

**ORDINANCE 2013-1**  
**(Ordinance 97-3 REVISED)**

**AN ORDINANCE ESTABLISHING PRIORITIES FOR PROVIDING WATER SERVICE  
ALLOTMENTS**

Be it ordained by the Board of Directors of the Westhaven Community Services District, Humboldt County, California, as follows:

**ARTICLE 1**  
**GENERAL PROVISIONS**

Section 101 Short Title

This Ordinance shall be known and may be cited as "Westhaven Community Services District Water Service Allotment Code."

Section 102 Words and Phrases

For the purpose of this Ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural.

Section 103 Effect of Definition

The definition of a word applies to any of its variants.

Section 104 Separability

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

**ARTICLE 2**  
**DEFINITIONS**

Section 201 Water Service Allotment

means the right to one (1) water service connection to the Westhaven Community Services District (WCSD) water system. Each dwelling connected shall require a separate water service allotment. Each water service allotment shall be subject to regular monthly charges for water service as set by Resolution of the Board, regardless of the presence or absence of a water service connection.

Section 202 Water Service Connection

means the pipeline and all appurtenant facilities and fittings including without limitation: meter stop or service valve, meter and meter box used to extend water service from a water main to a property, the laying thereof and the tapping of the main. Where services are divided at the curb of the property line to serve several customers, each branch service shall be deemed a separate service.

Section 203 Water Source

means a water source other than the WCSD water system

Section 204 Contaminated

means having bacterial, chemical, or radiological properties that render the water non-potable as per California Domestic Water Quality and Monitoring Regulations.

Section 205 Insufficient

means inadequate production of water to supply the needs of the dwelling, as established by WCSD surveys of 1989 and 1991 or as established by volumetric production testing conducted according to WCSD standards and specifications, or as established by the presence of a water storage tank and records of bulk water deliveries made necessary by insufficient on-site availability of water.

Section 206 Dwelling

means a residence which includes plumbing and fixtures for a functional kitchen and bathroom.

Section 207 Parcel

means a property with a single Assessor's Parcel Number.

**ARTICLE 3**

**OBLIGATION TO WESTHAVEN MUTUAL WATER COMPANY SHAREHOLDERS**

Section 301 Water Service for WMWC Shareholder

The WCSD shall provide water service allotments, subject to the limitations contained in WCSD water use and billing regulations, to all parcels to which a share of stock in the Westhaven Mutual Water Company (WMWC) was attached as of December 31, 1987, except that parcels from which a water service allotment has been transferred, by means of the WCSD procedure for transfer of service allotments, shall be reassigned to Section 501.

Water service connections shall be provided to supply one dwelling only for each WMWC share of stock except that where the WMWC had authorized connection to more than one dwelling per share of stock by the acceptance of regular monthly payments for additional connections those additional connections shall also be provided the equivalent number of water service allotments within this section.

Section 302 Water Service for Other Customers of the WMWC.

The District shall provide water service allotments, subject to the limitations contained in WCSD water use and billing regulations, to all parcels where, in the absence of a share of WMWC stock, authorized water service was provided by the WMWC by the acceptance of regular monthly payments. Service connections to these parcels shall be provided only to the extent provided by the WMWC. Additional service to these parcels shall be considered under the appropriate section of Article 4 of this Ordinance.

**ARTICLE 4**

**PRIORITY FOR NEW SERVICES**

The WCSD shall fulfill new water service allotment requests only to the extent that adequate capacity to serve those parcels has been demonstrated to the satisfaction of the California Department of Public Health.

In the event that the WCSD's capacity to provide new water service allotments is limited to fewer than the total number of parcels within any section below, the Board of Directors shall establish policy, as needed, by Resolution, to govern the further prioritization of parcels within a section.

Section 401 A Parcels with Contaminated or Insufficient Water Sources Containing Dwellings Constructed Prior to December 31, 1987

Assuming adequate capacity, the WCSO shall offer water service allotments to parcels within the District containing dwellings constructed prior to December 31, 1987 and having contaminated or insufficient water sources. Applicants shall pay all the standard fees for a new service connection.

Section 401 B Parcels with Contaminated or Insufficient Water Sources Containing Dwellings Constructed After December 31, 1987

If all requests for water service allotments in Section 401 A have been fulfilled, then remaining water service capacity will be offered to other parcels within the District containing dwellings constructed after December 31, 1987 and having contaminated or insufficient water sources. Service to parcels in this Section shall not be provided without proof of a sewage disposal permit from the Humboldt County Department of Environmental Health. Applicants shall pay all the standard fees for a new service connection.

Section 402 Parcels with Sufficient Water Sources Containing Dwellings Constructed Prior to December 31, 1987

If all requests for water service allotments in Sections 401 A and 401 B have been fulfilled, then any remaining water service capacity will be offered to other parcels within the District containing dwellings constructed prior to December 31, 1987 and having sufficient water sources. Applicants shall pay all the standard fees for a new service connection.

Section 403 Undeveloped Parcels and Parcels with Sufficient Water Sources Containing Dwellings Constructed After December 31, 1987

If all requests for water service allotments in Sections 401 A, 401 B and 402 have been fulfilled, then any remaining water service capacity will be offered to: (1) undeveloped parcels within the District boundaries; and (2) those parcels containing dwellings constructed after December 31, 1987 and having sufficient water sources. Service to parcels in this Section shall not be provided without proof of a sewage disposal permit from the Humboldt County Department of Environmental Health.

Section 404 Annexed Parcels

If all requests for water service allotments in Sections 401 A, 401 B, 402 and 403 have been fulfilled, then any remaining water service capacity will be offered to parcels annexed to the District after December 31, 1987. Service to parcels in this Section shall not be provided without proof of a sewage disposal permit from the Humboldt County Department of Environmental Health.

**ARTICLE 5  
WATER SERVICE ALLOTMENTS TRANSFERRED AWAY**

Section 501 Parcels from Which Water Service Allotments Have Been Transferred

Parcels from which water service allotments have been transferred shall be assigned to Section 501.

If all requests for water service allotments in Section 401 A, 401 B, 402, 403 and 404 have been fulfilled, then any remaining water service capacity will be offered to parcels from which water service allotments have been transferred. Service to parcels in this Section shall not be provided without proof of a sewage disposal permit from the Humboldt County Department of Environmental Health.

**ARTICLE 6**  
**REASSIGNMENT OF NEW WATER SERVICE ALLOTMENTS**

Section 601 Parcels Provided with Water Service After December 31, 1987.

Parcels formerly assigned to Sections 401 A, 401 B, 402, 403, 404 and 501 which have been provided with water service allotments after December 31, 1987 shall be reassigned to Section 601.

APPROVED: August 21, 2013

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Gregory Smith, President  
Westhaven Community Services District

ATTEST:

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Richard Swisher, Manager  
Westhaven Community Services District

**SECRETARY'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Ordinance 2013-1, an Ordinance "Establishing Priorities for Providing Water Service Allotments Within the District," passed and adopted at a regular meeting of the Board of Directors of the Westhaven Community Services District, Westhaven, California, held on the Twenty-first day of August, 2013 by the following roll call vote:

AYES: Smith, Verick, Hankin, Moon, Phipps

NOES: None

ABSENT: None

ABSTAIN: None

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Sarah Jordan, Secretary  
Westhaven Community Services District