

Chapter 451

1965 REPLACEMENT PART

County Service Facilities

GENERAL PROVISIONS

- 451.010 Establishing master plans and service districts

MASTER PLANS

- 451.110 Definitions for ORS 451.110 to 451.140
451.120 Master plans for development of service facilities in unincorporated urban areas
451.130 Conformity to master plan; approval
451.140 Powers of county court under ORS 451.110 to 451.140

SERVICE DISTRICTS

- 451.410 Definitions for ORS 451.410 to 451.585
451.420 County may construct and operate service facilities
451.430 Hearing on proposal to construct and operate service facilities
451.440 Plans for service facilities required prior to hearing
451.450 Notice of hearing required; contents of notice
451.460 Boundary determination; notice required when additional territory is included
451.462 Formation of district without election; protest
451.465 Election to form district; qualification of voters; judges; costs
451.467 Duty of county court to hold election and proclaim results; limitation on contesting formation of district
451.472 County court to construct only authorized service facilities; additional authorizations
451.476 District advisory committee
451.485 Governing body of district; order preliminary to construction work
451.487 Referendum on order

- 451.490 Methods of financing service facilities; financing by assessments; objections to assessments to be heard
451.500 Sewer service charges for financing sewerage works
451.510 Collection of sewer service charges
451.520 Assessments to be entered on lien docket; foreclosure for failure to pay; reassessments
451.530 Assessment of public property; issuance of improvement warrants and bonds
451.540 Tax levy for financing service facilities; hearing
451.545 Bond issue for financing service facilities
451.547 Tax base election and tax levies authorized
451.550 Powers of county court under ORS 451.410 to 451.585
451.560 County court may make agreements for cooperative financing of service facilities or for use, lease or joint operation of service facilities
451.562 Procedure for annexation of territory contiguous to district
451.565 Transfer of assets and liabilities of sanitary or drainage district to county
451.570 County may adopt and enforce regulations for sewage disposal, garbage removal, street cleaning and sanitary purposes; publication of regulations required.
451.573 Definition for ORS 451.577
451.577 Dissolution of special district; county service district to succeed
451.580 Disposition of moneys received under ORS 451.410 to 451.585
451.585 Duty of city when all or part of district annexed or incorporated
451.590 Entry upon privately owned lands by county to survey or lay out service facilities
451.600 Restrictions on altering, repairing or connecting with a county service facility

PENALTIES

- 451.990 Penalties

CROSS REFERENCES

City sewers and sanitation, Ch. 224
Cooperation in sewage disposal, 450.705
Drainage work by domestic water supply corporation, 264.352
Fish protection, 509.130, 509.505
Plumbing and sewage cesspool work to be done in accordance with requirements of ORS 447.010 to 447.140, 447.020
Port of Portland, sewers, 778.025
Sewerage system plans and specifications to be approved by State Sanitary Authority, 449.395, and State Board of Health, 449.245
Trailers and trailer parks, 446.002 to 446.165
Water pollution generally, Ch. 449
Water resources policy, state, compliance with required, 536.300 to 536.400

451.120
Plans for sewerage installations made by sanitary districts, 450.165, by sanitary authorities, 450.845
Tax levy for master plan purposes, 451.540
451.140
Investment of surplus county funds in bonds issued to carry out coordinated master plan, 294.035
451.430
Review, by metropolitan planning commission, of proposal to create district, 199.310 (note)
451.490
Financing public projects and improvements, Ch. 280
451.550
Condemnation procedure, Ch. 35, Ch. 281
451.570
County refuse dumps and disposal plants, 433.720, 433.725
Regulation of garbage dumps by counties, 433.730

GENERAL PROVISIONS

451.010 Establishing master plans and service districts. Master plans and service districts may be established as provided in this chapter regarding:

(1) Sewage works, including all facilities necessary for collecting, pumping, treating and disposing of sanitary or storm sewage.

(2) Drainage works, including all facilities necessary for collecting, pumping and disposing of storm and surface water.

(3) Street lighting works, including all facilities necessary for the lighting of streets and highways.

(4) Public parks and recreation facilities, including land, structures, equipment, supplies, and personnel necessary to acquire, develop, and maintain such public park and recreation facilities and to administer a program of supervised recreation services.

(5) Diking and flood control works, including all facilities necessary for diking and control of water courses.

