

Chapter 451

1983 REPLACEMENT PART

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GENERAL PROVISIONS

451.010 Facilities and services counties may provide by service districts. (1) Master plans and service districts may be established as provided by this chapter regarding:

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

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

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

(d) 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.

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

(f) Water supply works and service, including all facilities necessary for tapping natural sources of domestic and industrial water, treating and protecting the quality of the water and transmitting it to the point of sale to any person, city, domestic water supply corporation or other public or private agency for domestic, municipal and industrial water supply service.

(g) Solid waste disposal. This paragraph does not apply in Clackamas, Multnomah and Washington Counties.

(h) Public transportation, including public depots, public parking and the motor vehicles and other equipment necessary for the transportation of persons together with their personal property.

(i) Agricultural educational extension services.

(j) Emergency medical services, including ambulance services.

(k) Library services.

(2) Within the geographical jurisdiction of any local government boundary commission established by or pursuant to ORS 199.410 to 199.519, master plans and service districts may be established as provided by this chapter regarding:

(a) Fire prevention and protection.

(b) Enhanced law enforcement services provided by contract with the sheriff of the county.

(c) Hospital and ambulance services.

(d) Vector control.

(e) Cemetery maintenance.

(f) Roads.

(g) Weather modification. [1963 c 515 §2, 1965 c 246 §1, 1967 c 538 §1, 1971 c 674 §1, 1971 c 687 §1, 1973 c 211 §1, 1973 c 785 §1, 1975 c 630 §1, 1977 c 60 §1, 1977 c 287 §1, 1979 c 221 §1]

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, works or services provided within a county for any or all of the purposes specified in ORS 451.010. [1955 c 509 §1, 1963 c 515 §3, 1967 c.249 §1, 1973 c 785 §2]

451.120 Master plans for development of service facilities in unincorporated 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 unincorporated areas in the county. [1955 c 509 §2, 1961 c 576 §1, 1963 c 515 §4, 1973 c 785 §3]

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 or operation 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 or operation shall conform to the master plan. [1955 c 509 §3, 1961 c 576 §2, 1963 c 515 §5, 1969 c 646 §1]

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 or county service districts for public transportation, the Federal Govern-

ment, state agencies, the special districts enumerated in ORS 451.573 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, 1973 c 211 §2, 1973 c 785 §4]

SERVICE DISTRICTS

451.410 Definitions for ORS 451.410 to 451.600. As used in ORS 451.410 to 451.600, unless the context indicates otherwise:

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

(2) "District" means a municipal corporation established under ORS 451.410 to 451.600 to provide service facilities in a county or counties.

(3) "Service facilities" means public service installations, works or services provided within a county or counties 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.

(5) "Formation" has the meaning given that term by ORS 198.705 (9).

(6) "Change of organization" has the meaning given that term by ORS 198.705 (5).

(7) "County" has the meaning given that term by ORS 198.705 (16). [1955 c 685 §1, 1961 c 576 §4, 1963 c 515 §7, 1967 c 538 §2, 1973 c 785 §5, 1975 c 630 §2]

451.420 District may construct and operate service facilities. When authorized as provided in ORS 451.410 to 451.600 a district may construct, maintain and operate any or all of the service facilities specified in ORS 451.010. [1955 c 685 §2, 1963 c 515 §8, 1973 c 785 §6]

451.430 [1955 c 685 §3, 1961 c 576 §5, 1963 c 515 §9, 1967 c 249 §2, 1969 c 646 §2, 1971 c 291 §4, 1971 c 727 §129, repealed by 1973 c 785 §32]

451.435 Law governing district formation or change. (1) All district formation and change of organization proceedings shall be initiated, conducted and completed as provided

by ORS 198.705 to 198.955 except that no county or portion thereof shall be included within a district which is to provide services in more than one county without the consent of the governing body of the affected county.

(2) In the case of sewage works, upon certification to the county court by the Environmental Quality Commission or the county health officer that an emergency exists the county court shall initiate the formation of a district in the manner specified in ORS 198.835, or annexation to an existing district in the manner specified in ORS 198.850 (3), whichever is most appropriate.

