

1 in accordance with applicable law. The City is responsible for and will meet all
2 capital improvement needs associated with existing development in the City as
3 established by the level of service adopted in this ordinance. Only capital
4 improvement needs that are rationally related to new development in accordance
5 with applicable law will be paid by impact fees. Impact fees shall not exceed the
6 cost to pay for a proportionate share of the cost of system improvements based
7 upon service units needed to serve new development. Subject to the provisions
8 of this ordinance and the Development Fees Act (NMSA 1978, § 5-8-1 et seq.),
9 impact fees shall be spent on new or enlarged capital facilities and equipment
10 which benefit those developments which pay the fees. Impact fees may also be
11 spent on:

12 (1) The estimated costs and professional fees paid for preparing and
13 updating the Component Capital Improvements Plan (CCIP);

14 (2) For costs and fees charged by qualified professionals who are not
15 employees of the City for services directly related to the construction of capital
16 improvements or facility expansions; and

17 (3) For administrative costs associated with this ordinance for City
18 employees who are qualified professionals. Such administrative costs shall not
19 exceed three percent of the total impact fees collected, as provided by NMSA
20 1978, § 5-8-4.

21 **Section 4. DEFINITIONS.**

22 The following words, terms and phrases, when used in this ordinance shall
23 have the meanings ascribed to them in this section, except where the context
24 clearly indicates a different meaning:

25 **ADVISORY COMMITTEE** means the standing committee required to be
26 appointed under the Development Fees Act (NMSA 1978, § 5-8-1 et seq.).

27 **APPLICANT** means a person, including any governmental entity, seeking
28 subdivision or development approval, a building permit, a refund, a waiver or a
29 credit, whichever is applicable.

30 **ASSESSMENT** means the determination of the amount of the impact fee.
31 (See also **COLLECTION**.)

32 **BUILDING PERMIT** means the building permit required by the Uniform
33 Building Code, as adopted by the City.

1 **CAPITAL IMPROVEMENTS** means roads, bridges, bike and pedestrian
2 trails, bus bays, rights of way, traffic signals, landscaping and any local
3 components of state and federal highways as specified in NMSA 1978 § 5-8-2D(2).

4 **CITY** means the City of Albuquerque.

5 **CITY CAPITAL IMPLEMENTATION PROGRAM (CIP)** means the City’s
6 Capital Improvements Program as set out and regulated by Section 2-12-1 R.O.A.
7 1994 et seq. The CIP is funded by General Obligation Bonds and includes
8 projects that support rehabilitation, deficiency remediation and growth. The CIP
9 will contain, as an additional component, the list of growth-supporting projects
10 that are funded by impact fees.

11 **CITY COUNCIL** means the duly constituted governing body of the City of
12 Albuquerque.

13 **COLLECTION** means the payment of the applicable impact fees. (See also
14 **ASSESSMENT**.)

15 **COMPONENT CAPITAL IMPROVEMENTS PLAN (CCIP)** means a plan
16 required by the Development Fees Act (NMSA 1978, § 5-8-1 et seq.) that identifies
17 types of capital improvements or facility expansions for which impact fees may
18 be assessed. This component of the City’s Capital Improvement Plan is funded
19 by impact fees and limited to projects that support growth.

20 **COUNTY** means the County of Bernalillo.

21 **COMPREHENSIVE PLAN** means the City of Albuquerque/Bernalillo County
22 Comprehensive Plan.

23 **CREDIT** means credit for the value of the construction, contribution or
24 dedication of system improvements or the contribution of money for system
25 improvements accepted by the City.

26 **CREDIT-HOLDER** means the person entitled to transfer, apply or seek
27 reimbursement for excess credits.

28 **DEEMED COMPLETE** means that an applicant has submitted an application
29 and requisite fees for a building permit and the City has accepted such
30 application and fees.

31 **DEVELOPER** means any person, corporation, organization or other legal
32 entity constructing or creating new development.

1 **DEVELOPMENT** means the division of land, reconstruction, redevelopment,
2 conversion, structural alteration, relocation or enlargement of any structure; or
3 any use, change of use or extension of the use of land, any of which increases
4 the number of service units.

5 **DEVELOPMENT AGREEMENT** means a written agreement entered into
6 between the City and a developer whereby the developer agrees to dedicate or
7 construct capital improvements.

8 **DEVELOPMENT APPROVAL** means written authorization, such as approval
9 of a subdivision application or issuance of a building permit, or other forms of
10 official action required by the City prior to commencement of construction.

11 **DEVELOPMENT SITE** means the property under consideration for
12 development at the time of application for a building permit.

13 **EFFECTIVE DATE** means six months after publication of the adopted
14 ordinance.

15 **ENCUMBERED** means impact fee funds committed for a specified capital
16 improvement on a specified time schedule which does not exceed seven years
17 from the date of payment of the impact fees.

18 **EXCESS CREDITS** means that portion of the credit granted for system
19 improvements which exceeds the value of the impact fees otherwise due from the
20 development.

21 **FACILITY EXPANSION** means the expansion of the capacity of an existing
22 facility (in service units) that serves the same function as an otherwise necessary
23 new capital improvement, in order that the existing facility may serve new
24 development. The term does not include the repair, maintenance, modernization
25 or expansion of an existing facility to improve service to existing development.

26 **FIRST IN, FIRST OUT** means expenditures of impact fee revenues reflecting
27 the chronological order in which the impact fee revenues were collected.

28 **GROSS FLOOR AREA** means the sum of all the floor areas of a building,
29 measured from the exterior of outer supporting walls, including all accessory
30 buildings on the same lot.

31 **IMPACT FEE** means a charge or assessment imposed by the City on new
32 development in order to generate revenue for funding or recouping the costs of
33 capital improvements or facility expansions rationally related to new development

1 in accordance with applicable law. The term includes amortized charges, lump-
2 sum charges, capital recovery fees, contributions in aid of construction,
3 development fees and any other fee that functions as described by this definition.
4 The term does not include hook-up fees, dedication of rights-of-way or
5 easements or construction or dedication of on-site water distribution, wastewater
6 collection or drainage facilities, or streets, sidewalks or curbs if the dedication or
7 construction is required by a previously adopted valid ordinance or regulation
8 and is rationally related to new development in accordance with applicable law.

9 **IMPACT FEES ADMINISTRATOR** means the person designated to
10 administer the impact fee program established by this ordinance.

