

DISTRICT BOARD  
OF THE SUNDOWN SANITARY DISTRICT

ORDINANCE NO. )  
2006-5-1 ) AN ORDINANCE FURTHER AMENDING  
) ORDINANCE 2004-12-2 BY PROVIDING A  
) METHOD OF CALCULATION OF SEWER  
) SERVICE CHARGES AND BY PROVIDING  
) AN INCREASE IN MONTHLY SEWER  
) SERVICE CHARGES WITHIN THE  
) DISTRICT AND DECLARING AN  
) EMERGENCY AS AUTHORIZED BY  
) ORS 198.550(3). THE ORDINANCE IS  
) EFFECTIVE IMMEDIATELY UPON  
) ADOPTION WITH RATE INCREASE TO  
) BE EFFECTIVE JULY 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 provide the method of sewer service charges based upon an equivalent dwelling unit ("EDU") method of assessment and thereby increasing the District's monthly sewer service charge to meet the obligations of the District.

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.** The current sewer charge of \$35.00 per month is hereby increased 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 \$35.00 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 increase in rates shall be effective July 1, 2006 or upon availability of the sewer and connection thereto by structures constructed and/or connected after July 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 15<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.

**2.8 Revocation of Prior Section.** Section 2.10.2 of Ordinance 2004-12-2 is hereby revoked.

**ARTICLE THREE.**

**ADOPTION**

3.1 **Effective Date.** This Ordinance is effective upon adoption by the Board in accordance with ORS 198.510 to 198.600.

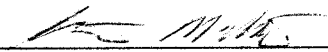
**ARTICLE FOUR.**


**DECLARATION OF EMERGENCY**

4.1 An emergency is hereby declared because of the need to establish this Ordinance in order to provide funding to operate the sewer district operations and to commence implementation of capital improvements in order to comply with Oregon Department of Environmental Quality requirements. Failing to immediately adopt this Ordinance would prevent the District from being able to carry out its respective duties. This Ordinance will be in full force and effect immediately upon its passage by the Board with the effective date for the rate increase to be July 1, 2006.

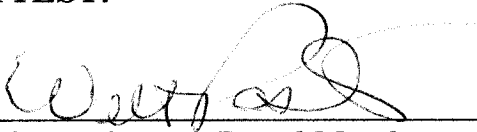
PASSED by the unanimous consent of the District Board members present at a meeting attended by a quorum of the Board this 31<sup>st</sup> day of May, 2006.

**Sundown Sanitary Sewer District**

By:   
Steve McNulty  
Board President

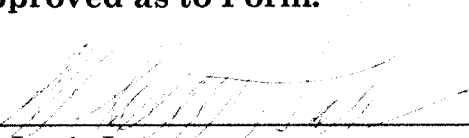
By:   
Eileen Cheuvront  
Board Secretary

**ATTEST:**



Walt Postlewait, Board Member

**Approved as to Form:**



W. Louis Larson  
Attorney for District