

ORDINANCE NO. 1821

(An ordinance amending certain sections of Title 12 of the Hood River Municipal Code
and adding Chapter 12.08 providing for Administrative Annexations)

WHEREAS, the City Council finds that it is necessary and proper to set different rates for use of water and wastewater systems for premises located outside City limits;

WHEREAS, certain “housekeeping” amendments are required to Chapter 12 in order to clarify the City’s intent and interpretation of that Chapter and to provide for enforcement of its provisions;

WHEREAS, the City Council finds that it is necessary and proper to provide for stormwater System Development Charges outside City limits and to provide right of access by the City for inspection of stormwater systems;

WHEREAS, the Hood River Municipal Code currently requires all annexations to be processed as land use decisions pursuant to Chapter 17.15;

WHEREAS, it was the intent of the City Council that Chapter 17.15 not apply to individual annexations of contiguous properties for which the City has a consent to annexation obtained in exchange for extraterritorial provision of water, sewer or storm water service because some or all of those services are already being provided to those properties and the remainder of the policy considerations set forth in Chapter 17.15 do not apply to these types of annexations;

WHEREAS, City wishes to adopt a procedure for administrative annexation of property under state law; and

WHEREAS, the City is updating its code to provide continuity and consistency;

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapters 12.01, 12.02 and 12.07 of the Hood River Municipal Code are amended to read as follows:

CHAPTER 12.01 – GENERAL PROVISIONS

Sections:

- 12.01.010 General Applicability/Purpose
- 12.01.020 Definitions
- 12.01.030 Rates and Charges Set by Council Resolution
- ~~12.01.040 System Development Charges~~
- 12.01.0450 Delinquent Charges and Fees
- 12.01.0560 Right of Entry for Inspections and Repair
- 12.01.0670 Liability for Damages
- 12.01.0780 Violations/Penalties
- 12.01.0890 Severability

2.01.010 General Applicability /Purpose [No Change]

12.01.020 Definitions

12.01.030 Rates and Charges Set by Council Resolution.

(A) Rates and charges for use of the water and wastewater systems, charges for initiation and termination of service, meter testing charges, water meter testing fees and related terms and conditions of water and wastewater system use not provided in this title shall be set by council resolution.

(B) The methodology used to establish water use charges shall consider the estimated cost of maintenance, repair, rehabilitation and replacement of the water system, including associated engineering, architectural and legal expenses, and the cost of operation and administration of the water system and charges shall be based upon water consumption. The council may set different rates for premises located outside of city limits.

(C) The methodology used to establish wastewater use charges shall consider the estimated cost of maintenance, repair, rehabilitation and replacement of the wastewater system, including associated engineering, architectural and legal expenses, and the cost of operation and administration of the wastewater system and charges shall be based upon water consumption and demand placed upon the wastewater system by each user or type of use. The council may set different rates for premises located outside of city limits.

~~12.01.040 System Development Charges.~~ [This section has been moved to new Chapter 12.07.]

12.01.0450 Delinquent Charges and Fees. [No change]

12.01.0560 Right of Entry for Inspection and Repair. City employees shall at all reasonable times have access to any premises provided water ~~or~~, wastewater, or storm water services by the city, for inspection ,repair or replacement of the existing service or services of the enforcement of the provisions of this title.

12.01.0670 Liability for Damages. [No change].

12.01.0780 Violations/Penalties. Any person who violates or causes a violation of any provision of this title shall be punishable by a fine of up to \$1,000 per occurrence and termination of water service. Failure of any user of water service, storm water service, or wastewater services to pay a charge required by this title, shall subject the user to discontinuance of ~~either or both~~ any or all such services. Unless specified otherwise, violations of this title are declared civil violations and such violations may, in addition to or in lieu of other remedies or enforcement measures provided by State law or this title, be enforced under the provisions of Chapter 1.12 of this code.

12.01.0890 Severability [No change].

CHAPTER 12.02 - WATER SERVICE

12.02.040 Installation of separate service to each house or premises. (A) Except as may otherwise be provided in this Chapter, separate service shall be required for each residence, including townhouses, condominiums, planned unit developments, and premises. Upon the advance payment of any applicable charges, the city shall install ~~a separate~~ the service(s) from the water main to the property or other location designated by the city.

(B) Where water is now supplied through one service to more than one residence, business or premises, the city water department may notify the owner of the necessity to provide separate installation of services from main to meter and that failure to do so within a designated time period shall result in termination of service ~~or shut off~~.

(C) If the property owner fails to pay the applicable charges within thirty days after notice, the city shall terminate water services to the property.

(~~D~~) The city engineer may, in the city engineer's discretion, determine that separate services are not required for integrated systems serving multiple business, planned unit developments, condominiums ~~or shopping centers~~ or multi-family dwellings.

