# Chapter 451

## 2005 EDITION

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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 watercourses.

(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.

(L) Roads.

(m) Emergency communications services, including a 9-1-1 emergency reporting system established under ORS 401.720.

(n) Law enforcement services.

(o) Human services.

(p) Cemetery maintenance.

(q) Animal control.

(2) Within the geographical jurisdiction of any local government boundary commission established by or pursuant to ORS 199.410 to 199.519, in addition to the purposes described in subsection (1) of this section, master plans and service districts may be established as provided by this chapter regarding:

(a) Fire prevention and protection.

(b) Hospital and ambulance services.

(c) Vector control.

(d) Weather modification.

(3) Within the boundaries of any subdivision, service districts may be established as provided by this chapter regarding:

(a) Fire prevention and protection.

(b) Security services provided by contract with an association of homeowners whose property is located entirely within the boundaries of the service district, which services may include the enforcement of the rules or regulations of the association dealing with public access to or the use of the property of the association, routine patrolling and inspection of private areas located within the jurisdiction of the association and matters of traffic and safety within such areas.

(c) Law enforcement services.

(d) Hospital and ambulance services.

(e) Vector control.

(f) Activities set forth in subsection (1)(a), (f), (g), (j) and (m) of this section.

(4) As used in subsection (3) of this section, "subdivision" means a subdivision as defined by ORS 92.010 or any contiguous group of such subdivisions that:

(a) Is a planned community within the meaning of ORS 94.550 without regard to whether such subdivision or group of subdivisions is subject to ORS 94.550 to 94.783;

(b) Is located entirely within an unincorporated area and is everywhere separated by a distance of five miles or more from an urban growth boundary described in an acknowledged comprehensive plan of a city or the urban growth boundary adopted by a metropolitan service district under ORS 268.390 (3); and

(c) Prior to the establishment of a service district under subsection (3) of this section, is designated a subdivision for purposes of this subsection by the governing body of the county in which the subdivision or group of subdivisions is located.

(5) Within the boundaries of Washington County, master plans and service districts may be established as provided by this chapter regarding water resource management services that affect the quality and quantity of water within a single watershed, basin or planning area. As used in this subsection, "water resource management services" means:

(a) Planning for and provision of two or more services or facilities such as sewage works, drainage works, surface water management, endangered species recovery management, water quality management, diking and flood control works, river flow management, water supply works, wastewater reuse and irrigation facilities.

(b) Activities ancillary to the services and facilities listed in paragraph (a) of this subsection, including facilities for the production, sale or purchase of energy when such facilities are integrated in a master plan adopted under ORS 451.120. [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; 1985 c.472 §1; 1987 c.525 §1; 1989 c.668 §1; 1989 c.793 §24; 1995 c.303 §2; 1999 c.166 §1; 1999 c.677 §66; 1999 c.759 §1; 2005 c.101 §1; 2005 c.510 §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.** (1) 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:

(a) To serve unincorporated areas in the county; and

(b) For a service district established under ORS 451.410 to 451.600 and for which the county court serves as governing body, to serve all areas within or served by the district.

(2) Master plans adopted under this section shall be coordinated with the comprehensive plans of the affected cities and counties. [1955 c.509 §2; 1961 c.576 §1; 1963 c.515 §4; 1973 c.785 §3; 1989 c.429 §1]

**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 or in areas within or served by a service district 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; 1989 c.429 §2]

**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 government, 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 451.610.** As used in ORS 451.410 to 451.610, unless the context indicates otherwise:

(1) "Change of organization" has the meaning given that term in ORS 198.705.

(2) "County" has the meaning given that term in ORS 198.705.

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

(4) "District" means a county service district established under ORS 451.410 to 451.610 to provide service facilities in a county or counties.

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

(6) "Owner" means the record owner of real property or the holder of a duly recorded contract for purchase of real property within the district.

(7) "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. [1955 c.685 §1; 1961 c.576 §4; 1963 c.515 §7; 1967 c.538 §2; 1973 c.785 §5; 1975 c.630 §2; 2003 c.14 §274; 2003 c.802 §123]

**451.420 District may construct and operate service facilities.** When authorized as provided in ORS 451.410 to 451.610 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 for an order allowing an existing district established to provide sewage works to also provide drainage works, 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; 1989 c.374 §3]

**451.440 Plans for service facilities.** (1) Prior to initiation of the formation of a district, the county court may cause engineering and program plans to be prepared. The plans may include:

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

(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 451.610 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 or granted authority to provide additional types of service facilities, the county court may require the district to reimburse the county for the cost of engineering and program 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; 1989 c.374 §4]

**451.445 Formation of district upon finding of health hazard; financing.** (1) When certified copy of the findings of the Director of Human Services 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 District to construct only authorized service facilities; additional authorizations; requirements for provision of drainage works.** (1) A district may construct, maintain and operate only those service facilities specified by ORS 451.010 that were authorized upon formation of the district. 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 or as otherwise provided by law.

(2) A district may be formed, as provided in ORS 451.410 to 451.610, that contains territory that is also included in another district formed under ORS 451.410 to 451.610 if the district is formed to construct, maintain and operate service facilities that the existing district is not authorized to construct, maintain and operate.

(3) The consent of not less than 70 percent of the cities located within the boundaries of the district is required to authorize a district established to provide sewage works to also provide drainage works. [1963 c.515 §13b; 1969 c.646 §7; 1971 c.727 §133; 1973 c.785 §10; 1989 c.374 §5; 2005 c.510 §2]

**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 a county service district established under ORS 451.410 to 451.610. A 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 powers and duties 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 that 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 that 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 bodies as defined in ORS 174.109, 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 body 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; 2003 c.802 §124]

**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 authorized under ORS 223.205, 223.210 to 223.295 and 223.770.

(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, 280.060, 280.070, 280.080 and 280.090. A district local option tax adopted under ORS 280.060 shall not authorize a tax in any fiscal year later than the fiscal year in which the district is subject to dissolution under ORS 451.620 (1) and (2).

(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; 1987 c.504 §12; 1995 c.333 §24; 1999 c.21 §75]

**451.492 Financing portion of connection charges; lien.** (1) Subject to subsection (2) of this section, the rights and duties accorded a city and the owners of property in a city for financing assessments under ORS 223.205 and 223.210 to 223.295 shall apply in the same manner to districts for purposes of financing that portion of a connection charge imposed by a district which is greater than the amount necessary to reimburse the district for its costs of inspection and installing connections with the sanitary sewer mains of the district.

(2) Notwithstanding ORS 223.230, the financing of connection charges under this section may, at the option of the governing body of the district, be a second lien on real property, which lien shall be inferior only to the mortgage or other security interest held by the lender of the owner's purchase money. Bonds issued under this section shall be issued separately from bonds otherwise issued under ORS 223.205 and 223.210 to 223.295. [1985 c.417 §3; 1995 c.333 §25]

**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, connection 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 451.610 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 local governments as defined in ORS 174.116 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 451.610.

(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 451.610. [1955 c.685 §12; 1963 c.515 §16; 1973 c.622 §1; 1973 c.785 §18; 2003 c.802 §125]

**451.530** [1955 c.685 §13; 1961 c.576 §16; 1963 c.515 §17; 1965 c.227 §2; 1971 c.325 §4; 1973 c.785 §19; repealed by 1995 c.333 §37]

**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 real market 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 451.610.

