

ORDINANCE BILL NO. 4

ORDINANCE NO. 1627

A BILL FOR AN ORDINANCE ESTABLISHING A SANITARY SEWER CONNECTION CHARGE, AND DECLARING AN EMERGENCY.

The People of the City of Lebanon do Ordain as Follows:

Section 1. Purpose. After appropriate and lengthy review and study, receiving recommendations of a committee that has studied the matter, and holding a public hearing, the City Council has determined that a sanitary sewer connection charge is reasonable and necessary. Said charge is for the construction, and expansion of the sanitary sewer system and treatment plant in the city and areas adjacent.

Section 2. Definitions.

(a) Sanitary Sewer Connection Charge. For the purposes of this ordinance the title shall be considered synonymous with other titles of similar ordinances in other municipalities which may include, but are not limited to, community facilities development charge, systems development charge, utility systems development charge and public policy of the sanitary sewer system.

(b) Applicant. A person, corporation, association or agency applying for sewer service.

(c) City. City of Lebanon, a municipal corporation of the State of Oregon.

(d) Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(e) Dwelling Unit. One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

(f) Commercial Building. All buildings or premises, other than a dwelling unit, used for any purpose having a sewage discharge of only segregated domestic waste and volume similar to a single family dwelling unit or multi-unit residential structure, but not an industrial user.

(g) Industrial User. Any business, occupation or enterprise having sewage discharge which, by reason of the manufacture or industrial process involved or through services rendered, has any volume in excess of a single family residence or is of a kind or type dissimilar to that of a single family residence because of the discharge of chemicals or by products of the industrial process. The city shall determine when a user is an industrial user with the use of sampling equipment. All expenses incurred by the city in the determination of an industrial user shall be at the cost of the user's expense.

(1) The sanitary sewer connection charge for future and existing industrial users shall be determined on an individual basis at the time it is determined that the user is an industrial user. The City Council may waive the sanitary sewer connection charge based on the dollar amount of the "industrial cost recovery" monthly cost to the user.

No portion of this ordinance shall be interpreted to waive the city's right to administer an ICR program for all existing and future industrial users connected to the city's sanitary sewer collection and treatment system.

In addition, when a user is determined by the City Engineer to be a potential industrial user, the user shall pay all costs (includes testing rate determination, administrative costs) associated with determining whether the user is an industrial user.

(h) Plumbing Fixture. An approved receptacle or device intended to receive water, liquids or other permissible wastes, and which discharge into the customer's sewer service connection.

(i) Floor area. The floor area is the area (sq. ft.) included within the surrounding exterior walls of a building or portion thereof, exclusive of courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The total floor areas for buildings may be made up of one or both of the above definitions of floor area.

Section 3. Sanitary sewer connection charge imposed, rate adjustment and review.

(a) A sanitary sewer connection charge is imposed upon all buildings and premises inside and outside the city limits, which utilize sewer facilities of the city, except existing buildings and uses thereof which are within the city limits as of January 1, 1977 and are connected to a private sewage disposal system.

(b) The rates imposed in this ordinance shall be submitted for consideration of adjustment by resolution of the City Council annually to reflect the increase or decrease of construction costs as determined for that period by the "Engineering news record" cost of construction index published by McGraw-Hill publishing company for the area nearest Lebanon.

(c) This ordinance and all amendments thereto, shall be reviewed every two years by a nine member committee appointed by the Mayor and made up of the following: three city Councilmen or Councilmen elect, one representative of a lending institution, three representatives of the building industry, one member of the Planning Commission and one member at large. The committee shall examine all aspects of the ordinance which include but are not limited to: rates, all expenditures from the sanitary sewer capital reserve fund and fee collection system. They shall make their recommendations to the City Council.

Section 4. Rates.

Single Family Dwelling	\$ 325
Duplex (2 living units)	\$ 450
Multi-Family (per unit)	\$ 200
Mobile Home (per site or space)	\$ 300
Motels & Hotels (per unit)	\$ 175
Fraternity, Sorority and Student Housing (per bed)	\$ 100
Offices (per 1000 sq. ft.)	\$ 250
Restaurants, Taverns, Bars, Laundromats, Carwash, Cleaners & Cocktail Lounges (per 1000 sq. ft.)	\$ 500

Retail Stores (per 1000 sq. ft.)	\$ 225
Manufacturing, Factories (per 1000 sq. ft.)	\$ 175
Hospitals, Nursing Homes (per 1000 sq. ft.)	\$ 200
Warehouses (per 1000 sq. ft.)	\$ 100
Assembly areas, Theatres, Skating Rinks, Churches, Stadiums (per 1000 sq. ft.)	\$ 150

All public schools and accessory uses thereto shall be exempt from paying any sanitary sewer connection charge.

Any type of structure (occupancy) not mentioned specifically or about which there is any question shall be classified by the Building Official and included in the group which its sanitary facilities usage most nearly resembles.

When a building is used for more than one purpose the Building Official may charge each area different rates, accordingly.

When any structure or portion thereof has more than one use the higher rate usage shall be charged.

Structures whose rates are based on square footage shall be charged on the total square footage of the structure.

When the occupancy or character of a structure is changed so as to require a higher charge, credit shall be given for the amount paid for the prior use. Credit shall also be given to existing structures and uses of said structures inside the city limits, as of January 1, 1977, as if that structure and its use had been charged a sanitary sewer connection charge at the time it was constructed. The credit so computed shall not exceed the

calculated sanitary sewer connection charge. No refund shall be made on account of such credit.

