

CITY OF MILWAUKIE

ORDINANCE NO. 1770

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, IMPOSING A FRANCHISE FEE ON THE WATER AND SEWER PUBLIC UTILITIES OPERATING WITHIN THE CITY, CLASSIFYING THE FRANCHISE FEE NOT SUBJECT TO THE PROPERTY TAX LIMITATIONS OF ARTICLE XI, SECTION 11(B) OF THE OREGON CONSTITUTION AND DECLARING AN EMERGENCY.

WHEREAS, the City of Milwaukie has acquired and does maintain a system of public streets, alleys, sidewalks, bicycle lanes and right-of-way for public use; and

WHEREAS, resources for the maintenance of this street system are limited; and

WHEREAS, on a regular basis, the street system is impacted by the construction and maintenance of the city's water system and sewer system; and

WHEREAS, the cost of restoring the street system after it has been disturbed by water and sewer improvements has traditionally been borne by the Street Fund; and

WHEREAS, other public utilities within the city have been required to pay a franchise fee to the City for the right to operate within the city's streets;

WHEREAS, the City Council finds that the Water and Sewer Funds have resources available to pay for the impact of the water and sewer systems on the city's street system; now, therefore:

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Title 3 of the Milwaukie Municipal Code is amended by adding Chapter 3.10 to read as follows:

CHAPTER 3.10

PUBLIC UTILITY FRANCHISE FEE

3.10.010 Franchise fee imposed.

For the right to operate in, upon and under the street system of the city, a franchise fee is hereby imposed upon and shall be collected annually from the Water and Sewer Funds of the city. The fee shall be in an amount equal to eight percent (8%) of the net revenue of the water charges and sewer charges collected within the city after deductions have been made for all outstanding debt service obligations.

3.10.020 Payment.

Payment of the franchise fee set forth in Section 3.10.010 shall be made by annually transferring the appropriate sum of money for the franchise fee from the Water Fund and the Sewer Fund to the Street Fund.

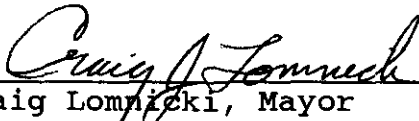
Section 3. The City Council determines that the fee imposed by this ordinance is not a tax subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

Section 4. Because of the immediate need to have a stable revenue flow to the Street Fund, an emergency is declared and this ordinance shall take effect upon its passage.

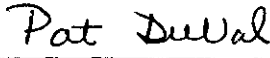
Read for the first time on August 2, 1994 and moved to a second reading by unanimous vote of the City Council.

Read for the second time and adopted by the City Council on August 2, 1994.

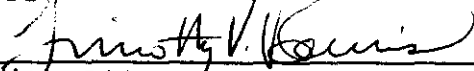
Signed by the Mayor on August 2, 1994.


Craig Lomnicki, Mayor

Attest:


City Recorder

Approved as to form:


City Attorney

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