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ORDINANCE NO. 2739

TITLE: An Ordinance to amend an Ordinance declaring the intention of the City of Albany, Oregon, to establish, operate and maintain, within or without the City Limits of the City of Albany, Oregon; and a Sewage Disposal Plant or plants, sewers, equipment, appurtenances, useful or convenient, for a complete sewer system and disposal plant; imposing an equitable charge, declaring certain acts unlawful and imposing penalties; consolidating all amendments to Ordinance No. 1960; and declaring an emergency.

Recitals:

1. Ordinance No. 1960 has been amended by Ordinances No. 1975, 1998, 2153, 2510, 2524, 2657, 2716.

2. Whereas, it would be to the best interest of the people of the City of Albany to establish all amendments to Ordinance No. 1960 in one Ordinance and provide for consolidation of this Ordinance, as amended;

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

Section 1: That Ordinance No. 1960 be amended to read as follows:

"Section 1: Pursuant to the general laws of the State of Oregon and the powers granted in the Charter of the City of Albany, Oregon, the Council of said City does hereby declare its intention to acquire, own, construct, equip, operate and maintain within or without the City limits of the City of Albany, Oregon, a Sewage Disposal Plant or plants, sewers, equipment and appurtenances necessary, useful or convenient for a complete sewer system and disposal plant, and also including maintenance and extension of the present sewer system of said City and also including the reconstruction of such sewers as may necessarily or conveniently be deemed proper by the Council.

Section 2: There is hereby levied and imposed upon all owners of property just and equitable charges for sewer service or subsequent service, maintenance, operation, extension and reconstruction of sewer and to establish funds for the purposes as heretofore set out in Section 1 and herein.

Section 3: The just and equitable charges aforesaid are hereby established, determined and declared to be as follows:

CLASS I:

Single family residences	\$1.00 per mo.
Each apartment unit in any multiple family dwelling	1.00 per mo.

CLASS II:

Commercial establishments	1.30 per mo.
a) First two fixtures, minimum	
b) Additional three to five fixtures, each	.65 per mo.
c) Additional six to ten fixtures, each	.35 per mo.
d) Each additional fixture thereafter	.30 per mo.
e) All schools belonging to Union High School No. 8 shall be charged on an adjusted rate based upon the above, less 30%.	
f) All schools belonging to School District No. 8 shall be charged on an adjusted rate based upon the above, less 30%.	
g) All schools belonging to School District No. 5 shall be charged on an adjusted rate based upon the above, less 40%.	

CLASS III:

Industrial establishments discharging wastes into the sewer system shall be charged at the rate as defined in Class II, commercial establishments, above, or at the following rate, which ever is the greatest:

a) First 500 cu. ft. @ 20¢ per 100 cu. ft.
b) Next 1000 cu. ft. @ 13 1/3¢ per 100 cu. ft.
c) Next 8500 cu. ft. @ 10¢ per 100 cu. ft.
d) Next 90,000 cu. ft. @ 6 2/3¢ per 100 cu. ft.
e) All over 100,000 cu. ft. at 2 2/3¢ per 100 cu. ft.

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(a) All quantities of waste for these industrial establishments are to be determined by the amount of metered water delivered to said premises from the water system of the water system of the Pacific Power and Light Company. In the event that any of these industrial establishments obtain water from other sources other than the Pacific Power and Light water system, then and in that event, the industry concerned shall be required to install a meter at their expense and make the same available to the City of Albany for reading to determine the amount of waste actually discharged into the sewers.

(b) In the event that water, of whatever origin, is used in the manufacture of commodities for sale or used in cooling or similar purposes and is not discharged into the sanitary sewer system, then and in that event, the flow into the sewer from such industry shall be metered by and at the expense of the user of the sewer, and the rates shall be based upon the rate of flow into the sewer. In most cases the amount of flow into the sewer will be based on the amount of water delivered to the establishment in question from whatever source, less the metered amount of water used in manufacture of commodities or in cooling and which does not reach the sanitary sewer system.

(c) All industries engaged in the packaging, canning or processing of fruits, vegetables, grain or other food products shall remove from their wastes all suspended matter of a size larger than that which will pass through a screen having 40 wires per lineal inch in two directions. This removal shall be accomplished in a mechanical screening unit of a design approved by the City Engineer.

