

**Mapleton Commercial Area Owners' Association, Inc.**  
**PO Box 434 Mapleton, Oregon 97453**

**RULES, REGULATIONS and PROCEDURES for MEMBERS**

This document defines certain relevant terms, promulgates current fees, identifies those responsible for payments, provides for collection of fees charged to members, and provides for notification and effective dates.

Therefore: Be it ordered and enacted by the Board of Directors of the Association, a Corporation of the State of Oregon, the following:

**ARTICLE I: DEFINITIONS**

**Section 1** "Association" shall mean the Mapleton Commercial Area Owners' Association, Inc.

**Section 2** "Member" shall mean every person or entity with a fee interest (or undivided fee interest) in a property, which is subject by record or covenants to assessments by the Association. (The Bylaws state a mandatory Association membership).

**Section 3** "Operating fee" shall mean the periodic charge levied on each member of the Association and shall include each member's proportionate share of operation and maintenance, equipment replacement, and administration.

**Section 4** "Connection fee" shall mean the charge levied upon a new member connecting to the system at a time subsequent to the original charter period. (New connection).

**Section 5** "Upgrade fee" shall mean the charge levied upon an existing member to change the classification of the property from Residential to Business/Commercial or Open.

**Section 6** "Shall" is mandatory; "may" is permissive.

**Section 7** "Disconnection" from the system shall mean the physical disjunction of the interceptor tank inlet line from the system line, along with placement of a non-removable cap on the interceptor tank inlet line.

**Section 8** "Reconnection" to the system of a previously disconnected member property shall mean the physical re-joining of the interceptor tank inlet line with the system line (along with removal of the cap).

**Section 9** "Charter member" shall mean any member who joined the Association prior to 1989.

**Section 10** "Charter membership period" shall mean any time prior to 1989.

**ARTICLE II: MEMBER FEES**

**Section 1** Operating fees shall be levied on each Member of the Association to cover the costs of operation and maintenance, debt service, and administration.

- Section 2**      **Operating Fees shall be paid in advance, and shall be due and payable on the first of the month.** Amount of operating fee shall be as follows:
- (A) **Residential** operating fee shall be **\$75.00** per month per member property.
  - (B) **Business and Commercial** operating fee shall be **\$175.00** per month per member property.
  - (C) **Open Class** operating fees shall be determined as per Art. 2, Sec. 4(C) below.

- Section 3**      **LATE FEES**
- (A) The Association may levy a late payment fee of **\$5.00** for any member account which is **more than fifteen days overdue**.
  - (B) The Association may levy late payment fees as follows; **\$50.00** to any member account **more than 30 days** in arrears, **\$75.00** to any member account **more than 60 days** in arrears, and **\$100.00** to any member account **more than 90 days** in arrears and **\$25 each additional month until account is brought current**. Late fees are cumulative.

- Section 4**      The following Member classes have been established for operating fees:
- (A) **RESIDENTIAL**, including any property used in part or whole as a dwelling.
  - (B) **BUSINESS and COMMERCIAL**, which is defined as any member property which is not classified Residential or Open Class. Member properties classified Business and Commercial include, but are not limited to:
    - (a) bars, cocktail lounges, taverns (no kitchen)
    - (b) barber and beauty shops, bowling alleys, theaters
    - (c) cafes, cafeterias, restaurants
    - (d) churches, lodges, clubs, schools, public buildings
    - (e) offices, small businesses, stores
    - (f) parks (open areas used on a non-permanent basis for recreation)
    - (g) supermarkets, grocery stores, butcher shops
    - (h) trailer parks, RV parks, resorts
    - (i) laundries, car washes
  - (C) **OPEN CLASS**, which the Association Board may assign to member properties generating excessive amounts of wastewater, and for which the Board may establish a higher operating fee than for Business/Commercial class.  
(Note: a Member property used for two or more use class functions shall be charged the operating fee applicable to the higher class.)

- Section 5**      Any change of ownership of a member property connected to the Association's system shall be immediately reported in writing to the Association by the transferring owner. The transferring owner shall be responsible for all charges until such transfer is properly reported.

- Section 6**      Any change of use be a member property connected to the Association system shall be immediately reported in writing to the Association by the property owner; the Association Board of Directors shall determine whether a change in property classification is required.