[1963 c.515 §2; 1965 c.246 §1]

451.020 to 451.100 [Reserved for expansion]

MASTER PLANS

451.110 Definitions for ORS 451.110 to 451.140. As used in ORS 451.110 to 451.140, unless the context indicates otherwise:

(1) "County court" includes the board of county commissioners.

(2) "Service facilities" means public service installations or works provided within a county outside the boundaries of cities for any or all of the purposes specified in ORS 451.010.

[1955 c.509 §1; 1963 c.515 §3]

451.120 Master plans for development of service facilities in unincorporated urban areas. The county court of any county may, for the protection of the health, safety and general welfare, prepare and adopt coordinated master plans for the development of service facilities to serve present and future unincorporated urban areas in the county.

[1955 c.509 §2; 1961 c.576 §1; 1963 c.515 §4]

451.130 Conformity to master plan; approval. After a coordinated master plan has been adopted under ORS 451.120, the county court may enforce such plan by requiring that plans for the installation of service facilities in areas under county jurisdiction outside the boundaries of cities be submitted to the county court for approval,

and that such installation shall conform to the master plan.

[1955 c.509 §3; 1961 c.576 §2; 1963 c.515 §5]

451.140 Powers of county court under ORS 451.110 to 451.140. In carrying out the powers granted to the county court under ORS 451.110 to 451.140, the county court may:

(1) Conduct such surveys and investigations as may be necessary to develop coordinated master plans as provided in ORS 451.120.

(2) Provide for the administration and enforcement of such master plans by engineering analysis, inspection or other appropriate means.

(3) Enter into contracts or agreements with cities, other counties, the Federal Government, state agencies, sanitary, water, street lighting, or drainage districts or any person or private corporation for a period not to exceed 30 years for the cooperative financing of the preparation and enforcement of coordinated master plans as provided in ORS 451.120 and 451.130.

(4) Levy and collect taxes for the purpose of providing funds to prepare and enforce coordinated master plans as provided in ORS 451.120 and 451.130.

(5) Expend funds for such surveys, investigations and studies as may be necessary for the preparation and enforcement of such master plans.

[1955 c.509 §4; 1961 c.576 §3; 1963 c.515 §6]

451.150 to 451.400 [Reserved for expansion]

SERVICE DISTRICTS

451.410 Definitions for ORS 451.410 to 451.585. As used in ORS 451.410 to 451.585, unless the context indicates otherwise:

(1) "County court" includes the board of county commissioners.

(2) "District" means any area in a county for which the county court provides service facilities under ORS 451.410 to 451.585.

(3) "Service facilities" mean public service installations or works provided within a county for any or all of the purposes specified in ORS 451.010.

(4) "Owner" shall be deemed to be the record owner of real property or holder of a duly recorded contract for purchase of real property within the district.

[1955 c.685 §1; 1961 c.576 §4; 1963 c.515 §7]

451.420 County may construct and operate service facilities. When authorized as

provided in ORS 451.410 to 451.585 the county court may construct, maintain and operate any or all of the service facilities specified in ORS 451.010 for any district in the county.

[1955 c.685 §2; 1963 c.515 §8]

451.430 Hearing on proposal to construct and operate service facilities. The county court shall hold a public hearing on a proposal to construct, maintain and operate service facilities for a district in the county upon:

(1) Adoption of a resolution by the county court; or

(2) The receipt of a petition signed by 60 percent or more of the owners of real property in a district in the county requesting that the county court construct, maintain and operate service facilities for the district and defining the boundaries of the district; or

(3) In the case of sewage works, upon certification to the county court by the State Sanitary Authority or the county health officer that an emergency exists in the district. For the purposes of this subsection, "emergency" means a combination of circumstances relating to sewage disposal which requires immediate action to protect the public health, safety and general welfare.

[1955 c.685 §3; 1961 c.576 §5; 1963 c.515 §9]

451.440 Plans for service facilities required prior to hearing. Prior to a hearing on a proposal to construct, maintain and operate service facilities for a district, the county court shall cause engineering plans to be prepared. The plans shall include:

(1) Preliminary plans for the service facilities to be constructed.

(2) Estimated costs of construction, maintenance and operation.

(3) Recommendations as to boundaries of the district.

