

ORDINANCE NO. 36

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF WILSONVILLE, TO OPERATE AND MAINTAIN A SEWAGE COLLECTION AND TREATMENT SYSTEM; ESTABLISHING AND IMPOSING JUST AND EQUITABLE CHARGES UPON PREMISES SERVED BY THE SEWERAGE SYSTEM; AND PROVIDING FOR THE MANNER OF PAYMENT, COLLECTION, ENFORCEMENT AND DISBURSEMENT OF SUCH CHARGES; REPEALING ORDINANCE NO. 24; AND DECLARING AN EMERGENCY.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

SECTION 1 Authority and Intent.

Pursuant to the statutes of the State of Oregon and the powers granted in the charter of the City of Wilsonville, the City does hereby declare its intention to acquire, own, construct, equip, operate and maintain sanitary sewers, sewage pump stations, sewage treatment plants, and outfall sewers; to extend and expand the existing sewerage system of said City; and to reconstruct such existing sanitary sewers, sewage pump stations, and sewage treatment plants as may be deemed proper by the City Council.

SECTION 2 Definitions.

A. "Sewage" shall mean a combination of the water-carried wastes, from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm waters as may be present.

B. "Sewerage System" shall mean all city-owned facilities for collecting, pumping, treating and disposing of sewage.

C. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

D. "Sewer" shall mean a pipe or conduit for carrying sewage.

E. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

F. "Multi-family" shall mean two or more family occupancy.

G. "Superintendent" shall mean the employee or representative of the City authorized to perform the duties designated in this Ordinance.

H. "Service Connection" shall mean a public sewer which has been constructed to the property line or right-of-way from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.

I. "Building Sewer" shall mean the extension from the building drain to the property line or right-of-way line for connection with the public sewer service connection.

J. "Major Sewer Line Extension" shall mean a public sewer greater than six (6) inches in diameter and more than one hundred and fifty (150) feet long.

SECTION 3 Sewer Permit and Permit Fees.

A. There shall be two classes of building sewer permits (1) for residential, single and multi-family service (2) for non-residential services.

B. Plan Check Fees. To cover the cost of review of proposed public sewerage systems extensions requiring State and/or City and for inspections of sewer construction a plan check fee will be charged. The charge will be the actual cost of reviewing, checking and inspecting the sewerage system plus twenty percent (20%) for overhead and administration, but not less than one hundred dollars (\$100).

C. Permit Fees. To cover the cost of processing the sewer permit application and performing the inspection of the building sewer to the sewer system, the following fees will be charged:

Single-family Residential	\$15.00
Multi-family Residential, \$3.00 per unit but not less than	\$30.00
Commercial	\$35.00
Industrial (actual cost + 20%) but not less than	\$50.00

D. Additional Inspection Charges. If anyone making a connection applies for an inspection on a day other than a regular working day for the inspectors, the applicant shall be charged with and pay an additional inspection fee of ten dollars (\$10.00) for each such inspection. If additional inspections are required due to failure of the building sewer to pass the requirements for the installation of said sewer, the applicant shall be charged with and pay an additional inspection fee of five dollars (\$5.00) for each such inspection. Said additional inspection fee shall be paid prior to final approval of the connection being inspected.

E. Service Calls. The City assumes no responsibility for the adequacy, reliability or maintenance of the "building sewer." Blockage or other malfunctions of the building sewer shall be corrected by the property owner at his own expense.

#### SECTION 4 Charges for Sewer Service Levied and Imposed.

A. There are hereby levied and imposed upon the owner of any dwelling that are required to connect to the sanitary sewer system of the City, just and equitable charges for sewer service.

B. Dwellings that are served by pumping units shall be subject to the sewer service charges provided by this ordinance unless lesser charges for such dwellings are enacted by resolution of the City Council.

C. Any dwelling that is on property abutting on any street, alley or right-of-way in which there is located a sanitary sewer of the City of Wilsonville and that by reason of ordinance, resolution or motion duly adopted by the City Council is not required to connect to the sewerage system shall be subject to the sewer service charges provided by this ordinance unless lesser charges for such dwellings are enacted by resolution of the City Council.

