

AFFIDAVIT OF POSTING ORDINANCE NO. 24

STATE OF OREGON)
)
Counties of Clackamas)
and Washington) ss.
)
City of Wilsonville)

I, the undersigned, City Recorder of the City of Wilsonville, Oregon, being first duly sworn on oath depose and say:

On Tuesday, the 8th day of June, 1971, I caused to be posted copies of the attached Ordinance No. 24 in the following three (3) public and conspicuous places of the City, to-wit:

1. Lowrie's Food Market
2. Wilsonville Post Office
3. Kopper Kitchen Restaurant

The Notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinance on the 14th day of June, 1971.

Dated at Wilsonville, Oregon this 14th day of June, 1971.

Lee Ristock
City Recorder

Subscribed and sworn to before me this 14th day of June, 1971.

W. P. Bettis, Sr.
Notary Public for Oregon
My Commission expires: 11-22-73

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Dated at Wilsonville, Oregon this 14th day of June, 1971.

Lee Reslock
City Recorder

Subscribed and sworn to before me this 14th day of June, 1971.

Walter P. Boltz, Jr.
Notary Public for Oregon
My Commission expires: 11-22-73

ORDINANCE NO. 24

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF WILSONVILLE OREGON, TO OPERATE AND MAINTAIN A SEWAGE COLLECTION AND TREATMENT SYSTEM; ESTABLISHING AND IMPOSING JUST AND EQUITABLE CHARGES UPON PREMISES SERVED BY THE SEWERAGE SYSTEM; PROVIDING FOR THE MANNER OF PAYMENT, COLLECTION, ENFORCEMENT AND DISBURSEMENT OF SUCH CHARGES; AND DECLARING AN EMERGENCY.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

SECTION 1 Authority and Intent.

A. Pursuant to the statutes of the State of Oregon and the powers granted in the charter of the City of Wilsonville, the city does hereby declare its intention to acquire, own, construct, equip, operate and maintain sanitary sewers, sewage pump stations, sewage treatment plants, and outfall sewers; to extend and expand the existing sewerage system of said city; and to reconstruct such existing sanitary sewers, sewage pump stations, and sewage treatment plants as may be deemed proper by the city council.

SECTION 2 Definitions.

A. "Sewage" shall mean a combination of the water-carried wastes, from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm waters as may be present.

B. "Sewerage System" shall mean all city-owned facilities for collecting, pumping, treating and disposing of sewage.

C. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

D. "Sewer" shall mean a pipe or conduit for carrying sewage.

E. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

F. "Multi-family" shall mean two or more family occupancy.

SECTION 3 Plan Check and Permit Fees.

A. Plan Check Fees. To cover the cost of review and approval of proposed public sewerage systems and inspection of sewer construction a plan check fee will be charged. The charge will be the actual cost of reviewing, checking and inspecting the sewerage system plus twenty percent (20%) for overhead and administration, but not less than one hundred dollars (\$100).

B. Permit Fees. To cover the cost of processing the permit application and performing the inspection of the building sewer to the sewer system, the following fees will be charged:

Single-family Residential	\$15.00
Multi-family Residential, \$3.00 per unit but not less than	\$30.00
Commercial	\$35.00
Industrial (actual cost + 20%) but not less than	\$50.00

C. Additional Inspection Charges. If anyone making a connection applies for an inspection on a day other than a regular working day for the inspectors, the applicant shall be charged with and pay an additional inspection fee of ten dollars (\$10.00) for each such inspection. If additional inspections are required due to failure of the building sewer to pass the requirements for the installation of said sewer, the applicant shall be charged with and pay an additional inspection fee of five dollars (\$5.00) for each such inspection. Said additional inspection fee shall be paid prior to final approval of the connection being inspected.

SECTION 4 Charges for Sewer Service Levied and Imposed.

A. There is hereby levied and imposed upon the owner of any dwelling used for human occupancy, employment, recreation, or other purposes, situated on property within the City of Wilsonville and abutting on any street, alley or right-of-way in which there is now located or in the future is located a public sanitary sewer of the city, just and equitable charges for sewer service.

B. Dwellings that cannot be served by gravity flow to the sanitary sewer shall be subject to the sewer service charges provided by this ordinance unless lesser charges for such dwellings are enacted by resolution of the City Council.