(4) Recommendations as to use of any portion of the proposed service facilities for areas in the county outside the district at some future date and the portion of the cost of such works which should be borne by such areas when use is made of any portion of the facilities.

(5) Recommendations as to the extent to which the proposed service facilities may be integrated into other service facilities constructed or being constructed by the county court under ORS 451.410 to 451.585 or by other public agencies and the fair and equitable amount of the cost of construction of

such other facilities the district should bear.
[1955 c.685 §4; 1961 c.576 §6; 1963 c.515 §10]

451.450 Notice of hearing required; contents of notice. (1) Prior to the hearing on a proposal to construct, operate and maintain service facilities for a district, the county court shall direct the county clerk to post notice of the hearing for two successive weeks prior to the hearing in three conspicuous places within the proposed boundaries of the district as determined by the county court and publish such notice once a week for two successive weeks prior to the hearing in a newspaper of general circulation published within the proposed boundaries of the district or, if there is no such newspaper, in a newspaper of general circulation published in the county.

(2) The notice of hearing shall contain:

(a) The date, time and place of the hearing.

(b) The name or number and proposed boundaries of the district.

(c) A statement that the county court proposes to construct, maintain and operate certain specified service facilities for the district.

(d) A statement that all interested persons may appear and be heard.

[1955 c.685 §5; 1961 c.576 §7; 1963 c.515 §11]

451.460 Boundary determination; notice required when additional territory is included. At the hearing, or any continuance thereof, on a proposal to construct, operate and maintain service facilities for a district, the county court may modify the proposed boundaries of the district. However, the county court may not include land which, in its judgment, will not be directly benefited by the proposed service facilities and may not exclude any land which, in its judgment, will be directly benefited by the proposed service facilities. If land is to be included which was not included in the boundaries set forth in the notice of hearing and the owners of such land have not appeared at the hearing, the hearing shall be adjourned and notice shall be given to the nonappearing landowners by mailing to the address of such owners as shown by the current assessment rolls of the county. The notice shall be mailed at least 10 days prior to the date to which the hearing was adjourned. In lieu of such mailing, notice may be given to nonappearing landowners by publication in the

manner provided in ORS 451.450. The notice shall contain a general description of the land proposed to be included in the district and the time, place and purpose of the hearing.

[1955 c.685 §6; 1963 c.515 §12]

451.462 Formation of district without election; protest. (1) Except as provided in subsection (2) of this section, a district may be formed without the election required by ORS 451.465 and 451.467 if the hearing has been held pursuant to receipt of a property owners' petition as provided in subsection (2) of ORS 451.430.

(2) A district may not be formed without an election if, within 30 days after the date of the hearing, more than 10 percent of the owners of land in the proposed district file with the county court written protests against formation of the district.

[1963 c.515 §12b]

451.465 Election to form district; qualification of voters; judges; costs. (1) Except as provided in ORS 451.462, no district shall be formed under the provisions of ORS 451.410 to 451.585 without submitting the issue to the voters of the proposed district as provided in ORS 451.467.

(2) No person is authorized to vote at any election held under ORS 451.467 unless he is an elector of the State of Oregon and has resided in the proposed district a period of not less than 30 days next preceding the election.

(3) The county clerk shall appoint three judges for each polling place designated for an election to be held under ORS 451.467. The judges shall be electors within the proposed district. Expenses of the election shall be paid by the county, but if the district is approved, it shall reimburse the county general fund for the cost thereof from the proceeds of any taxes or charges levied by it.

(4) Polling hours and other matters of procedure relating to elections authorized under ORS 451.467 shall be in accordance with the provisions of law relating to general elections, except as otherwise specifically provided in this chapter.

[1961 c.576 §§9, 11, 12, 13; 1963 c.515 §12c]

451.467 Duty of county court to hold election and proclaim result; limitation on contesting formation of district. If the county court determines, after a hearing as provided in ORS 451.430, that construction,

maintenance and operation of certain service facilities is necessary for the protection of the public health, safety and general welfare, and that a district requiring approval of the voters under subsection (1) of ORS 451.465 should be formed, the county court shall:

(1) Issue an order assigning an identifying name or number to the proposed district, describing its exterior boundaries, specifying the service facilities the proposed district shall be authorized to construct, operate and maintain, and fixing a date, not less than 30 nor more than 50 days from the date of the order, on which an election shall be held in the proposed district relating to its formation.

