

181578

ORDINANCE No. As Amended

Amend City Code to provide funding to address Portland street maintenance and transportation safety needs including at intersections and around schools, reduce traffic congestion, expand the bicycle network and improve freight mobility as companion to Multnomah County's efforts to secure funding to replace the Sellwood Bridge. (Ordinance; add Code Chapter 17.21)

The City of Portland ordains:

Section 1. The Council Finds:

1. The City's transportation system is in deep disrepair. The deferred maintenance liability for the unmet transportation maintenance and safety needs is estimated at \$422 million. This liability grows exponentially every year and without action, the transportation system will continue to decline and cost of repair will continue to increase.
2. The Portland Office of Transportation sought extensive public input on the status of the transportation system. Two citywide mailers were sent to every home and business in the City of Portland, identifying problems with the system and asking the public to help develop solutions. Commissioner Adams completed twenty-one public meetings and a comprehensive financial review of the Portland Office of Transportation.
3. In July of 2007, an 89-person Safe, Sound and Green Streets Stakeholder Committee was formed with the purpose of guiding the process to help solve Portland's transportation problems. This committee is made up of business people, neighborhood representatives and members of transportation interest groups. The Stakeholder Committee determined that a new funding mechanism was needed and recommended the Street Maintenance and Safety Fee contained in this ordinance.
4. Gas tax revenue has comprised 66% of the discretionary resources available for maintenance and preservation of the City's transportation system. The state legislature last authorized a gas tax rate increase in 1993. Portland receives only 40 cents of every dollar of gas tax collected in the City, the remainder funds the statewide transportation infrastructure. The revenue generated by the gas tax has not kept pace with inflation. Increasing fuel efficiency has also reduced revenues. The League of Oregon Cities estimates that transportation costs have increased 70% since 1993. The City can no longer rely on the gas tax to meet the needs of the Transportation System. The gas tax is the City's primary revenue stream for maintenance. State and Federal funds are currently not available for maintaining our transportation system.
5. Since 1993, the condition of the City's transportation system has deteriorated significantly. The backlog of unmet street pavement needs has grown 27% over the past 10 years due to the lack of funding available to address it.
6. The needs of the transportation system have significantly outpaced resource growth. To meet our maintenance and safety needs the State of Oregon would need to implement a 24 cent gas tax increase; an increase of this magnitude would have extremely limited

political support. The City, like other municipalities statewide, must increasingly rely upon local resources to fund transportation system improvements.

7. Without an increase in local funding, Portland's transportation system will experience a precipitous decline in its condition over the next decade. The percentage of the street system in poor or very poor condition is estimated to increase from 22% to 27%. The percentage of signal hardware in poor or very poor condition is estimated to increase from 43% to 67% over the next ten years.
8. Maintenance and proper operation of the streets is required in order to protect the public health, safety and welfare. Inadequate funding for safety improvements has resulted in avoidable injuries and deaths, with an estimated annual cost of over \$400 million in the City of Portland.
9. An Oversight Committee will be formed to oversee the implementation of the project and ensure that the implementation principles and objectives of the project are being and that all expenditures are consistent with the plan detailed in this ordinance. This committee will be appointed by City Council and include 11 members from various constituency groups in Portland.
10. It is appropriate for those using the transportation system to pay the costs required to maintain the assets and improve the safety of that system. The Street Maintenance and Safety Fee is based upon the premise that all users of the system (transit, bicycle, pedestrians, and motor vehicles) contribute to the maintenance and safety costs.
11. Funds received under this ordinance shall be placed in the "Safe, Sound and Green Streets Sub Fund" within in the City's Transportation Operating Fund, hereinafter referred to as the "Safe, Sound and Green Streets Sub Fund," and dedicated and used exclusively for the identified projects approved by council.
12. As a result of the Street Maintenance and Safety Fee (SMSF) methodology, collections and expenditures are tied to the costs derived from direct and indirect use of the City Transportation System, based upon the number of trips generated and size and type of facility. Nineteen other Oregon cities have enacted Street Utility Fees based on similar methodology to create an equitable and efficient means for paying for transportation services.
13. Green discounts can be applied to both the residential and non-residential monthly fees. These discounts can provide up to a 30% reduction off the rate if certain trip-reduction criteria are met.
14. Reduced water and sewer rates are currently available to low-income customers. Low income rates for the SMSF will be applied for qualifying ratepayers.
15. The Council finds the following source documents to be generally accepted and reliable for use in implementing the terms of this ordinance:
 - (a) *Trip Generation*, 7th Edition, published by the Institute of Transportation Engineers, hereinafter referred to as ITE Manual;

(b) Multnomah County Assessment and Taxation Database, hereinafter referred to as A&T Database;

(c) City of Portland Utility Billing System; and

(d) City of Portland Business License Information System, and

(e) Exhibit 3 Trip Generation Rates by NAICS, SIC, and County Property-Use Codes , which cross-walks the property use codes, business codes and trip generation rates in the ITE Manual with the City and County databases referenced above.

