

ORDINANCE NO. 57

1 AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
2 MIDWAY CITY SANITARY DISTRICT OF ORANGE
3 COUNTY, CALIFORNIA, ESTABLISHING SERVICE
4 CHARGES FOR SANITATION AND SEWER SERVICES
5 FOR REORGANIZATION AREA NO. 141

6 The Board of Directors of the Midway City Sanitary District does hereby FIND:

7 A. On or about May 30, 1997, Orange County Reorganization No. 141 caused
8 the detachment of approximately 641 acres of territory from the Garden Grove Sanitary
9 District located within the City of Westminster ("Area 141"), and transferred the service
10 area therein to the Midway City Sanitary District; and

11 B. The District's General Manager has prepared financial and engineering
12 reports setting forth financial projections for providing sanitation and sewer services to the
13 properties within Area 141 based upon a reasonable and equitable system of charges to
14 pay for the cost of providing said service; and

15 C. Government Code Sections 66013 and 66016 require that the new fees
16 established by this Ordinance reflect an allocation of the costs of operation and
17 maintenance such that the fees do not exceed the estimated reasonable cost to provide
18 the sanitation and sewer services to individual parcels of real property improved for
19 multiple types of uses; and

20 D. That the financial and engineering reports have been made available to the
21 public and have been subject to noticed public hearing, all in accordance with the
22 provisions of Government Code Section 66016; and

23 E. That the owners and occupants of the properties upon from whom the fees
24 established by this Ordinance will be collected utilize both the sewer collection system
25 and the sanitary disposal service, and said services are owned, operated and maintained
26 by the District; and

F. That the basis for the respective fees is the request of the owner of a parcel,

1 for the benefit of the owner or occupants of the property, to receive services provided by
2 the District in lieu of other means of disposal; and

3 **G.** That the proposed fees are established upon a rational basis between the
4 fees charged each customer and the services and facilities provided to each customer, a
5 portion of which is necessary to replace the loss of ad valorem property tax revenues to
6 the District as a result of Reorganization No. 141 and as a result of earlier state
7 legislative action diverting local taxes to the State General Fund.

8 **H.** That the revenues derived pursuant to this Ordinance shall be used only for
9 the acquisition, construction, reconstruction, maintenance, and operation of sanitation
10 and sewer facilities, to repay principal and interest on bonds used for the construction or
11 reconstruction of these systems and facilities and to repay federal or state loans or
12 advances made for the construction or reconstruction of these systems and facilities in
13 accordance with Health and Safety Code Section 5471.

14 **NOW, THEREFORE,** the Board of Directors of the Midway City Sanitary District
15 does hereby **ORDAIN** as follows:

16 **Section 1.** Pursuant to the provisions of Health and Safety Code Section 5471,
17 the following service charges are hereby established for Area 141:

18 **A.** For each residential unit or separate commercial or industrial
19 unit or activity connected to the sewer collection facilities of the
20 District, a sewer service charge not to exceed the sum of
21 \$1.25 per unit of activity per month.

22 **B.** For each residential unit or separate commercial or industrial
23 unit or activity not utilizing a Bin Service Program, a sanitary
24 (trash) collection fee not to exceed the sum of \$ 9.25 per unit
25 of activity per month.

26 **Section 2.** The provisions of this Ordinance shall apply to all owners of
properties in Area 141, and no exception shall be provided for properties otherwise

1 deemed exempt from the payment of taxes or assessments by provisions of the State
2 Constitution or statute, including properties owned by certain other public agencies or tax
3 exempt organizations, except as expressly provided in Section 3 hereof.

4 **Section 3.** In recognition that the owners of certain legal parcels of real property
5 within Area 141 have not requested to be connected to the District's sewer collection
6 system or may otherwise meet certain specific requirements of District Ordinances Nos.
7 44 and 53 relating to self haul trash disposal, it is the intent of the District that the owners
8 of said parcels be exempt, totally or in part, from the payment of charges as further
9 prescribed herein.

