

CITY OF JUNCTION CITY
Wastewater System Facilities Plan Junction City, Oregon

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Appendix C

ORDINANCE No. 289

Sewer Rates and Charges

AN ORDINANCE FIXING RATES AND SEWER CHARGES FOR THE USE OF THE SEWAGE FACILITIES IN THE CITY OF JUNCTION CITY; PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

The city of Junction City does ordain as follows:

Section 1. The following table of rates is hereby fixed and adopted by ordinance as the monthly municipal sewer rates for the City of Junction City to become effective with the June 2000 billing:

RESIDENTIAL SEWER RATES

Schedule 1

The rate for the period beginning May 21, 2002 and ending November 20, 2002:

Water Meter Size	Minimum Rate
5/8 - 3/4 inch	\$ 9.89
1 inch	11.50
1 ½ inch	12.51
2 inch	18.56
3 inch	28.36

or 1.119 of the average monthly water bill for the period beginning November 21, 2001 and ending April 20, 2001, whichever is greater.

For the period beginning November 21, 2000 and ending April 20, 2001, and each November 21 through April 20 of each year thereafter, the rates set forth in Schedule 1 above; or when the quantity of water use exceeds 400 cubic feet per billing month, the rate shall be 1.119 of 100 percent of the billed water, whichever amount is greater.

For the period beginning April 21, 2003 and ending November 20, 2003 and each April 21 through November 20 of each year thereafter, the rates set forth in Schedule 1 above; or when the quantity of water exceeds 400 cubic feet per billing month, the rate shall be 1.119 of 100 percent of the average monthly water bill for the five months preceding the period of April 21 to November 20, whichever is greater.

Sewer service provided where there is no meter shall be billed a monthly flat rate in accordance to the minimum rate in Schedule 1 above relevant to the size of the meter.

A sewer debt assistance charge of \$1.00 per month shall be assessed to all users.

COMMERCIAL SEWER RATES

Schedule 2

Water Meter Size	Minimum Rate
5/8 - 3/4 inch	\$ 9.89
1 inch	11.50
1 ½ inch	14.73
2 inch	33.75
3 inch	53.43
4 inch	101.62
6 inch	190.00
8 inch	235.83
10 inch	281.50

or when the quantity of water use exceeds 400 cubic feet in a billing month, the rate shall be 1.119 of 100 percent of the billed water, whichever is greater.

Sewer service provided where there is no meter shall be billed a monthly flat rate in accordance to the minimum rate in Schedule 2 above relevant to the size of the meter.

A sewer debt assistance charge of \$1.00 per month shall be assessed to all users.

The City is authorized to enter into a separate contract with individual or corporate users for special rates in excess of the rates provided for in this ordinance.

In addition to the above charges in Schedules 1 and 2, all users shall be charge the following for each account:

WASTEWATER TREATMENT IMPROVEMENT DEBT SERVICE RATES

A. Residential accounts shall be charged \$22 per month.

B. Commercial Accounts for properties which had a preceding winter average use of less than 800 cubic feet of water per month (Small Commercial Accounts) shall be charged \$25 per month.

C. Commercial Accounts for properties which had a preceding winter average use of 800 or more cubic feet of water per month (Large Commercial Accounts) shall be charged a percentage of the total Large Commercial Accounts' portion of the sewer debt fund payment. The total Large Commercial Accounts' portion of the sewer debt fund payment shall be determined by adding to the amount of the sewer debt fund payment an amount to compensated bad debts equal to not more than 10% of the total annual sewer debt fund payment, or such lesser amount as the City Administrator determines will sufficiently compensate for anticipated bad debts, and deducting from such total the projected revenues from residential and Small Commercial Accounts. The monthly amount which an individual Large Commercial Account user shall pay shall be determined by multiplying the adjusted total of the Large Commercial Accounts' portion of the sewer debt fund payment by the percentage which the individual Large Commercial Account user's preceding winter average consumption for the property bears to the total of the preceding winter average consumption of all Large Commercial Account users, divided by 12.

