

ORDINANCE NO. 528-0

AN ORDINANCE ESTABLISHING AND IMPOSING WATER AVAILABILITY CHARGES, USER FEES, COMMODITY CHARGES, STANDPIPE CHARGES, IMPROVEMENT CHARGES, AND MODIFYING ORDINANCE NO. 279 AND REPEALING ORDINANCE NO. 511-0.

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

Section 1. Short Title.

This ordinance shall be known as the Water Rates Ordinance.

Section 2. Definitions.

Unless the context dictates otherwise, the meaning of terms used in this ordinance shall be as those defined in the Water Regulations Ordinance, No. 279.

Section 3. Water Availability Charges.

Water availability charges will be imposed in the amounts shown on the schedule of Exhibit "A". These charges will be assessed whether the property is occupied or not and will be included in the user fees established and set forth in the previously referenced Exhibit "A" and in Section 4 below. Lots classified as "unbuildable" are void from the changes imposed by this section.

Section 4. Water User Fees and Charges.

The water user fee for respective category assignment is shown on the attached Exhibit "A".

Section 5. Water System Development Charge.

The water system development charge (SDC) is a charge imposed for water supply, transmission and storage facilities. This charge, for each equivalent residential unit (ERU), shall be \$650.

Section 6. Service Connection Charge.

Service installation charges for all 5/8 inch and 3/4 inch meters shall be \$235 and the installation charge for a 1 inch meter shall be \$285. Additional charges may be levied when actual installation costs exceed these amounts. Non-standard water connections and installation charges for larger services shall be charged at a fee equal to the direct labor cost (salary and benefits) plus the cost of all materials and services plus 30 percent for administrative and supervisory overhead.

Section 7. Construction Standpipe Connection Charge.

The standpipe installation charge for the construction of units requiring a 3/4 inch service line shall be \$50. This cost shall include standard construction water use for a period of ninety days after which an additional \$50 will be charged. These charges are non-refundable and apply to each housing unit for each ninety day period of use.

Charges and fees for standpipe connection and water use for commercial and industrial construction purposes will be estimated by the Director of Community Services and will include the cost of all materials and services, direct labor (salary and benefits), and 30 percent for administrative and supervisory overhead.

Section 8. Fiscal Accountability

A) The revenues collected, as a result of user fees levied, shall be deposited in a separate non-lapsing fund known as the Water Fund.

B) Revenues collected, as a result of system development charges levied and collected, shall be deposited in a separate non-lapsing fund known as the Water Improvement Fund.

C) Fiscal year-end balances for the Water Fund shall be used for no other purposes than those designated in the appropriate budget established for that year. Monies which have been transferred from other sources to meet temporary shortages in the Water Fund shall be returned to their respective accounts upon appropriate adjustment of the user fees. The user fee rate(s) shall be adjusted such that the transferred monies shall be returned to the respective accounts within the fiscal year following in which the monies were borrowed. Monies transferred to other municipal accounts to meet temporary shortages shall be returned and shall not effect user fee rate(s).

Section 9. Use of Public Water System Required

A. Except for agricultural use, it shall be unlawful for any person to withdraw surface or subsurface water for domestic, commercial or industrial uses without prior authorization of the City of Troutdale.

B. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes erected within the City of Troutdale and abutting on any street, alley or right-of-way on which there is now located, or may be in the future located, a public water main of the City of Troutdale is hereby

required at his expense to install suitable facilities to connect to such water system within 90 days after the date of official notice to do so, provided that said water service is available on the property or at the property line of said property and the structures or buildings are within 300 hundred feet of said public water system.

In the event that, during the said period of 90 days, the owner shall file his written objections with the City Recorder against so being required to install and connect such facilities to the City, the City shall not enforce the provisions of this subsection upon said owner, so filing his objections, until the Council shall have, at a meeting thereof, heard the said objections of said owner, and rendered its decision thereon. The said meeting of the Council shall be held not less than 10 nor more than 45 days from the date after the date of filing of said objections with the City Recorder. Not less than 10 days prior to the date set by the Council for said meeting the City Council shall give due notice of the date set therefore to said owner. The decision of the Council shall be final and no appeal shall be taken therefrom by said owner except as provided by law.

Section 10. Billing & Collection

- A) All users shall be billed monthly. Billings for any particular month shall be made within ten days after the end of the month and payments are due within twenty days after the end of the billing month. Any payment not received within thirty days after the end of the billing month shall be deemed delinquent.
- B) A late payment penalty of 1% on the unpaid balance of the user fee bill shall be added to each delinquent bill for each thirty days or portion thereof of delinquency. When any water or sewer bill is more than sixty (60) days in default, the City reserves the right to discontinue such service(s) until such bill is paid.
- C) When any water or sewer bill (including interest and penalties) remains unpaid for one year after the date due, such bill shall be recorded in the Multnomah County Assessor's office by the City Recorder and shall, following property owner notification as mandated by State statute, constitute a lien on the property. If such lien (including interest and penalties) remains unpaid for a period of one year after date of recordation, such property shall be subject to public sale by the Recorder of the City of Troutdale and in accordance with Oregon State Statutes.

