

ORDINANCE NO. 2016/2017-01

GENERAL SEWER USE ORDINANCE

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS; ESTABLISHING SEWER USER CHARGES; DEFINING CERTAIN TERMS; PROVIDING FOR REVIEW AND REVISION OF RATES ON A PERIODIC BASIS; IDENTIFYING THOSE RESPONSIBLE FOR PAYMENT; PROVIDING FOR COLLECTION OF USER CHARGES; REPEALING ORDINANCES 2004-12-1, 2004-12-2, 2006-1-1, 2006-5-1, 2006-10-1, AND 2013-1; REPEALING RESOLUTION AND ORDER 2013/2014-2, 2013/2014-3 AND 2013/2014-6; AND DECLARING AN EMERGENCY.

WHEREAS, the District provides a valuable public service by providing a sewer system within the District limits and this utility exists for the benefit of any person within the District who is required to use the system for disposing of sewage; and

WHEREAS, it is necessary to establish regulations for private and public sewage disposal and to set out a procedure for connection to the public sewerage system; and

WHEREAS, in order to carry out its authorized function of sewage collection and disposal, it is necessary and in the public interest that the District establish a schedule to pay the expenses of operating and maintaining such facilities, to provide debt service and to provide a margin for reserve.

The Sundown Sanitary District does ordain as follows:

SECTION 1. DEFINITIONS.

“Building drain” means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet outside the building wall.

“Building sewer” means that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to the public sewer.

“Combined sewer” means a sewer that is designated as a sanitary sewer and a storm sewer.

“Commercial unit” shall mean any unit used for commercial or business purposes.

“Connection fee” means the initial fee charged to sanitary sewer users to access the sewage works.

“Customer” means a person, corporation, association, or agency who is receiving public water service, is required to connect to the District sewer, and is receiving sewer service.

“Domestic waste” -- see Sewage.

“District” means Sundown Sanitary District.

“Dwelling unit” means one or more rooms occupied, designed or intended for occupancy as separate living quarters as defined by Clatsop County Land Use Ordinance.

“Equivalent dwelling unit (EDU)” means the estimated average sanitary flow from a single-family dwelling charged to a sewer account.

“Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of products.

“Industrial wastes” means the liquid wastes from industrial processes, trade, or business as distinct from domestic waste.

“Infiltration” means that water other than sewage which enters the sewer system from the surrounding soil, typically from broken pipes, or defective joints in pipe and manhole walls.

“Inflow” means water from storm-water runoff which directly enters the sewerage system only during or immediately after rainfall. Typical points of entry include connections with roof and area drains, storm drain connections with roof and area drains, storm drain connections, and holes in manhole covers in flooded streets.

“Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

“Operation and maintenance” means activities required to ensure the dependable and economical function of collection and treatment works:

(a) Maintenance: Preservation of functional integrity and efficiency of equipment and structures. This includes preventive maintenance, corrective maintenance, and replacement of equipment.

(b) Operation: Control of the unit processes and equipment that make up the collection and treatment works. This includes keeping financial and personal management records, laboratory control, process control, safety and emergency operation planning, employment of attorneys, accountants, consultants, and employees, payment of court costs; and payment of any costs or fees reasonably associated with any of the above.

“pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

“Permanent dwelling unit” means any individual, permanent housing unit with sanitary or kitchen facilities designed to accommodate one or more residents. *[It shall include mobile homes and trailers that are not located in established commercial mobile home parks or trailer parks recognized by the District.]*

“Person” means any individual, firm, company, association, society, corporation, partnership or group

“Premises” means:

- a) A permanent dwelling unit, or
- b) A commercial unit, or
- c) Any other structure or structures, public or private occupancy of which produce sewage and require sewerage system service.

“Public sewer” means a sewerage system in which all residents within a defined geographical area have political rights and which is controlled by the District. The public sewer includes all appurtenances from the ultimate point of effluent disposal up to and including the service connection. The public sewer ends at the point of connection between the building sewer and the street sewer.

“Public treatment works” means a treatment works owned and operated by the District.

“Replacement” means obtaining and installing equipment accessories or appurtenances that are necessary during the design or useful life, whichever is longer, of the collection and treatment works to maintain the capacity and performance for which such works were designed and constructed.

“Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

“Service area” means all the area served by the treatment works.