D. When sewer service is initially provided to existing dwellings that are required to connect, said sewer service charge shall first be levied for the month following the month in which dwellings are permitted to be connected to the sewer.

E. When new dwellings are served by the sewerage system, said sewer service charge shall first be levied for the month following notification to connect or the first month in which the dwelling is occupied or sewers utilized.

F. Sewer service charges are to be levied and imposed based upon the availability of sewer service and are not dependent upon the owner's schedule for connecting to the sewerage system after said system is available.

G. The minimum sewer service charge for an individually billed service shall be equal to the charge for a residential service.

H. Sewer service charges may be billed to an occupant; however, the property owner shall be ultimately responsible for all sewer service charges to his property.

I. Rates for sewer service. See Table 1 attached hereto and incorporated herein. Rates for sewer service to properties outside the City shall be 1.5 times those shown in Table 1.

SECTION 5 Sewer Connection Charges Levied and Imposed.

A. There is hereby levied and imposed upon the owner of any dwelling connected or required to connect to the sanitary sewer system of the City a just and equitable connection charge. Said connection charge shall be a revenue source to the City of Wilsonville and shall not entitle the property owner to a service connection line between the sanitary sewer system and the property to be served.

B. The service connection charge is levied upon a property based upon the existing or intended use of the property at the time of application for connection. If the property is improved, expanded, subdivided or otherwise modified so as to increase the connection fee due from that property, a service connection fee shall be levied for the modified portion of the property based upon the connection charge in effect at the time of the modification.

C. Dwellings that are served by pumping units shall be subject to the sewer connection charge provided by this ordinance unless lesser charges for such dwellings are enacted by resolution of the City Council.

D. Sewer connection charges levied by this ordinance shall be due and payable with the building permit fee or before connection to the public sewer whichever is applicable.

E. Rates for connection fee. See Table 2 attached hereto and incorporated herein. Rates for connection fee to properties outside the City shall be 1.5 times those shown in Table 2.

F. Any person applying for a permit to connect a property directly to a public sewer which was installed without direct or indirect cost to the owner or prior owner of the connecting property, shall pay a connection surcharge unless said connection is made by a major sewer line extension. The surcharge minimum rate will be \$750.00, or \$2,000.00 per acre of developed area within 150 feet of the public sewer, or right of way whichever is greater until 30 June 1972 and then increasing \$75.00 and \$200.00 respectively at the start of each year thereafter to a maximum of \$1,800.00 and \$4,800.00 respectively.

G. For properties where interior easements are obtained a credit against the surcharge applied to a second side as computed above less the direct cost of securing said easement will

be made. The criteria used in computing this credit on the second side will be as follows:

1. The full surcharge rate for the first side. The first side selected shall be the side which results in the largest surcharge. X
2. When the property is greater than 500 feet wide, measured perpendicular to the sewer, and the distance to the property line on the second side is 400 feet or greater, there will be no credit computed.
3. When the property is greater than 500 feet wide and the distance to the property line on the second side is greater than 250 feet but less than 400 feet there will be a credit of 25 percent on the surcharge.
4. When the property is greater than 500 feet wide and the distance to the property line on the second side is 250 feet or less, there will be a credit of 50 percent on the surcharge.
5. When the property is less than 500 feet wide, there will be a credit of 50 percent on the surcharge.
6. No surcharge will be applied to the second side where the property line is less than 50 feet except where less than the maximum area has been computed in the first side, in which case up to a maximum of 150 feet will be computed for both sides.

#### SECTION 6 Appeals Procedure.

A. Any person aggrieved by a ruling under or interpretation of the provisions of this ordinance may submit a written appeal to the City Council of the City of Wilsonville. The appeal shall set forth the events and circumstances leading to the appeal, the nature of the ruling or interpretation from which relief is sought, the nature of the impact of the ruling on appellant's property or business together with any other reasons for the appeal.

B. The City Council will consider the appeal at the next regular council meeting or within thirty (30) days of receipt of the appeal, and hear testimony if deemed necessary. The decision of the Council will be final.

SECTION 7 Payment.