Section 5. Collection. At the time a Building Permit is issued by the Building Official or his duly authorized Representative, the applicant shall be notified of the amount of the sanitary sewer connection charge payable to the City. The amount shall be due when the owner and/or contractor calls for a final inspection of the structure and prior to occupancy of the structure. Before the permit is issued the applicant shall sign a form provided by the City which shall contain, among other things, the following:

- (a) Date of application;
- (b) Applicant's name, address, telephone and signature;
- (c) Description of building and premises;
- (d) Amount of charge.

When Council authorization is given to connect to the sanitary sewer system for structures outside the existing city limits, the sanitary sewer connection charge shall be paid in full at the time when permission is granted to connect into the system.

All structures annexed into the city after January 1, 1977, shall be charged a sanitary sewer connection charge at the time when connecting into the sanitary sewer system.

Whenever a sanitary sewer connection charge of \$325 or more would otherwise be due and collectible the owner or owners of the parcel of land may apply upon forms provided by the City Finance Officer for the voluntary imposition upon the parcel of a lien for

the full amount of the sanitary sewer connection charge and the payment of the lien in 20 semi-annual installments plus interest at 12% per annum. The burden of showing the identity of the owner or owners of record or of the contract purchaser or purchasers of record of the parcel shall be upon the applicant. Upon receipt of such an application the Building and Planning Official shall compute the amount of the systems development charge and shall report to the City Finance Officer the amount of the sanitary sewer connection charge, the date upon which that is due, the name or names of the owner or owners of record or the purchaser or purchasers of record, and the description of the property; and upon receiving that report, the City Recorder shall docket the lien in his docket of liens; and from the time that docketing is completed, the City shall have a lien upon those buildings and premises for the amount of the charge plus interest. Said liens shall be enforced in the manner provided in ORS Chapter 223.

Any structure on any parcel of land that is exempt from having to acquire a building permit or who fails to secure a valid building permit when required is not thereby exempt from paying any part of the sanitary sewer connection charge. The owner of said structure, prior to the commencement of any construction, shall notify the city that such construction is imminent and the Building Official shall issue to the owner a fee-exempt building permit for such construction. Upon that occasion, or as soon as the Building Official learns that construction has commenced, the sanitary sewer connection charge shall become immediately due and

payable, but the owner may apply to pay said charge by the lien and installment method previously mentioned.

The sanitary sewer connection charge for trailer and mobile home parks and mobile home subdivisions shall be due and payable when the lots and/or spaces first become in use, provided that no connection to the sewer facilities of the city be made until the appropriate sanitary sewer connection charge has been paid or the lien and installment payment method has been applied for.

Section 6. Exemptions.

(a) All dwelling units existing within the City on January 1, 1977, on which alterations, additions and/or repairs are performed (except when a new dwelling unit is created) shall be exempt from paying any sanitary sewer connection charge.

(b) All existing and future structures which contain no plumbing fixtures shall be exempt from paying any sanitary sewer connection charge, provided however, that when structures are permitted by state Building Codes to have sanitary facilities located in adjacent buildings, then those structures shall be assessed the sanitary sewer connection charge as if the structure contained plumbing fixtures. Structures accessed to already existing structures which contain plumbing fixtures shall not be exempt from paying the sanitary sewer connection charge.

(c) All temporary structures connected to the sanitary sewer system for no longer than 30 days shall be exempt from paying any sanitary sewer connection charge.

(d) Warehouses constructed for use solely for the purpose of storing goods, wares, or merchandise shall be exempt from the sanitary sewer connection charge for that portion of the building area which exceeds 5,000 sq. ft. If the use of that structure is changed the sanitary sewer connection charge shall be payable when the structure becomes re-occupied.

Section 7. Disposition of Collected Revenues. All funds derived from the sanitary sewer connection charge are to be segregated by accounting practices from all other funds of the City and be placed in a sanitary sewer fund. All funds held in the sanitary sewer fund shall be used for no other purpose than extra-capacity facilities which include but are not limited to participation in sewer mains over eight (8) inches in diameter, separation of storm and sanitary sewers, pumping stations and all expansions or additions to the sewage collection and treatment system, except service laterals eight (8) inches or less in diameter. The City Finance Officer may remove an amount of the fund ^{the cost of} for/maintaining and investing of the fund, but in no case shall the amount exceed \$1,000 per fiscal year, or the amount of interest earned in any fiscal year, whichever is less.

Section 8. Appeals. Any person who is aggrieved by any decision of the Building Official required or permitted to be made under this ordinance may appeal that decision to the City Administrator who may affirm, modify, extend or overrule any

decision made by the Building Official. Any person who is still further aggrieved by any decision of the City Administrator may appeal that decision to the City Council by filing a written request with the City Recorder describing the decision of the City Administrator and any other information and facts that have a bearing on the matter. In determining the appeal, the Council shall determine whether the City Administrator's decision is correct and may affirm, modify, extend or overrule that decision.

Section 9. Severability. Should any portion of this ordinance be held to be invalid or unenforceable, it shall not affect the validity of the ordinance as a whole or any other portion thereof.

Section 10. Penalties.

(a) Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.


(b) Any person who shall continue any violation beyond the time limit provided for in Section (a) shall be guilty of a misdemeanor. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this ordinance shall become liable to the City for any expenses, loss, or damage occasioned the City by reason of such violation.

Section 11. Emergency Clause.

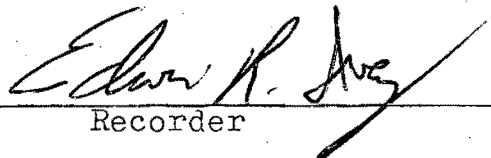
Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council by a vote of 6 for and 0 against, and approved by the Mayor this 23 day of February, 1977.



Mayor

ATTEST:



Recorder