

AN ORDINANCE CREATING A SPECIAL FUND OF THE CITY OF BROOKINGS, OREGON, TO BE CARRIED ON THE BOOKS OF THE CITY UNDER THE NAME OF "SANITARY SEWERAGE MAINTENANCE AND OPERATION FUND"; PROVIDING FOR AND NAMING THE REVENUES OF THE CITY TO BE DEPOSITED IN SAID FUND; PROVIDING FOR THE METHODS TO BE USED BY THE CITY FOR RAISING SAID REVENUES; ESTABLISHING RATES AND SCHEDULES AND BASIC CONNECTION FEES FOR CONNECTIONS TO THE CITY'S SANITARY SEWER SYSTEM; PROVIDING FOR A MONTHLY CHARGE FOR THE USE OF SAID SANITARY SEWER SYSTEM BY THE CONNECTING PROPERTIES; PROVIDING FOR THE PAYMENT OF SURPLUS FUNDS FOR THE RETIREMENT OF GENERAL OBLIGATION BONDS OF THE CITY OF BROOKINGS AS THE SAME MAY HEREAFTER BE ISSUED BY THE CITY FOR THE CONSTRUCTION OF ITS SANITARY SEWER SYSTEM; LIMITING THE EXPENDITURES OUT OF SAID "SANITARY SEWERAGE MAINTENANCE AND OPERATION FUND"; AND DECLARING AN EMERGENCY.

The City of Brookings does ordain as follows:

SECTION 1. The City Council of Brookings, Oregon, hereby declares its intention in this ordinance, to set up and provide for a special fund of the City to be used and expended for the costs and expenses of the construction of a sanitary sewer system, together with all necessary facilities required therein, within and without the corporate limits of the City. Further, that after the reasonable and lawful costs and expenses of the administration of this ordinance shall have been paid, that all and entire of the residue and remainder on deposit in this said special fund shall be applied upon the retirement of any and all general obligation bonds which may hereafter be issued and sold by the City as said general obligation bonds cover, or provide for, the costs and expenses of the construction of a sanitary sewer system and necessary facilities within the corporate limits of Brookings, Oregon.

SECTION 2. The City Council of Brookings, Oregon, hereby declares that it is necessary and essential to relieve unsanitary conditions existing within the corporate limits of said City by the passage of this ordinance.

SECTION 3. There is hereby created a special fund to be known and carried upon the books of the City as "Sanitary Sewerage Maintenance and Operation Fund".

SECTION 4. The proceeds received from the sale of general obligation bonds or Bancroft Bonds issued by the City for the construction of a sanitary sewer system and its necessary facilities together with all money collected by the City from the owners of properties in payment of any connection charge to, or use of, the sewer system owned or operated by the City as the same is hereinafter in this ordinance provided, shall each and all be deposited in said "Sanitary Sewerage Maintenance and Operation Fund".

SECTION 5. No payment shall be made out of said "Sanitary Sewerage Maintenance and Operation Fund" except for the costs and expenses of the construction, maintenance and operation of a sanitary sewer system and its necessary facilities within and without the corporate limits of the City and the payment of interest and retirement of principal of general obligation bonds or Bancroft Bonds which have been issued by the City for the construction of said sanitary sewer system and its necessary facilities.

SECTION 6. (A) The word "service lateral" as used in this section shall mean a sewer service connection line which extends from a sewer main, located in a street, alley, or easement to the abutting property line of a property, or properties, and which serves the said property, or properties, as a sewage disposal line.

(B) The charge, or charges, to be paid by the said owner, or owners of said abutting property, as a basic sewer connection fee, for the costs and expenses of constructing a service lateral, is hereby established and shall be computed as follows:

(a) If the owner or owners of said abutting property which is to be served, elect to have a service lateral installed at the time the sewer main, to which the service lateral is connected, is being laid and constructed in a street, alley, or easement, the basic sewer fee to be paid for such installation shall be \$75.00.

(b) If the owner or owners of said abutting property which is to be served do not elect to have the service lateral installed at the time the sewer main to which the said service lateral shall be required to be connected, is being laid and constructed in a street, alley, or easement, the fee to be paid by said owner or owners when the latter do elect to have the service lateral installed, or when the City shall require them to install such a service lateral, is hereby established as follows:

The actual costs and expenses of the construction and installation of said service lateral, plus the following fixed charges:

At any time during the calendar year in which the completion of the construction of the sewer main has occurred.....	\$ 25.00
At any time during the second calendar year thereafter.	50.00
At any time during the third calendar year thereafter..	75.00
At any time during the fourth calendar yr. thereafter..	100.00
At any time during any succeeding calendar year.....	125.00

Each and every service lateral above set forth is hereby declared to be a part and portion of the sanitary sewer system and its facilities serving the properties abutting upon each and every street and alley within which the said sanitary sewer system is constructed and that the hereinabove set forth charges for the installation of each and all of said service laterals is the just and equitable charge to be levied and assessed against the said abutting properties as the proportionate share of each and

every said property, by the owner or owners thereof to be paid, for the operation and maintenance of said sanitary sewer system and the use, or availability of use, thereof by said properties.

The aforesaid charge, as the said basic sewer connection fee is set forth, shall be paid by the owner of record or contract owner of the property served by any said service lateral, under such terms and conditions as any such service lateral is provided to be paid for within the City of Brookings, immediately after the sewer main to which it is connected is available for use as a sewer disposal carrier and after said service lateral shall have been installed; or whenever the aforesaid charge has been established, levied or assessed by a special assessment district in which said service lateral and connecting sewer main is located; whichever shall first occur.

SECTION 7. A monthly charge to be paid by the owner, or owners, of each and every property connecting to a sanitary sewer system within the corporate limits of the City, and as the proportionate sum to be paid by each and all of said property owners for the maintenance and operation costs and expenses for their use of said sewer system and their disposal of sewage therein, shall be a charge equal to thirty-five (35%) per cent of the surcharge created in Section 4 of Ordinance Number 82. This said monthly charge shall be computed by the City and a statement setting forth the sum so computed, shall be mailed to each and all owners of properties connected to and served by said sanitary sewer system at least ten (10) days before the first day of each and every month thereafter respectively ensuing and the mailing of said statements shall constitute all of the notice required of the City to be given to each and all of said property owners. The monthly charge here set forth and provided shall become due and payable, in advance, by each and all of said property owners on the first day of each and every calendar month hereafter respectively ensuing.

SECTION 8. Each and every charge, fee or use tax established hereinabove in SECTIONS 6 and 7, after each or all thereof shall have become due and payable by any property owner or property as in said SECTIONS provided, and each and every property owner, or property, shall have had a period of 30 days, after the date when the same shall have become so due and payable in which to pay the full sum thereof to the City Treasurer, and if said charge, fee or use tax, or any part thereof is not so paid immediately upon the expiration of said 30 day period of time, said each and every charge, fee or use tax, shall immediately become a lien against the property in favor of the City, for the recovery of the unpaid total of said charge, fee or use tax. The City Treasurer shall immediately notify the City Recorder of the existence of said lien whereupon the City Recorder shall cause to be entered upon the Lien Book of the City, the sum of the lien, a description of the property affected and covered by the said lien and the name of the recorded owner, or contract owner of the said property covered by said lien.

SECTION 9. The City Council hereby declares the charges hereinabove established in SECTIONS 6 and 7 to be service charges to be paid for the use of the facilities of a sanitary sewer system within the City of Brookings. If the service charges so established are not paid when due the City Council may provide that said service charges may be recovered as is provided and set forth in Section 224.220 C R S.

SECTION 10. This ordinance and the enforcement thereof shall take precedence and be paramount over any other ordinance or word, clause, paragraph or section thereof, which may conflict therewith, any such word, clause, paragraph or section contained in any other ordinance notwithstanding, it here being the intention of the City Council to pass an ordinance which, in its own provisions and sections, is completely within itself effective and enforceable.

SECTION 11. Each and all of the charges imposed in SECTION 6 and SECTION 7 of this ordinance are hereby declared to be service charges imposed as provided in Section 224.220 C R S and that a portion thereof shall be set aside by the City as a sinking fund to pay the interest and retire the principal of all general obligation bonds and Bancroft Bonds which may hereafter be issued by the City or Special Assessment District thereof, and said sinking fund, or any portion thereof, shall be used exclusively to pay said interest and retire said bonds and for no other purpose. The portion of said charges to be placed in said sinking fund shall be computed as follows:

Semiannually hereafter, on the 31st day of December and on the 30th day of June, as each of said dates hereafter occur, the costs and expenses of the administration of the "Sanitary Sewerage Maintenance and Operation Fund" shall be computed as the same are obligated to be paid by the City during any said semi-annual period of time. From the total sum of aforesaid service charges received by the City during the said semi-annual period of time the said costs and expenses of administration shall be subtracted and immediately thereafter the balance of all said service charges shall be deposited in said sinking fund to be applied solely to pay the interest and retire the principal on said bonds as hereinabove provided.

SECTION 12. In the event that any word, clause, sentence, paragraph or SECTION of this ordinance shall be found by any Court of competent jurisdiction, to be invalid or unconstitutional, every other word, clause, sentence, paragraph or SECTION of this ordinance shall be in full force and effect, and any such judgment, decree or finding by any said Court shall not affect the validity or constitutionality of every other word, clause, sentence, paragraph or sentence of this ordinance not found in said judgment, decree or finding, to be invalid or unconstitutional.

SECTION 13. It is hereby declared and adjudged 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 in title and in full this 22 day of December, 1955.

Read a second time by title this 22 day of December, 1955.

Read a third time by title and passed by the Council this 22 day of December, 1955.

Upon motion of Councilman Campbell, duly
seconded by Councilman Breuer, that
this ordinance be passed, the vote was:

Affirmative: Mayor Brimm
Councilmen: Manley, Campbell,
Breuer & Yelton

Negative: Mayor _____
Councilmen: _____

Passed by the Council this 22 day of December, 1955.

AUTHENTICATED THIS 22 DAY OF DECEMBER, 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

Ordinance No. 83

No. 5