

RESOLUTION NO. 370

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 RESOLUTIONS NO. 204, NO. 220, NO. 277 AND NO. 328.

ARTICLE I

DEFINITIONS

Section 1. "Appeals Board" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(a).

Section 2. "BOD" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(b).

Section 3. "Building Drain" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(c).

Section 4. "Building Sewer" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(d).

Section 5. "Combined Sewer" shall be as defined in the City of Wilsonville Code, Section 3.112(1)e).

Section 6. "Commercial" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(f).

Section 7. "Convalescent or Nursing Facilities" shall mean the structures which are constructed for purposes of

continuous care or convalescence of person(s) who may be ambulatory or handicapped but, in any event, are in need of continuous care. The structure must meet applicable codes as required by the State of Oregon, the City of Wilsonville and other appurtenant ordinances or resolutions, and as the structure is designed for the intended use thereof.

Section 8. "Director" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(h).

Section 9. "Dwelling Unit" shall mean a building, mobile or manufactured home, designed for residential occupancy.

Section 10. "Garbage" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(i).

Section 11. "Hotel and Motel" shall mean any building which is designed or used to offer lodging for rent or hire, with or without meals for four or more people or containing six or more guest rooms.

Section 12. "Individual Connections" shall mean a single building drain and building sewer from a structure which is connected to a service connection.

Section 13. "Industrial" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(j).

Section 14. "Industrial Wastes" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(k).

Section 15. "Major Sewer Line Extension" shall be as defined

in the City of Wilsonville Code, Section 3.112(1)(1).

Section 16. "Manufactured Residential Unit" shall mean a structure which is intended for human occupancy by one or more persons, that has sleeping, eating, cooking and plumbing - sanitation facilities and which is constructed off-site in compliance with the Uniform Building Code (Oregon State Structural Speciality Code) and designed to be transported to a site for installaion and/or assembly of modular components to form a permanent structure.

Section 17. "Meeting Halls" shall mean a structure which is constructed for the purpose of conducting meetings which may or may not be open for public use. The structure must meet applicable codes as required by the State of Oregon, the City of Wilsonville and other appurtenant ordinances or resolutions and as the structure is designed for the intended use.

Section 18. "Mobile Home Residential Unit" shall mean a structure which is intended for human occupancy by one or more persons, that has sleeping, eating, cooking and plumbing - sanitation facilities, and which is constructed off-site in compliance with the Oregon Department of Commerce standards for mobile homes, and designed to be transported to a site to be used as a permanent residence.

Section 19. "Multi-Family Residential Unit" shall mean a residential structure which is occupied by one or more persons of which there is more than one dwelling structure per lot,

according to approved zoning requirements and which provides complete independent living facilities for each dwelling structure including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 20. "Natural Outlet" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(m).

Section 21. "Office Complexes" shall mean a structure in which more than one unit is constructed for commercial office use and is separate from each unit by intended use.

Section 22. "Official" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(n).

Section 23. "Owner(s)" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(o).

Section 24. "Person" shall mean any individual, firm, company, association, society, corporation or group.

Section 25. "pH" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(p).

Section 26. "Properly Shredded Garbage" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(q).

Section 27. "Public Sewer" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(r).

Section 28. "Residential" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(s).

Section 29. "Residential Unit" - In cases where apartment

complexes are involved, a residential unit is designated as one residential unit of a dwelling.

Section 30. "Restaurants" shall mean a structure which is constructed for the purpose of preparation and serving of food to one or more persons in return for payment by those persons. The structure must meet all applicable codes as required by the State of Oregon or the City of Wilsonville and other appurtenant ordinances or resolutions and as the structure is designed or occupied for the individual use thereof.

Section 31. "Sanitary Sewer" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(t).

Section 32. "Service Connection" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(u).

Section 33. "Sewage" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(v).

Section 34. "Sewage System" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(w).

Section 35. "Sewage Treatment Plant" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(x).

Section 36. "Sewer" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(y).

Section 37. "Shall" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(z).

Section 38. "Single Family Dwelling Unit" shall mean a residential structure which is occupied by one or more persons

of which there shall be only one dwelling structure per lot and which provides complete, independent living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 39. "Slug" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(aa).