(2) Select one or more polling places in the proposed district and make necessary arrangements for the election.

(3) Direct the county clerk to post a copy of the order for four successive weeks prior to the election in three places within the proposed district.

(4) Direct the county clerk to publish a copy of the order for four successive weeks prior to the election in a newspaper of general circulation published in the proposed district. If there is no such newspaper, the notice shall be published in some newspaper published and of general circulation in the county in which the proposed district lies.

(5) Within 30 days after the election, issue a proclamation declaring whether a majority of the votes cast at the election favored or rejected the formation of the proposed district.

(6) If the proclamation issued under subsection (5) of this section indicates that a majority of the voters favored the formation of the district, the county court shall issue at the same time an order, to be entered in its journal, declaring the district established. No proceedings may be maintained contesting the validity of the formation of such district unless instituted within 30 days after the entry of such order.

[1961 c.576 §10; 1963 c.515 §13]

451.470 [1955 c.685 §7; repealed by 1961 c.576 §24]

451.472 County court to construct only authorized service facilities; additional authorizations. When acting as the governing body of a district, the county court may construct, maintain and operate only those service facilities which were authorized for

the district in the election held under ORS 451.467. However, additional authority regarding service facilities may be given to the county court by a proposal initiated, heard and voted upon in the same manner as is provided for the original formation of a district under ORS 451.430 to 451.467.

[1963 c.515 §13b]

451.476 District advisory committee.

(1) Upon formation of a district under the provisions of ORS 451.410 to 451.585 the county court shall appoint an advisory committee to advise the county court in matters relating to the district.

(2) Except as provided in subsections (3) and (4) of this section, the county court shall determine the membership, terms and organization of the advisory committee.

(3) The advisory committee shall consist of not less than three members. All members of the committee shall be residents of the district.

(4) The members of the committee shall elect a chairman. Meetings of the committee shall be at the call of the chairman or the county court. The committee shall meet at least once each year.

[1963 c.515 §13c]

451.480 [1955 c.685 §8; repealed by 1961 c.576 §24]

451.485 Governing body of district; order preliminary to construction work. The county court shall be the governing body of any district established under subsection (1) of ORS 451.465 and ORS 451.467. Such district shall be known by the name or number specified in the order declaring its formation and by that name shall exercise and carry out the corporate powers and objects conferred and declared in this chapter. Before proceeding to construct any public works or facilities authorized by this chapter, the court shall make an order:

(1) Determining the service facilities to be constructed, maintained and operated.

(2) Determining the manner of financing the construction of the service facilities.

(3) Determining the method by which the district shall bear the share of the cost of construction of the service facilities which is to be apportioned to the district.

(4) Where it appears that any service facilities to be constructed will provide service to areas outside the district at some future date, determining the equitable and fair

share of the cost of construction of such facilities which should be borne by such areas, which share shall be borne by the revolving fund until such areas are served by the facilities.

(5) Where the service facilities of the district are to be integrated into other service facilities constructed or being constructed by the county court under ORS 451.410 to 451.585 or by other public agencies, determining the fair and equitable amount the district should pay toward the construction of such other service facilities, which amount shall be paid to the revolving fund if the other service facilities were constructed or are being constructed by the county court under ORS 451.410 to 451.585 or to such other public agencies upon terms and conditions to which the county court has agreed if the service facilities were constructed or are being constructed by another public agency.

(6) In the case of sewage works, where trunk or interceptor sewers, treatment plants and similar facilities are to be charged to all property within the district while lateral sewers, street mains and similar facilities are to be charged only to property to be served immediately by the system, determining the fair and equitable share of the total cost to be charged to areas within the district.

(7) Describing one or more assessment districts. If the service facilities to be installed are substantially similar, such assessment districts need not be composed of contiguous territory.

[1961 c.576 §14; 1963 c.515 §14]

451.487 Referendum on order. The order required by ORS 451.485 shall be subject to referendum vote within the district, notwithstanding the prior authorization of such service facilities by election under ORS 451.465 or ORS 451.472. The referendum may be ordered by resolution of the governing body of the district, or by petition submitted within 60 days of the date of the order signed by 10 percent of the voters of the district. A referendum vote under this section shall be in accordance with the applicable provisions of ORS 451.467.

[1963 c.515 §14a]

451.490 Methods of financing service facilities; financing by assessments; objections to assessments to be heard. (1) The county court may, in accordance with the

order adopted under ORS 451.485, finance the construction, operation or maintenance of service facilities for a district by:

(a) Use of funds from the revolving fund established under ORS 451.540 to be repaid by the district without interest.

(b) Assessments against the property in the district with or without issuance of bonds or warrants authorized under ORS 451.530.

(c) Service charges in the district.

(d) Connection charges.

(e) District ad valorem taxes.

(f) Sale of bonds.

(g) Any combination of the provisions of paragraphs (a) to (f) of subsection (1) of this section.

(2) Assessments in the district shall, so far as practicable, be apportioned within the district in accordance with the special and peculiar benefit each lot or parcel of land receives from the service facilities.

(3) Where parcels of land, or portions thereof, in the district are undeveloped, the county court may, in its discretion, defer assessing or imposing all or any portion of such assessments on such parcels until such parcels are connected with the facilities.

(4) The county court shall afford an opportunity for hearing of any individual objections or remonstrances to assessments under this section. If remonstrances or objections are received by the county court signed by more than 50 percent of the owners of land representing more than 50 percent of the land within the proposed assessment district, the proposed improvement shall not be made.

[1955 c.685 §9; 1961 c.576 §15; 1963 c.515 §15]

451.500 Sewer service charges for financing sewage works. The county court may by ordinance, for the purpose of paying the costs of operation and maintenance of sewage works constructed under ORS 451.410 to 451.585, impose sewer service charges on property served by sewage works constructed under ORS 451.410 to 451.585. The county court may, from time to time when necessary, use moneys from the revolving fund for such maintenance and operation on a reimbursable basis. Sewer service charges for operation and maintenance shall be based upon the costs of operation, maintenance and supervision of sewage works serving the property charged. [1955 c.685 §10]

451.510 Collection of sewer service charges. (1) The county court may con-

tract with any city or water or other district serving water in a district established under ORS 451.410 to 451.585 to collect sewer service charges with the water bills, and the serving agency may cut off water for nonpayment of such sewer service charges. The county court may pay the water-serving agency a reasonable charge for such collection services.

(2) Sewer service charges may also be collected and enforced as provided in ORS 224.220.

[1955 c.685 §11]

451.520 Assessments to be entered on lien docket; foreclosure for failure to pay; reassessments. (1) When assessments are made under ORS 451.410 to 451.585 they shall be entered in a permanent lien docket which shall be kept in the office of the county clerk of the county. The docket shall show the amount of each lien, property against which it has been assessed, the owner thereof and such additional information as is required to keep a permanent and complete record of the assessment and the payments thereon.

(2) If the owner of the property against which an assessment has been made fails to pay the assessment, or any portion thereof, or the interest thereon, when due, the county court may proceed to foreclose the lien in any manner provided by law for the collection of liens by municipalities or may provide by ordinance a general procedure for the collection of such liens in any manner not inconsistent with law.

(3) The provisions of ORS 223.405 to 223.485 relating to reassessment shall be available to the county court, where applicable, in connection with assessments made under ORS 451.410 to 451.585.

[1955 c.685 §12; 1963 c.515 §16]

451.530 Assessment of public property; issuance of improvement warrants and bonds. (1) If the cost, or any portion of the cost, of service facilities for a district is assessed under ORS 451.490 against the property directly benefited, the following provisions shall apply in so far as practicable to the district:

(a) The provisions of ORS 223.205 to 223.300 and 223.305 to 223.385, relating to the assessment of property benefited by public improvements and to the issuance of bonds and other obligations;

(b) The provisions of ORS 223.770 relating to the assessment of public property benefited by public improvements for the cost of such improvements; and

(c) The provisions of ORS 287.502 to 287.510, relating to the issuance of improvement warrants by cities.

(2) Where the provisions listed in subsection (1) of this section refer to officials of cities, the corresponding officials of the county shall perform the required functions, unless otherwise provided by order of the county court.

(3) The county court may issue improvement bonds in the total amount of the valid applications it has received to pay assessments in instalments as provided in ORS 223.205 to 223.385.

