

# CITY of ALBUQUERQUE

## TWENTIETH COUNCIL

COUNCIL BILL NO. F/S O-12-7 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Jones and 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**  
25 **eighteen months of the date of the building permit being deemed complete,**  
26 **and (2) prior to the issuance of the city's certificate of occupancy, a New**  
27 **Mexico registered architect shall certify that the development has been**

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1 constructed in accordance with the city approved building permit in order to  
2 qualify as a green path development.

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

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

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

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