

West Linn Code

residential property is vacant, or a non-residential use is discontinued, for greater than 30 days and water service is still provided to the property, the City will not assess some or all of the roadway maintenance service fee upon written application for non-assessment by the responsible party and verification by the city of the vacancy.

[Section 4.582 added by Ordinance No. 1557, adopted January 14, 2008.]

4.585 Recovery of Unpaid Charges – Enforcement .

Any roadway maintenance service fee due that is not paid when due may be recovered from the responsible party in an action at law by the City. In addition to any other remedies or penalties provided by this or any other ordinance of the City, failure of any user to pay the roadway maintenance service fee when due shall subject such user to discontinuance of water service pursuant to procedures authorized by Section 4.235 of the Municipal Code.

[Section 4.585 amended and renumbered 4.080 by Ordinance No. 1437, effective July 1, 1999; Section 4.585 amended by Ordinance No. 1557, adopted January 14, 2008.]

4.590 Moneys to be Paid into Roadway Maintenance Fund.

All roadway maintenance service fees collected by the City shall be paid into the roadway maintenance fund and used only for qualifying roadway maintenance service expenditures. To the extent that the fees collected do not fully fund qualifying roadway maintenance service expenditures, the City may use other City funds as determined by the City Council to make up the difference. The roadway maintenance service fees collected may not be used for general or other governmental or proprietary uses of the City. It shall not be necessary that the operations and maintenance expenditures from the fund specifically

relate to any particular property from which the fees for said purposes were collected.

[Section 4.590 amended and renumbered 4.082 by Ordinance No. 1437, effective July 1, 1999; Section 4.590 amended by Ordinance No. 1557, adopted January 14, 2008.]

4.595 Appeal.

Upon written request from a utility customer, the City Manager, upon the advice of the Director of Public Works or Finance Director, as appropriate, shall issue a written determination concerning any administrative aspect of the roadway maintenance service fee that affects the utility customer. Within 15 days of the issuance of this written determination, the utility customer may appeal the administrative determination to the City Council. The City Council shall hold a public hearing and may affirm, overturn, or modify the decision of the City Manager.

[Section 4.595 renumbered 4.085 by Ordinance No. 1437, effective July 1, 1999; Section 4.595 amended by Ordinance No. 1557, adopted January 14, 2008.]

PARKS UTILITY SERVICE

4.600 Purpose.

A Parks Utility Fund is created for the purpose of providing for the operational maintenance of the City's parks, recreation, and open space system and the capital maintenance and replacement of facilities within this system. The City declares the necessity of providing maintenance of the City's parks, recreation facilities, and open space areas as a parks utility, providing a necessary and sustainable source of funding, with such maintenance to include actions necessary to 1) provide safe facilities, 2) properly maintain such facilities and areas to maximize their use, utility, and longevity, 3) modernize existing parks and recreation facilities to ensure that they meet today's standards for accessibility, comfort, and ease of use, 4) allow for aesthetic enjoyment of city parks and city open space and natural areas, 5) provide proper upkeep

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of flora within city parks and open space areas, including especially maintenance of a healthy and diverse tree canopy and removal of invasive and destructive vegetation, 6) provide proper maintenance of driveways and walkways providing ingress and egress for city parks, and 7) take any other action necessary to ensure that city parks, recreation facilities, and open space areas are maintained at standards that support the need of city residents.

4.605 Definitions.

Residential Unit. Any single-family residence, detached or attached, duplex, manufactured home, or multi-family dwelling, apartment or condominium within the boundaries of West Linn. Accessory dwelling units shall not be considered residential units. Group residential facilities, residential facilities, residential homes, and senior citizen/handicapped housing facilities, as defined in the West Linn Community Development Code, shall be counted as a single residential unit.

Qualifying Parks Utility Service Expenditures. Those portions of the annual budget which can be identified as relating to ordinary maintenance of parks, recreation facilities, and open space areas owned and managed by the City of West Linn and also capital maintenance (defined as replacement or extensive modernization or rehabilitation of an existing parks asset) of such facilities. Qualifying parks utility fund expenditures shall include employee-related costs, vehicle expense, insurance costs, office supplies, utility services, equipment, communications charges, volunteer work coordination, materials, supplies, park and facility repair and renovation, and any other items that can be reasonably related to the ordinary and capital maintenance of existing city parks, recreation facilities, and open space areas.

4.620 Parks Utility Service Fees shall only be used for Qualifying Park Utility Service Expenditures.

The parks utility service fees shall be used only for qualifying parks utility service expenditures. Qualifying expenditures shall be identified by the City Manager in each fiscal year budget, and shall be reviewed and approved by the City Council when adopting the budget.

4.630 Duties of Director of Parks and Recreation.

The Director of Parks and Recreation shall be responsible for administration of the parks utility fund, including developing maintenance programs, establishing standards for the operation and maintenance of city parks, recreation facilities, and open space areas, and all other activities related to the purpose of the parks utility fund.

4.640 Establishment and Revision of Parks Utility Service Fee.

The City Council hereby establishes a parks utility service fee to be paid by the responsible party for each residential unit within the corporate limits of the City. The annual budgeted amount of the aggregate parks utility service fee shall not exceed the annual budgeted amount of qualifying parks utility service expenditures as determined in the City budget. If the actual amount of parks utility service fees collected in any fiscal year exceeds the actual amount of qualifying parks utility service expenditures during the same fiscal year, the resulting surplus shall be credited toward the following year's qualifying parks utility service expenditures, and the parks utility service fee rate shall be reduced accordingly. Any deficit in funds at the end of each budget year shall be reconciled with City general funds.