11 **INDEPENDENT FEE DETERMINATION** means a finding by the impact fees
12 administrator that an independent fee study does or does not meet the
13 requirements for such a study as established by this chapter and, if the
14 requirements are met, the fee calculated by the impact fees administrator
15 therefrom.

16 **INDEPENDENT FEE STUDY** means the engineering, financial and/or
17 economic documentation prepared by an applicant in accordance with Section 18
18 to allow an individual determination of an impact fee other than by use of the
19 applicable fee schedule.

20 **LAND USE** means the primary category of use for any principal or
21 accessory building, structure or use located on a development site.

22 **LAND USE ASSUMPTIONS (LUA)** means the land use assumptions adopted
23 or as may be amended by the City Council, pursuant to Section 14-13-5-2 ROA
24 1994.

25 **LEVEL OF SERVICE (LOS)** means a standardized measure of capacity
26 provided by a system of public facilities as further described in Section 7 (G)
27 herein.

28 **NEW DEVELOPMENT** means the division of land; reconstruction,
29 redevelopment, conversion, structural alteration, relocation or enlargement of
30 any structure; or any use, change of use or extension of the use of land; any of
31 which increases the number of service units.

32 **OFFSET** means the amount by which an impact fee is reduced to fairly
33 reflect the credits applied for system improvements.

1 **OWNER OF RECORD** means the persons having legal and equitable title to
2 the property as recorded in the real property records of the County.

3 **PROJECT IMPROVEMENTS** means site specific improvements or facilities
4 that are planned, designed or built to provide service for a specific development
5 project and that are necessary for the use of the occupants or users of that
6 project, and that do not provide additional service units as defined for each
7 impact fee category. The addition of service units shall control a determination of
8 whether an improvement or facility is a project improvement or a system
9 improvement, and the physical location of the improvement or facility, on-site or
10 off-site, shall not be considered determinative of whether it is a project
11 improvement or a system improvement. No improvement or facility specifically
12 identified in the CCIP shall be considered a project improvement. If an
13 improvement or facility provides or will provide new service units the
14 improvement or facility shall not be considered a project improvement.

15 **PROPORTIONATE SHARE** means that portion of the cost of system
16 improvements which is reasonably and fairly related to the service demands and
17 needs of new development.

18 **QUALIFIED PROFESSIONAL** means a professional engineer, surveyor,
19 financial analyst or planner providing services within the scope of his or her
20 license, education or experience.

21 **REFUND** means reimbursement of impact fees to the owner of record of
22 property for which impact fees have been paid.

23 **ROADWAY FACILITIES** means roads, bridges, bike and pedestrian trails,
24 bus bays, rights of way, traffic signals, landscaping and any local components of
25 state and federal highways as specified in NMSA 1978, § 5-8-2D(2).

26 **SERVICE AREAS** means geographically defined areas within the City that
27 have been designated in the CCIP in which development potential may create the
28 need for capital improvements to be funded by roadway facilities impact fees.

29 **SERVICE AREAS MAP** means a map of service areas in which impact fees
30 are imposed. A map illustrating the service areas for the capital improvements
31 covered by this ordinance is attached hereto as Appendix A and incorporated by
32 reference.

1 **SERVICE UNIT** means a standardized measure of consumption, use,
2 generation or discharge attributable to an individual unit of development
3 calculated in accordance with generally accepted engineering or planning
4 standards for a particular category of capital improvements or facility
5 expansions.

6 **SINGLE-FAMILY** means a building arranged or designed to be occupied by
7 one family, including mobile homes, the structure having only one dwelling unit.

8 **SYSTEM IMPROVEMENTS** means the addition or provision of new service
9 units as defined for each impact fee category.

10 **SYSTEM IMPROVEMENTS COSTS** means costs incurred to provide system
11 improvements needed to serve new development including, but not limited to, the
12 costs of system capacity and/or system impact studies, planning, design and
13 construction, land acquisition, land improvement, design and engineering related
14 thereto, including the cost of constructing or reconstructing system
15 improvements or facility expansions including, but not limited to, the
16 construction contract price, surveying and engineering fees, related land
17 acquisition costs and expenses incurred for qualified staff or any qualified
18 engineer, planner, architect, landscape architect, or financial consultant for
19 preparing or updating the capital improvements program and administrative
20 costs not to exceed three percent of the total amount of the impact fees collected.
21 Projected interest charges and other finance costs may be included if the
22 development impact fees are to be used for the payment of principal and interest
23 on bonds, notes, or other financial obligations issued by or on behalf of the City
24 to finance system improvements, but such costs do not include routine and
25 periodic maintenance expenditures, personnel training and other operating costs.

26 **SYSTEM STUDIES** means any study, analysis or report, or portion thereof,
27 required by the City to determine the system improvements for new development.

28 **WAIVED** means to relinquish or abandon a claim or right.

29 **Section 5. AUTHORITY OF ORDINANCE.**

30 The City is authorized to impose impact fees under the Development Fees
31 Act (NMSA 1978, § 5-8-1 et seq.). The provisions of this ordinance shall not be
32 construed to limit the power of the City to use any other methods or powers
33 otherwise available for accomplishing the purposes set forth in this ordinance,

1 either in substitution or in conjunction with this ordinance, provided that such
2 methods or powers are not inconsistent with or prohibited by this ordinance or
3 the Development Fees Act.

4 **Section 6. APPLICABILITY OF ORDINANCE.**

5 This ordinance shall be applicable to all development that occurs within the
6 corporate jurisdiction of the City, as may be amended in the future, and shall
7 apply uniformly within each service area.

8 **Section 7. FINDINGS AND DECLARATIONS.**

9 The City Council hereby finds and declares that:

10 (A) The City is committed to the funding and provision of roadway
11 facilities necessary to cure any deficiencies that may exist in already developed
12 areas of the City.

13 (B) Such facilities shall be provided by the City using existing funding
14 sources allocated for such facilities, other than impact fees, including, but not
15 limited to, the general fund, general obligation bonds, special assessment
16 districts and metropolitan redevelopment districts.

17 (C) New development causes and imposes increased demands on public
18 facilities, including roadway facilities.

19 (D) The City Council appointed an advisory committee, pursuant to
20 NMSA 1978, § 5-8-37, to review land use assumptions (LUA), and the component
21 capital improvements plan (CCIP). The advisory committee reviewed the LUA and
22 the CCIP.

23 (E) The land use assumptions, incorporated in this ordinance by
24 reference, indicate that new development will continue and will place increasing
25 demands on the City to provide roadway facilities.

