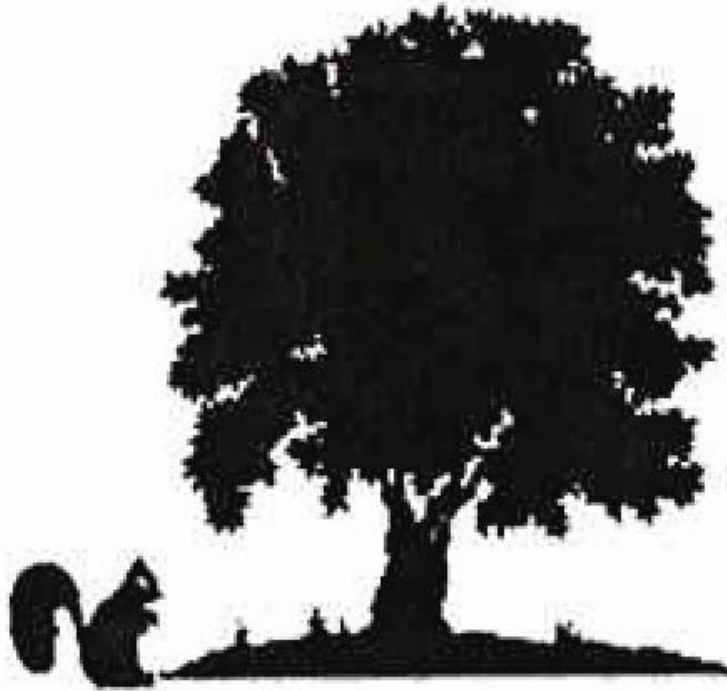


Ground Squirrel Hollow Community Services District



DISTRICT CODES

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CHAPTER 1 - GENERAL PROVISIONS AND DEFINITIONS

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1.000 - Introduction

Ground Squirrel Hollow Community Services District was formed in 2004 under enabling California Government Code 61000 et seq. While a CSD may provide a number of municipal functions, the only function provided by GSHCSD at this time is ROADS pursuant to Government Code Section 61100 (L). The mission of the District is to improve and maintain existing roads and appurtenances including drainage, etc. funded mainly with an annual parcel based special tax plus fees from building and encroachment permits. Any additional functions must be approved by both the Local Agency Formation Commission and registered voters within the District service area. The District is governed by an elected Board of Directors who, subject to scheduling conflicts, conduct regular public meetings at 7:00 pm on the second Wednesday of each month at the Meridian Fire Station, 4050 Branch Road (north of Highway 46), Paso Robles. The District General Manager may be contacted at (805) 544-4011 or 612 Clarion Ct., San Luis Obispo, CA 93401.

1.100 – Purpose

The purpose is to create and codify a Code of Resolutions and Ordinances pursuant to Section 61040 (a) and 61045 (g) and Community Services District Law (Section 61000 et seq. of the California Government Code).

1.200 - Enactment, Authority and Applicability

- A. The resolutions and ordinances contained in the following chapters and sections shall constitute and be identified as "The Ground Squirrel Hollow Community Services District Code " and may be cited within the following chapters and sections as "this Code", "the Code" and the "District Code".

- B. The provisions of this Code are adopted pursuant to the authority vested in the Ground Squirrel Hollow Community Services District by the State of California, including but not limited to Sections 61000 et seq. of the Government Code. The general power of the District under this Section as adopted by the Board of Directors is limited to the following:
(1) Acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works. The District shall not acquire, construct improve, or maintain any work owned by another public agency unless that other public agency gives its written consent, pursuant to the aforementioned Government Code and any changes thereto. *It is the intent of the District to maintain roads but not to provide traffic control except for advisory and/or warning devices.*
- C. The Board of Directors may adopt further powers as defined under Section 61100 et seq. of the Government Code if it determines by resolution that it is feasible, economically sound, and in the public interest for the District to exercise such powers and complies with all Government Code procedures to exercise such powers including LAFCO approval pursuant to Government Code Section 61106.
- D. The provisions of this Code are applicable to all areas and facilities under the ownership and/or jurisdiction of the Ground Squirrel Hollow Community Services District, as such jurisdiction is defined by California state law.

