

[REDACTED]

ORDINANCE NO. 2008-3

**AN ORDINANCE ESTABLISHING A PROCEDURE FOR VOLUNTARY
DISCONNECTION FROM THE SYSTEM**

WHEREAS, the Board of Trustees of Lake Dalecarlia Regional Waste District [hereinafter, "the District"] owns and operates a sewage works collection and treatment facility; and,

WHEREAS, it is deemed necessary and in the best interests of the the District to establish a procedure for voluntary disconnection of certain parcels of property from the system.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the the District, as follows:

SECTION ONE. Voluntary Disconnection from the System. The Board of Trustees may, in its discretion, allow a ratepayer who is the owner of a parcel of property within the territorial jurisdiction of the District, to disconnect the parcel from the District's sewer system upon compliance with all of the following conditions, to-wit:

1. no place of human habitation exists on the property, which must be verified by inspection of the property performed by appropriate District personnel, and,
2. all items of equipment and personal property owned by the District are surrendered to the District at the District office; and,
3. the owners indicate, in a petition signed by all owners of the property in a form satisfactory to the District, no intent to build a place of human habitation on the property; and,
4. pay to the District an amount reasonably calculated by the District to compensate for all expenses and costs, including without limitation, labor, equipment use, and materials, which would be incurred by the District in association with said disconnection.

Within ninety (90) days after said amount is paid, such petition is filed with the District, and verification made by District personnel, the Board may proceed to consider the petition on its merits, and either grant or deny the same.

An owner of property desiring to reconnect a parcel to the system after said parcel has been voluntarily disconnected therefrom, shall be in the same position as a person requesting a parcel to be connected to the system for the first time, and shall accordingly pay all fees, charges, and costs in effect at the time reconnected is requested.

SECTION TWO. Minimum Upgrade Policy. The Board of Trustees may, in its discretion, allow a ratepayer who is the owner of a parcel of property within the territorial jurisdiction of the District, which has previously been connected to the pressure system, as defined

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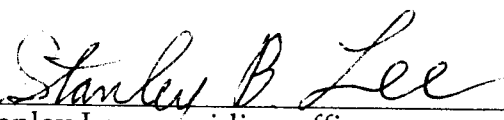
in Ordinance Number 90-2, as amended, to file a petition to pay only the "Class IB (onsite system)" sewer rate, as defined in said Ordinance, as amended, upon submission of satisfactory proof of the following conditions, to-wit:

1. a place of human habitation on the property exists but the structure has been vacant for a period of sixty (60) continuous months, and,
2. the owners do not intend to have the property occupied within the foreseeable future.

Before the property is reoccupied, the owners shall notify the District in writing, at which time regular sewer rates, appropriate to the property and its use, shall apply. In the event the owners fail to so notify the District, a surcharge of one-hundred, fifty percent (150%) of the regular rate applicable to the property shall be charged to the owners retroactively for each month or part of a month between the date the property owners received approval for "minimum upgrade" rate payment for the property, and the date the occupation was reported in writing to the District by the owners.

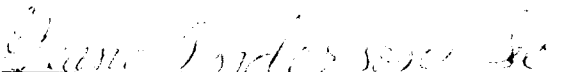
SECTION THREE. This ordinance shall be in full force and effect from and after its passage and adoption.

PASSED and ADOPTED by the Board of Trustees of the Lake Dalecarlia Regional Waste District this 13 day of October, 2008.



Stanley Lee, presiding officer

ATTEST:



Geane Anderson, Secretary