

ORDINANCE NO.03-2

AN ORDINANCE AMENDING ORDINANCE NO. 01-1; AND DECLARING AN EMERGENCY

THE LAPINE SPECIAL SEWER DISTRICT ORDAINS AS FOLLOWS:

SECTION 1. Amendment of Ordinance No. 01-1, Section 8.5(d).

Section 8.5(d) of Ordinance No. 01-1 is hereby amended as follows:

“Require payment to cover the added costs of abating, handling, or treating the waste not covered by sewer charges. Such costs may be certified to and collected through the tax assessor pursuant to ORS 454.225.”

SECTION 2. Amendment of Ordinance No. 01-1, Section 8.6.

Section 8.6 of Ordinance No. 01-1 is hereby amended to add the following sentence:

“If owner fails to properly remove and dispose by appropriate means of captured material, in the District’s sole discretion, District may perform any and all such necessary removal and disposal and the property owner shall be responsible for any and all costs incurred by District. The District may further, in accordance with ORS 454.225, collect any incurred charges or costs through the tax assessor by the procedures outlined therein.”

SECTION 3. Amendment of Ordinance No. 01-1, Section 12.2.

Section 12.2 of Ordinance No. 01-1 is hereby amended as follows:

“Abatement Remedies. The Chair may order the owner(s) of any property violating any provision of this Ordinance, or from which prohibited discharges are entering any sewer, to correct such condition. The Chair shall first give written notice of such violation and/or prohibited discharge to the person. If such person fails to correct such condition within ten (10) days after receipt of such notice, the Chair may enter upon such property and, in the District’s sole discretion, abate the problem or remove or close sewer connections.

Any person discharging any material deemed to be dangerous, injurious to treatment processes, hazardous to any person, structure or treatment unit may be subject to immediate discontinuance of sewer service without prior notice at the discretion of the Chair.

The Chair shall have the right to enter upon the person's property to remedy the problem, remove or close sewer connection.

Costs of all such abatement, removal or closure as authorized by this subsection may be certified to the tax assessor and collected as provided in ORS 454.225.”

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Emergency Clause.

It is hereby adjudged and declared that existing conditions are such that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the LaPine Special Sewer District, and an emergency is hereby declared to exist and this Ordinance, and all provisions modifying the ordinances referred to herein, shall take effect in full force and effect when signed by the Board Chairman.

PASSED AND ADOPTED by a \_\_\_ vote for and a \_\_\_ vote against by the LaPine Special Sewer District Board of Directors, this \_\_\_ day of \_\_\_\_\_ 2003.

\_\_\_\_\_  
Board Chairman

ATTEST:

\_\_\_\_\_  
Board Secretary