

MARINA COAST WATER DISTRICT

ORDINANCE NO. 58

AN ORDINANCE AMENDING SECTION 6.08.080
OF THE DISTRICT CODE

Be it ordained by the Board of Directors of
Marina Coast Water District
as follows:

Section 1. Authority. This ordinance is enacted pursuant to the County Water District Law and Section 31025 of the California Water Code.

Section 2. Findings.

A. This ordinance is considered for action by the Board of Directors at a regularly scheduled and noticed meeting. The agenda was posted in accordance with County Water District law with opportunity for public review in advance of the meeting and public comment during consideration of the ordinance by the Board. The District has complied with publication, notice and hearing requirements of Section 6 of Article XIID of the California Constitution and Section 31025 of the California Water Code.

B. The District Code establishes, among other things, water consumption charges, minimum monthly charges, monthly sewer charges, various service charges, and water and sewer capacity charges for the District's customers. Ordinance 56 updated the monthly fee for private fire services, and added a schedule based upon meter size. The District Code does not define what the term meter size means for a private fire service. This ordinance adds the definition of Meter Size for private fire services to the Code of Ordinances.

C. Based upon the above findings, the District legal counsel advises, and the Board finds, that actions taken pursuant to this ordinance are categorically exempt from CEQA according to 14 California Code of Regulations 15301 and 15307.

D. The District has duly mailed notice of the meeting to consider adoption of this ordinance to any person or entity requesting such notice in writing. Any such written requests are on file with the District.

Section 3. Purpose Of Ordinance. The purpose of this ordinance is to amend the District Code by amending Section 6.08.080, Private Fire Service, by adding the definition of "Meter Size" and to address the use of the same term as to the Ord Service Area Monthly Fire Service Fee.

Section 4. Water Service Charges. Section 6.08.080 of the District Code is hereby amended to add the following:

6.08.080 Private Fire Service

For purposes of Section 6.08.080 and the Ord Service Area Monthly Fire Service Fees, the term “Meter Size” means the size of the backflow prevention check valve installed on the private fire service lateral and does not mean the size of the detector by-pass meter. If the customer or property owner can show the District, to the satisfaction of the District Engineer, that the pipe after the check valve is of a different size than the check valve, then the District can adjust the monthly fire service fee in accordance with the pipe size.

Section 5. Effective Date. This Ordinance shall take effect 30 days following adoption.

Section 6. Publication and Posting. Within 15 days after adoption, the district shall publish, in a newspaper published in Monterey County and circulated within the district, a summary of this ordinance with the names of those directors voting for and against adoption, and shall post in the district office a certified copy of the full text of this ordinance as adopted along with the names of those directors voting for and against adoption.

Section 7. Notice of Exemption Notice of Determination. The Secretary is authorized and directed to give due notice of exemption of this ordinance from the provisions of CEQA, pursuant to Title 14, California Code of Regulations, section 15062.

Section 8. Existing Charges. Existing fees and charges in effect when this ordinance is adopted shall remain in effect unless specifically changed by this ordinance.

Section 9. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, or superseded by some other provision of law, such provisions shall be severed from and shall not affect the validity of the remaining provisions of this ordinance. The Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any other part thereof be unconstitutional or invalid, or superseded by some other provision of law. The parts of this ordinance which are not unconstitutional, invalid, or superseded shall remain in full force and effect and shall be enforced according to their terms.

Section 10. Interpretation. Words and Phrases used in this ordinance shall be read conjunctively with and shall have the same meaning as in prior district ordinances and the district Code, unless specifically changed by this ordinance or unless the context requires some other construction. If there is any inconsistency between this ordinance and prior provisions, this ordinance shall control.

On motion of Director _____, seconded by Director _____; the foregoing Ordinance is enacted and shall take effect upon adoption by the following roll call of the Board:

Ayes:

Nays:

Absent:

Abstained:

By _____
Thomas P. Moore, President

ATTEST:

Brian C. Lee, Secretary

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that the foregoing Ordinance was approved by the Board of Directors at their regular meeting on _____, 2014.

Brian C. Lee, Secretary