

ORDINANCE NO. 314

AN ORDINANCE ESTABLISHING SEWER CONNECTION FEES AND USER CHARGES; PROVIDING FOR THE COMPUTATION AND PAYMENT THEREOF; AMENDING SECTIONS 7.260 THROUGH 7.295 OF THE DRAIN PUBLIC IMPROVEMENT CODE; AND DECLARING AN EMERGENCY.

THE CITY OF DRAIN ORDAINS AS FOLLOWS:

Section 1. Sections 7.260 through 7.295 of the Drain Public Improvement Code and the Index thereto are hereby amended to provide as follows:

INDEX

SEWER CONNECTION FEES; USER CHARGES; REGULATIONS

General Provisions

7.260 Establishment of "ERU"
7.265 Sewer User Fees
7.270 Designation of ERU
7.274 Recreational Vehicle (RV) Dumping Fees
7.275 Connection Charge
7.276 Notification

Payment of Fees

7.277 Responsibility for Payment
7.278 Dates of Payment
7.279 New Users and Vacancies
7.280 Delinquency
7.281 Interest
7.282 Action to Collect Delinquency
7.285 Restoration of Service
7.290 Change of Ownership
7.295 Mailing Address

7.260 Establishment of "ERU". There is hereby established an equitable criterion upon which to base user fees

for differing user classifications by the establishment of "Equivalent Residential Units" (ERU). The city shall by an historical study of water consumption during the seven month period from October of one year through April of the next year, determine the average water consumption per residential user during said period in cubic feet and that number shall constitute one ERU. The city council may determine the number of cubic feet in one ERU by resolution.

7.265 Sewer User Fees.

(1) The owner of each property connected to the city sewer shall pay a monthly fee for sewer use. The fee shall be that established by multiplying the designated ERU set forth in Drain Public Improvement Code Section 7.270 for that owner by the sewer user rate. The city council shall establish the sewer user rate by resolution.

(2) The sewer user fee established by the city council shall be reviewed and revised periodically to reflect actual costs of operation, maintenance, replacement, capital expenditures and financing of the treatment works and to maintain the equitability of the user charges with respect to proportional distribution of the costs of operation and maintenance in proportion to each user's contribution to the total wastewater loading of the treatment works.

(3) Sewer user fees, connection charges, interest and penalties shall be deposited in a separate sewer fund and shall be used exclusively for payment of the expenses of the

sewer systems including those related to operation, maintenance, repair, capital improvements, bonded indebtedness, other indebtedness, and reasonable administration of the system.

7.270 Designation of ERU.

(1) Owners of the following types of property have the following designated ERUs:

- (a) Residential 1.0 ERU
- (b) Duplex 2.0 ERUs
- (c) Apartments 1.0 ERU per
apartment
- (d) Mobile Home or Trailer Park . 1.0 ERU per
space

(2) The ERUs designated for owners of commercial or industrial property or other property not specified in subsection (1) above shall be determined by dividing the total cubic feet of water consumed or discharged by the owner in that month by the number of cubic feet in one ERU as determined by resolution of the city council. The result shall be rounded to the nearest .1 ERU and shall be a minimum of 1.0 ERU.

(3) If the owner of commercial or industrial property or other property not specified in subsection (1) above consumes water in certain months and that consumption does not increase the owner's sewer use but results in a sewer user fee at least 10% greater than the owner's average fee, the owner may, upon proof that the increased consumption does not increase sewer usage, apply for an ERU designation determined by dividing the

owner's monthly average consumption by the number of cubic feet in one ERU ; or by placing a flow measuring device in the building sewer line at the owners expense.

The owner's average monthly fee and average monthly consumption shall be determined by using figures for the most recent October through April seven month period.

7.274 Recreational Vehicle (RV) Dumping Fees. The City Council may establish charges for dumping of recreational vehicle (RV) wastes at designated sites by resolution.

7.275 Connection Charge.

(1) The owner of property wanting to connect to the city sewer shall pay a connection charge at the time of application for a connection permit of \$750 per unit on a paved street and \$500 per unit on an unpaved street.

(2) In addition, the owner shall pay the cost of any monitoring device required by the City Administrator.

(3) As used in subsection (1), "unit" shall have the following meaning:

(a) Single-family dwelling, one unit per dwelling.

(b) Multiple dwelling, one unit per dwelling.

(c) Elementary schools, one unit for each 17 students or fraction thereof.

