

Chapter 2.20  
TRANSPORTATION UTILITY

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- 2.20.010     Purpose  
There is hereby created a special revenue fund known as the “Transportation System Fund” to pay for costs associated with maintaining and operating the City’s Transportation System. Said Fund, in conjunction with additional monies through the Oregon Tax Street Fund and other funds that may be available, shall be used for the financing, planning, design, maintenance, construction, administration and operation of the City’s Transportation System.
- 2.20.020     Applicability  
The requirements of this ordinance shall apply to all parcels of developed real property in the City, including all publicly and privately owned property.
- 2.20.030     Definitions  
As used in this Chapter, the following terms or phrases have the meaning noted except where the context would require a different meaning.
- A.     “City” shall mean the City of North Plains.
  - B.     “City Roads” shall mean both roads or rights-of-way (including sidewalks, curbs, bicycle lanes, paths and their amenities such as street trees and irrigation systems) within the City and under the jurisdiction or control of the City, excluding State and County roads.
  - C.     “Developed Property” shall mean a parcel or portion of real property on which an improvement exists. The term “Improvement” includes (but is not limited to) buildings, parking lots and outside storage.
  - D.     “ITE Manual” shall mean the most current edition of the Institute of Transportation Engineering’s *Trip Generation Manual* which currently is the

6<sup>th</sup> Edition.

- E. "Parcel" shall mean the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which constitutes a separate lot or tract capable of being conveyed without further subdivision.
- F. "Transportation System" shall mean all City Roads.

2.20.040 Service Charge Imposed; Rate Structure

- A. All in-city customers of the City's water utility will be responsible for paying a Transportation Utility Fee (TUF) for developed property under their ownership and/or control. The base rate for said TUF will be set by separate resolution. The rate for each parcel of developed property is to be based on the level of service provided and the relative usage of the City Transportation System for said property. The estimated or measured trips generated (as the same is set out in the ITE Manual) will be used to determine the relative usage of the parcel. The rate shall be calculated by multiplying the base rate per trip by the assigned average daily trip estimate.
- B. Average Trip per Day (TPD) Estimate is as follows:
  - 1. Undeveloped Parcels: No charge
  - 2. All Land Uses: Fee shall be computed consistent with ITE Manual TPD, including mixed use facilities where the residential and non-residential components will be computed separately.

2.20.050 Billing of Service Charge

- A. Bills for payment of the Transportation Utility Fee shall be mailed or otherwise delivered to the address specified in the application for water service for the affected parcel or to the owner or occupant of which shall be deemed to be the responsible party for purposes of payment and be due at the time of the payment of charges associated with the delivery of water service. In the event another person or party is responsible, then that person or party shall give notice thereof in writing to the City's Water Utility Billing Department.
- B. Any amount of the combined charge remaining unpaid for a period of forty (40) days or more from the date of the billing shall become an assessment lien on the affected parcel. In addition to any other method provided for by city code or state law for the collection of liens, the lien resulting from nonpayment of the Transportation Utility Fee may be collected and enforced consistent with the terms of ORS 223.505 to ORS 223.595 and ORS 223.605 to ORS 223.650. In addition, if the charge remains unpaid for a period of

sixty (60) days, the owner of the parcel may be held personally liable for the charge and the Fee recovered by civil action in the name of the City against the owner.

- C. For purposes of crediting payment, the Transportation Utility Fee will be deemed to be the first paid from monies received for said Fee and for water service.
- D. The City Council shall, as part of its annual budget process, adopt a budget for the maintenance, operation and administration of the Transportation System.

2.20.060 Service Charge Adjustments and Appeals

- A. Any non-single family residential customer may file an appeal within thirty (30) days of the date of the bill. However, submittal of such a request does not extend the period for payment. The appeal must be in writing, addressed to the City Manager and set out a brief explanation as to why the person believes the amount of the billing is in error or is otherwise improper.
- B. An appeal of the service charge may be granted by the City Manager when one or more of the following conditions is shown to exist:
  - 1. The amount charged is arithmetically in error;
  - 2. The parcel is nonresidential and the actual trips generated by that parcel, as established by a licensed traffic engineer would result in inclusion in a group characterized by a different average daily trip estimate used in the City's determination of the charge;
  - 3. The parcel exists in an unimproved condition with no allowable human activities or manmade improvements that generate trips to or from the parcel;
  - 4. As approved by the City Manager on an individual basis, individual utility accounts may receive a 50% reduction if there are no car/no drivers residing on the parcel and there is proper documentation.
- C. The Manager's decision on the appeal is to be made within sixty (60) days of the date of the filing of the appeal unless the Manager believes additional time may be necessary to effect his/her review. The applicant shall be notified in writing of the Manager's decision. While an appeal is pending before the Manager, no lien shall attach to a parcel for the disputed amount.
- D. If an appeal is granted resulting in a reduction of the service charge, the

applicant shall be refunded the amount overpaid in the current calendar year.

- E. If the City Manager determines the property has been undercharged, then either an amended billing shall be issued which reflects the increase in service charge, or the undercharged amount will be added to the next billing. This amended bill shall be due and payable under the provisions set forth in Section 2.20.050.
- F. No more than one appeal may be made per calendar year unless the property changes use.
- G. Decisions of the City Manager on appeals for adjustments shall be final and appealable only by way of writ of review (ORS 34.010 to 34.100).

2.20.070 Use of Funds

All fees and charges imposed herein shall be placed in a special fund for the purpose of paying expenses related to the administration, replacement, repair, maintenance or operation of the Transportation System.

Established by Ord. No. 310, Adopted July 21, 2003  
Amended by Ord. No. 334, Adopted May 2, 2005  
Amended by Ord. No. 371, Adopted July 7, 2008  
Repealed by Ord. No. 394, Adopted July 11, 2011  
Repealed by Ord. No. 397, Adopted September 19, 2011