Services District Board of Directors  
FROM: Steve Tyler, Interim District Manager  
SUBJECT: SCSD Storm Drainage Ordinance 2017-2

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### **RECOMMENDATION:**

The Administrative staff recommends that the Board consider adoption of Ordinance 2017-2: An Ordinance of the SCSD Board adopting Title VI – Storm Drainage.

### **ACTION:**

Consider Adoption of Ordinance 2017-2, *first reading*.

### **DISCUSSION:**

Community Services Districts are required to adopt Ordinances for each service that is provided to the residents of the District. The SCSD Ordinance Title II- Water Service, was adopted on 11/19/2015, the SCSD Ordinance Title III- Wastewater Service was adopted on 11/19/2015 and the SCSD Ordinance Title IV- Parks and Recreation was adopted on 12/15/2016.

The Storm Drainage Ordinance was developed utilizing information obtained from other agencies that provide storm drainage services and includes input provided by the SCSD Board.

This ordinance will be presented to the Board, for the *second reading*, at the next Board meeting.

### **FISCAL IMPACT:**

None

### **ATTACHMENT:**

SCSD Storm Drainage Ordinance 2017-2

## ORDINANCE NO. 2017 - 2

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SCOTIA COMMUNITY SERVICES DISTRICT ADOPTING TITLE VI – STORM DRAINAGE

The Board of Directors of the Scotia Community Services District does ordain as follows:

**Section 1:** Title VI (Storm Drainage) is hereby adopted as follows:

#### TITLE VI - STORM DRAINAGE

##### CHAPTER 1 – PURPOSE

**SEC. 1.01. PURPOSE AND POLICY.** The purpose of this ordinance is to provide for the ongoing operation, maintenance, expansion, enhancement, construction, renovation, and rehabilitation of the SCSD storm drainage improvements and facilities that provide special benefits to properties within the SCSD, including incidental expenses and debt services for any bond(s), loans, or other repayment plans incurred to finance capital improvements. This article is intended to implement the provisions of Article 4 of Chapter 6.4, of the Benefit Assessment Act of 1982, [Act]) of the California Government Code (State of California, 1982) herein referred to as the "Act." Pursuant to the Act, the SCSD is the legislative body for the Storm Drainage District and may levy annual assessments and act as the governing body for the operations and administration of the SCSD. This title sets forth the standards, processes and fees associated with storm drainage services, adequate regulation of use, construction, and maintenance; and to provide procedures for complying with the requirements placed upon the District by other regulatory agencies.

##### CHAPTER 2 – DISTRICT DESIGNATED STORM DRAINAGE

**SEC 2.01. STORM DRAINAGE RESPONSIBILITY AND DEFINITION.** The Scotia Community Services District will own and maintain all dedicated storm drainage as adopted by resolution of the District. Storm drainage facilities are defined as the system of ditches, pipes, catch basins, gutters, drain inlets, manholes, outfalls, and all other associated infrastructure owned and/or operated by the District, which carries stormwater and surface waters or groundwater and drainage, but excludes sewage and polluted industrial waste.

##### CHAPTER 3 - GENERAL PROVISIONS

**SEC 3.01. RULES, REGULATIONS, AND RATES.** The Board reserves the right and power to from time to time by resolution adopt rules and regulations for the operation and maintenance of the storm drainage facilities of the District, and may likewise by resolution establish and modify the rates, charges, and penalties, consistent with the Engineer's Report for Assessment of Storm Drainage Benefits.

**SEC 3.02. SERVICE CHARGE FIXED BY RESOLUTION.** The District Board shall, by resolution, adopt an annual schedule of service charges and fees which will enable the District to operate and maintain the storm drainage system. These charges shall be levied against the owner or tenant of any developed parcel of property that discharges stormwater runoff into the District's drainage system.

**SEC 3.03. BILLING.** The regular billing period will be for each calendar month, or bimonthly, as determined by the Board. Opening and closing bills for less than the normal billing period shall be prorated on a daily-use basis. Bills for service shall be rendered at the beginning of each billing period and are payable upon presentation and due within 30 days.

**SEC 3.04. VANDALISM.** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the District's storm drainage system. Any person violating this provision shall be subject to the penalties provided by law.