In the event that a commercial account user changes the type of use of the property served by the account so as to change the actual amount of water usage by more than 20% per month, such account's rate, pursuant to this schedule, shall be adjusted by the City based upon anticipated actual water usage, which City may determine by actual account history, usage levels of similar businesses, industry averages, or any other reasonable means.

[§ 1 amended by Ordinance No. 299, passed June 6, 1949; 1969; Ordinance No. 655, passed April 8, 1975; Ordinance No. 829, §, passed February 9, 1982; Ordinance No. 854, § 1, passed May 10, 1983; Ordinance No. 871, § 1, passed June 12, 1984; Ordinance No. 876, passed April 23, 1985; Ordinance No. 893, passed June 10, 1986; Ordinance No. 904, passed June 9, 1987; Ordinance No. 921, § 1, passed June 14, 1988; Ordinance No. 934, passed June 13, 1989; Ordinance No. 952, § 1, passed July 9, 1991; Ordinance No. 989, § 1, passed June 28, 1994; Ordinance No. 996, § 1, passed October 25, 1994; Ordinance 1019, passed May 21, 1996; by Ordinance No. 1034, passed May 13, 1997, by Ordinance 1060, passed April 27, 1999; by Ordinance 1082, passed June 8, 2000; by Ordinance 1088, passed November 16, 2000; by Ordinance 1092, passed January 18, 2001, and by Ordinance 1107, passed June 11, 2002.]

Section 2. The water department of Junction City is hereby directed to collect the rates and charges provided for in Section 1 of this ordinance from each user of the sewage facilities of the city at the premises where sewage facilities were provided to the user. Where the user has a delinquent bill for one premises, the delinquency shall be charged against the user for sewage facilities obtained at any other premises within the city.

[§ 2 amended by Ordinance No. 921, § 2, passed June 14, 1988; repealed by Ordinance No. 952, § 2, passed July 9, 1991; and amended by Ordinance No. 956, § 3, passed November 26, 1991.]

Section 3. The word "user" is defined to be the property owner or tenant who has sewage required to be disposed of by the ordinances of Junction City.

[§ 3 amended by Ordinance No. 956, § 5, passed November 26, 1991.]

Section 4. The property owner of record, in accordance with the provisions of Sections 5, 6, 7, and 8, shall be responsible for the payment of the sewer charges prescribed by this ordinance for sewage facilities provided by the city.

[§ 4 repealed by Ordinance No. 655, § 2, passed April 8, 1975; and amended by Ordinance No. 956, § 5, passed November 26, 1991.]

Section 5. Where the user of the services is 20 days delinquent in the payment of sewer charges, a notice shall be mailed to the user and to the property owner of record, if different that the user, notifying the user and the property owner that sewer service shall be suspended if the delinquent bill has not been paid in full within 10 days. If payment is not received within those 10 days, a notice shall be mailed to the user and to the property owner of record that the sewer charges may become a lien on the premises served, in accordance of the provisions of Section 6, 11 days from the date of the notice unless payment is received in full.

[§ 5 amended by Ordinance No. 885, passed October 22, 1985; and Ordinance No. 956, § 5, passed November 26, 1991.]

Section 6. Any charge due hereunder which is not paid when due may be recovered in an action at law by the city of Junction City in accordance with the provisions of this section; and any delinquencies past due may be certified to the tax assessor of Lane County Oregon, for collection in the manner and as provided by ORS 454.225. Where the user of the premises is 20 days delinquent in the payment of sewer charges, a notice shall be mailed to the user and to the property owner of record, if different than the user, notifying the user and the property owner.

[§ 6 amended by Ordinance No. 956, § 5, passed November 26, 1991.]

Section 7. In the event it becomes necessary to certify the sewer charges established because of the nonpayment thereof, there shall be added to such charges a penalty in the amount of 10 percent thereof; and the same shall bear interest at the rate of 8 percent per annum from the date of such certificate.

[§ 6 renumbered to § 7 by Ordinance No. 956, § 4, passed November 26, 1991.]

Section 8. Every person subject to a charge hereunder shall pay the same when due to the city of Junction City.