16. The Safe, Sound and Green Streets Stake Holder Committee has completed extensive work and analysis to develop a prioritized and strategic allocation of resources to best address the City's maintenance and safety needs. The recommendation forwarded by the Safe, Sound and Green Streets Stake holder Committee included a proposed plan and mapped list of projects that has been reviewed at numerous public meetings and received broad support. "Exhibit 1 – Safe, Sound and Green Street Proposal" provides the eligible Safe, Sound and Green Street expenditure categories. Exhibit 2 – Safe, Sound, and Green Street Project Maps provides a listing of eligible projects. These documents will be used to ensure that projects are consistent with the financial proposal reviewed by the public and recommended by the Stakeholder Committee.
17. An Oversight Committee will be formed to oversee the implementation of the Safe, Sound and Green Streets plan and ensure that the implementation principles and objectives of the plan are being and that all expenditures are consistent with the plan detailed in this ordinance. This committee will be appointed by City Council and include 11 members.

NOW, THEREFORE, the Council directs:

- a. The City Code be amended to add chapter 17.21 Street Maintenance and Safety Fee as follows:

17.21.010 Definitions.

As used in this ordinance, the following terms mean:

- A. "Administrative Costs." All expenditures related to public involvement and education, billing, customer services, accounting, collections, project oversight, management and overhead pertaining to the Street Maintenance and Safety Fee Program and shall be subject to the 10% limitations specified in subsection 17.21.220A.
- B. "Arterial." A street which carries heavy vehicular traffic on a continuous route, mostly uninterrupted, through an urban area, or to different neighborhoods within an urban area.
- C. "Billing Bureau." The City Bureau responsible for administering SMSF billings.
- D. "City Transportation System." The public roads and rights-of-way, including related facilities, within the City under the jurisdiction or control of the City.
- E. "Convenience Store." A retail establishment where people can enter the premises and occupied by an attendant, open between 15 and 24 hours per day that sells convenience foods, beverages, newspapers, magazines, and/or personal care products, tobacco products, gift items, and may sell motor vehicle fuels.
- F. "Customer Group." Residential or non-residential property users that have been grouped together for purposes of calculating billing rates.
- G. "Customer." The person or entity responsible for paying the water and sewer bill for a Developed Use.
- H. "Day." A calendar day, unless indicated otherwise.

- I. "Developed Square Footage." The calculation of the area, based on the information in the A & T Data Base, of all Developed Uses located on a site, measured along the exterior walls of such improvements.
- J. "Developed Use." The improvements and associated use of those improvements on real property. Improvements include, but are not limited to, buildings and outside storage.
- K. "Fine Dining Restaurant." A high quality, full-service eating establishment with turnover rates usually of at least one hour, and may require reservations for dinner service.
- L. "Fuel Economy." Estimates for miles driven per gallon of fuel as determined by the U.S. Environmental Protection Agency (EPA).
- M. "Gas Station." Property use where the primary business is the retail sale of motor vehicle fuels.
- N. "Green Discount." Discounts designed to promote ecologically sound, transportation-related investments.
- O. "ITE Manual." Trip Generation, published by the Institute of Transportation Engineers (ITE) 7th Edition, or subsequently published edition adopted by the SMSF Administrator.
- P. "Low Income Customer." Residential customer who qualifies for City water or sewer low income rate adjustment.
- Q. "Low Income Single-Family Household." Residential utility customers in single-family dwellings that receive a low income rate adjustment on their City utility bill.
- R. "Low Income Multi-Family Household." Residential utility customers in multi-family dwellings that receive a low income rate adjustment on their City utility bill.
- S. "Mixed Use Convenience Store." A convenience store that is not a direct City utility customer, that is part of a mixed use property development, and which has at least three dedicated customer parking spaces or at least five shared customer parking spaces.
- T. "Mixed Use Fine Dining Restaurant." A fine dining restaurant that is not a direct City utility customer and that is part of a mixed use property development.
- U. "Mixed Use." A single parcel or property with more than one distinct use, which if located on separate parcels without shared amenities, such as walkways, driveways or parking areas, would be assigned to separate Developed Uses. Mixed Use may consist of retail shopping centers with more than one tenant in either shared or separate leasable spaces and shared or common areas such as walkways and on-site traffic areas. Mixed Use may also include a combination of residential and non-residential uses.
- V. "Multi-family Residential Use." Residential use consisting of two or more separate living units or spaces on a single property that share, a single water meter and sewer utility service.
- W. "Non-residential Use." A use of property which is primarily not for personal, domestic accommodation, including but not limited to industrial and commercial uses.
- X. "Occupant." The person(s) or entity occupying the Developed Use for residential or non-residential use.
- Y. "Partially vacant." A property is considered partially vacant if it receives only one utility bill and at least 20% of its leaseable space is continuously unoccupied for at least ninety (90) days.
- Z. "Plan." The expenditure plan for the SMSF funds that allocates SMSF resources based on system needs and uses.
- AA. "Predominant Developed Use." Where multiple Developed Uses occur on a property with a common water and sewer bill, the type of use occupying the most developed space on that property.