(d) Sewer Connections:

Residence: Where any vacant property which may be served by sewage facilities by the City of Albany is improved and ready to connect to a sewer, the owner of the said property shall pay a connection charge of \$25.00 for each residence connection. This \$25.00 service connection charge shall apply to any residence in the City of Albany and must be paid before any connection to the City sewer system is made, providing, said sum shall be reduced by an amount equal to any sewer connection charge heretofore paid against said property by reason of this Ordinance.

Apartments and Multiple Dwellings: Apartments and multiple family dwellings will be charged at the unit rate for residence, namely \$25.00 for each unit up to four units; over four units will be charged at the commercial rate as set forth below.

Commercial: For any vacant property which may be served by the sewage facilities of the City of Albany is improved by other than above provided, and application is made for a sewer connection, the owner of the said property shall pay, before any connection to the city sewer system is made, a sewer connection charge as follows:

Three or less fixtures	\$ 35.00
Four to six fixtures, inclusive	75.00
Seven to ten fixtures, inclusive	120.00
Eleven to fifteen fixtures, inclusive	150.00
Sixteen or more fixtures	200.00

If residence rated property is changed to commercial rated property, or from commercial rating to a higher commercial rating, the property owner shall pay the difference between the present rating charge and the previous rating charge.

If property is changed from one rating to a lower rating, no refunds for connection fees shall be made.

All municipal corporations shall be exempt from the above connection charge.

The sum paid for connection charges shall be deemed the applicant share in paying the cost of disposal facilities to the date of connection.

Where any industrial establishment, not previously connected to the sewer system shall apply for connection, the said industrial establishment shall pay, before any connection to the City Sewer System is made, a sewer connection charge equal to one-half of the estimated service charge for three months operation of the said industrial establishment, as determined by the first paragraph of this section.

Section 4: The City of Albany is hereby directed to collect the rates and charges provided herein from each owner of property which disposes of sewage, whether in the City System or otherwise and on the first day of each month, beginning and after the effective date hereof, each owner shall be charged the rate as set out in Section 3. The said charges, as and when collected, shall be paid over to the Recorder of the City of Albany, Oregon, to a fund indicated as "Sewer Charge Account, Special." The administrative cost for collecting the sewer charge shall be paid from such special account.

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Section 5: The City of Albany, Oregon, may use such means of collection of rates and charges for sewer service as may be provided by the laws of the State of Oregon or permitted by the Charter and Ordinances of the City of Albany, Oregon, and any delinquencies may be certified to the tax assessor of Linn County for collection in the manner and as provided by O R S 224.220. Rates and charges shall be deemed to be delinquent and shall draw interest at 8% per annum. If not paid by the twentieth day of the month, the charge is effective. Any charge due hereunder which shall not be paid when due may be recovered in an action at law by the City of Albany, Oregon.

Section 6: In the event it becomes necessary to certify the service charges established because of the non-payment therefor, there shall be added to said charges a penalty in the amount of 10% thereof and the same shall bear, when certified, interest at the rate of 8% per annum from the date of such certificate.

Section 7: The City Recorder, upon receipt of funds is hereby directed to credit all revenues received from such charges and rates collected to a fund designated "Sewer Charge Account, Special."

Section 8: Definition of "fixture" as used herein is any apparatus that uses water and wastes into a sewer.

Section 9: The imposition of said charges shall begin on the 1st day of July, 1949.

Section 10: All garbage grinders which discharge garbage into the sewers, installed for domestic use, are hereby declared to be unlawful, unless the installation thereof has been inspected by the Plumbing Inspector, and a permit issued therefor. No charge for said permit or inspection shall be made and in the event such garbage grinder is now or may hereafter be installed as aforesaid, then, and in that event, the said monthly charge per family unit shall be an additional 25¢ per garbage grinder unit.

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 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, subdivision, paragraph, provision or clause of this Ordinance would have been enacted irrespective of the enactment or validity of the portions hereof declared or adjudged to be unconstitutional or invalid.

Section 12: Inasmuch as it is necessary for the peace, health and safety of the citizens of the City of Albany, Oregon, that the above clarification amendments be carried into effect as soon as possible, an emergency is hereby declared to exist and this Ordinance shall become immediately effective, upon its passage by the Council and approval by the Mayor.

Passed by the Council: May 8, 1957

Approved by the Mayor: _____

W. H. Johnson
Mayor

Effective Date: May 8, 1957

ATTEST:

Arthur P. Johnson
City Recorder