[§ 7 renumbered to § 8 by Ordinance No. 956, § 4, passed November 26, 1991.]

Section 9. In addition to other remedies or penalties provided by this or any other ordinance of the city of Junction City, failure of any user of water service to pay said charges promptly when due shall subject such user to discontinuance of such service; and the water department is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of the city shall at all reasonable times have access to any premises served by the city for inspection, repair or the enforcement of the provisions of this ordinance.

[§ 8 renumbered to § 9 by Ordinance No. 956, § 4, passed November 26, 1991.]

Section 10. The treasurer of the city of Junction City is hereby directed to set aside and pay into the sewer fund, heretofore created by Ordinance No. 287, all of the gross revenue received from charges and rates collected for the use of the sewer facilities as herein provided.

[§ 9 renumbered to § 10 by Ordinance No. 956, § 4, passed November 26, 1991.]

Section 11. It is hereby declared to be the intent of the council that each of the separate provisions hereof shall be deemed independent to the end that if any provisions hereof shall be declared invalid by any court of competent jurisdiction, all of the other provisions shall remain in force and effect; and that if any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance; and it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this ordinance would have been enacted irrespective of the enactment or validity of the portion hereof declared or adjudged to be unconstitutional or invalid.

[§ 10 renumbered to § 11 by Ordinance No. 956, § 4, passed November 26, 1991.]

Section 12. Inasmuch as the sewer system and sewage disposal plant for the city of Junction City will soon be constructed, and it is necessary that funds be accumulated without delay to retire bonds and bond interest heretofore authorized by the people and to raise money for the operation of said sewer system, and it is essential for the peace, health and safety of the people of Junction City that this ordinance become effective immediately;

Now, therefore, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect from and after its passage and its approval by the mayor.

Passed by the council and approved by the mayor December 10, 1974.

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ORDINANCE No. 297

Sewer Connections

AN ORDINANCE RELATING TO THE INSTALLATION, SUPERVISION, AND CONTROL OF SEWERS AND SEWER BUILDING CONNECTIONS; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND DECLARING AN EMERGENCY.

The city of Junction City does ordain as follows:

Section 1. Power of Inspection. The city through its council and authorized employees shall have the general supervision over the installation and construction of all building connections to the sanitary sewer system which are now constructed or hereafter may be built in the city, or which may be constructed and/or installed by its authority, and shall have charge of all alterations and repairs of same and all matters in connection with the general sewerage system of the city. Such authorized employee(s) of the city shall be known as the inspector of sewers, as hereinafter referred to.

Section 2. License Required and Bond. No connection shall be made with any sewers, except by persons regularly licensed by the city or the state of Oregon to perform that class of work. For persons not licensed by the state of Oregon, the city license fee shall be \$10.00 per calendar year or part thereof and shall be paid at the time of applying for said license. For persons not licensed by the state of Oregon, in addition, the applicant shall file a bond in the office of the city recorder in the sum of \$1,000.00, said bond to be in form approved by the city attorney and conditioned that said applicant shall indemnify and hold harmless the city of Junction City from all suits, claims, accidents, and damages occasioned by any opening in the streets, alleys, or public places by him or those in his employ, for making any connection with any public or private sewer, or for any other purposes or objects whatever; and that he will also replace and restore the streets, alleys, or public places over such openings to as good condition as it was previous to the work. No city license shall be required of any property owner doing his or her excavating and backfilling for connection of his property improvements to city sewer laterals. [§2 as amended by Ordinance No. 683, passed November 9, 1976.]

Section 3. Permit Required. No connection shall be made by any license sewer pipe layer or property owner with any sewer without having obtained a permit from the city recorder. Before any permit shall be issued, the property owner shall pay the city a \$50.00 connection charge and a \$25.00 inspection fee. If, in the judgment of the city recorder and the sewer committee of the city council, the applicant is unable to pay the connection charge, permit may be issued upon the applicant's making financial arrangements for the payment of the connection charge approved by the city recorder and the sewer committee of the council. [§3 as amended by Ordinance No. 303, passed September 6, 1949; Ordinance No. 638, Section 2, passed November 9, 1976; and Ordinance No. 997, passed October 25, 1994.]