- BB. "Residential Use." Use of property primarily for personal, domestic accommodation, including single family residential, multi-family residential and group homes, but not including hotels and motels.
- CC. "Single Family Residential Use." Residential use consisting of a single family dwelling.
- DD. "Single Use." A parcel or property with only one distinct use.
- EE. "Single Use Convenience Store." A convenience store that is a direct utility customer with the City.
- FF. "Single Use Fine Dining Restaurant." A fine dining restaurant that is a direct utility customer of the City.
- GG. "SMSF Administrator." The person appointed by the Director of the Portland Office of Transportation to administer this chapter.
- HH. "SMSF." Street Maintenance and Safety Fee.
- II. "Structured Parking." A property use that contains a multi-story building, or part of a building, designed specifically for parking of multiple vehicles on two or more levels.
- JJ. "Transit Route." A major transit priority street, transit access street or community transit street, as determined by the SMSF Administrator.
- KK. "Transit Use." Use of buses, light rail, or streetcar for purposes of commuting or travel to and from a destination.
- LL. "Trip Generation." The average number of vehicle trip ends per day, as determined by reference to the ITE Manual.
- MM. "Utility Bill." The bill received by a Utility Customer for water, sewer or stormwater services provided by the City.
- NN. "Utility Customer." The person (or entity) who has an account with the Portland Water Bureau and receives either water, sewer or stormwater services from the City.

17.21.020 Street Maintenance and Safety Fee.

- A. A Street Maintenance and Safety Fee ("SMSF") is hereby imposed upon all utility customers of Developed Uses within the City for the purpose of maintaining, operating, managing and improving the City Transportation System. The fee is based on both the direct and indirect use of the City Transportation System by the occupants of property.
- B. The utility customer is responsible for paying the SMSF.
- C. If the State adopts a funding package that generates revenue beyond the State revenue identified in Exhibit 1 attached to Ordinance No 181578 for safety and maintenance expenditures identified in Exhibit 2 attached to Ordinance No. 181578, the Council will withdraw or reduce the SMSF commensurate to additional State Revenue.
- D. If Portland receives additional revenue for maintenance and safety, from an increase in the State Gas Tax, the Council will reduce the SMSF for retail fuel stations that sell only fuel commensurate with the percentage of the \$0.12 Gas Tax identified in Exhibit 1 attached to Ordinance No. 181578.

17.21.030 Duties of the SMSF Administrator.

- A. The SMSF Administrator is responsible for administering this chapter, including but not limited to: developing administrative procedures, making policy recommendations, administering fees and determining Customer Groups.
- B. The SMSF Administrator is responsible for developing and maintaining the Plan for the operations, maintenance, management and improvement of the City Transportation System and, subject to City Council approval, allocating and expending budget resources for the Plan in accordance with this chapter.
- C. The SMSF Administrator is responsible for collecting fees under this chapter.

17.21.040 SMSF Allocated to Transportation Operating Fund.

All funds collected pursuant to this chapter are allocated to the "Safe, Sound and Green Streets Sub Fund" (the "Sub Fund") within the City's Transportation Operating Fund. The Sub Fund must be expended as provided in the Plan to operate and administer the City's Transportation System. The fees paid must be reasonably related to the cost of providing street operations, management, maintenance and improvements. No particular piece of real property is entitled to any specific portion of the fees collected. Such fees cannot be used for purposes other than those described above, except to pay for an equitable share of the City's accounting, management and other governing costs incident to operation of the City transportation System and SMSF administration.

