

ORDINANCE NO. 5565

AN ORDINANCE REPEALING ORDINANCE NUMBERS 4169, 5164, 5169, AND 5498 AND ESTABLISHING STREET, SEWER, STORM DRAIN, AND WATER LINE CONNECTION CHARGES AND DECLARING AN EMERGENCY.

WHEREAS, AMC Chapter 10.14 currently provides a methodology for collection of in-lieu-of assessment fees when previously unassessed property connects to the City sewer system; and

WHEREAS, AMC Chapter 11.14 currently provides for the collection of in-lieu-of assessment fees when previously unassessed property connects to the City water system; and

WHEREAS, AMC 12.50 currently provides for the collection of in-lieu-of assessment fees when previously unassessed property connects to the City storm drainage system; and

WHEREAS, the aforesaid fees should more properly be characterized as Connection Charges; and

WHEREAS, a similar Connection Charge should be collected when previously unassessed property begins to derive benefit from improved City streets; and

WHEREAS, it is desirable that a single ordinance establish the Connection Charges and methodology to be used in establishing Connection Charges for each of the categories referred to in the recitals above.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Repeal of Sewer in-lieu-of assessment Ordinances. AMC 10.14.010 and AMC 10.14.020 are repealed.

Section 2: Repeal of Water in-lieu-of assessment Ordinances. AMC 11.14.010 and AMC 11.14.020 are repealed.

Section 3: Repeal of Stormwater in-lieu-of assessment Ordinances. AMC 12.50.010 through 12.50.060 are repealed.

Section 4: Creation of Sewer, water, storm drain, and street Connection Charges. AMC 15.30.010 through 15.30.040 is created as follows:

CONNECTION CHARGES

15.30.010 Application of Connection Charges.

Except as provided in AMC Chapter 10.16, relating to properties within the North Albany sanitary basin, a Connection Charge shall be due and payable when any person, corporation, or legal entity, connects to or accesses the City's sanitary sewers, water distribution facilities, storm drains, and/or improved streets, from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the sanitary sewer, water distribution facility, storm drain, and/or improved street has not been paid by the property owner or predecessor thereof. The City Council shall by separate resolution establish, and may from time to time amend, a methodology which shall be used to determine the criteria by which a determination will be made concerning the application of any particular Connection Charge to any particular property within the City.

15.30.020 Timing and procedures for determination of Connection Charge.

If the sanitary sewer, water distribution facility, storm drain, and/or improved street is to be utilized pursuant to any activity involving a land division, the amount of the applicable Connection

Charge shall be paid, in full, prior to the signing of the final plat. In all other cases, the Connection Charge shall be assessed and paid, in full, prior to the issuance of any Building Permit or Encroachment Permit authorizing construction on real property which will utilize or connect to any of the City facilities in AMC 15.30.010, above.

15.30.030 Determination of the amount of the Connection Charge.

The City Council shall, by separate resolution establish and may, from time to time revise, a methodology for determining a fair and equitable Connection Charge when such charge is due pursuant to AMC 15.30.020 above.

15.30.040 Use of monies raised through Connection Charges.

Revenues obtained through Connection Charges shall only be used for the same type of facility for which the charge was collected. For example, Street Connection Charges shall only be utilized for authorized street fund purposes. Connection Charges may be used to repay third persons, other governmental entities, or the City in the event that these entities provided the original funding which constructed the improved facility to which connection is allowed. Funds not so utilized shall be set aside and budgeted for in-fill improvements within each applicable capital fund.

15.30.50 Failure to pay Connection Charge.

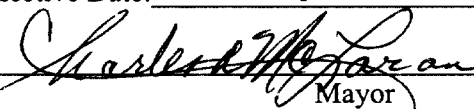
Any Development Permit, Building Permit, or Encroachment Permit erroneously issued by the City without payment of the Connection Charge required by this chapter shall be void and, in addition to any other remedy or consequence which may follow from the use or occupancy of premises without the required permit, failure to pay the Connection Charge within 10 days following written notice by the City, addressed to the property owner at the address shown on the applicable county tax records, shall constitute a misdemeanor punishable under the general penalty provided at AMC 1.04.010.

Section 5: Emergency Declared. Inasmuch as this ordinance is necessary for the assessment of previously unassessed properties when such properties are determined to have benefited from the previous construction of streets, sewer, storm drains, or water lines, and safety of the City of Albany, and an emergency is hereby declared to exist; this ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: September 24, 2003

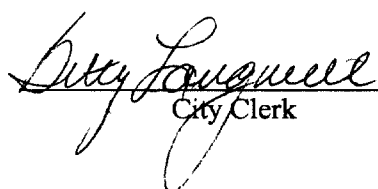
Passed by the Mayor: September 24, 2003

Effective Date: September 24, 2003



Mayor

ATTEST:



City Clerk