

**BEFORE THE INDEPENDENCE CITY COUNCIL
FOR THE STATE OF OREGON, COUNTY OF POLK**

A Resolution Amending Fee)
Schedule for City Services)

RESOLUTION NO. 15-1418

WHEREAS, the Independence City Council has in the past approved charges for city services; and,

WHEREAS, ORS 227.175 permits the City Council to establish fees charged for processing land use applications in an amount no more than the actual or average cost of providing that service; and

WHEREAS, ORS 227.180 allows the City Council to prescribe fees to defray costs incurred when acting upon an appeal from the City's Planning Commission, which fees shall be reasonable and shall be no more than the average cost of such appeals or the actual cost of the appeal, excluding the cost of preparation of a written transcript; and

WHEREAS, the City of Independence desires full actual cost recovery for processing land use applications; and

WHEREAS, new and amended fees in Administration, Police, Parks and Public Works departments are also required to reflect current costs; and

WHEREAS, the City provided an opportunity for interested persons to comment on the enactment of this Resolution and the proposed fees and fee increases, pursuant to ORS 294.160;

NOW, THEREFORE, the Independence City Council resolves as follows:

Section 1: Findings. The above recitals are hereby adopted as findings of fact supporting the adoption of the fees set forth in Exhibit A to this Resolution.

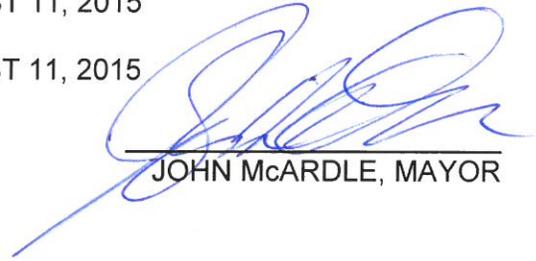
Section 2: Repeal and Replacement.

1. Resolution #13-1372, adopting fees for city services and city utilities is hereby repealed in its entirety.
2. Resolution #13-1372, amending community development planning fees is hereby repealed in its entirety.
3. The fee schedule set forth in Exhibit A, incorporated by reference herein, is hereby adopted.
4. The fees adopted herein are not subject to the limitations of Measure 5.

EFFECTIVE DATE: AUGUST 12, 2015

PASSED by the City Council: AUGUST 11, 2015

SIGNED by the Mayor: AUGUST 11, 2015



Handwritten signature of John McArdle in blue ink, consisting of several loops and a long horizontal stroke extending to the left.

JOHN McARDLE, MAYOR

ATTEST:



Handwritten signature of Karin Johnson in blue ink, written in a cursive style.

Karin Johnson, MMC
City Recorder

CITY OF INDEPENDENCE
SCHEDULE OF FEES FOR CITY SERVICES and CITY UTILITIES
Effective: August 12, 2015

DEPARTMENT	CHARGE/FEE
ADMINISTRATION	
A) Copy Fees	
1. Photocopies:	
8.5 X 11, B&W	\$ 0.25 per page
8.5 X 11, Color	\$ 0.50 per page
11 X 17, B&W	\$ 0.50 per page
11 X 17, Color	\$ 1.00 per page
2. CD/DVD	\$ 20.00 per CD/DVD
4. Electronic Search of City Server	\$ 5.00 per CD/DVD + \$100/hour (1 hr. minimum)
5. Non Standard Documents	All costs associated with reproduction
B) Records Research	
Up to 10 minutes	\$2.00 plus per page fees
10 minutes - 2 hours	\$ 25.00 per hour, plus per page fees
Over 2 hours	Employee personnel services cost + per page fee
C) Facsimile	
1. send	\$ 2.00 per page
2. receive	\$ 1.50 per page
D) Copy of Municipal Code	\$ 75.00
E) Appeal Fee	\$ 200.00 fee; refunded if appeal upheld
F) Lien Search Fee	\$ 25.00 per search
G) Dog Hobby Kennel Application	
-Commercial	\$ 125.00
-Private Hobby	\$ 30.00
H) Backyard Chicken Permit	
-Application fee	\$ 40.00 application + 3-year permit
-Renewal fee	\$ 15.00 3-year renewal
I) Taxicab Businesses	
1. Application Fee:	
New Business	\$ 100.00
Renewal	\$ 35.00
2. Transport Rates:	
a. Minimum charge (meter drop)	\$ 2.50
b. Base Mileage Rate	\$ 2.50 per mile
c. Increments	\$ 0.25 per 1/10
d. Wait time	\$ 30.00 per hour
e. Fuel Surcharge*	\$ 2.00

*If the average gasoline pump price rises above \$2.50 per gallon in Oregon, the City Manager may authorize the fuel surcharge to be added to the base rate.

