

TITLE: AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 3330, AS THE SAME PERTAINS TO THE ESTABLISHMENT OF SEWER CONNECTION CHARGES, PROVIDING FOR CONTRACTS BETWEEN THE CITY OF ALBANY AND PROPERTY DEVELOPERS, SEGREGATING FUNDS FOR THE OVERSIZING OF SEWER MAINS.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: AMENDMENT

Section 4 of Ordinance No. 3330 is hereby amended to read as follows:

"Section 4: (a) For the purposes of this section, the following words and phrases shall have the meaning respectively ascribed to them by this subsection:

APPLICANT shall mean a person who applies for sewer service.

BIOCHEMICAL OXYGEN DEMAND (BOD) Shall mean the quantity of oxygen, expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of 20° centigrade.

CITY shall mean the City of Albany.

CITY ENGINEER shall mean the City Engineer of the City of Albany or his duly authorized agent.

COMMERCIAL BUILDING shall mean all buildings or premises used for any purpose other than a dwelling unit having a sewage discharge of a kind, type and volume similar to a single family dwelling unit or multiunit residential structure, but not an industrial waste contributor.

COUNCIL shall mean the City Council of the City of Albany.

DWELLING UNIT shall mean and be held to include each single family dwelling unit used for human habitation.

DEVELOPER shall mean any person or group of persons who requests the Council to extend its sewage collection facilities.

EXTENSION shall mean a sewer main extension.

FACILITY shall mean any structure or work necessary or adequate for the proper disposition of sewer wastes.

INDUSTRIAL USE shall mean any business, occupation or enterprise having sewage discharge which by reason of the service, manufacture or industrial process involved, is any volume in excess of a single family residence or is a kind or type dissimilar to that of a single family residence because of the discharge of chemicals or putrescent material as a by-product of such process. The City shall determine when a user is an industrial user by use of City owned sampling equipment. When the user is declared to be an industrial user by the City, such user shall be issued a Waste Discharge Permit and so directed by the City to furnish his own sampling equipment at the user's expense.

MULTI-UNIT RESIDENTIAL STRUCTURE shall mean a detached building designed as two or more structurally joined dwelling units and occupied by two or more families living independently of each other with separate entrance and including apartment houses, residential hotels and flats.

PLUMBING FIXTURES shall mean approved receptacle or devices intended to receive water, liquids or other permissible wastes, and which discharge the same into the soil pipe, waste pipe or special waste pipe with which they are connected.

SERVICE LATERAL shall mean any pipe between the sewer lines of the City and the customer's sewer service connection.

SOIL PIPE shall mean any pipe that conveys the discharge of water closets, with or without the discharge from other fixtures, to the house drain or service lateral.

SPECIAL WASTE PIPE shall mean any pipe or fitting which indirectly conveys liquid waste to a drainage system by discharging into any approved plumbing fixture or receptacle which is directly connected to a soil waste pipe or service lateral.

STORM SEWER shall mean a sewer that carries storm, surface and ground water drainage, but excludes sewage and industrial wastes.

SUBDIVIDER shall refer to a person who causes land to be divided into a subdivision for himself or for others.

WASTE PIPE shall mean any pipe or fitting which directly conveys the discharge of any plumbing fixtures, receptacle, apparatus or device, except water closets, to a soil pipe, house drain or service lateral.

"Section 4: (b) CONNECTION CHARGES.

To establish appropriate provisions for the construction and expansion of the sanitary sewer system of the City, inclusive of the treatment plant, and to provide for the necessary oversizing of the sanitary sewer system, and to be assured that the cost of such construction and expansion is borne by those who receive the benefits thereof, there is hereby established connection charges for all connections made to the sanitary sewer system of the City in accordance with the following amounts:

COMMERCIAL BUILDINGS: For each commercial building, the sum of "A" dollars for each group of four (4) or less domestic type plumbing fixtures. For each additional plumbing fixture in excess of four (4) plumbing fixtures, the sum of "B" dollars each will be assessed. High water rate users' connection charges will be made in accordance with the industrial formula hereinafter set forth.

DWELLING UNIT: For each dwelling unit, the sum of "A" dollars per dwelling unit.

MULTI-UNIT RESIDENTIAL STRUCTURE: For each multi-unit residential structure, the sum of a charge as follows:

- (aa) "A" for each group of seven (7) or less domestic-type plumbing fixtures, and
- (bb) "B" for each additional plumbing fixtures in excess of seven (7).

For the purpose of computing the dollar amounts set forth for the preceding category, "A" equals \$255.00; "B" equals \$36.00.

On the effective date of this ordinance, for the purposes of determining the connection fees, only 60.9% of "A" shall be charged. On or about January 1 of each year, following the effective date of the ordinance, the City Council shall, by resolution, determine the percentage amount of "A" to be charged for that calendar year by dividing the average daily MGD flow of domestic waste entering the disposal plant for the two highest weeks between June 1 and October 1 by a factor of 8.7 MGD. When the percentage amount of "A" exceeds 100%, it shall no longer be used.

The amounts of "A" and "B" shall be submitted for consideration of adjustment by resolution of the City Council annually in the month of January to reflect the increase or decrease of construction costs as determined for that period by the "Engineering News Record" cost of construction index published by McGraw-Hill Publishing Company for the area nearest Albany.