C. Any dwelling that is on property abutting on any street, alley or right-of-way in which there is located a sanitary sewer of the City of Wilsonville and that by reason of ordinance, resolution or motion duly adopted by the City Council is not required to connect to the sewerage system shall be subject to the sewer service charges provided by this ordinance unless lesser charges for such dwelling are enacted by resolution of the City Council.

D. When sewer service is initially provided to existing dwellings, said sewer service charge shall first be levied for the month following the first month in which dwellings are permitted to be connected to the sewer.

E. When new dwellings are served by the sewerage system, said sewer service charge shall first be levied for the month following the first month in which the dwelling is occupied or utilized by personnel not associated with the construction of the dwelling.

F. Sewer service charges are to be levied and imposed based upon the availability of sewer service and are not dependent upon the owner's schedule for connecting to the sewerage system after said system is available.

G. The minimum sewer service charge for an individually billed service shall be equal to the charge for a residential service.

H. Sewer service charges may be billed to an occupant; however, the property owner shall be ultimately responsible for all sewer service charges to his property.

I. Rates for sewer service. See Table 1 attached hereto and incorporated herein.

SECTION 5 Sewer Connection Charges Levied and Imposed.

A. There is hereby levied and imposed upon the owner of any property connected to the sanitary sewer system of the City of Wilsonville a connection charge. Said connection charge shall be a revenue source to the City of Wilsonville and shall not entitle the property owner to a service connection line between the sanitary sewer system and the property to be served.

B. The service connection charge is levied upon a property based upon the existing or intended use of the property at the time of application for connection. If the property is improved, expanded, subdivided or otherwise modified so as to increase the connection charge due from that property, a service connection charge shall be levied for the modified portion of the property based upon connection charges in effect at the time of the modification.

C. Dwellings that cannot be served by gravity flow to the sanitary sewer shall be subject to the sewer connection charges provided by this ordinance unless lesser charges for such dwellings are enacted by resolution of the City Council.

D. Any single-family residential dwelling existing and occupied prior to January 1, 1972, has the option of connecting or not connecting to an available public sewer. Any dwelling built after January 1, 1972, is required to connect to an available public sewer and shall be subject to the sewer

connection charges provided by this ordinance unless lesser charges for such dwelling are enacted by resolution of the City Council.

E. Sewer connection charges levied by this ordinance shall be due prior to connection.

F. Rates for connection charges. See Table 2 attached hereto and incorporated herein. Any person applying for a permit to connect a property directly to a public sewer which was installed without direct or indirect cost to the owner of the connecting property, shall pay a connection surcharge of seven hundred fifty dollars (\$750.00) or two thousand dollars (\$2,000) per acre of developed area within 150 feet of the public sewer, whichever is greater to 30 June 1972 and then increasing \$75.00 and \$200 respectively at the start of each fiscal year thereafter to a maximum of \$1800 and \$4800 respectively.

G. Property owners may make application for and agree to pay the connection surcharge in twenty (20) semi-annual installments with interest thereon at the rate of seven percent (7%) per annum on unpaid portion of the connection surcharge.

Financing of application will be through the sewer fund as hereafter specified. The acceptance and processing of the application will depend upon the availability of surplus funds in the sewer fund account. The surplus funds will be distributed to applicants on a first-come basis.

SECTION 6 Appeals Procedure.

A. Any person aggrieved by a ruling under or interpretation of the provisions of this ordinance may submit a written appeal to the City Council of the City of Wilsonville. The appeal shall set forth the events and circumstances leading to the appeal, the nature of the ruling or interpretation from which relief is sought, the nature of the impact of the ruling on appellant's property or business together with any other reasons for the appeal.

B. The City Council will consider the appeal at the next regular council meeting or within thirty (30) days of receipt of the appeal, and hear testimony if deemed necessary. The decision of the council will be final.

SECTION 7 Payment.

A. Every person subject to a charge hereunder shall pay the same when due to the Recorder of the City of Wilsonville.

SECTION 8 Collection.

A. The Recorder of the City of Wilsonville is hereby directed to collect the sewer service charges and connection charges as provided for herein.

