



ORDINANCE NO. 5960

AN ORDINANCE CREATING CHAPTER 3.12, CITY SERVICES FEE, OF THE ALBANY MUNICIPAL CODE, AND DECLARING AN EMERGENCY

WHEREAS, In the 1990s, Oregon tax limitation measures capped property tax revenue; and

WHEREAS, City revenue has not kept pace with inflation; and

WHEREAS, Albany is growing and so is the demand on City services; and

WHEREAS, The City will not be able to maintain the programs and services that our community has come to expect without additional funding; and

WHEREAS, The City Council has reviewed options for generating revenue and determined that a City Services Fee is vital to supporting valued city services; and

WHEREAS, The City Services Fee will be used to support staffing, programs, and services in fire, library, parks, planning, police, and municipal court.

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

Section 1: Albany Municipal Code (AMC) Chapter 3.12, City Services Fee, is hereby created as follows:

3.12.001, Title and purpose

This chapter shall be known and may be cited as the “City Services Fee Code of the City of Albany.” The purpose of this chapter is to establish a fee to offset the cost of providing City services, and for the administration of such a fee.

3.12.005, Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) “City” means the City of Albany, a municipal corporation of the State of Oregon.
- (2) “City Manager” means the person chosen by the Albany City Council to meet the requirements of Section 22 of the Albany Charter or such person as may be designated by the City Manager to act in his/her name and capacity.
- (3) “Director” means the person designated by the City Manager to supervise the Finance Department and who is charged with certain duties and responsibilities by this title, or the duly appointed representative.
- (4) “Developed property” means a lot or parcel, or portion thereof, of land within the corporate limits of the city of Albany that receives a direct or indirect benefit from City services. It is presumed that a developed property receives a direct or indirect benefit from City services if improvements exist on the premises or the premises is served by a City utility system.

3.12.010, Administration and rulemaking

The Director shall administer and enforce the provisions of this chapter, have the authority to render written and oral interpretations, conduct audits, and to adopt administrative rules and procedures governing the administration, enforcement, and collection of the city services fee.

3.12.015, Fee established

A city services fee is hereby created and imposed on the owner, tenant, agent or other authorized representative responsible for occupancy of a developed property in amounts set forth by City Council resolution. The city services fee is based on the direct and indirect use of or benefit from the provision and use of general City services; it is not a property tax; and it is not subject to the limitation of article XI, section 11 of the Oregon Constitution. The obligation to pay a city services fee arises when a person receives the direct or indirect benefit of City services. It is presumed that the benefit of City services is received whenever there is a developed property. All monies received from the city services fee shall be deposited into the General Fund.

3.12.020, Fee amount and annual adjustments

(1) The rate for the city services fee shall be established by City Council resolution and shall be applied to utility customer accounts by classification.

(2) Customer account classification shall be determined by the Director or the duly authorized representative. Any appeal of the Director's determination shall be made in writing to the Director in accordance with Council policy. Any request for review of the Director's appeal determination shall be made in writing to the City Manager. The City Manager's determination shall be final.

(3) The rate of the city services fee shall be adjusted annually for inflation as determined by the City Council.

(4) The rate, other charges, or any adjustments to the city services fee shall be set annually by resolution of the City Council.

3.12.025, Billing, due date, and delinquency

(1) A city services fee shall be billed to and collected from the owner, tenant, agent, or other authorized representative responsible for occupancy of a developed property as defined within this chapter.

(2) A city services fee shall be included and separately identified in a utility billing statement for a developed property account and shall be due and payable on the same schedule as that set forth in the statement. Payments for a city services fee through the utility billing statement shall be applied in a priority consistent as established by the Director.

(3) Unless another person has agreed in writing to pay all or a portion of the city services fee, and a copy of that writing is filed with the Director, the responsible party shall pay the city services fee and all other applicable charges, including any administrative fees.

(4) Delinquent accounts shall be subject to the provisions for delinquency as established by City Council resolution.

3.12.030, Adjustments, back-billing, credits, and refunds

The City may make adjustments, back-bill, pay refunds, or waive fees and charges in accordance with City Council policy. If no Council policy exists, the City may make adjustments where it is deemed necessary on a case-by-case basis as determined by the Director for the proper conduct of the administration of the city services fee. A full explanation of the reason for the adjustment or refund must be filed for the record and, subject to Oregon public records law, will be made available upon request. Refunds are to be made to the party that made the payment.

3.12.035, Exemptions and discounts

Single family residential customers who have been approved through the City's Low Income Assistance Program shall pay a discounted city services fee in accordance with the effective City Council low-income assistance program resolution.

3.12.040, Falsification

No person shall knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter.

3.12.045, Civil Penalties

Any person who is found to have violated an order of the Director, or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules and regulations issued hereunder, shall forfeit and pay not more than \$1,000.00 for each offense as determined by the Hearings Officer. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offence.

3.12.050, Violations

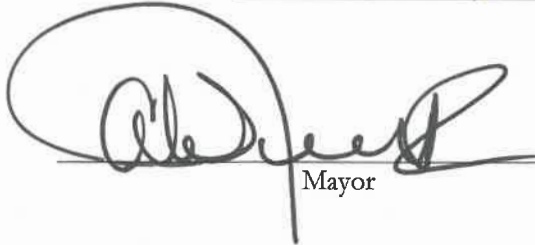
Violation of any provision of this chapter, in addition to any civil penalties, shall be an infraction.

Section 2: Emergency Clause. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: June 23, 2021

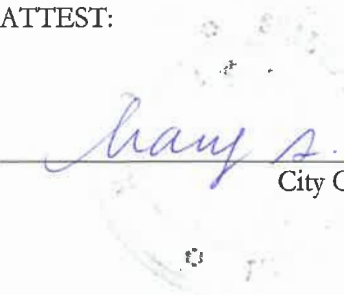
Approved by the Mayor: June 23, 2021

Effective Date: June 23, 2021



Mayor

ATTEST:


Mary S. Tibble

City Clerk