26 (F) New development should pay an amount not to exceed its
27 proportionate share of the capital costs related to the additional roadway facilities
28 needed to accommodate that new development.

29 (G) The City Council hereby adopts the following standard for a
30 minimum level of service (LOS) for roadway facilities:

31 A minimum level of service standard of LOS D for roadway facilities. This
32 level of service standard was used to compute the average capacity added
33 variable that was used in the calculation of the roadway facilities impact fees. In

1 addition, the City uses LOS D as a minimum standard to be maintained at
2 signalized intersections during the development review process.

3 (H) The City Council, after careful consideration of the matter, hereby
4 finds and declares that it is in the best interest of the general welfare of the City
5 and its residents to impose impact fees upon new development in order to
6 finance roadway facilities in the designated service areas for which demand is
7 created by the new development.

8 (I) The City Council further finds and declares that impact fees provide
9 a reasonable method of assessing new development to ensure that such new
10 development pays a portion of the costs of roadway facilities that are rationally
11 related to the new development in accordance with applicable law.

12 (J) The City Council further finds and declares that such impact fees
13 are equitable, and impose a fair assessment on new development by requiring
14 that new development pay a portion of the cost, and deems it advisable to adopt
15 this ordinance as set forth.

16 (K) The City Council further finds that there exists a rational relationship
17 between the capital costs of providing roadway facilities at the level of service
18 adopted and the impact fees imposed on development under this ordinance.

19 (L) The City Council further finds that there exists a rational relationship
20 between the impact fees to be collected pursuant to this ordinance and the
21 expenditure of those funds on capital costs related to roadway facilities as limited
22 and restricted by this ordinance.

23 (M) The City Council further finds and declares that this ordinance is
24 consistent with both the procedural and substantive requirements of the New
25 Mexico Development Fees Act (NMSA 1978, § 5-8-1 et seq.).

26 (N) The City Council has carefully considered the Report dated August,
27 2004, prepared by Tindale-Oliver & Associates, Inc. for the City of Albuquerque
28 titled "City of Albuquerque 2004 Roadway Facilities Impact Cost Study", and
29 further finds that said Report sets forth reasonable and equitable methodology
30 and assumptions consistent with the New Mexico Development Fees Act for the
31 formulation and imposition of a Roadway Facilities Development Impact Fee
32 Program for the City of Albuquerque.

33 **Section 8. LAND USE ASSUMPTIONS.**

1 The land use assumptions provide a projection of changes in land uses,
2 densities, intensities and population within planning information areas over at
3 least a five-year period. The City Council hereby incorporates by reference the
4 land use assumptions set forth in Section 14-13-5-2 ROA 1994, as amended. The
5 land use assumptions shall be reviewed and updated, if necessary, in
6 conjunction with the update of the CCIP.

7 **Section 9. COMPONENT CAPITAL IMPROVEMENTS PLAN.**

8 **(A) The component capital improvements plan (CCIP) identifies types of**
9 **capital improvements or facility expansions for which impact fees may be**
10 **assessed. The CCIP is a component of the local infrastructure capital**
11 **improvements program (CIP) and lists the growth-supporting projects that will be**
12 **funded by impact fees. The CIP sets forth an inventory of existing capital**
13 **improvements deficiencies and growth needs, planned capital projects and**
14 **sources of funding for these projects which sources may include revenues other**
15 **than impact fees. The CCIP consists of capital improvements plans for roadway**
16 **facilities that support the infrastructure demands created by growth.**

17 **(B) The City Council hereby adopts by reference the CCIP, attached**
18 **hereto as Appendix C, approved by the City Council at the same hearing at which**
19 **this ordinance is adopted, particularly as it relates to the allocation of a fair share**
20 **of the costs of new facilities for roadway facilities to be borne by new users of**
21 **such facilities and the levels of service to be provided to the citizens of the City**
22 **for these facilities. Henceforth, the City Council shall adopt and revise the CCIP**
23 **at the same time and via the same process that it adopts and revises the CIP.**

24 **(C) The CCIP shall be updated every two years from the effective date of**
25 **this ordinance, in conjunction with the CIP ordinance. Updates of the land use**
26 **assumptions shall occur at least every five years from the effective date of this**
27 **ordinance. Appropriate revisions and amendments to the impact fees schedules**
28 **and this ordinance shall be made following either form of update, if necessary.**

29 **Section 10. ADVISORY COMMITTEE.**

30 The advisory committee is a standing committee established pursuant to
31 Section 14-13-1-4 ROA 1994. The advisory committee shall meet at the direction
32 of the City Council. The functions of the advisory committee shall include:

33 **(A) Advise and assist the City in adopting land use assumptions;**

- 1 **(B) Review the CCIP and file written comments;**
- 2 **(C) Monitor and evaluate implementation of the CCIP;**
- 3 **(D) File annual written reports with respect to the progress of the CCIP**
4 **and report to the City any perceived inequities in implementing the plan or**
5 **imposing the impact fees;**
- 6 **(E) Advise the City of the need to update or revise the land use**
7 **assumptions, CCIP and impact fees; and**
- 8 **(F) Any other tasks the City Council may direct the advisory committee**
9 **to perform.**

10 **Section 11. ESTABLISHMENT OF SERVICE AREAS.**

11 **Service areas for the Roadway Facilities Impact Fees are established as**
12 **follows (as depicted on the map attached hereto as Appendix A and incorporated**
13 **herein by reference).**

14 **Section 12. PRESUMPTION OF MAXIMUM IMPACT.**

15 **New development shall be presumed to have maximum impact on the**
16 **necessary roadway facilities at the level of service established by this ordinance.**

17 **Section 13. IMPOSITION.**

18 **(A) Any developer engaging in new development after the effective date**
19 **of this ordinance shall pay impact fees in the manner and in the amounts required**
20 **in this ordinance, unless otherwise specified in this Section. No building permit**
21 **shall be issued for development within the City unless the impact fees are**
22 **assessed and collected pursuant to this ordinance.**

23 **(B) Payment of impact fees specified in this Section shall constitute full**
24 **and complete payment of the project's proportionate share of system**
25 **improvements for which such fee was paid and shall constitute compliance with**
26 **the requirements of this ordinance.**

27 **(C) Notwithstanding any other provision of this ordinance, applications**
28 **for building permits which have been filed and deemed complete by the City prior**
29 **to the effective date of this ordinance shall not be subject to impact fees**
30 **established pursuant to this ordinance. Notwithstanding this exemption, such**
31 **projects shall be subject to any and all fees applicable prior to the effective date,**
32 **whether assessed and paid prior to or subsequent to the effective date of this**
33 **ordinance.**

1 **(D)** Notwithstanding any other provision of this ordinance, development
2 approvals resulting in vested rights acquired prior to the enactment date of this
3 ordinance are deemed to have satisfied the requirements of this ordinance and
4 no additional impact fees shall be assessed or collected against such properties
5 under this ordinance. Vested rights arising from approvals shall expire if a
6 building permit has not been issued within two years from the date of the
7 approval and impact fees may be assessed and collected thereafter.