Every person subject to a charge hereunder shall pay the same when due to the Recorder of the City of Wilsonville.

SECTION 8 Collection.

A. The Recorder of the City is hereby directed to collect the sewer service charges and connection fees as provided for herein.

B. Sewer service and connection fees as and when collected shall be paid into a fund designated as the "Sewer Fund."

C. Sewer service charges as hereinbefore provided shall be collected bi-monthly and if not paid on or before fifteen (15) days after the date of billing, said charges shall be deemed to be delinquent.

D. Delinquent sewer service and service connection accounts shall bear interest from the day of delinquency at a rate of eight percent per annum. The Recorder may excuse interest payments on accounts delinquent for 30 days or less.

SECTION 9 Enforcement.

A. The Recorder of the City may use such means of collection as may be provided by the laws of the State of Oregon or permitted by the Charter and Ordinances of the City of Wilsonville.

B. Any delinquencies may be certified to the tax assessor of Washington and Clackamas counties and be by him assessed against the premises serviced and shall thereupon be collected and paid over in the same manner as other taxes are certified, collected, and paid over.

C. In the event it becomes necessary to certify the service charges, connection charges and interest charges established because of the non-payment thereof, there shall be added to such charges a penalty in the amount of ten percent thereof.

SECTION 10 Disbursement.

A. The City Council, by resolution or motion duly adopted, shall from time to time and not less than once each fiscal year, direct the transfer of funds from the sewer fund to all or any of the following:

1. The account or accounts for the construction, operation, and maintenance of the sewerage system.

2. The account or accounts for the payment of principal and interest on maturing sewer bonds.

3. The account or accounts established for a sewerage system sinking fund.

#### SECTION 11 Powers and Authority of Inspectors.

The Superintendent and other duly authorized employees and representatives of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection in accordance with this ordinance at such times and during such hours that the City Council shall approve.

#### SECTION 12 Validity.

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 13 Repeal of Other Ordinances.

Ordinance No. 24 enacted by the Council on June 14, 1971, and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

#### SECTION 14 Emergency Clause.

Whereas an emergency exists and it is deemed necessary by the City Council of the City of Wilsonville for the preservation of the peace, health and safety and general welfare of the citizens of said City that this Ordinance take effect immediately, it shall take effect immediately upon its final passage by the Council and approval by the Mayor.

Passed on first reading of the Wilsonville City Council at a regular meeting thereof on the 23 day of April, 1973; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter, and to come up for final reading and action of the Wilsonville City Council

at a regular meeting thereof to be held on the 23 day of April, 1973, at the hour of 8:00 o'clock p.m. at the Wilsonville City Hall.

  
Phillip R. Balsiger - Mayor

ATTEST:

  
Marjorie A. Hintz - City Recorder

Passed on final reading at a regular meeting of the Wilsonville City Council this 14 day of May, 1973, by the following vote: Yeas 5, Nays 0

  
Phillip R. Balsiger - Mayor

ATTEST:

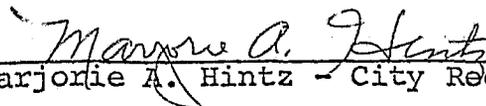
  
Marjorie A. Hintz - City Recorder

TABLE 1

CITY OF WILSONVILLE, OREGON

SEWER SERVICE RATES

A dwelling unit (DU) is defined as a single-family residential dwelling and is equivalent to a minimum of 16 fixture units.

For purposes of determining equivalent fixture units, the following will be used.

<u>Fixture</u>	<u>Equivalent Fixture Unit</u>
1 toilet	6
1 urinal	5
1 lavatory, sink or laundry tray	2
1 floor drain (2" max. outlet)	4
1 dishwasher (2" max. outlet)	3
1 bathtub or shower	2
1 drinking fountain	1
1 garbage grinder	4
1 commercial washer/lb. capacity	0.75

All other fixture units equivalents not shown shall be those specified in the Oregon Uniform Plumbing Code.

