

ORDINANCE NO. 93-1010

AN ORDINANCE DELETING TITLE 13: PUBLIC SERVICES, CHAPTER 12: STORM DRAINAGE SYSTEM, OF THE OREGON CITY MUNICIPAL CODE, 1991, AND DECLARING AN EMERGENCY

OREGON CITY MAKES THE FOLLOWING FINDINGS:

In 1991 Oregon City adopted Ordinance No. 91-1021 which amended the Municipal Code by adding Chapter 13.20, System Development Charge for Capital Improvements, which established a system development charge for, among other things, storm water drainage facilities;

In adopting Ordinance No. 91-1021, the City Commission intended to replace all of the then-existing Municipal Code chapters which established a system development charge for individual public facilities;

One such existing chapter, Chapter 13.12 establishing a system development charge for storm water drainage, was superseded by Chapter 13.20, and should have been but was not specifically deleted upon the adoption of Ordinance No. 91-1021;

Given that provisions of Chapter 13.12 are redundant in some respects and contradict in other respects the provisions of the recently adopted Chapter 13.20, it is appropriate that the City Commission specifically delete Chapter 13.12 to avoid any potential confusion or conflict.

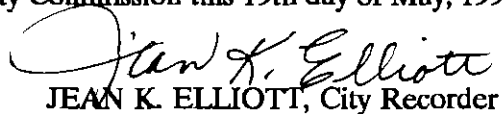
Now, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That Title 13: PUBLIC SERVICES, Chapter 12: STORM DRAINAGE SYSTEM, of the Oregon City Municipal Code, 1991, is hereby deleted in its entirety.

Section 2. Because this ordinance is necessary for the immediate preservation of the peace and public health, safety and welfare of Oregon City, and to provide for an orderly transition in a reasonable amount of time to this regulatory system, an emergency is hereby declared to exist and this ordinance shall be in full force and effect on passage.

Read first time at a regular meeting of the Commission held on the 19th day of May, 1993, and the foregoing ordinance was finally enacted by the City Commission this 19th day of May, 1993.


JEAN K. ELLIOTT, City Recorder

ATTESTED this 19th day of May, 1993.


DANIEL W. FOWLER, Mayor

Effective Date: May 19, 1993
ORDINANCE NO. 93-1010



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

May 19, 1993

Page 1 of 1

Subject: Proposed Ordinance No. 93-1010, An Ordinance Deleting Title 13: Public Services, Chapter 12: Storm Drainage System, of the Oregon City Municipal Code, 1991, and Declaring an Emergency

Report No. 93-96

At its July 17, 1991 meeting, the City Commission adopted Ordinance No. 91-1021 which added Chapter 13.20 and replaced a number of Municipal Code chapters that established a system development charge for individual public facilities. Ordinance No. 91-1021 did not specifically delete Chapter 13.12.

On the May 19, 1993 agenda is proposed Ordinance No. 93-1010 (copy attached) which will delete Chapter 13.12 of the Municipal Code. This is presented as part of the continuing "housekeeping" of the Code.

Notice of proposed Ordinance No. 93-1010 has been posted at City Hall, Courthouse and Senior Center by direction of the City Recorder. An emergency clause has been included with the ordinance because Chapter 13.12 creates a conflict with Chapter 13.20; therefore, it is recommended that first and second readings be approved unanimously for enactment of the ordinance to become effective immediately.

CHARLES LEESON
City Manager

jke
Attach.

ORDINANCE NO. 93-____

AN ORDINANCE DELETING TITLE XIII: PUBLIC SERVICES, CHAPTER 12, STORM DRAINAGE SYSTEM.

OREGON CITY MAKES THE FOLLOWING FINDINGS:

In 1991 Oregon City adopted Ordinance 91-1021 which amended the Municipal Code by adding Chapter 13.20, System Development Charge for Capitol Improvements, which established a system development charge for, among other things, storm water drainage facilities;

In adopting Ordinance 91-1021, the city commission intended to replace all of the then-existing Municipal Code chapters which established a to system development charge for the individual public facilities;

One such existing chapter, Chapter 13.12 establishing a system development charge for storm water drainage, was superseded by chapter 13.20, and should have been but was not specifically deleted upon the adoption of Ordinance 91-1021;

Given that provisions of chapter 13.12 are redundant in some respects and contradict in other respects the provisions of the recently adopted chapter 13.20, it is appropriate that the city commission specifically delete chapter 13.12 to avoid any potential confusion or conflict.

Therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. shall Title XIII: PUBLIC SERVICES, Chapter 12, Storm Drainage System, is hereby deleted in its entirety.

Read for the first time at a regular meeting of the Commission held on the ____ day of ____, 1993, and the foregoing ordinance was finally enacted by the City Commission this ____ day of ____, 1993.

JEAN K. ELLIOT, City Recorder

ATTESTED TO THIS ____ day of ____, 1993.

DANIEL W. FOWLER, Mayor

N O T I C E

NOTICE IS HEREBY GIVEN that proposed ORDINANCE NO. 93-1010 of the City of Oregon City, Clackamas County, Oregon, three copies of which are available for public inspection at the office of the City Recorder, 320 Warner Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on the 19th day of May, 1993, at the hour of 8:00 o'clock p.m. The title of said Ordinance is as follows:

AN ORDINANCE DELETING TITLE 13: PUBLIC SERVICES, CHAPTER 12: STORM DRAINAGE SYSTEM, OF THE OREGON CITY MUNICIPAL CODE, 1991, AND DECLARING AN EMERGENCY

POSTED this 12th day of May, 1993, by direction of the City Recorder. Places of posting are as follows:

1. City Hall, 320 Warner Milne Road, Oregon City, Oregon.
2. Courthouse, 807 Main Street, Oregon City, Oregon.
3. Senior Center, 615 5th Street, Oregon City, Oregon.

JEAN K. ELLIOTT, City Recorder

DO NOT REMOVE PRIOR TO MAY 20, 1993

04 00-93 00:24PM

FROM PRESTON LAW FIRM

TO 6573339

P001/003

**PRESTON
THORGRIMSON
SHIDLER
GATES & ELLIS**

ATTORNEYS AT LAW

3200 U.S. Bancorp Tower
111 S.W. Fifth Avenue
Portland, Oregon 97204-3686

Telephone: (503) 228-3200
Facsimile: (503) 248-9085

FACSIMILE COVER PAGE

April 30, 1993

To: Jean Elliot
(Individual)

From: Dan Kearns

Oregon City Recorder
(Company)

No. of Pages: 3
(including Cover Page)

657-3339
(Teletype No.)

Client/Matter No.: 26752-99999

657-0891
(Confirmation No.)

Client/Matter Name: Oregon City (general)

If you do not receive all of the pages, please contact our teletype operator at (503) 228-3200.

- ☐ Original will not be sent.
- ☐ Original sent by U.S. mail.
- ☐ Original sent by overnight mail.

COMMENTS:

See Attached.

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**PRESTON
THORGRIMSON
SHIDLER
GATES & ELLIS**

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DANIEL H. KEARNS

April 30, 1993

Jean Elliot
Oregon City Recorder
320 Warner Milne Road
Oregon City, OR 97045

SENT BY FAX TO 657-3339

Re: Municipal Code chapters 13.12, 13.16 and 13.20
Our file no. 26752-99999

Dear Jean:

In response to your inquiry earlier this week, I reviewed the above-mentioned Municipal Code chapters and noted a conflict which arguably calls for some sort of Code amendment. Attached is one such suggestion.

I spoke with Tim Sercombe who drafted the City's SDC ordinance - Ordinance 91-1021 codified as chapter 13.20. In addition to establishing chapter 13.20, Ordinance 91-1021 was also designed to delete several then existing code provisions and supersede any others with which it conflicted. Chapter 13.12 appears to be one of those conflicting chapters; however, it was not specifically mentioned in Ordinance 91.1021. To avoid any potential or actual confusion, I recommend that chapter 13.12 be deleted - something the attached ordinance is intended to accomplish.

Please review this proposed ordinance and give me a call with your observations and comments. Thank you.

Sincerely,

PRESTON THORGRIMSON SHIDLER
GATES & ELLIS



Daniel Kearns

Enc.