Section 4. Location; Separate Connections. Applications for permits shall be made upon forms provided by the city; and the permit shall state the location of the property in lot and block numbers within platted areas, the name of the owner, number of the building to be connected, and how occupied. The permit shall state plainly that the property owner or the licensed sewer layer shall notify the city immediately upon the completion of sewer pipe connection line; and under no circumstances shall backfilling be permitted until the inspector has inspected connection line and given permission to backfill. Every house or building shall be separately and independently connected with the public sewer to existing wyes, unless permission is granted by the inspector to do otherwise.

Section 5. Material and Size of Sewers. The materials for all house and building sewers laid in any streets, alleys, or public or private property shall be of the best quality salt glazed vitrified clay, cast iron, or concrete pipe, or any other approved pipe, not less than six inches in diameter if concrete, or not less than four inches in diameter if other permitted material, extending from the public sewer to a point about five feet outside of the exterior wall of the building to be connected with said sewer. Only cast iron pipe shall be used when any building is constructed over any sewer pipe.

Section 6. Joints. A gasket of oakum or other approved material, saturated with neat cement, shall be caulked into the joints between the bell and spigot ends of vitrified clay or concrete pipes to prevent mortar from entering the interior of sewers. Cement mortar shall be rammed into the space between the bell and spigot so as to entirely fill the space, and the joint shall be smoothly finished similar to a plumber's "wiped joint." The cement mortar used for filling the joints shall be mixed in the proportion at least of one part of portland cement to two parts of clean, sharp sand, well mixed dry, then only enough water added to make a workable mortar. Such material shall be rammed into place with caulking tools, and shall not be wet enough to permit placement by hand without the use of tools. Joints in cast iron pipe may be made with either lead or cement mortar.

Section 7. Catch Basins and Other Treatment Devices. All floor drains installed in public garages, repair shops,

and similar places shall be provided with a catch basin through which the drainage shall pass before entering the sewer. The said basin shall be of a design and size which conforms to the minimum requirements of approved plans on file with the city recorder. A property owner in whose plumbing installation catch basins are required shall keep such catch basins clean and remove sediment, oil, and grease regularly. The city shall be authorized to inspect all catch basins periodically, and may order the cleaning of catch basins at any time deemed necessary. No septic tanks, cesspools, or dry wells shall be used between buildings and the sanitary sewer.

Section 8. Grades and Changes. All house sewers and private sewers laid in any street, alley, or public place shall conform to such grades and lines as may be approved by the inspector, and as little as possible of the trench shall be dug until the wye branch is found in the public sewer. All drains shall be laid as nearly as possible in straight lines and uniform grades, and any change in direction or grades shall be made with fittings or curves as may be approved by the inspector.

Section 9. Protection of Trenches. In opening trenches in any street, alley, or public place, the paving ballast must be removed with care; the sides of the trenches sheeted or braced when found necessary; gas, electric conduits, and water pipes properly protected from injury; and the trench enclosed with suitable barriers to prevent accidents to passengers on the streets, alleys, or public places in which said trench is opened.

Section 10. Backfilling Trenches. The material used for backfilling around and to a point six inches over the top of the pipe shall be free from stones and tamped with the utmost care so as not to displace or damage the sewer pipe and to obtain the greatest compactness and solidity possible. Whenever possible, water shall be used in backfilling and allowed to settle before the paving or ballast is replaced. After the backfilling is completed, the surplus material must be removed and the streets, alleys, or public places left in as good a condition as they were previous to the commencement of the work. Any settlement over the drain in any street, alley, or public place shall be repaired by the sewer pipe layer, upon notification by the city.

Section 11. *[Superseded by Article III of Ordinance No. 559. See Comp. 4-3.]*

Section 12. *[Superseded by Article III of Ordinance No. 559. See Comp. 4-3.]*

Section 13. Limit on Septic Tanks, Cesspools, Dry Wells, and Pit Privies. It shall be unlawful to retain the use of septic tanks, cesspools, or dry wells. All residences, commercial buildings, and structures located within 150 feet of a sanitary sewer shall connect to the city sanitary sewer system, and located within 150 feet of a storm sewer shall connect to the city storm sewer system.

No outside toilet facilities such as pit privies shall be permitted at any time. Where sewer connections are made as provided herein, septic tanks, cesspools, and dry wells shall be permanently disconnected from sewer lines and their use permanently abandoned. Said facilities shall be filled in wherever their abandonment may result in a hazard to life or property. [§13 amended by Ordinance No. 312, passed June 5, 1950; and Ordinance No. 841, Section 1, passed September 28, 1982.]

Section 14. Tampering with Manholes, Pumping Stations, Treatment Plant, Sewer System, or Appurtenances. It shall be unlawful for any person, firm, association, or corporation, without authority from the inspector of sewers, to open any manhole, or interfere with or tamper with in any manner any manhole, pumping station, treatment plant, sewer lines, equipment, or appurtenances owned by the city.

Section 15. Penalty for Violation. Any person, firm, association, or corporation who shall be guilty of any violation of any of the provisions of this ordinance shall, upon conviction, be fined not to exceed \$100.00, plus the costs of prosecution and the cost of any damage done. The inspector of sewers shall have full power to add to make a workable mortar. Such material shall be rammed into place with caulking tools, and shall not be wet enough to permit placement by hand without the use of tools. Joints in cast iron pipe may be made with either lead or cement mortar.

Section 16. Repeal. Ordinance No. 293 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 17. Emergency. It is hereby declared and adjudged that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health, and safety, and therefore an emergency is hereby declared to exist; and this ordinance shall be of full force and effect from and after its passage by the common council and its approval by the mayor.

Passed by the council and approved by the mayor April 1, 1949.

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ORDINANCE No. 963-A

Systems Development Charges

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT AND PROVISIONS GOVERNING THE DEVELOPMENT AND USE FOR SYSTEM DEVELOPMENT CHARGES FOR WATER, SEWER, STORM WATER, PARKS, AND STREETS.

The city of Junction City does ordain as follows:

Section 1. Purpose. The purpose of the system development charge is to impose a portion of the cost of capital improvements for water, sewer, streets, flood control, and parks upon those developments that create the need for or increase the demands on capital improvements.

Section 2. Scope. The system development charge imposed by this ordinance is separate from, and in addition to, any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development.

Section 3. Definitions. For purposes of this ordinance, the following mean:

Capital Improvements. Facilities or assets used for:

- (1) Water supply, treatment and distribution;
- (2) Waste water collection, transmission, treatment and disposal;
- (3) Drainage and flood control;
- (4) Transportation; or
- (5) Parks and recreation.

Development. The change in character, occupancy or use of land or buildings; or demolishing of a building for the conversion of such property to a differing use.

Improvement Fee. A fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to Section 4 of this ordinance.

Land Area. The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane, with the exception of a portion of the parcel within a recorded right-of-way or easement subject to a servitude for a public street or scenic or preservation purpose.

Owner. The owner or owners of record, title, or the purchaser or purchasers under a recorded sales agreement, and other persons having an interest of record in the described real property.

Parcel of Land. A lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.

Qualified Public Improvements. A capital improvement that is:

- (1) Required as a condition of residential development approval;
- (2) Identified in the plan adopted pursuant to section 8 of this ordinance; and
- (3) Not located on or contiguous to a parcel of land that is the subject of the residential development approval.

Reimbursement Fee. A fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to section 4 of this ordinance.

System Development Charge. A reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit, or at the time of

connection to the capital improvement. "System development charge" Includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections with water and sewer facilities. "System development charge" does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.

Section 4. System Development Charge Established.

(1) System development charges shall be established and may be revised by resolution of the council.

(2) Unless otherwise exempted by the provisions of this ordinance or other local or state law, a system development charge is hereby imposed upon all parcels of land within the city, and upon all lands outside the boundary of the city that connect to or otherwise use the sewer facilities, storm sewers, or water facilities of the city.

Section 5. Methodology.

(1) The methodology used to establish the reimbursement fee shall consider the cost of then-existing facilities, prior contribution by then-existing users, the value of unused capacity, rate-making principals employed to finance publicly owned capital improvements, and other relevant factors identified by the council. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities.

(2) The methodology used to establish the improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related.

(3) The methodology used to establish the Improvement fee or the reimbursement fee, or both, shall be contained in a resolution adopted by the council.

Section 6. Authorized Expenditures.

(1) Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.

(2) *[Line left blank]*

(a) Improvement fees shall be spent only on capacity increasing capital improvements, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the capital improvements funded by improvement fees must be related to demands created by development.

(b) A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the city pursuant to section 8 of this ordinance.

(3) Notwithstanding subsections (1) and (2) of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this ordinance, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures.

Section 7. Expenditure Restrictions.

(1) System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

(2) System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements.

Section 8. Improvement Plan. The council shall adopt a plan that:

(1) Lists the capital improvements that may be funded with improvement fee revenues;

(2) Lists the estimated cost and time of construction of each improvement; and

(3) Describes the process for modifying the plan.

Section 9. Collection of Charge.

(1) The system development charge is payable upon annexation; issuance of a building permit; a development permit; a development permit for development not requiring the issuance of a building permit; a permit to connect to the water system or to the sewer system.

(2) If no building, development, or connection permit is required, the system development charge is payable at the time the usage of the capital improvement is increased.

(3) The applicant for a building permit or development permit shall be required to state in writing the intended use of the building in sufficient detail to enable the city to determine the appropriate category of use. If the use of a building changes or if the stated use is incorrect, the occupant shall report the change of use to the city within 30 days and promptly pay any additional system development charge.

If the applicant fails to report a correct statement of use or a change of use within 30 days or fails to pay the additional system development charge within 10 days after invoice, the occupant shall pay a penalty of 10% of the balance due plus interest on the unpaid balance at the rate of 1.5% per month.

(4) The city shall not issue such permit or allow such connection until the charge has been paid in full or unless an exemption is granted pursuant to Section 11 of this ordinance.

Section 10. Delinquent Charges; Hearing.

(1) When, for any reason, the system development charge has not been paid, the city administrator shall report to the 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 of the owner.

(2) The city council shall schedule a public hearing on the matter and direct that notice of the hearing be given to each owner with a copy of the city administrator's report concerning the unpaid charge. Notice of the hearing shall be given either personally or by certified mail, return receipt requested, or by both personal and mailed notice, and by posting notice on the parcel at least 10 days before the date set for the hearing.

(3) At the hearing, the council may accept, reject, or modify the determination of the city administrator as set forth in the report. If the council finds that a system development charge is unpaid and uncollected, it shall direct the city recorder to docket the unpaid and uncollected system development charge in the lien docket. Upon completion of the docketing, the city shall have a lien against the described land for the full amount of the unpaid charge, together with interest at the legal rate of 10 percent and with the city's actual cost of serving notice of the hearing on the owners. The lien shall be enforceable in the manner provided in ORS Chapter 223.

Section 11. Exemptions.

(1) Structures and uses established and existing on or before the effective date of this ordinance are exempt from a system development charge, except water and sewer charges, to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this subsection shall pay the water or sewer charges pursuant to the terms of this ordinance upon the receipt of a permit to connect to the water or sewer system.

(2) An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the public improvement facility as calculated are exempt from all portions of the system development charge.

(4) Municipal projects are exempt from all system development charges.

Section 12. Credits.

(1) A system development charge shall be imposed when a change of use of a parcel or structure occurs, but credit shall be given for the computed system development charge to the extent that prior structures existed and services were established on or after the effective date of [the] ordinance. The credit so computed shall not exceed the calculated system development charge. No refund shall be made on account of such credit.

(2) A credit shall be given for the cost of a qualified public improvement associated with a residential development. If a qualified public improvement is located partially on and partially off the parcel that is the subject of the residential development approval, the credit shall be given only for the cost of the portion of the improvement not located on or wholly contiguous to the property. The credit provided for by this subsection shall be only for the improvement fee charged for the type of improvement being constructed and shall not exceed the improvement fee even if the cost of the capital improvement exceeds the applicable improvement fee.

Section 13. Segregation and Use of Revenue.

(1) All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the city. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in Section 6 of this ordinance.

(2) The city administrator shall provide the city council with an annual accounting, based on the city's fiscal year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account.

Section 14. Appeal Procedure.

A person challenging the propriety of an expenditure of system development charge revenues may appeal the decision or the expenditure to the city council by filing a written request with the city administrator describing with particularity the decision of the city and the expenditure from which the person appeals. An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure.

Section 15. Prohibited Connection. No person may connect to the water or sewer systems of the city unless the appropriate system development charge has been paid.

Section 16. Penalty. Violation of Section 15 of this ordinance is punishable by a fine not to exceed \$250.00. Each day that the violation is allowed to exist shall constitute a separate and distinct violation.

Section 17. Construction. The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference made a part of this ordinance.

Section 18. Severability. The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.

Section 19. Repeal. Section 3-3.2 of Ordinance No. 620, is repealed.

Section 20. Effective Date. As this ordinance directly impacts both current and future operations of the city, this ordinance shall become effective immediately after its passage by the council and approval by the mayor.

Passed by the council and approved by the mayor September 13, 1977.

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ORDINANCE No. 620

Sewer and Water Development Charges

AN ORDINANCE ESTABLISHING CHARGES FOR SEWER AND WATER SERVICES; ESTABLISHING A SYSTEMS DEVELOPMENT CHARGE; AND DECLARING AN EMERGENCY.

The City of Junction City does ordain as follows:

Section 1. Definitions.

- (1) **Sewer trunk.** A sewer pipe eight inches in diameter or larger which receives two or more laterals and serves a large territory.
- (2) **Sewer lateral.** A sewer pipe which collects customer waste and discharges to a trunk sewer.
- (3) **Service extension.** A sewer pipe four or six inches in diameter extending from the lateral sewer to the customer's property line.
- (4) **Building sewer.** A sewer pipe four or six inches in diameter which connects the customer's building plumbing to the service extension.
- (5) **Trunk main.** A pipe greater than eight inches in diameter serving distribution mains in a water distribution system.
- (6) **Distribution main.** A pipe not greater than eight inches used to distribute water supply to the customer.
- (7) **Service pipe.** A pipe extending from a distribution main to the customer's property line.

Section 2. [Repealed.]

[§2 repealed by Ordinance No. 963A, Section 19, passed November 24, 1992.]

Sewer

Section 3. Sewer Trunk Extension.

- (1) All real property which requires the construction of a sewer trunk to serve all or a portion of the property shall be assessed as follows:
 - (a) **Service boundary.** Whenever a sewer trunk is to be constructed, the council shall determine the geographical area to be benefitted thereby. The boundary around the area shall be the "service boundary."
 - (b) When the construction of the sewer trunk within a service boundary is done in one phase, the total cost of the sewer trunk to serve the area will be charged to the area benefitted.
 - (c) When the sewer trunk designed to serve the area within a service boundary is not constructed in its entirety at one time, the portion of the service boundary area to be served by the first construction shall be deemed to be the first phase of the project.
 - (1) The portion in which the first phase of the project is constructed shall be assessed for a proportionate share of the total cost of the construction of the sewer trunk to be built within the service boundary. The proportionate share shall be determined by the council's estimating the total number of square feet assessable within the service boundary and the total cost of the sewer trunk. A square foot assessment rate shall thus be determined. Each assessable parcel in the first phase of the project will be assessed at the rate so determined.
 - (2) The benefitted territories in all subsequent phases of the project shall be assessed at the rate determined above or at a rate based on the actual construction cost of the subsequent phase then being assessed, whichever is greater.
 - (d) "Total cost" shall include the construction, easement, engineering, administration, legal, and lift station costs.

(2) The assessment may be paid in installments as provided in the Bancroft Bonding Act in the same manner as other assessment liens in the city.