Section 40. "Storm Drain" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(bb).

Section 41. "Suspended Solids - SS" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(cc).

Section 42. "Wastewater Permit Application" shall mean the form on which a sewer connection fee is processed through the Building Department.

Section 43. "Watercourse" shall be as defined in the City of Wilsonville Code, Section 3.112(1)(dd).

ARTICLE II

PERMIT AND PERMIT FEES

Section 1. Building Sewer Permits

There shall be three 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

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 not to do so.

<u>TYPE</u>	<u>FEE</u>
(1) Single Family Residential	\$ 37.00
(2) Multi-Family Residential \$6.32 per unit but not less than	\$ 73.00
(3) Commercial	\$ 81.00
(4) Industrial	\$123.00

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:

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

B. The 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 may be by newspaper advertisement or article.

ARTICLE III

USER FEES FOR SEWER SERVICE

Section 1. User fees are hereby imposed upon the owner(s) of any building(s) whose property 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), a sewer user fee shall be charged for each month a building sewer is connected to or discharged into the public sewer.

Section 4. Sewer user fees are hereby charged to the owner(s) of the property connected to the sanitary sewer. Such charges are to begin at the time the connection has been accepted by the Public Works Department according to standards set forth in the Public Works Standards for the City of Wilsonville.

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

Section 6. All sewer users whose sewer connection is outside the City limits, shall be billed two (2) times the rate 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 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.

<u>CATAGORY</u>	<u>MINIMUM MONTHLY CHARGE</u>	<u>USER FEE</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	<p>\$.005 per cubic feet per month where one 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 sewer. 3. SS of more than 750 pounds per month as measured from the building sewer.
Comercial 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	<p>\$.005 per cubic feet per month where one or more of the following conditions exists:</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.

<u>CATAGORY</u>	<u>MINIMUM MONTHLY CHARGE</u>	<u>USER FEE</u>	<u>SURCHARGE</u>
			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 condominiums and townhouse apartments owned by individuals.

**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 is 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 permit 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 re-apply for a sewer connection permit and pay the sewer connection fee in effect at the time of re-application.

Section 4. Buildings that are serviced 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	
0 to 5 pound capacity	2
over 5 to 10 pound capacity	4
over 10 to 15 pound capacity	6
over 15 to 20 pound capacity	7
over 20 to 25 pound capacity	8
over 25 to 35 pound capacity	9
over 35 pound capacity	1-1/2 EFU per 5 pounds capacity

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
<u>Commercial</u>	
Includes, but is not limited to: hotels, motels, restaurants, drive-in restuarants, commercial warehouses meeting halls, churches, schools, hospitals, convalescent and nursing facilities, hardware stores and office complexes	The greater of: a) \$1,258 per each DU or b) One (1) DU per 10,000 square feet of building structure(s) on the owners project which will be connected to the sanitary sewer times \$1,258 per DU.
<u>Industrial</u>	
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) One (1) DU per 10,000 square feet of building structure(s) on the owners project which will be connected to the sanitary sewer times \$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 seven hundred, fifty dollars (\$750) per lot or three thousand dollars (\$3,000) 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 seven hundred, fifty dollars (\$750) per lot. The connection surcharge rate shall remain in effect until such time as modified by resolution of the Council.

ARTICLE V

APPEALS, PAYMENT, COLLECTION, ENFORCEMENT

AND 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, and 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 within thirty (30) days of receipt of the appeal at the next regular Council meeting 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, 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 Accounting 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 Ordinances 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 or parts.

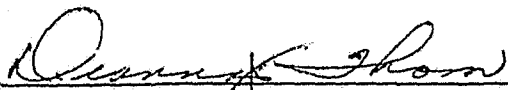
Section 7. Repealing Existing Resolutions

By the adoption of this resolution, Resolutions No. 204, No. 220, No. 277 and No. 328 are hereby repealed.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 16th day of Janaury, 1984 and filed with the Wilsonville City Recorder this same date.


WILLIAM G. LOWRIE, Mayor

ATTEST:


DEANNA J. THOM, City Recorder