

ORDINANCE BILL NO. 5

ORDINANCE NO. 1628

A BILL FOR AN ORDINANCE ESTABLISHING A STREET
IMPROVEMENT 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 street improvement charge is reasonable and necessary. Said charge is for the construction, expansion and land acquisition of all existing and future streets in the city and areas adjacent.

Section 2. Definitions.

(a) Applicant or Owner. A person, corporation, association or agency.

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

(c) 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.

(d) 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.

(e) Commercial and Industrial Building. All buildings or premises, other than a dwelling unit.

Section 3. Street Improvement Charge imposed, rate adjustment and review.

(a) A street improvement charge is imposed upon all structures built upon land inside and outside the city limits, except existing property exempted in Section 6 of this ordinance.

(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 street capital reserve funds and fee collection system. They shall make their recommendations to the City Council.

Section 4. Rates.

	<u>Street</u>
Single Family Dwelling	\$ 125
Duplex (2 living units)	\$ 170
Multi-Family (per unit)	\$ 85
Mobile Home (per site or space)	\$ 85
Motels & Hotels (per unit)	\$ 50
Fraternity, Sorority and Student Housing (per bed)	\$ 50
All Commercial and Industrial Uses (per 1000 sq. ft.)	\$ 100

All public schools and accessory uses thereto shall be exempt from paying any street improvement charge.

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 street improvement 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.

All land annexed into the city after January 1, 1977, shall be charged a street improvement charge at the time when connection is made to the City sewer system.

Whenever a street improvement charge of \$85.00 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 street improvement 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 City Finance Officer shall compute the amount of the street improvement 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 or 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 street improvement 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 street improvement 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 street improvement 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 street improvement 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 street improvement charge.

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

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

(d) Any structure which is demolished or destroyed by fire or other natural causes shall not be assessed the street improvement charge when a new structure is built, as long as the structure is rebuilt within two (2) years after a permit for demolition has been issued. The exemption will only be given for the size of the unit that was on the lot. If a larger structure containing more living units or more square feet, in the case of commercial or industrial building, is erected the applicant shall pay the additional street improvement charge.

(e) ^{structures hereafter built on} All/legal lots within the city limits as of January 1, 1977 shall be exempt from paying the street improvement charge, except that when new lots are created and built upon, the street improvement charge shall be due and payable. The street improvement charge shall also be due and collectable when more than one living unit is built upon any one lot, except for corner lots where duplex units are an outright permitted use and do not require a Use Permit. The first living unit built upon an undeveloped lot within the city as of January 1, 1977 shall be exempt from paying the street improvement charge.

Section 7. Disposition of Collected Revenues. All funds derived from the street improvement charge are to be segregated by accounting practices from all other funds of the City and be placed in a street fund. All funds held in the street fund shall be used for no other purpose than extra-capacity facilities which include but are not limited to participation in signalization, channelization, arterial streets, collector streets, street widening, participation in overwidth

street paving, storm drainage, right-of-way acquisition, bike and foot paths and sidewalks in areas normally paid by the City. The City Finance Officer may remove an amount of the street fund for the cost of maintaining and investing of the fund, but in no case shall the amount exceed \$400.00 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 there.

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.

W. F. Spiros
Mayor

ATTEST:

Elmer R. [Signature]
Recorder