17.21.050 Determination of SMSF.

- A. The SMSF is based on the following factors:
1. The Developed Use;
 2. The Customer Group; and
 3. For Non-residential Uses, one or more of the following:
 - a. For uses such as parks, golf courses, and others whose principal trip-determining factor is the size of the site: the acreage of the site.
 - b. For all other uses: the developed square footage.
 - c. Other reliable variables contained in current or future versions of the ITE manual.
- B. The Customer Groups are:
1. Single Family Residential Use;
 2. Low Income Single Family Residential Use;
 3. Multi-family Residential Use;
 4. Low Income Multi-family Residential Use;
 5. Non-residential Use.
- C. The SMSF Administrator shall determine from the A & T Database, the Business Licenses database, and the ITE Manual the Developed Use and Customer Group that will apply to each property within the City. Once the SMSF Administrator determines the Developed Use and customer Group, the Administrator will use the trips per unit and the accompanying rates as found in Exhibit 3 attached to Ordinance No. 181578 entitled "Trip Generation rates by NAICS, SIC and County Property-Use Codes". When the A & T Database, Business Licenses database, and the ITE Manual are insufficient to establish the Developed Use or Customer Group, the SMSF Administrator shall determine the appropriate Customer Group by interpreting the ITE Manual and assigning the Developed Use and Customer Group that most accurately reflects the traffic generated by the particular property.
- D. For the purpose of determining the appropriate Developed Use and Customer Group for uses not explicitly listed in the ITE manual, the SMSF Administrator shall consider the following factors:
1. the size of the site and the building;
 2. the number of employees;
 3. other developed sites operated by the same or an affiliated owner for a use generating comparable amounts of traffic;
 4. other developed sites operated by a different owner for a use generating comparable amounts of traffic;
 5. the number of work shifts;

6. the number of hours of operation; and
 7. other relevant factors that indicate vehicle trip generation rates.
- E. For the purpose of determining the appropriate Trip Generation Rate, the SMSF Administrator may consider the results of a trip study provided by the utility customer. Traffic studies must be conducted in conformance with the methodology outlined in the ITE Manual. The SMSF Administrator may assign a Trip Generation Rate on an interim basis, provided that it is not less than the lowest Trip Generation Rate among available residential or nonresidential uses.
- F. The determination of Developed Use and Customer Group are not land use decisions as that term is defined in ORS 197.015.
- G. The monthly fee for each customer group is as follows:
1. Single family residential, \$4.29 per unit;
 2. Single family residential, low income, \$3.00 per unit;
 3. Multi-family residential, \$3.07 per unit;
 4. Multi-family residential, low income, \$2.15 per unit;
 5. Non residential:
 - a. For the first 10,000 trips per month generated by the property, the rate of \$0.01525 per trip;
 - b. For trips in excess of 10,000 per month but not more than 25,000, the rate of \$0.01078 per trip;
 - c. For trips in excess of 25,000 per month but not more than 75,000, the rate of \$0.00508 per trip;
 - d. For trips in excess of 75,000 per month but not more than 150,000, the rate of \$0.00253 per trip;
 - e. For trips in excess of 150,000 per month but not more than 250,000, the rate of \$0.00101 per trip;
 - f. For trips in excess of 250,000 per month, the rate of \$0.00005 per trip.
 6. In addition, a Base Charge of \$0.25 per month will be charged to each account's total bill and will be reviewed annually to ensure billing costs are financed.
- H. Upon a showing that a property has no developed use, no fee will be charged.
- I. For determination of the appropriate Customer Group for Mixed Uses and apportionment of SMSF bills, the following applies:
1. Mixed uses within a single building that receive one utility bill will receive only one SMSF bill, regardless of the number of tenants or types of developed uses found within the building.
 2. When determining the appropriate Developed Use for a Mixed Use property, the SMSF Administrator will consider:
 - a. The predominant Developed Use on the site;
 - b. The mix of various Developed Uses on the site;
 - c. The assigned Developed Use for other sites with a similar mix of Developed Uses and generating comparable amounts of traffic;
 - d. Any and all factors considered in subsection D of this section, relevant to making a determination of a property's Developed Use; and
 - e. Other relevant factors that indicate vehicle trip generation rates.