<u>Class of Service</u>	<u>Service Charge</u>
<u>Residential</u>	
1. Single-family Dwelling Unit (DU)	\$3.50 per DU.
2. Multi-family	\$3.50 for first DU plus \$2.75 for each additional DU
<u>Non-Residential</u>	
<u>Commercial</u>	
3. Transient Quarters (with kitchen facilities, multi-family applies)	\$3.50 for first DU plus \$1.50 for each additional DU
4. Restaurant	\$0.30 permanent seat plus \$0.05 temporary seating capacity. 7.00 min.
5. Drive-In	\$7.00 plus \$1.00 mo. per car stall

*Sewer Service rates revised by Ordinance # 50, as shown on tables immediately following these two.*

*7-10-75*

Table 1 (Continued)

SEWER SERVICE RATES

<u>Class of Service</u>	<u>Service Charge</u>
6. Others	The greater of (a) based on monthly metered or measured water consumption, \$0.035 for first 10,000 c.f. plus \$0.03 over 10,000 c.f. (b) \$3.50/mo. per 15 employees or any fraction thereof. \$3.50/mo. min.
<b>Mobile Home Sites</b>	
7. With individual connections	\$3.50/mo. for first DU plus \$2.50/mo. for each additional DU.
8. Without individual connections	\$0.25/mo. per fixture unit. \$5.00/mo.min.
<b>Special Services, Public and Private</b>	
9. Meeting halls and churches	\$0.25/mo. per fixture unit. \$4.00/mo. min.
10. Schools	\$0.20/student and employee
11. Convalescent, nursing home and retention facilities	\$1.00/mo. per bed. \$5.00/mo. min.
12. Hospitals and clinics	\$2.00/mo. per bed \$5.00/mo. min.
<b>Industrial</b>	
13. Dry industrial	Same as applicable commercial rate.
14. Wet industrial (more than 40 lb. per day of BOD or SS)	Based on monthly metered water consumption or measured sewage flow for maximum monthly - the greater of \$0.085/100 c.f. plus (a) 6.1 mills lb B.O.D. in excess of 300 mg/l and (b) 4.6 mills/lb. ss in excess of 350 mg/l.

*Sewer service rates revised by Ordinance # 50 as shown on tables immediately following these two.*

*7-10-75*

Table 1 (Continued)

SEWER SERVICE RATES

15. Disposal of Septic Tank Sludges

\$0.03 per gal. for first 1,000 gallons, plus \$0.015 per gallon for each additional gallon for single load. \$20 min. charge.

*Sewer service rates revised by Ordinance # 50, as shown on table immediately following these two.*

*7-10-75*

TABLE 2

CITY OF WILSONVILLE, OREGON

CONNECTION FEE RATES

A dwelling unit (DU) is defined as a single-family residential dwelling and is equivalent to a minimum of 16 fixture units.

For purposes of determining equivalent fixture units, the following will be used.

<u>Fixture</u>	<u>Equivalent Fixture Unit</u>
1 toilet	6
1 urinal	5
1 lavatory, sink or laundry tray	2
1 floor drain (2" max. outlet)	4
1 dishwasher (2" max. outlet)	3
1 bathtub or shower	2
1 drinking fountain	1
1 garbage grinder	4
1 commercial washer/lb. capacity	0.75

All other fixture unit equivalents not shown shall be those specified in the Oregon Uniform Plumbing Code.

<u>Class of Service</u>	<u>Connection Fee</u>
<u>Residential</u>	
1. Single-family dwelling unit (DU)	\$250/DU to 6/30/72 increasing \$25 at start of each fiscal year thereafter to a maximum of \$600.
2. Multi-family	Same as single-family for first DU. \$200/DU for each additional DU to 6/30/72 increasing \$20 at start of each fiscal year thereafter to a maximum of \$480.
<u>Non-Residential</u>	
<u>Commercial</u>	
3. Transient Quarters without kitchen facilities	Same as single-family for first DU. \$100/DU for each additional DU to 6/30/72 increasing \$10 at start of each fiscal year thereafter to a maximum of \$240.

