

ORDINANCE NO. 3518

**TITLE:** Ordinance Amending Ordinance No. 2472, establishing a policy for use of sewers and sewage disposal plant and declaring an emergency.

WHEREAS, the City of Albany has an estimated \$2,000,000.00 invested in sewers and sewage disposal plants, and

WHEREAS, the Council deem it necessary to establish a policy limiting the use of the sewer system and sewage disposal plant to people inside the City or on a limited basis to owners of property outside the corporate limits of the City when such property is so located as to be ineligible for annexation to the City, now, therefore,

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

Section 1: AMENDMENT

Ordinance No. 2472 is hereby amended to read as follows:

"Section 1: USERS. That no use or benefits of the sewer system or sewage disposal plant of the City of Albany shall be extended to or made available to any property not within the corporate limits of the City of Albany, except under a contractual arrangement with the owners of property which is located outside the corporate limits of the City of Albany and only then when such property is not located so as to be eligible for annexation to the City of Albany at the time the sewer service is requested."

Section 2: CONTRACT REQUIRED

Use and benefits of the sewer system and sewage disposal system may be granted to property owners outside of the City of Albany on a contractual basis only and the contract shall require that the property owner must annex his property to the City at the earliest date that the same becomes eligible for annexation under the laws of the State of Oregon. The contract may further require for financing of the sewer extension, termination of service of the contract if any conditions are not met and any other requirements which are to be deemed in the best interest of the City of Albany.

Section 3: USER LIMITATIONS

The Council shall not extend or furnish sewer service facilities to any residential, commercial or industrial property when the said property is without the city limits of the City of Albany and is contiguous to the city limits and eligible for annexation within the city limits.

Section 4:

Sections 1, 2 and 3 of this Ordinance are hereby declared to be the public policy of the City of Albany. The aforementioned establishment of policy shall not be interpreted to mean that the Council intends to or will limit the City of Albany to its present boundaries or the sewer system to its present facilities, but is based upon the investment the City now has in its sewer system and the inequities to the citizens of the City of Albany that might arise in furnishing sewer use and benefits upon a contract basis to property which is contiguous to the City of Albany and eligible for annexation to the City.

Section 5: EMERGENCY CLAUSE

WHEREAS, the peace, health and safety of the people of the City of Albany require that this Ordinance shall become immediately effective, therefore, an emergency is hereby declared to exist and this Ordinance shall become immediately effective upon its final passage by the Council and approval by the Mayor.

Passed by the Council: October 25, 1967

Approved by the Mayor: October 25, 1967

  
Mayor

Effective Date: October 25, 1967

ATTEST:

  
City Recorder