

ORDINANCE NO. 4967

AN ORDINANCE REPEALING ORDINANCE NO. 4064 WHICH ESTABLISHED PARK LAND DEDICATION FEES, AMENDING ALBANY MUNICIPAL CODE SECTIONS 10.08.050, 10.080.070 AND 11.01.100 (2) AND DECLARING AN EMERGENCY.

WHEREAS, the City of Albany is complying with the provisions of ORS 223.207 through 223.208 and 223.297 through 223.314.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Ordinance No. 4064 pertaining to the dedication of land for public open space is hereby repealed.

Section 2: Albany Municipal Code Section 10.080.050 - Sewer Funds is hereby amended as follows:

10.08.050 Sewer Funds. The "Sewer Fund" is hereby continued.

(1) Sewer use charges. All monies received from sewer users from monthly or quarterly sewer use charges shall be deposited in the Sewer Fund.

(2) Sewer ~~connection fees~~ system development charges. All monies received from sewer ~~connection fees~~ system development charges shall be deposited in the Sewer Improvement Fee or Sewer Reimbursement Fee Funds. Such funds shall be accounted for separately from those received from sewer use charges. System development charge ~~Connection fee~~ revenue shall only be used in accordance with Section 15.16.060 of the Albany Municipal Code. ~~for the purpose of making major emergency repairs, extending or oversizing sewers, or constructing new additions to the treatment plant.~~

Section 3: Albany Municipal Code Section 10.080.070 - Sewer Connection Fees is hereby amended as follows:

10.08.070 Sewer system development charges ~~connection fees.~~ To establish appropriate provisions for the construction and expansion of the sewerage system of the City and the treatment plant, 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 a system development charge ~~connection permits~~ for all connections or intensification of use made to the sewer system of the City in accordance with ~~this section.~~ Chapter 15.16 of the Albany Municipal Code.

~~(1) Refund not permitted. If properties change from one use to a lower use requiring a lower connection fee, no refund for connection fees shall be made.~~

~~(2) Payment of fees. Before a building permit may be issued, the applicant shall pay to the City the necessary connection charges herein provided for or shall make the necessary arrangements to pay such fees as provided for in Section 10.08.070(a) of this chapter, together with such other fees as may be provided by ordinances or resolutions now in effect or hereinafter adopted.~~

~~(a) Bancroft Bonding of Sewer Connection Fees. Connection fees to be paid under the provisions of this chapter may be subject to the payment in installments under the provisions of the Bancroft Bonding Act of the State of Oregon upon approval by the City Council.~~

~~(b) Sewer Connection Fee to Run With Land. A connection fee paid hereunder shall apply to the particular lot or tract for which it is issued. Any change of use which requires additional connections to the sewer shall cause an additional fee to be paid for each additional connection. The owner of the property shall be given credit only for those connections theretofore paid involving the same parcel of property. Where a structure which is served by city sewer is destroyed by fire, flood, wind or act of God, no connection fee shall be charged for a replacement of the structure, provided the use thereof is not intensified. Pre-existing sewer connections shall be allowed to continue with liability for additional payments.~~

~~(3) Base Rates. Sewer connection fees shall be established by Council Resolution.~~

Section 4: Albany Municipal Code Section 11.01.100 (2) - Water Connection Fee is hereby amended as follows:

Section 11.01.100

(2) A water system development charge, connection fee, an installation fee, and a deposit shall be is hereby established. The water system development charge shall be imposed upon all connections or intensification of use made to the water system of the City in accordance with Chapter 15.16 of the Albany Municipal Code. The water system development charge shall be deposited in the water improvement fee or water reimbursement fee funds. Such funds shall be accounted for separately. System development charge revenue shall only be used in accordance with Chapter 15.16 of the Albany Municipal Code. ~~paid by the party requesting the installation of the service, at the time said request is made.~~ The water system development charge, installation fees, and deposits are established by Council resolution.

~~(a) Refund Not Permitted. If properties change from one use to a lower use requiring a lower connection fee, no refund for connection fees shall be made.~~

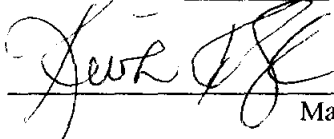
~~(b) Payment of Fees. Before a building permit may be issued, the applicant shall pay to the Utility the necessary connection and installation fees herein provided for or shall make the necessary arrangements to pay such fees as provided in Subsection 11.01.100(2)(b)(1) of this Code, together with such other fees as may be provided by ordinances or resolutions now in effect or hereinafter adopted.~~

~~(1) Bancroft Bonding of Water Connection Fees. Connection fees to be paid under the provisions of this Code may be subject to payment in installments under the provisions of the Bancroft Bonding Act of the State of Oregon upon approval by the City Council.~~

~~(2) Water Connection Fee to Run With Land. A connection fee paid hereunder shall apply to the particular lot or tract for which it is issued. Any change of use which requires additional connections to the water system shall cause an additional fee to be paid for each additional connection. The owner of the property shall be given credit only for those connections theretofore paid involving the same parcel of property. Where a structure which is served by water from the Utility is destroyed by fire, flood, wind, or act of God, no connection fee shall be charged for a replacement of the structure, provided the use thereof is not intensified.~~

Section 5: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health and safety of the City of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon passage by the Council and approval by the Mayor.

Passed by the Council: 6-26-91
Approved by the Mayor: 6-27-91
Effective Date: 6-26-91



Mayor

ATTEST:
