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A BILL  
FOR

ORDINANCE NO.  
2017- 775

AN ORDINANCE

IMPOSING A POLICE SERVICES FEE

WHEREAS, the City of Keizer has a Police Department dedicated to protecting the public;

WHEREAS, the City Council has determined that the current level of police services in Keizer is far below the national and state averages;

WHEREAS, the City Council has determined that to fill gaps in service, there is a need for additional resources;

WHEREAS, police services 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 police services fee;

NOW THEREFORE, the City of Keizer ordains as follows:

Section 1. PURPOSE OF POLICE SERVICES FEE. The purpose of the police services fee is to provide funding for police services. Police services safeguard,

1 facilitate, and encourage the health, safety, and welfare of the residents and enterprises  
2 of the City of Keizer. Stable and reliable police services provide a multitude of  
3 economic and social benefits to the public, including, but not limited to:

- 4 A. Protection of life and property;
- 5 B. Reduction in the incidence of crime;
- 6 C. Dependable response by law enforcement.

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

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

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

19 B. Premise. A parcel or portion of a parcel of land within the corporate limits  
20 of the City of Keizer that receives a direct or indirect benefit from police services. It is

1 presumed that a Premise receives a direct or indirect benefit from police services if the  
2 Premise is developed. A Premise is presumed to be developed if served by water,  
3 stormwater, wastewater utility, or has improvements, including, but not limited to  
4 buildings, parking lots or outdoor storage.

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

15 Section 3. ESTABLISHMENT OF POLICE SERVICES FEE.

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

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

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

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

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

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

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1           Section 4.    AMOUNT OF POLICE SERVICES FEE.  The amount of the  
2 police services fee shall be set by Keizer Council Resolution.  In addition, the Council  
3 may set by Resolution fees for extra services required in collecting delinquent customer  
4 accounts for the police services fee.

5           Section 5.    DEDICATED FUNDS.

6           A.       There shall be a Police Services Fund.  All police services fee revenues  
7 imposed and collected under this Ordinance shall be deposited in the Police Services  
8 Fund.

9           B.       Money in the Police Services Fund shall be used for the purposes of City  
10 police services as determined each year during the budget process.  The police services  
11 fee shall not be used for any other governmental or proprietary functions of the City.  
12 Any revenues in excess of actual expenses as identified in the budget process shall be  
13 carried forward to next year's budget.

14          Section 6.    BILLING.

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

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

5           C.     If a Premise has more than one utility account, the police services fee for  
6 the Premises shall be calculated based on the total number of Residential Units and Non-  
7 Residential Units on the Premise. The Residential Units and Non-Residential Units may  
8 be combined into one account or allocated to each account.

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

- 12           i.     Sewer and Sewer Franchise Fee;
- 13           ii.    Sewer Administration and Sewer Administration Franchise Fee;
- 14           iii.   Water and Water Franchise Fee;
- 15           iv.   Stormwater and Stormwater Franchise Fee;
- 16           v.     Police Services Fee;
- 17           vi.    Parks Services Fee.

18           Section 7.   PAYMENT DUE DATE. The police services fee shall be due the  
19 same date as the utility bill. For non-utility accounts, the due date shall be the 22<sup>nd</sup> of the  
20 month the bill is received.

1           Section 8.    ADJUSTMENT OF ACCOUNTS.

2           A.    Customers who believe their police services fee, as applied to their  
3   Premise, is not within the intent of this Ordinance may request, in writing, a review of  
4   their police services fee by the Finance Director.  The Finance Director may initiate a  
5   review of a customer's police services fee.

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

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

12          B.    If an existing customer has not been billed for the police services fee, the  
13   police services fee shall begin with the next billing and the customer may be billed  
14   retroactively, not to exceed one year.

15          C.    Customers not satisfied with the results of the review by the Finance  
16   Director may appeal the Finance Director's decision to the Keizer Hearings Officer who  
17   shall determine, by preponderance of the evidence, whether the Finance Director's  
18   decision should be upheld or reversed, or upheld in part and reversed in part.  A Notice  
19   of Appeal must be in writing and physically delivered to the Finance Director no later  
20   than fourteen (14) calendar days from the date of the Finance Director's decision.  The

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

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

15 Section 9. DELINQUENCY.

16 A. A police services fee is delinquent if payment in full is not received on or  
17 before the due date.

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