[1955 c.685 §13; 1961 c.576 §16; 1963 c.515 §17; 1965 c.227 §2]

451.540 Tax levy for financing service facilities; hearing. (1) The county court may, for the purpose of establishing a revolving fund to provide money to finance the construction under ORS 451.410 to 451.585 of such service facilities in the county as may be necessary and in implementation of the master plans provided for in ORS 451.120, levy an ad valorem tax of not to exceed one-half mill per year, for a period not to exceed five years, on each dollar of true cash value of taxable property within all areas of the county outside the boundaries of cities, to be served by the facilities included in the master plan. The revenues derived from such taxes shall be deposited with the county treasurer and credited to such revolving fund. Moneys in the revolving fund shall be disbursed by the county treasurer on order of the county court and used solely for the purposes authorized in ORS 451.410 to 451.585.

(2) The boundaries of the territory within which the tax authorized by subsection (1) of this section may be levied shall be determined by the county court after a public hearing. The county court shall direct the county clerk to publish notice of such hearing once a week for two successive weeks prior to the hearing in a newspaper of general circulation published within the proposed boundaries of the territory or, if there is no such newspaper, in a newspaper of general circulation in the county. Any registered voter or any owner of property within the territory may appear at the hearing to protest inclusion of his property within the ter-

ritory, but the county court shall not exclude land which, in its judgment, will be served by the facilities included in the master plan. [1955 c.685 §14; 1961 c.576 §17; 1963 c.515 §18]

451.545 Bond issue for financing service facilities. (1) The county may, when authorized by a majority of the votes cast at an election by voters of a district established under ORS 451.410 to 451.585, issue general obligation bonds for the purpose of paying the cost of acquisition or construction of service facilities. Each issue of general obligation bonds shall be the general obligation of the district and the principal and interest thereon shall be paid by such district by assessments, charges, or ad valorem taxes imposed or levied within the district as may be determined by the county court under ORS 451.490. Bonds authorized by this section shall be issued in accordance with ORS 287.052 to 287.074, except as otherwise provided in this section.

(2) The district's total outstanding bonds of all kinds, including improvement bonds of the kind authorized by ORS 223.205 to 223.300, shall at no time exceed in the aggregate 13 percent of the true cash value of all property by law assessable for state and county purposes within the district. The true cash value shall be determined by dividing the assessed value of the property within the district by the assessment ratio or ratios for the county in which the district is located. The assessed value shall be the value used in computing the taxes for the district in the certification made pursuant to ORS 311.105 for the most recent fiscal year. The assessment ratio or ratios shall be taken from the statement filed by the State Tax Commission pursuant to ORS 309.370 for the most recent fiscal year.

[1961 c.576 §19; 1963 c.515 §19]

451.547 Tax base election and tax levies authorized. A district formed under ORS 451.410 to 451.585 may vote to establish a tax base in accordance with Article XI, section 11, Constitution of the State of Oregon, and thereafter the county court, acting as the levying authority of the district, may levy ad valorem taxes on property within the district for the purposes authorized by ORS 451.410 to 451.585. An election to establish a tax base may be called by the county court and held in the same manner provided by law for the calling and holding of an election to establish a new tax base. If a district has

voted a tax base in accordance with this section, the provisions of ORS 294.305 to 294.520 shall apply to the district.

[1961 c.576 §20; 1963 c.515 §19a]

451.550 Powers of county court under ORS 451.410 to 451.585. For the purpose of carrying out the powers granted to the county court under other provisions of ORS 451.410 to 451.585, the county court may:

(1) Supervise, manage, control, operate and maintain service facilities constructed under ORS 451.410 to 451.585.

(2) Compel all residents and property owners in a district established under ORS 451.410 to 451.585 to connect their houses and structures requiring sewage disposal or surface drainage with adjacent sewers or other sewage or drainage disposal facilities in the district.

(3) Adopt and enforce rules and regulations concerning the disposal of sewage within the district.

(4) Acquire by purchase, gift, devise, condemnation proceedings or by any other means, such real and personal property and rights of way, either within or without the county, as in the judgment of the county court are necessary or proper in the exercise of its powers under ORS 451.410 to 451.585, and to pay for and hold the same.

(5) Make and accept contracts, deeds, releases and documents which, in the judgment of the county court, are necessary or proper in the exercise of the powers of the county court under ORS 451.410 to 451.585.

(6) Employ and pay necessary agents, employes and assistants.