(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; 1991 c.459 §405]

**451.542 Filing boundary change with county assessor and Department of Revenue.** For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [2001 c.138 §34]

**Note:** 451.542 was added to and made a part of 451.410 to 451.610 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**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 real market value of all property by law assessable for state and county purposes within the district as reflected in the last roll certified under ORS 311.105. [1961 c.576 §19; 1963 c.515 §19; 1969 c.646 §12; 1973 c.785 §20; 1981 c.804 §104; 1991 c.459 §406; 1995 c.79 §227]

**451.547 Tax levies authorized.** A district that has not previously imposed ad valorem property taxes may vote to establish a permanent rate limit for operating taxes in accordance with section 11 (3)(c), Article XI of the Constitution of the State of Oregon, and thereafter the district may levy ad valorem property taxes on property within the district for the purposes authorized by ORS 451.410 to 451.610. If a district has established a permanent rate limit in accordance with this section, the provisions of ORS 294.305 to 294.565 shall apply to the district. [1961 c.576 §20; 1963 c.515 §19a; 1971 c.647 §104; 1973 c.785 §21; 1997 c.541 §385]

**451.550 Powers of district under ORS 451.410 to 451.610.** For the purpose of carrying out the powers granted to the district under other provisions of ORS 451.410 to 451.610, 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 property, houses and structures requiring sewage disposal or surface drainage with adjacent sewers or other sewage or drainage 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) Adopt storm and surface water management plans, programs and regulations relating to the quality and quantity of such waters and conduct water quality studies.

(10) Do any act necessary or proper to the complete exercise and effect of any of its powers under ORS 451.410 to 451.610. [1955 c.685 §15; 1963 c.515 §20; 1965 c.305 §1; 1973 c.785 §22; 1989 c.374 §6]

**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 451.610 for establishing county service districts for other purposes.

(2) A district formed to provide comprehensive planning may, in accordance with ORS chapter 215, 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; 1993 c.792 §26]

**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 825. [1973 c.211 §4]

**451.570 Regulations for sewage disposal, solid waste disposal, street cleaning and other 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) The management of storm and surface water discharge, including standards relating to the quantity and quality of such discharges.

(e) 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; 1989 c.374 §7]

**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) "District" means, in addition to the meaning given that term in ORS 451.410, a county service district organized under the authority of a county charter.

(2) "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.

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

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

(3) "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 health district organized under ORS 440.305 to 440.410.

(d) A vector control district organized under ORS 452.020 to 452.170.

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

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

(g) A geothermal heating district organized under ORS chapter 523. [1965 c.475 §4; 1969 c.646 §14a; 1971 c.674 §2; 1973 c.785 §25; 1975 c.782 §52; 1985 c.472 §2; 2003 c.14 §275]

**451.575 Excluding or including special districts from or in county service districts.** If a district is authorized to construct, maintain and operate service facilities to provide services that are provided by a special district:

(1) The area within a special district described by ORS 451.573 (2)(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; 2003 c.14 §276; 2005 c.510 §3]

**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, of an annexation of territory to a district or of an order that adds drainage works to the authority of a service 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; 1989 c.374 §8]

**451.580 Disposition of moneys received under ORS 451.410 to 451.610.** (1) Except as otherwise provided in ORS 451.410 to 451.610, all moneys received by a district shall be paid to the county treasurer and deposited by the county treasurer 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 451.610 and all funds, facilities, personnel or supplies of the county used for those purposes shall be charged to the appropriate district fund or account.

(2) Notwithstanding the requirement for a district to pay district moneys to the county treasurer for deposit in an appropriate district fund in the county treasury under subsection (1) of this section, the governing body of a county, with the consent of the county treasurer if the county treasurer is an elected county officer, may order a service district established under ORS 451.410 to 451.610 to hold and manage its own moneys in one or more district funds or accounts deposited in a financial institution as defined in ORS 706.008. The order must

provide for transfer of any moneys of the district then held or later received by the county treasurer for the district. Thereafter, the district shall be solely responsible for management of moneys of the district and shall designate a district officer or employee to assume the duties and responsibilities otherwise imposed upon the county treasurer.