8 **(E)** Nothing in this ordinance shall prevent the City from requiring a
9 developer to construct reasonable project improvements in connection with the
10 new development.

11 **(F)** Nothing in this ordinance shall prevent the City from requiring a
12 developer to construct reasonable system improvements necessitated by and
13 attributable to the new development as a condition of development approval or
14 pursuant to a development agreement with the City, provided that services are
15 not available from existing facilities with actual capacity to serve the new
16 development. If the system improvement is on the CCIP, the City shall grant
17 applicable credits to the developer for constructing such system improvements.

18 **(G)** Nothing in this ordinance shall abrogate the City's authority to
19 require the applicant to prepare necessary studies, analyses or reports required
20 as a part of the development approval process.

21 **(H)** Nothing in this ordinance shall prevent the City from rejecting an
22 application for development if it determines that such development is
23 inconsistent with adopted City plans, regulations or ordinances.

24 **(I)** The impact fees established pursuant to this ordinance shall be
25 phased in the following manner:

26 **(1)** At the effective date, fees are assessed at 34%.

27 **(2)** Six months after the effective date, fees are assessed at 67%.

28 **(3)** Eighteen months after the effective date, fees are assessed at
29 100%.

30 **Section 14. ASSESSMENT AND COLLECTION.**

31 **(A)** The impact fees administrator or his/her designee shall calculate and
32 assess the impact fees at the earliest possible time.

1 (1) For land that is platted or replatted on or after the effective
2 date, the impact fees shall be assessed for development no later than at the time
3 that the subdivision plat is recorded.

4 (2) For land that was platted or replatted prior to the effective date
5 or for development that occurs on existing lots of record, the impact fees shall be
6 assessed at the time of development approval, plan check or issuance of a
7 building permit.

8 (3) For land that was platted or replatted prior to the effective
9 date, or for development that occurs on existing lots of record wherein the owner
10 has already paid or constructed the required off-site improvements within the
11 prior thirty six (36) months, such payment or construction shall be credited
12 against the impact fees to be assessed as long as the improvement paid for or
13 constructed is on the CCIP.

14 (B) The assessment of impact fees shall be in writing and shall be valid
15 for a period of at least four years.

16 (C) Notwithstanding the provisions of this Section, the assessment of
17 impact fees may be revised if the number of service units in the specific
18 development increases, provided that such revision shall be limited to the impact
19 fees for the additional service units.

20 (D) The impact fees administrator, or his/her designee, shall calculate
21 and assess all other impact fees as follows:

22 (1) Determine the applicable service area;

23 (2) Determine the applicable land use category;

24 (3) Verify the number of dwelling units or the amount of gross
25 floor area (whichever is applicable) in the development; and

26 (4) Multiply the number of dwelling units or the amount of gross
27 floor area, whichever is applicable, by the applicable impact fees from the
28 schedule in Section 15 (Appendix B).

29 (E) If the assessment occurs at the time of subdivision plat or site plan
30 approval, the assessment may be based on the applicable fee schedule.

31 (F) If an application proposes a use that does not directly match an
32 existing land use category upon which fees are based, the impact fees

1 administrator shall assign the proposed use to the existing land use category that
2 most closely resembles the proposed use.

3 (G) When new development for which an application for a building
4 permit has been made includes two or more buildings, structures or other land
5 uses in any combination, including two or more uses within a building or
6 structure, the total impact fee assessment shall be the sum of the fees for each
7 and every building, structure, or use, including each and every use within a
8 building or structure or, an independent fee determination may be conducted.

9 (H) When a change of use, plat or replat, redevelopment or modification
10 of an existing use or building requires the issuance of a building permit, the
11 impact fee shall be based on the difference between the impact fee calculated for
12 the previous use and the impact fee calculated for the proposed use. Should a
13 redevelopment or modification of an existing use or building that requires the
14 issuance of a building permit but does not involve a change in use result in a net
15 increase in gross floor area, the impact fee shall be based on the net increase, if
16 the service units are calculated on gross floor area. Should a change of use,
17 redevelopment or modification of an existing use or building result in a net
18 decrease in gross floor area or calculated impact fee, no refund or credit for past
19 impact fees paid shall be made or created.

20 (I) In addition to the cost of new or expanded system improvements
21 needed to serve new development, the impact fee shall also include the
22 proportionate cost of existing system improvements, but only to the extent that
23 such roadway facilities have excess capacity and new development as well as
24 existing development will be served by such facilities.

25 (J) The impact fees administrator shall retain a record of the impact fees
26 assessment. A copy shall be provided to the applicant on the forms prescribed
27 by the City. A notice of impact fees assessment for the site shall be recorded in
28 the appropriate real property title records of the County Clerk.

29 (K) The impact fees shall be due and payable at the time of issuance of a
30 building permit. Impact fees for mobile homes shall be collected at the time of
31 issuance of a building permit or issuance of a certificate of occupancy.

32 Section 15. SCHEDULE.

1 The following roadway facilities impact fees (as set forth on the Schedule
2 attached hereto as Appendix B) incorporated herein by reference, are hereby
3 imposed upon all new development in the City.

4 **Section 16. USE OF FEES COLLECTED.**

5 **(A)** The funds collected pursuant to this ordinance shall be used solely
6 for the purpose of planning, design, land acquisition, construction, expansion
7 and development of system improvements for the service area from which the
8 impact fees were collected.

9 **(B)** The City shall be entitled to expend up to three percent of the impact
10 fees collected annually to offset the permissible administrative costs associated
11 with the collection and use of such funds.

