

ORDINANCE NO. 1524

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON amending DMMC 12.56.040(6) relating to the phase in schedule for collection of Transportation Impact Fees.

WHEREAS, the City of Des Moines updated its Comprehensive Transportation Plan on June 11, 2009, and

WHEREAS, the City of Des Moines previously adopted transportation impact fee ordinances (Ordinance No. 1322, 2003, and Ordinance No. 1378, 2006, and Ordinance No. 1476, 2010), and

WHEREAS, Ordinance No. 1476 became effective on February 13, 2010, and

WHEREAS, the Transportation Impact Fee in Ordinance 1476 was set at fifty percent (50%) of the base rate through December 31, 2011, and

WHEREAS, per Ordinance No. 1476, on January 1, 2012 the Transportation Impact Fee is set to increase to sixty percent (60%) of the base rate, and

WHEREAS, since the passage of Ordinance No. 1476, the economy has continued to struggle, with homes sales and values continuing to drop, and

WHEREAS, a request was made for the Council to consider keeping the reduction of the transportation impact fee at the fifty percent (50%) level through 2013, and

WHEREAS, this request was discussed at the July 7, 2011 Public Safety and Transportation Committee meeting, and

WHEREAS, the Public Safety and Transportation Committee felt that the Transportation Impact Fee should increase on January 1, 2012, but recommends to the City Council that the increase be limited to five percent (5%) instead of ten percent (10%), and

WHEREAS, notice of the public hearing before the City Council was given to the public in accordance with law and a public hearing was held on the 3rd day of November, 2011, and all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the amendments contained in this ordinance are appropriate and necessary because of the lagging economic recovery; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 12.56.040(6) and section 4 of Ordinance No. 1322, as amended by section 5 of Ordinance No. 1378 and section 7 of Ordinance 1476 are amended to read as follows:

(6) The transportation impact fee shall be phased in as follows. The base rate identified in DMMC 12.56.040(1) shall be at 50 percent through December 31, 2011, as adjusted in accordance with DMMC 12.56.040(5). For the calendar year 2012 the transportation impact fee shall be 55 percent of the then-current base rate; for the calendar year 2013 the transportation impact fee shall be 65 percent of the then-current base rate; for the calendar year 2014 the transportation impact fee shall be 75 percent of the then-current base rate; for the calendar year 2015 the transportation impact fee shall be 85 percent of the then-current base rate; for the calendar year 2016 the transportation impact fee shall be 95 percent of the then-current base rate; for the calendar year 2017 and thereafter the transportation impact fee shall be 100 percent.

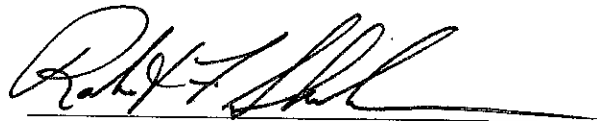
Sec. 2. Severability/Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

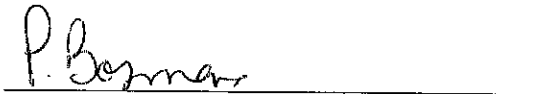
Sec. 3. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 3rd day of November, 2011 and signed in authentication thereof this 3rd day of November, 2011.



M A Y O R

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk

Published: November 9, 2011

Effective Date: December 3, 2011

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1524, Adopted November 3, 2011.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance amends DMMC 12.56.040(6) relating to the phase in schedule for collection of Transportation Impact Fees.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC
City Clerk

Published: November 9, 2011