



## ORDINANCE NO. 6063

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE TITLE 12.30, STORMWATER UTILITY, BY ADDING A NEW SECTION 12.30.050, IN-LIEU-OF-FRANCHISE FEE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Albany collects franchise fees from private franchise utilities for their use of, and impact on, the public right-of-way; and

WHEREAS, the stormwater utility, similar to city-owned sewer and water systems, has the use of the City owned right-of-way; and

WHEREAS, on June 9, 1999, the City Council adopted Ordinances 5404 and 5405 establishing sewer and water system in-lieu-of franchise fees (ILFF); and

WHEREAS, the City Council has determined it is appropriate to establish a stormwater utility ILFF and charge the same seven percent rate it charges to other franchise utilities; and

WHEREAS, the revenue generated from the stormwater utility ILFF shall be deposited into the Street Fund; and

WHEREAS, the City of Albany fiscal year begins on July 1 of each year and an effective date less than 30 days after approval is necessary to facilitate the timely completion of important city business.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Chapter 12.30, Stormwater Utility, of the Albany Municipal Code is hereby amended as follows:

### **Chapter 12.30 STORMWATER UTILITY**

Sections:

- 12.30.010 Stormwater utility.
- 12.30.020 Stormwater fund.
- 12.30.030 Adjustments, back-billing, and refunds.
- 12.30.040 System development charges.
- 12.30.050 **In-Lieu-of Franchise Fee.**

#### **12.30.010 Stormwater utility.**

There is created and established a stormwater utility with the assets, authority, and responsibility for administration, planning, design, construction, maintenance, and operation of stormwater conveyances and facilities. Additional specific mandates, authority, and delegations may occur, from time to time, by appropriate City Council actions. All references to "the utility" in this title refer to the stormwater utility. The administration of the utility shall be as set forth herein. (Ord. 5876 § 3, 2016).

#### **12.30.020 Stormwater fund.**

The stormwater fund is created and established.

(1) Service Charge Imposed. A stormwater service charge shall be imposed on all persons or premises that contribute to the stormwater system or that otherwise use or benefit from the stormwater system, and said persons shall be responsible for paying the stormwater service charge. All monies received from stormwater service charges shall be deposited into the stormwater fund.

(2) Service Charge Rates Set by Council Resolution. Stormwater service charge rates will be set by Council resolution. The stormwater service charge shall be developed and implemented such that it is not a tax subject to the property tax limitation of Article XI, Section 11b of the Oregon Constitution. The Director

shall recommend adjustments to the stormwater service charge rates to the City Council as it becomes necessary. The City Council shall consider such recommendations and may approve or further adjust the stormwater service charges as the Council deems necessary to meet policy objectives, to meet the utility's revenue requirements, or to meet the overall financial needs of the utility.

(3) Customer Classification. Customer account classification and other stormwater charge-related calculations shall be determined by the Director or the duly authorized representative. Any appeal of the Director's determination shall be made in writing to the Director in accordance with Council policy. Any request for review of the Director's appeal determination shall be made in writing to the City Manager. The City Manager's determination will be final. (Ord. 5876 § 3, 2016).

**12.30.030 Adjustments, back-billing, and refunds.**

The utility may make adjustments, back-bill, pay refunds, or waive fees and charges in accordance with City Council policy. If no Council policy exists, the utility may make adjustments where it is deemed necessary on a case-by-case basis as determined by the Director for the proper conduct of the business of the Utility. A full explanation of the reason for the adjustment or refund must be filed with the office records and, subject to Oregon public records law, will be made available upon request. Refunds are to be made to the party that made the payment. (Ord. 5876 § 3, 2016).

**12.30.040 System development charges.**

When adopted in accordance with Chapter 15.16 AMC, all monies received from stormwater system development charges shall be deposited into the stormwater fund. Such funds shall be accounted for separately from those received from stormwater service charges. (Ord. 5876 § 3, 2016).

**12.30.050 In-Lieu-of Franchise Fee.**

**As compensation for the use of City-owned rights-of-way, the stormwater fund shall pay to the street fund an in-lieu-of franchise fee in the amount of seven percent of the stormwater user receipts. This fee shall be applied to stormwater system rate revenues.**

Section 2: Emergency Clause. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect on July 1, 2025 if signed by the Mayor.

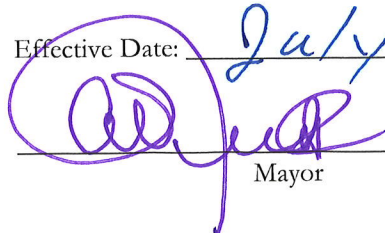
Section 3:

This Ordinance shall be effective July 1, 2025.

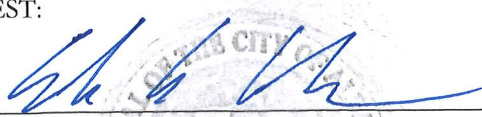
Passed by the Council: June 11, 2025

Approved by the Mayor: June 12, 2025

Effective Date: July 1, 2025

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder  
