

ORDINANCE NO. 55

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
MIDWAY CITY SANITARY DISTRICT OF ORANGE  
COUNTY, CALIFORNIA, MAKING FINDINGS AND  
ESTABLISHING PROCEDURES RELATED TO ORDINANCE  
NO. 54

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4       **WHEREAS**, on or about July 2, 1996, the Board of Directors of the Midway City  
5 Sanitary District ("District") approved Ordinance No. 54 (Exhibit "A") setting services  
6 charges applicable to the provision of sanitation and sewer service facilities within the  
7 jurisdictional boundaries of the Midway City Sanitary District; and

8       **WHEREAS**, the District now desires to make certain findings related to Ordinance  
9 No. 54 and establish additional procedures related to the charges for the sanitation and  
10 sewer services and facilities of the District; and

11       **WHEREAS**, the enactment of this Ordinance No.55 in no way increases the rate  
12 of the charges set by Ordinance No. 54 and Ordinance No. 54 otherwise remains in full  
13 force and effect; and

14       **WHEREAS**, the Board of Directors of the Midway City Sanitary District does  
15 hereby **MAKE THE FOLLOWING FINDINGS**:

16       **A.** The District's General Manager has prepared financial and engineering  
17 reports setting forth financial projections for providing the sanitation and sewer services  
18 and facilities to the District's service area; and

19       **B.** Government Code Sections 66013 and 66016 require that the fees  
20 established by Ordinance No. 54 reflect an allocation of the costs of operation and  
21 maintenance such that the fees do not exceed the estimated reasonable cost to provide  
22 the sanitation and sewer services to individual parcels of real property improved for  
23 multiple types of uses; and

24       **C.** That the financial and engineering reports have been made available to the  
25 public and have been subject to noticed public hearing, all in accordance with the  
26 provisions of Government Code Section 66016; and

1 D. That the owners and occupants of the properties from whom the fees  
2 established by Ordinance No. 54 are collected use both the sewer collection system and  
3 the sanitary disposal service, and said services are owned, operated and maintained by  
4 the District; and

5 E. That the basis for the respective fees is the request of the owner of a parcel,  
6 for the benefit of the owner or occupants of the property, to receive services provided by  
7 the District in lieu of other means of disposal; and

8 F. That the fees set in Ordinance No. 54 were established upon a rational  
9 basis between the fees charged each customer and the services and facilities provided to  
10 each customer, a portion of which is necessary to replace the loss of ad valorem property  
11 tax revenues lost as a result of earlier state legislative action diverting local taxes to the  
12 State General Fund.

13 G. That the revenues derived from Ordinance No. 54 are used only for the  
14 acquisition, construction, reconstruction, maintenance, and operation of sanitation and  
15 sewer facilities, to repay principal and interest on bonds used for the construction or  
16 reconstruction of these systems and facilities and to repay federal or state loans or  
17 advances made for the construction or reconstruction of these systems and facilities in  
18 accordance with Health and Safety Code Section 5471.

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

21 **Section 1.** Ordinance No. 54 (Exhibit "A") and the fees set therein are affirmed  
22 by the Board of Directors as consistent with the findings hereinabove stated.

23 **Section 2.** The provisions of this Ordinance and the provisions of Ordinance No.  
24 54 shall apply to all owners of properties within the District (with the exception of Area  
25 141 as described in District Ordinance No. 57), and no exception shall be provided for  
26 properties otherwise deemed exempt from the payment of taxes or assessments by  
provisions of the State Constitution or statute, including properties owned by certain other

public agencies or tax exempt organizations, except as expressly provided in Section 3 hereof.

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

**Section 4.** Any property owner may appeal the levy of the charges adopted pursuant to Ordinance No. 54, and if the charges have been paid to the Orange County Tax Collector, together with property taxes, the owner may submit a claim for rebate to the District, on the forms prescribed and provided by the District, within one hundred twenty (120) days after the annual property tax bill is mailed. All applications for rebate of the annual fees will be determined by the General Manager of the District, who may grant a partial or full rebate or adjustment of the charge based on receiving satisfactory proof that the services have been otherwise provided as required by District Ordinance (in order to prevent any nuisance or danger to public health and safety) and/or that there is an actual inequity between the amount of the charge and the services provided by the District. Such inequities may include, but are not limited to:

- A. The parcel of property is not connected to the District's sewer collection system or is vacant land which does not utilize curbside trash collection;
- B. The use of the parcel is different from the use indicated by the charge;
- 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;

CERTIFICATION

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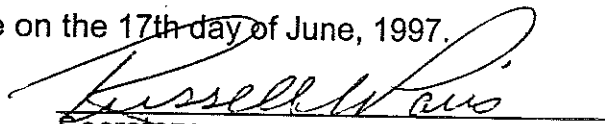
I, Russell C. Paris, Secretary of the Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing Ordinance No. 55 was duly adopted at a regular meeting of the Board of Directors of said District, held on the 17th day of June, 1997, by the following vote of the members of the Board:

AYES: Directors Evans, Epperson, 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.

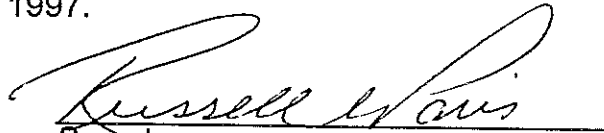
  
Secretary

(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. 55 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)