17.21.060 Discounts.

- A. By administrative rules, the SMSF Administrator will establish processes and procedures for obtaining discounts to be applied to SMSF charges. Utility customers must submit an application to obtain any discount, and no discount is valid for a period exceeding one

- year without being renewed via the application process. The SMSF Administrator will determine if discounts apply based on the submitted application and any further documentation requested by the SMSF Administrator.
- B. Multi-Family and Mixed Use Non-Residential customer groups do not qualify for a Green Discount unless every unit meets the criteria.
 - C. Green Discounts of up to 30% are available as provided in the administrative rules.
 - D. A non-Green discount of 10% of the SMSF is available for non-residential uses with structured parking facilities owned or leased on site.
 - E. The SMSF Administrator is authorized to conduct audits of any discount application and request additional documentation to validate the customer's qualifications for the requested discount.

17.21.070 Annual Adjustment of SMSF.

The SMSF Administrator will annually adjust the monthly fees as well as qualifying discount thresholds by the average percent change in the Portland-Salem OR-WA CPI-U, as issued by the U.S. Department of Labor, Bureau of Labor Statistics, for the most recent 12-month calendar year period, or a comparable measure of price change should that index not be available, but at no time will the adjustment exceed 3.5% per year. City Council and the Oversight Committee will also consider the economic climate within the City before approving any annual adjustment.

17.21.080 Fee Billing and Collection.

- A. The SMSF is billed and collected with and as part of the utility bill.
- B. In cases where the payment designated for billed services is less than the total of water, sanitary, stormwater drainage, and street maintenance fees due, payment will be applied proportionally to the stormwater drainage user fee, water, sanitary sewer, and street maintenance fee charges. All rules and procedures established under City Code for treatment of delinquent water and sanitary sewer accounts, and applicable penalties, apply to street maintenance fees.

17.21.090 Administrative Policies.

Administrative policies are intended to provide guidance to utility customers regarding the meaning or operation of this chapter, consistent with policies expressed herein. Policies adopted by the SMSF Administrator will apply uniformly throughout the City with full force and effect. The following policies apply to this chapter:

- A. Parking lots, which are not associated with services other than parking, are not subject to the SMSF as they do not generate traffic in and of themselves.
- B. Areas encompassing railroad and public right-of-way are not subject to the SMSF.
- C. Railroad property containing structures, such as maintenance areas, non-rolling storage areas and areas used for the transfer of rail transported goods to non-rail transport are subject to SMSF.
- D. The SMSF applies to all Developed Uses, including local, state, federal governments as well as occupants of property that may be entitled to exemption from or deferral of ad valorem property taxation.
- E. The fees imposed under this ordinance are due and payable from and after the date when the occupancy of the property begins. Occupancy is conclusively presumed to have begun on the dated the Developed Use is receiving a utility bill.
- F. A change in use does not relieve the occupant from responsibility for the SMSF. The SMSF Administrator will determine and assign the appropriate Customer Group or Developed Use when a change in use occurs.

- G. Nothing in this chapter should be construed as a waiver of the City's right and responsibility to charge and collect the SMSF in accordance with correct information concerning the Developed Use.
- H. If a property is partially vacant, the utility customer responsible for that property is eligible for a fee adjustment based on reduced trip generation above the 20% vacancy.

17.21.100 Inspection of Premises.

The SMSF Administrator is authorized to request entry upon private property for purposes of conducting any studies or collecting information bearing upon the determination of the appropriate Customer Group or Developed Use in accordance with this chapter. If entry is denied, the SMSF Administrator shall estimate the Developed Use and assign the highest monthly fee rate in the schedule for that Developed Use.

17.21.110 Penalties for providing false information.

Any person or utility customer that willfully and knowingly provides false information pursuant to obtaining a rate discount or adjustment under Subsection 17.21.060 may be subject to civil penalties as further described in the subsections below. The SMSF Administrator is responsible for determining if false information was provided.

- A. **Penalty Amounts:**
Violators must reimburse the City in an amount equal to the falsely obtained discount amount, and they forfeit any further rate discount for a period of at least one year. The following additional penalties apply depending on the number of violations:
 - 1. For a first violation: civil penalties of up to \$1,000.
 - 2. For a second violation: civil penalties of up to \$2,500.
 - 3. For third and subsequent violations: civil penalties of up to \$5,000 and a permanent loss of any future discounts.
- B. Civil penalties will be assessed on a per occurrence basis.
- C. The SMSF Administrator shall consider the following criteria in determining the amount of civil penalties to be assessed under this Section:
 - 1. The nature and extent of the person's involvement in the violation;
 - 2. Whether the person was seeking any benefits, economic or otherwise, through the violation;
 - 3. The magnitude and seriousness of the violation;
 - 4. The costs of investigation and remedying the violation;
 - 5. Whether any criminal prosecutions have occurred in regard to the violations; and
 - 6. Other relevant, applicable evidence bearing on the nature and seriousness of the violation.

