

ORDINANCE NO. 2573

AN ORDINANCE REPEALING ORDINANCE NO. 2314 OF THE CITY OF BAKER, OREGON, ENTITLED "AN ORDINANCE ESTABLISHING AND IMPOSING JUST AND EQUITABLE SEWER SERVICE CHARGES UPON WATER USERS OF THE BAKER WATER SYSTEM, ETC." AND ESTABLISHING AND IMPOSING JUST AND EQUITABLE SEWER SERVICE CHARGES UPON WATER USERS OF THE BAKER WATER SYSTEM AND UPON THE PREMISES IN THE CITY SERVED BY SEWAGE FACILITIES; PROVIDING FOR THE MANNER OF COLLECTION OF SUCH CHARGES; ALSO PROVIDING FOR PENALTY; PROVIDING FOR THE DISPOSITION OF THE FUNDS SO COLLECTED, AND DECLARING THE EFFECTIVE DATE OF THIS ORDINANCE BY THE DECLARATION OF AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF BAKER:

Section 1. That pursuant to the general laws of the State of Oregon and the powers granted in the Charter, and Ordinances of the City of Baker, the City Council of such City does hereby declare its intention to operate, maintain, reconstruct, and improve the existing sewage system and provide for a new method of sewage disposal. That said sewage system and disposal plant must from time to time in part be replaced, reconstructed, equipped and maintained, and there are not sufficient funds being received from present sewer charges to retire the recently authorized sewer improvement bonds as they severally become due, and to pay the interest on said bonds and in addition, to operate and maintain the present and the expanded sewage system and disposal plant in an adequate and sanitary manner in regard to the health and well-being of the people of the City of Baker; that it is necessary for the City Council to provide funds so that said sewage system and sewage disposal plant may be adequately maintained, operated and equipped and also, to retire the sewer bonds and pay the interest thereon.

Section 2. There is hereby levied and imposed upon all occupants of premises which are connected with the city sanitary sewer system just and equitable charges for services or subsequent services, maintenance and operation of the City of Baker City sanitary sewer system, and disposal plant and to establish funds for said purposes. (As amended by: Ord. No. 3016, 6-11-91)

Section 3. That such just and equitable charges shall be imposed by a resolution to be passed at the same time as this ordinance is placed on its final passage, and said Resolution establishing such just and equitable charges may be amended, as from time to time deemed necessary by the City Council by a subsequent Resolution. That such charges will be based on the flat rate for residential users with the rate to be set on commercial and business users dependent upon the amount of water such establishments use.

Section 4. The water department of the City of Baker is hereby directed to collect the charges provided for herein from each water user of the City of Baker, as hereinabove provided, and all charges shall be shown on the regular monthly water bill, followed by the symbol SC. That said charges as and when collected by the water department shall be paid over to the City Recorder of the City of Baker, Oregon, and be recorded by the City Recorder as a receipt to the sewer utility fund of the city. The water department shall withhold amounts equivalent to the administrative costs incurred in the collection of said charges.

NOTE: Ordinance 2827, passed 3-10-81 supersedes Ordinance 2573. Where provisions of Ordinance 2573 are inconsistent with Ordinance 2827, the provisions of Ordinance 2827 shall prevail.

Section 5. The water department of the City of Baker shall punctually notify the City Recorder of all delinquencies and the City Recorder may use such means of collection for delinquencies as may be provided by the laws of the State of Oregon, and /or permitted by the Charter and Ordinances of the City of Baker. Delinquencies may be certified to the Tax Assessor Baker County in the manner and as provided by ORS 224.220. Nothing herein shall preclude the City of Baker from filing an action at law for the recovery of any delinquent sewer service charge.

Section 6. Every person subject to a charge hereunder shall pay the same when due to the water department of the City of Baker. The charges provided for, by Resolution, shall become effective March 1, 1964.

Section 7. In the event it becomes necessary to certify the service charges established because of the non-payment thereof, there will be added to such charges, a penalty in the amount of ten per cent (10%) thereof, and the same shall bear, when certified, interest at the rate of eight per cent (8%) per annum from the date of such certification.

Section 8. There is hereby established a fund to be entitled Sewer Utility Fund. Said fund will have three (3) divisions. The first division shall show as income all of the monies received from sewer service charges and the second fund will show separately all monies to be received in the future from sewer connection charges. Then, hereafter, in setting up the annual budget for the City of Baker, the Sewer Utility Fund Budget will first provide from each of the first two (2) divisions of income a sufficient amount to pay the annual redemption and interest on the outstanding sewer bonds and place the same in the third division to be entitled "City of Baker, General Obligation and Revenue Sewer Bonds, Series 1964, Sinking Fund", and after such provision is made, then from the remaining receipts in each income division of said Sewer Utility Fund, there will be budgeted the expenses properly attributed to each division. Except for the payment of its share of the general administrative over-head and the expense incurred by the Water Department collecting the sewer charges, no other money received either from sewer service charges or sewer connection fees, shall be used for any other municipal purpose except for the operation and maintenance of the sewer system and disposal plant, and providing for proper reserves as allowed by Ordinance 2571, and for the retirement of the sewer improvement bonds and the payment of interest thereon until such time as either or all of said bonds have been retired and all of the interest due thereon has been paid, or there has been established a sufficient reserve to retire all of the outstanding sewer bonds, together with payment of the interest due thereon.

Section 9. The City Recorder, upon receipt of said funds from the water department of the City of Baker, or from sewer connection charges, is hereby directed to credit all of such revenue, except as hereinabove provided, to the Sewer Utility Fund.

Section 10. That Ordinance No. 2314 of the City of Baker, Oregon, should be, and the same is hereby repealed, provided, nevertheless, that the repeal hereby of said Ordinance No. 2314 shall not affect, in anywise, any obligations arising in favor of the City of Baker out of any charges and assessments made and levied by virtue of the provisions thereof, and, further, all charges and assessments so made by virtue of said Ordinance No. 2314 are hereby declared valid and lawful and shall be collectible by the City of Baker in the same manner and to the same extent of the provisions of Ordinance No. 2314, as though said Ordinance No. 2314 was not hereby repealed.

Section 11. If any clause, sentence, paragraph, section, or part of this Ordinance shall for any reason be adjudged or decreed to be invalid by any court of competent jurisdiction, said judgment or decree shall not affect, impair, or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause,

sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered.

Section 11.1 In addition to any other purpose authorized herein for the disposition of funds received from the monthly sewer charge, the city is authorized and empowered to expend such funds for the construction, operation, maintenance and reconstruction of a storm sewer drainage system. (As amended by Ord. No. 2934, 5/22/86)

Section 12. Inasmuch as it is to the health, welfare and benefit of the residents of the City of Baker, that just and equitable sewer charges be imposed, an emergency is hereby declared to exist and this ordinance and the resolution setting sewer service charges as authorized by this ordinance shall be and the same are hereby declared to be in effect as of March 1, 1964.

Read for the first time this 27th day of January, 1964. Read for the second time by title only by unanimous consent of all council members present this 27th day of January, 1964. Read for the third time this 10th day of February, 1964.

Passed by the City Council of the City of Baker, Oregon, this 10th day of February, 1964. Approved by the Mayor of the City of Baker, Oregon, this 10th day of February, 1964.