**SEC 3.05. PERMIT REQUIRED.** No unauthorized person shall uncover, make any connection with or opening into, use, alter, regrade, or disturb any portion of the District's storm drainage system or appurtenances or perform any work on any portion of the system without first obtaining a written permit from the District.

**SEC 3.06. DISCHARGE OF POLLUTANTS.**

- A. The discharge of non-stormwater into storm drains is prohibited. All discharges of material other than stormwater must comply with a National Pollutant Discharge Elimination System (NPDES) permit issued for the discharge.
- B. Exceptions to Discharge Prohibition. The following discharges are exempt from the prohibition set forth in subsection (A) of this section:
  - 1. The prohibition on discharges shall not apply to any discharge regulated under a NPDES permit issued to the discharger and administered by the state of California under authority of the United States Environmental Protection Agency; provided, that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.
  - 2. Discharges from the following activities will not be considered a source of pollutants to waters of the United States when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washing, fundraising car washing that does not exceed two consecutive days, flows from riparian habitats and wetlands, flows from firefighting, or permitted use of reclaimed water.

**SEC 3.07. DISCHARGE IN VIOLATION OF PERMIT.** In the future, the California Regional Water Quality Control Board, Northern California Region (herein called Regional Board)

may issue an NPDES permit for stormwater discharges to the District. Any discharge that would result in or contribute to a violation of that permit and any amendment, revision or re-issuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) so causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the District in any administrative or judicial enforcement action relating to such discharge.

**SEC 3.08. UNAUTHORIZED DISCHARGE AND UNAUTHORIZED CONNECTIONS.**

The establishment, use, maintenance, or continuance of unauthorized connections to the storm drains, and/or the commencement or continuance of unauthorized discharges to the storm drains is prohibited. This prohibition is expressly retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection.

**SEC 3.09. REDUCTION OF POLLUTANTS.** Any person engaged in activities which will or may result in pollutants entering the storm drains shall undertake all practicable measures to cease such activities, and/or eliminate or reduce such pollutants. Such activities shall include, but not be limited to, ownership and use of parking lots, gasoline stations, industrial facilities, commercial facilities, restaurants, and stores fronting District streets or backing onto streams.

- A. Littering. Except for pollutants lawfully disposed of by way of containers or at a licensed dumping ground, no person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, yard waste, automotive waste, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land or other premises in the District, so that the same might be or become a pollutant discharged to water.
- B. Standard for Parking Lots and Similar Structures. Persons owning or operating a parking lot, gas station, area of pavement, or similar impervious structure shall remove pollutants and litter as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the storm drains.
- C. All construction plans and applications for building permits shall consider the potential for erosion and sedimentation at the construction site and shall include appropriate erosion and sedimentation controls. Appropriate controls shall be determined in accordance with the guidance provided in the CALTRANS handbook or similar technical manual and may include site planning considerations, construction staging and timing, and installation of temporary detention ponds or other treatment facilities.

Prior to and/or during construction, the General Manager or authorized designee may establish controls on the volume and rate of stormwater runoff from new construction as may be appropriate to minimize peak flows or total runoff volume. These controls



may include limits on impervious or area provisions for detention and retention of runoff on site.

### **SEC 3.10. WATERCOURSE PROTECTION.**

- A. Every person owning, occupying, leasing, renting, or in control of premises through which a watercourse passes shall:
  - 1. Keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would and/or could pollute, contaminate, or significantly hinder the flow of water through the watercourse;
  - 2. Protect and prevent deterioration existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse; and
  - 3. Not remove healthy bank vegetation without District Permit.
- B. No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the General Manager:
  - 1. Discharge into or connect any pipe or channel to a watercourse;
  - 2. Modify the natural flow of water in a watercourse;
  - 3. Deposit in, plant in, or remove any material from a watercourse including its banks, except as required for necessary maintenance;
  - 4. Construct, alter, enlarge, connect to, change, or remove any structure in a watercourse; or
  - 5. Place any loose or unconsolidated material adjacent to or within a watercourse to cause a diversion of the flow, or to cause a probability of such material being carried away by stormwater passing through such watercourse.