(7) Construct service facilities in and on any public street, highway or road and for this purpose enter upon the street, highway or road, make all necessary and proper excavations, and thereafter restore the street, highway or road to its proper condition. However, the consent of the appropriate city, county or state authorities, as the case may be, shall first be obtained and the conditions of such consent complied with.

(8) Exercise the authority vested in counties under ORS 549.710 to 549.990.

(9) Do any act necessary or proper to the complete exercise and effect of any of its powers under ORS 451.410 to 451.585.

[1955 c.685 §15; 1963 c.515 §20; 1965 c.305 §1]

451.560 County court may make agreements for cooperative financing of service facilities or for use, lease or joint operation of service facilities. (1) The county court

may enter into agreements with any city, any county, the Federal Government, the state or any of its agencies, any district organized for a public purpose or any person for a period not to exceed 30 years for the cooperative financing of the construction, maintenance and operation of service facilities constructed under ORS 451.410 to 451.585.

(2) The county court may enter into agreements with any county, city, district organized for a public purpose or person for the use, lease or joint operation of any service facilities, or any portion thereof.

[1955 c.685 §16; 1963 c.515 §21]

451.562 Procedure for annexation of territory contiguous to district. (1) Any territory contiguous to a district formed under ORS 451.410 to 451.585 may be annexed to such district in the manner provided in this section.

(2) A hearing on a proposal for annexation to a district shall be held upon adoption of a resolution by the county court, receipt of a property owners' petition, or receipt of a certificate of emergency as provided in ORS 451.430 in the case of original formation of a district. The county court shall direct the county clerk to publish notice of the hearing once a week for two successive weeks prior to the hearing in a newspaper of general circulation published within the proposed boundaries of the area to be annexed or, if there is no such newspaper, in a newspaper published and of general circulation in the county.

(3) Proceedings at a hearing on annexation shall be as provided by ORS 451.460 in the case of original formation of a district.

(4) If the county court determines, after the hearing as provided in this section, that the area should be annexed to the district, and:

(a) When proceedings for the annexation were initiated by county court resolution, the county court shall adopt an order for an election on the question of annexation within the territory proposed to be annexed.

(b) When proceedings for the annexation were initiated by receipt of a property owners' petition, the county court shall adopt an order declaring the area annexed to the district.

(5) The provisions of ORS 451.462, 451.465 and 451.467 relating to the original

formation of a district shall apply where applicable to the annexation of territory to an existing district.

(6) Upon entry of the order of the county court declaring the area annexed to the district, the area shall become subject to the indebtedness, bonded or otherwise, of the district in like manner as the territory within the district.

[1963 c.515 §21b; 1965 c.475 §1]

451.565 Transfer of assets and liabilities of sanitary or drainage district to county.

(1) A sanitary district formed under ORS 450.005 to 450.303 may be dissolved and its property and other assets and liabilities transferred to the county for administration as a district under ORS 451.410 to 451.585 in the manner prescribed by ORS 264.610 to 264.630 for domestic water supply corporations. Transfer of assets and liabilities and assumption of obligations by the county for administration as a district under this section shall be in the same manner as prescribed for irrigation districts under subsection (3) of ORS 264.630.

(2) A drainage district formed under ORS 547.005 to 547.990 may be dissolved and its property and other assets and liabilities transferred to the county for administration as a service district under ORS 451.410 to 451.585 in the manner prescribed by ORS 547.760.

[1961 c.576 §21; 1965 c.304 §1]

451.570 County may adopt and enforce regulations for sewage disposal, garbage removal, street cleaning and sanitary purposes; publication of regulations required.

(1) For the protection of the public health, safety and general welfare, the county court may adopt and enforce reasonable and necessary regulations for:

(a) The control of sewage disposal in a district established under ORS 451.410 to 451.585.

(b) The removal of garbage and other deleterious substances in such district.

(c) The cleanliness of roads and streets of such districts.

(d) All other sanitary purposes not in conflict with the laws of this state.

(2) Such regulations shall not be effective until copies thereof are posted for at least two successive weeks in three conspicuous places in a district and published once a week for two successive weeks in a newspaper of general circulation published in the

district or, if there is no such newspaper, in a newspaper of general circulation published in the county.

[1955 c.685 §17]

451.573 Definition for ORS 451.577. "Special district," as used in ORS 451.577, means any one of the following districts:

(1) A drainage district organized under ORS chapter 547.

