

ORDINANCE 02-235

AN ORDINANCE Adopting a Moratorium on Sewer System Connections in the City of Lakeside and declaring an emergency.

WHEREAS, the City has identified that the Lakeside Sewer System (which includes the collection, treatment, disposal, and the storage and supply network) is a danger to the public health, safety and general welfare; and,

WHEREAS, the City Council held a public hearing on February 14, 2002 upon appropriate notice and took oral and written testimony with respect to a possible moratorium and received same into the record; and,

WHEREAS, the City Council has determined that it is in the public's interest to suspend all future connections to the Sewer system that would increase the load on the Sewer system; and,

WHEREAS, the City Council has adopted All Findings of Fact in support of this ordinance dated February 14, 2002 which Amended Findings of Fact are incorporated by this reference herein; and

WHEREAS, the City Council will within sixty (60) days of the date of adoption of this ordinance present a proposed program which will seek to correct the problem creating the moratorium pursuant to ORS 197.530 at a public hearing for consideration and adoption of such a program.

NOW THEREFORE, THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:

Section 1. This ordinance shall be known as the "Lakeside Sewer Facilities Moratorium Ordinance.

Section 2. The purpose of the ordinance is to protect the residents of the City of Lakeside, against an unsafe, over burdening of the Sewer system which includes collection, distribution, treatment storage and disposal, and treatment network.

Section 3. The area affected shall be all areas of the city which are currently serviced by the Sewer facilities of Lakeside, and any areas outside of the city boundaries of Lakeside which have established a hook-up to the Lakeside Sewer System. This ordinance shall control development activity and issuance of all permits for connection to the Sewer system in the city of Lakeside.

Section 4. The planning activity shall preclude the issue of any permit for connection to the Sewer system or the granting of permission for anyone to connect to the Sewer system as is traditionally done through acceptance of hookup fees. Planning decisions should reflect the following restrictions:

(A) No residential dwelling unit, commercial building, industrial facility, or public service facility can be connected to the Sewer system.

(B) The moratorium will require any structure that is built to have an alternative

Sewer system including adequate Sewer storage for fire protection purposes as recommended by the fire chief and any planning action shall consider the ability to provide an alternative Sewer system and its approval.

(C) A modification to an existing structure can be done and connected to the Sewer system as long as such modification does not increase the impacts upon the system form that structure.

(D) If a structure is demolished or burned down after adoption of this ordinance and is otherwise eligible for replacement under the planning and zoning laws of the city, it can be replaced with a like facility if no new Sewer system connection permit is necessary.

(E) A structure connected to the city Sewer system can have a change of use provided the change does not increase the load and impact upon the Sewer system.

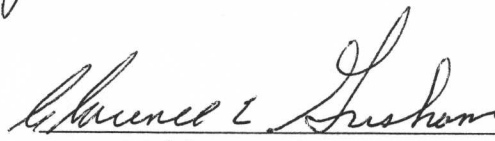
(F) Existing permits to connect a particular parcel or lot cannot be transferred to another lot or parcel.

Section 5. Emergency Clause. The general welfare of the public will be promoted if this ordinance takes effect immediately. Therefore, an emergency is declared and this ordinance shall take effect immediately upon its passage by the Council and its approval by the Mayor.

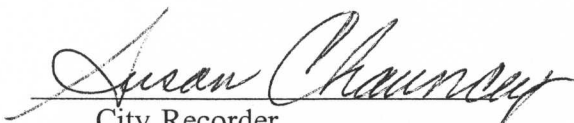
PASSED by the Council this 14th day of February, 2002.

APPROVED by the Mayor this 14th day of February, 2002.

Effective this 14th day of February, 2002.


Mayor

ATTEST:


City Recorder