

**CITY OF ALBUQUERQUE  
NINETEENTH COUNCIL**

COUNCIL BILL NO. O-10-12 ENACTMENT NO. O. 2010. 011

SPONSORED BY: Trudy Jones & Dan Lewis

**ORDINANCE**

**AMENDING SUBSECTIONS 14-19-1-12 (J), (K) AND (L) ROA 1994 AND  
SUBSECTION 14-19-1-13(K) ROA 1994 TO EXTEND THE TIME PERIOD FOR  
THE REDUCTION ON PUBLIC SAFETY FACILITIES IMPACT FEES FOR AN  
ADDITIONAL SIX MONTHS.**

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

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

**“(J) For building permits deemed complete subsequent to but within  
eighteen months of September 23, 2009, impact fees collected for green path  
developments pursuant to § 14-19-1-1 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  
eighteen months of September 23, 2009, impact fees collected on all  
developments pursuant to § 14-19-1-1 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 eighteen months of September 23,  
6 2009.”

7 SECTION 2. Subsection 14-19-1-13(K) ROA 1994 is amended to read as  
8 follows:

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

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

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

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

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1 PASSED AND ADOPTED THIS 16th DAY OF August, 2010  
2 BY A VOTE OF: 7 FOR 2 AGAINST.

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5 For: 7

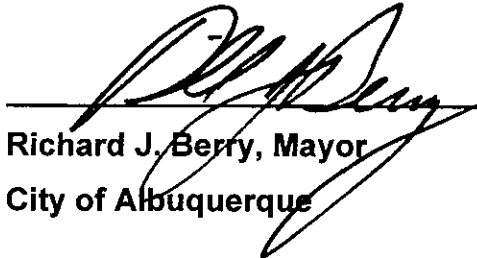
6 Against: Garduño, O'Malley

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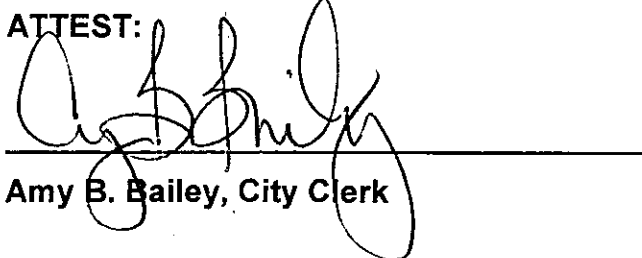
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10 Ken Sanchez, President  
11 City Council  
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15 APPROVED THIS 30<sup>th</sup> DAY OF August, 2010  
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17 Bill No. O-10-12

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20 Richard J. Berry, Mayor  
21 City of Albuquerque  
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25 ATTEST:

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28 Amy B. Bailey, City Clerk  
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