CITY of ALBUQUERQUE
TWENTIETH COUNCIL

COUNCIL BILL NO. F/S O-12-6 ENACTMENT NO. O-2012-004

SPONSORED BY: Trudy Jones and Brad Winter

ORDINANCE

AMENDING SUBSECTIONS 14-19-3-12 (J), (K) AND (L) ROA 1994 AND SUBSECTION 14-19-3-13(K) ROA 1994 TO EXTEND THE TIME PERIOD FOR THE REDUCTION ON DRAINAGE FACILITIES IMPACT FEES.

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

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

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

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

SECTION 2. Subsections 14-19-3-12 (J),(K) and (L) ROA 1994, are amended to read as follows:

"(J) For building permits deemed complete subsequent to September 23, 2009, impact fees collected for green path developments pursuant to § 14-19-3-1 et seq. shall be calculated at 0% if (1) a certificate of occupancy for the development is issued by the city within eighteen months 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.

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(K) For building permits deemed complete subsequent to September 23, 2009, impact fees collected on all developments pursuant to § 14-19-3-1 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 eighteen months of the date of the building permit being deemed complete.

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

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

"(K) For building permits deemed complete subsequent to September 23, 2009, the impact fees shall be due and payable at the time of issuance of the certificate of occupancy by the city or within eighteen months of the date of the building permit being deemed complete, whichever occurs first. The applicability of the reduction will be determined at the time of collection. Impact fees for mobile homes shall be collected at the time of issuance of a building permit or issuance of a certificate of occupancy. After the termination of the reduction in impact fees provided for in Subsections 14-19-3-12 (J),(K) and (L) ROA 1994, the impact fees for developments other than mobile homes shall be due and payable at the time of issuance of a building permit."

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

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

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

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

Excused: Garduño, O'Malley

Trudy E. Jones

Trudy E. Jones, President
City Council

APPROVED THIS 5th DAY OF March, 2012

Bill No. F/S O-12-6

Richard J. Berry, Mayor
City of Albuquerque

ATTEST:

Amy B. Bailey, City Clerk

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