12 **(C)** The City may issue bonds, revenue certificates and other obligations
13 of indebtedness in such manner and subject to such limitations as may be
14 provided by law in furtherance of the provision of capital improvement projects.
15 Funds pledged toward retirement of bonds, revenue certificates or other
16 obligations of indebtedness for such projects may include impact fees and other
17 City revenues as may be allocated by the City Council. The impact fees paid
18 pursuant to this ordinance, however, shall be restricted to use solely and
19 exclusively for financing directly, or as a pledge against bonds, revenue
20 certificates and other obligations of indebtedness for the cost of capital
21 improvements or facility expansions as specified in this Section.

22 **Section 17. EXEMPTIONS.**

23 **(A)** The following types of new development shall be exempt from the
24 impact fees imposed pursuant to this ordinance:

25 **(1)** Any addition or expansion to a building which does not
26 increase the number of service units in the building.

27 **(2)** Any accessory building for a subordinate or incidental use to a
28 dwelling unit on residential property, which building does not constitute a
29 dwelling unit.

30 **(3)** Any reconstruction of a destroyed or partially destroyed
31 building provided that the destruction of the building occurred other than by
32 willful razing or demolition. The exemption only applies to the replacement of the

1 previous facility. A change of land use or increase in dwelling units shall be
2 addressed through Section 14.

3 (B) Applications for exemptions.

4 (1) An applicant for an exemption from impact fees shall have the
5 burden of claiming and proving that a development project qualifies for any of the
6 exemptions listed in this Section prior to the issuance of a building permit. Such
7 exemptions shall be granted or denied in writing by the impact fees administrator
8 or his/her designee, subject to appeal pursuant to Section 22.

9 (2) An application for an exemption shall be made on forms
10 provided by the City. An application not filed before the issuance of a building
11 permit shall be deemed waived.

12 (3) The City may adopt administrative procedures and guidelines
13 to implement exemptions granted pursuant to this section.

14 Section 18. INDEPENDENT FEE DETERMINATION.

15 An independent determination of impact fees may be made as follows:

16 (A) An applicant for development approval may elect to have an
17 independent determination of the impact fees due for their development project in
18 accordance with this Section. Any applicant who makes this election shall
19 prepare and submit to the impact fees administrator an independent fee study for
20 the development project for which development approval is sought.

21 (B) All independent fee studies shall be prepared for review and
22 submitted to the impact fees administrator no later than the time of application
23 for a building permit. Any submission not so made shall be deemed waived.

24 (C) Each independent fee study shall comply in all respects with the
25 requirements of this Section and be organized in a manner that will allow the
26 impact fees administrator to readily ascertain such compliance.

27 (D) Each independent fee study shall comply with all other written
28 specifications as may be required by the impact fees administrator from time to
29 time.

30 (E) The impact fees administrator shall determine the appropriate impact
31 fees based on the results of the independent fee study and the applicable impact
32 fee schedule established in Section 15.

1 **(F) Any impact fee calculated in accordance with this Section and**
2 **approved and certified in writing by the impact fees administrator shall be valid**
3 **for four years following the certification. Following such period, a new**
4 **application for an independent fee study must be made. Any change in the**
5 **submitted development plan that in any material way affects said fee calculation**
6 **shall void the certification of the fee.**

7 **(G) An independent determination of impact fees will be required under**
8 **the following conditions:**

9 **A development is proposed that will exceed the population or employment**
10 **forecasts (for the data analysis subzone(s) in which the proposed development is**
11 **located) in the adopted land use assumptions. In these cases an independent fee**
12 **determination will be required for all infrastructure categories and the City may**
13 **establish a separate service area, establish appropriate impact fees and add**
14 **facilities as necessary to the CCIP. The proposed fees, service area, and**
15 **additions to the CCIP will be included in a development agreement which shall be**
16 **approved by the Albuquerque City Council.**

17 **Section 19. ADMINISTRATION OF THE FEES.**

18 **(A) Collection of impact fees by the impact fees administrator or his/her**
19 **designee. The impact fees administrator or his/her designee shall be responsible**
20 **for collection of the impact fees. Upon receipt of impact fees, the impact fees**
21 **administrator or his/her designee shall place such funds into separate accounts**
22 **as specified in this ordinance. All such funds shall be deposited in interest-**
23 **bearing accounts in a bank authorized to receive deposits of City funds. Interest**
24 **earned by each account shall be credited to that account and shall be used solely**
25 **for the purposes specified for funds of such account.**

26 **(B) Establishment and maintenance of records. The impact fees**
27 **administrator or his/her designee shall establish and maintain accurate financial**
28 **records for the impact fees collected pursuant to this ordinance which shall**
29 **clearly identify for each impact fee payment the payor of the impact fee, the**
30 **specific development project for which the fee was paid, the date of receipt of the**
31 **impact fee, the amount received, the category of capital improvement for which**
32 **the fee was collected, and the applicable service area. The financial records shall**

1 show the disbursement of all impact fees, including the date and purpose of each
2 disbursement.

3 (C) Annual reports. The impact fees administrator or his/her designee
4 shall prepare and present to the City Council an annual report describing the
5 amount of any impact fees collected, encumbered and used during the preceding
6 year by category of capital improvement and service area.

7 (D) Public inspection. The records of the accounts shall be available for
8 public inspection and copying at the City during ordinary City business hours.

9 (E) Expenses of administration. An amount not to exceed three percent
10 of the total of all impact fees collected may be allocated and applied for
11 administration of this ordinance for City employees who are qualified
12 professionals.

13 Section 20. REFUNDS.

14 (A) The current owner of record of property on which an impact fee has
15 been paid shall be entitled to a refund of such fee if:

16 (1) The current owner of record of the property submits an
17 application for refund within one year of the event giving rise to the right to claim
18 a refund.

19 (2) All or a portion of the impact fees paid by the development are
20 not spent within seven years after the date of payment. The determination of
21 whether the impact fees paid by a development have been spent shall be
22 determined using a first in, first out accounting standard if a portion of the impact
23 fees paid by the development are not spent within seven years after the date of
24 payment.

25 (3) Existing City facilities of the type for which the impact fees
26 have been paid are available to provide service to the development, but service
27 from such facilities is not provided by the City.

28 (4) Existing City facilities of the type for which the impact fees
29 have been paid are not available to the development, and the construction of
30 improvements that would serve the development are not completed and available
31 to provide service to the development within seven years from the date of
32 payment of the impact fees.

1 **(B)** An application for refund must be submitted to the impact fees
2 administrator or his/her designee on a form provided by the City for such
3 purpose and must contain information and documentation sufficient to permit the
4 impact fees administrator to determine whether the refund claimed is proper and,
5 if so, the amount of such refund. A refund not applied for within the time period
6 specified or not submitted in the manner specified shall be deemed deferred.