CHAPTER 12.07 - SYSTEM DEVELOPMENT CHARGES [Except as noted, no changes to this chapter]

Sections:

- 12.07.010 Purpose.
- 12.07.020 Scope.
- 12.07.030 System Development Charge Imposed; Method for Establishment Created.
- 12.07.040 Water and Wastewater System Development Charges Applicable Outside City Limits.
- 12.07.050 Methodology.
- 12.07.060 Authorized Expenditures.
- 12.07.070 Expenditure Restrictions.
- 12.07.080 Project Plan.
- 12.07.090 Collection of Charge.
- 12.07.100 Installment Payment.
- 12.07.110 Exemptions.
- 12.07.120 Credits.
- 12.07.130 Method for Obtaining Exemptions and Credits.
- 12.07.140 Challenge to Expenditure of System Development Charge Revenues.
- 12.07.150 Segregation and Use of Revenue.
- 12.07.160 Prohibited Connection.

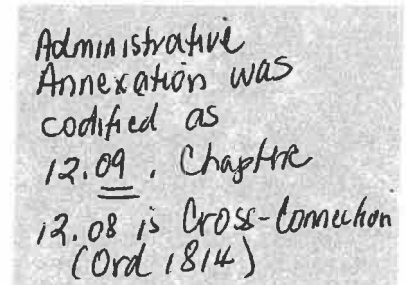
12.07.040 Water, Wastewater and Stormwater System Development Charges Applicable Outside City Limits. Prior to any connection to the city water system, storm water system, or wastewater system outside city limits, system development charges shall be paid and consent to annexation forms and waiver of the one year period for consent to annexation shall be provided for all premises which may be served by the connection. Each proposed connection shall be reviewed for consistency with the City of Hood River Comprehensive Plan.

Chapter 12.08 is added to the Hood River Municipal Code:

CHAPTER 12.08 - ADMINISTRATIVE ANNEXATION

Sections:

- 12.08.010 Consent to Annexation Required for Service Provided Outside of City Limits.
- 12.08.020 Administrative Annexation of Contiguous Property.



Administrative Annexation was codified as 12.09, Chapter 12.08 is Cross-connection (Ord 1814)

12.08.010 Annexation or Consent to Annexation Required for Service Provided Outside of City Limits.

(A) Prior to any connection to the city water system, wastewater system, or storm water system outside city limits, a consent to annexation shall be provided to the city and recorded in the deed records of Hood River County, for all premises which may be served by the connection(s).

(B) If connection to the city water system, wastewater system or storm water system was initially made without providing a consent to annexation for the premises served, a consent to annexation shall be required as a condition of any further development of the premises.

(C) In lieu of a consent to annexation, the city may require annexation as a condition of connection to the city water system, wastewater system, or storm water system for premises contiguous to city limits, or separated from the city only by a public right of way, stream, or other body of water.

(D) The consent to annexation shall be on forms provided by the city. The owner of the property shall cause the consent to annexation to be recorded in the deed records of Hood River County and shall be responsible for paying the recording fees.

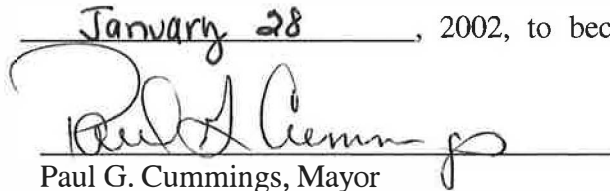
12.08.020 Administrative Annexation of Contiguous Property.

(A) Any parcel contiguous to city limits, or separated from the city only by a public right of way, stream, or other body of water, for which the city has received a consent to annexation pursuant to this title or otherwise in exchange for provision of extraterritorial water, wastewater or storm water service, or is being annexed as a condition of approval pursuant to Section 12.08.010(C), shall be annexed into the city pursuant to the provisions of this chapter.

(B) Annexations under this chapter shall be conducted in accordance with the applicable provisions of the Oregon Revised Statutes, but shall not be subject to the provisions of Title 17 of this code.

Read for the first time: January 14, 2002.

Read for the second time and passed: January 28, 2002, to become effective thirty (30) days hence.


Paul G. Cummings, Mayor

ATTEST:



Anita R. Smith, City Recorder

Anita R. Smith

From: Anita R. Smith <anita@ci.hood-river.or.us>
To: City Attorney (here) <alex@ci.hood-river.or.us>; Cindy Walbridge <cindy@ci.hood-river.or.us>; Jennifer Donnelly <jennifer@ci.hood-river.or.us>; Cory Johnson <cory@ci.hood-river.or.us>
Sent: Tuesday, May 14, 2002 4:01 PM
Subject: Administrative Annexation Ordinance

When codifying Ordinance 1821, which includes Administrative Annexation, I discovered that I had made an error. Ord. 1821 added Chapter 12.08 - Administrative Annexation. However, we had previously added Chapter 12.08 for Cross-Connection (Ord. 1814).

I made an administrative correction to Ordinance 1821, and codified Administrative Annexation as Chapter 12.09. Chapter 12.08 will remain Cross-Connection.

Anita R. Smith, City Recorder
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