“Service connection” means that point where the building sewer connects to the street sewer. A service connection is part of the public sewer system.

“Sewage” means water-carried human wastes, and kitchen, bath and laundry wastes, from residences, public buildings, commercial buildings, and institutional establishments, together with such ground water infiltration, inflow and surface waters as may be present.

“Sewage treatment plant” means an arrangement of devices and structures used for treating sewage.

“Sewage works” means all District-owned facilities for collecting, pumping, treating, and disposing of sewage.

“Sewer” means a pipe or conduit for carrying sewage.

“Shall” is mandatory; “may” is permissive.

“Storm drain” means a pipe or conduit that carries storm and surface waters and

drainage, but excludes sewage and industrial wastes.

“Street sewer” means a common sewer owned by the District or a public sewer.

“Tenant” means a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others, including a permanent dwelling unit owned, operated or controlled by a public housing District.

“Treatment works” means all facilities for collecting, pumping, treating, and disposing of sewage.

“Treatment system,” “sewerage system,” and “sewage works” shall be equivalent terms for treatment works.

“Unit” means any separately billed entity.

“User” means the owner, occupant, or other person authorized to request services or responsible for the payments, whose premises are connected to any part of the sewage works.

SECTION 2. USE OF PUBLIC SEWERS REQUIRED.

2.001 Required Connection and Installation. The owner of any premises situated within the District shall connect to the District's public sewer system if and when a public sewer main line is installed within 500 feet of the property boundary. Such connection shall be made to the public sewer main line within ninety (90) days after the date of official notice to do so, if capacity is available under any capacity-related ordinance. If, however, during such ninety (90) day period the District, for reasons beyond the control of the owner of the premises, becomes unable to permit connection to the public sewer line, the owner of such premises shall be excused from the connection requirement under this Section until ninety (90) days after the date of official notice that connections are permitted. Until actual connection to the public sewer system, sewage disposal on such premises shall be by private sewage disposal according to Section 3, and the owner of the premises shall be responsible for all costs associated with installation, repair and maintenance of the private sewage disposal system, and pumping and transportation of sewage required by law.

SECTION 3. PRIVATE SEWAGE DISPOSAL

3.001 Compliance with DEQ. Where a public sewer is not available under the provisions of Section 2.001, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Oregon Department of Environmental Quality.

3.002 Abandonment. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 2.001, a connection shall be made to the public sewer in compliance with this Ordinance, and any on-site sewage disposal system shall be abandoned and filled with suitable materials unless the District shall otherwise permit. Such abandonment shall be undertaken in accordance with rules established by the Oregon Department of Environmental Quality.

3.003 General Law. The provisions of this article shall be in addition to and not in derogation of the requirements of general law.

SECTION 4. BUILDING SEWERS

4.001 General. The private construction, materials used, operation, and maintenance of building drains, building sewers, and all related customer facilities shall be governed by the latest edition of the State Plumbing Code and this Ordinance. The owner of the property shall own the building sewer and building drain.

4.002 Unauthorized Connections. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereto, and no person shall make any connection to any part of the sanitary sewer system or to a storm drain of the District without making application and securing a permit therefor.

4.003 Building Sewer Permits/Application. Permits shall be required prior to any installation of a building drain and/or a building sewer and connection to the District's sewage works. The property owner or his agent shall make application in writing on a form furnished by the District. The application shall be supplemented by any plans, specifications, or other information the Sanitary District Superintendent may require.

4.004 Sewer Connection Permit. The District shall issue a sewer connection permit upon approval of application and the fees paid as provided in Attachment A of this Ordinance, specifying the location where the connection shall be made and the manner of connection.

4.005 Completion of Connection. The Applicant shall have 180 calendar days after permit approval to complete the connection. After this time the permit shall be voided and any District permit, inspection fees and reasonable administration fees forfeited, the connection fee being returned to the Applicant. A new permit, along with the requisite fees, shall then be required prior to installation of the building sewer and connection to the public sewer. This 180 day window of opportunity connection period shall be shortened to ninety (90) days, if the owner receives official notice to connect pursuant to Section 2.001 above.

4.006 Inspection. Any building sewer or house connection covered over before inspection has been made will be uncovered at the owner's expense.

4.007 Implied Consent by User. Any person using the District's sewer system shall thereby be deemed to have consented and agreed to the terms and provisions of this Ordinance and to have acknowledged the right of the District to enforce this Ordinance as herein provided in the event of failure to make timely payments of all charges and to otherwise comply with the provisions of this Ordinance or regulations to implement this Ordinance.

4.008 Implied Consent by Owner. The owner of any property served by the District's sewer system shall be deemed to have consented and agreed to the terms and provisions of this Ordinance and to have acknowledged the right of the District to enforce this Ordinance as herein provided in the event of failure to make timely payment of all sewer rates and charges, although the charges may have been incurred by someone else on or for the property, or to otherwise comply with the provisions of this Ordinance or regulations to implement this Ordinance.

4.009 Easement. Prior to connecting to the sewage system, the owner must grant a written easement on a form prescribed by the District allowing the District to own, construct, operate, and maintain the service connection and related facilities. The property owner must record the easement officially with Clatsop County and file with the District. It shall be the responsibility of the property owner to keep clean and maintain the building sewer from the building to the service connection.

4.010 Expense of Installation and Connection. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage (except that occasioned by the District's own negligent or intentional misconduct) that may directly or indirectly be occasioned by the installation.

4.011 Separate Building Sewer. For all new buildings in which there is located one or more permanent dwelling units, a separate and independent building sewer shall be provided for and from each building to the public sewer. A multi-service clean-out (inspection port) must be provided for each connection and size will be determined by the District.

4.012 Elevation. Building sewers serving buildings with basements, unless the District, upon written request, determines it is not reasonably possible to achieve, shall be brought from the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved pump and discharged to the public sewer.

4.013 Prohibited Connections. No person shall make connections of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to either building sewer or public sewer.

4.014 Specifications. The specifications for the installation and connection of the building sewer shall be as prescribed by the District.

4.015 Excavation. All excavations required for the installation of a service connection shall be open trench work. Pipe laying and back fill shall be performed in accordance with regulations of the District.

4.016 Tight Connections. All joints and connections shall be made gas-tight and water-tight.

4.017 Inspection. The applicant for connection to the public sewer shall notify the District office when the service connection is ready for inspection and connection to the public sewer. After final approval of the service connection by the District, the final connection to the public sewer may be made. No permit to connect will be allowed by the District if all sewage from the premises is not to be collected and conveyed to the new service connection. At the option of the District, a one-hour internal hydrostatic test may be required on a particular service connection. All water, plugs, and other facilities for making the test shall be furnished by the applicant.

4.018 Notice of Unsatisfactory Connection. When any work has been inspected and the

results are not satisfactory, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the service connection or other work authorized by the permit in accordance with the rules and regulations of the District.

4.019 Customer Repair Maintenance. Any repair undertaken on the building sewer, building drain or any of the other the owner's facilities shall comply with applicable state laws and current safety regulations as set forth in the Oregon Safety Codes adopted and published by the Workers' Compensation Board, Salem, Oregon, including traffic control.

4.020 Insurance. Should a customer engage the services of a contractor for any repair or installation work regarding any of the owner's sewerage-system-related facilities, the owner must require that the contractor procure and maintain comprehensive liability insurance in an amount not less than \$1,000,000 combined single limit, with the District and the owner listed as co-insured parties and containing a stipulation that the insurance shall not be canceled or diminished without at least 10 days written notice to the District and the owner.

4.021 Additional Requirements. Nothing in this Ordinance shall be construed to exempt the applicant from obtaining any additional permits and meeting any additional requirements as set forth by the District, county, state, or other governing body.

SECTION 5. SEWER USER CHARGES.

5.001 General. Sewerage system user charges shall be levied on all units connected or required to be connected to the public treatment works on the basis of user classes, which may be as large or as small as the District determines appropriate to the circumstances.

5.002 Schedule of Fees. Refer to the current District's Schedule of Fees, Attachment A to this Ordinance, for a list of all sewerage system user classes, rates, connection fees and interest, and all other user charges and fees.

5.003 New Users and Vacancies. The sewer user charge for all occupied property shall begin the day the connection is made to the public sewer. All unoccupied property that is ready for occupancy at the time the sewer service is connected shall be treated as occupied property. Once the sewer user charge has commenced, no credit shall be given for vacancy.