1.210 - Service Area

The District's service area comprises the area within the boundaries of the District upon formation and approved by the San Luis Obispo County Local Area Formation Commission in 2004.

1.300 – Definitions

This section defines the terms and phrases used in this Code that are technical or specialized, or that, for the purposes of this Code, may not reflect common usage. Individual Code chapters have their own specific list of definitions. Where any of the following definitions conflict with definitions used in any of the technical codes that may be adopted by the District, the definitions in this section shall prevail.

Applicant. The person or agent of the property of record making shall be the owner of premises for which an application is requested or his authorized agent requesting service from the District for which there is a fee or charge.

Board, or Board of Directors. The Board of Directors of the Ground Squirrel Hollow Community Services District.

CEQA. The California Environmental Quality Act, Sections 21000 et seq. of the California Public Resources Code.

Change of ownership. A transfer of a present interest in the property, and a transfer of the right to beneficial use thereof, the value of which is substantially equal to the value of the fee interest, regardless of whether such transfer is voluntary, involuntary, or by operation of law, court order, grant, gift, devise, inheritance, trust, contract of sale, addition or deletion of an owner, property settlement, or any other means.

Community Services District Law. The provisions of Division 3 of Title 6 (commencing with Section 61000) of the Government Code, as the same may be amended or reenacted.

Conceptual Approval. A letter issued by GSHCSD approving conceptual design of new roads. Such Conceptual Approval may contain conditions.

Contractor. An individual, firm, corporation, partnership or association duly licensed by the state to perform the type of work to be done under the permit.

County. The County of San Luis Obispo, California.

County Recorder's Office. The County of San Luis Obispo Recorder's Office.

District. The Ground Squirrel Hollow Community Services District, formed under and by virtue of the laws of the State of California for the purpose of road maintenance as set forth under California Government Code Section 61000 et seq. The General Manager or his designee is the sole agent of District for purposes of the administration and implementation of the District Code.

District engineer. The engineer employed by the District and shall be a registered civil engineer in the state. The District Engineer may be the General Manager.

District inspector. The plan check engineer or designee acting under the direction of the District engineer.

Easement. That portion of private or public property designed for vehicular purposes and common utilities as set forth on recorded subdivision maps or other recorded and unrecorded documents. Easements include but are not restricted to recorded or unrecorded offers of dedication accepted or not accepted by GSHCSD. Easements also include right-of-ways.

Employee. A person who is employed by the District under an employee agreement; or on a salary, daily wage or hourly pay. A District Employee may be an independent contractor.

Facility. Any road or appurtenance thereto within and under the jurisdiction of GSHCSD.

GSHCSD. Ground Squirrel Hollow Community Services District.

General Manager. The General Manager appointed by the Board of Directors of the Ground Squirrel Hollow Community Services District.

Government Code. California Government Code as the same may be amended or reenacted.

Health agency. The California Department of Health Services, or the San Luis Obispo County local health agency.

Lot: Any unit of land which qualifies as a parcel or lot under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other parcel (or are separated only by a road or easement), and (2) for which there is unity of ownership, and (3) which have an identical present use. The term "parcel" shall be given the same meaning as the term "site".

New addition. Additional space attached to an already existing structure.

New construction. Any construction of a previously non-existent structure or additions, modifications, or structural improvements which add square footage to floor space of existing structures requiring a discretionary or ministerial permit from the County Building Department.

Occupant: Any person actually occupying any premises, whether as owner or tenant, under contract or otherwise.

Owner. Any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

Person. Any and all persons, firms, joint ventures, partnerships, associations and corporations.

Premises. Any and all areas on a user's property, which are served or have the potential to be served by roads owned and/or maintained by the District.

