

RESOLUTION NO. 328

A RESOLUTION ESTABLISHING AND IMPOSING JUST AND EQUITABLE FEES AND CHARGES FOR CONNECTION TO AND USE OF THE SEWAGE DISPOSAL SYSTEM OF THE CITY OF WILSONVILLE, PROVIDING FOR THE MANNER OF PAYMENT COLLECTION, ENFORCEMENT AND DISBURSEMENT OF SUCH FEES AND CHARGES AND REPEALING RESOLUTION NO. 204, No. 220 and No. 277.

ARTICLE I
DEFINITIONS

Section 1. "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.

Section 2. "Sewerage System" shall mean all City-owned facilities for collecting, pumping, treating and disposing of sewage.

Section 3. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage by the City.

Section 4. "Sewer" shall mean a pipe or conduit for carrying sewage.

Section 5. "Sanitary Sewer" shall mean a City sewer which carried sewage and to which storm, surface and ground water are not intentionally admitted.

Section 6. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Section 7. "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.

Section 8. "Building Drain" shall mean that part of the lowest horizontal piping of a drain system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Section 9. "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.

Section 10. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Section 11. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Section 12. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or commercial processes as distinct from sanitary sewage.

Section 13. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Section 14. "Person" shall mean any individual, firm, company, association, society, corporation or group.

Section 15. "Storm Drain" (Sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section 16. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 17. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Section 18. "Shall" is mandatory; "May" is permissive.

Section 19. "Slug" shall mean any discharge of water, sewage or industrial waste, which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Section 20. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure

in five (5) days at 20⁰C, expressed in milligrams per liter.

Section 21. "Director" shall mean the Director of Public Works responsible and authorized to perform the duties as required by this resolution for Public Sewers.

Section 22. "Official" shall mean the Building Official designated to perform the duties authorized by this resolution for Building Drains and Building Sewers.

Section 23. "SS - Suspended Solids" shall mean solids that either float on the surface of, or are in suspension, in water, sewage or other liquids, and which are removable by laboratory filtering.

Section 24. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 25. "Appeals Board" shall mean the City Council.

Section 26. "Owner(s)" shall mean the person(s) who hold legal title to or lease the property for which sewage shall be conveyed.

Section 27. "Major Sewer Line Extension" shall mean any public sewer which is six (6) inches in diameter and one hundred, fifty (150) feet or greater in length.

Section 28. "Residential" shall mean buildings or structures which are built to be occupied for living purposes.

Section 29. "Commercial" shall mean buildings or structures which are not classified residential or industrial.

Section 30. "Industrial" shall mean all buildings or structures in which a product is manufactured, stored or distributed or any combination of each.

Section 31. "Dwelling Unit" shall mean a building, mobile or manufactured home, designed for residential occupancy.

Section 32. "Residential Unit" - In cases where apartment complexes are involved, a Residential Unit is designated as one (1) residential unit of a dwelling.

ARTICLE II

PERMIT AND PERMIT FEES

Section 1. Building Sewer Permits

There shall be three (3) classes of building sewer permits for which application shall be filed with the Official on forms provided by his office for (1) residential, single and multi-family service; (2) commercial service; (3) industrial service.

Section 2. Sewer Permit Fees

A. Permit Fees - To provide for the cost of processing a wastewater permit application and performing the inspection of the building sewer connection to the sanitary sewer system, the following fees will be charged. The permit fee below shall increase as determined by the CPI index for the metropolitan Tri-County area and only after final approval by the City Council. The Council may take action not to make such increase in any year it is deemed appropriate.

<u>TYPE</u>	<u>FEE</u>
(1) Single Family Residential	\$ 37.03
(2) Multi-Family Residential	
\$6.32 per unit but not less than	\$ 72.74
(3) Commercial	\$ 85.96
(4) Industrial	\$122.99

Section 3. Owner(s) Responsibility

A. The owner(s) of a property in which a building sewer is then connected to the public sewer shall be responsible for the building sewer to:

- (1) Repair all known sewer breaks, leaks, cracks, etc., in all pipes, manholes, cleanouts and appurtenances to the building sewer which would cause ground or surface water to infiltrate or flow into the building sewer either directly or indirectly. All costs involved in making repairs shall be borne by the owner(s).

B. City shall have the specific right to test and check all building sewers upon written notification to the owner(s) that such tests are to be taken. Written notification can also mean by newspaper ad or article.

ARTICLE III

USER FEES FOR SEWER SERVICE

Section 1. User fees are hereby imposed upon the owner(s) of any building(s) the property of which is connected to a sanitary sewer.

Section 2. Building(s) that are served by pumping units shall be subject to the user fees provided by this resolution.

Section 3. When sewer service is initially provided to any building(s), said sewer user fee shall be charged for each month building sewer is connected or discharged to the public sewer.

