

CITY of ALBUQUERQUE

TWENTIETH COUNCIL

COUNCIL BILL NO. O-12-7 ENACTMENT NO. _____

SPONSORED BY: Trudy E. Jones and Brad Winter

1 **ORDINANCE**

2 **AMENDING SUBSECTIONS 14-19-4-12 (J), (K) AND (L) ROA 1994 AND**
3 **SUBSECTION 14-19-4-13(K) ROA 1994 TO EXTEND THE TIME PERIOD FOR**
4 **THE REDUCTION ON PARK, RECREATION, TRAILS AND OPEN SPACE**
5 **FACILITIES IMPACT FEES.**

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

8 **SECTION 1. In September of 2009 the City Council acted to reduce impact**
9 **fees to encourage the construction industry within the City of Albuquerque.**
10 **That reduction in impact has since been extended. The reduction is currently**
11 **scheduled to end for building permits issued after March 23, 2012.**

12 **The City has retained an outside firm to fully review and revise the impact**
13 **fee ordinances. This bill provides for the continuation of the present reduction**
14 **in impact fees while the process to review and revise the current ordinances**
15 **proceeds.**

16 **It is intended that following the current review process that all impact fee**
17 **ordinances will be revised and a determination will be made as to whether to**
18 **continue the reductions adopted in 2009 or end those reductions.**

19 **SECTION 2. Subsections 14-19-4-12 (J),(K) and (L) ROA 1994, are amended**
20 **to read as follows:**

21 **"(J) For building permits deemed complete subsequent to [but within**
22 **thirty months of] September 23, 2009, impact fees collected for green path**
23 **developments pursuant to § 14-19-4-1 et seq. shall be calculated at 0% if (1) a**
24 **certificate of occupancy for the development is issued by the city within one**
25 **year of the date of the building permit being deemed complete, and (2) prior to**
26 **the issuance of the city's certificate of occupancy, a New Mexico registered**

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1 architect shall certify that the development has been constructed in
2 accordance with the city approved building permit in order to qualify as a
3 green path development.

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

10 (L) The provisions of divisions (J) and (K) shall not apply if at any time
11 between April 1, 2009 and the effective date of those divisions a building
12 permit was actually completed, issued and in effect for a building on the same
13 parcel of land and intended to serve the same function as a building permit
14 deemed complete subsequent to ~~[but within thirty months of]~~ September 23,
15 2009."

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

18 "(K) For ~~[thirty months from]~~[building permits deemed complete
19 subsequent to] September 23, 2009, the impact fees shall be due and payable
20 at the time of issuance of the certificate of occupancy by the city or within one
21 year of the date of the building permit being deemed complete, whichever
22 occurs first. The applicability of the reduction will be determined at the time of
23 collection. Impact fees for mobile homes shall be collected at the time of
24 issuance of a building permit or issuance of a certificate of occupancy. After
25 ~~[thirty months from September 23, 2009]~~[the termination of the reduction in
26 impact fees provided for in Subsections 14-19-4-12 (J),(K) and (L) ROA 1994,]
27 the impact fees for developments other than mobile homes shall be due and
28 payable at the time of issuance of a building permit."

29 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, clause
30 or provision of this Ordinance shall for any reason be held to be invalid or
31 unenforceable, the invalidity or unenforceability of such section, paragraph,
32 clause or provision shall not affect any of the remaining provisions of this
33 Ordinance.

- 1 **SECTION 4. COMPILATION. Section 2 of this Ordinance shall be**
2 **incorporated in and made part of the Revised Ordinances of Albuquerque,**
3 **New Mexico, 1994.**
- 4 **SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect five**
5 **days after publication by title and general summary.**

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January 11, 2012

Re: Impact Fee Advisory Committee action

Dear President Jones:

The Impact Fee advisory committee has instructed me to report to the City Council that at our December Meeting our committee voted to support the extension of the impact fee reductions currently in place until such time as the ordinance is revised pursuant to the work currently underway by Duncan and Associates (the consultant team retained by the City of Albuquerque), this Committee, and the City Council.

Please feel free to contact me if you need any other information.

Respectfully submitted,

Paul S. Cauwels

Chairman

Impact Fee Advisory Committee

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