

A BILL FOR AN ORDINANCE PRESCRIBING)
SERVICE CHARGES FOR THE EMPLOYMENT,)
USE AND BENEFITS OF THE SEWERAGE)
FACILITIES OF THE CITY, PROVIDING)
FOR THE METHODS OF CHARGES FOR SERVICE)
AND THE COLLECTION THEREOF, PROVIDING)
FOR A PENALTY FOR NON-PAYMENT,)
PROVIDING FOR THE DISPOSITION OF THE)
FUND COLLECTED FROM THE SAID CHARGES,)
REPEALING ORDINANCE NO. 1729 AND)
DECLARING AN EMERGENCY.)

ORDINANCE BILL NO. 1
for 1980

ORDINANCE NO. 1768

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1. CHARGES. The following just and equitable charges for sewer service and subsequent sewer service are hereby levied and imposed on:

A. All premises and users served by Lebanon City sewer, and

B. Upon other premises within the City limits on which there is a dwelling or other building requiring sanitary sewage disposal and to which sanitary sewer service is readily available.

C. A "user" means a person, corporation, firm, association, or partnership which:

- (1) Uses and receives the benefit of the City of Lebanon sanitary sewer system.
- (2) Owns the premises on which the said sanitary sewer system is utilized.
- (3) Owns the premises described in subparagraph B. above.

Section 2. CHARGE RATES. The just and equitable charges aforesaid are hereby established, determined and declared to be as follows:

A. The monthly billing rate of a user shall be based on the average demand placed on the City's system by the particular group into which that user falls as determined by the City Engineer. Such demand shall consist of all applicable factors which reasonably determine the cost of treatment incurred by the City in providing this utility service.

B. In the case of a user which could be classified in more than one group, the following guidelines shall be applied:

(1) If the user could be classified in two groups, the higher rate shall apply.

(2) If the user could be classified in more than two groups, then a combination of the rates shall be charged or the rate shall be based on all applicable available data.

(3) Water usage figures, when used, shall be those provided by Pacific Power and Light Co. for a three-month period with allowances for any irrigation. They shall be an average figure for a representative period as determined by the City Engineer. If these figures are not available thru Pacific Power and Light Co. per the City's existing agreement for computer print-outs, then it shall be the user's responsibility to provide the City Engineer with sufficient data to determine the usage.

C. Schools (Group 7) shall be charged a fixed yearly fee which is based on the number of part time and full time students enrolled in the school and who attend classes on the specific campus on September 30th of each year. The fee calculated will be effective on the following January 1st.

D. Restaurants, restaurants with a bar, drive-ins, bars and taverns shall be charged a yearly fee which is based on their January, February and March accumulative water consumption for the previous year. These water consumption figures shall be those supplied by Pacific Power and Light Co.

If no water consumption records are available for the above mentioned period, the City Engineer shall make a reasonable estimate as to which billing group the business shall be classified. That classification shall be reviewed and adjusted, if warranted, by the City Engineer upon receipt of applicable Pacific Power and Light Co. records or other reasonable data.

The accumulative water consumption "Guide Line" values which shall be used for establishing billing groups for restaurants, restaurants with a bar, drive-ins, bars and taverns are as follows:

Group 1	-	0- 20	hundred	cubic	feet	(hcf)
Group 2	-	21- 86	"	"	"	"
Group 3	-	87-245	"	"	"	"
Group 4	-	246+	"	"	"	"
Group 5	-	N/A				
Group 6	-	N/A				
Group 7	-	N/A				

E. Each group shall be comprised of, but not limited to,
the following:

- Group 1: Single or Multiple Family (per dwelling unit)
Trailer Park (per dwelling unit)
Churches (each)
Restaurants, Restaurants w/bar and Drive-ins (each)
Car Sales Lot (with no repair facility) (each)
Group/Boarding Home (per 5 living units)
Bars/Taverns (each)
General or Retail Business (per 2 or less sinks)
Auto Repair Shops/Facilities (each)
Combined Office Building (per 4 offices)
Beauty/Barber Shop (each)
Swimming Pool (each)
Medical Office (single practice only)
Grocery Store (local or neighborhood type) (each)
Convenience Food Store (local or neighborhood) (each)
- Group 2: Medical Clinic (more than 1 practice)
Service Stations (each)
Car Dealers (with on-site repair facilities) (each)
Restaurants, Restaurants w/bar and Drive-ins (each)
Pharmacy (each)
Auditoriums/Theaters (each)
Bars/Taverns (each)
Roller Rinks/Bowling Alleys (each)
Dry Cleaners (each)
Funeral Homes (each)
- Group 3: Dairy (each)
Bars/Taverns (each)
Restaurants, Restaurants w/bar and Drive-ins (each)
Bakeries (each)
Lodges/Clubs (each)
Supermarket (regional, chain type full-service store,
with or without bakery)(each)
- Group 4: Laundromat (each)
Restaurants, Restaurants w/bar and Drive-ins (each)
Nursing Homes
Bars/Taverns (each)
- Group 5: Hospitals (each)
- Group 6: Industrial Users
- Group 7: Schools

Any use not specifically described herein shall be grouped as determined by the City Engineer. Any appeal as to the group assignment shall be processed in the same manner as described in paragraph G below.

F. User fees shall be as follows:

<u>Group No.</u>	<u>Monthly</u>	<u>Yearly</u>	<u>Quarterly</u>
1	\$ 4.25	\$ 51.00	\$ 12.75
2	7.50	90.00	22.50
3	18.50	222.00	55.50
4	52.00	624.00	156.00
5	140.00	1680.00	420.00
6	-----individually determined-----		
7	\$ 0.0803 per student	\$ 0.9636 per student	\$ 0.2409 per student

G. Appeal of the rate established by the City Engineer shall be made in writing to the City Engineer within sixty (60) days of the billing of said use fee. He shall repond in writing within sixty (60) days of receipt of the appeal. If the user wishes to appeal further, they shall request in writing that the City Engineer place their specific appeal on the next scheduled regular City Council session. The decision of the City Council shall be final.

