

ORDINANCE NO. 4
REGULATIONS OF DISTRICT ROADS

AN ORDINANCE OF THE TENAJA COMMUNITY SERVICES DISTRICT ESTABLISHING RULES, REGULATIONS AND PROCESSES RELATING TO THE OWNERSHIP, USE, REPAIR AND CONTROL OF STREETS WITHIN ITS BOUNDARIES.

Section 1. Findings of Fact

a. The TENAJA COMMUNITY SERVICES DISTRICT, hereinafter called "District," is a California Community Services District authorized under Section 61600 (j)(k), to improve and maintain streets and bridges, culverts, curbs, gutter, drains and works incidental thereto subject to the consent of the Board of Supervisors of the County of Riverside, which consent has been granted.

b. Those streets affected by this Ordinance are shown and referenced on Exhibit "A", attached hereto, and by this reference made a part thereof, and all roads subsequent to this Ordinance that are offered for dedication for public use, have been accepted for public road and utility purposes; such roads have, however, not been accepted as a part of District's maintained road system.

c. Those streets created by a lot split or a parcel map.

d. Based on increased use and activity upon the roads and streets as referenced on exhibit "A", the District will undertake such care and control as the Board deems appropriate. Costs for any such activity will, depending upon the scope thereof, be charged either to the General Fund or the District will seek reimbursement from only those property owners who benefit.

e. The Board of Supervisors of the County of Riverside has consented to the District's assumption of the aforesaid functions.

f. The District intends, therefore, to establish and adopt policies, standards, rules and

regulations and permit procedures relating to the use, maintenance, repair, and occupancy of those streets and roads as referenced on Exhibit "A".

g. The District has formulated such policies, standards, rules and regulations and permit procedures, subject to change by Board resolution, as set forth in Exhibit "B" attached hereto established for roads subject to acceptance and maintenance by the District, and by this reference made a part hereof, establishing:

- (i) Minimum standards for construction of streets, including drawings;
- (ii) Fees;
- (iii) Security for the property performance of the work;
- (iv) General provisions and special conditions to be included in all permits.
- (v) Allowable uses of right-of-way not requiring a District permit.

h. The adoption and enforcement of the aforesaid standards, rules and regulations and permit procedures are necessary for the public health, safety and welfare of the residents of the TENAJA COMMUNITY SERVICES DISTRICT.

NOW THEREFORE, be it ordained by the Board of the Directors of the TENAJA COMMUNITY SERVICES DISTRICT as follows:

Section 2. Definition of Terms.

a. Encroachment shall mean any intrusion into property defined as Public Right of Way of any street or road as referenced on Exhibit "A"

b. Standard non-refundable fee shall comprise the cost of issuing and administering an application for an encroachment permit.

c. Security deposit shall be that amount determined by the General Manager and approved by the Board of Directors of Tenaja Community Services District to be probable additional costs that could be incurred by the District in the administration or completion of the application. The District may require the funds in such deposit to be supplemented with additional funds if the actual costs exceed the estimated costs. Any unused portion of the deposit shall be returned upon final TCSD Inspection and approval.

Section 3. Application for Encroachment Permit

Any person intending to occupy, perform work or improvements on or otherwise alter a Public Right of Way as referenced on Exhibit "A" shall first submit an application for approval to the General Manager on a form provided by the District and pay the appropriate Standard non-refundable fee as well as a security deposit. The application shall include a detailed description of the work to be performed, materials, structures, improvements, and vicinity map prepared by a registered engineer. Such plans shall also show the location of all existing improvements, both public and private.

Section 4. Allocation of Costs.

a. All costs incurred by the District which are deemed to benefit the entire District shall be charged to the General Fund.

b. All costs relating to any encroachment permit shall be charged to the applicant.

c. All charges incurred by the District which relate to the repair of a defined portion of its streets or roads which benefit only certain persons or owners shall be divided equitably among such benefitting parcels.

d. Enforcements shall be in accordance with California Code Title 1 - General Provisions chapter 1.16.

Section 5. Availability for Public Inspection:

A copy of this ordinance and exhibits thereto shall be maintained at the District office at all times, and shall be available for examination by the general public upon request at all reasonable hours.

Section 6. Effective date.

This ordinance shall become effective thirty (30) days after its adoption. The General Manager of the District is hereby directed to publish this ordinance or amendments thereto, in a newspaper of general circulation published in the County of Riverside; however, such publication need not include the exhibits hereto but shall include a statement that the exhibits shall be available for examination at the office of the District.

PASSED, ADOPTED AND ORDERED PUBLISHED by the Board of Directors of the TENAJA COMMUNITY SERVICES DISTRICT this 23rd day of January, 2015 by the following roll call vote.

AYES: Directors: Juha, Millington, Natale,
and Earnhart

NOES: Directors: none

ABSENT: Directors: none

ABSTAIN: Directors: none

John Earnhart, Acting
President

(S E A L)

ATTEST:

Arlene J. Miller, Secretary