

Approved as Amended

ORDINANCE NO. 4-10-2000 B

An Ordinance providing for an exclusion and/or adjustment of acreage used in the calculation of fees and/or charges upon certain conditions, superceding and replacing Ordinance 12-10-90 and 3-9-98.

Section 1. Application. This Ordinance applies to all service areas within the jurisdiction of the Clay Township Regional Waste District (the "District").

Section 2. Exclusion of certain acreage from fees and/or charges. Acreage used for the determination of any fee or charge imposed by the District shall include the total property area except areas designated in and on approved plans, such as cemeteries, golf courses, and flood prone areas, which may, at the sole discretion of the District, be excluded. Any real estate owner of the above-described areas may file with the District a request to exclude acreage as set forth above in the determination of the fee and/or the charges imposed by the District.

Section 3. Adjustment of Acreage size where development legally restrained.

A. **Residential Property.** Acreage utilized for the determination of fees and/or charges imposed by the District may be adjusted, in the sole discretion of the District, as follows: Any real estate owner may request the District to adjust the acreage size utilized to calculate any fees and/or charges imposed by the District if:

- (1) such property is being used as a single family residential unit;
- (2) such property consists of more than 1.5 acres; and
- (3) such property may not be divided into additional lots by virtue of legally binding restrictive covenants or applicable zoning ordinances which prohibit such division.

The District shall request such documentation as may be necessary to verify that the criteria is met for the relief requested. Upon a finding by the District in its sole discretion that relief is warranted, the acreage used for the determination of fees and/or charges may be adjusted downward to 1.5

acres or 50% of the gross property area otherwise subject to such fees and/or charges (up to a maximum of 3 acres), whichever is greater.

B. Non Residential Property. The owner of real estate not utilized for residential purposes may request the District adjust the acreage size utilized to calculate any fees and/or charges imposed by the District if:

- (1) the property is being utilized for a limited recreational purpose (such as a park or the like); *and*
- (2) the property would be utilized for a purpose that will include the provision of sanitary sewer facilities for public ~~and/or private~~ use; and
- (3) the property, by virtue of legally binding covenants or applicable zoning ordinances, prohibits its use for differing purposes (such as development) or for division.

Upon a finding by the District in its sole discretion that relief is warranted, the acreage used for the determination of fees and/or charges may be adjusted downward.

Section 4. Recovery of Charges If Use Changes. In the event the use of real estate, which previously qualified for an exclusion under Section 2 or an adjustment under Section 3 above, changes such that the real estate is either divided for further development, the recreational purpose is abandoned or other substantial changes in use occur, the District shall, upon the change in use, be entitled to immediately collect any fees and/or charges previously excluded and/or adjusted.

Section 5. Effective Date. This Ordinance shall be effective upon its passage and shall only apply to fees or charges payable after 4-10, 2000.

ADOPTED by the Board of Trustees of the Clay Township Regional Waste District on the 10
day of April, 2000.

BOARD OF TRUSTEES:

Henry B. Blakewell
Jack F. Edwards
Wm. Wood
Jim Brennan
Neil Ratterman
Charles E. Schallert
DeVilliers

ATTEST:
