



CITY OF MILWAUKIE
"Dogwood City of the West"

Ordinance No. 2108

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, TO AMEND CODE SECTION 13.28.100 OF THE MUNICIPAL CODE TO ALLOW BANCROFTING OF SYSTEM DEVELOPMENT CHARGES FOR COMMERCIAL USES

WHEREAS, Milwaukie Municipal Code section 13.28.100 allows for Bancroft financing of single- and multi-family residences, not-for-profit and public organization property, and commercial property that qualifies for the low income program; and

WHEREAS, ORS 223.207 authorizes local governments to provide Bancroft financing for specific uses; and

WHEREAS, ORS 223.207 includes only minimum requirements and a local jurisdiction may expanded its Bancroft financing program in the municipal code of the applicable local jurisdiction; and

WHEREAS, it is the desire of the City to promote economic development within the City and provide assistance when appropriate; and

WHEREAS, offering Bancroft financing to commercial properties will provide assistance to property owners and encourage economic development.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Amendments. The Milwaukie Municipal Code Title 13 Public Services is amended as described in Exhibit A (underline/strikeout version) and Exhibit B (clean version).

Section 2. Effective Date. This ordinance being necessary to address an immediate need, an emergency is declared and these amendments shall be effective immediately on the date signed by the Mayor below.

Read the first time on 11/3/15, and moved to second reading by 3:0:1 vote of the City Council.

Read the second time and adopted by the City Council on 11/17/15.

Signed by the Mayor on 11/17/15.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

Exhibit A

13.28.100 INSTALLMENT PAYMENT

A. System Development Charge Due

1. When a system development charge is due and payable, the permittee may apply for payment in twenty (20) semiannual installments, secured by a lien on the property upon which the development is to occur or to which the utility connection is to be made, to include interest on the unpaid balance.

~~, if that payment option is required to be made available to the permittee by ORS 223.207.~~

2. The permittee may irrevocably elect in writing to have the system development charge levied for a number of years less than ten (10), and according to such terms as the City Manager or designee may provide, pursuant to ORS 223.215, ~~if that payment option is required to be made available to the permittee by ORS 223.207.~~

B. The City Manager or designee shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.

C. A permittee requesting installment payments shall have the burden of demonstrating the permittee's authority to assent to the imposition of a lien on the property and that the interest of the permittee is adequate to secure payment of the lien.

D. The City Manager or designee shall docket the lien in the lien docket. From that time the City shall have a lien upon the described parcel for the amount of the system development charge, together with interest on the unpaid balance at the rate established by the Council. The lien shall be enforceable in the manner provided in ORS Chapter 223, and shall be superior to all other liens pursuant to ORS 223.230. (Ord. 1725 § 1, 1992; Ord. 1707 § 10, 1991)

Exhibit B

13.28.100 INSTALLMENT PAYMENT

A. System Development Charge Due

1. When a system development charge is due and payable, the permittee may apply for payment in twenty (20) semiannual installments, secured by a lien on the property upon which the development is to occur or to which the utility connection is to be made, to include interest on the unpaid balance.
2. The permittee may irrevocably elect in writing to have the system development charge levied for a number of years less than ten (10), and according to such terms as the City Manager or designee may provide, pursuant to ORS 223.215.

B. The City Manager or designee shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.

C. A permittee requesting installment payments shall have the burden of demonstrating the permittee's authority to assent to the imposition of a lien on the property and that the interest of the permittee is adequate to secure payment of the lien.

D. The City Manager or designee shall docket the lien in the lien docket. From that time the City shall have a lien upon the described parcel for the amount of the system development charge, together with interest on the unpaid balance at the rate established by the Council. The lien shall be enforceable in the manner provided in ORS Chapter 223, and shall be superior to all other liens pursuant to ORS 223.230. (Ord. 1725 § 1, 1992; Ord. 1707 § 10, 1991)