CITY of ALBUQUERQUE
NINETEENTH COUNCIL

COUNCIL BILL NO. O-11-42 ENACTMENT NO. O-2011-005

SPONSORED BY: Ken Sanchez, Dan Lewis

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 FOR AN ADDITIONAL TWELVE MONTHS.

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

SECTION 1. 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 but within thirty months of 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 one year 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.

(K) For building permits deemed complete subsequent to but within thirty months of 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 one year 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

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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 but within thirty months of September 23, 2009."

SECTION 2. Subsection 14-19-3-13(K) ROA 1994 is amended to read as follows:

"(K) For thirty months from 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 one year 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 thirty months from September 23, 2009, the impact fees for developments other than mobile homes shall be due and payable at the time of issuance of a building permit."

SECTION 3. 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 4. COMPILATION. This Ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect five days after publication by title and general summary.

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PASSED AND ADOPTED THIS 23rd DAY OF February, 2011
BY A VOTE OF: 6 FOR 3 AGAINST.

Against: Benton, Garduño, O'Malley

Don F. Harris, President
City Council

APPROVED THIS 28th DAY OF February, 2011

Bill No. O-11-42

Richard J. Berry, Mayor
City of Albuquerque

ATTEST:

Amy B. Bailey, City Clerk

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