

SOUTH SUBURBAN SANITARY DISTRICT  
KLAMATH COUNTY, OREGON

GENERAL ORDINANCE #33

AN ORDINANCE DECLARING THE INTENTION OF THE SOUTH SUBURBAN SANITARY DISTRICT OF KLAMATH COUNTY, OREGON TO AMEND ARTICLE I, DEFINITIONS AND ARTICLE IV, BUILDING SEWERS AND CONNECTIONS OF ORDINANCE NO. 31 ESTABLISHING NEW DEFINITIONS, ESTABLISHING A SYSTEM DEVELOPMENT CHARGE, MAKING OTHER CHANGES RELEVANT TO THE IMPOSITION OF A SYSTEMS DEVELOPMENT CHARGE AND DECLARING AN EMERGENCY. THE CHANGES AND AMENDMENTS SHALL SUPERSEDE THE SECTIONS OF ORDINANCE NO. 31 AS HEREINAFTER SET FORTH.

Section 1. That the area known as South Suburban Sanitary District is served by a sewerage collection system and treatment plant and that there has been in the past and will continue to be in the future, a need to regulate the use of, the construction, the fees and charges for connection to the system and the use of it, which have in the past been regulated by a sewer code adopted by Ordinances No. 31 and 32, and that because of requirements of Oregon Revised Statutes Chapter 223 there is a need to adopt new and revised regulations for the purpose of implementing a systems development charge designed to impose a portion of the cost of capital improvements, both existing excess capacity and future improvements, for sanitary sewerage collection, transmission, treatment and disposal upon those developments that create the need for, or increase demands upon, capital facilities. This ordinance is necessary for the legal and orderly conduct of the business of the South Suburban Sanitary District for the benefit and convenience of the public using or contemplating the use of said facilities.

Section 2. That Article I, Definitions shall be amended as follows:

- (a). Delete the following language: "Section 19: Connection Fee shall mean a charge levied upon persons wishing to connect premises serve to the public sewer in accordance with Article IV, Section 2, of this Ordinance."

"Section (b). Add the following language in lieu thereof: 19: Systems Development Charge means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of connection to the sanitary sewer system.

It shall also include that portion of a sanitary sewer connection charge that is greater than the amount necessary to reimburse the District for its average cost of inspecting and installing connections with the sanitary sewer system. "Systems Development Charge" does not include (a) any fees assessed or collected as part of a local improvement district; (b) a charge in lieu of a local improvement district or assessment; or (c) the cost of complying with requirements or conditions imposed upon a land use decision."

- (c). Add: Section 26: "Capital Improvement(s) means facilities or assets used for the purpose of providing sanitary sewerage collection, transmission, treatment and/or disposal."
- (d). Add: Section 27: "Development means the act of conducting a building operation, or making a physical change in the use or appearance of a structure or land, which increases the usage of any capital improvements or which creates the need for additional capital improvements."
- (e). Add: Section 28: "Improvement Fee means a fee for costs associated with capital improvements to be constructed after the date this ordinance becomes effective."
- (f). Add: Section 29: "Qualified Public Improvements means a capital improvement that is: (a) required as a condition of residential development approval; (b) identified in the District's adopted Capital Improvement Plan pursuant to ORS 223; (c) not located on or contiguous to a parcel of land that is the subject of the development approval."
- (g). Add Section 30: "Reimbursement Fee means a cost associated with capital improvements constructed or under construction on the effective date of this Ordinance."
- (h). Add: Section 31: "Unit means a unit of measurement of sewer usage assumed to be equivalent to the usage of an average dwelling unit. Unit has the following definition for the purpose of: Systems Development Charge. A unit is a single dwelling unit or its equivalent. Where unit equivalency must be computed it shall be equivalent to: (a) 1,000 cubic feet of water consumption per month,

or (b) 0.42 pounds of BOD per day, or (c) 0.42 pounds of suspended solids per day, or (d) the actual cost of collection, transmission, treatment and disposal divided by the current monthly service charge; whichever is greater."

Section 3. Article III, Private Sewage Disposal shall be amended as follows:

- (a). Delete the following language: "Section 4. When public sewer becomes available, the building sewer shall be connected to said sewer within 90 days after official notification to do so, and the private disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt."
- (b). Add the following language in lieu thereof:  
"Section 4: The owner of any building situated within the District and proximate to any street or sewer easement in which there is located a public sewer of the District, may request permission, at owner's expense, to connect said building directly with the proper public sewer in accordance with the provisions of this sewer code. Such request shall be made through proper application to connect to the sanitary sewer system."

Section 4. That Article IV Building Sewers and Connections shall be amended as follows:

- (a). Delete the following language: "Section 2: A written order for connection, either directly or indirectly, of a user's premises to the public sewer shall be issued only upon payment by the user of a connection fee. The fee for a single residential unit shall be \$250.00. In the case of multiple residential or business premises served, such as duplexes, triplexes, apartment buildings, motels, or mobile home park, each extra unit above one shall incur a fee of \$50.00 in addition to the basic \$250.00 fee. For example, a duplex would incur a fee of \$300.00 or an 80-unit mobile home park would incur a connection fee of \$4,200.00. In the case of multiple occupants of office buildings each extra restroom facility above one shall incur a fee of \$50.00 in addition to the basic \$250.00."

In the case of commercial or industrial premises served which anticipate the production of an unusual volume of sewage or an effluent of unusual strength in some pollution parameter, the connection fee shall be a proportionate multiple of \$250.00, calculated as a ratio of normal domestic sewage flow of 250 gallons per day.

- (b). Add the following language in lieu thereof:  
 "Section 2: Each person making an application for connection shall pay, at the time of filing an application, a Systems Development Charge for each unit as defined in Section 11. The systems Development Charge imposed is separate from and in addition to any applicable tax, assessment, charge, fee in lieu of assessment, or fee otherwise provided by law or imposed as a condition of development. The Systems development charge is to be considered in the nature of a charge for service to be rendered or a service hookup charge and shall be established by the Board of Directors through a duly adopted resolution."

- (b) Add: Section 10. "Whenever a parcel of property shall have become connected to the District's sewerage system and shall there after undergo a change of use so that a different number of dwelling units would be assigned to the property if connection were made after the change the following shall occur:

- (1). If the change results in the assignment of a greater number of units pursuant to Section 11, an additional systems development charge shall be levied at the time of such change. The additional charge shall be equal to the net increase of units times the current systems development charge per unit.
- (2). If the change results in the assignment of a lesser number of units pursuant to Section 11, there shall be no additional charge or rebate. However, the full number of units originally assigned shall be used as a basis for determining any future systems development charges in the event of a further change of use resulting in assignment of additional units."

(d). Add: Section 11. Unit Equivalency Table:

TABLE 11.1

TYPE OF SERVICE	SYSTEM DEVELOPMENT	CHARGE EQUIVALENCY
1. Single Family Dwelling		1 unit
2. Multi Family Dwelling		1 unit per dwelling unit
3. Mobile Home Parks		1 unit per space
4. Group Homes, Adult Care & Residential Care Facilities		1 unit per every 3 person capacity or fraction thereof.
5. Day Care Facilities		1 unit per 10 person capacity or fraction thereof
6. Motels		1 unit per motel office & 1 unit per 2 motel units
7. Elementary Schools		1 unit per 35 students or fraction thereof
8. High Schools and Junior High Schools		1 unit per 15 student or fraction thereof
9. Hospitals		1 unit per 2.5 beds
10. Churches		1 unit
11. Offices		1 unit per 1500 sq ft or fraction thereof
12. Fire Stations		1 unit per 1500 sq ft or fraction thereof
13. Service Stations		1 unit
14. Garages		1 unit
15. Restaurants, Taverns and Bars		1 unit per 10 seating spaces or fraction thereof
16. Laundry Facilities		1 unit per washing machine
17. Beauty Shops, Hair Salons		1 unit per 4 shampoo bowls
18. Commercial, Industrial, and all other buildings and establishments		per unit as may be determined by the District upon application for service based on waste volume, strength, treatability, or any

TABLE 11.1

TYPE OF SERVICE	SYSTEM DEVELOPMENT	CHARGE EQUIVALENCY
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18. Commercial, Industrial  
(Continued)

other factors affecting the cost of waste collection, treatment and disposal or regulated by Federal, State or Local requirements (Note 1)

1. Where unit equivalency must be computed the District shall use the greater of the following criteria as the basis for each unit assigned.

1. 1,000 cubic feet of water per month
2. 0.42 lbs. of BOD5 per day
3. 0.42 lbs. of Suspended Solids per day

Section 4. The remaining portions of the Amended Sewer Code of South Suburban Sanitary District as adopted under Ordinances No. 31 and 32 by South Suburban Sanitary District, Klamath County, State of Oregon, are hereby reaffirmed, ratified and shall remain in effect.

Section 5. That said Amended Sewer Code and this amendment have been compiled, and are on file at the Sanitary District office within said sanitary district where they may be examined.

Section 6. This ordinance has been declared an emergency ordinance under Oregon Revised Statutes, Chapter 198, due to the immediate necessity to bring the District's Sewer Code into compliance with Oregon Revised Statutes 223.297 through 223.314.

Section 7. Pursuant to Oregon Revised Statutes, Chapter 198, this emergency ordinance was read and passed at the regular meeting of the District Board, to-wit: The 9th day of July, 1991.

13353

Section 8. This emergency ordinance was adopted by unanimous approval of the members of the District Board present at its regular meeting on the 9th day of July, 1991 and was signed by the presiding officer and attested by the recording secretary. The secretary of the District is instructed to cause this ordinance to be filed in the records of the District, and file a certified copy of this ordinance with the County Clerk.

Section 9. This emergency ordinance shall take effect as of July 9, 1991.

SOUTH SUBURBAN SANITARY DISTRICT

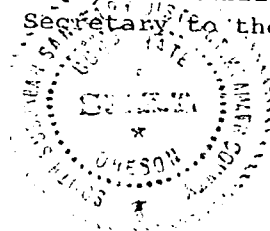
by: *Robert P. Gray*  
Director

*Walter C. Budick*  
Director

*Dennis A. Ersor*  
Director

ATTEST:

*Roger C. Revere*  
Secretary to the Board



STATE OF OREGON.  
County of Klamath ss.

Filed for record at request of:

S. Suburban Sanitary Dist.  
on this 10th day of July A.D. 19 91  
at 11:56 o'clock AM. and duly recorded  
in Vol. M91 of Deeds Page 13347.  
Evelyn Biehn . County Clerk  
By *Roger C. Revere*

Fee, \$35.00

Deputy.