(3) A petition or order initiating the formation or change or organization of a district shall, in addition to the requirement specified by ORS 198.705 to 198.955, state which of the service facilities specified by ORS 451.010 the district shall be authorized to construct, maintain and operate.

(4) A final order in a formation or change of organization proceeding of a district shall, in addition to the requirements specified by ORS 198.705 to 198.955, state which of the service facilities specified by ORS 451.010 the district shall be authorized to construct, maintain and operate. [1973 c 785 §8, 1975 c 630 §3]

451.440 Plans for service facilities.

(1) Prior to initiation of the formation of a district, the county court may cause engineering plans to be prepared. The plans may include:

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

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

(c) Recommendations as to boundaries of the district.

(d) 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.

(e) Recommendations as to the extent to which the proposed service facilities may be integrated into other service facilities constructed or being constructed by other districts under ORS 451.410 to 451.600 or by other public agencies and the fair and equitable amount of the cost of construction of such other facilities the district should bear.

(2) If a district is formed, the county court may require the district to reimburse the county for the cost of engineering plans prepared in accordance with this section. [1955 c.685 §4; 1961

c 576 §6, 1963 c 515 §10, 1971 c 291 §5, 1971 c 727 §130, 1973 c 785 §9]

451.445 Formation of district upon finding of health hazard; financing. (1) When certified copy of the findings of the Assistant Director for Health is filed with the county court as provided by ORS 431.740 or 431.750, the county court shall, subject to ORS 198.792, proceed to form the district to provide the facilities described in the findings and shall enter an order in accordance with ORS 451.485.

(2) The county court shall, within one year after making its order under ORS 451.485, prepare plans and specifications for the service facilities proposed to be provided within the district and proceed in accordance with the time schedule to construct or install the facilities.

(3) Notwithstanding the provisions of ORS 451.487, the order of the county court under ORS 451.485 is not subject to referendum if it is adopted in accordance with subsection (1) of this section and as a result of proceedings conducted under ORS 431.705 to 431.760.

(4) Notwithstanding ORS 451.495, when service facilities are to be constructed for the purpose of removing or alleviating a danger to public health and as a result of proceedings conducted by ORS 431.705 to 431.760, if any portion of the cost of the service facilities is to be assessed against the property directly benefited, ORS 451.495 (1)(c) does not apply to the general ordinance providing for the method of assessment which must be adopted under ORS 451.495. [1973 c 361 §18, 1981 c 452 §3]

451.450 [1955 c 685 §5, 1961 c 576 §7, 1963 c 515 §11, repealed by 1971 c 727 §203]

451.460 [1955 c 685 §6, 1963 c 515 §12, repealed by 1971 c 727 §203]

451.462 [1963 c 515 §12b, 1969 c 646 §3, repealed by 1971 c 727 §203]

451.465 [1961 c 576 §§9, 11, 12, 13, 1963 c 515 §12c, repealed by 1971 c 727 §191]

451.467 [1961 c 576 §10, 1963 c 515 §13, 1969 c 646 §4, 1971 c 727 §132, repealed by 1973 c 785 §32]

451.469 [1969 c 646 §6, repealed by 1971 c 647 §149]

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

451.472 County court to construct only authorized service facilities; additional authorizations. A district may construct, maintain and operate only those service facilities specified by ORS 451.010 which were authorized upon formation. However, additional authority regarding service facilities may be given to a district by a proceeding initiated, conducted and completed in the same manner as

is provided for in the original formation of a district. [1963 c 515 §13b, 1969 c 646 §7, 1971 c.727 §133; 1973 c 785 §10]

451.476 [1963 c 515 §13c, repealed by 1969 c.646 §18]

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 ORS 451.410 to 451.600. Such district shall be a municipal corporation 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 or provide any service facilities authorized by this chapter, the governing body of the district shall make an order:

(1) Determining the service facilities to be constructed, maintained and operated and the part of the work to be undertaken immediately.

(2) Determining the manner of financing the construction, maintenance and operation 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 established under ORS 451.540, by funds obtained by the county under ORS 280.055 or by any other method of financing described by ORS 451.490 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 another district or by other public agencies, determining the fair and equitable amount the district should assume as its share of the construction of such other service facilities, which amount shall be paid to the other district or public agencies upon terms and conditions to which the governing body of the district has agreed.