(d) High schools, one unit for each 12.5 students or fraction thereof.

(e) Motels with kitchen, one unit per motel unit.

(f) Motels without kitchens, one unit per three motel units.

(g) Apartment houses and institutions, one unit per apartment.

(h) Trailer parks, one unit per rental space.

(i) Hospitals, one unit per 2.5 beds.

(j) Industrial and commercial establishments not having industrial waste or excessive quantities, one unit per 10 employees, or fraction thereof, or one unit per establishment.

(k) Offices, one unit per 10 employees, or fraction thereof, or one unit per office.

(l) Churches, one unit each.

(m) Service and community clubs, without bar or restaurant services, one unit each.

(n) Fire stations, one unit each per 10 employees, or fraction thereof.

(o) Service stations having four pumps or less, one unit per station.

(p) Service stations having five to twelve pumps, three units per station.

(q) Service stations having more than 13 pumps, three units per station.

(r) Garages, one unit each.

(s) Restaurants, taverns, and bars, one unit per 10 seating spaces, or fraction thereof.

(t) All other buildings and establishments:

per unit as may be determined by the city administrator upon application for service.

7.276 **Notification.** Each user must be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

7.277 **Responsibility for Payment.** The person who owns the premises served by the sewerage system shall be responsible for payment of the sewer user charge for that property notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay said charges.

7.278 **Dates of Payment.** Sewer user fees shall be billed on the first day of the month for services rendered in the prior month and shall be due and payable to the City of Drain no later than fifteen (15) days after the date of billing.

7.279 **New Users and Vacancies.** The sewer user charge for all occupied property shall begin 60 days after the sewer service becomes available or the day that connection is made to the public sewer whichever occurs first. The sewer user charge for all unoccupied property shall begin within 30 days after the property is ready for occupancy or on the first day of occupancy, whichever occurs first. All unoccupied property

which is ready for occupancy at the time the sewer service becomes available shall be treated as occupied property. Once the sewer user charge has commenced, no credit shall be given for vacancy unless it can be demonstrated that water service to that property from any and all sources has been discontinued, at which time the user charge shall be reduced to no less than \$4.00 per month, and the regular user charge shall be reinstated as soon as water service to that property from any source has begun. If the date upon which the user charge is commenced or altered does not fall on the first day of a billing period, the rates shall be appropriately prorated.

7.280 **Delinquency.** If sewer user fees are not paid within 30 days after they are due and payable, they shall be deemed delinquent.

7.281 **Interest.** Interest at the rate of 1% per month shall accrue on all accounts from the date of delinquency. In addition, a penalty shall be assessed at the rate of \$2.00 per month from the date of delinquency which shall be added to the account and shall accrue interest in the same manner as all other delinquent charges beginning the following month.

7.282 **Action to Collect Delinquency.** In the event of failure to pay sewer fees after they have become delinquent, the city shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes.

The unpaid fees, the expense of such discontinuance, removal, or closing, and 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 in the name of the city against the property, the owner, or both.

7.285 **Restoration of Service.** Sewer service shall not be restored until all charges, including interest and penalties accrued and the expense of removal, closing, and restoration have been paid.

7.290 **Change of Ownership.** Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

7.295 **Mailing Address.** Bills for sewer user charges shall be mailed to the address specified in the application for permit to make the connection unless or until a different owner or user of the property is reported to the City offices of the City of Drain.

Section 3. The council declares that should any section, paragraph, sentence, or word of this ordinance be declared for any reason to be invalid, it is the intent of the council that it would have passed all other portions of this ordinance, independent of the elimination of any such portion as may be declared invalid.

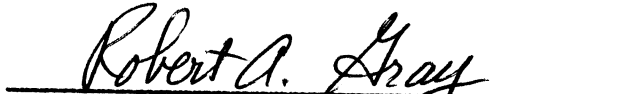
Section 4. That the matters contained herein concern the public health, welfare and safety and therefore, an emergency is hereby declared to exist, and this ordinance shall become effective immediately upon its passage by the Council and approval by the Mayor.

Passed and adopted by the Council of the City of Drain, State of Oregon, on the 8 day of JULY, 1985.

Approved by the Mayor this 8 day of JULY, 1985.


Grant S. Levins, Mayor

ATTEST:


Robert A. Gray
City Administrator

Ordinance No. 314

Page 9 of 9

Ordinance No. 314

Page 9 of 9