

**ORDINANCE NO. 389-2024**

**AN ORDINANCE AMENDING THE HUBBARD MUNICIPAL CODE AND ADDING  
CHAPTER 3.40 PUBLIC SAFETY FEE TO ESTABLISH A PUBLIC SAFETY FEE**

**WHEREAS**, the City Council of the City of Hubbard finds that Police services are critical to the quality of life and economic well-being of the city, and to the health, safety, and welfare of its residents; and

**WHEREAS**, the City Council has determined that current General Fund Revenues are not keeping pace with Police services needs; and

**WHEREAS**, Police services benefit all utility users in the City; and

**WHEREAS**, in order to safeguard, facilitate, and encourage safety and welfare of the citizens and businesses of the city, the Council finds that a Police Department that is sufficiently well-funded to attract and retain qualified individuals to serve as police officers provides a multitude of economic and social benefits to the public, including, but not limited to:

- Increased police protection.
- Prevention of crime.
- Enhanced protection of property
- Promotion of business and industry.
- Promotion of community spirit and growth.

**NOW, THEREFORE, THE CITY OF HUBBARD ORDAINS AS FOLLOWS:**

**Section 1:** Chapter 3.40, as set forth in the attached Exhibit A, is hereby added to Title 3 Revenue and Finance of the Hubbard Municipal Code.

**Section 2:** This ordinance shall become effective from and after 30 days following its enactment by the City Council, and the first billing for a payment of fees hereunder shall begin for the billing cycle ending on or after the 1 day of July, 2024.

The foregoing ordinance was passed by the City Council of the City of Hubbard this 9<sup>th</sup> day of April 2024, by the following vote:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**WHEREUPON** the Mayor declared the motion to be carried and the ordinance adopted.

**PASSED AND APPROVED** by the City Council of the City of Hubbard this 9<sup>th</sup> day of April 2024.

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY RECORDER**

**APPROVED AS TO FORM:**



\_\_\_\_\_  
**CITY ATTORNEY**

## **EXHIBIT “A”**

### **Chapter 3.40 PUBLIC SAFETY FEE**

#### **Sections**

- 3.40.010 Purpose and Intent.
- 3.40.020 Definitions.
- 3.40.030 Creation of a Public Safety Fee.
- 3.40.040 Imposition Of A Public Safety Fee.
- 3.40.050 Collection.
- 3.40.060 Program Administration.
- 3.40.070 Appeal Process.
- 3.40.080 Enforcement.
- 3.40.090 Severability.

#### **3.40.010 Purpose and Intent.**

- (1) It is the intent of this ordinance to provide a funding mechanism to help pay for the benefits conferred on city residents and businesses by the provision of an adequate program of public safety; and further to help bring the Police Department up to acceptable service levels.
- (2) The Public Safety Fee enacted in this ordinance is intended to supplement existing funding, and is not intended to provide full funding for the Police Department.

#### **3.40.020 Definitions.**

The following definitions shall apply unless inconsistent with the context:

- (1) “City utility services” means water and sewer services provided by the City.
- (2) “Developed property” means a parcel or portion of real property on which a dwelling, structure, or building exists and is receiving City utility services.
- (3) “Non-residential unit” means developed property that is not primarily for personal domestic accommodation, such as a business or commercial enterprise. A non-residential structure that provides facilities for one or more businesses, including, but not limited to, permanent provisions for access to the public, shall have each distinct business facility considered as a separate non-residential unit. Motels and hotels shall be considered non-residential units for these purposes.
- (4) “Person” means a natural person, unincorporated associates, tenancy in common, partnership, corporation, limited liability company, cooperative, trust,

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any governmental agency, including the State of Oregon, but excluding the City of Hubbard, and any other entity in law or in fact.

- (5) “Residential unit” means developed property with a residential structure which provides complete living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, and sanitation. A home business in a residential zone will be regarded only as a residential unit, not as a non-residential unit. Multi-family residential property consisting of two or more dwelling units, condominium units or individual mobile home units shall have each unit considered as a separate residential unit. A lot or parcel which contains a non-residential building or structure used primarily for personal purposes, not primarily for business or commercial purposes, shall be considered a residential unit.
- (6) “Responsible person” means the person owing the Public Safety Fee; either the individual who normally pays the City utility bills for a developed property or another individual who has agreed in writing to pay the fee. If there is more than one responsible person, then the term includes all responsible persons, jointly and severally.
- (7) “Undeveloped property” means a parcel or portion of real property not receiving City utility services.

### **3.40.030 Creation of a Public Safety Fee.**

There is hereby created a Public Safety Fee for the purpose of providing funding for the Hubbard Police Department. All revenues and expenditures shall be distinctly and clearly noted in the city budget. The revenues from the Public Safety Fee shall be collected in the General Fund and shall be used for Hubbard Police Department expenses (both operational and capital).

### **3.40.040 Imposition Of A Public Safety Fee.**

- (1) The Public Safety Fee shall be assessed to each residential unit and to each non-residential unit receiving City utility services. The amount of the fee shall be set by Council resolution. In the event that funds collected exceed the City’s need, the rate of the fees may be decreased or omitted by Council resolution.
- (2) Except as the fees may be reduced or eliminated under 3.40.070, the obligation to pay a Public Safety Fee arises when a person uses or otherwise benefits from City utility services. Properties not receiving billing statements for City utility services shall not be charged a Public Safety Fee.
- (3) All developed properties receiving City utility services within the City limits shall be charged a Public Safety Fee.

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- (4) The imposition of the Public Safety Fee shall be calculated on the basis of the number of residential or non-residential units supported, without regard to the number of water meters serving that property. Example – 40-unit complex with one utility bill will receive a fee for each unit.

### **3.40.050 Collection.**

- (1) Public Safety Fees shall be billed and collected monthly. Statements for the fee shall be included as an additional item on the City’s monthly utility billing wherever feasible, unless otherwise specified below.
- (2) Unless another person has agreed in writing to pay, and a copy of that writing is filed with the City, the person normally responsible for paying any City utility service charges for a developed property is responsible for paying the Public Safety Fee (the “responsible person”).
- (3) A request for any City utility service will automatically initiate appropriate billing for the Public Safety Fee.
- (4) There shall be no charge for an undeveloped property until such time as an application for any City utility service is submitted for that property.

### **3.40.060 Program Administration.**

- (1) Except as provided below, the City Administrator shall be responsible for the administration of this Chapter and for the collection of fees hereunder.
- (2) The City Council will review the Public Safety Fee at least annually, as part of the budget development process of the city. Such review shall include, but is not limited to, a review of the amounts collected by the Fee, the amounts spent on police services during the preceding year, the current and projected needs of the Hubbard Police Department, and other sources of funding available for police services. Any adjustment in the public safety fee inconsistent with the existing resolution shall require a new resolution.

### **3.40.070 Appeal Process.**

- (1) Any responsible person who disputes any interpretation given by the City as to property classification may appeal such interpretation. If the appeal is successful, relief will be granted by reassignment to a more appropriate billing category. 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.

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- (2) Application for appeal shall state the reason for appeal, with supporting documentation to justify the requested change or relief.
- (3) The City Administrator shall be responsible for evaluating appeals. If the City Administrator decides information provided through the appeal process justifies change, the City Administrator may authorize this change (up or down) retroactive to the date the appeal was filed.
- (4) The City Administrator shall 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 provide information.
- (5) In any event, the City Administrator shall file a report 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.
- (6) Decisions of the City Administrator may be further appealed to the City Council, and shall be heard at a public meeting. Upon such further 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.
- (7) Appeals filed within one hundred twenty (120) days of the effective date of this chapter shall not be subject to paying a filing fee. After this period, the initial filing fee for an appeal shall be fifty (\$50.00) dollars. An additional fifty (\$50.00) dollars fee is required for further appeal to the City Council. These fees are fully refundable should the appellant adequately justify and secure the requested change or relief.

### **3.40.080 Enforcement.**

- (1) Charges for water, wastewater, General Service fee, and the Public Safety Fee shall be billed on the same city utility bill. If full payment of billing is not made on any bill, payment shall be applied in the following order of priority:
  - a. Water fees.
  - b. Sewer Fees.
  - c. General Service Fee.
  - d. Public Safety Fee.
- (2) A Public Safety Fee is delinquent if payment is not received on or before the due date.

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- (3) If a responsible person's city account is delinquent for nonpayment of the Public Safety Fee only, the City may not discontinue water services billed on that account. However, if the water services are discontinued on account of nonpayment of other utility service charges, the City may refuse to restore water service until all the delinquent utility charges and Public Safety Fee is paid.
- (4) Notwithstanding any provision herein to the contrary, the City may institute any necessary legal proceedings to enforce the provisions of this chapter, including but not limited to injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative. If the City commences any legal proceedings to enforce the provisions of this Chapter, and the City prevails, the City is entitled to all fees and costs it incurred, as well as any sum that a court, including any appellate court, may deem reasonable as attorney's fees.

### **3.40.090 Severability.**

The sections and subsections of this Chapter are severable. The invalidity of one section or subsection of this Chapter shall not affect the validity of the remaining sections or subsections.