17.21.120 Adjustment of SMSF Charges.

- A. When a utility customer has been overbilled or underbilled, the appropriate Billing Bureau will adjust the SMSF charges on current and prior SMSF billings as necessary.
- B. For overbillings, the charges may only be adjusted for a period not to exceed one year. Utility customers who receive a back billing or a billing delay may be offered the opportunity to pay the balance due over a period not to exceed 24 months with no interest.
- C. For underbillings, the charges may be adjusted for a period not to exceed one year.
- D. Adjustments will be in the form of credits or additional charges assessed or credited on the next utility customer's SMSF billing. If the utility customer no longer has a City

utility account, the appropriate Billing Bureau must make a reasonable effort to contact the customer to provide a refund or an additional assessment.

- E. Upon written request, the Billing Bureau must provide the customer with a written explanation detailing the circumstances of the error and the calculation of the adjustment.

17.21.130 Administrative Interpretation of SMSF Charges; Application for Review.

- A. The SMSF Administrator shall interpret all terms, provisions and requirements of this chapter and determine the appropriate charges hereunder.
- B. Any utility customer desiring a review of the charges or penalties assessed under this chapter may submit a written application (the "Application") to the SMSF Administrator. The Application must contain sufficient detail to enable the SMSF Administrator to review the SMSF charges or penalties for errors.
- C. The SMSF Administrator may require that additional information be submitted by the utility customer, including an engineering study prepared by a licensed professional engineer in conformance with the methodology outlined in the ITE.
- D. Within ninety (90) days of the receipt of all required submitted materials, the SMSF Administrator will issue a written Final Determination on the Application for review. The Final Determination will be based upon applicable criteria, and a copy will be mailed to the utility customer. The SMSF Administrator will maintain a collection of such Determinations.

17.21.140 Appeals.

- A. Any utility customer aggrieved by a Final Determination of the SMSF Administrator may appeal that Determination to the Transportation Director (the "Director"). The appeal must be in writing and must be filed within ten (10) days of the Administrator's Final Determination.
- B. The Director will send a written decision to the utility customer no more than thirty (30) days from the date the Director received the written appeal.
- C. Any utility customer aggrieved by a decision of the Director may appeal that decision to the Code Hearings Officer as provided in chapter 22.10 of this Code. Any such appeal must be in writing, must be filed no more than 10 days after the date of the Director's written decision, and must contain:
1. a copy of the decision appealed from;
 2. a statement of the grounds upon which it is contended that the decision is invalid, unauthorized, or otherwise improper;
 3. such other information as the Code Hearings Officer may by rule require.

17.21.150 Severability.

In the event any portion of this chapter or any administrative policy is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the chapter or policy will continue to be effective. If a court of competent jurisdiction determines that this chapter imposes a charge that is therefore unlawful as to certain but not all affected utility customers, then as to those certain utility customers, an exception or exceptions from the imposition of the SMSF shall thereby be created and the remainder of the chapter and the fees imposed hereunder shall continue to apply to the remaining utility customers without interruption. Nothing contained herein should be construed as limiting the City's authority to levy special assessments in connection with public improvements or any other charge imposed pursuant to applicable law.

17.21.160 Effective Date.

This ordinance will be effective as provided by law. The fees imposed under this ordinance will begin on July 1, 2008.

17.21.170 Renewal Provision.

Except for those provisions relating to the determination and collection of unpaid SMSF, all other SMSF provisions in City Code chapter 17.21 will expire automatically and cease to have any effect of law on July 1, 2023, unless the City Council renews this chapter prior to that date.

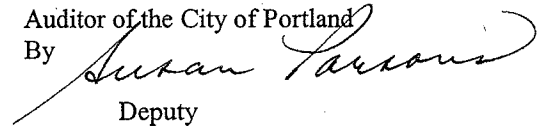
Passed by the Council, **JAN 30 2008**

Commissioner Sam Adams
Prepared by Commissioner Adams
January 4, 2008

GARY BLACKMER

Auditor of the City of Portland

By



Deputy