4.650 Amount of Fee.

The parks utility service fee to be collected for each residential unit in the City

shall be established by resolution of the City Council. The amount of the parks utility service fee shall be reviewed annually by the City Council and shall be adjusted as necessary to provide adequate funding for the qualifying parks utility service expenditures as defined in Section 4.605 and as limited in amount by Section 4.640.

4.655 Reduced Parks Utility Service Fee for Low Income Residents.

Reduced parks utility service fees shall be made available to low-income citizens meeting the eligibility requirements pursuant to Section 4.155. The user charge for the parks utility service provided to the principal resident or family having a maximum income under the qualifying income limits shall be fifty percent (50%) of the parks utility service fee.

4.660 Billing and Collection of Parks Utility Service Fee.

The responsible party shall pay the parks utility service fee according to the rate and frequency set forth in the resolution as provided in Section 4.650. Unless another responsible party has agreed in writing to pay and a copy of that writing is filed with the City, the person or entity paying the City's water utility charges shall pay the parks utility service fee. If water service to a property is discontinued at the request of the responsible party for a period of at least 15 days, the property shall be considered vacant, and no parks utility service fee shall be charged for that residence or residences while a vacancy exists. Parks utility service fees for new development shall commence upon the initiation of water service. If a property is vacant for greater than 30 days and water service is still provided to the property, the City will not assess the parks utility service fee upon written application for non-assessment by the responsible party and verification by the city of the vacancy.

4.670 Recovery of Unpaid Charges – Enforcement.

Any parks utility service fee due that is not paid when due may be recovered from the responsible party in an action at law by the City. In addition to any other remedies or penalties provided by this or any other ordinance of the City, failure of any user to pay the parks utility service fee when due shall subject such user to discontinuance of water service pursuant to procedures authorized by Section 4.235 of the Municipal Code.

4.680 Moneys to be Paid into Parks Utility Fund.

All parks utility service fees collected by the City shall be paid into the parks utility fund and used only for qualifying parks utility service expenditures. To the extent that the fees collected do not fully fund qualifying parks utility service expenditures, the City may use other City funds as determined by the City Council to make up the difference. The parks utility service fees collected may not be used for general or other governmental or proprietary uses of the City. It shall not be necessary that the operations and maintenance expenditures from the fund specifically relate to any particular property from which the fees for said purposes were collected.

4.690 Appeal.

Any customer aggrieved by any decision made by the City Manager with regard to the customer's parks utility service fee account may appeal to the City Council by filing with the city a written request for review no later than 15 days after receiving a written notice of decision from the City Manager.

[Section 4.600 renumbered 4.090 by Ordinance No. 1437, effective July 1, 1999; Sections 4.600 through 4.690 added by Ordinance No. 1551, adopted July 9, 2007, and effective August 8, 2007.]

UTILITY STANDARDS FOR DEVELOPMENT

4.700 Purpose and Scope.

Sections 4.700 through 4.710 provide utility standards for the City. Section 4.710 establishes: 1) the definition of adequate water system; 2) criteria by which development applications will be evaluated; and 3) criteria under which approvals may be granted. Compliance with ORS Chapter 197, Goal 11, and other applicable state and federal statutes is also required. Proper notice must be provided to the Oregon Department of Land Conservation and Development and Metro prior to changing the criteria contained in these sections. City utilities must be capable of being maintained within the acceptable limits described in Section 4.710 in order for any proposed development/land-use application to be approved by the City Engineer.

[Section 4.700 added by Ordinance No. 1448, approved May 22, 2000.]

4.710 Municipal Water

(1) The water system is adequate if it:

(a) meets minimum fire flow and domestic flow requirements for each zone;

(b) maintains a system pressure of at least 45 psi;

(c) maintains equalization storage within each pressure zone of at least 25% of projected peak day demand; and

(d) maintains emergency storage within each pressure zone of one average day's demand.

The system is deficient if it does not meet these criteria.

(2) For all land use applications that will result in additional water use, a registered civil engineer shall prepare a plan for the provision of water. The land use application may be approved only if the City Engineer finds the following criteria are met:

(a) The development has no impact on the water system; or

(b) The water system and all its components are adequate and will remain adequate after the development's impacts are added to the system; or

(c) The applicant will construct, fund, or provide proportional funding for water utility infrastructure to compensate for the impact of the development on the water system that creates or exacerbates a deficiency. In determining funding for water infrastructure, the City Engineer shall consider SDC payments.

(3) If the development would create or exacerbate a deficiency in the system, the development may be approved under subsection (2)(c) but the approval shall be made conditional upon achieving the following:

(a) Maintaining fire flow and domestic flow for the zone adequate to meet the highest approved land use demand in the zone and any adjacent zone that is affected by the project;

(b) If storage is already deficient, maintaining equalization and emergency storage that meets the minimum criteria for storage established in the 1982 Water System Master Plan;

(c) If storage is made deficient by the development, maintaining the minimum criteria for storage established by the 1999 Water System Master Plan.

[Section 4.710 added by Ordinance No. 1448, approved May 22, 2000.]