- Section 7** Records of all assigned member property classifications shall be kept on file with the Association Treasurer and shall be open for inspection by all members.
- Section 8** For new connections, an owner of a property within the Service District which is not a charter member property may make a written application for membership to the Association, along with payment of a \$25.00 application fee required by the System Use Rules. Upon receipt of the application and fee, the Association Board of Directors shall determine if adequate system capacity exists, rule on admission, and collect the appropriate fees.
- Section 9** Member properties connecting to the system after the initial charter period shall:
- (A) Prior to connection, execute documents of easement and agreement to be bound and cause said documents to be recorded in Lane County records.
  - (B) Bear all costs of construction and connection.
  - (C) Conform to all building codes and Association regulations.
  - (D) Pay the Association connection fee prior to connection.
- Section 10** Connection fees for members connecting to the system after the charter period shall be \$500.00 for all new connections. The fee to upgrade from Residential class to Business/Commercial class or Open class shall be \$1,000.00.
- Section 11** Disconnection from the system as defined in Article 1, Sec. 7 shall be as follows:
- (A) Members can petition the Board of Directors for disconnection from the system and suspension from their monthly obligation. For good cause being shown, the Board may allow that petition. The petition must be in writing, but no form is required. It will lie within the sole discretion of the Board of Directors as to whether or not good cause has been shown. Each petition will be considered on a case by case basis. The fact that a parcel of land no longer needs service is not a good cause.
  - (B) The Association can disconnect any member from service for failure to abide by the rules and regulations, bylaws, and articles of incorporation adopted by the Association. This includes failure to pay monthly fees.
  - (C) A disconnection fee, equal to the actual cost incurred by the Association, will be assessed against the member; however, in no event will the disconnection fee be less than \$100.00.
  - (D) Resumption of service: If a member has been disconnected pursuant to sub paragraph (A) or (B) above, that member can petition the Association in writing to resume services. Services will be resumed to the member upon payment of any and all fees owing to the Association (including operating fees, disconnection fees, and late payment fees), and upon payment of a reconnection fee of \$1,000.00.
  - (E) Monthly operating fee assessment: During the time a member is disconnected from the system pursuant to sub paragraph (B) above, monthly assessments shall continue to accrue. If disconnection is allowed pursuant to sub paragraph (A) above, to the extent that the Board decides to relieve the petitioning member from part or all of the monthly assessment, that portion of the monthly fee suspended by board action shall not accrue during the term of this suspension.

- Section 12** The date of commencement of operating fee levies for new connections will be the date of actual connection. Operating fee levies for Reconnections will start on the date of reconnection.

### **ARTICLE III: RESPONSIBILITY, DELINQUENCIES, REVIEW**

- Section 1** The Association Board of Directors shall Review the established operating fees annually at or just prior to the annual meeting of members. The purpose of this review is to assure that operating fees are adequate for costs of operation, and maintenance, and to assure the equitability of assigned operating fees.
- Section 2** An operating fee shall be levied against the owner of each member property, notwithstanding that tenants may be occupying such property.
- Section 3** Billing and collection procedures shall be established by resolution of the Association and/or by the Board of Directors.
- Section 4** **Operating fees shall be payable in advance, due on the first of the month, and may be subject to a late charge if more than fifteen days late.**
- Section 5** Delinquencies in payment of operating fees shall be handled as prescribed in the Association Bylaws and/or by official action of the Board of Directors.
- Section 6** Change of ownership or non-occupancy of a member property found to be delinquent shall not be cause for reducing or eliminating operating fee charges.

### **ARTICLE IV: HANDLING OF FUNDS**

- Section 1** Payments for operating fee charges may be arranged for pick-up by the Treasurer, (if payment is in cash), mailed to the current address of the Association when payment is by check (MCAOA Inc., PO Box 434, Mapleton, OR 97453) or by credit card through the Quick Books link sent via email (2.99% processing fee).
- Section 2** All collection of operating fees shall be by the Association Treasurer, or other designated person or persons. The Treasurer (or other designated person or persons) shall deposit all revenues received, from whatever source, in the general fund of the Association. All deposited revenues shall be used exclusively for System costs of operation, maintenance, repair, collection expenses, reasonable administrative costs, and debt service.

## ARTICLE V: APPEALS

**Section 1** Any Association member who believes that the operating fee assigned to his property is incorrect or unjust, or that his property has been incorrectly assigned to a member Class, may apply in writing to the Board of Directors for a review of the classification and/or operating fee. Such a written appeal must include all information necessary for the Board to compare the fees with other member fees.

**Section 2** In the event of an appeal of an operating fee or a member classification, the Board shall review the request, study the situation, determine if it is substantiated, and make a ruling.

## ARTICLE VI: VALIDITY

**Section 1** The invalidity of any section, clause, sentence, or provision of these regulations shall not affect the validity of any other part which can be given effect without such in valid part or parts.

## ARTICLE VII: RULES IN FORCE

**Section 1** These rules, regulations, and procedures shall be in full force and effect from and after the time of their adoption. Upon adoption by the Board of Directors, copies will be distributed to all members.

**Section 2** Approved and adopted by the Board of Directors of the Mapleton Commercial Area Owners' Association, this 10<sup>TH</sup> day of May 2024

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