

# ORDINANCE NO. 180-2022

## AN ORDINANCE OF THE CITY OF DONALD CREATING DONALD MUNICIPAL CODE CHAPTER 53, ESTABLISHING A STREET UTILITY FEE TO FUND STREET MAINTENANCE; UTILITY BILLING

**WHEREAS**, the City of Donald maintains City streets and rights of way necessary to protect persons, property and the travelling public in the City; and

**WHEREAS**, maintenance, repair and replacement of City streets is essential to public health and safety, and is currently funded by the City of Donald Street Fund, which is insufficient to fund anticipated maintenance; and

**WHEREAS**, the City of Donald commissioned a Pavement Management Budget Options Report to evaluate the condition of the City's street network, identify street maintenance priorities, and to examine current funding levels and projected shortfalls in order to develop a maintenance strategy to improve the overall condition of the street network; and

**WHEREAS**, the City of Donald wishes to establish a dedicated and sustainable funding source that provides for the maintenance and improvement of City streets via a Street Utility Fee;

**NOW THEREFORE, THE CITY OF DONALD ORDAINS AS FOLLOWS:**

**Section 1.** There is hereby adopted a Chapter 53, as set forth on Exhibit A, hereto.

The first reading of this Ordinance was conducted on August 9, 2022. The second reading of this Ordinance was conducted on September 13, 2022 and was passed and adopted by the City Council on September 13, 2022 as follows:

6 AYES  
0 NAYS  
0 ABSTENTIONS

This Ordinance shall take be effective on the thirtieth day after the date of enactment below, as per City Charter Section 36.

**SIGNED and DATED** this 13<sup>th</sup> day of September, 2022.

REDACTED FOR SECURITY  
REDACTED FOR SECURITY  
PURPOSES  
Rick Olmsted, Mayor

**ATTEST**  
REDACTED FOR SECURITY  
REDACTED FOR SECURITY  
Eric Underwood, City Manager

**PASSED** by the City Council: September 13, 2022

**SIGNED** by the Mayor: September 13, 2022

**EFFECTIVE:** October 13, 2022

## EXHIBIT A

**53.05 CREATION AND PURPOSE OF FEE.** A Street Utility Fee is created and imposed for the purpose of maintaining the city of Donald's streets. The street utility fee shall be paid by the Responsible Party for each billing unit or Occupied Unit of real property as defined and provided in this Ordinance. The purposes of the street utility fee are to charge users for the service the City provides in maintaining public streets and to ensure that maintenance occurs in a timely fashion, thereby reducing increased costs that result when maintenance is deferred.

**53.10 DEFINITIONS** As used in this Chapter, the following terms shall mean:

**OCCUPIED UNIT:** Any structure or any portion of any structure occupied for residential, commercial, industrial, or other purposes. An Occupied Unit may include more than one structure if all structures are part of the same dwelling unit or commercial or industrial operation. Property that is undeveloped or, if developed is not in current use, is not considered an Occupied Unit.

**RESPONSIBLE PARTY:** The person or persons who by occupancy or contractual arrangement are responsible to pay for utility and other services provided to an Occupied Unit. The Person(s) paying the City's water utility bill for an Occupied Unit shall be deemed the Responsible Party as to that Unit.

**STREET MAINTENANCE:** Any action to maintain or improve City streets including repair, renewal, resurfacing, replacement, and reconstruction. Street Maintenance shall include, but not be limited to, resurfacing of existing streets, the repair, replacement or addition of curbs and gutters; updating ADA access; repair or replacement of the entire street structural sections; repair or replacement of existing street shoulders, pavement markers, striping and other street markings; repair or replacement of existing channelization devices; adjustment of existing utilities to match finish grades; and any other related work within existing streets.

**53.15 STREET FUND.** All Street Utility Fees received shall be deposited into the Street Fund. Other revenue sources may also be used for Street Maintenance. Amounts in the street fund may be invested by the City in accordance with State law. Earnings from such investments shall be dedicated to the Street fund. The street fund shall not be used for other governmental or proprietary purposes of the City, except to pay for an equitable share of the City's administrative overhead, including accounting, management and other costs related to the street maintenance program.

**53.20 PAYMENT OF THE STREET UTILITY FEE.** Based upon fees set by Council resolution, the City shall charge a per unit Street Utility Fee to the Responsible Party for each Billing Unit with an active utility account. Street Utility Fees shall be included as part of the water and sewer bill for Billing Units with active utility accounts. The Street Utility Fee shall be included on the City's utility billing and collected on the same billing cycle as City water/sewer, and shall be subject to the provisions of Chapter 50.089 of this Code for non-payment of charges and delinquency of account.