(3) The assessment shall be in addition to all other assessments required by ordinance, shall be levied when the sewer trunk is completed in which the property to be assessed lies, shall be docketed in the city docket of liens, and shall be enforced in the manner provided in ORS Chapter 223.

Section 4. Sewer Lateral.

(1) All real property benefitted by a sewer lateral shall be assessed for the total cost of the sewer lateral on a square foot basis. The proportionate share shall be determined by the council's estimating the total number of square feet benefitted by the sewer lateral and the total cost of the sewer lateral. The square foot assessment rate shall thus be determined. Each assessable parcel will be assessed at the rate so determined.

(2) "Total cost" shall include the construction of the sewer lateral and service extensions, easement, engineering, administration, and legal costs.

(3) The assessment shall be in addition to all other assessments required by ordinance, shall be levied when the sewer lateral is completed in which the property to be assessed lies, shall be docketed in the city docket of liens, and shall be enforced in the manner provided in ORS Chapter 223.

Section 5. Building Sewer. The cost of a building sewer shall be constructed and paid by the customer.

Section 6. Annexed Property Served by Existing Sewer Lateral.

(1) The owners of all real property lying within 160 feet of the city sewer system, which real property is annexed to the city and which can be served by an already installed city sewer lateral, shall pay to the city recorder a fee or sewer assessment at the same rate as was paid by the owners of the real property on the opposite side of the sewer lateral, which real property had previously been assessed or at a rate established by the average sewer lateral construction cost in the year of annexation, whichever is greater.

(2) In the event that the fee or sewer assessment is not paid within the time allowed for the payment of other improvement assessments, the city recorder shall follow the regular assessment procedure; and the fee or assessment shall become a lien against the real property and shall be docketed in the lien docket of the city or shall be foreclosed in the same manner as other assessment liens. The fee or assessment may be paid in installments as provided in the Bancroft Bonding Act in the same manner as other assessment liens in the city.

(3) The fee or assessment shall be in addition to all other fees and assessments required under any other ordinance.

Water

Section 7. Water Trunk Main Extension.

(1) All real property which requires the construction of a trunk main to benefit the property shall be assessed for the total cost of the construction of the trunk main. The proportionate share shall be determined by the council's estimating the total number of square feet assessable within the area to be benefitted by the trunk main and the total cost of the trunk main. A square foot assessment rate shall thus be determined. Each assessable parcel will be assessed at the rate so determined.

(2) "Total cost" shall include the construction, hydrants, easement, engineering, administration, and legal costs.

(3) The assessment may be paid in installments as provided in the Bancroft Bonding Act in the same manner as other assessment liens in the city.

(4) The assessment shall be in addition to all other assessments required by ordinance, shall be docketed in the city docket of liens, and shall be enforced in the manner provided in ORS Chapter 223.

Section 8. Distribution Main.

(1) All real property benefitted by a distribution main shall be assessed for the total cost of the distribution main on a square foot basis. The proportionate share shall be determined by the council's estimating the total number of square feet benefitted by the distribution main and the total cost of the distribution main. The square foot assessment rate shall thus be determined. Each assessable parcel will be assessed at the rate so determined.

(2) "Total cost" shall include the construction of the distribution main, easements, engineering, administration, and legal costs.

(3) The assessment shall be in addition to all other assessments required by ordinance, shall be docketed in the city docket of liens, and shall be enforced in the manner provided in ORS Chapter 223.

Section 9. Service Pipe. The cost for the service pipe shall be included in the water service charge established by ordinance.

Section 10. Miscellaneous.

(1) **Scope.** The systems development charge provided in this ordinance is separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law.

(2) **Construction.** The rules of statutory construction provided in ORS 174.101 through 174.110 are adopted and by this reference made a part of this ordinance.

Section 11. Emergency Clause. Whereas, the provisions set forth in this ordinance are necessary to provide the procedures for charging for utility services without delay, therefore, an emergency is hereby declared to exist; and this ordinance shall be of full force and effect upon its passage by the council and its approval by the mayor.

Passed by the council and approved by the mayor May 22, 1973.

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