

ORDINANCE A-241

AN ORDINANCE ESTABLISHING A PARKS AND PUBLIC OPEN SPACE MAINTENANCE SUPPORT FEE

WHEREAS, the parks and opens space lands of the City of Coburg are a valued community resource; and

WHEREAS, these lands provide all citizens of Coburg with a visually appealing environment and a shared place of gathering for social, athletic and leisure activities

WHEREAS, Coburg has five city-owned parks or designated open space areas totaling 25.83 acres.

WHEREAS, the parks and open space system provides a unique visual appeal and character for the City of Coburg that attracts visitors to Coburg for community events, local economic activity and a sense of community pride; and

WHEREAS, the City of Coburg financially supports the parks and open space system through property taxes and other general revenues in the City's general fund; and

WHEREAS, the costs of maintenance, repair, cleaning and Council/community directed improvements continue to increase and exceed the rise in General Fund revenues;

WHEREAS, the Coburg City Council desires a source of funds dedicated to the continued operations and maintenance of the City of Coburg Parks and Open Space System.

THE CITY OF COBURG ORDAINS AS FOLLOWS:

Section 1. Short Title.

- (a) This ordinance may be referred to as the Parks and Public Open Space Maintenance Support Fee.

Section 2. Purpose and Intent.

- (a) **Purpose.** There is hereby created a Parks and Open Space Maintenance Fee for the purposes of providing funds for the maintenance of the Parks and Open Space lands under the jurisdiction of the City of Coburg. The Coburg City Council hereby finds, determines, and declares the necessity of maintaining the parks and open space system to be a vital public function and declares a Parks and Open Space Maintenance Fee to be a necessary financial contributor in the funding of this function. The City is hereby empowered to use the funds created by a Parks and Open Space Maintenance Fee to promote and protect public health, safety, economic vitality and general welfare by providing for the operations and maintenance of Parks and Open Space lands and supporting infrastructure and equipment to the best of its ability within financial limitations.
- (b) **Intent.** It is the intent of the City Council of Coburg that the terms of this ordinance shall be construed as to promote the visual and physical environment of the City of Coburg by generating revenue to be used exclusively for operations and maintenance of the Parks and Open Spaces, including its infrastructure and equipment within the City. This Fee supplements other revenues devoted to this purpose and is insufficient alone to provide adequate resources to properly fulfill this function.

Section 3. Definitions. As used in this ordinance, the following mean:

Parks and Public Open Space Lands. Property owned, leased or otherwise controlled by the City of Coburg designated and utilized as publicly accessible recreational space within the City.

- (a) **Parks and Public Open Space System.** The totality of the property owned, leased or otherwise controlled by the City of Coburg designated and utilized as publicly accessible recreational and natural open space within the City.
- (b) **Responsible Party.** The person or persons who by usage, occupancy, or contractual arrangement are responsible to pay the water utility bill for a developed property. In the event a developed property is not served by a domestic water meter, the persons having the right to occupy the property.
- (c) **Developed Property.** A parcel or portion of real property on which an improvement exists. Improvements on developed property include, but are not limited to buildings, parking lots, utilities infrastructure, and outside storage.
- (d) **Non-residential Unit.** A use of property such as a business or commercial enterprise that is primarily not for personal, domestic accommodation. A non-residential structure that provides facilities for one or more businesses shall have each distinct business facility considered as a separate non-residential unit.
- (e) **Residential Unit.** A residential structure that provides complete living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, and sanitation. Each separate rental unit in a multifamily structure, whether occupied or not, shall be considered a residential unit. A home occupation business in a residential zone

will be regarded concurrently with the one residential unit in which it is located. An accessory dwelling unit, a condominium, or an individual mobile or manufactured home shall each be considered as a separate residential unit.

- (f) **Recreational Vehicle Park or Campground.** An area designated to accommodate recreational vehicles and/or tent campers and provide related and needed facilities and services. The Fee assessed for such facilities shall be based on the number of spaces established for this purpose, whether occupied or not, with ten spaces equaling one residential unit.

Section 4. Imposition of Parks and Open Space Maintenance Surcharge

- (a) **Creation.** There is hereby created a Parks and Public Open Space Maintenance Support Fee to accomplish the above stated purposes.
- (b) **Amount.** There is hereby imposed upon the responsible party for each developed property receiving water service from the City of Coburg a Parks and Public Open Space Maintenance Support Fee charged per unit per month for each residential unit and non-residential unit existing on that property. The fee imposed shall be set by Resolution of the Council as deemed reasonable and necessary to provide financial support for the maintenance of Parks and Public Open Spaces within the City of Coburg.
- (c) **Obligation.** Except as may be reduced or eliminated under Section 9 below, the obligation to pay a Parks and Public Open Space Maintenance Fee arises when a responsible party benefits from the Parks and Public Open Space System. It is presumed that all developed properties benefit from the Parks and Public Open Space System through the opportunity for direct use, the enhanced visual appeal and enhanced property values they provide to property owners and the City as a whole.

Section 5. Dedication of Funds

All revenues collected pursuant to this Ordinance shall be distinctly and individually labeled on customer utility bills. The Fee paid and collected under the authority of this Ordinance shall not be used for any general or any other governmental or proprietary purposes of the City and shall exclusively be dedicated to Parks and Public Open Space Maintenance expenditures within the Parks Department budget in the City's General Fund.

Section 6. Initiation and Collection

- (a) **Effective Date.** The effective date of this fee shall be set by Council via the approval of the Resolution that establishes the Parks and Public Open Space Maintenance Support Fee amount.
- (b) **Frequency.** The Parks and Public Open Space Maintenance Support Fee shall be collected on the same frequency as the City's water utility billing, with the Parks and Public Open Space Maintenance Support Fee included as a separate line item on the monthly utility billing.

