

ORDINANCE NO. 2097

AN ORDINANCE AMENDING ORDINANCE NO. 1910 §1 (IN PART) REGARDING SERVICE CHARGE ADJUSTMENTS OF TRANSPORTATION UTILITY FEE

Recitals:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. In 2008 the City Council adopted Ordinance No. 1910 creating the Transportation Utility Fee.
- C. Upon review, staff recommends minor amendments to the Transportation Utility Fee chapter with regard to vacant commercial property, to allow an owner of a commercial property which has been vacant for more than 6-months to apply for a service charge adjustment during the pendency of the vacancy.
- C. Words ~~lined through~~ are to be deleted and words **in bold** are added.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Section 1 of Ordinance No. 1910 §1 (2008) is hereby amended in part to read:

11.20.060 Service charge adjustments and appeals.

A. Any person billed for service charges may file a "Request for Service Charge Adjustment" with the manager within thirty days of the date of the bill. However, submittal of such a request does not extend the period of payment for the charge.

B. A request for service charge adjustment may be granted or approved by the manager only when one or more of the following conditions exist:

1. The amount charged is in error; or
2. The parcel is nonresidential and the actual trips generated by that parcel, as established by a licensed surveyor or engineer at the expense of the owner, would result in a trip generation total that is greater than or less than the applied average daily trip estimate used in determining the charge; ~~or~~
3. The parcel exists in its natural unimproved condition and will remain in its natural unimproved condition with no allowable human activities or manmade improvements that would generate trips to or from the parcel; **or**

4. The parcel is nonresidential and has been 100% vacant for a period of at least 6 months. In the event the Service Charge Adjustment is granted, the adjustment shall terminate upon any use of the parcel that would generate trips to or from the parcel and the full utility fee shall begin with the next billing cycle. In the event the property owner or person in charge fails to notify the City of change of vacancy or use within 10-business days, the full utility fee shall begin with the next billing and the property owner or person in charge may be billed retroactively for the full utility fee not to exceed the date the service charge adjustment was granted.

C. Service charge adjustments will only apply to the bill then due and payable and bills subsequently issued. The property owner shall have the burden of proving that the service charge adjustment should be granted.

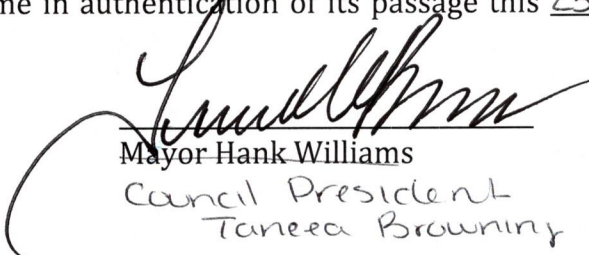
D. Decisions on requests for service charge adjustment shall be made by the manager based on information submitted by the applicant and by the city within thirty days of the adjustment request, except when additional information is needed. The applicant shall be notified in writing of the manager's decision.

E. Decisions of the manager on requests for service charge adjustments shall be final unless appealed to city council within thirty days of the date of the decision. (Ord. 2029 §3(part), 2016; Ord. 1910 §1(part), 2008).

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-C) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.


SECTION 3. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

PASSED by the Council and signed by me in authentication of its passage this 23rd day of March 2023.


Mayor Hank Williams

Council President
Taneea Browning

ATTEST:


City Recorder