

MILWAUKIE ORDINANCES

ORDINANCE NO. 1514

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON CREATING A SYSTEMS DEVELOPMENT CHARGE FOR THE DEVELOPMENT OF EXTRA CAPACITY SEWAGE AND WATER FACILITIES AND REPEALING SECTION 3 OF ORDINANCE 1322 and RESOLUTION NUMBER 9-1969.

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. "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.

C. "Unit". Defined as one (1) single family living unit.

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 after the effective date of this ordinance. 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 cost 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:

TYPE OF USE	EQUIVALENT
Single family residence	One single family res.= 1 unit
Multiple family dwelling	one dwelling = .65 unit
High Schools	10 students = 1 unit
Elementary schools	15 students = 1 unit
Motels and Transient hotels	2 rental spaces = 1 unit
Trailer parks	1 rental space = 1 unit
Restaurants and taverns	6 seating spaces = 1 unit
Hospitals and institutions	2 beds = 1 unit
Industrial and commercial bldgs. (without industrial waste)	Each 1200 sq.ft. floor area = 1 unit
Warehouse	Each 2400 sq.ft. = 1 unit

Section 4. Collection.

A. A system 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 a 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 facilities 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 of the real property to which the charge is attributable, the date 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.

Section 4. A. (continued)

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.

A. Section 3, Future Assessments of Ordinance 1322 is hereby repealed upon the effective date of this ordinance.

B. Resolution 9-1969 is repealed in its entirety.

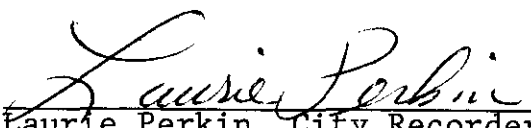
Read the first time February 16, 1982, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council February 16, 1982.

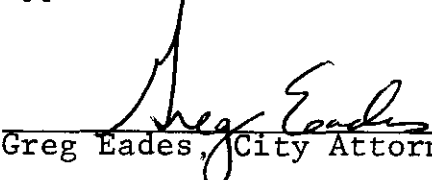
Signed by the Mayor February 16, 1982.


Joy Burgess, Mayor

ATTEST:


Laurie Perkin, City Recorder

Approved as to form:


Greg Eades, City Attorney