

ORDINANCE NO. 538

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF CANBY, OREGON, TO OPERATE AND MAINTAIN A SEWAGE COLLECTION AND TREATMENT SYSTEM; ESTABLISHING AND IMPOSING JUST AND EQUITABLE CHARGES; PROVIDING FOR THE MANNER OF PAYMENT, COLLECTION, ENFORCEMENT AND DISBURSEMENT OF SUCH CHARGES; REPEALING SECTION 10 OF ORDINANCE NO. 394, ENACTED SEPTEMBER 4, 1956; REPEALING ORDINANCE NO. 431, ENACTED JANUARY 18, 1960; REPEALING ORDINANCE NO. 503, ENACTED APRIL 17, 1967; AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

SECTION 1: Authority and Intent.

A. Pursuant to the statutes of the State of Oregon and the powers granted in the Charter of the City of Canby, the City does hereby declare its intention to acquire, own, construct, equip, operate and maintain sanitary sewers, sewage pump stations, sewage treatment plants and out-fall 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.

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

E. "Sanitary Sewer" shall mean a 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.

SECTION 3: Charges for Sewer Service Levied and Imposed.

A. All users of the City's Sewerage System shall pay to the City the rates for sewer service as provided by this Ordinance.

B. Dwellings that cannot be served by gravity flow to the sanitary sewer shall be subject to the sewer service charges provided by this Ordinance unless lesser charges for such dwellings are enacted by resolution of the City Council.

C. Any dwelling 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 Canby and that by reason or 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 dwelling are enacted by resolution of the City Council.

D. When sewer service is initially provided to existing dwellings, said sewer service charge shall first be levied for the month following the first month in which dwellings are permitted to be connected to the sewer.

E. When new dwellings are served by the sewerage system, said sewer service charge shall first be levied for the month following the first month in which the dwelling is occupied or utilized by personnel not associated with the construction of the dwelling.

F. Sewer service charges are to be levied and imposed 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.

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

H. Sewer service charges shall be billed to any dwelling showing either water use or electric power use.

I. Sewer service charges may be billed to an occupant; however, the property owner shall be ultimately responsible for all sewer service charges to his property.

SECTION 4: Rates for Sewer Service.

A. Residential. A flat rate of \$3.00 per calendar month shall be charged for each single family residence.

B. Multi-family Residential. A rate of \$3.00 per calendar month shall be charged for each unit or dwelling having kitchen facilities.

C. Transient Quarters. A rate of \$3.00 per calendar month shall be charged for the first unit or dwelling without kitchen facilities plus \$1.50 per calendar month for each additional unit or dwelling without kitchen facilities.

D. Commercial. A rate of \$3.00 per calendar month shall be charged for the first ten employees of commercial establishments that are not

engaged in preparation of food plus \$3.00 per calendar month for each additional unit of ten employees, or fraction thereof, working on the premises

E. Restaurant. Restaurants shall be charged \$0.20 per 100 cubic feet of monthly metered water consumption with a minimum charge of \$8.00 per calendar month.

F. Industry. Commercial or industrial establishments, other than restaurants, that discharge process wastes to the sewerage system shall be charged for the discharge of said process wastes at rates established by special agreement between the City and the industry. Industries that do not discharge process wastes shall be charged at the applicable "Commercial" rate.

G. Meeting Halls. Places of public meeting including lodges, churches, labor halls, parks and auditoriums not associated with schools shall be charged for sewer service at a rate of \$3.00 per calendar month plus \$0.50 per calendar month for each fixture for the discharge of human waste excluding the first four fixtures.

H. Schools. A rate of \$0.23 per student shall be charged for each calendar month from October through and including June. The monthly charge for the months of July, August and September shall be 25 percent of the charge for the previous month of June. Student enrollment shall be based upon the enrollment as of the previous first day of October.

I. Mobile Home Sites. A rate of \$3.00 per calendar month shall be charged for each space for a mobile home. A mobile home space shall be differentiated from a trailer or camping space by the availability of a sewer connection.

J. Trailer or Camp Sites. Trailer or camp sites not having sewer connections at individual sites shall be charged for sewer service at a rate of \$3.00 per calendar month plus \$0.75 per calendar month for each fixture for the discharge of human waste excluding the first four fixtures. Trailer or camp sites having sewer connections at individual sites shall be charged at the applicable "Mobile Home Site" rate.

K. Convalescent and Nursing Homes. Convalescent homes and nursing homes shall be charged for the first six beds at a rate of \$3.00 per calendar month plus \$0.50 per calendar month for each additional bed.

L. Hospitals. Hospitals shall be charged for the first six beds at a rate of \$6.00 per calendar month plus \$1.00 per calendar month for each additional bed.

M. Dormitories. Dormitories shall be charged for the first six beds at a rate of \$3.00 per calendar month plus \$0.30 per calendar month for each additional bed.

N. Car Washes and Laundries. Car washes, laundries and laundromats shall be charged \$0.20 per 100 cubic feet of monthly metered water consumption with a minimum charge of \$3.00 per calendar month.

SECTION 5: Sewer Connection Charges Levied and Imposed.

A. There is hereby levied and imposed upon the owner of any property connected to the sanitary sewer system of the City of Canby a connection charge. Said connection charge shall be a revenue source to the City of Canby and shall not entitle the property owner to a service connection line between the sanitary sewer system and the property to be served.

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

C. Dwellings that cannot be served by gravity flow to the sanitary sewer shall be subject to the sewer connection charges provided by this Ordinance unless lesser charges for such dwellings are enacted by resolution of the City Council.

D. Any dwelling 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 Canby and that by reason or 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 connection charges provided by this Ordinance unless lesser charges for such dwelling are enacted by resolution of the City Council.

