

AFFIDAVIT OF POSTING
ORDINANCE #111


STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
 AND WASHINGTON)
)
CITY OF WILSONVILLE)

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


On the 21st day of August, I caused to be posted copies of the attached Ordinance #111, Declaring the Intention of the City of Wilsonville to Continue to Operate and Maintain a Sewage Collection and Treatment System; Establishing and Imposing Just and Equitable Fees and Charges; Providing for the Manner of the Payment, Collection, Enforcement and Disbursement of Such Fees and Charges, Repealing Ordinances No. 36, 50 and 52, in the following four public and conspicuous places of the City, to wit:

Wilsonville Post Office
Wilsonville City Hall
Lowrie's Food Market
Kopper Kitchen

The Ordinances remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 28th day of August, 1978.


DEANNA J. THOM, City Recorder

Subscribed and sworn to before me
this 1 day of September, 1978.


NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: 6-28-82

ORDINANCE NO. 111

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF WILSONVILLE TO CONTINUE TO OPERATE AND MAINTAIN A SEWAGE COLLECTION AND TREATMENT SYSTEM; ESTABLISHING AND IMPOSING JUST AND EQUITABLE FEES AND CHARGES; PROVIDING FOR THE MANNER OF PAYMENT, COLLECTION, ENFORCEMENT AND DISBURSEMENT OF SUCH FEES AND CHARGES; REPEALING ORDINANCES NO. 36, 50 AND 52; AND DECLARING AN EMERGENCY.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

SECTION 1: Authority and Intent.

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 continue 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 by the City.

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

E. "Sanitary Sewer" shall mean a City 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.

G. "Director of Public Works" shall mean the employee or representative of the City authorized to perform the duties designated in this Ordinance.

H. "Service Connection" shall mean a public sewer which has been constructed to the property line or right-of-way from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.

I. "Building Sewer" shall mean the extension from the building drain to the property line or right-of-way line for connection with the public sewer service connection.

J. "Major Sewer Line Extension" shall mean a public sewer greater than six (6) inches in diameter and more than one hundred and fifty (150) feet long.

K. "Building(s)" shall mean any structure or other facility intended for human occupancy or use.

SECTION 3: Sewer Permit and Permit Fees.

A. There shall be two classes of building sewer permits for which application shall be filed with the Superintendent of Public Works on forms provided by his office; (1) for residential, single and multi-family service and (2) for non-residential services.

B. Plan Check Fees. To cover the cost of review of proposed public sewerage system extensions requiring State and/or City inspections of sewer construction plans, a check fee will be charged. The charge will be the actual cost of reviewing, checking and inspecting the sewerage system plus twenty-eight percent (28%) for overhead and administration, but not less than one hundred forty dollars (\$140).

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

Single-family Residential	\$21.00
Multi-family Residential, \$4.20 per unit but not less than	\$42.00
Commercial	\$49.00
Industrial (actual cost + 28%) but not less than	\$70.00

D. Additional Permit and Inspection Charges:

1. 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 fourteen dollars (\$14.00) 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 seven dollars (\$7.00) for each such inspection. Said additional inspection fee shall be paid prior to final approval of the connection being inspected.

2. An inspection charge of \$15.00 shall be made for the first 50 feet of a sewer extension and \$10.00 for each additional 100 feet or portion thereof.

E. Service Calls. The City assumes no responsibility for the adequacy, reliability or maintenance of the "building sewer." Blockage or other malfunctions of the building sewer shall be corrected by the property owner at his own expense.

SECTION 4: Charges for Sewer Service.

A. Charges for sewer service are hereby imposed upon the owner(s) of any building which is located within 100 feet of a sanitary sewer.

B. Buildings that are served by pumping units shall be subject to the sewer service charges provided by this ordinance.

unless lesser charges for such buildings are enacted by resolution of the City Council.

C. Any building 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 buildings are enacted by resolution of the City Council, whenever the building is connected to the sewer system.

D. When sewer service is initially provided to any building, said sewer service charge shall first be charged for the month following the month in which the building is connected to the sewer and for each month thereafter so long as the building is occupied or in use.

E. Sewer service charges are imposed and 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.

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

G. Sewer service charges may be billed to an occupant; however, the property owner(s) shall be ultimately responsible for all sewer service charges to the property.

H. Sewer Service Rates. Sewer service rates are established and are to be charged according to the following schedule:

SCHEDULE OF SEWER SERVICE RATES

A dwelling unit (DU) is defined as a single-family residential dwelling and is equivalent to a minimum of 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	\$5.25 mo. per DU
2. Multi-family	\$5.25 mo. per 1st DU plus \$5.25 for each additional DU

Commercial

- | | |
|----------------------|---------------------------------------------------------------------------------------------------------------------|
| 3. Restaurant/Motels | Based on monthly metered water consumption, \$0.00525 per CF for first 10,000 CF and \$0.0045 per CF over 10,000 CF |
|----------------------|---------------------------------------------------------------------------------------------------------------------|

Restaurants without metered water consumption shall pay per seating capacity the average for similar metered businesses operating approximately the same number of hours per day.

