

RESOLUTION NO. 864

A RESOLUTION APPROVING TRANSPORTATION MAINTENANCE FEES.

WHEREAS, the Stayton City Council has adopted Ordinance No. 932 which approves Chapter 3.30 of the Stayton Municipal Code "SMC" and establishes a Transportation Maintenance Program for the City of Stayton; and

WHEREAS, SMC 3.30.050 grants authority to the City Council to impose and levy a transportation maintenance fee upon all developed property within the City and that the fee shall be based on the direct and indirect use of or benefit derived from the use of public streets generated by the developed property; and

WHEREAS, SMC 3.30.060 states transportation maintenance fees are to be adopted by separate resolution; and

WHEREAS, the Stayton City Council deems it appropriate and timely for the City to enact a transportation maintenance fee to generate funds to perform routine maintenance and repair of the City's streets, sidewalks and transportation system.

WHEREAS, the fee authorized by this SMC Chapter 3.30 is not subject to the property tax limitations of Section 11(b), Article XI, of the Oregon Constitution.

NOW THEREFORE, BE IT RESOLVED by the Stayton City Council hereby adopts a transportation maintenance fee as follows:

SECTION 1. TRANSPORTATION MAINTENANCE FEE

Effective February 1, 2011 a transportation maintenance fee is imposed and levied upon the responsible party for all developed property within the City and will be collected with the monthly utility bills. The fee shall be based on the direct and indirect use of or benefit derived from the use of public streets generated by the developed property. The monthly transportation maintenance fee is hereby established and imposed for the following residential and non-residential use classifications as follows:

<u>Class</u>	<u>Category</u>	<u>\$/Month</u>
Residential	Single family residential dwelling unit	2.00
	Multi-family residential (per dwelling unit)	1.12
	Mobile Home Parks (per MH)	1.04
	Assisted Living / Congregate Care (per living unit)	0.50

Non-Residential

Category 1:	5.00
Category 2:	5.00
Category 3:	10.00
Category 4:	10.00
Category 5:	10.00
Category 6:	10.00
Category 7:	20.00
Category 8:	20.00
Category 9:	20.00
Category 10:	20.00
Category 11:	20.00

SECTION 2. ASSIGNMENT OF USER CLASSES

In accordance with SMC 3.30.060 each non-residential developed property in the City shall be assigned to a category of use according to the land use type listed SMC Chapter 3.30. The Finance Director may review and modify the category of use assignment, either upon request of the customer or as warranted, based on the actual trip generation patterns of the property in question.

SECTION 3. APPEALS

In accordance with SMC 3.30.090 any utility customer who disputes any interpretation given by the City as to the category of use assigned to such owner's property pursuant to SMC Chapter 3.30 may request a review and appeal such interpretation. At the time of filing an appeal with the City, a responsible part shall pay the following fees:

- | | | |
|----|--|---------------|
| A. | Review by the Finance Direction per SMC 3.30.090 | No filing fee |
| B. | Appeal to City Administrator per SMC 3.30.090.3 | \$ 20 |

SECTION 4. EFFECTIVE DATE

- A. This resolution will be effective February 1, 2011.
- B. This resolution will cease to be effective if SMC Chapter 3.30 is repealed.

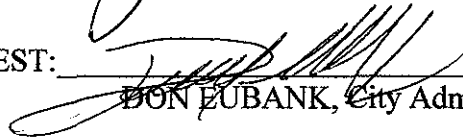
ADOPTED BY THE STAYTON CITY COUNCIL this 20th day of December 2010.

CITY OF STAYTON

Signed: 12/20, 2010

By: 
GERRY ABOUD, Mayor

Signed: 12/20, 2010

ATTEST: 
DON EUBANK, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney