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A BILL

ORDINANCE NO.
2017- 776

FOR

AN ORDINANCE

IMPOSING A PARKS SERVICES FEE

WHEREAS, the City of Keizer has a Parks Division under the Public Works Department dedicated to maintaining and improving the public parks throughout the City;

WHEREAS, the City Council has determined that the current level of funding is below the need to sustain the parks maintenance, operations and improvements;

WHEREAS, the City Council has determined that to fill gaps in service and to improve and sustain the public parks throughout the City, there is a need for additional resources;

WHEREAS, public parks are available for every developed property in the City;

WHEREAS, the City has the authority to impose fees;

WHEREAS, the City Council held a public hearing to solicit comment and testimony regarding the proposed fee on July 17, 2017;

WHEREAS, the City Council finds it in the best interest of the community to impose a parks services fee;

NOW THEREFORE, the City of Keizer ordains as follows:

1 Section 1. PURPOSE OF PARKS SERVICES FEE. The purpose of the parks
2 services fee is to provide funding for park services. Park services safeguard, facilitate,
3 and encourage the health, safety, and welfare of the residents and enterprises of the City
4 of Keizer. Stable and reliable park services provide a multitude of economic and social
5 benefits to the public, including, but not limited to:

- 6 A. Promotion of business and industry;
- 7 B. Promotion of community health, community spirit and growth.

8 The Keizer City Council finds and determines the necessity of this parks services
9 fee to provide a funding mechanism to help pay for the benefits of park services and to
10 provide an acceptable level of service.

11 Section 2. DEFINITIONS. For purposes of this Ordinance, the following
12 mean:

- 13 A. Non-Residential Unit. A Premise or a portion of a Premise not used for
14 personal, domestic accommodation in independent living facilities. A Non-Residential
15 Unit includes, but is not limited to, governmental, not-for-profit, business, commercial
16 and industrial enterprises. Each portion of a Non-Residential Unit that has permanent
17 provisions for distinct and defined access to an individual enterprise shall be considered
18 as a separate Non-Residential Unit. Enterprises that provide senior living, assisted
19 living, nursing care and similar services exclusively shall be considered non-residential.

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1 B. Premise. A parcel or portion of a parcel of land within the corporate limits
2 of the City of Keizer that receives a direct or indirect benefit from park services. It is
3 presumed that a Premise receives a direct or indirect benefit from park services if the
4 Premise is developed. A Premise is presumed to be developed if served by water,
5 stormwater, wastewater utility, or has improvements, including, but not limited to
6 buildings, parking lots or outdoor storage.

7 C. Residential Unit. A Premise or a portion of a Premise with one or more
8 rooms in a building or portion thereof designed for or that provides complete
9 independent living facilities for one or more persons and includes permanent provisions
10 for sleeping, cooking and sanitation. An accessory or ancillary residential unit on a
11 Premise shall be considered as a separate residential unit. In Premises with two or more
12 apartments, condominiums, mobile homes, or other residential units, each residential unit
13 shall be considered as a separate residential unit for purposes of calculating the parks
14 services fee. Premises or portions of Premises primarily used for transient lodging
15 whose occupants are subject to Ordinance 98-382 (Transient Occupancy Tax) shall not
16 be considered a residential unit.

17 Section 3. ESTABLISHMENT OF PARKS SERVICES FEE.

18 A. Except as exempted below, beginning with the November 2017 utility bills,
19 a parks services fee is established and imposed upon all Premises within the Keizer City
20 limits.

1 B. Premises owned by the City of Keizer and Keizer Urban Renewal Agency
2 that are property-tax exempt are exempt from the payment of any parks services fee.

3 C. The parks services fee for each utility account shall be based on a monthly
4 amount applied to the number of Residential Units and Non-Residential Units allocated
5 to that utility account.

6 D. Residential Units and Non-Residential Units that are the basis for
7 calculating the parks services fee do not in any way create an obligation of the property
8 or Premises and the obligation to pay the parks services fee is a personal obligation of
9 the customer responsible for payment of the City utility account. No lien will attach to
10 any Premise because of the nonpayment of the parks services fee.

11 E. All developed property receives a direct or indirect benefit from park
12 services. Unless specifically exempted, the parks services fee applies to all City of
13 Keizer utility accounts, including those that serve local, state and federal governments,
14 and to utility accounts that serve Premises that are entitled to an exemption from or
15 deferral of ad valorem property taxes, as well as Premises not connected to utility
16 services.

17 F. The parks services fee described herein is not subject to the property tax
18 limitations of Article IX, Sections 11b and 11(19) of the Oregon Constitution and is not a
19 fee imposed on property or property owners by fact of ownership.

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1 Section 4. AMOUNT OF PARKS SERVICES FEE. The amount of the parks
2 services fee shall be set by Keizer Council Resolution. However, the amount shall not
3 exceed \$8.00 per month per unit. In addition, the Council may set by Resolution fees for
4 extra services required in collecting delinquent customer accounts for the parks services
5 fee.

6 Section 5. DEDICATED FUNDS.

7 A. There shall be a Parks Services Fund. All parks services fee revenues
8 imposed and collected under this Ordinance shall be deposited in the Parks Services
9 Fund.

10 B. Money in the Parks Services Fund shall be used for the purposes of City
11 park maintenance, operation and improvements as determined each year during the
12 budget process. The parks services fee shall not be used for any other governmental or
13 proprietary functions of the City. Any revenues in excess of actual expenses as
14 identified in the budget process shall be carried forward to next year's budget.

15 C. The Parks Services Fund revenues shall be in addition to the Parks General
16 Support Resources funding minimum of 2.5% of General Fund budgeted revenues and
17 shall not supplant the general fund allocation for parks according to budget policy.

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1 Section 6. BILLING.

2 A. The customer(s) responsible for paying the City utility account is
3 responsible for payment of the parks services fee. For non-utility Premises, the property
4 owner as set forth in the Marion County tax records shall be the responsible party.

5 B. The City shall collect the parks services fee by adding the parks service fee
6 to the utility bill of each customer in the City of Keizer. For non-utility accounts, the
7 billing shall be mailed to the property owner’s address as set forth in the County property
8 records, unless such owner requests the billing be sent to a different address.

9 C. If a Premise has more than one utility account, the parks services fee for
10 the Premises shall be calculated based on the total number of Residential Units and Non-
11 Residential Units on the Premise. The Residential Units and Non-Residential Units may
12 be combined into one account or allocated to each account.

13 D. Charges for water, wastewater, stormwater, police services fee and the
14 parks services fee may be billed on the same utility bill. If full payment of utility billing
15 is not made, payment shall be applied in the following order:

- 16 i. Sewer and Sewer Franchise Fee;
- 17 ii. Sewer Administration and Sewer Administration Franchise Fee;
- 18 iii. Water and Water Franchise Fee;
- 19 iv. Stormwater and Stormwater Franchise Fee;
- 20 v. Police Services Fee;

1 vi. Parks Services Fee.

2 Section 7. PAYMENT DUE DATE. The parks services fee shall be due the
3 same date as the utility bill. For non-utility accounts, the due date shall be the 22nd of the
4 month the bill is received.

5 Section 8. ADJUSTMENT OF ACCOUNTS.

6 A. Customers who believe their parks services fee, as applied to their Premise,
7 is not within the intent of this Ordinance may request, in writing, a review of their parks
8 services fee by the Finance Director. The Finance Director may initiate a review of a
9 customer's parks services fee.

10 i) If a customer's charge is reduced as a result of this review, the
11 corrected parks services fee shall begin with the next billing and a credit or refund shall
12 be made retroactively, not to exceed one year from the last billing.

13 ii) If a customer's charge is increased as a result of this review, the
14 corrected parks services fee shall begin with the next billing and the customer may be
15 billed for the increase retroactively, not to exceed one year from the last billing.

16 B. If an existing customer has not been billed for the parks services fee, the
17 parks services fee shall begin with the next billing and the customer may be billed
18 retroactively, not to exceed one year.

19 C. Customers not satisfied with the results of the review by the Finance
20 Director may appeal the Finance Director's decision to the Keizer Hearings Officer who

1 shall determine, by preponderance of the evidence, whether the Finance Director's
2 decision should be upheld or reversed, or upheld in part and reversed in part. A Notice
3 of Appeal must be in writing and physically delivered to the Finance Director no later
4 than fourteen (14) calendar days from the date of the Finance Director's decision. The
5 hearing before the Keizer Hearings Officer shall be conducted no later than twenty (20)
6 days from the date of the appeal, unless a different date is stipulated by the City and the
7 customer, or good cause is shown for setting the matter forward. Testimony at the
8 hearing shall be taken upon oath or affirmation of the witnesses. The Hearings Officer
9 shall consider only the matters set forth in the Notice of Appeal. The Findings and
10 Decision of the Hearings Officer shall be served upon the customer by first class mail
11 within ten (10) days after the hearing concludes. The Hearings Officer decision shall be
12 effective ten (10) days following the date of the decision. The Findings and Decision of
13 the Hearings Officer shall be final and conclusive, subject only to writ of review under
14 ORS 34.010 to 34.100, which shall be the sole remedy.

15 D. The Finance Director may write off closed accounts and retroactive bills if
16 it is in the best interest of the City and may write off refunds, unless the customer
17 requested otherwise, if the cost of making the refund would exceed the amount of the
18 refund.

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1 Section 9. DELINQUENCY.

2 A. A parks services fee is delinquent if payment in full is not received on or
3 before the due date.

4 B. If a customer's utility account is delinquent for parks services fee only, the
5 City may not discontinue water services billed on that account. However, the City may
6 refuse to restore water service to the Premise if the delinquent charges and other costs
7 incurred are not paid.



8 C. Delinquent amounts owing may be collected by all legal means, including,
9 but not limited to the referral or assignment to a collection agency.

10 Section 10. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
11 days after its passage.

12 PASSED this 17th day of July, 2017.

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14 SIGNED this 17th day of July, 2017.

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Mayor

City Recorder