



ORDINANCE NO. 6050

AN ORDINANCE CREATING ALBANY MUNICIPAL CODE (AMC) CHAPTER 14.30, STREET MAINTENANCE FEE

WHEREAS, the City of Albany is responsible for the maintenance, operation, and construction of improvements on streets under its jurisdiction; and

WHEREAS, regular maintenance of streets is cost-effective for the city and for its citizens because deteriorated streets are increasingly expensive to repair and maintain, cause increased wear on vehicles, and pose increased safety hazards to the public; and

WHEREAS, the condition of the City of Albany's street network has been declining as demonstrated by engineering analysis to calculate the pavement condition index (PCI) conducted in 2016 and updated in 2021; and

WHEREAS, the City's physical growth and development will continue to increase the number of miles of streets, sidewalks, bicycle facilities, and associated assets under its jurisdiction at the same time that the condition of the street network declines; and

WHEREAS, a well-maintained street network enhances the livability, property values, and economic vitality of the community; and

WHEREAS, funding to perform street maintenance and improvement projects has not kept pace with the demand for those projects and current funding is not adequate to properly maintain the City of Albany's street network; and

WHEREAS, the Albany City Council finds that in order to properly maintain the City's transportation system, it must be funded in a manner enabling on-going maintenance, operation, and improvement of the system; and

WHEREAS, the city council has reviewed options for generating revenue to maintain the City's transportation system at a level the community expects; and

WHEREAS, the Street Maintenance Fee will be used to generate revenue for use in improving the condition of streets under the City's jurisdiction and ancillary transportation improvements.

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

Section 1: Albany Municipal Code (AMC) Chapter 14.30, Street Maintenance Fee, is hereby created as follows:

14.30.01, Title and Purpose

This chapter shall be known and may be cited as the "Street Maintenance Fee Code of the City of Albany." The purpose of this chapter is to establish a fee to fund the maintenance, operation, repair, preservation, reconstruction, administration, safety enhancements, and capital alteration of the City's transportation system for all users, including vehicle lanes for all street classifications, pedestrian, bicycle, and other modes of travel.

14.30.05, 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 Public Works 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 on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to, buildings, parking lots, outside storage, and other uses that connect to or impact the transportation system.
- (5) "Dwelling unit" means one or more habitable rooms that are occupied or intended or designed to be occupied by residents with housekeeping facilities for living, sleeping, cooking, and eating...
- (6) "Gross square footage" means the calculation of the area of all structures located on a site, measured along the exterior walls of such structures, and including, but not limited to, enclosed courtyards and stairwells, but not including fences and parking areas which are not enclosed within a building.
- (7) "Multi-unit" means more than one dwelling unit served by one water meter.
- (8) "Multi-dwelling unit" means residential property consisting of two or more separate dwelling units.
- (9) "Non-residential property" means property classified as non-residential property in the City's utility billing system, including property with any use other than a residential use, including without limitation all commercial, industrial, mixed-use, school, hotel/motel, or other tourist accommodation uses, and properties with both residential and non-residential uses.
- (10) "Residential property" means property with one or more dwelling units, classified as residential in the City's utility billing system, including accessory uses permitted under the Albany Development Code, and including single and multi-dwelling unit residential property but not including hotels, motels, and assisted living facilities.
- (11) "Responsible party" means the person or entity responsible for the utility bill or other person who has notified the City of their intent to be responsible for the Street Maintenance Fee for a property, and who is responsible for payment of charges.
- (12) "Single unit" means one dwelling unit served by one water meter.
- (13) "Trip generation" means the average number of vehicle trips, as determined by reference to the manual entitled, Trip Generation, published by the Institute of Transportation Engineers.

14.30.010, 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 Street Maintenance Fee.

14.30.015, Fee established

A Street Maintenance Fee is hereby created and imposed on the owner, tenant, agent, or other responsible party of developed property in amounts set forth by City Council resolution. The fee shall be based on the developed property's direct and indirect use of, or benefit derived from the use of, the City's transportation system and is reasonably related to the cost of providing these 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 Street Maintenance Fee arises when a person receives the direct or indirect benefit of the transportation system. The fee imposed under this chapter shall become due and payable from and after the effective date of this chapter and for property developed after the effective date of this chapter, from and after the date the property becomes developed. All monies received from the Street Maintenance Fee shall be deposited into the Street Fund.

14.30.020, Fee amount and annual adjustments

- (1) The rate for the Street Maintenance 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 City policy. Any requests 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 Street Maintenance Fee shall be adjusted annually for inflation as determined by the City Council.

(4) The rate, other charges, or any adjustments to the Transportation Fee shall be set by resolution of the City Council.

14.30.025, Revenue

(1) Revenue collected under this chapter shall be deposited into the City's Street Fund and must be used consistent with the purposes of that fund and this chapter.

(2) Street Maintenance Fee revenue may be used for any operations, administration, and maintenance work contracted for or performed by the City on the City's transportation system, consistent with the provisions of this chapter. The primary use of the funds shall be to perform maintenance of the city transportation system through pavement preservation and street reconstruction activities. Funding is also approved for ancillary improvements including bicycle and pedestrian improvements, striping, sidewalk and curb ramps meeting the requirements of the Americans with Disability Act (ADA).

(3) It is not necessary that the expenditures of the Street Maintenance Fee revenues specifically relate to the parcel or property from which the fees are collected.

14.30.030, Billing, due date, and delinquency

(1) The Street Maintenance Fee shall be billed to and collected from the responsible party, owner, tenant, agent, or other authorized representative responsible for a developed property as defined within this chapter.

(2) The Street Maintenance 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 Street Maintenance Fee through the utility billing statement shall be applied in a priority as established by the Director.

(3) Unless another person has agreed in writing to pay all or a portion of the Street Maintenance Fee, and a copy of that writing is filed with the Director, the responsible party shall pay the Street Maintenance 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. No lien will attach to the property in the event of nonpayment of the Street Maintenance Fee. The City may proceed to collect delinquent charges in any other manner provided by law.

14.30.035, 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 Street Maintenance 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.

14.30.040, Exemptions and discounts

Single dwelling unit residential customers who have been approved through the City's Low Income Assistance Program shall pay a discounted Street Maintenance Fee in accordance with the effective City Council low-income assistance program resolution.

14.30.045, 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.

14.30.050, 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.

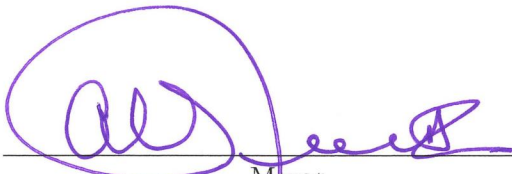
14.30.055, Violations

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

Passed by the Council: September 25, 2024

Approved by the Mayor: September 25, 2024

Effective Date: October 25, 2024



Mayor

ATTEST:




City Clerk