B. Sewer service and connection charges as and when collected shall be paid into a fund designated as the "Sewer Fund."

C. Sewer service charges as hereinbefore provided shall be collected monthly and if not paid on or before fifteen (15) days after the date of billing, said charges shall be deemed to be delinquent.

D. Delinquent sewer service and service connection accounts shall bear interest from the day of delinquency at a rate of 8 percent per annum. The recorder may excuse interest payments on accounts delinquent for 30 days or less.

SECTION 9 Enforcement.

A. The Recorder of the City of Wilsonville may use such means of collection as may be provided by the laws of the State of Oregon or permitted by the Charter and Ordinances of the City of Wilsonville.

B. Any delinquencies may be certified to the tax assessor of Washington and Clackamas counties and be by him assessed against the premises serviced and shall thereupon be collected and paid over in the same manner as other taxes are certified, collected, and paid over.

C. In the event it becomes necessary to certify the service charges, connection charges and interest charges established because of the non-payment thereof, there shall be added to such charges a penalty in the amount of 10 percent thereof.

SECTION 10 Disbursement.

A. The City Council, by resolution or motion duly adopted, shall from time to time and not less than once each fiscal year, direct the transfer of funds from the sewer fund to all or any of the following:

1. The account or accounts for the construction, operation, or maintenance of the sewerage system.
2. The account or accounts for the payment of principal and interest on maturing sewer bonds.

3. The account or accounts established for a sewerage system sinking fund.

SECTION 11 Powers and Authority of Inspectors.

A. The Director of Public Works and other duly authorized employees and representatives of the City of Wilsonville bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection in accordance with this ordinance at such times and during such hours that the City Council shall approve.

SECTION 12 Validity.

A. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 13 Emergency Clause.

A. Whereas an emergency exists and it is deemed necessary by the City Council of the City of Wilsonville for the preservation of the peace, health and safety and general welfare of the citizens of said city that this ordinance take effect immediately, it shall take effect immediately upon its final passage by the council and approval by the Mayor.

Passed on first reading at a recessed regular meeting of the Wilsonville City Council held on Tuesday, the 1st day of June, 1971; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter, and to come up for a final reading and action of the Wilsonville City Council at a regular meeting thereof to be held on the 14th day of June, 1971, at the hour of 7:30 o'clock p.m. at the Council's regular meeting place in the Wilsonville IOOF Hall.

ATTEST:

Lee Reslock
LEE RESLOCK - City Recorder

Phillip R. Balsiger
PHILLIP R. BALSIGER - Mayor

Passed on final reading at a regular meeting of the Wilsonville City Council this 14th day of June, 1971, by the following vote: Yeas 7. Nays 0.

ATTEST:

Lee Reslock
LEE RESLOCK - City Recorder

Phillip R. Balsiger
PHILLIP R. BALSIGER - Mayor

TABLE 1

CITY OF WILSONVILLE, OREGON

SEWER SERVICE RATES

A dwelling unit (DU) is defined as a single-family residential dwelling and is equivalent to 16 fixture units.

For purposes of determining equivalent fixture units, the following will be used.

<u>Fixture</u>	<u>Equivalent Fixture Unit</u>
1 toilet	6
1 urinal	5
1 lavatory, sink or laundry tray	2
1 floor drain (2" max. outlet)	4
1 dishwasher (2" max. outlet)	3
1 bathtub or shower	2
1 drinking fountain	1
1 garbage grinder	4
1 commercial washer/lb. capacity	0.75

All other fixture unit equivalents not shown shall be those specified in the Oregon Uniform Plumbing Code.

<u>Class of Service</u>	<u>Service Charge</u>
<u>Residential</u>	
1. Single-family Dwelling Unit (DU)	\$3.50/mo. per DU
2. Multi-family	\$3.50/mo. for 1st DU plus \$2.75/mo. for each additional DU
<u>Commercial</u>	
3. Transient Quarters (with kitchen facilities, multi-family applies)	\$3.50/mo. for 1st DU plus \$1.25/mo. for each additional DU
4. Restaurant	\$0.30/permanent seat plus \$0.05/temporary seating capacity. \$7.00/mo. min.
5. Drive-In	\$7.00/mo. plus \$1.00/mo. per car stall

TABLE 1 (Continued)

