

AN ORDINANCE RELATING TO THE PRE-PAYMENT OF A SEWER SYSTEM DEVELOPMENT AND IMPROVEMENT CHARGE, AMENDING ORDINANCE NO. 231 AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

Section 1. Definitions:

- A. Advance Cash Payment means cash, check or other "cash" acceptable to the City Recorder.
- B. Credit Guarantee means any irrevocable guarantee to the City acceptable to the City Attorney that funds are available to construct the Interim Sewage Treatment Facility.
- C. Present Sewage Treatment Plant means the existing 1/2 million gallon per day plant.
- C. Interim Sewage Treatment Facilities mean the addition to the present sewage treatment plant to provide sewage treatment during the time when the capacity of the present plant is exceeded but before completion of any permanent plant.
- E. Permanent Sewage Treatment Facilities are those facilities yet to be constructed which will meet all the City's needs under the Comprehensive Plan, portions of which may be constructed in stages.

Section 2. Ordinance No. 231, Section 3, is hereby amended to read as follows:

A. ADVANCE PAYMENT AND BUILDING PERMITS

Prior to the issuance of any building permit after May 2, 1977, a seventy-five (\$75.00) dollar advance cash payment per dwelling unit representing a portion of the System Development Charge ~~shall have been paid to~~ the City by the property owner. Building permits will not be issued on any properties for which such advance payment has not been received. This requirement shall not apply to building permits issued for construction not requiring a sewer connection. This requirement shall not apply to emergency health hazards when so declared by City Council Resolution.

Those properties for which no ADVANCE CASH PAYMENT of seventy-five (\$75.00) dollars or more per dwelling unit has been paid prior ~~to~~ 5PM May 2, 1977 shall not be permitted to connect to the City sewer system until such time as the Common Council determines and declares by Resolution that adequate permanent sewage treatment facilities beyond the capacity hereby obligated have been constructed and are operating.

A property owner may make the advance cash payment in the aforesaid amount only if the property for which the fee is paid is designated. Transfer of fee credit from one property to another property cannot be made without specific written authorization from the City.

B. CREDIT GUARANTEE AND INTERIM TREATMENT FACILITIES

All applications shall be dated upon receipt by the City. Based upon the applications received on or before MAY 2, 1977, the City Engineer shall prepare a PROJECT REPORT by

AUGUST 9, 1977 containing the estimated costs and construction timetable for the Interim Sewage Treatment Facilities. Based on the Project Report, the City shall notify each property owner whose application was received on or before May 2, 1977 of the remaining amount of the System Development Sewage Treatment Charge necessary to guarantee payment of the Interim Sewage Treatment Facilities expenses.

An irrevocable CREDIT GUARANTEE shall be submitted by the owner to the City on or before AUGUST 31, 1977. The credit guarantee may be a bond, trust agreement, letter of credit, set aside letter or other credit guarantee approved by the City Attorney.

Upon receipt of the project report from the City Engineer, the City Recorder shall enter in the docket of the City Liens a statement of the amount of the System Development Charge remaining to be paid upon each particular lot, parcel of land or portion thereof, together with a notation "Prepayment of Sewer System Development Charges - Ordinance No. 244", the name of the owners and the date of this assessment. Upon such entry in the lien docket, the amount so entered shall become a lien and charge upon the respective lots, parcels of land or portions thereof, which have been designated pursuant hereto. All liens of the City of Troutdale shall be superior and prior to all other liens or encumbrances on property in so far as the laws of the State of Oregon permit. Interest shall be charged at the rate and in the manner set forth below. The City of Troutdale may proceed to foreclose or enforce collection of the sums secured by the lien in a manner provided by the general law of the State of Oregon; provided, however, that the City may, at its option, enter a bid for the property being offered at a foreclosure sale, which bid shall be prior to all bids except those made by persons who would be entitled under the laws of the State of Oregon to redeem such property.

In the event the property owner fails to pay or provide the required credit guarantee as set forth in this section, his advance deposit shall be forfeited to cover expenditures for administrative and engineering costs and his application shall be deemed void and the aforesaid lien shall be discharged.

C. CONSTRUCTION AND PAYMENT

As construction progresses, the contractor will submit bills to the City Recorder. The City Recorder will then send NOTICE to each property owner in an equal proportion as all other owners requesting payment within THIRTY DAYS (30).

In the event that payment is not received by the City within thirty (30) days, interest shall accrue at a rate of 7% per annum and an administrative charge of \$100.00 per month shall be made against the property owner's account. If payment is not received within ninety (90) days of the original notice, the City may begin foreclosure proceedings to collect the amount owing in the account and any associated costs of collection.

D. PAYMENT OF SEWER SYSTEM DEVELOPMENT CHARGE

Building permits may be requested at any point in the process on lots for which the Advance Cash Payments and Credit

Guarantees have been made and kept current.

No sewer connection to a dwelling unit shall be made or permitted prior to the full payment of the remaining balance of the Sewage Development Charge.

Prior to the completion of the ~~permanent~~ Sewage Treatment Facilities sewer connections shall be permitted only to those properties for which there is a valid building permit issued prior to April 30, 1977, or properties for which an advance cash payment has been timely made. All owners and properties affected by this Ordinance shall remain subject to constraints and regulations imposed by the Oregon State Department of Environmental Quality. The City of Troutdale makes no assurances as to the capacity of Present Sewage Treatment Facilities.

E. EXCLUSIONS

The acceptance by the City of applications for sewer connections shall NOT guarantee or be deemed a promise on the part of the City to permit or approve the subdivision of land or construction of dwelling units; to determine or grant the appropriate number of dwelling units or equivalents; nor to guarantee annexation or extension of City systems.

D. SEVERABILITY

If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provisions and such holdings shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. EMERGENCY CLAUSE.


Since further delay in establishing the process for construction of the Interim Sewage Treatment Facilities would constitute an economic hardship on those parties involved and create a potential health hazard by pushing the existing plant to full capacity, AN EMERGENCY IS HEREBY DECLARED TO EXIST.

Passed by the Common Council of the City of Troutdale this 12th day of April, 1977.

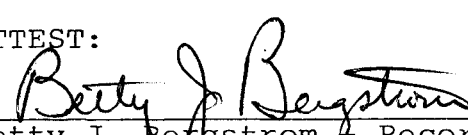
YEAS: 5

NAYS: 0

Signed by the Mayor this 13th day of April, 1977.


R. M. Sturges, Mayor

ATTEST:


Betty J. Bergstrom, Recorder

ORDINANCE NO. 244

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