(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) If any of the cost of the work is to be assessed against benefited property, describing portions of the district, if any, within which service facilities will not be financed by assessment. [1961 c 576 §14, 1963 c 515 §14, 1969 c 646 §8, 1973 c 785 §11, 1981 c 570 §1]

451.487 Referendum on order; election; results. (1) The order required by ORS 451.485 and any order which amends that order shall be subject to referendum vote within the district, notwithstanding the prior authorization of such service facilities by election during formation proceedings. The referendum may be ordered by resolution of the governing body of the district, or by petition filed as provided in this section.

(2) The requirements for preparing, circulating and filing a referendum petition under this section shall be as provided in ORS 255.135 to 255.205, except that notwithstanding ORS 255.165, the petition must be submitted not later than the 60th day after the date of the order

(3) If a majority of those voting approve the order required by ORS 451.485, the governing body of the district shall so declare by order entered in its journal. If a majority of those voting disapprove the order, the results shall be entered in the journal. [1963 c 515 §14a, 1971 c 647 §103, 1973 c 785 §12, 1973 c 796 §66a, 1975 c 647 §42, 1981 c 570 §2, 1983 c 350 §274]

451.490 Methods of financing service facilities. The district may, in accordance with the order adopted under ORS 451.485, finance the construction, operation or maintenance of service facilities for a district by:

(1) Use of funds from a fund established under ORS 280.055 or 451.540 to be repaid by the district without interest.

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

(3) Service or user charges in the district.

(4) Connection charges.

(5) District ad valorem taxes.

(6) Sale of bonds.

(7) Funds obtained under ORS 280.040, 280.050 and 280.060 to 280.140.

(8) Any combination of the provisions of subsections (1) to (7) of this section. [1955 c 685 §9, 1961 c 576 §15, 1963 c 515 §15, 1969 c 646 §9, 1973 c 785 §13]

451.495 Ordinance governing certain assessments. (1) If the cost, or any portion of the cost, of service facilities for a district is to be assessed under ORS 451.490 against the property directly benefited, the governing body of the district shall, before attempting to implement the service facilities, adopt a general ordinance providing for the method of assessment. The ordinance shall:

(a) Contain provision for notice to affected property owners of intention to implement described service facilities and to assess benefited property for a part or all of the cost.

(b) Provide for a hearing at which affected property owners may appear to object to the implementation of the proposed service facilities.

(c) Provide that if the district receives written objections prior to the conclusion of the hearing signed by more than 50 percent of the affected property owners representing more than 50 percent of the affected property the proposed service facilities will not be implemented.

(d) Provide for notice of and a hearing on proposed assessments which notice and hearing may be combined with the notice and hearing described in paragraphs (a) and (b) of this subsection.

(e) Provide for the general method of assessing the property directly benefited and of the recording of liens against the property directly benefited, and of making supplementary assessments and rebates.

(f) Provide for establishing the boundaries of each assessment district as work is proposed.

(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, are undeveloped, the governing body of the district may, in its discretion, defer assessing or imposing all or any portion of such assessments on such parcels until such parcels are served by the facilities. [1973 c 785 §15, 1981 c 570 §3]

451.500 Charges and fees for financing service facilities. The district may by order or by ordinance, for the purpose of paying the costs of operation and maintenance of service facilities, and for the repayment of bonds, impose user charges on property served by the service facilities. The district may, from time to time when necessary, use moneys from the revolving fund for such maintenance and operation on a reimbursable basis. User charges, con-

nection fees or service charges shall be based upon the costs of operation, maintenance and supervision of service facilities and the costs of bond repayment. [1955 c 685 §10, 1969 c 646 §10, 1973 c 785 §16]

451.510 Collection of service charges.

(1) The district may contract with any city or water or other district serving water in the district to collect service or user charges with the water bills, and the serving agency may cut off water for nonpayment of such service or user charges. The district may pay the water-serving agency a reasonable charge for such collection services.

(2) Assessments of less than \$25 and service or user charges may also be collected and enforced as provided in ORS 454.225. [1955 c 685 §11, 1969 c 646 §11, 1973 c 785 §17, 1983 c 740 §175]

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 451.600 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 district 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 district, where applicable, in connection with assessments made under ORS 451.410 to 451.600.

(4) In addition to the procedure provided by subsections (1), (2) and (3) of this section, the provisions of ORS 372.170 and 372.180 shall be available to the district, where applicable, in connection with assessments made under ORS 451.410 to 451.600. [1955 c 685 §12, 1963 c 515 §16, 1973 c 622 §1, 1973 c 785 §18]

451.530 Assessment of property; issuance of improvement warrants and bonds. (1) If the cost, or any portion of the cost, of service facilities for a district is to be

assessed under ORS 451.490 against the property directly benefited, the following provisions apply in so far as practicable to the district:

(a) ORS 223.205 and 223.210 to 223.295 relating to the assessment of property benefited by public improvements and to the issuance of bonds and other obligations;

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

(c) ORS 287.502 to 287.515 relating to the issuance of improvement warrants by cities.

(2) The warrants authorized by paragraph (c) of subsection (1) of this section may be issued following implementation of proposed service facilities but prior to assessment of property benefited thereby, if the hearing required by ORS 451.495 (1)(d) has been held.

(3) 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 governing body of the district

(4) The district 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 and 223.210 to 223.295. [1955 c 685 §13, 1961 c 576 §16, 1963 c 515 §17, 1965 c 227 §2, 1971 c 325 §4, 1973 c 785 §19]

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 those service facilities in the county that 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 50 cents per year, for a period not to exceed five years, for each \$1,000 of true cash value of taxable property within all areas of the county, to be served by the facilities included in the master plan. The revenues derived from the taxes shall be deposited with the county treasurer and credited to the 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 451.600.

(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 elector or any owner of property within the territory may appear at the hearing to protest inclusion of the property of the voter within the territory, 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, 1967 c 538 §5, 1981 c 804 §103]

451.545 Bond issue for financing service facilities. (1) The district may, when authorized by a majority of the votes cast at an election by electors of the district, 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 on the bonds shall be paid by the district by assessments, charges, or ad valorem taxes imposed or levied within the district as may be determined by the governing body of the district 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) In addition to the authority to issue general obligation bonds, the district, when authorized at any properly called election, shall have the power to sell and dispose of revenue bonds, and to pledge as security for the bonds all or any part of the unobligated net revenue of the district to purchase, acquire, lay out, construct, reconstruct, extend, enlarge or improve service facilities. The revenue bonds shall be issued in the same manner and form as are general obligation bonds of the district, but they are payable, both as to principal and interest from revenues only, as specified by this section. The revenue bonds are not subject to the percentage limitation applicable to general obligation bonds and are not a lien upon any of the taxable property within the boundaries of such district, but are payable solely from such part of the revenues of the district as remain after payment of obligations having a priority and of all expenses of operation and maintenance of the district. All revenue bonds shall contain a clause reciting that both the principal and interest are payable solely from operating revenues of the district remaining after paying such obligations and expenses.

(3) The district's total outstanding bonds of all kinds, including improvement bonds of the kind authorized by ORS 223.205 and 223.210 to 223.295, 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 as reflected in the assessment roll last equalized. [1961 c 576 §19, 1963 c 515 §19, 1969 c 646 §12, 1973 c 785 §20, 1981 c 804 §104]

451.547 Tax levies authorized. A district may vote to establish a tax base in accordance with Article XI, section 11, Constitution of the State of Oregon, and thereafter the district may levy ad valorem taxes on property within the district for the purposes authorized by ORS 451.410 to 451.600. 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, 1971 c 647 §104, 1973 c 785 §21]

451.550 Powers of district under ORS 451.410 to 451.600. For the purpose of carrying out the powers granted to the district under other provisions of ORS 451.410 to 451.600, the district may:

(1) Supervise, manage, control, operate and maintain service facilities.

(2) Compel all residents and property owners in a district 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) 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 governing body of the district are necessary or proper in the exercise of the powers of the district, and to pay for and hold the same

(4) Make and accept contracts, deeds, releases and documents which, in the judgment of the governing body of the district, are necessary or proper in the exercise of the powers of the district.

(5) Employ and pay necessary agents, employees and assistants.

