

Ordinance No. 78

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF BROOKINGS, OREGON TO ESTABLISH, OPERATE AND MAINTAIN, WITHIN AND WITHOUT THE CORPORATE LIMITS OF THE CITY OF BROOKINGS, OREGON, A SEWAGE DISPOSAL PLANT OR PLANTS, CONVENIENT FOR A COMPLETE SEWER SYSTEM AND DISPOSAL PLANT OR PLANTS; IMPOSING AN EQUITABLE CHARGE, DECLARING CERTAIN ACTS UNLAWFUL AND IMPOSING PENALTIES AND DECLARING AN EMERGENCY.

The City of Brookings does ordain as follows:

Section 1. Pursuant to the General Law of the State of Oregon and the powers granted in the Charter of the City of Brookings, Oregon, the Council of said City does hereby declare its intention to acquire, own, construct, equip, operate and maintain within and without the corporate limits of the City of Brookings, a sewage disposal plant or plants, sewers, equipment and appurtenances necessary, usefull or convenient for a complete sewer system and disposal plant, and also including maintenance and extension of the present sewer system of said city and also including the reconstruction of such sewers as may necessarily or conveniently be deemed proper by the Council.

Section 2. There is hereby levied and imposed upon all owners of property just and equitable charges for sewer service or subsequent service, maintenance, operation, extension and reconstruction of sewer and to establish funds for the purposes as heretofore set out in Section 1 and herein.

Section 3. The just and equitable charges aforesaid are hereby established, determined and declared to be as follows:

Class I.	Single family residences	\$ .75	per month
	Each apartment unit in any multiple family dwelling	\$ .75	per month

Class II:	Commercial establishments:		
A.	First two fixtures, minimum	\$ .75	per month
B.	Additional three to five fixtures, each	\$ .25	per month
C.	Additional six to ten fixtures, each	\$ .15	per month
D.	Each additional fixture thereafter	\$ .10	per month

Class III. Industrial users who are processors of foods, lumber or other industrial products, or who discharge sewage that require an excessive amount of oxygen to break down, shall pay the Commercial rate until tests have been made to ascertain the amount and contents of the waste discharged and then such charge shall be made that is fair and equitable.

Section 4. The City of Brookings is hereby directed to collect the rates and charges provided herein from each owner of property which disposes of sewage whether in the City System or otherwise and on the first day of each month, beginning and after the effective date hereof each owner shall be charged the rate set out in Section 3 of this ordinance. Said charges, as and when collected, shall be paid over to the Treasurer of the City of Brookings, Oregon, into a fund designated as the " Sewage Charge Account, Special." The administrative costs for collecting the sewer charge shall be paid from such special account.

Section 5. The City of Brookings, Oregon, may use such means of collection of rates and charges for sewer service as may be provided by the laws of the State of Oregon or permitted by the Charter and ordinances of the City of Brookings, Oregon, and any delinquencies may be certified to the tax assessor of Curry County for collection in the manner and as provided by Section 224.220 O R S. Rates and charges shall be deemed to be delinquent and shall draw interest at eight per cent per annum. If not paid by the 20th. day of the month, the charge is effective. Any charge due hereunder which shall not be paid when due may be recovered in an action at law by the City of Brookings.

Section 6. In the event it becomes necessary to certify the service charges established because of the non payment thereof, there shall be added to such charges a penalty in the amount of ten (10%) per cent thereof and the same shall bear, when certified, interest at the rate of eight (8%) per cent per annum from the date of such certificate.

Section 7. The City Treasurer, upon receipt of such funds from any person duly designated to receive or collect such funds and pay them over to the City Treasurer, is hereby directed to credit all revenues received from such charges, or rates hereto established, collected to a fund designated " Sewer Charge Account, Special" established in Section 4, hereinabove.

Section 8. The word fixture, as used in this ordinance, shall mean any apparatus that uses water and wastes which are delivered into a sewer.

Section 9. The imposition of said charges shall begin December 1, 1955.

Section 10. All garbage grinders which discharge the garbage into the sewers, installed for domestic use, are hereby declared to be unlawful unless the installation thereof has been inspected by the Plumbing Inspector of the City of Brookings and a permit issued therefore. No charge for said permit or inspection shall be made and in the event that such a garbage grinder is now, or may hereafter, be installed as aforesaid, then, and in that event, said monthly charge per family unit shall be an additional twenty five cents (\$.25) per garbage grinder unit.

Section 11. It is hereby declared to be the intent of the Council that each of the separate provisions hereof shall be deemed independant to the end that if any provision hereof shall be declared invalid by any Court of competant jurisdiction and to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance, and it is hereby expressly declared that every other section, subdivision, paragraph, provision or clause of this ordinance would have been enacted irrespective of the anactment or validity of the portion hereof declargd or adjudged to be unconstitutional or invalid.

Section 12. Inasmuch as the sewage disposal system must of necessity be constructed at the earliest practical date, that the progress of the State of Oregon for the purification of streams and waters within or surrounding the State of Oregon be aided in all manners possible, that it is necessary to accumulate funds as soon as possible to require the minimum issuance of bonds and that it is essential for the health, peace and safety of the public and the preservation thereof and in the welfare of the City of Brookings, Oregon, that this ordinance shall take effect and be in full force and effect from and after its passage, and, therefor, an emergency is hereby declared to exist and this ordinance shall take effect and be in full force and effect from and after its passage.

Read by title and in full this 11 day of October, 1955.

Read a second time by title this 11 day of October, 1955.

Read a third time by title and passed by the Council this 11 day of October, 1955.

Authenticated this 11 day of October, 1955.

Byron L. Brimm  
Byron L. Brimm, Mayor of the City of Brookings.

Passed by the Council, 11 of October, 1955.

Mae Smith  
Mae Smith, Recorder of the City of Brookings.