Section 3. PAYMENT OF CHARGES. The sewer service charges outlined above shall be effective January 1, 1979, except for schools (Group 7) which shall become effective on January 1, 1980. The monthly charge shall be calculated annually in advance on or before the 1st day of January of each year, for all users liable for

payments and known to the City on or before January 1 of each year. All sewer service charges shall be due and payable quarterly in advance, on the 10th day of January, April, July and October. Interest shall be charged and collected on any sewer service charges not so paid, at the rate of one percent (1%) per month, until paid.

Any new user shall pay the proportion of the rates or charges that remain from the time of connection to the first day of January immediately thereafter. The charges are to be pro-rated on a monthly basis with each fraction of a month to be considered as a whole.

Section 4. COLLECTION OF CHARGES. Such sewer service charges levied in accordance with the ordinance shall be a debt due the City and shall be a lien upon the property. If this debt is not paid within thirty (30) days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action at law against the property owner, the user, or both. Delinquent accounts shall draw interest at one percent (1%) per month from the date due and payable until paid. All sewer service charges accruing, accrued, or delinquent accounts may be enforced in any lawful manner and also pursuant to provisions of ORS 454.225.

Section 5. SEWER SERVICE FUND. Sewer service charges and receipts therefrom, as and when collected, shall be paid over to the City Treasurer for deposit in a fund known as "Sewer Service Fund." The monies in said fund shall be used for the establishment, operation, maintenance, improvement, repair and extension of the

of the City sewage disposal plant or plants and sewers; and for all equipment, appurtenances, and other items or expenses relevant and necessary for the useful and convenient construction, operation and maintenance of said plants and sewer system. The administrative costs for collecting said charges and administering this Ordinance shall be payable from said special fund.

Section 6. ABUTTING PROPERTY. When charges are made in those instances where sewer service is not in fact furnished, but the service is available or abutting the property charged (as referred to in Section 1 (B) above), said charges may be waived by the City Engineer. Application for such a waiver shall be made by the owner or occupant of the property, stating fully the grounds for the application. Before a waiver of the sewer charge may be granted, the City Engineer shall first determine:

(a) That special topographical conditions affecting the property exist that are not common to all property in the area.

(b) That such special topographical conditions would necessitate the installation and maintenance of pumps or other special equipment which will thereby increase the cost of sewer service to the applicant over and above that of other property owners in the area.

(c) That the waiver of the sewer service complies with the spirit and intent of these regulations and will not be detrimental to the public health, safety or welfare, or injurious to other properties in the vicinity.

(d) The City Engineer shall act upon the application or waiver of sewer service charge within thirty (30) days after the filing thereof. If the City Engineer disapproves the application, he shall mail to applicant forthwith a notice of his action.

(e) Any person aggrieved shall have the right to appeal the decision of the City Engineer as to denial of the application to the City Council. The appeal shall be taken within ten (10) days after receipt of notice and shall be made by written notice to the City Council that the aggrieved person appeals the denial of the application. The City Council shall act upon the appeal within twenty (20) days after receipt of said notice of appeal, and its action shall be final.

Section 7. DISCONTINUANCE OF SERVICE. In the event of failure to pay sewer service charges after they become delinquent or failure to comply with the provisions of this ordinance, or failure to have flow or sampling devices in proper operating condition for more than one week, if required by the City Engineer, the City shall have the right to discontinue, remove or close sewer connections and enter upon the property for accomplishing such purpose.

The expense of such discontinuance, removal or closing as well as the expense of restoring service, shall be a debt due to the City and a lien upon the property and may be recovered by civil action or lien enforcement methods provided above, against the property owner, the user, or both.

Any user wishing to obtain a discontinuance of billing for a period of time due to "non-use" for any reason shall be required to physically disconnect the service lateral from the public main and properly cap the stub-out as directed by the City Engineer and with inspection by the City Building Official or his representative.

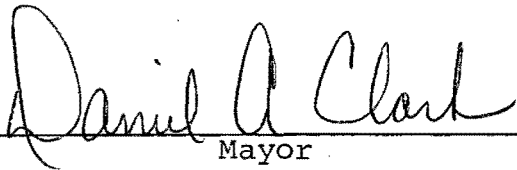
Section 8. SEVERABILITY. It is hereby declared to be the intent of the Council that each of the separate provisions hereof shall be deemed independent to the end that if any provisions hereof shall be declared invalid by any Court of competent jurisdiction, or to be unconstitutional, such judgment shall not affect the validity of the remaining portions of this Ordinance, and it is hereby expressly declared that every other Section, subdivision, paragraph, provision or clause of this Ordinance would have been enacted irrespective of the enactment or validity of the portions hereof declared or adjudged to be unconstitutional or invalid.

Section 9. EFFECTIVE DATE. This Ordinance shall be retroactive and the charges shall commence accruing as of and on January 1, 1979, except for schools which shall be January 1, 1980, and shall be reviewed and revised on annual basis as needed.

Section 10. VALIDITY. (a) Ordinance No. 1729 is hereby repealed. (b) 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.

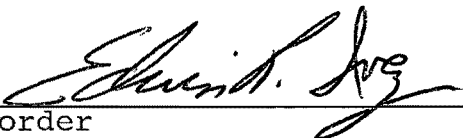
Section 11. EMERGENCY CLAUSE. Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council by a vote of 4 for and 0 against, and approved by the Mayor this 9th day of January, 1980.



Mayor

ATTEST:



Recorder