

AN ORDINANCE SETTING FORTH AND DECLARING THE OPINION AND INTENTION OF THE CITY COUNCIL TO HEREAFTER PROVIDE FOR THE CONSTRUCTION OF SANITARY SEWERS WITHIN THE CORPORATE LIMITS OF THE CITY OF BROOKINGS, OREGON: PROVIDING FOR PLANS, SPECIFICATIONS AND ESTIMATES OF COSTS FOR SUCH PROPOSED FACILITY AND MAKING THE SAME AVAILABLE FOR EXAMINATION BY ANY QUALIFIED ELECTOR OF SAID CITY; PROVIDING THE METHOD OF RAISING FUNDS FOR THE CONSTRUCTION OF SAID FACILITY; PROVIDING FOR SPECIAL SANITARY SEWER ASSESSMENT DISTRICTS; PROVIDING FOR A METHOD OF DIRECT ASSESSMENT OF THE ACTUAL COST OF THE CONSTRUCTION OF A SANITARY SEWER AGAINST THE PROPERTIES BENEFITED; PROVIDING FOR THE CREATION OF A SPECIAL FUND OF THE CITY OF BROOKINGS TO BE KNOWN AS THE "SANITARY SEWAGE OPERATION AND MAINTENANCE FUND"; AND DECLARING AN EMERGENCY.

The City of Brookings does ordain as follows:

SECTION 1. It is hereby declared to be the opinion of the City Council of Brookings, Oregon, that it is necessary and essential to relieve unsanitary conditions within the corporate limits of said city by the construction of sanitary sewers to serve the properties located within said limits.

SECTION 2. Further, it is hereby declared to be the opinion of the said City Council, that it is essential, necessary and desirable to install sewers larger than eight inches in diameter to provide capacity for sewage disposal either by the city or any sewer district thereof.

SECTION 3. Further, it is hereby declared to be the opinion of the said City Council, that in addition to constructing sewers of sufficient size and capacity to relieve the unsanitary conditions existing in the city it is also essential and necessary to construct such pumping stations, pressure lines, outfall sewers, and sewage disposal plant as may now, or hereafter, be required to relieve said unsanitary conditions.

SECTION 4. Further, it is hereby declared to be the opinion of the said City Council, that it is essential, necessary and desirable, for the purpose of raising funds to pay for the construction of said "Facility" to submit to the electors of the City of Brookings, Oregon, a general obligation bond issue for rejection or approval to pay a portion of the cost of said construction as the same is covered by plans, specifications and estimated costs on file in the office of the City Engineer of said city and so being available for examination, in the City Hall, by any qualified elector of the City of Brookings, Oregon.

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SECTION 5: To relieve unsanitary conditions within the corporate limits of the City of Brookings by the construction of sanitary sewers to serve the properties located within said corporate limits, the Council shall have, and is hereby granted, full and complete authority and power as follows:

(a) To create and establish sanitary sewer districts within the corporate limits of the City.

(b) To determine the area to be included in a sanitary sewer district, together with the size, depth and location of the sewer necessary to serve the area.

(c) To raise funds as is provided by law.

(d) To classify as sewer mains, any and all sewers larger than eight inches in diameter which provide capacity for any sanitary sewer district, or which serve areas outside of such district.

(e) To construct all necessary pumping stations, pressure lines and treatment facilities.

(f) To, after determining the net total amount to be assessed against benefited properties of any sanitary sewer district, determine the unit assessment thereof in terms of dollars and cents. Assessments shall then be levied, against all properties located within the district, based on the area of the particular piece of property and the square foot assessment cost. Said assessments shall be paid in cash or in twenty equal payments over a ten year period, with interest at 6% on the unpaid balance.

(g) To provide for a basic sewer connection fee to be paid for the installation of laterals and disposal lines running from a sewer main in any street, alley or easement to any abutting property line together with the costs and expenses of connection thereof with said sewer main and to set up a schedule of rates and charges, to be paid by the owner or owners of said abutting properties at such time as any said property owner, or owners, elect to have such connection made, or when required to make such a connection by the City.