- (c) **Responsibility.** Unless another person responsible has properly agreed in writing to pay, and a copy of that writing is properly filed with the City, the person(s) normally responsible for paying the City's water utility charges are responsible for paying the Parks and Public Open Space Maintenance Support Fee.
- (d) **Lack of Utility Service.** In the event a developed property is not served by a domestic water meter, or if water service is discontinued, the persons having the right to occupy the property shall pay the Parks and Public Open Space Maintenance Support Fee.
- (e) **Billing Initiation.** The connection of a water meter will automatically initiate appropriate billing to the responsible party. There shall be no charge for persons who have the right to occupy an undeveloped property until such time as a water meter is connected to the property.
- (f) **Basis of Charge.** The imposition of surcharges shall be calculated on the basis of the number of residential or non-residential units supported, without regard for the number of water meters serving the property.
- (g) **Priority.** In the event a responsible party's payment is less than the total amount due on the party's utility bill, the payment shall be applied first to fully satisfy all outstanding Parks and Public Open Space Maintenance Support Fee, with the remainder to Water, Sewer, and Transportation utility system charges.

Section 7. Exemptions

The only exemption to this Ordinance shall be schools and irrigation-exclusive accounts. The City Council may, by Resolution, establish a reduced fee or exempt any additional class of users when it determines that the public interest deems it necessary.

Section 8. Administration

- (a) **Responsibility.** The City Administrator is responsible for the administration of this Ordinance.
- (b) **Monitoring & Changes.** The City Administrator is authorized and directed to review the operation of this Ordinance and, where appropriate, recommend changes thereto in the form of administrative procedures for adoption by the City Council by Resolution. Such procedures, if adopted by the Council shall be given full force and effect, and unless clearly inconsistent with this Ordinance, shall apply uniformly throughout the City.

Section 9. Appeal Process.

(a) **Criteria.** A Parks and Public Open Space Maintenance Support Fee may be appealed for change or relief in accordance with the following criteria.

- (i) **Property Classification.** Any responsible party who disputes any interpretation given by the City as to property classification may appeal such interpretation. IF the appeal is successful, appropriate relief will be granted. In such instances

reimbursement will be given for any overpayment, retroactive to the filing date of the appeal. Factors to be taken into consideration include, but are not limited to availability of more accurate information ; equity relative to billing classifications assigned to other developments of a similar nature; changed circumstances; and situations uniquely affecting the party filing the appeal.

(ii) **Financial Hardship.** Any responsible party may claim a financial hardship. The City will determine financial hardship consistent with . Federal Poverty Levels utilized by the City's Limited Income Assistance Program. The City may request verification of income, including, but not necessarily limited to W-2 employment wage forms, payroll stubs, and tax returns.

(b) **Application Contents.** An application for appeal shall state the reasons(s) for appeal (i or ii) and must include supporting documentation to justify the requested change or relief. An application will not be deemed complete until all information requested by the City has been provided.

(c) **Evaluation.** The City Administrator shall be responsible for evaluating appeals.

(d) **Resolution.** The City Administrator will make all reasonable attempts to resolve appeals utilizing available existing information, including supporting documentation filed with the appeal, within thirty (30) days of the date the appeal was filed. If, however, more detailed site specific information is necessary, the City Administrator may request the applicant to provide additional information.

(e) **Deadline.** In any event, the City Administrator will render a decision within ninety (90) days of the date the appeal was filed explaining the disposition of the appeal, along with the rationale and supporting documentation for the decision reached.

(f) **Continuity.** The Appellant is required to pay the Parks and Public Open Space Maintenance Support Fee during the term of any appeal. Successful appeals will result in refunding of appropriate Fees paid.

(g) **Decision.** Decision of the City Administrator may be appealed to the City Council, and shall be heard at a public meeting. Upon such appeal, the City council shall at its first regular meeting thereafter, set a hearing date. The matter shall be heard solely upon the record. In no event shall a final decision be made later than ninety (90) days after the matter was formally appealed to the City Council

(h) **Filing Surcharge.** Appeals filed within one hundred twenty days of this effective date of this Ordinance shall not be subject to a filing Surcharge. For new residents the payment of a filing Surcharge for an appeal will begin 120 days after establishing a water service account. An Appeal Filing Fee may be set by Council within the Resolution establishing or modifying the Parks and Public Open Space Maintenance Support Fee. Should the

appellant adequately justify and secure the requested change or relief no filing Surcharge will be assessed. If a decision is not in favor of the appellant, the filing Surcharge shall be assessed and may be added to the utility bill.

Section 10. Enforcement.

In addition to other lawful enforcement procedures, the City may enforce the collection of charges required by this Ordinance by withholding delivery of water to any premises where the Parks and Public Open Space Maintenance Support Fees are delinquent or unpaid. Notwithstanding any provision herein to the contrary, the City may institute any necessary legal proceedings to enforce the provisions of the Ordinance, including, but not limited to injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative.

Section 11. Severability. Invalidity of a section or part of a section of this Ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 12. Effective Date.

As provided in the City of Coburg Charter this ordinance is effective 30 days from the date of adoption.

ADOPTED by the **City Council** of the **City of Coburg** this ____ day of _____, 2025, by a vote by ____ for and ____ against.

APPROVED by the Mayor of the City of Coburg this ____ day of _____, 2025.

Nancy Bell, Mayor

ATTEST: _____
Sammy L. Egbert, City Recorder