(3) Moneys deposited by the district in a district fund or account may be withdrawn or paid out only upon a proper order and warrant or upon a check signed by the district officer or employee designated to assume the duties and responsibilities otherwise imposed upon the county treasurer. The order must:

(a) Specify the name of the person to whom the moneys are to be paid;

(b) Specify the fund or account from which the moneys are to be paid;

(c) State generally the purpose for which the moneys are to be paid; and

(d) Be entered in the record of proceedings of the district. [1955 c.685 §18; 1963 c.515 §21c; 1973 c.785 §28; 2003 c.335 §1]

**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 employees 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 employees enter upon the lands. No officer or employee 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]

**451.605 Formation of district for emergency reporting system.** (1) When a district is established for the purpose of providing a 9-1-1 emergency reporting system, the district shall consist of all the telephone exchange service areas located wholly or partly within a designated 9-1-1 jurisdiction's service area that is served by a public safety answering point. A district may include more than one city and county. As used in this subsection, "9-1-1 jurisdiction" has the meaning given that term by ORS 401.710.

(2) Before a petition for formation of a district to provide a 9-1-1 emergency reporting system is filed with the county board of the principal county under ORS 198.800, the petition shall be approved by indorsement thereon by two-thirds of the governing bodies of all public or private safety agencies representing two-thirds of the population included within the proposed district.

(3) A county governing body shall not adopt an order under ORS 198.835 for formation of a district to provide a 9-1-1 emergency reporting system unless the governing body first obtains written approval for the formation of the district from two-thirds of the governing bodies of all public or private safety agencies representing two-thirds of the population included within the proposed district.

(4) As used in this section, "public or private safety agency" has the meaning given

that term by ORS 401.710. [1987 c.525 §3; 1989 c.793 §25; 1993 c.441 §2]

**451.610 Advisory committee for emergency reporting.** (1) The governing body of a district established to provide a 9-1-1 emergency reporting system shall appoint an advisory committee to advise and assist the governing body in establishing, maintaining and operating the 9-1-1 emergency reporting system of the district. An advisory committee shall consist of one representative from each public or private safety agency, as defined in ORS 401.710, included within the district. A member of the advisory committee shall reside within the district.

(2) A member of the advisory committee shall serve for a term of two years. Of the members first appointed, however, one-half of the members shall serve for a term of one year. The respective terms of the members shall be determined by lot at the first meeting of the advisory committee.

(3) The advisory committee shall meet with the governing body of the district at the times and places determined by the committee and governing body jointly.

(4) The advisory committee may adopt rules for the conduct of its proceedings.

(5) The advisory committee may propose changes to any of the district's rules, policies or practices as it considers necessary or desirable. In addition to its other functions and duties, the advisory committee shall review the annual budget of the district and any assessments levied under ORS 451.410 to 451.610. The advisory committee shall meet with the governing body of the district and may make such recommendations relating to the budget and assessments as it considers necessary or prudent. [1987 c.525 §4; 1989 c.793 §26]

**451.620 Procedures for district formed subject to dissolution.** (1) If a county service district is formed subject to a provision specifying a fiscal year for dissolution of the district, the board of directors shall, no later than 45 days after the start of that fiscal year, make the findings required by ORS 198.925 and adopt a plan of liquidation and dissolution providing for payment of nonassenting creditors, unless the board adopts an order as specified in subsection (2) of this section. Dissolution shall be effective as of the end of the fiscal year. Dissolution shall be governed by ORS 198.945 to 198.955.

(2) The district board may order that the district continue only if, after a public hearing, it determines that there is a public need for continued existence of the district because:

(a) Liquidation and dissolution cannot be accomplished in a manner that would protect the rights of nonassenting creditors; or

(b) The services provided continue to be needed by the public, the district is providing the services in an efficient and effective manner and continuation will not significantly discourage future boundary change proposals.

(3) A public hearing on continuation shall be preceded by notice published at least 14 days before the hearing in a newspaper of general circulation within the district. Notice of the hearing shall also be mailed to all incorporated cities within the district and to the boundary commission, if any.

(4) An order continuing the district shall specify a fiscal year, not later than the 10th fiscal year after the date of the order, in which the district shall dissolve unless another determination of public need for continued existence occurs.

(5) An order continuing the district shall be forwarded to the boundary commission, if any, within 10 days. If the district is not within the jurisdiction of a boundary commission the order may be contested as provided in ORS 198.785 (2). [1987 c.504 §§2,3,4]

## 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]