ADMINISTRATION (cont.)	
J) Entertainment Business License Fees	
1. Amusement Device: 1-4 devices	\$ 50.00 per fiscal year per device
5-15 devices	\$ 250.00 per fiscal year
16+ devices	\$ 250.00 + \$25.00 per ea add'l device over 15
2. Dance Floor	
Closing Time at or before 1:00 a.m.	\$ 150.00 per fiscal year
Closing Time after 1:00 a.m.	\$ 200.00 per fiscal year
3. Cigarette Vending Machine	\$ 30.00 per fiscal year per machine
K) Auction/Auctioneers	
1. Class 1, Regular Auction	\$ 200.00 Annually
2. Class 2, Temporary Auction	\$ 25.00 per day
3. Class 3, Closing Out Auction	\$ 25.00 per day
4. Class 4, Storage or temporary auction	\$ 200.00 Annually
5. Class 5, Temporary benefit auctions	\$ 5.00 per day
L) Peddler/Solicitor	
1. Individual	\$ 25.00 Annually
2. Crew license	\$ 50.00 plus \$5.00 each solicitor/peddler
M) Secondhand/Junk Dealer	\$ 10.00 Annually
N) Mobile Vending	
1. Base Fee	\$ 35.00 Annually
2. With Site Plan	\$ 75.00 Annually
O) Social Games	\$ 50.00 Annually
P) Public Dances	\$ 50.00 Ten Dances; \$5 ea additional dance
Q) NSF Fees	\$ 25.00 per check or ACH returned for non-sufficient funds
R) Credit Card Processing Fee	
1. Municipal Court	2.5% of payment, \$15.00 maximum fee
2. All other	\$ 1.50 fee for transactions over \$50

DEPARTMENT	CHARGE/FEE
LIBRARY	
A) Overdue charges per day, all materials <i>1 day grace period</i>	\$ 0.25 per day
Overdue charges per hour - Laptop checkout	\$ 5.00 per hour, or fraction thereof
B) Printouts	\$ 0.10 per page
C) Copies:B&W	\$ 0.10 per page
Copies: Color	\$ 1.00 per page
D) Lost items	\$ 5.00 + Purchase Price
E) Processing Fee/Item	\$ 5.00
F) Non-Resident Card:	
1. Within CCRLS region	\$ 60.00 per family/year
2. Outside CCRLS region	\$ 75.00 per family/year
3. Local Option Card	\$ 35.00 per family/year
G) Replacement Library Card	\$ 1.00
H) Key Chain Library Card	\$ 1.00
I) Facility Fees	
1. Conference room, in excess of 4 hours	\$ 50.00
2. Conference room, off-hours fee	\$ 25.00
3. Coffee	\$ 3.00 per small airpot

DEPARTMENT	CHARGE/FEE
MUSEUM	
A) Copy Fees: 1. Photocopies	\$ 0.25 each
B) Research Fees	\$ 50.00 per hour
C) Shipping/Handling	postage cost, plus \$3.95 handling
D) Use of Museum Photographs:	
1. Personal Use:	
Digital Image provided via email (if available)	\$ 1.50
Digital Image provided on CD	\$ 2.50
Digital Printed on Photo Papger (8"x10")	\$ 5.00
Scan of Original (if not already available)	\$ 10.00 (add to print charge)
Photocopy	\$ 1.00
2. For Publication:	
Exhibition or Public Display:	
For Profit: 11" x 14" or smaller	\$ 25.00
Non-Profit: 11" x 14" or smaller	\$ 12.00
For Profit: 12" x 15" to 40" x 60"	\$ 30.00
Non-Profit: 12" x 15" to 40" x 60"	\$ 15.00
For Profit: Larger than 40" x 60"	\$ 50.00
Non-Profit: Larger than 40" x 60"	\$ 25.00
Books, Calendars, Filmstrip, Video, DVD, CD-ROM or other digital media:	
For Profit: 1-5000 copies	\$ 20.00
Non-Profit: 1-5000 copies	\$ 10.00
For Profit: 5001-10,000 copies	\$ 50.00
Non-Profit: 5001-10,000 copies	\$ 25.00
For Profit: over 10,000 copies	\$ 100.00
Non-Profit: over 10,000 copies	\$ 50.00
Serials (by circulation):	
For Profit: Under 50,000	\$ 25.00
Non-Profit: Under 50,000	\$ 12.00
For Profit: 50,001 – 100,000	\$ 50.00
Non-Profit: 50,001 – 100,000	\$ 25.00
For Profit: over 100,000	\$ 100.00
Non-Profit: over 100,000	\$ 50.00
Broadcast Television or Motion Picture Use:	
For Profit:	\$ 65.00
Non-Profit:	\$ 32.00
Advertising (television or print media)	
For Profit:	\$ 100.00
Non-Profit:	\$ 50.00
Internet/Website (only with credit line)	
For Profit:	\$ 50.00
Non-Profit:	\$ 25.00

POLICE DEPARTMENT	
A) Copy Fees	
1. Photocopies:	\$ 1.00 per page
2. Audio/Video/CD/DVD	\$ 20.00 per tape/CD/DVD
3. Electronic Search of City Server	\$ 20.00 per CD/DVD + \$100/hour (1 hr. minimum)
4. Test Score Transfer	\$ 12.00 per test score result, per applicant, per request
5. Non Standard Documents	All costs associated with reproduction
6. Police Video/Blurring/Electronic Redaction	\$ 20.00 per CD/DVD or digital media + \$100/hr (1/2 hr minimum)
B) Facsimile - send	\$ 2.00 per page
C) Facsimile - receive	\$ 1.50 per page
D) Fingerprinting	\$ 20.00 first card \$ 10.00 each additional card
E) Liquor License Applications	
1. New	\$ 100.00
2. Renewal	\$ 35.00
3. Change (ownership, location, privilege)	\$ 75.00
4. Compliance Plan	\$ 250.00
5. Temporary Permit	\$ 35.00
F) Photos	\$ 8.00
G) False Alarms	
1. Business and Residential (per calendar year)	No charge 1st two false alarms \$ 25.00 3rd alarm \$ 50.00 4th alarm \$ 100.00 5th alarm and greater
2. Other (car alarms, etc.)	\$ 25.00 per alarm, after 4th false alarm in calendar year
H) Vehicle Tows - Administrative Fee	\$ 75.00
I) Vehicle Impound (Daily Rate)	\$ 35.00 per day
J) Dog Licenses:	
1. Spayed or Neutered	\$ 15.00 one year \$ 35.00
2. Non-Spayed or Non-Neutered	\$ 30.00 one year \$ 90.00
3. Microchip Discount	\$ (5.00)
4. Late Fee	\$ 15.00 if not renewed within 60 days from expiration
K) Dog Impound Fees: (per calendar year)	
1. Impound Fees	\$ 35.00 first impound \$ 55.00 second impound \$ 100.00 each subsequent impound
2. Daily Boarding Fee	\$ 20.00 day
L) Records Research	
1. Up to 10 minutes	\$ 5.00 fee, plus \$5.00/first 5 pages
2. 10 min - 2 hours	\$ 25.00 per hour + related fees (per page, CD/DVD)
3. Over 2 hours	Employee personnel service cost + related fees
M) Personnel Costs:	
1. Court issued subpoena for Defense	\$ 35.00 per subpoena
2. Private police service contracting	\$ 65.00 per hour, regular officers + deposit \$ 35.00 per hour, reserve/cadet officers + deposit (deposit = 1/2 estimated cost)
N) Parking Violations - City Code, §10.20	
1. Time Violation	\$ 10.00
2. All other violations of IMC §10.20	\$ 20.00
3. Late Payment Fee	
a. After 7 days of issuance	\$ 15.00
b. After 30 days from issuance	\$ 30.00