- D) The City reserves the right upon discovery of any connection to its system (approved or not) which has not been billed or paid user fees, to so assess these user fees in arrears based upon the rates in effect for the established period of time. The City reserves the right, as allowed by Oregon State Statute, to collect this full past due amount plus interest for each discovered connection. Should it be determined that this connection was illegally made, the City has the right and obligation to pursue the collection of past due amounts together with the prohibitions and penalties as set forth in the City's Water Ordinance No. 279.

Section 11. Effective Date.

All charges, fees and costs associated with this Ordinance shall be effective July 1, 1989 through June 30, 1990.

Section 12. Use of Fees and Charges.

All user fees established and collected by the City, in accordance with this ordinance, shall be applied to the established budget or supplemental budgets for the time period specified in this ordinance. Any user fees collected in excess of that necessary to meet the budget requirements will be carried forward and applied to the reduction of rates in the ensuing budget year(s).

All system development charges will be maintained in a separate capital fund and will only be used to fund capital projects or support expenditures directly related to system expansion or capacity enhancement of the system.

Section 13. Severability Clause.

If any clause, sentence, paragraph, section, or portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section or portion of this ordinance directly involved in the controversy in which the judgment is rendered.

Section 14. Repealing a Previous Ordinance.

Ordinance No. 511-0, passed on March 22, 1988, is hereby repealed.

Section 15. Modifying A Previous Ordinance.

Ordinance No. 279 (Section 3.F) passed on February 13, 1979 is hereby amended as follows:

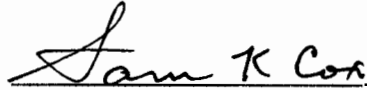
"Equivalent Residential Unit" (ERU) shall mean a unit of water which incurs the same costs for production, storage and maintenance as the average volume of water used in a single-family residence in the water service area. In the City of Troutdale, one ERU shall be equivalent to an annual average of 260 gallons per day of water used.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS
13TH DAY OF JUNE, 1989.

YEAS 6


NAYS 0

ABSTENTION 0



SAM K. COX, MAYOR
Date Signed: JUNE 15, 1989

ATTEST:



Valerie J. Raglione
City Recorder

CS73:75

MUNICIPAL CLERK

EXHIBIT "A"
 WATER RATE SCHEDULE
 EFFECTIVE JULY 1, 1989 - JUNE 30, 1990

MONTHLY CHARGE/METER/SIZE (INCHES)

USER CLASS	MONTHLY AVAIL CHARGE	5/8-3/4"	1"	1-1/2"	2"	3"	4"	6"	8"	10"	
		(MONTHLY CHARGE INCLUDES AVAILABILITY AND 5000 GALLONS)									
RESIDENTIAL	\$ 4.00	\$ 11.00	\$ 18.15	\$ 29.25	\$ 42.60	\$ 78.20	---	---	---	---	
COMMUNITY SERVICE	6.50	13.50	20.65	31.75	45.10	80.70	\$ 90.75	\$172.25	\$269.75	---	
COMMERCIAL/INDUSTRIAL	6.50	13.50	23.10	39.10	58.30	109.50	167.35	327.35	519.35	---	
OTHER (2)	9.00	16.00	25.60	41.60	60.80	112.00	169.85	329.85	521.85	---	
STANDBY (3)	N/A	---	---	6.00	8.00	12.00	16.00	24.00	32.00	\$ 40.00	
INSTALLATION (4)	N/A	235.00	285.00	-----COST + INSTALLATION + OVERHEAD -----							

COMMODITY CHARGE / 1000 GALLONS (5)

	5000-10,000 GALLONS	10,001-20,000 GALLONS	20,000-40,000 GALLONS	OVER 40,000 GALLONS
RESIDENTIAL	\$ 1.35	\$ 1.25	\$ 1.10	\$.80
COMMUNITY SERVICE	1.35	1.25	1.10	.80
COMMERCIAL/INDUSTRIAL	1.35	1.25	1.10	.80
OTHER	1.30	1.25	1.10	.80
STANDBY (3)	2.60	2.50	2.80	2.80

STANDPIPE (3/4")(5) \$ 50.00 (90 DAYS)
 SYSTEM DEVELOPMENT CHARGE \$650.00 (PER ERU) (6)

NOTES:

1. Service Charge for "Availability", Fire Flow Reserves and Peaking Requirements assessed to all properties on a parcel (or lot) basis. This amount is included in the rates/meter size listed.
2. Additional commodity charge reductions may be considered for monthly consumption over 80,000 gallons.
3. Standby Fire Service requires new construction to include a "detector check" with a meter. Existing installations without these standard configurations will be billed at a rate twice that listed for standby service.
4. Installation charges for services 1 1/2" and over are billed at the cost of equipment, fittings, et cetera plus direct labor and applicable City overhead. All installations requiring excessive pavement cuts, excessive or special conditions may be billed for additional costs.
5. Single family (one unit) construction use only. Requires additional charges if used more than 90 days. Other construction use will be estimated and charged accordingly.
6. One (1) ERU = 260 gallons per day (annual average).