

# CITY of ALBUQUERQUE

## TWENTIETH COUNCIL

COUNCIL BILL NO. F/S O-12-7

ENACTMENT NO. 0. 2012. 007

SPONSORED BY: Trudy 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 fees has since been extended. The reduction is**  
11 **currently 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 September**  
22 **23, 2009, impact fees collected for green path developments pursuant to § 14-**  
23 **19-4-1 et seq. shall be calculated at 0% if (1) a certificate of occupancy for the**  
24 **development is issued by the city within eighteen months of the date of the**  
25 **building permit being deemed complete, and (2) prior to the issuance of the**  
26 **city's certificate of occupancy, a New Mexico registered architect shall certify**

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

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

3 (K) For building permits deemed complete subsequent to September  
4 23, 2009, impact fees collected on all developments pursuant to § 14-19-4-1 et  
5 seq., other than those listed in division (J), shall be calculated at 50% if 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 (L) The provisions of divisions (J) and (K) shall not apply if at any time  
9 between April 1, 2009 and the effective date of those divisions a building  
10 permit was actually completed, issued and in effect for a building on the same  
11 parcel of land and intended to serve the same function as a building permit  
12 deemed complete subsequent to September 23, 2009."

13 SECTION 3. Subsection 14-19-4-13(K) ROA 1994 is amended to read as  
14 follows:

15 "(K) For building permits deemed complete subsequent to September  
16 23, 2009, the impact fees shall be due and payable at the time of issuance of  
17 the certificate of occupancy by the city or within eighteen months of the date  
18 of the building permit being deemed complete, whichever occurs first. The  
19 applicability of the reduction will be determined at the time of collection.

20 Impact fees for mobile homes shall be collected at the time of issuance of a  
21 building permit or issuance of a certificate of occupancy. After the  
22 termination of the reduction in impact fees provided for in Subsections 14-19-  
23 4-12 (J),(K) and (L) ROA 1994, the impact fees for developments other than  
24 mobile homes shall be due and payable at the time of issuance of a building  
25 permit."

26 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, clause  
27 or provision of this Ordinance shall for any reason be held to be invalid or  
28 unenforceable, the invalidity or unenforceability of such section, paragraph,  
29 clause or provision shall not affect any of the remaining provisions of this  
30 Ordinance.

31 SECTION 5. COMPILATION. Section 2 and 3 of this Ordinance shall be  
32 incorporated in and made part of the Revised Ordinances of Albuquerque,  
33 New Mexico, 1994.

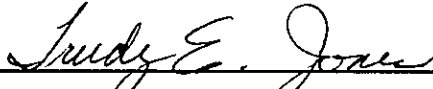
SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect five days after publication by title and general summary.

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

X:\SHARE\Legislation\Twenty\O-7fsfinal.doc

1 PASSED AND ADOPTED THIS 22<sup>nd</sup> DAY OF February, 2012  
2 BY A VOTE OF: 7 FOR 2 AGAINST.

3  
4 Against: Garduño, O'Malley

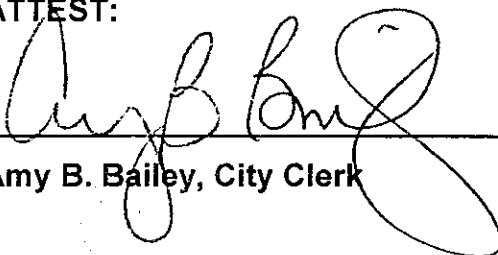
5  
6   
7 Trudy E. Jones, President  
8 City Council  
9

10  
11  
12 APPROVED THIS 5<sup>th</sup> DAY OF March, 2012  
13  
14  
15  
16

17 Bill No. F/S O-12-7

18  
19   
20 Richard J. Berry, Mayor  
21 City of Albuquerque  
22  
23  
24  
25

26 ATTEST:

27   
28  
29 Amy B. Bailey, City Clerk  
30  
31  
32  
33