CITY OF BURNS
ORDINANCE NO. 26-909

AN ORDINANCE OF CITY OF BURNS AMENDING CHAPTER 13 OF THE BURNS MUNICIPAL CODE TO ESTABLISH A STORMWATER UTILITY AND STORMWATER SERVICE CHARGE AND IMPOSING AN INITIAL MONTHLY STORMWATER CHARGE PER UTILITY ACCOUNT.

WHEREAS, the city of Burns ("City") has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow, and such further powers as are necessary or convenient to the performance of City's governmental functions; and

WHEREAS, Title 13 of the Burns Municipal Code (the "Code") governs City utilities, including water and sewer services, and provides for utility billing and collection policies and practices; and

WHEREAS, City owns, operates, and maintains public stormwater facilities and programs to manage stormwater runoff, reduce flooding, protect water quality, and comply with applicable federal and state laws and permits; and

WHEREAS, the Burns City Council (the "Council") finds it necessary, appropriate, and in the public interest to (a) impose a monthly stormwater service charge for properties benefitting from City's stormwater system and programs, and (b) provide for billing and collection of such charges together with other utility charges.

NOW, THEREFORE, the City of Burns ordains as follows:

1. Findings. The above-stated findings are hereby adopted.

2. Purpose. This Ordinance No. 26-909 (this "Ordinance") (a) establishes a stormwater utility and stormwater service charge within Title 13 of the Code, (b) imposes an initial monthly stormwater charge of $____ per City utility billing account, and (c) provides for billing, collection, and administration of the stormwater charge.

3. Chapter 13.50 Added – "Stormwater Utility". A new Chapter 13.50 is added to Title 13 of the Code to read in its entirety as follows:

"**Chapter 13.50 – STORMWATER UTILITY**

13.50.010 Establishment; Purpose.
(1) The city establishes a stormwater utility charge. Collection of the charge will defray the city's costs and expenses to operate, maintain, repair, replace, and improve the city's stormwater conveyance and treatment facilities and to administer related programs, including regulatory compliance and public education.
(2) All stormwater utility revenues will be deposited into a dedicated fund and used solely for stormwater utility purposes.

13.50.020 Definitions.
As used in this chapter:
(1) "Stormwater system" means the city's storm drains, catch basins, culverts, ditches, conveyances, treatment and detention facilities, and related appurtenances and programs owned, operated, and/or maintained by the city for managing stormwater runoff.

(2) "Utility account" means a customer account billed by the city for water and/or sewer service for a developed property.

13.50.030 Stormwater Service Charge; Rates.
(1) Each utility account will be assessed a monthly stormwater service charge. The stormwater service charge is imposed whether or not a customer uses water or sewer service during any given billing period.

(2) The initial monthly stormwater service charge will be established by council resolution. The council may, from time to time by resolution, increase, decrease, and/or otherwise modify or adjust stormwater rates and charges imposed under the chapter, including, without limitation, base charges, categorical rates, credits, exemptions, appeal fees, and other administrative fees.

13.50.040 Billing; Collection; Delinquencies.

(1) The stormwater service charge will be billed and collected by the city together with other utility charges on the customer's regular utility bill or invoice.

(2) The stormwater service charge is due and payable at the same time and in the same manner as other utility charges. Nonpayment of stormwater charges is subject to the same penalties, interest, shutoff procedures, liens, and other collection remedies applicable to unpaid water/sewer charges under this Title 13.

(3) The city may prorate the stormwater service charge for partial billing periods consistent with the city's then-applicable utility billing practices.

13.50.050 Administration; Credits; Adjustments; Appeals.

(1) The city manager (or his or her designee) will administer this chapter and may adopt administrative rules, forms, and procedures consistent concerning stormwater rates, credits, exemptions, and appeals.

(2) The council may establish by resolution an optional credit or adjustment program (e.g., for on-site stormwater management practices) and any related application, technical criteria, and verification requirements.

(3) A customer disputing the applicability and/or amount of the stormwater service charge may submit a written appeal in the manner established by the city. The city manager will issue a written determination, which may be appealed to the council in accordance with procedures established by resolution."

4. Miscellaneous. This Ordinance is hereby made part of the Code. The provisions of the Code that are not amended or modified by this Ordinance remain unchanged and in full force and effect. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions.

[end of ordinance – signature page immediately follows]

APPROVED AND ADOPTED by the City Council of the City of Burns and signed by the Mayor this ____ day of _____, 2026.

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Vacancies: _____

_____
Jen Hoke, Mayor

ATTEST:

_____
Tiffany Leffler, City Clerk