

DISTRICT BOARD  
OF THE SUNDOWN SANITARY DISTRICT

ORDINANCE NO. )

2006-10-1 )

) AN ORDINANCE FURTHER AMENDING  
) ORDINANCE 2004-12-2 BY CHANGING  
) THE PAYMENT DUE DATE FOR  
) SERVICE CHARGES AND DECLARING  
) AN EMERGENCY AS AUTHORIZED BY  
) ORS 198.550(3). THE ORDINANCE IS  
) EFFECTIVE IMMEDIATELY UPON  
) ADOPTION EFFECTIVE OCTOBER 1, 2006

The District Board of SUNDOWN SANITARY SEWER DISTRICT ordains as follows:

**ARTICLE ONE.**

**PURPOSE, AUTHORITY, POLICY,  
PROCEDURE AND CONSTRUCTION  
OF THIS ORDINANCE**

- 1.1 **Purpose.** This Ordinance amendment is to establish an extended time period for payment of monthly sewer service charges.
- 1.2 **Authority.** The District is authorized pursuant to ORS 450.075(8) to determine and fix sewer charges as provided in ORS 450.130. ORS 450.130(1) authorizes the Board to enact Ordinances levying sewer service charges within the District for the purpose of financing the construction, operation, and maintenance of the sewer collection and disposal system.
- 1.3 **Policy.** Users of the sewer system should be charged rates that reflect the operation of the system as a public utility in the District. Rates are

established to reflect the level of usage of each category of user. Persons who are not required to use and do not use the sewer utility shall not pay monthly sewer service charges. Use of the sewer system occurs when the Willowdale Water District provides water service to improve property for which sewer use is required or which has a sewer system because water is the median for carrying sewage through the District's sewage system.

1.4 **Procedure.** The rate structure for the sewage collection and disposal system should be based upon a fee for service consistent with the purpose and policy statement above. This rate structure is intended to constitute a service charge based on a fixed rate for usage measured by EDUs attributable to the user, and it is viewed as a charge against property or against a person as a direct consequence of ownership of that property. Similarly, the sewer service charge based upon the EDU rate structure should reflect the full actual direct and indirect cost of providing the service.

1.5 **Construction.** This Ordinance shall be construed most favorably to provide all necessary authority to carry out the above purposes, policies and authority and the below designated rules, regulations and rates.

**ARTICLE TWO.**

**SEWER SERVICE CHARGE**

2.1 **Prior Service Charge.** Ordinance 2004-12-2 established a sewer charge flat rate of \$35.00 per single family dwelling equivalency for each separate use for structures located on each property within the District.

2.2 **Amendment of Sewer Service Charge for Single Family Housing Units.** Ordinance 2006-5-1 established an increase from a sewer charge of \$35.00 per month to the rate of \$95.00 per month per EDU (equivalent dwelling unit) which is defined as a single family residence located within the District starting July 1, 2006 or upon availability of sewer and connection thereto by structures constructed and/or connected after July 1, 2006.

2.3 **Amendment of Sewer Service Charge for Multiple Housing Units.** The current monthly sewer service charge of \$95.00 per month is hereby increased to the rate of 64% of the single family residential EDU per month for each separate single family residential use per structure starting July 1, 2006 or upon availability of sewer and connection thereto by multi-housing units constructed or connected after July 1, 2006. The basis for use of the rate of 64% of the single family residential EDU includes, but is not limited to, past custom and practice of the prior operation of the system.

2.4 **Allocation of Service Charge.** The \$95.00 per EDU service charge is allocated to \$15.00 for administration services and \$80.00 for capital improvement. The multi-housing unit charge shall be pro-rated on the same basis of the \$95.00 per EDU sewer charge.

2.5 **Adjustment of EDU Determination.** The EDU charge is based upon an assumption of no or minimal ground water infiltration. If it is determined by the District Board that sewer generation usage is increased in excess of water service to the property due to ground water infiltration, the sewer service charge may be adjusted to reflect the actual sewage generated from any particular use or property.

2.6 **Effective Date.** The provisions of this Ordinance shall become effective immediately upon adoption and the payment due date shall be effective October 1, 2006 or upon availability of the sewer and connection thereto by structures constructed and/or connected after October 1, 2006.

2.7 **Amendment of Section 2.10.1 of Ordinance 10.1 as follows:**

The Sundown Sanitary District will issue a monthly billing at the beginning of each month. Payments not received by the 25<sup>th</sup> of each month will be considered late. A \$10.00 late fee, per EDU, shall be applied to all bills more than five days past due, every month that payment has not been made. Payments shall be made to the address designated from time to time by the District on the billing statement or by other written notice.



By: Eileen Cheuvront  
Eileen Cheuvront  
Board Secretary

**ATTEST:**

Walt Postlewait

Walt Postlewait, Board Member

**Approved as to Form:**

W. Louis Larson

W. Louis Larson  
Attorney for District