

ORDINANCE NO. 82

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, A SEWAGE DISPOSAL PLANT OR PLANTS AND A COMPLETE SANITARY SEWER SYSTEM; IMPOSING AN EQUITABLE SURCHARGE; DECLARING CERTAIN ACTS UNLAWFUL; IMPOSING PENALTIES AND DECLARING AN EMERGENCY.

The City of Brookings does ordain as follows:

SECTION 1. ORDINANCE NUMBER 78, of the City of Brookings, Oregon, is hereby repealed.

SECTION 2. 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, useful 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 3. There is hereby levied and imposed upon all owners of property just and equitable surcharges 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 4. The just and equitable surcharges aforesaid are hereby established, determined and declared to be as follows:

Class I.	Single family residences	\$ 2.00 per month
	Multiple family dwelling:	
	first unit	2.00 per month
	all additional units	.75 per month
Class II.	Commercial Establishments:	
	A. First two fixtures, minimum	2.00 per month
	B. Next three fixtures, each	.25 per month
	C. Next five 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 requires 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 5. 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 4 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 "Sewer Fund". The administrative costs for collecting the sewer charge shall be paid from such "Sewer Fund".

SECTION 6. 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 assessor of Curry County for collection in the manner and as provided in 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 7. In the event it becomes necessary to certify the service charges established herein 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 8. 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 collected, or rates hereto established collected, to a fund designated "Sewer Fund" established in Section 5, hereinabove.

SECTION 9. The word fixture, as used in this ordinance, shall mean an apparatus that uses water and wastes which are delivered into a sewer.

SECTION 10. The imposition of said charges shall begin January 1st, 1956.

SECTION 11. All garbage grinders which discharge the garbage into the sewer installed for domestic use, are hereby declared to be unlawful unless installation thereof has been inspected by the Plumbing Inspector of the City of Brookings and a permit issued therefor. 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 such event, said monthly charge per family unit shall be an additional charge of twenty-five cents (\$.25) per garbage grinder unit.

SECTION 12. Fifty (50%) per cent of the total of all money collected from the imposition of the sur-charges set forth in Section 4, hereinabove, shall be placed and kept in a sinking fund, to be established by the City Treasurer within the aforesaid "Sewer Fund" immediately upon receipt of said money, or any part thereof, and this said sinking fund shall be used exclusively for the payment of the costs of construction of a sewage disposal plant, or plants, within the corporate limits of the City and for no other purpose. The remaining fifty (50%) per cent of all of the aforesaid collected money shall be held in the "Sewer Fund" exclusively for the purposes of paying the reasonable administrative costs and expenses of the collection of said money and said "Sewer Fund"; the costs and expenses necessary to be paid by the City to relieve unsanitary conditions within the corporate limits in the construction of sanitary sewers serving the properties within said corporate limits; and the costs and expenses of the construction of all pumping stations, pressure lines and outfall sewers necessary to be constructed in the sanitary sewer system of the City of Brookings, Oregon.

SECTION 13. It is hereby declared to be the intent of the Council that each of the separate provisions hereof shall be deemed independent to the end that if any provision thereof shall be declared invalid by any Court of competent 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 enactment or validity of the portion hereof declared or adjudged to be unconstitutional or invalid.

SECTION 14. 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, therefore, 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, 1955.

Read a second time by title this 13 day of December, 1955.

Read a third time by title and 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

Passed by the Council December 13th, 1955.

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