DEPARTMENT	CHARGE/FEE
COMMUNITY DEVELOPMENT	
Planning	Fee
LAND USE APPLICATION FEES*:	
A) Annexation Petition	\$ 175.00 fee; \$500.00 if election required
B) Comprehensive Plan Change Request	\$ 300.00
C) Conditional Use	\$ 500.00
D) Manufactured Home Dwelling Park	\$1,500.00 fee, plus \$150.00/dwelling unit
E) Partitions:	
-Major (project includes creation of street)	\$1,500.00 fee, plus \$150.00 / lot
-Minor (project does NOT include creation of street)	\$250.00 per lot, plus notice fee
F) Lot Line Adjustment	\$250.00 fee, plus notice fee
G) Planned Unit Development	\$1,500.00 fee, plus \$150.00 / dwelling unit
H) Site Design Review	\$500.00
I) Subdivisions:	
Tentative subdivision application filing fee	\$1,500.00 fee, plus \$150.00 / lot
Inspection Fee, per 90.60.075 (L)(1)	4% of an approved, stamped engineer's cost estimate
J) Urban Growth Boundary Change Request	\$ 400.00
K) Variance	\$ 500.00
L) Zone Change	\$ 500.00
OTHER PLANNING FEES:	
M) Appeal	\$ 200.00
N) Certified Abutters List + 2 Address Labels Sets	\$ 25.00
O) Copies:	
Comprehensive Plan	\$ 75.00
Development Code	\$ 35.00
Subdivision Ordinance	\$ 15.00
Master Plans	\$ 75.00 per plan document
P) Floodplain Development Permit	\$ 200.00
Q) Notice Fee	\$ 60.00
R) Right-of-Way Utility Construction Permit	
-Major (Project costs greater than \$15,000)	\$ 200.00
-Minor (Project costs under \$15,000)	\$ 50.00
S) Vacation of Property	\$ 500.00

*All land use application fees are a base fee amount to be paid to the City. An Agreement for Payment of Land Use Application Fees in the form attached hereto, must be executed by the property owner and submitted to the City with the application Base Fee, as a component of the City's required application fees. The Agreement shall be recorded against the subject property and run with the land. If the City's costs for processing an application exceed the Base Fee, the full cost due and payable will be the City's actual cost, including but not limited to hourly rates for planning, public works, engineering, City administration, legal, wetland and other consultants.

NOTE: ALL FEES ARE NON-REFUNDABLE

DEPARTMENT	CHARGE/FEE
COMMUNITY DEVELOPMENT (continued)	
Building	
A) Sign Permits:	
1. 0- 35 square feet	\$ 15.00 + building permit fee
2. 36- 60 square feet	\$ 45.00 + building permit fee
3. 61-100 square feet	\$ 80.00 + building permit fee
4. 101-150 square feet	\$ 100.00 + building permit fee
B) Fence Permit	\$ 35.00
C) Mobile Home Placement	\$ 297.00
D) Building Moving Permit	\$ 100.00 + building permit fee, if necessary
E) Business Occupancy Certification	\$ 75.00
F) Demolition Permit	\$ 50.00
G) Grass Cutting	\$ 100.00 administrative fee, plus cost of mowing
H) Building/Plumbing/Mechanical Permit Fees	As established by the State of Oregon
I) Appeal (notice of violation)	\$200 non-refundable
Park Use	
A) Neighborhood parks, Riverview Park picnic areas:	
1. Civic/Not for Profit	\$ 20.00 non-refundable fee, + \$50.00 refundable deposit
2. Private	\$ 35.00 non-refundable fee, + \$50.00 refundable deposit
3. Commercial	\$ 60.00 non-refundable fee, + \$500.00 refundable deposit
4. Additional weekends reserved	\$ 50.00 per day
B) Riverview Park amphitheater (based on attendance):	
1. 0 - 74	\$ 100.00 non-refundable fee, + \$50.00 refundable deposit
2. 75 - 299	\$ 150.00 non-refundable fee + \$500.00 refundable deposit
3. 300 - 599	\$ 300.00 non-refundable fee + \$500.00 refundable deposit
4. 600 - 999	\$ 450.00 non-refundable fee + \$750.00 refundable deposit
5. 1,000 +	\$ 600.00 non-refundable fee + \$750.00 refundable deposit
Additional fee, if entry fee charged by organizer:	\$ 1.00 per ticket sold or provided
C) Stage Rental:	
1. Basic Stage - Commercial or For-Profit	\$ 400.00 per day; \$200.00 deposit at time of reservation
2. Extended Stage - Commercial or For-Profit	\$ 500.00 per day; \$200.00 deposit at time of reservation
3. Basic Stage - Non-Profit or Civic	\$ 250.00 per day; \$100.00 deposit at time of reservation
4. Extended Stage - Non-Profit or Civic	\$ 350.00 per day; \$100.00 deposit at time of reservation
5. Transport	FEMA Schedule of Equipment, hourly rate + current Federal mileage rate
6. Stage Deployment Technician/On-Site Technician	\$ 50.00 per hour
7. Sound Technicians (2 min.) & Equipment	\$ 15.00 per hour, per technician
8. Removal/Storage/Return of Stage Equipment	\$ 150.00
9. Spider Box for Stage use & when transported	\$ 500.00 Refundable deposit; to be paid 7 days prior to event

