

EXAMPLE #1

OREGON WATER WONDERLAND - UNIT II - SANITARY DISTRICT

SEWER RATE & FEE ORDINANCES

RESOLUTION NO. 22-06

OREGON WATER WONDERLAND UNIT II SANITARY DISTRICT

A RESOLUTION INCREASING THE MONTHLY SEWER SERVICE CHARGE

WHEREAS, during its August 18, 2022 meeting, the Oregon Water Wonderland Unit II Sanitary District Board (the District or the Board) discussed the increasing costs associated with providing sewer service within the District and the need to increase the monthly rate of the sewer service charge; and

WHEREAS, through this resolution, the District desires to increase the monthly sewer service charge from \$64.00 to \$74.00 and to make the increase effective starting on January 1, 2023; and

WHEREAS, pursuant to ORS 294.160(1), the District has provided an opportunity for interested persons to comment on the adoption of this resolution and the sewer service charge amount set herein.

NOW, THEREFORE, THE DISTRICT BOARD OF THE OREGON WATER WONDERLAND UNIT II SANITARY DISTRICT RESOLVES AS FOLLOWS:

Section 1. Adoption of Fees. The monthly Sewer Service Charge adopted by Resolution No. 22-05, Section 1, is hereby deleted and replaced with the following:

Sewer Service Charge \$74.00 (per month)

Section 2. Continued Effect.

Notwithstanding amendments made in this resolution, specifically, the remainder of Section 1. of Resolution No. 22-05 remains unchanged and in full force and effect and all other District ordinances and resolutions remain unchanged and in full force and effect.

Section 3. Severability.

The sections, subsections, paragraphs, and clauses of this resolution are severable. The invalidity of one section, subsection, paragraphs, or clause shall not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

Section 4. Delayed Effective Date.

This Resolution shall take full force and effect on January 1, 2023.

DATED this 20th day of October, 2022.

APPROVED BY:

Printed Name: _____

Title: _____

ATTEST:

Printed Name: _____

Title: _____

ORDINANCE NO. 10-02

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF SYSTEM
DEVELOPMENT CHARGES FOR THE OREGON WATER WONDERLAND
UNIT II SANITARY DISTRICT

THE OREGON WATER WONDERLAND UNIT II SANITARY DISTRICT DOES
ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of the system development charge is to impose a portion of the cost of capital improvements for sewer upon those developments or redevelopments that create the need for or increase the demands on Oregon Water Wonderland Unit II Sanitary District (District) capital improvements.

Section 2. Scope. The system development charge imposed by this Ordinance is separate from and in addition to, any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development.

Section 3. Definitions. For purposes of this Ordinance, the following mean:

(1) Administrative Charge. The amount charged to each development to cover the cost of developing the methodologies, providing an annual accounting or System Development Charge expenditures, implementation, and operational costs associated with the System Development Charge program.

(2) Capital Improvements. Facilities or assets used for:

- a. Water supply, treatment and distribution;
- b. Waste water collection, storage, transmission, treatment and disposal;
- c. Drainage and flood control;
- d. Transportation; or
- e. Parks and recreation.
- f. "Capital improvement" does not include costs of the operation or routine maintenance of capital improvement.

(3) Development. The change in character, occupancy, or use of land or buildings, including redevelopment and demolition of a building for the conversion of property to another use. Development includes, but is not limited to all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas improved open areas such as plazas and walkways, and areas devoted to exterior display, storage or activities, but does not include natural geologic forms or unimproved lands.

(4) Improvement Fee. A fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to Section 4 of this Ordinance.

(5) Land Area. The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane, with the exception of a portion of the parcel within a recorded right-of-way or easement subject to a servitude for a public street or scenic or preservation purpose.

(6) Owner. The owner or owners of record, title, or the purchaser or purchasers under a recorded sales agreement, and other persons having an interest of record in the described real property.

(7) Parcel of Land. A lot, parcel, block, or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.

(8) Qualified Public Improvements. A capital improvement that is required as a condition of development approval, identified in the plan adopted pursuant to Section 8 of this Ordinance; and either

- a. Not located on or contiguous to property that is the subject of the development approval; or
- b. Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

(9) Reimbursement Fee. A fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to Section 4 of this Ordinance, for which the Board determines capacity exists.

(10) System Development Charge. A reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit, or at the time of connection to the capital improvement. "System development charge" includes that portion of a sewer system connection charge that is greater than the amount necessary to reimburse the District for its average cost of inspecting and installing connections with sewer facilities. "System development charge" does not include fees assessed or collected as part of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision, expedited land division, or limited land use decision.

Section 4. System Development Charge Established.

(1) A system development charge shall be established and may be revised by resolution of the Board. The resolution shall set the amount of the charge, the type of charge, and, if the charge applies to a geographic area smaller than the entire District, the geographic area subject to the charge.

(2) Unless otherwise exempted by the provisions of this ordinance or other local or state law, a system development charge is hereby imposed upon all development within the District, upon increased usage of a capital improvement, issuance of a development permit or building permit, or connection to the capital improvement, and upon all development outside the boundary of the District that connects to or otherwise uses the sewer facilities of the District.

(3) An administrative charge associated with the cost of the District's System Development Charge program, including the periodic and ongoing direct and indirect costs associated with complying with the requirement of state law and the cost of administering System Development Charges, may be established by Board resolution.

Section 5. Methodology.

(1) The methodology used to establish or modify the reimbursement fee shall consider the cost of the then-existing facilities, prior contributions by then-existing users, gifts or grants from federal or state government or private persons, the value of unused capacity available to future system users, rate-making principals employed to finance publicly owned capital improvements, and other relevant factors identified by the Board. The methodology for establishing or modifying a reimbursement fee shall promote the objective that future system users shall contribute no more than an equitable share of the cost of the then-existing facilities.

(2) The methodology used to establish or modify an improvement fee shall consider the estimated cost of capital improvements identified in the Improvement Plan or Long-Range Plan needed to increase the capacity of the system to which the fee is related that will be required to serve the demands placed on the system by future users. The methodology shall be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future system users.

(3) The methodology used to establish or modify the improvement fee or the reimbursement fee, or both, shall be contained in resolution adopted by the Board.

(4) The methodology used to establish or modify the improvement fee or the reimbursement fee shall not:

a. Include or incorporate a method or system under which the payment of the fee or the amount of the fee is determined by the number of employees of an employer without regard to new construction, new development or new use of an existing structure by the employer;

b. Include or incorporate any method or system under which the payment of the fee or the amount of the fee is based on the number of individuals hired by the employer after a specified date; or

c. Assume that costs are necessarily incurred where capital improvements when an employer hires and additional employee.

(5) All methodology for establishing or modifying reimbursement or improvement fees shall be available for public inspection.

(6) A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge if the change in amount is based on a change in the cost of materials, labor or real property applied to the projects or project capacity as set forth in the plan adopted pursuant to Section 8 of this ordinance; or the periodic application of one or more specific cost indexes or other periodic data sources.

A specific cost index or periodic data source must be:

a. A relevant measurement of the average change in prices or costs over an identified time period for materials, labor, real property, or a combination of the three;

b. Published by a recognized organization or agency that produces the index or data source for reasons that are independent of the system development charge methodology; and

c. Incorporated as part of the established methodology or identified and adopted in a separate District resolution or order.

(7) A combination of a reimbursement fee and an improvement fee may be imposed, if the methodology demonstrates that the charge is not based upon providing the same system capacity.

Section 6. Authorized Expenditures.

(1) Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.

(2) Improvement fees shall be spent only on capacity-increasing capital improvements, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the capital improvements funded by improvement fees must be related to the need for increased capacity to provide service for future users.

(3) A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the District pursuant to Section 8 of this Ordinance.

(4) Notwithstanding subsections (1) and (2) of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this Ordinance, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures.

Section 7. Expenditure Restrictions.

(1) System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

(2) System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements.

Section 8. Improvement Plan. Prior to the establishment of a system development charge by ordinance or resolution, the Board shall adopt a plan that:

(1) Lists the capital improvements that may be funded with improvement fee revenues, including the estimated cost and time of construction of each improvement, and the estimated percentage of costs eligible to be funded with revenues from improvement fees for each improvement; and

(2) Describes the process for modifying the plan. The Board may modify the plan and list at any time. If a system development charge will be increased by a proposed modification of the list to include a capacity increasing capital improvement, as referenced in Section 6(2) of this ordinance, the District shall provide at least thirty (30) days notice of the proposed plan modification to persons who have previously requested written notice under Section 15(2) of this ordinance. A public hearing on such proposed plan modifications will be held if the District receives a written request for such a hearing within seven (7) days of the date the proposed modification is scheduled for adoption. If no such request is received within this time period, a hearing is not required, but may be held in the District's sole discretion.

Section 9. Collection of Charge.

(1) The system development charge is payable upon: annexation, issuance of a building permit, a development permit, a development permit for development not requiring the issuance of a building permit, or a permit; or approval to connect to the sewer system.

(2) If no building, development, or connection permit is required, the system development charge is payable at the time usage of the capital improvement is increased.

(3) The applicant for a connection permit shall be required to state in writing the intended use of the building in sufficient detail to enable the District to determine the appropriate category of use. If the use of a building changes or if the stated use is incorrect, the occupant shall report the change of use to the District within 30 days and promptly pay any additional system development charge. If the applicant fails to report a correct statement of use or a change of use within 30 days or fails to pay the additional system development charge within 10 days after invoice, the occupant shall pay a penalty of 10% of the balance due plus interest on the unpaid balance at the rate of 1.5% per month.

(4) The District shall not issue such permit or allow such connection until the charge has been paid in full, provision for installment payments have been made pursuant to Section 11 of this Ordinance, or unless an exemption is granted pursuant to Section 12 of this Ordinance.

Section 10. Delinquent Charges; Hearing.

(1) When, for any reason, the system development charge has not been paid, the District Manager shall report to the Board the amount of the uncollected charge, the description of the real property to which the charge is attributable, the date upon which the charge was due, and the name of the owner.

(2) The Board shall schedule a public hearing on the matter and direct that notice of the hearing be given to each owner with a copy of the District Manager's report concerning the unpaid charge. Notice of the hearing shall be given either personally or by certified mail, return receipt requested, or by both personal and mailed notice, and by posting notice on the parcel at least 10 days before the date set for the hearing.

(3) At the hearing, the Board may accept, reject, or modify the determination of the District Manager as set forth in the report. If the Board finds that a system development charge is unpaid and uncollected, it shall docket the unpaid and uncollected system development charge in the lien docket. Upon completion of the docketing, the District shall have a lien against the described land for the full amount of the unpaid charge, together with interest at the legal

rate of 10 percent and with the District's actual cost of serving notice of the hearing on the owners. The lien shall be enforceable in the manner provided in ORS Chapter 223.

Section 11. Installment Payment.

(1) The owner of a parcel of land subject to a system development charge of over \$10,000 may apply for payment in installments, to include interest at the legal rate of 10% on the unpaid balance, in accordance with ORS 223.208. Payment may be over a period of less than ten (10) years, if so elected by the property owner. Otherwise, system development charges are payable over a period of ten (10) years, in accordance with such terms as set by the District.

(2) The District Manager shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.

(3) An applicant for installment payments shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the property interest of the applicant is adequate to secure payment of the lien.

(4) The District Manager shall docket the lien in the lien docket, reporting the amount of the system development charge, the dates on which payments are due, the name of the owner, and the description of the parcel. From that time the District shall have a lien upon the described parcel for the amount of the system development charge, together with interest on the unpaid balance. The lien shall be enforceable in the manner provided in ORS Chapter 223.

(5) The District Manager is authorized to cancel assessments of system development charges, without further Board action, where the new development approved by the building permit is not constructed and the building permit is cancelled.

(6) For property that has been subject to a cancellation of assessed system development charges, any future installment payment contract shall be subject to the code provisions applicable to system development charges and installment payment contracts on file on the date the new contract is received by the District.

Section 12. Exemptions.

(1) Structures and uses established and legally existing on or before the effective date of this ordinance that are connected to the sewer system are

exempt from system development charges imposed hereunder, until the parcel is further developed and increases the parcel's or structure's use of one or more public improvement facilities.

(2) An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the sewer system as calculated are exempt from all portions of the system development charge.

(3) Oregon Water Wonderland Unit II Sanitary District projects are exempt from all system development charges.

Section 13. Credits.

(1) A system development charge shall be imposed when a change of use of a parcel or structure occurs, but credit shall be given for the computed system development charge to the extent that prior structures existed and services were established on or before the effective date of the Ordinance. The credit so computed shall not exceed the calculated system development charge. No refund shall be made on account of such credit.

(2) A credit shall also be given for construction of a qualified public improvement. The credit shall be only for the improvement fee charged for the type of improvement being constructed, and may be granted only for the cost of that portion of such improvement that exceeds the District's minimum standard facility size or capacity needed to serve that particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under this section. The request for credit shall be filed in writing no later than 60 days after acceptance of the improvement by the District.

(3) The District may deny a credit if it demonstrates that the application is not for a qualified public improvement, as defined in this Ordinance, or by showing that the improvement for which credit is sought is not included in the plan adopted pursuant to Section 8 of this Ordinance.

(4) When the construction of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project. However, this subsection shall not prohibit the District from providing a greater credit, or from establishing a system providing for the transferability of credits, or from providing a credit for a capital improvement not identified in the plan adopted pursuant to Section 8, or from providing a share of the cost of such improvement by other means, if the District so chooses.

- (5) Credit shall be used within ten (10) years from the date the credit is given.

Section 14. Segregation and Use of Revenue; and Annual Accounting. All funds derived from the system development charge are to be segregated by accounting practices from all other funds of the District. The system development charge calculated and collected shall be used for no purpose other than those set forth in Section 6 of this Ordinance. The District shall provide an annual accounting to be completed by January 1st of each year for system development charges showing the total amount of system development charge revenues collected for each system and the projects that were funded in the previous fiscal year. The District shall include in the annual accounting, a list of the amounts spent on each project funded, in whole or in part, with system development charge revenues, and the amount of revenue collected by the District from system development charges and attributed to the cost of complying with the provisions of this Ordinance, including the costs of developing system development charge methodologies and providing annual accountings.

Section 15. Review Procedures.

(1) Expenditure Review.

- a. Any citizen or other interested person may challenge an expenditure of systems development charge revenues by filing a written complaint with the District describing with particularity the decision of the District and the expenditure which the person challenges. Such challenges must be filed within two (2) years of the expenditure of the systems development charge revenues.
- b. A hearing shall be held by the Board within sixty (60) days of the filing of the complaint. After providing notice to the challenger, the Board shall determine whether the expenditure was in accordance with this Ordinance and the applicable Oregon Revised Statutes, and may affirm, modify or overrule the decision. If the Board determines that there has been an improper expenditure of systems development charge revenues, the Board shall direct that a sum equal to the misspent amount be deposited within one year to the credit of the account or fund from which it was spent.
- c. The decision of the Board shall be judicially reviewed only as provided in ORS 34.010 to 34.100.

(2) Methodology Review.

- a. The District shall maintain a list of persons who have made written requests for notification prior to adoption or amendment of a

methodology for any systems development charge. Written notice shall be mailed to persons on the list at least ninety (90) days prior to the first hearing to establish or modify a systems development charge, and the methodology supporting the system development charge shall be available at least sixty (60) days prior to the first hearing. The failure of a person on the list to receive a notice that was mailed does not invalidate the action of the District.

b. The District may periodically delete names from the list, but, at least thirty (30) days prior to removing a name from the list, must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

c. Legal action intended to contest the methodology used for calculating a systems development charge may not be filed after sixty (60) days following adoption or modification of the systems development charge ordinance or resolution by the District. Persons shall request judicial review of the methodology used for calculating a systems development charge only as provided in ORS 34.010 to 34.100.

(3) Other Review.

a. Challenges of any other decisions required or permitted to be made by the District under this ordinance or associated resolutions including, but not limited to, objections to the calculation of a system development charge must be filed in writing with the District office within twenty (20) days of the date of the decision. The complaint must describe with particularity the challenged District decision, and state:

- 1) The name and address of the appellant;
- 2) The nature of the calculation being appealed;
- 3) The reason the calculation is incorrect; and
- 4) What the correct determination of the appeal should be or how the correct calculation should be derived.

A person who fails to file such a written challenge within the time permitted waives all objections, and any filed objections shall be dismissed.

An appeal fee in an amount as set by Board resolution shall accompany the complaint. A separate complaint and fee must be filed for each decision being appealed.

b. A hearing shall be held by the Board within sixty (60) days of the filing of the complaint. After providing notice to the complainant, the Board shall determine whether the decision challenged is in accordance with this ordinance and the applicable Oregon Revised Statutes, and may affirm, modify, or overrule the decision.

c. The Board must advise a person making written objection to a system development charge calculation of the review procedures provided by this section, and the right to petition for review of the Board's determination pursuant to ORS 34.010 to ORS 34.100.

d. A decision to increase a system development charge by modifying the plan adopted pursuant to Section 8 of this ordinance may be judicially reviewed only as provided in ORS 34.010 to 34.100.

Section 16. Severability. The sections and subsections of this Ordinance are severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 17. Prohibited Connection. No person may increase usage of a capital improvement or connect to the District sewer system unless the appropriate system development charge has been paid, or an installment payment plan has been applied for and approved.

Section 18. Penalty. Violation of this Ordinance is punishable by a fine not to exceed \$300.00. Each day that the violation continues shall constitute a separate and distinct violation.

ADOPTED this 29th day of July, 2010 by action of the Board of Directors.

OREGON WATER WONDERLAND
UNIT II SANITARY DISTRICT
BOARD OF DIRECTORS

Robert Chase, President

ATTESTED: _____
Ken Ray, Secretary

ORDINANCE NO. 11-01

AN ORDINANCE AMENDING SECTION 11 OF ORDINANCE 10-02, REGARDING
SYSTEM DEVELOPMENT CHARGES, FOR THE OREGON
WATER WONDERLAND UNIT II SANITARY DISTRICT

WHEREAS, prior to completion of the District's SDC methodology and associated fees, the District Board established an installment payment threshold of \$10,000 in Ordinance 10-02; and

WHEREAS, the District's SDC fee is currently set at \$7,907; and

WHEREAS, the current SDC fee would prohibit an owner of only one single family dwelling within the District from participating in the District's installment payment program.

NOW THEREFORE, THE DISTRICT BOARD FOR THE OREGON WATER
WONDERLAND UNIT II SANITARY DISTRICT HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 11(1) of Ordinance No. 10-02 is hereby amended as follows:

Section 11(1) The owner of a parcel of land subject to a system development charge of over \$7,907 may apply for payment in installments, to include interest at the legal rate of six percent (6%) on the unpaid balance, in accordance with ORS 223.208. Payment may be over a period of less than ten (10) years if so elected by the property owner. Otherwise, system development charges are payable over a period of ten (10) years, in accordance with such terms as set by the District." An alternative payment option is available at zero percent (0%) interest rate if system development charge is paid in full within 18 months. If not paid in full in the 18 month period a rate of six percent (6%) interest will be retro active to date agreement was signed.

Section 2. This Ordinance will be in full force and effect on the 30th day after its adoption.

ADOPTED this 18th day of August, 2011 by action of the Board of Directors.

OREGON WATER WONDERLAND
UNIT II SANITARY DISTRICT
BOARD OF DIRECTORS

Robert Chase - President

ATTESTED:

Ken Ray - Secretary

EXAMPLE #2

CRESCENT SANITARY DISTRICT

SEWER RATE AND FEE ORDINANCE

Crescent Sanitary District
PO Box 265
Crescent, OR. 97733



ORDINANCE 12.08.2021

AN ORDINANCE TO ADJUST SEWER USAGE RATES AND FEES FOR CRESCENT SANITARY DISTRICT WASTEWATER TREATMENT CUSTOMERS

This ordinance supersedes ORDINANCE 08.12.2020

WHEREAS the Crescent Sanitary District is obligated to establish and maintain rates that insure the District can meet budgetary and capital obligations, pay its loan debts, maintain reserve contingency funds, and provide operating revenue this ordinance is established. Sewer use rates shall be reviewed and revised as necessary to keep revenues reasonably in balance with anticipated expenditures

WHEREAS, the Crescent Sanitary District provided an opportunity for public comment on the new rates and proposed fee increases as required by ORS 294.160;

I. DEFINITION:

1. Residential Customer – any primary residence, freestanding additional residence on a tax lot, multi-residential buildings such as cabins, mobile homes, and standard homes on a single tax lot will be charged the residential rate. Businesses with owner/staff living quarters on property will be charged the residential rate.
2. Tier 1 Commercial Customers – Any business with 4 or less employees and do not have public restroom facilities or kitchen facilities.
3. Tier 2 Commercial Customers – Any business enterprise with bathroom/and or kitchen services whether it serves the public or not.
4. Tier 3 Commercial Customers – Any large business with 25 or more employees with kitchen facilities and over 4 bathrooms.
5. Hotel, Motel Facilities – Any Hotel, or Motel facility that rents rooms to customers
6. RV Parks that rent spaces to customers

7. Bed and Breakfast or Air B and B type business's that rent to customers
8. Churches – Any freestanding church that does not have a fulltime residence

II. AUTHORITY BY OREGON STATE STATUTES FOR SEWER TREATMENT RATES AND CHARGES

1. ORS 450.130 - (Atch 1)

Sewer service charges collection and enforcement

- (1) The sanitary board may 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.
- (2) The board may contract with any city or district serving water in such area to collect such service charges with water bills and serving agency may cut off water for non-payment of such service charges. The board may pay the water serving agency for the reasonable cost of such collection services.
- (3) Service charges may also be collected and enforced as provided in ORS 454.225 (Rates and charges). (Amended by 1975 c.247 paragraph 1)

2. ORS 454.225 (Atch 2)

Rates and charges collection

The governing body of the municipality may establish just and equitable rates or charges to be paid for the use of the disposal system by each person, firm or corporation whose premises are served thereby, or upon subsequent service thereto. If the service charges so established are not paid when due, the amounts thereof, together with such penalties, interests and costs as may be provided by the governing body of the municipality may be recovered in an action at law, or if the municipality does not have the ability to collect sewerage disposal charges in connection with or as part of the charge for another service or utility that can be curtailed to secure collection, the charge may be certified and presented after July 15 and on or before the following July 15 to the tax assessor of the county in which the municipality is situated and be by the assessor assessed against the premises serviced on the next assessment and tax roll prepared after July 15. Once the service charges are certified and presented to the assessor, the payment for the service charges must be made to the tax collector pursuant to ORS 311.370 (Receipts for taxes collected in advance of extension on the tax roll). Such payment shall be made by the person responsible for the delinquent service charge. These charges shall thereupon be collected and paid in the same manner as other taxes are certified, assessed, collected and paid over. (1973 c.213 para. 4; 1979 c.350; 1991 c. 459 para 409; 1995 c.79 para 228).

3. **ORS.075 (Atch 3)**

Powers of sanitary district. A sanitary district may:

- (1) Have and use a common seal.
- (2) Sue and be sued in its name.
- (3) Acquire, construct, reconstruct, alter, enlarge, renew, replace, operate and maintain such sewage collection and disposal system as in the judgement of the board are necessary and proper for the area of the district. In the performance of these functions, either in or out of the district, it may join with any other public body as defined in ORS 174.109, a federal agency or another state in the joint establishment, maintenance and operation of such works, and may contract therefor within the limits of authority conferred by QRS 450.005 to 450.245.
- (4) Permit the use, by lease or otherwise, of any property of the district by any other public body as defined by ORS 174.109, a federal agency or another state.
- (5) Acquire by purchase, gift, devise, condemnation proceedings or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgement of the board are necessary or proper to the exercise of its powers, and to pay for and hold the same.
- (6) Make and accept contracts, deeds, releases and documents that, in the judgement of the board, are necessary or proper in the exercise of any of the powers of the district.
- (7) Issue bonds as provided in QRS 450.095 to 450.125
- (8) **Determine the rate of levy of taxes in the district and fix sewer rentals, charges and assessments as provided in ORS 450.130 to 450.175.**

III. **Monthly Sewer Rates Fees**

Section 1. Crescent -The monthly sewer charge for Crescent Sanitary District Wastewater Residential customers will be set at \$68.00 per month. Additional residents on a single tax lot including cabins, mobile homes and standard homes will be charged the residential rate of \$68.00.

New residential/commercial hookup charges will be \$2500.00 which will cover the hookup from the main sewer collection line to the residential property boundary. The hookup charge includes a hook up distance of 75 feet from the main collection line to the property line. Any distance more than 75 feet will be charged at cost plus 10% in addition to the \$2,500.00 standard hook up charge.

All costs for the new construction of lateral lines from the property line to the residence or business will be the responsibility of the property owner. All construction of the lateral hook up will be governed by the Crescent Sanitary District Development Provisions. A System Development Charge will be assessed per the System Development Ordinance for all new constructed residents or businesses.

Gilchrist – The monthly sewer charge for Gilchrist residents will be \$78.00 per month. If and when the Gilchrist Annexation is approved by Klamath County Board of Supervisors and subsequent Resolution the Gilchrist monthly residential sewer rates will decrease to \$68.00 per month after the first year of Sewer property taxes are collected. All the rest of the language in Section 1 above is also applicable for new residents or businesses in Gilchrist. Additional residents on a single tax lot including cabins, mobile homes and standard homes will be charged the residential rate of \$78.00.

Section 2.

Tier 1 Commercial Businesses: Customers with fewer than 4 employees and have one bathroom that does not serve the public or have a commercial kitchen, the sewer rate will be \$68.00 per month if located in Crescent and \$78.00 if located in Gilchrist.

Tier 2 Commercial Businesses: Commercial customers in both Crescent and Gilchrist will be \$170.00 per month. Any business that is determined to be a high flow user or discharges high levels of contaminants will have their sewer rates adjusted. Each case will be determined by Board approval on an individual basis.

Tier 3 Commercial Businesses: Any large business with 25 or more employees with kitchen facilities and over 4 bathrooms and open to the public the monthly sewer base rate of \$300.00, plus an additional \$10 per bathroom.

Fire stations and Fire Station Housing – Primary fire stations will be charged at the rate of \$68.00. Fire station housing/dormitory buildings will be charged \$85.00 per month.

Schools – Will be charged \$300.00 plus \$10.00 per bathroom.

Churches – Located in Crescent will be charged the rate of \$68.00 for the church and \$68.00 if there is a residence attached to the church or freestanding. Located in Gilchrist will be charged the rate of \$78.00 for the church and \$78.00 if there is a residence attached to the church or freestanding.

Motels and Hotels - will be charged \$50.00 per month plus \$0.50 per unit per day regardless of occupancy. If there are residential quarters in the facility, they will be charged the residential rate is located in Crescent \$68.00 and Gilchrist \$78.00

Bed and Breakfast and or Air B and B - type facilities will be charged the monthly residential rate for Crescent \$68.00 and Gilchrist \$78.00 regardless of occupancy.

RV Parks – will be charged \$50.00 per month and \$0.50 per day of rental occupancy.

Commercial Dump Stations – For commercial dump stations the charge will be \$0.05 per gallon of effluent. Commercial dump stations must install a metering device to monitor the flow into the dump station at the owners' expense. The Crescent Sanitary Wastewater Operator will do a meter reading on a monthly basis.

Medical Hardship – The Board will review any medical hardship cases and offer to help the resident apply for state or government assistance. If there is no state or federal assistance available the board will make a determination on the rate it charges a resident that can prove a medical hardship.

- IV.** The Board reserves the right to make period adjustments to the sewer rates as it determines necessary to pay debt service, maintenance and operations costs, as well as collect contingency funds required for maintenance and future construction needs.

Approved this ____ day of December 2021 by a vote of ____ ayes ____ nays

**KIM MATHERS, President
Crescent Sanitary District
Board of Directors**

EXAMPLE #3

TERREBONNE DOMESTIC WATER DISTRICT

SEWER RATE AND FEE RESOLUTION



RESOLUTION NO 2016-01

AMENDED 2019-01

A RESOLUTION ESTABLISHING WATER FEES AND CHARGES AND REPEALING RESOLUTION 1999-03, AS AMENDED FOR TERREBONNE DOMESTIC WATER DISTRICT

WHEREAS, Terrebonne Domestic Water District (District) ordinance 13-01, Section 2(b) authorizes the Board of Commissioners to establish a fee schedule, setting forth all rates, deposits, fees, penalties and other charges for the use and compensation of water from the District's water system and to provide of the same; and

WHEREAS, The Board of Commissioners held a public meeting on the 8th day of March, 2016, in order to consider proposed changes to establish District rates and charges in accordance with ordinance 13-01, Section 2(b), ORS 264.312 and ORS 264.160.

NOW THEREFORE, The Board of Commissioners of the Terrebonne Domestic Water District hereby resolves as follows:

SECTION 1- MONTHLY WATER RATES

The monthly meter rates and usage will be based on meter size.

Meter	Base	Included in	Tier #1 \$1.50	Tier #2 \$2.00	Tier #3 \$3.50
Size	Rate	Base Rate	Per 100 Cubic Feet	Per 100 Cubic Feet	Per 100 Cubic Feet
5-8"	\$33.00	500 Cubic Feet	501-2000 Cubic Feet	2001-3000 Cubic Feet	3001+ Cubic Feet
3/4"	\$36.30	550 Cubic Feet	551-2050 Cubic Feet	2051-3050 Cubic Feet	3051+ Cubic Feet
1"	\$46.20	700 Cubic Feet	701-2200 Cubic Feet	2201-3200 Cubic Feet	3201+ Cubic Feet
1.5"	\$59.40	900 Cubic Feet	901-2400 Cubic Feet	2401-3400 Cubic Feet	3401+ Cubic Feet
2"	\$96.70	1450 Cubic Feet	1401-2950 Cubic Feet	2951-3950 Cubic Feet	3951+ Cubic Feet
3"	\$363.00	5500 Cubic Feet	5501-7000 Cubic Feet	7001-8000 Cubic Feet	8001+ Cubic Feet
4"	\$462.00	7000 Cubic Feet	7001-8500 Cubic Feet	8501-9500 Cubic Feet	9501+ Cubic Feet
6"	\$693.00	10500 Cubic Feet	10501-12000 Cubic Feet	12001-13000 Cubic Feet	13001+ Cubic Feet

On July 1st the bas rate will increase by:

Meter Size	
5/8"	\$0.50
3/4"	\$0.55
1"	\$0.70
1 1/2"	\$0.90
2"	\$1.45
3"	\$5.50
4"	\$7.00
6"	\$10.50

Starting July 1st 2017 and each year thereafter on July 1st the base rate will increase the following amount until June 30th 2025:

Meter Size	
5/8"	\$1.00
3/4"	\$1.10
1"	\$1.40
1 1/2"	\$1.80
2"	\$2.90
3"	\$11.00
4"	\$14.00
6"	\$21.00

SECTION 2- CONNECTION FEES

Connection fees are based on \$7,700 per EDU (Equivalent Dwelling Units) as follows:

Size	Max. GPM	EDU	Total
5-8"	20	1	\$7,700
3/4"	50	2.5	\$19,250
1"	100	5	\$38,500

Size	Max. GPM	EDU	Total
1.5"	160	8	\$61,600
2"	350	17.5 @ 3/4	\$101,062
3"	1,000	50 @ 1/2	\$192,500
4"	2,000	100 @ 1/2	\$385,000
6"	3,500	175 @ 1/2	\$673,750

SECTION 3- PAYMENTS OVER TIME

The Terrebonne Domestic Water District will allow customers up to six (6) months to pay an excessive water bill. Said bill shall be paid in six (6) equal monthly installments. During this six-month period, the installment payments and regular monthly water bills must be kept current. If for any reason during this period the customer does not make all payments when due, the customers water service shall be disconnected. Prior to reconnection, Customer shall pay all billings to date in full, along with any applicable Special Fees set forth in Section 5 of this Resolution. Each customer may take advantage of this installment payment privilege only once.

SECTION 4 - DEPOSITS

All applicants are required to make a deposit of \$100 as guarantee of payment for services. If an account becomes delinquent and it is necessary to turn off this service or if service is otherwise terminated, the deposit will be automatically applied to that customer's account. Any deposit in excess of the amount owed by the customer at the time service is terminated will be refunded to the customer. Water service will not be restored to those premises or to that customer at different premises until all outstanding bills due the District have been paid and the cash deposit replaced, together with service charges as provided by this resolution. The District will not pay interest on any deposit.

SECTION 5 - SPECIAL FEES

- . Late charges on accounts not paid within 10 days of Invoice Date \$10.00
- . Turo-on or off Water Service at Customer's Request \$10.00
- . Non-Payment Shut-off Door Hanging Fee (This fee must be paid along with past due amount in order to avoid termination of Water Service) \$25.00

. Disconnection Fee for Non-Payment Disconnection (This fee must be paid along with the \$25.00 Door Hanging Fee and the past due amount in order to reinstate water service)	\$45.00
. Reinstallation of Water Meter or Discontinued Service	\$50.00
. Non-Sufficient Funds Check Fee	\$35.00
. Credit/Debit Card Payment Service Fee	\$1.50
. ACH/Check Processing Fee	\$0.50

SECTION 6 - REPEAL CLAUSE

Resolution No, 1999-03, amending Resolution 2007-01, and any other resolution in conflict with the provisions herein are hereby repealed.

SECTION 6 - EFFECTIVE DATE

This Resolution shall go into full force and effect on 21st of March 2016

ADOPTED This 8th day of March, 2016 by action of the board of Commissioners Terrebonne Domestic Water District.

APPROVED BY:

ATTEST

President, Board of Commissioners

Secretary