5.004 Determination of Charges. A single family residential use, per structure, shall be charged a monthly sewer service charge for one Equivalent Dwelling Unit (EDU) per month. For structures containing multiple dwelling units, each dwelling unit in that structure, shall be charged a monthly service charge of 64% of one EDU per month. In the case of a single-family residential structure with an accessory dwelling unit (e.g., a mother-in law apartment), the primary single family residential use shall be charged a monthly sewer service charge for one Equivalent Dwelling Unit (EDU) per month, and the accessory dwelling unit shall be charged a monthly service charge of 64% of one EDU per month.

SECTION 6. AUTOMATIC RATE ADJUSTMENT

6.001 Capital Reserves. The District anticipates the future need to pay for the ongoing strategic repair and maintenance of the sewer system infrastructure. It is the desire of the Board

of Directors to minimize the future long-term financing costs to the District ratepayers by increasing capital reserves.

6.002 Automatic Rate Adjustment. On July 1, 2017, there shall be a 3% increase on all sewer fees. Thereafter, all sewer fees shall be adjusted 3% per annum at the beginning of the fiscal year (July 1st), except if the Board meets and determines that the rate adjustment shall be a different percentage and passes an ordinance to that effect.

SECTION 7. COLLECTION OF SEWER RATES AND CHARGES

7.001 Billing to the Premises. The property owner shall be billed for any sewer service provided to any tenant unless the owner files a signed request with the District requesting that the tenant be billed. If the property is rented or leased and the tenant fails to pay the charges within thirty (30) days after they are due, the District shall submit the bill to the property owner.

7.002 Billing of Sewer Service by the Sundown Sanitary District. Billing will commence the date service is available. Statements will be issued monthly, on or about the fifth day of each month. Payment will be due upon receipt of statement and payments not received by the 25th of each month will be considered late.

7.003 Delinquent Sewer Service Charges. Accounts not paid in full by the 25th of each month shall be considered delinquent and assessed a late fee and interest will be charged per the current District Schedule of Fees and may be enforced as provided in Section 12 below.

SECTION 8. APPEALS

8.001 Appeal. Any sewer user who feels the user charge is unjust and inequitable as applied to the user's premises within the intent of the foregoing provisions may make written application to the District requesting a review of the user charge.

8.002 Review. Review of the request shall be made by the District and the District shall determine if it should be approved or denied in whole or in part, including recommending further study of the matter by the District.

8.003 Revised Charges. If the request is determined to be approved in whole or in part, the user charges for that user shall be recomputed, up to six months back from the date of the sewer user's appeal, if appropriate.

SECTION 9. ACCESS TO PREMISES

9.001 Reasonable Access. Duly authorized employees of the District, bearing proper credentials and identification, shall have the authority to inspect or cause to be inspected all buildings and premises except the interior of dwellings, as often as may be necessary, for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance, upon the delivery of no less than 24 hours' written notice, unless immediate consent is given by the occupier of the premises or unless an emergency is present, in which case notice shall be appropriate to the circumstances.

9.002 Examination. All measurements, tests, and analysis of the characteristics of the sewage shall be determined in accordance with the latest edition of Standards and Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at a control manhole provided or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, a control manhole shall be provided by the user. Sampling shall be carried out by customarily accepted methods to reflect the effective constituents upon the sewage works and to determine the existence of hazards to life, limb, or property.

SECTION 10. PROHIBITED DISCHARGES

10.001 Stormwater Discharge. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or industrial process water to any sanitary sewer. Stormwater and all similar drainage shall be discharged to such sewers as are specifically designated as storm drains or to a natural outlet.

10.002 Other Prohibited Discharges. No person shall discharge or cause to be discharged the following described substances, materials, water, or wastes if it appears likely in the opinion of the District that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving water body, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming this opinion as to the acceptability of these wastes, the Sanitary District Superintendent will give consideration to such factors as the qualities of such wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment plant, and other pertinent factors. The substances prohibited are

- a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- b) Any waters or wastes containing a toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/L as CN in the wastes as discharged to the public sewer.
- c) Any waters or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage to structures, equipment, and personnel of the sewage works.
- d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and flesh, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

10.003 If any waters or wastes prohibited under Section 10.002 are discharged, or are proposed to be discharged to the public sewers, the District may:

- a) Reject the wastes,
- b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- c) Require control over the quantities and rates of discharge, or
- d) Require payment to cover the added cost of handling, pumping and treating the wastes not covered by existing sewer charges.

If the District permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District, and subject to the requirements of all applicable codes, ordinances, and laws.

10.004 Protection from Damage. No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the public sewer system.

10.005 Enforcement of this Section. Any person found violating this section shall be responsible for whatever damages caused to the system thereby, plus such pumping and disposal fee as is appropriate.

SECTION 11. INFILTRATION AND INFLOW

11.001 Notice. All property owners identified by the District as contributors to excessive or improper infiltration or inflow into the treatment works shall be advised of their infiltration and inflow problems.

11.002 Correction Period. All such situation properties shall be provided a 30 day grace period in which to correct the infiltration and inflow problems as identified, said 30 day grace period to extend from the date of notification.

11.003 Corrective Action Notice. By the end of the 30 day grace period, each property owner shall notify the District that corrective actions have been taken or are in progress, which actions shall be specified in the notification to the District. A property owner failing to notify the District of corrective actions prior to the end of the 30 day grace period shall be subject to such enforcement actions as are provided in Section 12.

11.004 Nuisance Determination. In the event any instance of excessive or improper infiltration or inflow into the treatment works of the District shall continue beyond the 30 day grace period, it is hereby declared that such continuing infiltration or inflow is a public nuisance, that the District shall have the right to abate such public nuisance, and, to the fullest extent allowed by law, to enter upon any private property within the District for such purpose and shall assess the cost of such abatement as a lien against the property upon which such continuing

infiltration and inflow occurs and shall assess the cost of such abatement to the property upon or from which infiltration and inflow occurs. Such assessment shall be levied by the filing of a statement of such costs together with the description of the property or properties to be assessed, together with the names of the owner(s) thereof with the County Clerk, whereupon the County Clerk shall enter such assessment, to the extent allowed by law, as a lien against such property in the County Lien Docket of the County.

SECTION 12. ENFORCEMENT

12.001 Denial of Connection. No applicant for sanitary sewer use shall be connected to the District system unless in compliance with the ordinances and rules of the District.

12.002 Issuance of Stop Work Order; Correction of Deficiencies. If any person shall make an unlawful connection to the District's public sewer, fail to connect when so ordered, or otherwise violate the regulations of the District, the District may issue an order to such person to stop work in progress that is not then in compliance; to correct work that has been performed; to connect to the District's facilities; or to otherwise comply with this Ordinance. Immediate action shall be taken to comply with such order. Should compliance not be accomplished within the time specified by such order, the District may, to the extent necessary to abate hazards, nuisances, dangers, inconveniences, or extra expenses caused by such non-compliance, cause such compliance to be effected.

12.003 Order to Discontinue Prohibited Discharges. The District may order the owner of any property from which discharges are prohibited by Section 2 and Section 12 of this Ordinance and any other section of any District ordinance to correct such conditions.

12.004 Delinquent Sewer Service Charges. Any amount, fee or charge owed and unpaid by any person shall be a debt due to the District. If not paid within thirty (30) days after billing, the same shall be deemed delinquent and may be recovered as provided by law, including but not limited to referral to the county assessor, as provided in ORS 454.225. In addition, the District through intergovernmental agreement with Willow Dale Water District, and by the authority granted in ORS 450.130(2), may request that Willow Dale Water District cut off potable water service to delinquent accounts until such time as all accrued District charges are paid in full.

12.005 Customer Bankruptcy. In the event of a customer bankruptcy, the District shall be entitled to collect all amounts owed it under federal bankruptcy law. Upon filing for bankruptcy, a customer has 20 days under federal law to restart or continue service under such deposits as the District requires. (See Attachment A for deposit requirements.) Post bankruptcy petition, and if services has been restarted or continued, in the event the structure becomes unoccupied during the pendency of the bankruptcy, all charges shall continue to accrue, as permitted by federal law.

12.006 Foreclosure. In the event that a lienholder initiates foreclosure proceedings against a customer's property, pursuant to Section 5.003 the District's charges shall continue to accrue and be due and payable even if the property is unoccupied. Unless the foreclosing lienholder pays the District's accrued charges in full prior to the transfer of title pursuant to a foreclosure sale or deed in-lieu of foreclosure, the District will consider the former owner's

account and sewer service to be terminated. As of that same date, the District will consider a new sewer service account to be opened for the property and charges will begin to accrue. However, before any new owner or occupant may begin using the public sewer system (or receive water service if the water supply has been cut off pursuant to Section 12.004), the new owner will be required to pay the District a reconnection fee as set forth on Attachment A, together with all charges that have accrued against the property since the transfer of title pursuant to a foreclosure sale or deed in-lieu of foreclosure.

12.007 Liability for Damages and Costs. Any person violating any of the provisions of this Ordinance shall be liable in damages to the District for any expenses, loss or damage suffered by the District because of such violation, including but not limited to collection costs, interest, court costs, consultant fees, and attorney fees incurred in remedying or enforcing the violation(s).

12.008 Equitable Remedies. In addition to any remedies previously enumerated, the District shall have the right to seek injunctive or other equitable relief in any court of competent jurisdiction.

12.009 Owner or Occupant. The occupant of any premises, the owner of unoccupied premises upon which a violation of this Ordinance or any District ordinance is apparent, the owner of any object or material placed or remaining anywhere in violation of the ordinance, and the occupant or owner of any premises served by any excavation, connection or structure illegally made or erected, shall be deemed prima facie responsible for the violation so evidenced and subject to the enforcement provisions provided therefor.

12.010 Additional Remedies; Exclusivity. The remedies herein stated are not exclusive but, rather, cumulative, and are in addition to any other remedies provided by law or in equity, and the District may pick one or any combination of remedies available to enforce the ordinances of the District.

12.011 Penalties. In addition to any other enforcement provisions of this section 12, violation of any provision of this ordinance, other than nonpayment of fees or charges, shall subject the violator to a civil fine in the amount of \$100 per violation, and each day of such violation shall be considered a separate violation.

12.012 Waiver of Penalties. Upon request, the Board may waive the late fee and interest for customers who have no previous delinquent payments or in accordance with adopted District policy.

SECTION 13. SEVERABILITY

13.001 Severability. The sections of this Ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining sections.

SECTION 14. REPEAL


14.001 Repeal. Ordinances 2004-12-1, 2004-12-2, 2006-1-1, 2006-5-1, 2006-10-1, and 2013-1; and Resolution and Orders 2013/2014-2, 2013/2014-3, and 2013/2014-6 are hereby

repealed in their entirety and the terms of any prior ordinance or resolution that are in conflict with this Ordinance are also hereby repealed.

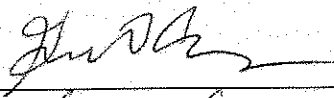
SECTION 15. EMERGENCY AND EFFECTIVE DATE

It is hereby declared that an emergency exists. Therefore, in order that adequate service to the District's customers is maintained and in order to preserve the peace, health or safety of the community, this Ordinance shall take effect immediately upon its adoption.

APPROVED

By: 
Name: MARK SCHACHER
Its: CHAIR - BOARD MEMBER

ATTEST

By: 
Name: Greg Canessa
Its: Board member

ATTACHMENT A
 Sundown Sanitary District
 Schedule of Fees Effective 11-222016

Note: Pursuant to Section 6 of this Ordinance, all sewer service charges shall increase 3% per annum on July 1st.

1. Connection Charge

Size of Water Meter	Connection Charge
1-1/2" or less	\$1,500.00
2"	\$2,160.00
3"	\$4,450.00
4"	\$6,210.00
6"	\$12,400.00
8"	\$21,600.00
10"	\$28,350.00

Connection charges for meters larger than 10" shall be determined by the District Board.

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| 2. <u>Monthly Sewer Service Charge per EDU:</u>
(Residential) | \$126.50 |
| 3. <u>Monthly Sewer Service Charge per dwelling unit:</u>
(Multiple dwelling unit structures) | \$80.99 |
| 4. <u>Late Charge:</u> | \$10.00 |
| 5. <u>Interest rate on delinquent accounts:</u>
month)% | Annual rate of 18 (1 ½ % per |
| 6. <u>Administrative fee for returned checks:</u> | \$25.00 |
| 7. <u>Lien filing fee/lien release fee:</u> | Actual cost |
| 8. <u>Reconnection fee</u> | \$120 |