

ORDINANCE NO. 5164

AN ORDINANCE AMENDING CHAPTER 10.14 OF THE ALBANY MUNICIPAL CODE, SEWER CONNECTIONS OF UNASSESSED PROPERTIES; AND DECLARING AN EMERGENCY.

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

Section 1: Chapter 10.14 of the Albany Municipal Code is hereby amended to read as follows:

Chapter 10.14

SEWER CONNECTIONS OF UNASSESSED PROPERTIES

Sections:

10.14.010 Purpose.
10.14.020 Permit requirements - Fees - Payment procedures.

10.14.010 Purpose.

Except as provided in Chapter 10.16 of the Albany Municipal Code relating to properties within the North Albany Sanitary Sewer Basin, the City adopts the policies and procedures set forth in this chapter, for in-lieu-of-assessment fees, when unassessed property proposes to connect to the City sewer system. (~~Ord. 4169 ^U-1, 1978~~).

10.14.020 Permit requirements - Fees - Payment procedures.

(1) Any person desiring to connect a private sanitary sewer line to a City sanitary sewer line from property against which no assessment has been levied shall first apply to the Building Department for a permit to do so. The permit shall set forth at what point the City sewer line is to be tapped, the distance that the connecting sewer line will run, the location, the size of pipe, the type of construction and such other facts as the City Engineer may reasonably require on a form to be furnished for this purpose.

(2) Except where the existing public sewer line (and lateral) was constructed privately by the owner of the connecting property or a previous owner of the property under the provisions of a Permit to Construct Public Facilities, Upon making an application as herein provided, such person shall pay to the City an in-lieu-of assessment in an amount equal to a rate to be established by Council Resolution. ~~The depth of the property by this payment shall not exceed 150 feet except by special authorization of the Director of Public Works or his/her duly authorized agent and based on reasonable judgment, such as:~~

- ~~(a) The location of the building in relation to the referenced 150 foot line;~~
- ~~(b) Possibility of future development for building sites beyond the 150 foot depth.~~

~~Except as provided by (a) and (b) immediately preceding, a charge as established by Council resolution will be charged for that area beyond 150 feet from the sewer. The sum so paid may be deposited against any future sanitary sewer assessment which may be made against such property.~~

~~(3) In the event that a City sewer line is in close proximity but not contiguous to an industrial, commercial or multiple housing development desiring connection, a line of adequate length, size and depth (as approved by the City Engineer) shall be installed at the owner's expense to serve such property. The charge as outlined in (a) and (b) of subsection (2) shall then be imposed but the owner shall have credited upon such installation charge, that cost for excess length, size or depth required.~~

~~(4) In the event that one or more single family residential property owners desire to extend a sewer to serve their property, the method and connection charge, if any, shall be consistent with current policies.~~

~~(5) Payment of the charges provided in subsection (2) of this section shall be in lieu of any assessments to property owners paying the same under that paragraph for any future sewer which might serve the property.~~

~~(36) The rate of payment described in subsection (2) shall be adjustable from year to year to reflect the actual cost of sanitary sewer construction using the change in the Engineering News Record (ENR)~~

Construction Cost Index or other method as may be approved by the City Council. ~~but shall not be more than 75 percent or less than 70 percent of the City Engineer's average estimate of the cost of construction for eight inch standard sanitary sewer.~~

(47) ~~In-lieu-of assessment~~ 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 state law and city policy.~~

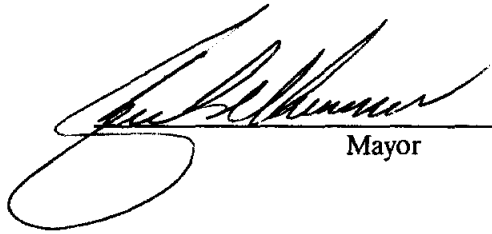
(58) All ~~moneys~~ monies received from the sewer ~~connection in-lieu-of assessment~~ charges plus interest, if any, shall be deposited in the sewer improvement fund. (~~Ord. 5026 ^U 1, 1993; Ord. 4615 ^U 1, 1984; Ord. 4169 ^U 2, 1978.~~)

Section 2: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, safety, and health of the citizens 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: December 14, 1994


Approved by Mayor: December 14, 1994

Effective Date: December 14, 1994



Mayor

ATTEST:



Deputy City Recorder