DEPARTMENT	CHARGE/FEE
COMMUNITY DEVELOPMENT (continued)	
Public Works	
A) Inspection of Public Improvements - road, sewer, water, storm sewer, etc	*4% deposit of approved engineers cost estimate; actual cost for inspection services will be paid prior to final approvals.
B) Fire Hydrant Flow Meter Rental	\$ 100.00 per month, plus current water unit rate per unit used \$ 100.00 deposit
C) Construction Base Water Rate	\$31.33 base, plus current water unit rate per unit used
D) Driveway Curb Cut	\$ 30.00
E) Sidewalk Permit	\$ 30.00
F) Miscellaneous Equipment	
1. Backhoe	\$ 60.00 per hour
2. Chain Saw	\$ 20.00 per hour
3. Chop Saw	\$ 20.00 per hour
4. Jackhammer	\$ 45.00 per hour
5. Sweeper	\$ 60.00 per hour
6. Trash Pump	\$ 20.00 per hour
7. Truck, Dump	\$ 45.00 per hour
8. Truck, Utility	\$ 35.00 per hour
9. Vibra Plate	\$ 20.00 per hour
G) Equipment Operator	Hourly Rate per Federal Public Works rate

DEPARTMENT	CHARGE/FEE
ENTERPRISE OPERATIONS	
Utility Billing and Collection	
<i>Deposits:</i>	
	\$ 150.00 Due at time of application
	\$ 75.00 Due at time of application, if signed up for autopay
Nonrefundable cleaning deposit	\$ 20.00
<i>Miscellaneous:</i>	
Posting fee	\$ 10.00
Late Charge	10% (\$10 minimum)
Reinstatement Fee	\$ 50.00
Tampering Fee	\$ 25.00 plus damage costs, if any

Stormwater Utility	Current: Effective 7/1/2014
All Users:	\$ 1.34 monthly, base rate
	\$ 8.64 per ERU, monthly

Water Utility	Current: Effective 7/1/2014
<i>Rates - Residential, Commercial, Industrial:</i>	
Meter Size	Monthly Minimum:
5/8" - 3/4"	\$ 31.33
1"	\$ 65.80
1-1/4"	\$ 97.16
1-1/2"	\$ 137.89
2"	\$ 238.16
3"	\$ 526.47
4"	\$ 924.45
6"	\$ 2,071.38
Usage Rate, \$ per 100 cubic feet of water	\$ 3.00
<i>Private fire protection: hydrants/sprinklers</i>	
Connection Size	Monthly Rate:
2"	\$ 7.19
4"	\$ 9.58
6"	\$ 16.77
<i>Public Fire Protection</i>	
Annual Fee	\$1,504.37
<i>Service Connection Fees:</i>	
Service Size	
3/4"	\$ 250.00
1"	\$ 282.00
1-1/2"	\$ 970.00
2"	\$ 1,100.00
3"	\$ 1,850.00
4"	\$ 1,900.00
6"	\$ 2,700.00

Sewer Utility		Current: Effective 7/1/2014
<i>User Fees:</i>		
Residential - base (monthly, per ERU)	\$	42.93
Commercial - base (monthly, per ERU) plus	\$	42.93
- water usage over 1 ERU	\$	1.91
<i>Service Connection Fees:</i>		
1. Single-Family Residence	\$	400.00
2. Multi-Unit Residential Buildings	\$	400.00 First Unit
	\$	200.00 Each additional unit
3. Mobile Home Court spaces	\$	150.00 per space
4. Commercial/Industrial Buildings	\$	10.00 per 100 square feet floor space
5. Buildings not previously connected to sewer:		
Single-Family Residence, Constructed prior to 7/22/76	\$	200.00
Single-Family Residence, Constructed after 7/22/76	\$	400.00
Multi-Unit Bldgs, Constructed prior to 7/22/76	\$	200.00 First unit
	\$	100.00 Each additional unit
Multi-Unit Bldgs, Constructed after 7/22/76	\$	400.00 First unit
	\$	200.00 Each additional unit