Section 4. Sewer user fees are imposed and based upon the owner(s) schedule for connecting to the sewerage system after said system is available.

Section 5. Sewer use fees may be billed to an occupant, however, the owner(s) shall be ultimately responsible for all sewer user fees to the property or building(s).

Section 6. All sewer users that are provided sewer service, and the sewer connection is outside the City limits, shall be billed two (2) times the rates mentioned below.

USER FEE SCHEDULE

<u>CATAGORY</u>	<u>MINIMUM MONTHLY CHARGE</u>	<u>USER FEE</u>	<u>SURCHARGE</u>
*Residential - Single Family Dwelling Unit	\$7.50/month/ dwelling unit	N/A	N/A
**Residential- Multi-Family Residential Unit	\$7.50/month residential unit	N/A	N/A
Commercial or Industrial Users Connected to City Water System	\$13.75/month/ unit	\$.007/cubic feet/month	\$.005 cubic feet/month where one (1) or more of the following conditions exist:

<u>CATAGORY</u>	<u>MINIMUM MONTHLY CHARGE</u>	<u>USER FEES</u>	<u>SURCHARGE</u>
Commercial or Industrial Users not connected to the City Water System	\$13.75/month/ dwelling unit equivalent	***\$.007/cubic feet/month	<ol style="list-style-type: none"> 1. Discharge into the sanitary sewer of greater than 220,000 cubic feet per month as measured from the building sewer. 2. BOD loading of greater than 750 pounds per month as measured from the building sewer. 3. SS of more than 750 pounds per month as measured from the building sewer. <p>\$.005 per cubic feet per month where one (1) or more of the following conditions exist:</p> <ol style="list-style-type: none"> 1. Discharge into the sanitary sewer of greater than 220,000 cubic feet per month as measured from the building sewer 2. BOD loading of greater than 750 pounds per month as measured from the building

<u>CATAGORY</u>	<u>MIMIMUM MONTHLY CHARGE</u>	<u>USER FEES</u>	<u>SURCHARGE</u>
Commercial or Industrial users whose domestic water consumption, less irrigation water, use is proportionately a minimum of three (3) times greater than the measured sanitary sewer discharged	\$13.75/month/ dwelling unit equivalent	***\$.007/cubic feet/month	sewer. 3. SS of more than 750 pounds per month as measured from the building sewer. \$.005 per cubic feet per month where one (1) or more of the following conditions exist: 1. Discharge into the sanitary sewer of greater than 220,000 cubic feet per month as measured from the building sewer 2. BOD loading of greater than 750 pounds per month as measured from the building sewer. 3. SS of more than 750 pounds per month as measured from the building sewer.

*Single Family includes purchased condominiums and townhouse apartments by individual owners.

**Multi-Family includes apartment complexes.

***Cubic Feet of discharge shall be measured from the discharge point of the building sewer into the public sanitary sewer, and

shall be based on the average daily discharge as measured. Measurement period shall be two (2) weeks, and after three (3) billing periods, or six (6) months, a new measurement shall be taken. Each measurement shall set the user fee for the next six (6) month period.

ARTICLE IV
SEWER CONNECTION FEES

Section 1. Fees for connection to the sanitary sewer shall be charged to the owner(s) of any building(s) in which a sewer connection shall be made. Said connection fees shall be a revenue source to the City and shall entitle the owner(s) to a service connection(s) to the sanitary sewer system.

Section 2. A service connection shall be provided at the property line by the City for all residential, commercial and industrial properties under the following condition(s):

A. The service connection was installed during the residential, commercial and industrial subdivision project, and was accepted under the City of Wilsonville Acceptance Procedure.

Section 3. The sewer connection fee is based upon 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 sewer connection fee due for that property or structure, a sewer connection fee shall be charged for the modified portion of the property or structure based on the sewer connection fee in effect at the time of the modification.

The sewer connection fee paid for a specific sewer service for a residential, commercial or industrial unit shall be valid for a one (1) year period from date of issuance of the sewer connection permit. After the one (1) year period, the sewer connection will have expired. The Building Official will then, in writing, notify the permittee that the permit has expired. The written notification of sewer connection permit expiration shall state the permittee has ten (10) days from the receipt of the expiration notice to request an extension time of the sewer connection permit. If there has been no response within ten (10) days, the connection fee shall be considered forfeited. The permittee shall then be required to reapply for a sewer connection permit and pay the sewer connection fee in effect at the time of reapplication.

Section 4. Buildings that are served by pumping units shall be subject to the sewer connection fees provided by this resolution.

Section 5. Sewer connection fees required by this resolution shall be due and payable with the building permit fee or before connection to the public sewer, whichever is applicable.

Section 6. Schedule of Sewer Connection Fees

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

For the purpose 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
3" max outlet	6
4" max outlet	8
1 dishwasher 2" max outlet	3
3" max outlet	9
4" max outlet	12
1 bathtub or shower	2
1 drinking fountain	1
1 garbage grinder	4
1 commercial washer/pound capacity	1

All those equivalent fixture units not shown herein shall be as specified in the most recent issue of the Uniform Plumbing Code.

SEWER CONNECTION FEES

<u>CLASS OF SERVICE</u>	<u>CONNECTION FEE</u>
<u>Residential</u>	
1. Single Family Dwelling Unit	\$1,258 per each DU
2. Multi-Family Residential Unit	\$1,258 per each DU
3. Mobile Home Residential Unit	
a. With individual connections	\$1,258 per each DU
b. Without individual connections	\$1,258 per first DU and \$550 per each DU thereafter.
4. Manufactured Residential Unit	\$1,258 per each DU

CLASS OF SERVICE

CONNECTION FEE

Commercial

Includes, but not exclusively to:
hotels, motels, restaurants, drive-
in restaurants, commercial, warehouses,
meeting halls, churches, schools,
hospitals, convalescent and nursing
facilities, hardware stores, office
complexes.

The greater of:
a) \$1,258 per each
DU or
b) Four (4) DU's per
acre of land within
owner(s) project
x \$1,258 per DU.

Industrial

Director shall make the determination
as to the industrial status of a
sanitary sewer user.

The greater of:
a) \$1,258 per each
DU or
b) Four (4) DU's per
acre of land within
owner(s) project
x \$1,258 per DU.

Section 7. All sewer connection fees shall increase as
determined by the CPI index for the Metropolitan Tri-County area,
and only after final approval by the City Council.

Section 8. Sewer connections outside the City limits shall
be charged at two (2) times the connection fees provided herein.

Section 9. Any persons applying for a permit to connect
a property or structure directly to a public sewer which was
installed without direct or indirect cost to the owner(s) or
prior owner(s) of the connecting property(s), shall pay a
connection surcharge. The surcharge minimum rate will be \$2,903.95

per lot, or \$7,774.52 per acre or portion thereof within three hundred (300) feet of the public sewer or right-of-way, or a proportionate amount if such property is less than one (1) acre, but in no event less than \$2,903.95 per lot.

ARTICLE V

APPEALS PAYMENT COLLECTION ENFORCEMENT

DISBURSEMENT VALIDITY

Section 1. Appeals Procedure

A. Any person aggrieved by a ruling under or interpretation of the provisions of this resolution may submit a written appeal to the City Council 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 the 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 2. Payment

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

Section 3. Collection

A. The Finance Director of the City is hereby directed to collect the sewer user fees and connection fees as provided for herein.

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

C. Sewer user fees as hereinbefore provided, shall be collected bi-monthly and if not paid within ten (10) days from billing date, said charges shall then be deemed delinquent.

D. Delinquent sewer service and service connection accounts shall bear interest from the day of delinquency at a rate of fifteen percent (15) per annum.

Section 4. Enforcement

A. The Finance Director 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 Ordinance of the City of Wilsonville.

B. If a court suit or action is instituted to enjoin any unauthorized connection to or use of the sewage system, or for the collection of accounts, the City shall be entitled to collect, in addition to costs and disbursements provided by statute, such sum as any court, including any appellate court, may adjudge reasonable as attorney's fees in such suit of action.

C. The City may, without notice or liability, discontinue sewer service and disconnect buildings from the City's sewerage system if sewer service charges and/or sewer connection fees, or other fees under this resolution, become delinquent; or if the safety, health or welfare of the citizens of Wilsonville may be jeopardized, and the City may continue thereafter to refuse sewer service and sewer connections to such delinquent owner's property until all such delinquencies and interest are fully paid.

Section 5. 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 "Sewer Expansion and Capital Improvement Fund" from which funds have been collected in the form of sewer connection fees.
- (2) The account or accounts for the payment of principal and interest on maturing sewer bonds, from which funds have been collected in the form of sewer connection fees.
- (3) The account or accounts established for the operation and maintenance of the sewerage system, which funds have been collected in the form of sewer user fees.

Section 6. Validity

The invalidity of any section clause, sentence or provision of this resolution shall not affect the validity of

any other part of this resolution which can be given effect without such invalid part of parts.

Section 7. Repealing Existing Resolutions

By the adoption of this resolution, Resolutions No. 204, No. 220 and No. 277 are hereby repealed.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of June, 1983, and filed with the Wilsonville City Recorder this same date.


WILLIAM G. LOWRIE, Mayor

ATTEST:


VERA A. ROJAS, City Recorder, Pro-Tem