

ORDINANCE NO. 1447-20

AN ORDINANCE ESTABLISHING A PARKS UTILITY; AND CREATING TUALATIN MUNICIPAL CODE CHAPTER 3-7.

WHEREAS, City parks are an essential service of the City of Tualatin;

WHEREAS, the operation and maintenance of the City's parks, recreation facilities, natural areas, greenways, joint use facilities, and shared use paths are essential to serve City residents, employees of City businesses, and visitors;

WHEREAS, additional funds are needed to provide safe, equitable, and accessible parks, recreation facilities, natural areas, greenways, joint use facilities, and shared use paths, and ensure adequate maintenance of City parks can occur.

WHEREAS, the Council wishes to create a Park Utility to establish a funding source to help fund the City's parks, recreation facilities, natural areas, greenways, joint use facilities, and shared use paths; and

WHEREAS, the City finds it is in the public interest to create a Park Utility.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** Tualatin Municipal Code Chapter 3-7 is created to read as follows:

**TMC 3-7-010 – Creation of Parks Utility; Use of Funds.**

(1) The City operates a Parks System that consists of City parks, natural areas, greenways, joint use facilities, shared use paths, and other parks and recreation facilities for the benefit of City residents, and which also benefits employees of City businesses and visitors to the City.

(2) The City finds additional funds are needed to provide maintenance of the City's Parks System and ensure the City can provide safe, equitable, and accessible City parks, natural areas, greenways, joint use facilities, shared use paths, and other parks and recreation facilities.

(3) A Parks Utility Fee is created for the purpose of providing for the operation and maintenance of the City's Parks System and the capital maintenance, improvement, renovation, and replacement of facilities within the City's Parks System.

(4) The City finds residential and nonresidential occupants of improved and developed properties within the City use and benefit from the City's Parks System, and that the imposition of a Parks Utility Fee on such persons is reasonable and necessary to fund the City's Parks System.

(5) Funds collected from the Parks Utility Fee may be used for the operation and maintenance of the City's Parks System, and the capital maintenance, improvement, renovation, or replacement of facilities and amenities within the City's Parks System.

**TMC 3-7-020 – Definitions**

As used in this Chapter, the following means:

*City Manager* means the City Manager, or the City Manager's designee.

*City's Parks System* means City parks, natural areas, greenways, joint use facilities, shared use paths, and other parks and recreation facilities operated or maintained by the City.

*Developed Property* means a lot or parcel, a portion of a lot or parcel, or other real property, on which an improvement exists or has been constructed.

*Dwelling Unit* means one occupied unit within a residential property.

*Equivalent Dwelling Unit (EDU)* means the equivalent impact of one dwelling unit that a non-residential property has on the City's Parks system.

*Improvement* means the development of property, or a portion thereof, and includes, but is not limited to, buildings, parking lots, landscaping, and outside storage.

*Non-Residential Property* means a use of property which is primarily not for personal, domestic accommodation, and includes, but is not limited to, industrial and commercial uses of property.

*Residential Property* means a use of property which is primarily for personal, domestic accommodation, including single family, multi-family residential property, and group homes, but excluding hotels and motels.

*Vacant Property* means that an entire building or building unit has become vacant or continuously unoccupied for at least 30 days, and does not include a portion of a developed property without separate water meters has become vacant or unoccupied.

**TMC 3-7-030 – Dedication of Revenue.**

(1) All funds collected pursuant to this Chapter must be allocated to the City's Parks Utility Fee Fund.

(2) The portion of the Parks Utility Fee Fund that represents the fees collected under this Chapter during a given year, fees carried over from prior years, and investment earnings from the fees must be used to operate and manage the City's Parks System, as provided in this Chapter.

(3) All amounts in the Parks Utility Fee Fund may be invested by the City Manager in accordance with State law. Earnings from such investments are dedicated to the Parks Utility Fee Fund.

**TMC 3-7-040 – Parks Utility Fee Established.**

(1) A Parks Utility Fee is imposed and levied upon the owner, tenant, agent, or other authorized representative responsible for occupancy of a developed property within the City.

(a) The Parks Utility Fee charged to occupants of residential properties will be on a per dwelling unit basis.

(b) The Parks Utility Fee charged to occupants of non-residential property will be on a per equivalent dwelling unit basis.

(2) The Parks Utility Fee will be established annually by resolution of the Council.

**TMC 3-7-050 – Billing and Collection of the Parks Utility Fee.**

(1) The Parks Utility Fee will be billed and collected as part of the monthly City utility bill for those persons utilizing City utilities. The City utility bill will be sent monthly by the City and is due and payable upon receipt.

(2) The owner, tenant, agent, or other authorized representative responsible for paying a City utility bill must pay the Parks Utility Fee, unless another responsible party has agreed in writing to pay the Parks Utility Fee and a copy of that writing is filed with the City.

(3) In the event a person makes a partial payment of the City utility bill such that funds are inadequate to satisfy in full all water, sanitary sewer, stormwater, Parks Utility Fee, and road utility fees, credit will be given first to the Parks Utility Fee, second to road utility fee, third to the sanitary and stormwater service charges, and last to the charges for water service.

**TMC 3-7-060 – Delinquent Accounts.**

When a person's account is delinquent, the person will be provided a notice of delinquency. If payment is not received, the City may discontinue City utility services and may collect the charges through any means authorized by law.

**TMC 3-7-070 – Vacant Property.**

(1) If a property becomes vacant and water service is discontinued, the owner, tenant, agent, or other authorized representative responsible for occupancy of the property may make a written application requesting that the City cease charging the Parks Utility Fee for the reason that the property is vacant. If the City Manager determines the property to be vacant and all outstanding water, sanitary sewer, stormwater, parks utility, and road utility charges have been paid in full, the City will cease charging the Parks Utility Fee.

(2) The City Manager may investigate any property for which a request to cease charging the Parks Utility Fee has been made in order to determine whether the property is vacant.

(3) The owner, tenant, agent, or other authorized representative responsible for occupancy of a property must notify the City within five business days of a previously vacant property becoming occupied, partially occupied, or used, regardless of whether water service is restored.

(4) The City may charge any person the appropriate Parks Utility Fee, including charges for prior billing periods, upon determining the property did not qualify as vacant during such time.

(5) A decision or determination of the City Manager under this section is final.

**TMC 3-7-080 – Other Assessments.**

Nothing contained in this Chapter limits the City's authority to levy additional assessments in accordance with applicable law.

**Section 2. Severability.** Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

**Section 3. Effective Date.** As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this 14th day of December, 2020.

CITY OF TUALATIN OREGON

BY Frank Bubenik

Mayor

APPROVED AS TO LEGAL FORM

BY Sean Brady

City Attorney

ATTEST

BY Sherilyn Lombos

City Recorder

Signature: 

Email: fbubenik@tualatin.gov

Signature:   
Sherilyn Lombos (Dec 16, 2020 13:18 PST)

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Signature: 

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# Ord 1447-20

Final Audit Report

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