(h) To provide by ordinance a monthly charge for the use of the sewer facility of the City of Brookings to be paid by and secured from each and every property owner who connects to any sewer main or lateral owned, or operated by the City of Brookings.

(i) To obligate the City as a whole for the payment of the entire cost of any and all pumping stations, pressure lines and treatment facilities as each and all thereof are set forth and covered in the plans, specifications and estimated costs set forth and mentioned in SECTION 4, hereinabove.

(j) To substantially follow the suggested procedure set forth in that certain letter of Cornell, Howland, Hayes & Merryfield, a firm of consulting engineers of the City of Corvallis, Oregon, under date of September 16, 1955, addressed to and received by the Honorable Mayor and City Council, City Hall, Brookings, Oregon, set forth in 1 to 12 inclusive on page 6 of said letter, following the words "In summary" and, further, to keep said letter, or a true and correct copy thereof, on file in the office of the City Engineer of the City of Brookings, Oregon, available for examination, in the City Hall, by any qualified elector of said city.

(k) To by ordinance create a special fund to be carried on the books of the city as "Sanitary Sewage Operation and Maintenance Fund" and provide for the administration thereof. All funds, and every part thereof, which shall hereafter be authorized to be assessed, levied, collected and received by the City of Brookings for the hereinabove set forth purposes shall be paid to the Treasurer of the City of Brookings, and by such officer, immediately upon receipt thereof, be deposited in said "Sanitary Sewage Operation and Maintenance Fund", and therein to be kept at all times subject to withdrawal by the City Council as provided for by ordinance. The funds so deposited in said special fund shall not be withdrawn or expended for any purpose except for the construction of sanitary sewers to serve the properties located within the corporate limits of the city, the relief of unsanitary conditions within said limits, the costs of constructing pumping stations, pressure lines, treatment facilities, lawful engineering, legal and incidental overhead costs and the cost and expense incurred in the administration work necessary and reasonable in the collection of the said funds. The words "Fund" or "Funds" as hereinabove used shall mean and include all money received by the City of Brookings from the sale of all sanitary sewer general obligation bonds approved by the electors, from the issuance and sale of Bancroft Bonds as the same are payable and from the assessments of any sanitary sewer special assessment district, from any and all service charge or charges levied as monthly service charge for the use of or the connection to any sanitary sewer owned by the City of Brookings or from any other source or sources devoted to the maintenance and operation of a sewer system owned by said city.

SECTION 6: It is hereby declared that in this ordinance it is the intention of the City Council of Brookings, Oregon, to establish the procedure under which a good, adequate and complete sewer facility may be constructed and erected, within the corporate limits of the city, to relieve unsanitary conditions within the city, and in the grant of the aforesaid set forth authority to itself, the City Council does not limit itself exclusively thereto but has, and shall have and continue to possess all and entire of the authority and power given to it by the Laws of the State of Oregon or the Charter of the City of Brookings as if each and all

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thereof were here fully set forth all without limitation thereon by any of the aforesaid subsections "a" to "k" inclusive of Section 5.

SECTION 7: In the event that any word, clause, sentence, paragraph or section of this ordinance shall be found to be invalid or unconstitutional by any Court of Competent jurisdiction, every other word, clause, paragraph, sentence or Section of this ordinance shall be in full force and effect and such judgment, decree or finding by any said Court shall not affect the constitutionality or validity of every other word, clause, paragraph, sentence or section of this ordinance not found, in said decree or judgment, to be invalid or unconstitutional.

SECTION 8: It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the City of Brookings, Oregon, and 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 13 day of ^{December}~~November~~, 1955.

Read a second time by title this 13 day of ^{December}~~November~~, 1955.

Read a third time by title and passed by the Council this 13 day of ~~November~~, 1955.

Upon the motion, duly seconded, to pass this ordinance the vote was:

Affirmative: Mayor, Brimm Councilmen: Manley
Campbell
Bremer
Yellow

Negative: Mayor, Councilmen:

Passed by the Council this 13 day of December, 1955.

Authenticated this 13 day of Dec, 1955.



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

Attest:
Mac D. Smith
Recorder of the City of Brookings, Oregon