

ORDINANCE NO. 418

AN ORDINANCE ESTABLISHING A UTILITY SYSTEMS
DEVELOPMENT CHARGE AND PROVIDING STANDARDS
FOR THE IMPOSITION AND PAYMENT THEREOF

THE CITY OF STAYTON DO ORDAIN AS FOLLOWS:

Section 1. PURPOSE. After appropriate and lengthy review and study, the City Council has determined that it is reasonable and necessary to enact and impose a utility systems development charge for the purpose of financing the operation, repair, and expansion of municipal utilities, primarily the sanitary sewer and water systems.

Section 2. IMPOSITION OF CHARGE. A utility systems development charge is imposed on all lands in the city at the following cumulative rates:

a. Utility systems connection fee: 10 cents per square foot of gross building floor area, but not less than \$200.00.

b. Utility systems area fee: One-half cent per square foot of land area.

Section 3. COLLECTION. The utility systems development charge is due and payable prior to issuance of a building permit or a permit to locate a mobile home, or upon an application for connection to the municipal sewer or water system. No building permit shall be issued nor shall municipal sewer or water facilities be used until the charge has been paid in full.

Section 4. EXEMPTIONS.

a. Any parcel of land which, on the effective date of this ordinance has an existing structure or permit therefore, shall be exempt from the utility systems development charge to the extent of the structure then existing or covered by the building permit, provided that any such existing structures are connected to the city water and sewer systems.

b. Any parcel of land which, on the effective date of this ordinance has an existing structure not then connected to the city sanitary

sewer or water systems, may do so within sixty (60) days of the effective date of this ordinance without payment of the utility systems development charge. Thereafter, such existing structure shall be exempt from the utility systems area fee.

c. Alterations which do not increase the floor area of a structure, and any additions to single family residential dwellings which do not constitute the addition of a living unit as defined by the building code are exempt from payment of the utility systems development charge.

d. Each mobile home space or trailer site existing in a mobile home park or trailer court on the effective date of this ordinance which has a connection to the city sanitary sewer or water systems shall be exempt from payment of the utility systems development charge, but any such sites constructed or connected to the city sanitary sewer or water lines after said date shall pay a separate utility systems development charge.

e. Any parcel of land or portion thereof having paid the utility systems development charge shall receive credit for such amount in the event of an improvement being constructed or a change in use of the property at a future date. However, no refund shall be made on account of such credit in the event the new utility systems development charge is less than that already paid.

f. Any structure located on a parcel of land annexed to the city after the effective date of this ordinance shall be exempt from the utility systems development charge, to the extent of the structure existing at the time of annexation, until such time as it may be connected to the municipal sewer or water systems. Upon such connection, the utility systems connection fee shall be paid, but such existing structure shall be exempt from the utility systems area fee.

g. Any warehouse or other structure constructed for use solely for the purpose of storing goods, wares or merchandise shall be exempt from the utility systems connection fee if said structure is not con-

nected to the municipal sewer or water systems. If said structure is connected to either the municipal water or sewer system, but not both, the structure shall be exempt from one-half of the utility systems connection fee.

h. Any person aggrieved by the imposition of the utility systems development charge may request a hearing before the city council by filing a written request therefore with the city recorder, setting forth such unusual or exceptional circumstances as may exist. The council may, in its discretion, alter the charge or the manner of payment thereof if unusual and exceptional circumstances justify such alteration.

Section 5. INSTALLMENT PAYMENT. Whenever a utility systems development charge of more than \$100.00 is due the owner of the parcel involved may apply on forms provided by the city for the voluntary imposition of a lien on the parcel and the payment thereof in twenty semi-annual installments, plus interest at the rate of eight percent (8%) per annum. Such lien shall be entered on the city lien docket and enforced as any other city lien.

Section 6. AREA. The utility systems area fee shall be calculated by the city recorder or his delegate, and he may require the applicant to furnish the gross land area of the lot or parcel involved, certified as correct by a registered surveyor. The fee shall be paid on the entire lot or parcel of land in any case involving 10,000 square feet or less, but in the event applicant owns a larger parcel of land, and is building on only a portion thereof, the applicant may elect to defer payment of the area fee on the balance of the parcel provided that sufficient utilizable area remains for future construction. The city recorder is authorized to promulgate rules and standards for allowance of such deferrals, subject to council review.

Section 7. SEGREGATION AND USE OF FUNDS. All funds received from the utility systems development charge shall be placed in a separate fund, and shall be used for no other purpose than the operation, repair, and expansion of municipal utilities, including repayment of bonded indebtedness. Not more than twenty percent of the funds collected in any one year may be used for utilities other than the sanitary sewer and municipal water systems. In the discretion of the Council, funds may be accumulated in unlimited amounts for expected future expansion costs.


Section 8. ENFORCEMENT. In the event the utility systems development charge is not paid when due, the City Recorder shall give written notice to the owner or person in possession of the lot or parcel of ground involved of the failure to pay such charge. If the charge is not paid within ten (10) days from the date of said notice, the unpaid charge shall be entered upon the city lien docket and constitute a lien on the lot or parcel of land involved. Such lien may be foreclosed as any other lien of the city. The unpaid balance of the lien shall bear interest at eight percent per annum from the date of docketing until paid.

Section 9. SEVERABILITY. Should any portion of this ordinance be held to be invalid or unenforceable, it shall not affect the validity of the ordinance as a whole or of any other portion thereof.

Section 10. EMERGENCY. This ordinance being necessary to provide the necessary funds for the municipal utility systems for the protection of the public health and safety, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor.

PASSED by the Council this 20th day of March, 1972.

APPROVED by the Mayor this 28th day of March, 1972.


MAYOR

ATTEST:


CITY RECORDER