CITY OF WILSONVILLE, OREGON
SEWER SERVICE RATES

<u>Class of Service</u>	<u>Service Charge</u>
6. Car Washes & Laundries	Based on monthly metered water consumption for \$0.0035/c.f. for 1st 10,000 c.f. \$0.0030/c.f. over 10,000 c.f.
7. Other	\$3.50/mo. per 15 employees or any fraction thereof. \$3.50/mo. min.
<u>Mobile Homes Sites</u>	
8. With individual connections	\$3.50/mo. for 1st DU plus \$2.50/mo. for each additional DU
9. Without individual connection	\$0.25/mo. per fixture unit. \$5.00/mo. min.
<u>Special Services, Public and Private</u>	
10. Meeting halls and churches	\$0.25/mo. per fixture unit. \$4.00/mo. min.
11. Schools	\$0.20/student and faculty
12. Convalescent & nursing home	\$0.75/mo. per bed. \$4.00/mo. min.
13. Hospitals	\$1.50/mo. per bed
<u>Industrial</u>	
14. Dry industrial	Same as applicable commercial rate.
15. Wet industrial (more than 40 lb. per day of BOD or SS)	To be negotiated on individual basis

TABLE 2

CITY OF WILSONVILLE, OREGON

CONNECTION CHARGE RATE

A dwelling unit (DU) is defined as a single-family residential dwelling and is equivalent to 16 fixture units. For purposes of determining equivalent fixture units, the following will be used.

<u>Fixture</u>	<u>Equivalent Fixture Unit</u>
1 toilet	6
1 urinal	5
1 lavatory, sink or laundry tray	2
1 floor drain (2" max. outlet)	4
1 dishwasher (2" max. outlet)	3
1 bathtub or shower	2
1 drinking fountain	1
1 garbage grinder	4
1 commercial washer/lb. capacity	0.75

All other fixture unit equivalents not shown shall be those specified in the Oregon Uniform Plumbing Code.

<u>Class of Service</u>	<u>Connection Charge</u>
<u>Residential</u>	
1. Single-family dwelling unit (DU)	\$250/DU to 6/30/72 increasing \$25 at start of each fiscal year thereafter to a maximum of \$600.
2. Multi-family	Same as single-family for first DU. \$200/DU for each additional DU to 6/30/72 increasing \$20 at start of each fiscal year thereafter to a maximum of \$480.
<u>Commercial</u>	
3. Transient Quarters without kitchen facilities	Same as single-family for 1st DU. \$100/DU for each additional DU to 6/30/72 increasing \$10 at start of each fiscal year thereafter to a maximum of \$240.
With kitchen facilities	Multi-family applies.

TABLE 2 (Continued)

CITY OF WILSONVILLE, OREGON
CONNECTION CHARGE RATE

Class of Service

Connection Charge

4. Restaurant

The greater of (a) 1 DU/1500 sq. ft. of interior space times the rate/DU as determined in single-family.

(b) One DU/16 fixture units, one DU min.

5. Drive-In

The lesser of (a) one DU/9,000 sq.ft. times the rate/DU as determined in single-family (b). One DU/16 fixture units but not less than 75% of (a). One DU min.

6. Warehouse

Dry Industrial applies.

7. Others

Same as Restaurant above.

Mobile Home Sites

8. With individual connections

Same as Multi-family above.

9. Without individual connections

Same as Single-family for 1st DU. \$50/DU for each additional available DU to 6/30/72 increasing \$5 at start of each fiscal year thereafter to a maximum of \$120.

Special Services, Public and Private

10. Meeting hall & churches

One DU/16 fixture units (1 DU min.) times the rate per DU as determined in Single-family.

11. School

One DU/20 students and faculty times the rate per DU as determined in Single-family.

12. Convalescent & nursing

One DU/bed times the DU rate as determined in Single-family.

13. Hospitals

One DU/bed times the DU rate as determined in Single-family.

TABLE 2 (continued)

CITY OF WILSONVILLE, OREGON
CONNECTION CHARGE RATE

<u>Class of Service</u>	<u>Connection Charge</u>
<u>Industrial</u>	
14. Dry industrial	The greater of (a) One DU/10,000 sq.ft. times the rate DU as determined in Single-family (b) One DU/16 fixture units. One DU min.
15. Wet industrial (more than 40 lb. per day of BOD or SS)	To be requested on individual basis.