

Ordinance Number 2010-001
THE BOARD OF MANAGERS OF LAKE WASHINGTON SANITARY DISTRICT
ADOPTS AND ORDAINS THE FOLLOWING:

ORDINANCE AMENDING SECTION 2.02 of LAKE WASHINGTON SANITARY
DISTRICT ORDINANCE 2003-2; CLARIFYING LIABILITY FOR DAMAGES TO
DISTRICT FACILITIES; AND ESTABLISHING A UNIFORM SYSTEM OF
COLLECTION AND ASSESSMENT OF UNPAID ACCOUNTS

Section 2.02, Subdivision 8 of Ordinance 2003-2 is amended to read:

Subd. 8. "Facilities" means the system of trunk and lateral lines, gravity and force mains, pumps, lift stations and other appurtenances constructed to collect wastewater from each building drain and to convey wastewater from the District.

Section 2.02 of Ordinance 2003-2 is amended by adding the following provision thereto:

Subd. 27. "Account" means unsettled obligations of a User to the District or unsettled obligations of a property owner whose property is located within the District, to the District, and shall include unpaid User Fees, and all loss, damage, costs, expense, charges and fees incurred by the District for any cleaning, repair, or replacement of any part of the Facilities or other property of the District, caused or incurred by a User or a property owner to which such Account relates.

The following provision is hereby added to the Ordinances of the District:

Subd. 1. Damages, Fees, Charges and Costs of Collection. Any person who shall fail to pay any User Fee, and any person found to have violated any provision of the Ordinances of the District, and any person who shall break, damage, destroy, uncover, deface or tamper with any structure, device, appurtenance or equipment which is part of the Facilities, or any other property of the District, shall be liable to the District for such User Fee and for any and all loss, expense, cost, damage, charge or fee occasioned or incurred by the District as a result thereof, and the real property of such person shall be subject to a lien for such amounts, enforceable by special assessment as set forth herein. In addition, in the event any such User Fee, loss, expense, cost, damage, charge or fee shall remain unpaid thirty (30) or more days following the issuance of a statement for such unpaid items, the District may, in addition to the principal amount due, assess interest thereon at the rate of eight percent (8%) per year, together with all costs incurred by the District to recover the same, including its actual costs of collection and attorneys' fees.

Subd. 2. Delinquent Accounts, Special Assessments. Every Account shall constitute a lien enforceable by special assessment against the real estate and property of the User, and the real estate and property located within the District of such other persons responsible for the Account. Each Account and each such parcel of real estate or premises located within the District is found and declared to benefit from the Facilities the services provided by the District in the amount of the gross charge or charges thereof and the special assessment

levied or to be levied against it. All Accounts and charges which are delinquent on October 31st of any year may be certified by the District Secretary who will prepare and file in his office an assessment roll not later than November, 30th of each year providing for the special assessment of all such delinquent accounts against the respective real estate, lands, tracts, or parcels served or owned by such User or person obligated on the Account. A copy of the assessment roll will be delivered to the Board of Managers of the District for adoption on or before December 1st of each such year. Notice of the proposed special assessment will be given not later than 14 days before the date of the first meeting of the board of Managers in December, at which time the Board of Managers will hear all comment or objection to such special assessments. Notice will be made by mailing a copy of an appropriate notice stating, among other information, the amount of the assessment, the description of the real estate or property sought to be assessed, and the date and place of the special assessment hearing, to the User or such other person obligated on the Account at his last known address of record in the files of the County Recorder or by service of such notice as provided in the case of civil actions.

Each assessment will be payable on or before the first Monday of the following December. Interest on the assessment will be charged at the rate of eight percent (8%) per year, or the same rate as is charged for assessment rolls for improvement projects adopted in the same year, whichever is greater. Interest will accrue from and after the thirtieth day following the date of each Account or Accounts. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay to the Treasurer of the District the whole of the assessment covering the property with interest at the same rate as established above accrued to the date of payment.

Upon adoption by the Board of Managers of the District, the District Secretary will transmit a certified duplicate of such special assessments to the County Auditor to be extended on the property tax rolls of the county in which the real estate is located, to be collected and paid over in the same manner as real estate taxes assessed thereon.

Subd. 3. Effective Date. This Ordinance shall become effective upon passage and publication as provided by law.

Dated this 8th day of February, 2010.

Lake Washington Sanitary District

By: s/s Ed Fahrforth
Its Chairperson

Attest: s/s James Deike
Its Secretary