### **SEC 3.11. PROPORTIONAL REDUCTION OF STORM DRAINAGE FEE**

- A. The Storm drainage fee may be reduced by the General Manager based on:
  - (1) The type of impervious surface area on a particular developed parcel; or,
  - (2) Whether approved runoff control measures have been taken.
- B. Fee reduction shall occur on a case-by-case basis and shall reflect the extent to which the type of impervious surface area or alternate control measures reduce or eliminate use of the District's Drainage Facilities. The burden of establishing the reduced extent of the contribution to the District's Drainage Facilities shall be on the property owner. The General Manager may require the property owner to present an engineered drainage plan or any other technical information, which may be needed to support the request for a fee reduction.

### **SEC. 3.12. ADMINISTRATIVE REVIEW.**

- A. Any property owner who disputed the amount of a drainage fee imposed against his or her parcel pursuant to this chapter may file a written request with the General Manager to review the fee imposed. At the discretion of the General Manager, the requesting party may be required to present an engineered report and/or survey showing information relevant to the request such as the total property area, the impervious surface area, and any other features or conditions which influence the drainage or storm and surface water runoff from the property.
- B. The General Manager shall conduct a technical review to determine if an adjustment of the fee is in conformance with the provisions of this ordinance. At the conclusion of the review, the General Manager shall issue a written determination stating whether a fee reduction is appropriate and, if so, the amount of such reduction. All decisions of the General Manager shall be served on the property owner personally or by certified mail.
- C. The party who requested review of the drainage fee may appeal the decision of the General Manager to the District Board within (30) days after service of the General Managers' written decision. Notice of appeal shall include a description of the general grounds for the appeal. The District Board shall conduct a public hearing to consider the testimony of the appealing party. After the public hearing, the District Board may affirm or modify the decision of the General Manager, provided that any modification of the fee is in conformance with the provisions of the ordinance.

**SEC. 3.13. ANNUAL INSPECTION OF PRIVATE FACILITIES.** The General Manager or authorized designee has the duty and the responsibility to annually inspect all private facilities for any violation of the provisions of this ordinance.

The General Manager or authorized designee may, within the limitations of the law, enter such building or premises at reasonable times to inspect the same for violations of this ordinance or to perform any duty imposed upon the General Manager or authorized designee by this ordinance; provided, that the General Manager or authorized designee presents proper credentials to, and obtains consent from, the owner or occupant to enter.

In the event the owner and/or occupant refuse entry, the General Manager shall request assistance of the District legal counsel to obtain an administrative warrant for the premises, pursuant to the provisions of state law.

Private facilities shall be responsible for the cost of inspection and any associated inspection costs including but not limited to testing. Inspection costs shall be determined by the District by resolution of the Board.

## CHAPTER 4 – ENFORCEMENT

**SEC. 4.01. AUTHORITY.** California Government Code Section 61064(a) states the “violation of any rule, regulation, or ordinance adopted by a board of directors is a misdemeanor punishable pursuant to Section 19 of the Penal Code.” California Government Code Section 61064(b) allows any citation issued by the SCSD for the violation of a rule, regulation, or ordinance adopted by the Board “may be processed as an infraction pursuant to subdivision (d) of Section 17 of the Penal Code.” Finally, Cal. Gov’t Code 61064(c) allows the Board to confer on “designated uniformed District employees the power to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or District rules, regulations, or ordinances when the violation is committed within a facility and in the presence of the employee issuing the citation. District employees shall issue citations pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.”

**SEC. 4.02. DESIGNATED EMPLOYEES.** Each act that violates this Storm Drainage Ordinance is a violation of the Scotia Community Services District’s rules and shall constitute a separate offense. A violation of this section is punishable as a misdemeanor or infraction, chargeable at the General Manager’s or District’s Counsel’s discretion.

**SEC 4.03. VIOLATIONS, ABATEMENT, RESOLUTION.** Any condition caused or allowed to exist in violation of any of the provisions of this ordinance constitutes a threat to the public health, safety and welfare, and is deemed and declared to be a public nuisance. This public nuisance may be summarily abated, and/or the property restored to its original condition, and/or enjoined or otherwise be compelled to cease and desist, by the General Manager or authorized designee, or by actions taken by the District legal counsel.