(2) A park and recreation district organized under ORS chapter 266.

(3) A highway lighting district organized under ORS chapter 372.

(4) A sanitary district organized under ORS chapter 450.

(5) A diking district organized under ORS chapter 551.

(6) A water control district organized under ORS chapter 553.

[1965 c.475 §4]

451.577 Dissolution of special district; county service district to succeed.

(1) Upon the effective date of an incorporation of a district or of an annexation of territory to a district, a special district lying within the district shall be extinguished and dissolved and the county service district shall succeed to all the assets and become charged with all the liabilities, obligations and functions of the special district.

(2) Subsection (1) applies.

(a) If the entire area of a special district is incorporated in or annexed to a county service district organized under this chapter or under the authority of a county charter; and

(b) If the county service district has the authority to provide the same service as the special district.

(3) The district officers of the special district, upon the effective date of the incorporation or annexation, shall forthwith deliver to the county governing body the assets and records of the special district. Uncollected taxes, assessments or charges theretofore levied by the special district shall become the property of the county service district and upon collection shall be credited to the account of such county service district.

[1965 c.475 §3]

451.580 Disposition of moneys received under ORS 451.410 to 451.585. Except as otherwise provided in ORS 451.410 to 451.585, all moneys received by the county court under ORS 451.410 to 451.585 shall

be paid to the county treasurer and deposited by him in the county service district fund. The county court may, by ordinance, establish separate accounts in the county service district fund or separate funds in the county treasury for the segregation of sinking or reserve funds or accounts, of operating funds or accounts for the various districts established under ORS 451.410 to 451.585 or of any other funds or accounts found necessary or expedient by the county court. However, no moneys received under ORS 451.410 to 451.585 shall be used for any purpose other than for carrying out the purposes of ORS 451.410 to 451.585 and all funds, facilities, personnel or supplies of the county used for those purposes shall be charged to the appropriate service district account.

[1955 c.685 §18; 1963 c.515 §21c]

451.585 Duty of city when all or part of district annexed or incorporated. (1) Whenever the entire area of a district is incorporated in or annexed to a city in accordance with law, the district shall be extinguished and the city shall upon the effective date of such annexation succeed to all the assets and become charged with all the liabilities, obligations and functions of the district. The district officers shall forthwith deliver to the city officers the district assets and records. Uncollected taxes theretofore levied by such district shall become the property of the city and be delivered to it by the county treasurer upon collection.

(2) Whenever a part less than the whole of a district becomes incorporated in or annexed to a city in accordance with law, the city may at any time after such incorporation or annexation cause that part to be withdrawn from such district in the manner set forth in ORS 222.524, and the provisions of ORS 222.510 to 222.580 shall be applicable to such withdrawal except that in case the district and the city cannot agree upon a division of assets or obligations and liabilities, then and in such case, either the district or the city

may petition the circuit court for the county in which the city has its legal situs to determine such division.

[1961 c.576 §§22, 23]

451.590 Entry upon privately owned lands by county to survey or lay out service facilities. Officers and employes of a county may enter upon privately owned lands to survey or lay out service facilities by direction of the county court or board of county commissioners. However, the county court or board of county commissioners shall cause notification to be given to each occupant of the lands, either by registered or certified mail or by other lawful means. This notice shall be given at least five days before the county officers or employes enter upon the lands. No officer or employe of a county entering privately owned lands pursuant to this section shall damage or destroy trees, shrubs, buildings or other items of value on that land without first obtaining the consent of the owner.

[1959 c.673 §1; 1963 c.515 §22]

451.600 Restrictions on altering, repairing or connecting with a county service facility. No person shall alter, repair or make a connection with any service facility maintained by a county, unless that person:

(1) Obtains permission from the county court or board of county commissioners of the county that maintains the facility, and pays all deposits, charges or fees required by the county for granting such permission, before undertaking the work; and

(2) When appropriate, complies with ORS 447.010 to 447.140 in performing the work.

[1959 c.673 §2; 1961 c.576 §18; 1963 c.515 §23]

451.610 to 451.980 [Reserved for expansion]

PENALTIES

451.990 Penalties. Violation of ORS 451.600 is a misdemeanor.

[1959 c.673 §3]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on November 15, 1965.

Sam R. Haley
Legislative Counsel