INDUSTRIAL USES: To determine the charge for industrial uses, the following formula shall be used:

$$X \text{ equals } \frac{M}{3} \cdot \frac{V}{V_D} \text{ plus } \frac{BOD_C}{BOD_D} \text{ plus } \frac{SS_C}{SS_D} \text{ equals}$$

X equals charge

M equals cost of plant expansion and oversizing costs as determined for supplying service for a known flow, BOD and SS (based on available information.)

V_C equals estimated average daily flow for customer for the 2 highest calendar year.

V_D shall be 1 MGD since the cost "M" is calculated on this basis.

BOD equals the estimated daily average biochemical oxygen demand in pounds per day of customer for the 2 highest calendar weeks in a calendar year.

BODD shall be 4450 pounds per day since the cost "M" is based on the fact that plant design of 1 MGD will treat this amount of BOD.

SS_C shall be the estimated daily average suspended solids demand in pounds per day of customer for the 2 highest calendar weeks in a calendar year.

SS_D shall be #2350 pounds per day since the cost "M" is based on the fact that the plant design of 1MGD will treat this amount of SS.

The City Council shall, by resolution, adjust the value "M" equal to \$498,300.00 annually on or about January 1st of each year to reflect the increases or decreases of construction costs as determined for that period by the "Engineering News Record" Cost of Construction Index published by McGraw-Hill Publishing Company for the area nearest Albany.

Since the values of V_C , BOD_C and SS_C for a new customer are based upon estimates which may prove incorrect, these values shall be estimated initially, and shall be corrected at the end of the first 12 months of service and the fee previously paid shall be adjusted accordingly. A corrected Waste Discharge Permit shall then be issued to the user for the corrected amount V_C and BOD_C , and SS_C .

If an existing user has exceeded or wishes to increase the limits of his Waste Discharge Permit, he shall apply to the City for a new Waste Discharge Permit and a new charge determined from the increased values, the user shall pay an additional connection fee equaling the difference between the connection fee previously paid and that determined to be due on the basis of the increased V_C , BOD_C , and SS_C , and the additional fee shall be collectible from the user as a condition of continued service by the City. The additional connection fee shall be due and payable at such time as the user's V_C , BOD_C , and SS_C exceeds ten (10%) percent for two (2) consecutive calendar years of the connection fee previously paid.

Industrial users in the City discharging into the sewer system as of the effective date of this ordinance shall be issued a temporary no charge Waste Discharge Permit which shall remain in effect until January 1, 1972. A permanent no charge Waste Discharge Permit shall then be issued based on the actual V_C , BOD_C and SS_C determined prior to that time.

If properties change from one use to a lower use requiring a lower connection fee, no refund for connection fees shall be made. If an existing sewer customer expands his use on the same or abutting property which results in increased influent into the City system of V_C , BOD_C , or SS_C the expanded service shall be considered part of the original service for the purpose of computing total loading for the customers' two highest weeks, if the expansion is not on the same property and not served through the same metering point on the City service lateral it shall be considered as a separate service for the purpose of determining the average daily V_C , BOD_C , and SS_C for the 2 highest calendar weeks in the calendar year.

Section 4 (c): PAYMENT OF FEES.

- (1) At the time a building permit is issued after the effective date of this ordinance by the Building Inspector of the City of Albany or his duly authorized representative, the applicant therefor shall pay to the City of Albany the necessary connection charges herein provided for, together with such other fees as may be provided by an Ordinance or Resolutions now in effect or hereafter adopted. Upon application to and with approval of the City Council, the payment of fee may be delayed. In the event of delay of payment of fee, the City Recorder shall enter in the City lien docket a statement of the amount of the fee upon the issuance of the building permit and the amount so entered shall be immediately due

and payable and shall be a lien upon the parts of land upon which the same is placed. Interest shall be charged at the rate of 10% per annum on all amounts not paid within 30 days from the date of entry in the lien docket. The City may use any method authorized by law to enforce collection of delinquent liens. The liens shall be considered delinquent if not paid within 30 days after entry on the lien docket.

- (2) Connection fees to be paid under the provisions of this ordinance shall be subject to payment in installments under the provisions of the Bancroft Bonding Act of the State of Oregon.
- (3) If any applicant shall purchase or cause to be purchased through the efforts of the applicant tax increment bonds covering the sewer collection service to be furnished to the applicant, he shall be entitled to an offset against the sewer connection fee herein provided in an amount as shall be approved by the Council.
- (4) All monies received from the Sewer Connection Charges plus interest, if any, shall be deposited in the Sanitary Sewer Capital Reserve Fund as created by Ordinance No. _____ and shall be expended from that fund only for the purpose of making major emergency repairs, extending or oversizing, separating, or constructing new additions to the treatment plant or collection and interceptor systems.

Section 5: EFFECTIVE DATE.

This ordinance shall be in full force and effect ninety (90) days after its passage by the Council and approval by the Mayor.

Passed by the Council: April 8, 1970

Approved by the Mayor: April 8, 1970



Mayor

Effective Date: July 7, 1970

ATTEST:



City Recorder