*Sewer service rates to be fixed by Ordinance #50, as shown on table immediately following these rates.*

*7.10 75*

Table 2 (Continued)

CONNECTION FEE RATES

with kitchen facilities	Multi-family applies.
4. Restaurant & Drive-In	The greater of: (a) 1 DU/1,500 sq.ft. of interior space times the rate/DU as determined in single-family. (b) One DU/16 fixture, one DU min.
5. Other	Same as Restaurant above.
Mobile Home Sites	
6. With Individual connections	Same as multi-family above.
7. Without individual connections	Same as single-family for first DU. \$50/DU for each additional DU to 6/30/72 increasing \$5 at start of each fiscal year thereafter to a maximum of \$120.
Special Services, Public and Private	
8. Meeting hall & churches	One DU/16 fixtures (1 DU min.) times the rate per DU as determined in single-family.
9. School	One DU/20 students and employees times the rate per DU as determined in single-family.
10. Convalescent, nursing homes & Retention Facilities	One DU/bed times the DU rate as determined in single-family (1 DU min.)
11. Hospitals and Clinics	One DU/bed times the DU rate as determined in single-family (1 DU min.)

*Sewer service rates revised by Ordinance # 56 as shown on tables immediately following these tables.*

Table 2 (Continued)

CONNECTION FEE RATES

Industrial

12. Dry Industrial

The greater of  
(a) One DU/10,000  
sq. ft. times the  
rate/DU as deter-  
mined in single-  
family

(b) One DU/16 fixtures.  
One DU min.

13. Wet Industrial  
(more than 40 lb. per day  
of BOD or SS).

Based on engineering  
study of actual costs  
to the city but not  
less than dry indus-  
trial rate. X

*Sewer service rates revised by Ordinance # 50, as shown on  
tables immediately following these tables.*

*9-20-25*

TABLE 1  
CITY OF WILSONVILLE, OREGON  
SEWER SERVICE RATES

A dwelling unit (DU) is defined as a single-family residential dwelling and is equivalent to a minimum of 16 fixture units.

For purposes of determining equivalent fixture units, the following will be used.

<u>Fixture</u>	<u>Equivalent Fixture Unit</u>
1 toilet	6
1 urinal	5
1 lavatory, sink or laundry tray	2
1 floor drain (2" max. outlet)	4
1 dishwasher (2" max. outlet)	3
1 bathtub or shower	2
1 drinking fountain	1
1 garbage grinder	4
1 commercial washer/lb. capacity	0.75

All other fixture units equivalents not shown shall be those specified in the Oregon Uniform Plumbing Code.

<u>Class of Service</u>	<u>Service Charge</u>
<u>Residential</u>	
1. Single-family Dwelling Unit (DU)	\$5.25 mo. per DU
2. Multi-family	\$5.25 mo. per 1st DU plus \$5.25 for each additional DU
<u>Commercial</u>	
3. Transient Quarters (with kitchen facilities, Multi-family applies)	\$5.25 for 1st DU plus \$5.25 for each additional DU
4. Restaurant	Based on monthly metered water consumption for \$0.00525/CF for first 10,000 CF. \$0.0045 CF over 10,000 CF

Restaurants without metered water consumption will pay per seating capacity average for similar business operating same number of hours per day.

- |                                                |                                                                              |
|------------------------------------------------|------------------------------------------------------------------------------|
| 5. Drive In                                    | \$10.50 per mo. plus<br>\$1.50 per car stall                                 |
| 6. Car Washes & Laundries,<br>Service Stations | Same base and consumption<br>charges as No. 4 (Restaurant)                   |
| 7. Other                                       | \$5.25 mo. per 15 employees<br>or any fraction thereof<br>\$5.25 mo. minimum |

Mobile Home Sites

- |                                  |                                                                             |
|----------------------------------|-----------------------------------------------------------------------------|
| 8. With Individual Connections   | \$5.25 mo. for first<br>connection plus \$5.25<br>for each additional space |
| 9. Without Individual Connection | Same as No. 8                                                               |