(6) 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

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

(8) Exercise the authority granted to domestic water supply districts under ORS 264.306 to 264.330.

(9) Do any act necessary or proper to the complete exercise and effect of any of its powers under ORS 451.410 to 451.600. [1955 c 685 §15, 1963 c 515 §20, 1965 c 305 §1, 1973 c 785 §22]

451.555 Districts formed to provide comprehensive planning services; adoption of land use plans; advisory committees. (1) County service districts for the purpose of providing comprehensive planning for land use and public facilities for a district in the county may be formed in the manner provided by ORS 451.410 to 451.600 for establishing county service districts for other purposes

(2) A district formed to provide comprehensive planning may, in accordance with ORS 215.050 to 215.213, 215.215 to 215.233 and 215.283 to 215.337, adopt comprehensive plans for land use and public facilities within the district. The district shall be subject to ORS 451.120 to 451.140, 451.485 and 451.550 to 451.560. The activities of the district may be financed by any method authorized by ORS 451.490 and 451.520 to 451.547. Plans adopted by the district may be enforced as provided by ORS 451.130

(3) The district governing body shall appoint an advisory committee of not less than 11 members who are electors resident in the district or owners of land in the district. The committee shall advise the governing body in carrying out the provisions of this section. It shall meet with the governing body at the times and places determined by the committee and governing body jointly. [1971 c 674 §4]

451.560 Agreements for cooperative financing of service facilities or for use, lease or joint operation of service facilities. (1) The district 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.

(2) The district 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, 1973 c 785 §23]

451.562 [1963 c 515 §21b, 1965 c 475 §1, 1967 c 248 §4, 1969 c 646 §13, 1971 c 291 §1, 1971 c 727 §134, repealed by 1973 c 785 §32]

451.563 [1967 c 248 §§2, 3, repealed by 1969 c 646 §18]

451.564 [1967 c 538 §4, repealed by 1971 c 727 §203]

451.565 [1961 c 576 §21, 1965 c 304 §1, repealed by 1969 c 646 §18]

451.566 [1971 c 291 §3, repealed by 1973 c 785 §32]

451.568 Public transportation facilities and services of district exempt from certain regulations. Public transportation facilities and services provided by, or pursuant to a contract with, a county service district created for the purpose of public transportation are exempt from the provisions of ORS chapter 767. [1973 c 211 §4]

451.570 Regulations for sewage disposal, solid waste disposal, street cleaning and authorized purposes. (1) For the protection of the public health, safety and general welfare, the district may adopt and enforce reasonable and necessary regulations for:

(a) The control of sewage disposal in the district.

(b) The storage, collection, transportation and disposal of solid wastes within the district where such regulations are supplemental to the requirements of the regulations of the Environmental Quality Commission adopted pursuant to ORS 459.045 and are necessary to meet special local conditions.

(c) The cleanliness of roads and streets of the district.

(d) All other purposes consistent with the type of service facilities the district is authorized to construct, operate and maintain and not in conflict with the laws of this state.

(2) Such regulations shall be adopted in accordance with ORS 198.510 to 198.600. [1955 c 685 §17, 1967 c 428 §9, 1969 c 593 §41, 1971 c 268 §18, 1971 c 648 §28, 1973 c 785 §24]

451.572 Certain special districts excluded from water supply county service districts. No part of the territory of a district proposed to be formed for the purposes authorized in ORS 451.010 (1)(f) as amended by section 1, chapter 287, Oregon Laws 1977, shall include territory within the boundaries of a district formed to supply water under ORS chapter 198, 261, 264 or 450 unless the governing bodies of the affected districts, by resolution, approve the inclusion of their territories prior to the hearing held under ORS 198.805 for formation of the new district. [1977 c 287 §2]

Note: 451.572 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS

chapter 451 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

451.573 Definitions for ORS 451.573 to 451.577. As used in ORS 451.573 to 451.577:

(1) "Special district" means any one of the following districts:

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

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

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

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

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

(2) "Special district" also means one of the following, if the special district is within the geographical jurisdiction of a local government boundary commission formed by or pursuant to ORS 199.410 to 199.519:

(a) A domestic water supply district organized under ORS chapter 264.

(b) A cemetery maintenance district organized under ORS chapter 265.

