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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 YEAR

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
ALBUQUERQUE.

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

“(J) For building permits deemed complete subsequent to but within
~~[one][two] year[s] of [the effective date of this division (J)]~~[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
~~[one][two] year[s] of [the effective date of this division (K)]~~ [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.

1 (L) The provisions of divisions (J) and (K) shall not apply if at any time
2 between April 1, 2009 and the effective date of those divisions a building
3 permit was actually completed, issued and in effect for a building on the same
4 parcel of land and intended to serve the same function as a building permit
5 deemed complete subsequent to but within ~~[one]~~[two] year[s] of ~~[the effective~~
6 ~~date of this division]~~ [September 23, 2009].”

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

9 “(K) For ~~[one]~~[two] year[s] from ~~[the effective date of O-09-72 [Ord. 26-~~
10 ~~2009]]~~[September 23, 2009], the impact fees shall be due and payable at the
11 time of issuance of the certificate of occupancy by the city or within one year
12 of the date of the building permit being deemed complete, whichever occurs
13 first. The applicability of the reduction will be determined at the time of
14 collection. Impact fees for mobile homes shall be collected at the time of
15 issuance of a building permit or issuance of a certificate of occupancy. After
16 ~~[one]~~[two] year[s] from ~~[the effective date of O-09-72]~~[September 23, 2009], the
17 impact fees for developments other than mobile homes shall be due and
18 payable at the time of issuance of a building permit.”

19 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, clause or
20 provision of this Ordinance shall for any reason be held to be invalid or
21 unenforceable, the invalidity or unenforceability of such section, paragraph,
22 clause or provision shall not affect any of the remaining provisions of this
23 Ordinance.

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

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