Special Services, Public and Private

- |                                   |                                                |
|-----------------------------------|------------------------------------------------|
| 10. Meeting Halls and Churches    | \$3.75 per dwelling unit<br>\$6.00 mo. minimum |
| 11. Schools                       | \$0.30 Student and Faculty                     |
| 12. Convalescent and Nursing Home | \$1.10 per bed<br>\$6.00 mo. minimum           |
| 13. Hospitals                     | \$2.25 mo. per bed                             |

Industrial

- |                    |                                          |
|--------------------|------------------------------------------|
| 14. Dry Industrial | Same as No. 7 Commercial                 |
| 15. Wet Industrial | To be negotiated on<br>individual basis. |

TABLE 2

CITY OF WILSONVILLE, OREGON

CONNECTION FEE RATES

A dwelling unit (DU) is defined as a single-family residential dwelling and is equivalent to a minimum of 16 fixture units.

For purposes of determining equivalent fixture units, the following will be used.

<u>Fixture</u>	<u>Equivalent Fixture Unit</u>
1 toilet	6
1 urinal	5
1 lavatory, sink or laundry tray	2
1 floor drain (2" max. outlet)	4
1 dishwasher (2" max. outlet)	3
1 bathtub or shower	2
1 drinking fountain	1
1 garbage grinder	4
1 commercial washer/lb. capacity	0.75

All other fixture unit equivalents not shown shall be those specified in the Oregon Uniform Plumbing Code.

<u>Class of Service</u>	<u>Connection Fee</u>
<u>Residential</u>	
1. Single-family dwelling unit	\$475/DU to 6/30/75. increasing \$35 at start of each fiscal year thereafter to a maximum of \$825.
2. Multi-family	Same as a single family for first DU. \$300/DU for each additional DU to 6/30/75. Increasing at \$30 per year for each fiscal year to maximum \$600.
<u>Commercial</u>	
3. Transient (Quarters without kitchen facilities)	Same as single family for first DU. \$195/DU for each additional DU to 6/30/75. Increasing \$15 at start of each fiscal year thereafter to a maximum of \$345.
(Quarters with kitchen facilities)	Multi-family applies

4. Restaurant

The greater of (a) 1 DU/1500 sq. ft. of interior space times the rate/DU as determined in single-family.

(b) one DU/16 fixture units one DU minimum.

5. Drive-In

1 DU per 9000 sq. ft. of gross land area

6. Warehouse

Dry Industrial applies

7. Others

Same as Restaurant.

Mobile Home Sites

8. With Individual Connections

Same as Multi-family above.

9. Without Individual Connections

Same as single-family for 1st DU \$95.00 for each additional available DU to 6/30/75.

Increasing \$10 at start of each fiscal year thereafter to a maximum of \$195.

Special Services - Public and Private

10. Meeting Halls and Churches

One DU/16 fixture units (1 DU minimum) times the rate per DU as determined in single-family.

11. School

One DU/20 students and faculty times the rate per DU as determined in single-family.

12. Convalescent and Nursing

One DU/bed times the rate as determined in single-family.

13. Hospitals

Same as 12.

Industrial

14. Dry Industrial

The greater of (a) one DU/10,000 sq. ft. times the rate DU as determined in single-family (b) one DU 16 fixture units. One DU minimum.

15. Wet Industrial

More than 40 lbs. per day of BOD or SS. To be determined by request on individual basis.

AFFIDAVIT OF POSTING ORDINANCE NO. 36

STATE OF OREGON            )  
                                  )  
Counties of Clackamas     )  
and Washington            ) ss.  
                                  )  
City of Wilsonville        )

I, the undersigned, City Recorder of the City of Wilsonville, Oregon, being first duly sworn on oath depose and say:

On Monday the 30th day of April, 1973, I caused to be posted copies of the attached Ordinance No. 36 in the following three (3) public and conspicuous places of the City, to-wit:

1. Wilsonville City Hall
2. Kopper Kitchen Restaurant
3. Wilsonville United States Post Office

The Notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinance on the 14th day of May, 1973.

Dated at Wilsonville, Oregon this 30 day of April, 1973.

Margaret A. Hunt  
City Recorder

Subscribed and sworn to before me this 30th day of April, 1973.

Lain Spley  
Notary Public for Oregon  
My Commission expires: Sept 10 1976