(c) A special road district organized under ORS 371.305 to 371.360.

(d) A road assessment district organized under ORS 371.405 to 371.535.

(e) A health district organized under ORS 440.305 to 440.410.

(f) A vector control district organized under ORS 452.020 to 452.180.

(g) A rural fire protection district organized under ORS chapter 478.

(h) A weather modification district organized under ORS 558.200 to 558.440.

(i) A geothermal heating district organized under ORS chapter 523.

(3) "District" means, in addition to the meaning given that term by ORS 451.410 (2), a county service district organized under the authority of a county charter. [1965 c 475 §4, 1969 c 646 §14a, 1971 c 674 §2, 1973 c 785 §25, 1975 c 782 §52]

451.575 Excluding or including special districts from or in county service districts. (1) The area within a special district described by ORS 451.573 (1)(a) shall not be included in or annexed to a district if prior to or at the hearing on the formation of or annexation to such district the governing body of the special district files with the governing body of the

district a resolution withdrawing the area within the special district.

(2) When the formation of or annexation to a district is initiated, and the area to be incorporated or annexed includes the entire area within a special district, the governing board of the special district and the governing body of the district shall meet with each other to agree on a debt distribution plan to be a part of the proposed incorporation or annexation. The debt distribution plan may require that the property within the special district remain solely liable for all bonded indebtedness outstanding at the time of incorporation or annexation or it may provide for any other distribution of indebtedness between the district and the special district. If the governing boards do not agree on a debt distribution plan or if the area within the special district remains liable under the plan for any portion of the indebtedness outstanding at the time of the incorporation or annexation, and dissolution and transfer, the governing body of the district shall be the ex officio board of the dissolved special district for the purpose of levying taxes in such area until the bonded and other indebtedness of the dissolved special district is paid.

(3) The consent of all the known holders of valid indebtedness against the special district shall be obtained or provision made in the debt distribution plan for the payment of the nonassenting holders. The area within the boundaries of the special district shall not by reason of the incorporation or annexation and dissolution and transfer be relieved from liabilities and indebtedness previously contracted by the dissolving special district.

(4) The district officers of the special district, upon the effective date of the incorporation or annexation, shall forthwith deliver to the governing body of the district, the assets and records of the special district. Uncollected taxes, assessments or charges thereof levied by the special district shall become the property of the district and upon collection shall be credited to the account of such district. [1969 c 646 §15, 1973 c 785 §26]

451.577 Dissolution of special district; service district to succeed. (1) Subject to ORS 451.575, upon the effective date of the formation 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 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 district; and

(b) If the district has the authority to provide the same service as the special district. [1965 c 475 §3, 1969 c 646 §14, 1973 c 785 §27]

451.580 Disposition of moneys received under ORS 451.410 to 451.600. Except as otherwise provided in ORS 451.410 to 451.600, all moneys received by a district shall be paid to the county treasurer and deposited by him in an appropriate district fund. The county treasurer, when ordered by a district governing body, shall establish separate accounts in the district fund or separate funds in the county treasury for the segregation of sinking or reserve funds or accounts, of operating funds or accounts or of any other funds or accounts found necessary or expedient by the district. However, no moneys received by a district shall be used for any purpose other than for carrying out the purposes of ORS 451.410 to 451.600 and all funds, facilities, personnel or supplies of the county used for those purposes shall be charged to the appropriate district fund or account [1955 c 685 §18, 1963 c 515 §21c, 1973 c 785 §28]

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 to survey or lay out service facilities. Officers and employes of a county or of a district may enter upon privately owned lands to survey or lay out service facilities by direction of the county court or governing body of the district. However, the county court or governing body of the district 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 or district officers or employes enter upon the lands. No officer or employe of a county or district 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, 1973 c 785 §29]

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

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

(2) When appropriate, complies with ORS 447.010 to 447.160 in performing the work. [1959 c 673 §2, 1961 c 576 §18, 1963 c 515 §23, 1973 c 785 §30]

PENALTIES

451.990 Penalties. Violation of ORS 451.600 or any regulation adopted pursuant to ORS 451.570 is a misdemeanor. [1959 c 673 §3, 1973 c 785 §31]