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|---------------------------------------------|-------------------------------------------------------------------------|
| 4. Drive In | \$10.50 per mo. plus \$1.50 per car stall |
| 5. Car Washes & Laundries, Service Stations | Same base and consumption charges as No. 3 (Restaurant/Motels). |
| 6. Other | \$5.25 mo. per 15 employees or any fraction thereof, \$5.25 mo. minimum |

Mobile Home Sites

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|----------------------------------|-----------------------------------------------------------------------|
| 7. With Individual Connections | \$5.25 mo. for first connection plus \$5.25 for each additional space |
| 8. Without Individual Connection | Same as No. 7 |

Special Services, Public and Private

- | | |
|-----------------------------------|----------------------------------------------|
| 9. Meeting Halls and Churches | \$3.75 per dwelling unit, \$6.00 mo. minimum |
| 10. Schools | \$0.30 per Student & Faculty |
| 11. Convalescent and Nursing Home | \$1.10 per bed, \$6.00 mo. minimum |
| 12. Hospitals | \$2.25 mo. per bed |

Industrial

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| 13. Dry Industrial | Same as No. 6 Commercial |
| 14. Wet Industrial | To be negotiated on individual basis. |

Sewer Services Outside of City

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|-------------------------------------------------|------------------------------------------------------------------|
| 15. Sewer Services to Property Outside the City | Two (2) times the charge shown in the above classes of services. |
|-------------------------------------------------|------------------------------------------------------------------|

NOTE:

Sewer service rates for commercial and industrial users as established by this Ordinance may be changed from time to time on resolution of the Council and as the Council may deem necessary in order to provide adequate revenue for the City's Sewer Department for operation, maintenance and expansion of the City's sanitary sewer system.

SECTION 5: Sewer Connection Fees.

A. Fees for connection to the sanitary sewer shall be charged to the owner(s) of any building connected to the sanitary sewer system of the City. Said connection fees shall be a revenue source to the City and shall entitle the property owner(s) to a service connection to the sanitary sewer system but the service to the property to be served shall be installed at the property owner(s) expense under the supervision of the Director of Public Works.

B. The service connection fee is 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 fee due for that property, a service connection fee shall be charged for the modified portion of the property based upon the connection fee in effect at the time of the modification.

C. Buildings that are served by pumping units shall be subject to the sewer connection fee provided by this ordinance unless lesser charges for such building are enacted by resolution of the City Council.

D. Sewer connection fees required by this ordinance shall be due and payable with the building permit fee or before connection to the public sewer whichever is applicable.

E. Sewer Connection Fees. Sewer connection fees are established and are to be charged according to the following schedule:

SCHEDULE OF SEWER CONNECTION FEES

A dwelling unit (DU) is defined as a single-family residential dwelling and is equivalent to a minimum of 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 Fee</u>
<u>Residential</u>	
1. Single-family dwelling unit	\$815.00
2. Multi-family	\$815.00 first DU and \$700.00 for each additional DU

Commercial

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|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. Transient
(Quarters without kitchen facilities) | \$815.00 first DU and \$450.00 for each additional DU. |
| (Quarters with kitchen facilities) | Multi-family applies |
| 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 minimum. |
| 5. Drive-In | 1 DU per 9000 sq. ft. of gross land area. |
| 6. Warehouse | Dry Industrial applies |
| 7. Others | Same as Restaurant. |

Mobile Home Sites

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| 8. With Individual Connections | Same as Multi-family above. |
| 9. Without Individual Connections | Same as single-family for 1st DU and \$195.00 for each additional available DU. |

Special Services - Public and Private

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|--------------------------------|----------------------------------------------------------------------------------------------|
| 10. Meeting Halls and Churches | One DU/16 fixture units (1 DU minimum) 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 and Nursing | One DU/bed times the rate as determined in single family. |
| 13. Hospitals | Same as 12. |

Industrial

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| 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 minimum. |
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|---------------------------------------------------------------|--------------------------------------------------------------------|
| 15. Wet Industrial
(More than 40 lbs
per day BOD on SS) | To be determined
by request on individual
basis. |
| 16. Sewer Connections Outside
of City | Two (2) times the fee
shown in the above
classes of service. |

NOTE:

All sewer connection fees shall automatically increase at the rate of 8% on July 1, 1979 and annually thereafter until otherwise provided by resolution of the City Council.

