

## ORDINANCE NO. 15-1005

---

### AN ORDINANCE AMENDING THE OREGON CITY MUNICIPAL CODE TO INCLUDE CHAPTER 13.36 – COMMUNITY SAFETY ADVANCEMENT FEE.

**WHEREAS**, the existing City police station located on Warner-Milne Road, built in the late 1960s, does not meet federal seismic standards for emergency facilities. The station is too small to accommodate the current policing demands. Evidence processing and witness interviews are conducted in a lunchroom area that does not meet current policing protocols; and

**WHEREAS**, an expanded population, increased development, and greater intensification of uses within the City of Oregon City has increased the number of personnel, equipment and facilities necessary to keep the community safe; and

**WHEREAS**, the construction of a new police station will serve as a cornerstone of public safety within our community. This site will hold the Oregon City Municipal Court, Code Enforcement, a large public meeting space, a modern and efficient Emergency Operations Center and a safe, accessible Police Department designed to deliver excellent customer service to our community; and

**WHEREAS**, construction of this new police station cannot occur without a new revenue source; and

**WHEREAS**, the costs associated with providing safety does not rest solely on those who own property but instead should be spread amongst all users of developed property. As result, the proposed safety fee will be imposed on all users of developed property throughout the City.

#### **NOW, THEREFORE, THE CITY OF OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** The City hereby amends the Oregon City Municipal Code to include Chapter 13.36 – Community Safety Advancement Fee, attached hereto as Exhibit 'A.'

**Section 2.** Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

**Section 3.** Effectiveness. This Ordinance shall take effect 30 days from the date of adoption. The effective starting date of the fee will be January 1, 2016 and will first appear on water bills delivered in February, 2016.

Read for the first time at a regular meeting of the City Commission held on the 6th day of May, and the City Commission finally enacted the foregoing ordinance this 20th day of May, 2015.



DAN HOLLADAY, Mayor

Attested to this 20th day of May 2015:



Kattie Riggs, City Recorder

Approved as to legal sufficiency:



City Attorney

Attachment:

Exhibit A - Chapter 13.36 – Community Safety Advancement Fee

## **Chapter 13.36 – COMMUNITY SAFETY ADVANCEMENT FUND**

### **13.36.010 – Purpose.**

The purpose of this chapter is to provide funding for community safety necessary for maintaining and operating the City of Oregon City Police Department. All fees collected as authorized by this chapter shall be accounted for separately and set aside for the purpose of funding police expenditures related to the acquisition, improvement, replacement and construction of public safety facilities of the City.

### **13.36.020 – Definitions.**

"Developed property" means a lot, parcel or tract of real property that is used for a residence, business or other activity in the City.

"Manager" means the City Manager or his or her designee.

"Responsible party" means, unless another responsible party has agreed in writing to pay and a copy of that writing is filed with the City, the person(s) paying the City's water utility charges or a business required to obtain a business license as required by OCMC 5.04. If there is no water service to the property or if water service is discontinued, the "responsible party" shall be the person(s) having the right to occupy the property.

"Public Safety Facility" means site improvements, parking lots, green space, sidewalks and buildings associated with a new or existing public safety building.

### **13.36.030 – Administrative Officer Designated.**

The Manager shall be responsible for the administration of the Community Safety Advancement Fund. The Manager shall be responsible for developing administrative procedures, administering the fees, and all other activities related to the purpose of the Fund.

### **13.36.040 - Community Safety Advancement Fee.**

A. The City Commission hereby establishes a Community Safety Advancement Fee (CSAF) to be imposed on each responsible party per residential dwelling unit, for each business or for each non-residential unit or tenant space existing on a developed property in the amount of \$6.50 per month or \$78.00 per year.

B. The number of dwelling or non-residential units shall be determined based on a combination of the number of water meters and business licenses issued for each parcel and, in cases where multiple dwelling units share a single water meter, the determination shall be based on current land use or building permit approvals. A single fee shall be assessed where a home occupied business and residential dwelling unit are located within the same residential structure.

C. Such fee shall not be imposed in amounts greater than that which is necessary, in the judgment of the City Commission, to provide sufficient funds for community safety.

**13.36.050 - Billing and Collection.**

A. For residential dwelling units and uses not requiring a business license, the fee shall be collected with the monthly water bill for those connected to the City's water service or billed alone as a Community Safety Advancement Fee for those not connected to or not otherwise charged for water service.

B. For users requiring a business license, the fee shall be collected annually, as part of the application for or renewal of a business license, effective January 1 of each year.

C. The effective starting date of the fee will be January 1, 2016, and will first appear on water bills delivered in February, 2016. New business license applications received on or after July 1, will be charged half the fee.

D. The fee will no longer be collected once the City Commission determines that costs associated with Public Safety Facility improvements have been satisfied.

**13.36.060 – Recovery of Unpaid Charges.**

Any charge due under this chapter that was not paid when due shall be collectable pursuant to collection efforts or other lawful remedies for the city, but no lien may be placed on the property solely for failure to pay the fee. The city may curtail or cut off the supply of water or other city services to persons who have failed to pay unpaid charges. In no event shall water supply be withheld from any new occupant of property because of the failure of a prior occupant to pay a Community Safety Advancement Fee.

**13.36.070 - Exemptions, Reductions and Appeal.**

Vacant and undeveloped properties within the city are exempt from the charges in Section 13.36.050. Any other person seeking an exemption or reduction in the Community Safety Advancement Fee or appealing therefrom, may do so pursuant to a demonstration to the Manager that the property is not developed and/or does not contain the number of non-residential or business units identified in the city's assessment.

**13.36.080 – Use of Moneys Collected By the Community Safety Advancement Fee.**

All fees collected by the city shall be accounted for separately and may be used only for funding the administration, maintenance, repair, improvement, renewal, construction, replacement and/or reconstruction of public safety facilities of the City. It shall not be necessary that the operations and maintenance expenditures from the Fund specifically relate to any particular property from which the fees for said purposes were collected. The fees paid and collected by virtue of this ordinance shall not be used for general or other governmental or proprietary purposes of the City,

except to pay for the equitable share of the cost of accounting, management and government which is attributable to the Community Safety Advancement Fee.

GSB:7047712.1