7 **(C)** In no event shall an applicant be entitled to a refund for impact fees
8 assessed and paid to recover the costs of excess capacity in existing system
9 improvements.

10 **(D)** Within 30 days from the date of receipt of an application for refund,
11 the impact fees administrator or his/her designee must provide the applicant, in
12 writing, with a decision on the refund request including the reasons for the
13 decision. If a refund is due the applicant, the City shall issue a refund payment to
14 the applicant within 30 days of the impact fees administrator's written decision on
15 the refund request.

16 **(E)** The applicant may appeal the determination of the impact fees
17 administrator within 30 days of such determination, as provided in Section 22.

18 **(F)** A refund shall bear interest calculated from the date of collection of
19 the impact fee to the date of refund at the statutory rate as set forth in NMSA
20 1978, § 56-8-3.

21 **(G)** The impact fees administrator shall review the impact fee revenues
22 collected and expenditures made by service area seven years following the
23 effective date and annually thereafter. If revenues exceed expenditures by more
24 than ten percent, the City shall refund a pro rata share of the difference to the
25 owner of record of each property for which impact fees have been paid within the
26 previous seven years in the service area due a refund.

27 **Section 21. CREDITS.**

28 The City shall grant credit against impact fees imposed pursuant to this
29 ordinance under the following circumstances:

30 **(A)** Credits shall be granted only for the value of any construction of
31 improvements or contribution or dedication of land, easements or money for
32 system improvements or system studies listed on the CCIP, made by a developer
33 or his predecessor in title or interest as a condition of development approval or

1 pursuant to a development agreement with the City, or for payments made or to
2 be made pursuant to the terms of any special assessment district (SAD), Public
3 Improvement District (PID), Subdivision Improvement Agreement (SIA), Business
4 Improvement District (BID), Metropolitan Redevelopment District (MRD) or other
5 program by which off-site system improvements are paid or constructed, as long
6 as the projects are listed on the CCIP.

7 (B) Credits shall only be granted for system improvements listed on the
8 CCIP or system studies listed on the CCIP for the same category of system
9 improvements and within the same service areas for which impact fees are
10 imposed pursuant to this ordinance.

11 (C) Credits shall only be granted for contributions, dedications or
12 improvements accepted by the City. Cash contributions shall be deemed
13 accepted when payment is received and accepted by the City. Land or
14 easements shall be deemed accepted when conveyed or dedicated to and
15 accepted by the City. All conveyances and dedications of land or easements
16 shall be conveyed to the City free and clear of all liens, claims and
17 encumbrances. Improvements shall be deemed accepted when:

18 (1) The construction of the creditable improvement is complete
19 and accepted by the City;

20 (2) A suitable maintenance and warranty bond or letter of credit is
21 received and approved by the City; and

22 (3) All design, construction, testing, bonding and acceptance
23 procedures are verified by the City to be in strict compliance with the current City
24 standards as shown by a certificate of completion and acceptance issued by the
25 City Engineer.

26 (D) Notwithstanding Subsection (C) of this Section, the City may, by
27 agreement, grant credits for system improvements which have not been
28 completed if the applicant for such credits provides the City with acceptable
29 security to ensure completion of the system improvements in the form of a
30 performance bond, irrevocable letter of credit, or escrow agreement or other form
31 of security payable to or for the benefit of the City in an amount determined by
32 the impact fees administrator to be equal to 120 percent of the estimated
33 completion cost of the system improvements, including land acquisition costs

1 and planning and design costs. The value of such system improvements for
2 computing credits shall be their estimated completion cost, based on
3 documentation acceptable to the City.

4 (E) No credits shall be granted for:

5 (1) System improvements that fail to meet applicable City
6 standards;

7 (2) Project improvements;

8 (3) The construction of local on-site facilities required by zoning,
9 subdivision, or other City regulation intended to serve only a particular
10 development;

11 (4) System improvements made in excess of the level of service
12 established in this ordinance unless such system improvements are listed on the
13 CCIP and are required as a condition of development approval; or

14 (5) Any study, analysis or report, or portion thereof, required by
15 the City to determine the project improvements for a development project.

16 (F) Development agreements for system improvements may be
17 negotiated and entered into between the City and a developer, subject to the
18 following requirements:

19 (1) A developer may offer to construct, contribute, dedicate or pay
20 the cost of a capital improvement included as a project in the CCIP;

21 (2) The City may accept such offer on terms satisfactory to the
22 City;

23 (3) The terms of the agreement shall be memorialized in a written
24 agreement between the City and the developer prior to the issuance of a building
25 permit;

26 (4) The agreement shall establish the estimated value of the
27 system improvements, the schedule for initiation and completion of the system
28 improvements, a requirement that the system improvements be completed to
29 accepted City standards, and such other terms and conditions as deemed
30 necessary by the City; and

31 (5) The City must review the system improvements plan, verify
32 costs and time schedules, determine if the system improvements are eligible
33 system improvements, determine if the completed improvement meets applicable

1 City standards, calculate the applicable impact fees otherwise due, determine the
2 amount of the credits for such system improvements to be applied to the
3 otherwise applicable impact fees, and determine if excess credits are created.

4 (G) Credits for system improvements shall be applied for as follows:

5 (1) Credits shall be applied for no later than the time of
6 application for a building permit on forms provided by the City. Credits not
7 applied for within such time period shall be deemed waived.

8 (2) Credits created pursuant to a development agreement with the
9 City entered into between the City and a developer from and after the effective
10 date shall be applied for no later than the time the development agreement is
11 approved by the City.

12 (H) The value of credits and the calculation of excess credits shall be
13 determined by the impact fees administrator, in writing, subject to appeal
14 pursuant to Section 22.

15 (I) The value of credits for system improvements shall be computed as
16 follows:

17 (1) The value of cash contributions shall be based on the face
18 value of the cash payment at the time of payment to the City;

19 (2) The value of unimproved land or easements shall, at the
20 option of the applicant, be:

21 (a) The fair market value of the land or easement prior to
22 any increase in value resulting from development approval demonstrated by an
23 appraisal prepared by an appraiser acceptable to the City.

24 (b) The acquisition cost of the land or easement to the
25 developer or his/her predecessor in title or interest demonstrated by
26 documentation acceptable to the City.

27 (3) The value of system improvements shall, at the option of the
28 applicant, be:

29 (a) The fair market value of the completed system
30 improvement at the time of acceptance by the City demonstrated by an appraisal
31 prepared by an appraiser acceptable to the City;

1 (b) The actual construction cost of the completed system
2 improvement, including planning and design costs, demonstrated by
3 documentation acceptable to the City.

4 (4) The value of system studies shall be the cost of the study
5 demonstrated by documentation acceptable to the City.

6 (5) An applicant for credits shall be responsible for providing at
7 his/her own expense the appraisals, construction and acquisition cost
8 documentation and other documentation necessary for the valuation of credits by
9 the impact fees administrator. The City shall not be obligated to grant credits to
10 any applicant who cannot provide such documentation in such form as the
11 impact fees administrator may require.

12 (6) In lieu of the appraisals referred to in Subsections (l)(2)(a) and
13 (l)(3)(a) of this Section, the impact fees administrator may accept an appraisal
14 prepared by an appraiser acceptable to the City that demonstrates the combined
15 fair market value of land, easements or completed improvements at the time of
16 acceptance by the City, less the increase in land value resulting from
17 development approval.

18 (7) The impact fees administrator may accept an appraisal that
19 was prepared contemporaneously with the original contribution, dedication or
20 construction of a system improvement if he/she determines that such appraisal is
21 reasonably applicable to the computation of the credit due.

22 (8) The impact fees administrator retains the right to obtain, at the
23 City's expense, additional engineering and construction cost estimates and/or
24 property appraisals that may, at the impact fees administrator's option, be used
25 to determine the value of credits.

26 (J) Credits granted for system improvements and system studies shall
27 be applied as follows:

28 (1) Credits shall be given in the year the project appears in the
29 CCIP.

30 (2) Credits shall be applied first to offset the impact fees
31 otherwise due for the development project for which the credit was granted. If the
32 value of the credit exceeds the impact fees otherwise due, the excess credits

1 shall become the property of the applicant, subject to the requirements of this
2 ordinance.

3 (3) Credits shall only be applied to offset impact fees for the same
4 category of system improvements, within the same service area for which the
5 credit was granted. Credits shall not be used to offset impact fees for other
6 categories of system improvements or for other service areas.

7 (4) If an applicant is entitled to excess credits, the impact fees
8 administrator shall issue a certificate of excess credit to the applicant which
9 denotes the dollar amount of the excess credit, the category of system
10 improvement and service area to which the excess credit may be applied, the
11 name of the applicant as the original credit-holder, a description of the
12 development project for which the credit was granted and the year in which the
13 credit will become available. The certificate of excess credit shall be signed by
14 both the impact fees administrator and the credit-holder. The impact fees
15 administrator shall retain a copy of the certificate of excess credit and the credit-
16 holder shall be given the original certificate.

17 (5) Excess credits shall be freely transferable in accordance with
18 the provisions of this ordinance.

19 (6) The credit-holder of excess credits may do any of the
20 following:

21 (a) Apply all or part of the excess credits to offset impact
22 fees due for new development for the same category of system improvements
23 within the same service area for which the credit was granted;

24 (b) Transfer all or part of the certificate of excess credits to
25 another person who shall become the credit-holder upon written notice to the
26 impact fees administrator, subject to the same rights and restrictions as the
27 original credit-holder, in addition to additional restrictions that apply to
28 transferred excess credits; and/or

29 (c) Request reimbursement from the City for all or part of
30 the amount of the excess credits from revenue generated by impact fees paid by
31 new development for system improvements within the same service category and
32 service area for which the credit was granted.

33 (7) Excess credits shall be subject to the following restrictions:

1 (a) Excess credits shall not accrue interest and shall not be
2 considered public money, public funds or public credit within the meaning of any
3 law or ordinance relating to public money, public funds or public credit.

4 (b) Excess credits shall not be reimbursed from the City 's
5 general fund or from any other City funding source other than impact fees paid
6 by new development for system improvements within the same service category
7 and service area for which the credit was granted.

8 (c) The City shall, upon request from the credit-holder of
9 excess credits, after acceptance by the City of the project creating credits,
10 provide reimbursements for excess credits on a first in, first out basis and shall
11 not be obligated to provide reimbursements in the event there is no
12 unencumbered account balance in the City's impact fee account for the
13 appropriate service category and service area.

14 (d) Except as otherwise provided in this ordinance, excess
15 credits shall not constitute a liability of the City, and the City shall not be
16 obligated to reimburse excess credits.

17 (e) Excess credits transferred from the original credit-
18 holder may be applied to offset up to 100 percent of the impact fees otherwise
19 due from new development for system improvements within the same service
20 category and service area for which the credit was granted.

21 (f) Excess credits must be applied for, used, sold, or
22 redeemed, if at all, within seven (7) years after their issuance.

23 **Section 22. ADMINISTRATIVE APPEALS.**

24 (A) Notice of appeal; filing; fee. An applicant who chooses to appeal the
25 assessment or calculation of impact fees; determination of exemptions, credits,
26 excess credits; or other decision of the impact fees administrator shall submit a
27 notice of appeal and payment of a nonrefundable processing fee to the impact
28 fees administrator or his/her designee within 30 days following the date of the
29 decision or determination of the impact fees administrator giving rise to the
30 appeal.

31 (B) Bond. If the notice of appeal is accompanied by a bond or other
32 sufficient surety satisfactory to the City Attorney, in an amount equal to the

1 impact fee assessed, the City Building Official or his/her duly designated agent
2 shall issue the building permit.

3 (C) Staying of impact fee collection; requirement. The filing of a notice
4 of appeal shall not stay the collection of the impact fee unless a bond or other
5 sufficient surety has been filed.

6 (D) Action by Environmental Planning Commission. Appeals shall be
7 considered by the Environmental Planning Commission in accordance with the
8 rules and regulations of that administrative body. Upon hearing such appeals,
9 the Environmental Planning Commission may affirm, change or modify the
10 decision of the impact fees administrator or, in lieu thereof, make such other or
11 additional determination as it deems proper. The decision of the Environmental
12 Planning Commission upon the appeal shall be in writing, concurred in by a
13 majority of the members present, which shall forthwith transmit a copy of the
14 decision to the applicant and to the impact fees administrator.

15 (E) Appeal of Environmental Planning Commission's decision. Either
16 the applicant or the impact fees administrator may appeal the decision of the
17 Environmental Planning Commission to the City Council within 30 days following
18 the decision of the Environmental Planning Commission.