F. 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 or prior owner of the connecting property, shall pay a connection surcharge unless said connection is made by a major sewer line extension. The surcharge minimum rate will be \$1890.00 per lot, or \$5,040.00 per acre of developed area within 150 feet of the public sewer or right of way, or a proportionate amount if such property is less than one (1) acre but in no event less than \$1,890.00 which minimum rates shall apply until June 30, 1979, and shall then increase July 1, 1979, and annually thereafter at the rate of eight percent (8%) per annum until otherwise provided by resolution of the City Council.

G. For properties where interior easements are obtained, a credit against the surcharge applied to a second side as computed above less the direct cost of securing said easement will be made. The criteria used in computing this credit on the second side will be as follows:

1. The full surcharge rate for the first side. The first side selected shall be the side which results in the largest surcharge.
2. When the property is greater than 500 feet wide, measured perpendicular to the sewer, and the distance to the property line on the second side is 400 feet or greater, there will be no credit computed.
3. When the property is greater than 500 feet wide and the distance to the property line on the second side is greater than 250 feet but less than 400 feet there will be a credit of 25 percent on the surcharge.
4. When the property is greater than 500 feet wide and the distance to the property line on the second side is 250 feet or less, there will be a credit of 50 percent on the surcharge.
5. When the property is less than 500 feet wide, there will be a credit of 50 percent on the surcharge.
6. No surcharge will be applied to the second side where the property line is less than 50 feet except where less than the maximum area has been computed in the first side, in which case up to a maximum of 150 feet will be computed for both sides.

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.

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 is hereby directed to collect the sewer service charges and connection fees as provided for herein.

B. Sewer service charges and connection fees as and when collected shall be paid into a fund designated as the "Sewer Fund", except that all increases in sewer connection fees commencing July 1, 1979 shall be deposited in a "Sewer Expansion and Capital Improvement Fund" for Sewerage System improvements and expansions. The fund shall be retained in such interest bearing investments as prescribed by the City Council and until such time as the fund, or any portion thereof may be required for the sewerage system repairs, expansions or improvements.

C. Sewer service charges as hereinbefore provided shall be collected bi-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 eight 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 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. If a court suit or action is instituted to enjoin any unauthorized connection to or use of the sewerage system, or for the collection of accounts the City shall be entitled to collect, in addition to costs and disbursements provided by statute, such sum as any court, including any appellate court, may adjudge reasonable as attorneys' fees in such suit or action.

C. The City may, without notice or liability, discontinue sewer service and disconnect buildings from the City's sewerage system if sewer service charges and/or sewer connection fees or other fees under this Ordinance become delinquent; and the City may continue

thereafter to refuse sewer service and sewer connections to such delinquent owner(s) property, until all such delinquencies and interest are fully paid.

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 "Sewer Expansion and Capital Improvement Fund."
2. The account or accounts for the payment of principal and interest on maturing sewer bonds.
3. The account or accounts established for the operation and maintenance of the sewerage system.

SECTION 11: Powers and Authority of Inspectors.

The Director of Public Works and other duly authorized employees and representatives of the City 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 as may be reasonably necessary for such inspections and enforcement of this ordinance.

SECTION 12: Validity.

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.

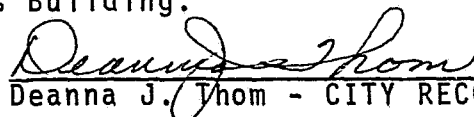
SECTION 13: Repeal of Other Ordinances.

Ordinance No. 36 enacted by the Council on May 14, 1973, Ordinance No. 50 enacted June 23, 1975, Ordinance No. 52 enacted July 21, 1975 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

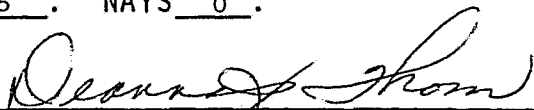
SECTION 14: Emergency clause.

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 the permit fees, sewer service rates and connection fees shall apply effective 12:01 A.M. on August 30, 1978.

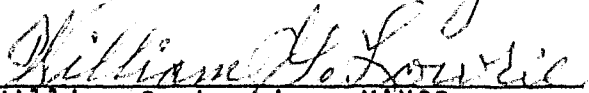
Submitted to the Council and read the first time at a regular meeting of the Council on the 10th day of August, 1978 and scheduled for second reading at a special meeting of the Council on the 29th day of August, 1978, at the hour of 7:30 o'clock p.m. at Room S 1, Tektronics Building.


Deanna J. Thom - CITY RECORDER

ENACTED by the Council on the 28th day of August, 1978
by the following vote: YEAS 5. NAYS 0.


Deanna J. Thom - CITY RECORDER

Dated and signed by the Mayor this 30 day of Aug., 1978.


William G. Lowrie - MAYOR