E. Sewer connection charges levied by this Ordinance shall be due prior to connection.

F. For a period of ninety (90) days after the enactment of this Ordinance any person that applies for connection to a sewer for a dwelling or business pre-existing the ban by the Department of Environmental Quality, May 19, 1970, shall be charged \$100.00 in lieu of the connection charges described in section 6 of this ordinance.

SECTION 6: Rates for Connection Charges.

A. Residential. A flat rate of \$400.00 shall be charged for each single family residence.

B. Multi-family Residential. A rate of \$400.00 shall be charged for the first unit or dwelling having kitchen facilities plus \$300.00 for each additional unit or dwelling having kitchen facilities.

C. Transient Quarters. A rate of \$400.00 shall be charged for the first unit or dwelling without kitchen facilities plus \$200.00 for each additional unit or dwelling without kitchen facilities.

D. Commercial. Commercial establishments, including but not limited to car washes, laundries, restaurants, public buildings and all other dwellings not described in this Section under another classification,

shall be charged the lesser of the following: (1) \$400 for the first 1600 square feet of interior floor space plus \$25 per additional 100 square feet or fraction thereof; (2) \$400 for the first one-quarter acre of land use plus \$4 per additional 100 square feet of land use or fraction thereof; (3) \$400 for the first four fixtures for the discharge of human wastes plus \$100 for each additional fixture, provided that charge shall not be less than one-half of the maximum charge for either alternate (1) or (2) above.

E. Industry. Commercial or industrial establishments, other than restaurants, that discharge process wastes to the sewerage system shall be charged for connection to the sewer system at rates established by special agreement between the City and the Industry. Industries that do not discharge process wastes shall be charged at the applicable "Commercial" rate.

F. Schools. A rate of \$400.00 shall be charged for each 15 students.

G. Mobile Home Sites. A rate of \$400.00 shall be charged for the first space for a mobile home, plus \$300.00 for each additional space. A mobile home space shall be differentiated from a trailer or camping space by the availability of a sewer connection.

H. Trailer or Camp Sites. Trailer or camp sites not having sewer connections at individual sites shall be charged at a rate of \$400.00 plus \$50.00 for each fixture for the discharge of human waste excluding the first four fixtures. Trailer or camp sites having sewer connections at individual sites shall be charged at the applicable "Mobile Home Site" rate.

I. Convalescent and Nursing Homes. A rate of \$400.00 shall be charged for the first six beds plus \$25.00 for each additional bed.

J. Hospitals. A rate of \$800.00 shall be charged for the first six beds plus \$100.00 for each additional bed.

K. Dormitories. A rate of \$400.00 shall be charged for the first six beds plus \$20.00 for each additional bed.

SECTION 7: Payment.

A. Every person subject to a charge hereunder shall pay the same when due to an officer or agent of the City who has been duly designated and authorized by the City Council to receive such payments.

SECTION 8: Collection.

A. The officer or agent who has been duly designated and authorized by the City Council to receive payments for sewer charges and connection charges as provided for herein is hereby directed to collect such charges.

B. Sewer service and connection charges as and when collected shall be paid into a fund designated as the "Sewer Fund".

C. Sewer service charges as hereinbefore provided shall be collected monthly and if not paid on or before fifteen 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 8% per annum. The recorder may excuse interest payments on accounts delinquent for 30 days or less.

SECTION 9: Enforcement.

A. After the effective date of this Ordinance, no connection shall be made to the sewerage system until all connection charges are paid in full.

B. If sewer service charges are not paid on or before 15 days after the date of billing, water service to the premises shall be disconnected until the delinquent sewer service charges and the water service reconnection charges as provided by Ordinance No. 502, entitled "An Ordinance Establishing Charges for Reconnecting Utility Service", enacted April 17, 1967, are paid in full.

C. The City Council may use such additional 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 Canby.

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 account or accounts for the construction, operation or maintenance of the sewerage system.
2. The account or accounts for the payment of principal and interest on maturing sewer bonds.
3. The account or accounts established for the sewer sinking fund created by Ordinance No. 409.

SECTION 11: Powers and Authority of Inspectors.

A. The Director of Public Works and other duly authorized employees and representatives of the City of Canby 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 that the City Council shall approve.

SECTION 12:

A. Section 10 of Ordinance No. 394, enacted September 4, 1956; and Ordinance No. 431, enacted January 18, 1960; and Ordinance No. 503, enacted April 17, 1967, are hereby repealed.

SECTION 13: Validity.

A. 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 14: Emergency Clause.

A. Whereas, an emergency exists and it is deemed necessary by the City Council of the City of Canby 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 approval by the Mayor.

Passed on first reading of the Canby City Council at a special meeting thereof on the 26th day of April, 1971; ordered posted as provided by the Canby City Charter and to come up for final reading and action of the Canby City Council at a regular meeting thereof to be held on the 17th day of May, 1971, at the hour of 8:00 o'clock p.m., Oregon Daylight Saving Time, at the Canby City Hall.


WERNER DINTEMAN - Mayor


ATTEST:


J. R. RICHARDSON - City Recorder

Reviewed at a regular meeting of the Canby City Council on the 17th day of May, 1971, and amended as it now appears and ordered posted again as provided by the Canby City Charter and to come up for final reading and action of the Canby City Council at a regular meeting thereof to be held on the 7th day of June, 1971, at the hour of 8:00 o'clock p.m., Oregon Daylight Saving Time at the Canby City Hall.


WERNER DINTEMAN - Mayor


ATTEST:


J. R. RICHARDSON - City Recorder

Passed on final reading at a regular meeting of the Canby City Council this 7th day of June, 1971, by the following vote: Yeas 6. Nays 0.

ATTEST:

J. R. RICHARDSON - City Recorder


WERNER DINTEMAN - Mayor