19 (F) Final decision by City Council. The City Council shall consider the
20 appeal in accordance with the rules and regulations of that governing body. The
21 decision of the City Council shall, in all instances, be the final administrative
22 decision and shall be subject to judicial review in accordance with applicable law.

23 Section 23. PROMULGATION OF RULES

24 (A) The Mayor is responsible for the promulgation of rules necessary to
25 fulfill the intent of this ordinance. Authorized rules shall be published in the
26 Development Process Manual and shall have the same effect as the provisions
27 within this ordinance. The following process shall be observed hereafter in
28 rulemaking pursuant to this ordinance.

29 (B) Prior to the adoption, amendment or repeal of any rule, the Mayor
30 shall, at least 30 days prior to the proposed action:

31 (1) Publish notice of the proposed action in a daily newspaper of
32 general circulation in the City; and

1 (2) Notify any person or group filing written request, such request
2 to be renewed yearly to assure notice of proposed action which may affect that
3 person or group, notification being by mail or other method to the last address
4 specified by the person or group. A fee may be charged those requesting notice
5 to cover reasonable city costs.

6 (3) The notice of proposed action shall:

7 (a) State the manner in which data, views or arguments may
8 be submitted to the Mayor by any interested person;

9 (b) Describe the substance of the proposed action or state
10 the subjects and issues involved; and

11 (c) Include specific reference to the division of this article
12 under which the rule is proposed.

13 (C) All interested persons shall be given reasonable opportunity to
14 submit data, views, and arguments concerning any proposed rule change. If the
15 Mayor finds that oral presentation is unnecessary or impracticable, the Mayor
16 may require that the presentation be made in writing. The Mayor shall consider
17 fully all submissions related to the proposed rule change. All persons making a
18 presentation, verbally or in writing, shall promptly be given a copy of the
19 decision, by mail or otherwise.

20 (D) Each rule or set of rules adopted is effective upon recording as an
21 adopted rule with the City Clerk and promulgated as an amendment of the
22 Development Process Manual or as specified in the rule itself.

23 (E) Regarding filing of rules and copying:

24 (1) The Mayor shall promptly record with the City Clerk one copy
25 of each proposed rule, adopted final rule, or amendment or repeal thereof,
26 including all rules existing on the effective date of this ordinance.

27 (2) The Mayor shall promptly publish each final rule or
28 amendment, or repeal thereof, including all rules existing on the effective date of
29 this ordinance, as amendments to the Development Process Manual.

30 (3) The City Clerk shall maintain and update as necessary an
31 index of adopted rules on file in the Clerk's office and shall make copies of the
32 rules available to the public. The City Clerk shall allow the public to make copies
33 of rules recorded in the Clerk's office. A reasonable fee may be charged.

1 **Section 24. EFFECT OF IMPACT FEE ON ZONING AND SUBDIVISION**
2 **REGULATIONS.**

3 This ordinance shall not affect, in any manner, the permissible use of
4 property, density of development, design and improvement standards and
5 requirements, or any other aspect of the development of land or provision of
6 capital improvements subject to the zoning and subdivision regulations of the
7 City, which shall be operative and remain in full force and effect without limitation
8 with respect to all such development.

9 **Section 25. IMPACT FEE AS ADDITIONAL AND SUPPLEMENTAL**
10 **REQUIREMENT TO CITY REGULATIONS.**

11 The impact fee is additional and supplemental to, and not in substitution of,
12 any non-financial requirements imposed by the City on the development of land
13 or the issuance of building permits. Payment of the impact fee shall not waive or
14 otherwise alter compliance with zoning or other City requirements. It is intended
15 to be consistent with and to further the objectives and policies of the
16 Comprehensive Plan and other City policies, ordinances and resolutions by
17 which the City seeks to ensure the provision of public facilities in conjunction
18 with the development of land.

19 **Section 26. REVIEW AND AMENDMENT.**

20 The advisory committee shall review, update and propose any amendments
21 to the land use assumptions and the impact fees at least every five years from the
22 effective date. The advisory committee shall be consulted during such review and
23 file its written comments concerning any amendments with the City Council. The
24 City Council shall take action on any proposed amendments consistent with the
25 provisions of the Development Fees Act.

26 **Section 27. EVALUATION.**

27 The Council shall evaluate the Roadway Facilities Impact Fees Ordinance
28 within one year of its effective date.

29 **Section 28. PENALTY FOR VIOLATION OF ORDINANCE.**

30 The City shall have the power to sue in law or equity for relief in civil court
31 to enforce this ordinance including, but not limited to, injunctive relief to enjoin
32 and restrain any person from violating the provisions of this ordinance and to
33 recover such damages as may be incurred by the implementation of specific

1 corrective actions. Knowingly furnishing false information to the City on any
2 matter relating to the administration of this ordinance shall constitute an
3 actionable violation. The impact fees administrator may revoke or withhold the
4 issuance of any building permit or other development permits if the provisions of
5 this ordinance have been violated by the owner or his assigns. Subject to
6 applicable law, the City shall have the right to inspect the lands affected by this
7 ordinance and shall have the right to issue cease and desist orders, stop work
8 orders and other appropriate citations for violations.

9 **Section 29. ENFORCEMENT OF ORDINANCE.**

10 The enforcement of this ordinance will be the responsibility of the impact
11 fees administrator and such City personnel as he or she may designate from time
12 to time.

13 **Section 30. COMPILATION.**

14 This ordinance shall be incorporated in and compiled as part of the
15 Revised Ordinances of Albuquerque, New Mexico (1994).

16 **Section 31. REPEALER.**

17 All ordinances, code sections or parts thereof in conflict herewith are
18 hereby repealed to the extent of the conflict.

19 **Section 32. SEVERABILITY.**

20 Should any sentence, section, clause, part or provision of this ordinance
21 be declared by a court of competent jurisdiction to be invalid, the same shall not
22 affect the validity of the ordinance as a whole, or any part thereof, other than the
23 part declared to be invalid.

24 **Section 33. LIBERAL CONSTRUCTION.**

25 The provisions of this ordinance are hereby found and declared to be in
26 furtherance of the public health, safety, and welfare and convenience, and shall
27 be liberally construed to effectively carry out its purposes.

28 **Section 34. EFFECTIVE DATE.**

29 This ordinance shall become effective six months after publication by title
30 and general summary.

31
32 X:share\legislation\16\o-71fs2fin