

ORDINANCE NO. 93-1025

AN ORDINANCE AMENDING TITLE 13: PUBLIC SERVICES, CHAPTER 13.16.030: SERVICE CHARGES, CHAPTER 13.16.060: PAYMENT REQUIRED, CHAPTER 13.16.080: RECOVERY OF UNPAID CHARGES, CHAPTER 13.16.100: EXEMPTIONS, CHAPTER 13.16.110: APPEAL, OF THE OREGON CITY MUNICIPAL CODE, 1991, TO REQUIRE FEES TO BE ASSESSED FOR USE OF THE CITY'S STORM DRAINAGE SERVICES

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, Oregon City presently provides for the construction maintenance and reconstruction of storm drainage systems within the City; and

WHEREAS, Oregon City presently imposes certain service charges to implement the City's Drainage Master Plan and storm drainage system; and

WHEREAS, Oregon City wishes to amend and clarify such service charges so that only persons actually using the storm drainage system are charged for its use and so that it is clear that the service charge is not a general or property tax obligation.

Therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That Title 13: PUBLIC SERVICES, Chapter 13.16.030: SERVICE CHARGES, is hereby amended to read as follows:

13.16.030 Service Charges. There is established and imposed on all persons occupying improved properties utilizing the City's storm drainage system, a just and equitable storm drainage utility service charge to implement the City's Drainage Master Plan and pay for the City's storm drainage system. Charges collected shall be deposited into the storm drainage fund of the City and used only for storm drainage purposes.

Section 2. That Title 13: PUBLIC SERVICES, Chapter 13.16.060: PAYMENT REQUIRED, is hereby amended to read as follows:

13.16.060 Payment Required. Such service charges shall be paid by the current occupant or person entitled to possession of the property from which stormwater discharges (directly or indirectly) to the City storm drainage system.

Section 3. That Title 13: PUBLIC SERVICES, Chapter 13.16.080: RECOVERY OF UNPAID CHARGES, is hereby amended to read as follows:

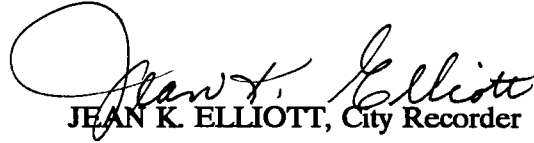
13.16.080 Recovery of Unpaid Charges. Any charge due hereunder which shall not be paid when due shall be collectable pursuant to collection efforts or other lawful remedies of the City, but no lien may be placed on the property solely for failure to pay the service charges. The City may curtail or cut off the supply of water or other City services to persons who have failed to pay unpaid charges. In no event shall water supply be withheld from any new occupant of property because of the failure of a prior occupant to pay a storm drainage utility service charge.

Section 4. That Title 13: PUBLIC SERVICES, Chapter 13.16.100: EXEMPTIONS, is hereby amended to read as follows:

13.16.100 Exemptions, Reductions and Appeal. Vacant and unimproved properties within the City are exempt from the charges in Section 13.16.050. Any other person seeking an exemption or reduction in the storm drainage fee, or appealing therefrom, may do so pursuant to a demonstration to the City Manager or the Manager's designee that the public storm drain service does not receive stormwater from property used or occupied by that person. Such demonstration shall include evidence of legal disposal of storm water to a private retention system, private storm drain system, public water body, or other receiving facility.

Section 5. That Title 13: PUBLIC SERVICES, Chapter 13.16.110: APPEAL, is hereby repealed.

Read for the first time at a regular meeting of the City Commission held on the 1st day of December, 1993 and the foregoing ordinance was finally enacted by the City Commission this 1st day of December, 1993.

  
JEAN K. ELLIOTT, City Recorder

ATTESTED this 1st day of December, 1993.

  
DANIEL W. FOWLER, Mayor

ORDINANCE NO. 93-1025

Effective Date: December 31, 1993

5.



# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED  
December 1, 1993

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**Subject:** Proposed Ordinance No. 93-1025, An Ordinance Amending Title 13: Public Services, Chapter 13.16.030: Service Charges, Chapter 13.16.060: Payment Required, Chapter 13.16.080: Recovery of Unpaid Charges, Chapter 13.16.100: Exemptions, Chapter 13.16.110: Appeal, of the Oregon City Municipal Code, 1991, to Require Fees to be Assessed for Use of the City's Storm Drainage Services

**Report No. 93-255**

On the December 1, 1993 agenda is proposed Ordinance No. 93-1025 (copy attached) which amends Title 13: Public Services, Chapter 13.16; Storm Drainage Service Charges.

Basically the changes are as follows:

13.16.030. Service Charges. This Section now places payment of the service charge on the persons occupying the property as opposed to imposition on the improved property.

13.16.060. Payment Required. This Section now provides for payment by the current occupant or person entitled to possession of the property.

13.16.080. Recovery of Unpaid Charges. This Section removes the placement of a lien against the property for non-payment and provides for collection efforts or other lawful remedies, such as curtailment of City services.

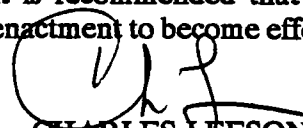
13.16.100. Exemptions. This Section combines exemptions, reductions and appeal and provides for a process for each.

13.16.110 Appeal. This Section will be repealed because it is combined with 13.16.100.

Notice of proposed Ordinance No. 93-1025 has been posted at City Hall, Courthouse and Senior Center by direction of the City Recorder. It is recommended that first reading be approved, second reading be called and approved for final enactment to become effective December 31, 1993.

jke  
Attach.

cc: Public Works Director

  
CHARLES LEESON  
City Manager