Property. Real and personal property.

Rates and fees. The effective rates, fees, taxes, assessments, and charges, as adopted by the District.

Right-of Way. Those portions of properties designed to facilitate public access of all types and for common utilities as set forth on recorded subdivision maps including but not restricted to both recorded and unrecorded offers of dedication accepted or not accepted by GSHCSD.

Road. Any easement or right-of-way and appurtenance thereto for public use and/or common utilities as set forth on a recorded subdivision map and within the service area of GSHCSD.

State. The State of California.

Technical Codes. The Uniform Building Code, Uniform Sign Code, or any other document containing standards and/or specifications for construction adopted by reference as part of this title.

Tenant. A person who occupies the whole or a part of such building or land, and is not the owner.

User. The current owner of the premises receiving District services.

1.310 - Rules of Construction and Interpretation

The General Manager shall have the responsibility and authority to interpret the provisions of this Code and advise the public about its requirements. The terms and phrases used in this Code shall be construed and interpreted as follows:

- A. Construction. When used in this Code, the word "shall," is always mandatory and "may" is discretionary. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The titles of every chapter and section of the Code of Ordinances are a part of each chapter and section and shall be construed as such when questions of meaning or construction arise.
- B. Number of days. Whenever a number of days is specified in this Code, or in any permit, condition of approval or notice issued or given as provided in this Code, such number of days shall be construed as business or working days, except where this Code otherwise uses the term "calendar days."
- C. Minimum requirements. When interpreting and applying the regulations of this Code, all provisions shall be considered to be the minimum requirements, unless stated otherwise.

1.400 - Amendments to Code

The Ground Squirrel Hollow Community Services District Code may be amended whenever the Board of Directors determines that public necessity, convenience, or welfare require. Any such amendments to this Code shall be initiated and processed in a manner consistent with the

requirements of the Board of Directors, with a public hearing on such amendments conducted by the Board.

1.500 - Damage to District Property

It shall be unlawful and a violation of this Code for any person to willfully or carelessly destroy, damage, disturb, deface, or interfere with any streets, roads, rights-of-ways, bridges, culverts, drains, curbs, gutters, sidewalks, notices, buildings, structures, vehicles, facilities equipment and any incidental works or any other property whatsoever under the ownership or jurisdiction of the District.

1.600 – Claims

All claims for money or damages against the District that are exempt from the Tort Claims Act under Government Code Section 905, and that are not governed by any other statute or regulation expressly relating to such claim, shall be presented to the District within the time limitation and in the manner set forth in Government Code section 910 through 915.2.

- A. When a claim is required to be presented within a period of less than one year after the accrual of the cause of action is not presented within the required time, an application for leave to file a late claim may be made and processed in accordance with Government Code sections 911.4(b), 911.6 to 912.2, and 946.6. A late claim also shall be subject to Government Code section 946.4. (Government Code 935(e)).
- B. Claims shall be subject to the provisions of Government Code section 945.4 relating to the prohibition of lawsuits until the presentation of and action on a claim. No lawsuit for money or damages may be brought against the District on a cause of action for which a claim is required to be presented in accordance with this ordinance until a written claim has been presented to the District and has been acted upon by the District Board, or has been deemed to have been rejected by the District Board, in accordance with the procedures at Government Code sections 910 through 915.2. (Government Code 935(b)).
- C. Any lawsuit brought against the District on a claim subject to this Ordinance shall be subject to the provisions of Government Code sections 945.6 (lawsuit filing limitations) and 946 (lawsuit barred after claim allowed in full or part). Any lawsuit against the District on a claim subject to this ordinance must be commenced within the time limitations of Government Code section 945.6.

1.700 - Severability

If any article, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid, unconstitutional or unenforceable, such decisions shall not affect the validity of the remaining portions of this chapter. It is hereby declared that this chapter and each article, section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof would have been adopted irrespective of the fact that one or more of such portions of this chapter be declared invalid, unconstitutional or unenforceable.