

CITY of ALBUQUERQUE

TWENTIETH COUNCIL

COUNCIL BILL NO. O-11-3 ENACTMENT NO. _____

SPONSORED BY: Trudy Jones and Brad Winter

1 **ORDINANCE**

2 **AMENDING SECTIONS 14-19-1-12(J) AND (K) ROA 1994; 14-19-2-12(J) AND (K)**
3 **ROA 1994; 14-19-3-12(J) AND (K) ROA 1994; 14-19-1-12(J) AND (K) ROA 1994**
4 **TO EXPAND FROM TWELVE TO EIGHTEEN MONTHS THE TIME BETWEEN**
5 **ISSUANCE OF A BUILDING PERMIT AND THE PROJECT BEING DEEMED**
6 **COMPLETE IN ORDER TO HAVE THE BENEFIT OF REDUCED IMPACT FEES.**

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

9 **SECTION 1. Sections 14-19-1-12(J) and (K) ROA 1994 are amended to read**
10 **as follows:**

11 **“(J) For building permits deemed complete subsequent to but within 30**
12 **months of September 23, 2009, impact fees collected for green path**
13 **developments pursuant to §14-19-1-1 et seq. shall be calculated at 0% if (1) a**
14 **certificate of occupancy for the development is issued by the city within**
15 **eighteen months of the date of the building permit being deemed complete,**
16 **and (2) prior to the issuance of the city's certificate of occupancy, a New**
17 **Mexico registered architect shall certify that the development has been**
18 **constructed in accordance with the city approved building permit in order to**
19 **qualify as a green path development.**

20 **(K) For building permits deemed complete subsequent to but within 30**
21 **months of September 23, 2009, impact fees collected on all developments**
22 **pursuant to § 14-19-1-1 et seq., other than those listed in division (J), shall be**
23 **calculated at 50% if a certificate of occupancy for the development is issued**
24 **by the city within eighteen months of the date of the building permit being**
25 **deemed complete.”**

[+Bracketed/Underscored Material+] - New
[-Bracketed/Strikethrough Material-] - Deletion

1 SECTION 2. Sections 14-19-2-12(J) and (K) ROA 1994 are amended to read
2 as follows:

3 “(J) For building permits deemed complete subsequent to but within 30
4 months of September 23, 2009, impact fees collected for green path
5 developments pursuant to §14-19-2-1 et seq. shall be calculated at 0% if (1) a
6 certificate of occupancy for the development is issued by the city within
7 eighteen months of the date of the building permit being deemed complete,
8 and (2) prior to the issuance of the city's certificate of occupancy, a New
9 Mexico registered architect shall certify that the development has been
10 constructed in accordance with the city approved building permit in order to
11 qualify as a green path development.

12 (K) For building permits deemed complete subsequent to but within 30
13 months of September 23, 2009, impact fees collected on all developments
14 pursuant to § 14-19-2-1 et seq., other than those listed in division (J), shall be
15 calculated at 50% if a certificate of occupancy for the development is issued
16 by the city within eighteen months of the date of the building permit being
17 deemed complete.”

18 SECTION 3. Sections 14-19-3-12(J) and (K) ROA 1994 are amended to read
19 as follows:

20 “(J) For building permits deemed complete subsequent to but within 30
21 months of September 23, 2009, impact fees collected for green path
22 developments pursuant to §14-19-3-1 et seq. shall be calculated at 0% if (1) a
23 certificate of occupancy for the development is issued by the city within
24 eighteen months of the date of the building permit being deemed complete,
25 and (2) prior to the issuance of the city's certificate of occupancy, a New
26 Mexico registered architect shall certify that the development has been
27 constructed in accordance with the city approved building permit in order to
28 qualify as a green path development.

29 (K) For building permits deemed complete subsequent to but within 30
30 months of September 23, 2009, impact fees collected on all developments
31 pursuant to § 14-19-3-1 et seq., other than those listed in division (J), shall be
32 calculated at 50% if a certificate of occupancy for the development is issued

[+Bracketed/Underscored Material+] - New
[-Bracketed/Strikethrough Material-] - Deletion

1 by the city within eighteen months of the date of the building permit being
2 deemed complete.”

3 SECTION 4. Sections 14-19-4-12(J) and (K) ROA 1994 are amended to read
4 as follows:

5 “(J) For building permits deemed complete subsequent to but within 30
6 months of September 23, 2009, impact fees collected for green path
7 developments pursuant to §14-19-4-1 et seq. shall be calculated at 0% if (1) a
8 certificate of occupancy for the development is issued by the city within
9 eighteen months of the date of the building permit being deemed complete,
10 and (2) prior to the issuance of the city's certificate of occupancy, a New
11 Mexico registered architect shall certify that the development has been
12 constructed in accordance with the city approved building permit in order to
13 qualify as a green path development.

14 (K) For building permits deemed complete subsequent to but within 30
15 months of September 23, 2009, impact fees collected on all developments
16 pursuant to § 14-19-4-1 et seq., other than those listed in division (J), shall be
17 calculated at 50% if a certificate of occupancy for the development is issued
18 by the city within eighteen months of the date of the building permit being
19 deemed complete.”

20 SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
21 clause, word or phrase of this ordinance is for any reason held to be invalid or
22 unenforceable by any court of competent jurisdiction, such decision shall not
23 affect the validity of the remaining provisions of this ordinance. The Council
24 hereby declares that it would have passed this ordinance and each section,
25 paragraph, sentence, clause, word or phrase thereof irrespective of any
26 provision being declared unconstitutional or otherwise invalid.

27 SECTION 6. COMPILATION. This ordinance shall be incorporated in and
28 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

29 SECTION 7. EFFECTIVE DATE. This ordinance shall take effect five days
30 after publication by title and general summary.

31

32 X:\SHARE\Legislation\Twenty\O-3final.doc

[+Bracketed/Underscored Material+] - New
[-Bracketed/Strikethrough Material-] - Deletion