

**ORDINANCE NO. 484**

**AN ORDINANCE REGARDING ROAD MAINTENANCE, IMPOSING A FEE FOR ROAD MAINTENANCE SERVICES, AND REPEALING ORDINANCES NO. 469 AND NO. 481.**

WHEREAS, street and road deterioration, if not managed through a program of prevention, early detection, and repair, can lead to large-scale disrepair and destruction of City streets and roads with serious traffic safety consequences as well as the sustained interruption of residential, industrial and commercial flow of traffic and the blighting of residential, industrial and commercial neighborhoods and areas of the City; and

WHEREAS, the City Council has concluded that a safe, functioning City street system through a regulated program of street maintenance is a priority need; and

WHEREAS, the Mayor appointed a Task Force, comprised of business and citizen representatives, to consider methods of regulating a needed road maintenance program with a stable funding source to assure implementation of such a program; and

WHEREAS, said Task Force has held five work sessions and has unanimously recommended a system whereby City streets are maintained at an overall safe functioning street system of an average pavement condition index (PCI) rating in the range of 65-75; and

WHEREAS, the Task Force recommends a methodology to categorize user classifications and to fairly apportion fees for such user classification for the purposes of a safe, functioning street system through a regulated road maintenance program; and

WHEREAS, the City Council finds said street maintenance regulatory program and methodology of categorizing road user classifications and apportioning fees to respective classifications is a reasonable and rational way to regulate a safe, functioning street system;

NOW, THEREFORE THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

ARTICLE I

Definitions

Section 1. The following words and phrases, as used within this ordinance, have the following definitions and meanings:

*Developed Property.* A parcel or portion of real property on which an improvement exists. Improvement on developed property includes, but is not limited to, buildings, parking lots, and outside storage.

*Gross Square Footage.* The calculated area of all structures, located on a site, measured along the exterior walls of such structures, including but not limited to enclosed courtyards, stairwells, and square footage on each level of multi-story structures, but not including fences and parking areas which are not enclosed within a building.

*ITE Manual.* Institute of Transportation Engineers Trip Generation Manual, Fifth Edition.

*Multi-Family Residential.* Residential property consisting of two or more dwelling units. For purposes of this ordinance, condominiums and individual mobile home units are also classified as multi-family residences.

*Non-Residential.* A use of property which is primarily not for personal, domestic accommodation.

*Pavement Condition Index (PCI).* A uniform way to measure pavement distress with a rating scale from 1 to 100, with higher values indicating better condition.

*Single Family Residential.* A residential structure which is occupied by one or more persons of which there shall be only one dwelling unit per lot and which provides complete, independent living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation. A granny flat shall be considered as part of a single family residence.

*Street or Road.* A public road or right-of-way within the City, which is under the jurisdiction or control of the City. For purposes of this ordinance, county, state and federal roads are excluded.

*Truck.* A motor vehicle having six or more tires in contact with the pavement surface.

## ARTICLE II

### Regulatory Program

Section 1. There is hereby created a road maintenance regulatory program for the purpose of maintaining a safe, functioning City street system measured at an overall average pavement condition index (PCI) rating in the 65-75 range.

Section 2. A road maintenance fund is hereby established. Revenues collected pursuant to this ordinance shall be dedicated to the road maintenance fund and used exclusively to fund a street maintenance/regulatory program to provide for a safe, functioning street system. In the event that road maintenance fees collected are insufficient to properly regulate the maintenance of City streets, additional funding may be allocated by the City Council from other non-dedicated City funds provided, however, the City Council may direct the reimbursement to such other fund if additional road maintenance fees are collected.

## ARTICLE III

### Administrative Policies

Section 1. The use of the City's streets and roads involves a complex mixture of interdependent uses between categories of residentially developer property and non-residentially developed property. The blending makes exact calculations difficult, but the most reasonable apportionment is approximately fifty (50) percent use attributable to residential development and approximately fifty (50) percent use to non-residential development. In keeping with this division, approximately fifty (50) percent of the total revenues needed to be generated by the

road maintenance program fee on an annualized basis shall come from residential developments and approximately fifth (50) percent shall come from non-residential developments.

Section 2. To avoid significant fluctuation in billing rates, road maintenance program fees shall be based on average annualized revenue requirements based on a five-year estimate of road maintenance/reconstruction needs.

Section 3. The City's Public Works Director is authorized and directed to review the operation of this ordinance and where appropriate recommend changes thereto in the form of administrative procedures for adoption by the City Council by resolution. Such procedures if adopted by the Council shall be given full force and effect, and unless clearly inconsistent with this ordinance shall apply uniformly throughout the City.