10 **Section 4.** Any property owner may appeal the levy of the charges adopted
11 herein, and if the charges have been paid to the Orange County Tax Collector, together
12 with property taxes, the owner may submit a claim for rebate to the District, on the forms
13 prescribed and provided by the District, within one hundred twenty (120) days after the
14 annual property tax bill is mailed. All applications for rebate of the annual fees will be
15 determined by the General Manager of the District, who may grant a partial or full rebate
16 or adjustment of the charge based on receiving satisfactory proof that the services have
17 been otherwise provided as required by District Ordinance (in order to prevent any
18 nuisance or danger to public health and safety) and/or that there is an actual inequity
19 between the amount of the charge and the services provided by the District. Such
20 inequities may include, but are not limited to:

- 21 A. The parcel of property is not connected to the District's sewer
22 collection system or is vacant land which does not utilize curbside
23 trash collection;
- 24 B. The use of the parcel is different from the use indicated by the
25 charge;
- 26 C. The principal use of the land is agricultural and all trash disposal is
self-haul in accordance with District Ordinance 53 and evidence of

self-haul disposal is provided;

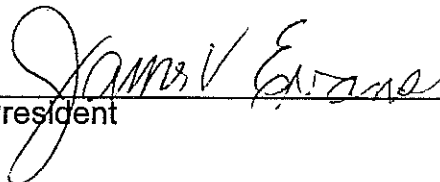
1 D. Nuisance conditions do not exist and have not existed on the
2 property, which would be otherwise abated by the provision of
3 services by the District.

4 **Section 5.** At the election of the Board of Directors, the fees set by this
5 Ordinance may be collected on the County Tax Roll pursuant to the authority granted by
6 California Health and Safety Code Section 5473. If so elected, the County Tax Collector
7 is authorized and ordered to make said collections in accordance with the terms and
8 conditions of agreements between the County of Orange and the District.

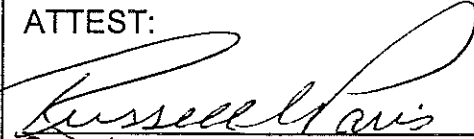
9 **Section 6.** If any provision of this Ordinance or the application to any person or
10 circumstance is held invalid by order of court, the remainder of the Ordinance or the
11 application of such provision to other persons or other circumstances shall not be
12 affected.

13 **Section 7.** This Ordinance shall become effective on June 21, 1997. The
14 Secretary of the Board shall certify to the adoption of this Ordinance and shall cause a
15 summary of the same to be published in a newspaper of general circulation in the District,
16 as required by law.

17 **ADOPTED, SIGNED AND APPROVED** this 17th day of June, 1997.

18
19 
President

20 ATTEST:

21 
22 Secretary

CERTIFICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

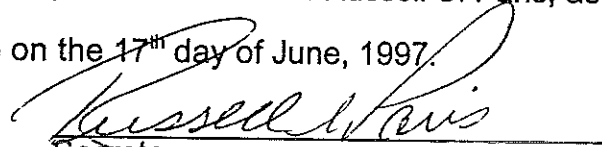
I, Russell C. Paris, Secretary of the Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing Ordinance No. 57 was duly adopted at a regular meeting of the Board of Directors of said District, held on the 17th day of June, 1997, by the following vote of the members of the Board:

AYES: Directors Epperson, Evans, Neugebauer, Paris, Rice

NOES: None

ABSENT: None

and I further certify that James V. Evans, as President and Russell C. Paris, as Secretary, signed and approved said Ordinance on the 17th day of June, 1997.

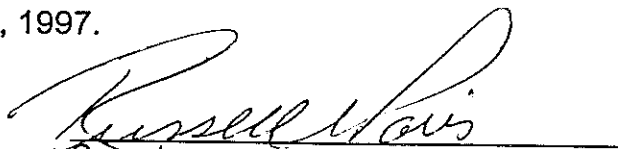

Secretary

(District Seal)

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.

I, Russell C. Paris, Secretary of Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 57, passed and adopted by the Board of Directors of said District at a regular meeting thereof held on the 17th day of June, 1997.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal of said District this 17th day of June, 1997.


Secretary

(District Seal)