After Recording Return To:

City of Independence
P.O. Box 7
Independence, OR 97351

Send Tax Statement To:

**AGREEMENT
FOR
PAYMENT OF LAND USE APPLICATION FEES**

CITY OF INDEPENDENCE

("City")

("Developer")

RECITALS

1. Developer has submitted a Land Use Application for _____, ("Application") pertaining to real property located at _____, within the City of Independence, Polk County, Oregon, and as more particularly described in the legal description attached as Exhibit A (Property).
2. The parties acknowledge that Developer has paid the base fee and costs as established in Resolution No. _____ as part of Developer's Application.
3. Developer acknowledges that payment of the base fee may not cover the City's costs associated with processing the Application.
4. Developer also acknowledges that City will not deem the Application complete without Developer executing and filing this Agreement with City.

AGREEMENT

Based upon the above recitals, the parties agree as follows:

- Section 1. Payment. In consideration of the City requiring only a minimum base fee in order to begin processing Developer's application, Developer agrees to pay all City costs associated with processing Application, including technical and legal review and public notice costs, over the base fee amount, on a monthly basis. Said costs shall include but are not limited to City's planning, public works, engineering, administration, legal, wetland specialists, geologists, biologists, arborist, and any other services provided in processing Application, at the rate(s) charged to the City.
- Section 2. Recordation. The covenants and restrictions contained herein touch and concern, and relate to the use of Property, and are intended by the parties to run with the land, until revoked as provided herein. Applicant shall therefore record this document in the Deeds and Records of Polk County, Oregon, to serve as notice to any future owners or occupants of Property of the terms and conditions of this Agreement.
- Section 3. Binding Effect. The terms of this Agreement shall extend to and be binding upon the heirs, administrators, executors, personal representatives, successors and assigns of the parties hereto.
- Section 4. Remedies. Failure to pay City costs over the base fee amounts, as charged monthly by the City, shall result in City pursuing any and all legal remedies available, including but not limited to liening Property in the amounts owed; prosecution for violation of Resolution No. 10-1292, City Zoning Code, and Subdivision Regulations; issuance of a stop work order, and/or non-issuance of building permits for Property; and turning amounts owed over to a collection agency.
- Section 5. Arbitration. If any disputes, disagreements, or controversies arise between the parties pertaining to the interpretation, validity, or enforcement of this Agreement, the parties shall, upon the request of either party, submit such dispute to binding arbitration. Except as otherwise provided in this Agreement, arbitration shall be requested by delivering to the other party a written request for arbitration. Within five (5) days of receipt of such request, the parties shall select a mutually agreeable arbitrator and designate mutually agreeable rules of arbitration. If the parties cannot agree upon an arbitrator within five (5) days, an arbitrator may be appointed by the Polk County Circuit Court, upon the request of either party submitted in accordance with ORS 36.310. If the parties have not designated mutually agreeable rules of arbitration at such time as the arbitrator is appointed, the arbitrator shall adopt rules for the arbitration. The arbitrator's decision shall be binding upon the parties.

Section 6. Attorney Fees and Costs. If suit, action or arbitration is brought either directly or indirectly to enforce the terms of this Agreement, the prevailing party shall recover and the losing party hereby agrees to pay reasonable attorney fees incurred in such proceeding, in both the trial and appellate courts, as well as the prevailing party's costs and disbursements. Further, if it becomes necessary for the City to contract for the services of an attorney to enforce any provision of this Agreement without initiating litigation, the Developer agrees to pay City's attorney fees so incurred.

CITY OF INDEPENDENCE:

DEVELOPER:

By: _____
Date: _____

By: _____
Date: _____

STATE OF OREGON)
) ss.
County of Polk)

This instrument was acknowledged before me on this _____ day of _____, 201__, by _____, an authorized representative for CITY OF INDEPENDENCE.

Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Polk)

This instrument was acknowledged before me on this _____ day of _____, 201__, by _____.

Notary Public for Oregon