

MILWAUKIE ORDINANCES

ORDINANCE NO. 1572

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE SYSTEMS DEVELOPMENT CHARGE FOR THE DEVELOPMENT OF EXTRA CAPACITY SEWAGE AND WATER FACILITIES AND REPEALING ORDINANCE 1514.

WHEREAS, having considered various proposals and plans for equitable financing of all or part of future or existing sewage and water improvements and developments within the City of Milwaukie and recognizing that the continuing increase in the intensity of the use of land and sewage and water facilities within the City will require substantial changes for the safety of the public and in order to protect the values and usefulness of properties within the City, the City Council has determined that a systems development charge for existing and future extra capacity sewage and water facilities development should be imposed and collected as the fairest, most equitable method of funding the required improvements.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Purpose. A system development charge for existing and future extra capacity sewage and water facilities development is hereby imposed for the purpose of creating a source of funds to pay for the installation, construction, and extension of extra capacity sewage and water facilities. This charge shall be collected at the time of the development of properties which contributes to increase the need for those facilities.

Section 2. Definitions.

A. "Building Permit". Any permit issued by the Building Division for the construction of any building under the City or State Building Code, except permits for the construction, repair or remodel of any building damaged or destroyed by fire or any natural disaster, where such construction does not result in additional sewage or water facility capacity.

B. "Commercial Establishment" means any structure used other than as a dwelling unit or for manufacturing.

C. "Fixture Unit (FU)" means fixture unit load values for drainage piping and shall be as specified in the Oregon State Plumbing laws and Administrative Rules.

D. "Extra Capacity Sewer and Water Facilities". Existing or future improvements which have been or will be required to provide adequate facilities. Such extra capacity facilities include sewage treatment plant, sewage collection lines, sewage pump stations, water wells, water distribution facilities, water storage facilities and water pumping facilities.

E. "Unit". A separate living unit with kitchen facilities including those in multiple dwellings, apartments, motels, hotels, mobile homes or trailers.

F. "Unit Equivalent (UE)" means a nonresident unit which is deemed equivalent to a dwelling unit as provided herein or as used in the State Plumbing Code. The abbreviations U and UE are used interchangeably in the rates and charges section of this ordinance.

Section 3. Charge imposed. A system development charge for extra capacity sewer and water facilities development is hereby imposed upon all development within the City of Milwaukie. Charges shall be as follows:

- A) Sewer Facilities. Base unit cost is \$890.
- B) Sewer Facilities. For areas described in Ordinance 1322, an additional Systems Development Charge will be levied at the rate of \$0.10 per square foot of land if not previously assessed under Ordinance 1322, Section 2.B.
- C) Water Facilities. Base unit charge is \$265.
- D) System Development Charge shall equal the total number of units times the base unit cost times the current Engineering News Record Construction Cost Index (ENR) divided by 3725 (ENR at the time of base unit cost).
- E) Number of units shall be determined by the following table:

<u>TYPE OF USE</u>	<u>EQUIVALENT</u>
1. <u>Residential</u>	
Single family residence	One single family res. = 1 unit
Multiple family dwelling	one dwelling = .65 unit
2. <u>Nonresidential</u>	
a. Commercial are those establishments of a commercial nature that do not fall under categories b. and c. below. Public structures and churches are also included in this category.	
Commercial establishments	16 fixture units = 1 unit
b. Special Services	
Schools (all grades)	16 fixture units = 1 unit
Hospitals	16 fixture units = 1 unit
Public Park Facilities	16 fixture units = 1 unit
Laundries and Laundromats*	16 fixture units = 1 unit
Convalescent/Rest Homes	
1. w/o individual kitchen**	2 beds = 1 unit
& with a central kitchen	16 fixture units for Kitchen, Laundry & other common areas. = 1 unit

2. w/individual kitchens regardless of having a central kitchen and common facilities 16 fixture units = 1 unit

#### Sleeping Accommodations

1. w/o kitchens 2 units = 1 unit  
plus 16 fixture units for common facilities (laundry, dining area, restaurant, etc.) = 1 unit
2. w/kitchens 1 unit (includes central laundry facilities) = 1 unit

All Restaurants or Main Dining Facilities (including kitchens) 16 fixture units = 1 unit

- c. Industrial connections are for those structures used primarily for manufacturing or which discharge wastes other than sanitary or domestic. There are three industrial categories as follows:

- (1) Category I - Dry 16 fixture units or = 1 unit  
User does not fraction thereof.  
generate or discharge any industrial waste or wastewater.
- (2) Category II - Minor 800 gpd - if water = 1 unit  
Metered water use of discharge is not known,  
industrial waste or then the fixture unit  
wastewater discharge rates will be used. Any  
is less than 25,000 adjustment in connection  
gallons per day. (car charge will be made after  
washes\*\*are included 6 months of operation.  
in this category.)
- (3) Category III - Major City staff shall select one or  
Metered water use of more of the following methods  
industrial waste or of determining the connection  
wastewater discharge charge:  
is equal to or greater  
than 25,000 gpd or a) 800 gpd average value = 1 unit  
strength of waste discharged is more than  
800 mg/l Chemical b) 0.7 lbs. BOD per day  
Oxygen Demand (COD) average value = 1 unit  
or 400 mg/l Suspended c) 1.4 lbs. COD per day  
Solids (SS). average value = 1 unit  
d) 0.7 lbs. SS per day  
average value = 1 unit

### Section 3. (continued)

Such selection shall be made on the basis of the impact the particular user's discharge is anticipated to have on the particular sewerage system in question, and shall be aimed at ensuring that the user in question pay his/her fair share in light of the impact of it's discharge as determined by the City.

Minor and major industrial systems development charges cover only the industrial waste/wastewater portion of the industrial user's discharge. The minor and major industrial user must also pay systems development charges, bases upon fixture units, for its water and domestic waste discharge (See Section 2.a. "Commercial" above.)

- \* If a separate water meter for a laundry or laundromat is utilized, the service charge shall be as described in Section 2.c.
- \*\* Kitchens shall mean any combination of sink, refrigeration unit or cooking area, regardless of size or capacity, or intent.
- \*\*\* If a separate water meter for a car wash is not utilized, the service charge shall be calculated by adding the total water consumption for the car wash portion of the structure to the fixture unit count for the non-car wash portion.

### Section 4. Collection.

A systems development charge for extra capacity sewer or water facilities is immediately due and payable upon receipt of an application for a sewer or water permit. The applicant for sewer or water permit shall pay the applicable charge prior to the issuance of a sewer or water permit for any new construction or any addition, alteration or change in use which increases the amount of sewage or water demand use. The City shall decline to issue any such permit until that charge has been paid in full. Whenever the full and correct system development charge for extra capacity sewer or water has not been paid and collected for any reason, the City Manager shall report to the City Council the amount of the uncollected charge, the description upon which the charge was due, and the name or names of the owner or owners of record title, and of any purchasers under a recorded sale agreement relating to the described land. City Council shall take testimony at a public hearing and shall direct the City Manager to give notice of that hearing to each of those owners and contract purchasers. The notice shall include a copy of the City Manager's report concerning the unpaid charge, and the notice shall be delivered either in person, or by certified mail. At the time of the public hearing, the City Council may accept, reject or modify the City Manager's report; and, if it finds that any charge is unpaid and uncollected, the Council by motion shall direct the City Recorder to docket the unpaid and uncollected charge in the record of liens. Upon completion of the docketing, the City shall have a lien against the described land for the full amount of the unpaid charge, interest, and the City's costs incurred in serving notice upon the owners and contract purchasers. The lien shall be enforced in the manner provided by law.

Section 5. Segregation of revenues. All funds derived from the system development charge for extra capacity sewer and water facilities development shall be kept in a special line item in the sewer fund and/or water fund entitled "replacement construction". This line item shall be segregated from other line items of the City, and shall be used for no purpose other than the installation, construction, replacement and improvement of extra capacity sewer and water facilities as defined in Section 2 of this ordinance.

Section 6. Appeals. Any person who is aggrieved by a decision required or permitted to be made by the City Manager under this ordinance may appeal that decision to the City Council by filing a written request with the City Recorder, describing the decision of the City Manager from which the person appeals. In considering the appeal, the Council shall determine whether the City Manager's decision is correct and may affirm, modify, extend or overrule that decision.


Section 7. Scope. The system development charge of extra capacity sewer and water development provided for in this ordinance is separate from and in addition to any and all applicable taxes, assessments, charges or fees otherwise provided by law. In particular, it is a charge to be imposed in addition to any such charges as may be imposed in the way of ordinary sewer and water assessments pursuant to the City of Milwaukie applicable ordinances.

Section 8. Repealer. Ordinance #1514 is hereby repealed effective upon the effective date of this ordinance.

Read the first time March 19, 1985, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council March 19, 1985.

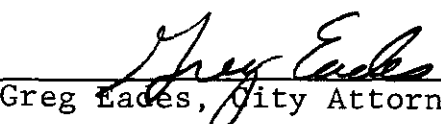
Signed by the Mayor March 22, 1985.

  
Ronald Kinsella, Mayor

ATTEST:

  
Margaret Post, City Recorder Ex Officio

Approved as to form:

  
Greg Eades, City Attorney