

CITY OF LOWELL, OREGON**ORDINANCE 228****AN ORDINANCE ADOPTING POLICY FOR ESTABLISHING FEES AND COST REIMBURSEMENT FOR CITY PERMITS AND SERVICES AND REPEALING ORDINANCE 186.****THE CITY OF LOWELL ORDAINS AS FOLLOWS:**

Section 1: City Fee Policy Established. The City of Lowell hereby establishes the following policy relative to charging fees for City permits and services:

a. Fees charged by the City for permits and services will be adopted by Resolution of the City Council. Actual fee amounts that are prescribed in any ordinance of the City that predates the effective date of this ordinance are superceded by a fee resolution adopted subsequent to the effective date of this ordinance and are hereby repealed upon adoption of said fee ordinance.

b. Where ordinances of the City or State Statutes prescribe methodology for establishing specific fees, that methodology remains in effect and will be utilized to determine fee amounts.

c. Where no other methodology exists, fees will be established to recoup all direct and reasonable indirect costs associated with processing and approving a permit or providing a service.

d. Fees must be paid upon application or request for a specific permit or service.

e. Fees will be reviewed periodically as determined by the City Administrator for adequacy. When new fees are required or existing fees amended, the City Administrator will present an appropriate resolution to the City Council for adoption.

f. A public hearing will be conducted before adoption of any fee resolution.

Section 2: Cost Reimbursement Policy.

a. The City may require reimbursement of costs associated with processing and deciding an application to the City for a permit or service of the City, for which no fee is established or for which the actual costs to the City exceed established fees by 25%. This requirement applies to all Land Use Applications. Only direct costs associated entirely with processing and deciding an application for a permit or service may be required to be reimbursed.

b. Reimbursement of costs for consultants or contractors will be at invoice amount plus 10% administrative fee for all such costs originating from contractors or consultants of the City. The administrative fee is to cover costs to the City to coordinate and administer the activities of consultants or contractors.

c. Reimbursement for City staff time, not included in the above administrative fee, will be determined based on an hourly rate established by Resolution and set to cover both direct and reasonable indirect costs associated with the staff position being billed.

Staff time will be billed in one quarter hour increments rounded down to the nearest quarter hour.

d. Reimbursement of supply, equipment, publishing and other non-personal service costs will be at actual cost.

e. Upon request, the City will provide an estimate of the expected costs associated with a specific permit or service being requested. The City is in no way bound by this estimate and actual costs that exceed the estimate are reimbursable.

f. Applicants for permits or services that require or may require reimbursement of costs under provisions of this section will be provided a copy of this Ordinance and will be required to sign a statement acknowledging that they have received a copy of this ordinance, understand the reimbursement policy and their appeal rights and agree to pay reimbursement costs for their application for a permit or service unless appealed. Where there is a City application form used to request a permit or service which is signed by the applicant, this statement will be included on the application form.

g. The City may bill for reimbursement any time after costs have been incurred. The City will provide a final accounting of reimbursable costs and final bill within 120 days of the final action of the City on an application for permit, service or other request of the City. Invoices used to determine reimbursable costs will be provided with any billing upon request of the applicant.

h. The applicant must make payment, in full, to the City within 30 days of the date the bill requesting reimbursement was mailed unless other arrangements are approved by the City Administrator.

i. The applicant may appeal the bill requesting reimbursement to the City Administrator. Said appeal must be in writing and be submitted within 15 days of the day the billing was mailed. The City Administrator will provide an administrative decision on the appeal within 10 days of receipt. The applicant must pay, within 5 days, any reimbursable costs determined to be appropriate in the administrative decision of the City Administrator. The administrative decision of the City Administrator may be appealed to the City Council. An appeal to the City Council must be in writing and be made within 15 days of the date the City Administrator's decision was mailed. The City Council will hear and decide the appeal and order a refund of any reimbursements made in excess of their decision on the appeal. The City Council's decision on the appeal is the final decision of the City.


j. Should an applicant for a permit, service or other action of the City fail to reimburse the City for costs under the provisions established in this section, the City Council may deny or withdraw the approval or permit, place a lien on real property owned by the applicant and associated with the requested action and/or take action pursuant to any other remedy provided for by law.

Section 3: Repeal. Ordinance 186, dated September 15, 1998 is hereby repealed.

Adopted by the City Council of the City of Lowell this 3rd day of February, 2004.

Ayes: _____

Nays: _____

Approved: 
Warren R. Weathers, Mayor

First Reading: January 20, 2004
Second Reading: February 3, 2004
Adoption: February 3, 2004
Signed: February 3, 2004
Effective Date: March 4, 2004

Attest: 
Charles F. Spies, City Administrator