Section 4. The initial road maintenance billing rates shall not be increased for the first three years of this program's operation. During the third year of this program and every three years thereafter, the Task Force shall be reconvened for the purpose of reviewing the road maintenance billing rates and advising the City Council of changes, if any, that are deemed advisable. Such a review shall occur sooner than the third year in the event the City receives substantial new sources of funds from federal, state, regional, or county programs earmarked for street system maintenance/improvements.

Section 5. The provisions of this ordinance may be appealed by writ of review within sixty (60) days of its effective date. The amount of a road maintenance billing rate may be appealed in accordance with the criteria and procedures specified in the resolution which implements this ordinance.

#### ARTICLE IV

##### Road Maintenance User Fee

Section 1. A road maintenance fee is hereby established and shall be assessed street users as defined herein after by development category and classification. Billing shall be as a line item on the City's utility bill.

Section 2. Undeveloped properties shall not be charged a road maintenance fee.

Section 3. Each residential developed property within the City limits will be assigned to one of two billing categories: single family dwelling unit or multi-family dwelling unit. The road maintenance fee for a single family dwelling unit shall be greater than the corresponding fee for a multi-family dwelling unit. This difference in fee levels shall be proportionate to trip generation rates as established in the ITE Manual.

Section 4. Each non-residential developed property within the City limits shall be assigned to a road maintenance billing category based on the following three factors associated with road usage:

“Intensity” of vehicle trips generated per 1000 (gross) square feet of developed area, or equivalent. Statistical data from the ITE Manual is to be used to establish levels of intensity.

“Magnitude” of development as measured by gross square feet of developed area, or equivalent.

“Trucks” per day serving the development.

Section 5. The methodology for classification of the categories of residential and non-residential developed property, the fair apportionment to each classification, and the amount of the road maintenance fee shall be initially established by City Council resolution. Changes shall also be adopted by resolution.

## ARTICLE V

### Enforcement

Section 1. In the event funds received from city utility billings are inadequate to satisfy in full all of the water, sewer, stormwater, streetlight, and road maintenance fees, credit shall be given first to the road maintenance fee, second to the sewer service charges, third to the storm water charges, fourth to the streetlight charges, and fifth to the charges for water service.

Section 2. In addition to other lawful enforcement procedures, the City may enforce the collection of charges required by this ordinance by withholding delivery of water to any premises where road maintenance fees are delinquent or unpaid.

Section 3. Notwithstanding any provision herein to the contrary, the City may institute any necessary legal proceedings to enforce the provisions of this ordinance, including, but not limited to injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative.

## ARTICLE VI

### Severability

Section 1. In the event any section, subsection, paragraph, sentence or phrase of this ordinance or any administrative policy adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the ordinance shall continue to be effective.

Section 2. Nothing contained herein shall be construed as limiting the City's authority to levy special assessments in connection with public improvements pursuant to applicable law.

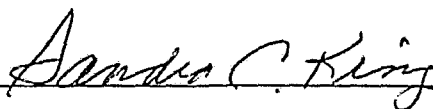
Section 3. The fees and charges herein are not intended to be taxes, nor are they subject to the property tax limitations of Article XI, Section 11(b), of the Oregon Constitution.

## ARTICLE VII

### Repeal of Prior Ordinances

Section 1. Ordinance No. 469 and Ordinance No. 481 are hereby repealed.

SUBMITTED to the Wilsonville City Council and read the first time at a special meeting thereof on the 10th day of July, 1997, and scheduled for a second reading at a regular Council meeting on the 21st day of July, 1997, commencing at the hour of 7:30 p.m., at the Wilsonville Community Development Hearings Room.

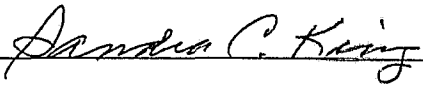


Sandra C. King, CMC, City Recorder

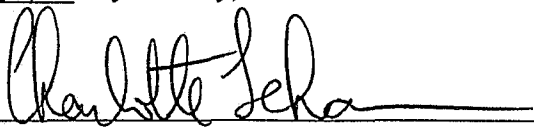
ENACTED by the City Council on the 21st day of July, 1997, by the following votes:

AYES: -4-

NAYS: -1-

  
\_\_\_\_\_  
Sandra C. King, CMC, City Recorder

DATED and signed by the Mayor this 24 day of July, 1997.

  
\_\_\_\_\_  
CHARLOTTE LEHAN, MAYOR

SUMMARY of votes:

Mayor Lehan	Yes
Councilor MacDonald	Yes
Councilor Helser	Yes
Councilor Luper	No
Councilor Barton	Yes