### A. Inspections and Sampling – Authority and Procedure.

1. The General Manager or authorized designee has the duty and the responsibility to inspect all locations for any violation of the provisions of this ordinance. The General Manager or authorized designee may, within the limitations of law, enter such building or premises at reasonable times to inspect the same for violations of this ordinance or to perform any duty imposed upon the General Manager or authorized designee by this ordinance; provided, that the General Manager or authorized designee presents proper credentials to, and obtains consent from, the owner or occupant to enter. In the event the owner and/or occupant refuse entry, the General Manager shall request assistance of the District legal counsel to obtain an administrative warrant for the premises, pursuant to the provisions of state law.
2. The General Manager or authorized designee has the right to, and shall conduct routine sampling and monitoring on or adjacent to the premises under review. The cost of such routine sampling and/or monitoring activities, including test reports and results, shall be paid for by the District. The General Manager or authorized designee may, within the limitations of law, enter such premises at reasonable times to conduct sampling and monitoring operations; provided, that the General

Manager or authorized designee presents proper credentials to, and obtains consent from, the owner or occupant to enter. In the event the owner and/or occupant refuse entry, the General Manager shall request assistance of the District legal counsel to obtain an administrative warrant for the premises, pursuant to the provisions of state law.

3. Whenever the General Manager or authorized designee has reasonable cause to believe that the owner and/or occupant of a premises is engaged in an activity and/or operating a facility that is causing or contributing to stormwater pollution or contamination, unauthorized discharges, and/or the discharge of non-stormwater or other unlawful material to the storm drains, the General Manager or authorized designee may require the owner and/or occupant to conduct sampling and/or monitoring activities on the premises, and to furnish such test results and reports as the General Manager or authorized designee may determine. The burden and cost of undertaking such sampling and monitoring activities, including test results and reports, shall be paid for by the owner of the premises under review. The type and method of sampling and monitoring shall bear a reasonable relationship to the need for testing and monitoring and to the benefits to be obtained, as determined by the enforcement General Manager or authorized designee.
4. Exigent Circumstances. Whenever a condition is found to exist in violation of this ordinance that presents an immediate and present danger to the public health, safety and welfare requiring immediate remedial action to prevent injury to persons or property, the General Manager or authorized designee shall take whatever reasonable and appropriate action is necessary to neutralize the danger, including, but not limited to, entry upon private premises for inspection, sampling and monitoring, and abatement.

#### **SEC. 4.04. PENALTY.**

- A. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this ordinance or the provisions of any ordinance adopted by reference by this ordinance. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this ordinance shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this ordinance shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance, or the provisions of any ordinance adopted by reference by this ordinance, is committed, continued, or permitted by such person and shall be punishable accordingly. Any violation of this ordinance which is declared to be a misdemeanor shall be considered and treated as an infraction subject to the procedures described in Cal. Penal Code §§ 19.6 and 19.7, when:

1. The District Manager or District Counsel files a complaint charging the offense as an infraction unless the defendant, at the time he/she is arraigned, after being informed of his/her rights, elects to have the case proceed as a misdemeanor; or
  2. The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.
- B. In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this ordinance, or the provisions of any ordinance adopted by reference by this ordinance, shall be deemed a public nuisance and may be summarily abated by this District, and each day such condition continues shall be regarded as a new and separate offense.
- C. Each violation of this ordinance expressly declared to be an infraction is punishable by:
1. A fine not exceeding \$100 for the first violation;
  2. A fine not exceeding \$200 for the second violation of the same ordinance within one year;
  3. A fine not exceeding \$500 for each additional violation of the same ordinance within one year.

**Section 2: Severability.** If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The Board of Directors hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

**Section 3: California Environmental Quality Act (CEQA) Determination.** Under the EIR that was completed upon the formation of the Scotia Community Services District, a determination was made that the District would not result in a significant environmental impact. This ordinance is also exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**Section 4: Limitation of Actions.** Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

**Section 5:** This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: \_\_\_\_\_, 2017

ATTEST:

APPROVED:

\_\_\_\_\_  
Clerk, Scotia Community Services District

\_\_\_\_\_  
President, Scotia Community Services District

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2017-2, passed and adopted at a regular meeting of the Board of Directors of the Scotia Community Services District, Humboldt County, California on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

\_\_\_\_\_  
Clerk, Scotia Community Services District