CITY of ALBUQUERQUE NINETEENTH COUNCIL

COUNCIL BILL NO. _____ ENACTMENT NO. _____

SPONSORED BY:

ORDINANCE
 AMENDING SUBSECTIONS 14-19-4-12 (J), (K) AND (L) ROA 1994 AND
 SUBSECTION 14-19-4-13(K) ROA 1994 TO EXTEND THE TIME PERIOD FOR
 THE REDUCTION ON PARK, RECREATION, TRAILS AND OPEN SPACE
 FACILITIES IMPACT FEES FOR AN ADDITIONAL SIX MONTHS.
 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
 ALBUQUERQUE:

8 SECTION 1. Subsections 14-19-4-12 (J),(K) and (L) ROA 1994, are amended 9 to read as follows:

"(J) For building permits deemed complete subsequent to but within
twenty-four months of September 23, 2009, impact fees collected for green
path developments pursuant to § 14-19-4-1 et seq. shall be calculated at 0% if
(1) a certificate of occupancy for the development is issued by the city within
one year of the date of the building permit being deemed complete, and (2)
prior to the issuance of the city's certificate of occupancy, a New Mexico
registered architect shall certify that the development has been constructed in
accordance with the city approved building permit in order to qualify as a
green path development.

(K) For building permits deemed complete subsequent to but within
twenty-four months of September 23, 2009, impact fees collected on all
developments pursuant to § 14-19-4-1 et seq., other than those listed in
division (J), shall be calculated at 50% if a certificate of occupancy for the
development is issued by the city within one year of the date of the building
permit being deemed complete.

(L) The provisions of divisions (J) and (K) shall not apply if at any time
between April 1, 2009 and the effective date of those divisions a building

permit was actually completed, issued and in effect for a building on the same
 parcel of land and intended to serve the same function as a building permit
 deemed complete subsequent to but within twenty-four months of September
 23, 2009."

5 SECTION 2. Subsection 14-19-4-13(K) ROA 1994 is amended to read as 6 follows:

7 "(K) For twenty-four months from September 23, 2009, the impact 8 fees shall be due and payable at the time of issuance of the certificate of 9 occupancy by the city or within one year of the date of the building permit 10 being deemed complete, whichever occurs first. The applicability of the 11 reduction will be determined at the time of collection. Impact fees for mobile 12 homes shall be collected at the time of issuance of a building permit or 13 issuance of a certificate of occupancy. After twenty-four months from 14 September 23, 2009, the impact fees for developments other than mobile 15 homes shall be due and payable at the time of issuance of a building permit." 16 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, clause 17 or provision of this Ordinance shall for any reason be held to be invalid or 18 unenforceable, the invalidity or unenforceability of such section, paragraph, 19 clause or provision shall not affect any of the remaining provisions of this 20 Ordinance.

SECTION 4. COMPILATION. This Ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect five days after publication by title and general summary.