

**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 16-09**

AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 3.32 CITY FEES AND CHARGES TO DELEGATE FEE SETTING FOR RECREATION PROGRAMS TO THE PUBLIC WORKS DIRECTOR

---

WHEREAS, the nature of providing recreation activities and coordinating program services with existing providers requires the ability of the Recreation Program Coordinator to quickly respond to customer demand; and

WHEREAS, the Tigard Municipal Code Chapter 3.32 requires Council to review and adopt rates for fees, typically done in May for the upcoming year; and

WHEREAS, the Code currently does not provide for an effective mechanism to adjust fees to target specific groups or lower income individuals; and

WHEREAS, the Code currently restricts fee exemptions to nonprofit organizations, limiting the ability to offer scholarships and other reductions to fees/charges; and

WHEREAS, the Code requires rates for fees and charges to be based solely upon the reasonably determined cost for service cost of service and does not allow for flexibility; and

WHEREAS, the 2015-2017 Tigard City Council Goals include to "Provide Recreation Opportunities for the People of Tigard;" and

WHEREAS, the MIG Recreation Program Study: Recommendations and Implementation Plan outlined a five year plan to start a recreation program including assumptions about demand-driven activities expanding yearly, coordination with existing service providers, and grants and scholarships for targeted groups; and

WHEREAS, the City Council wishes to delegate its authority to set fees and charges for the Recreation Program to the Public Works Director in order to allow for greater flexibility and further the goal of promoting recreation opportunities.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Chapter 3.32, is amended as shown in Exhibit A, (added language is shown in *italics* and deleted language in ~~strikethrough~~).

SECTION 2: This ordinance shall be effective 30 days after its passage by the council, signature by the mayor, and posting by the city recorder.

PASSED: By unanimous vote of all council members present after being read by number and title only, this 7<sup>th</sup> day of June, 2016.

Carol A Krager  
Carol A Krager, City Recorder

APPROVED: By Tigard City Council this 7<sup>th</sup> day of June, 2016.

John L. Cook  
John L. Cook, Mayor

Approved as to form:

Justin V. Ke  
City Attorney

6/7/2016  
Date

# TIGARD MUNICIPAL CODE

## Chapter 3.32 CITY FEES AND CHARGES.

### Sections:

- 3.32.010 Definitions.
- 3.32.020 Authority.
- 3.32.030 Method Of Determining Rates For Fees And Charges.
- 3.32.040 Administration.
- 3.32.050 Fee Adjustments And Schedules.
- 3.32.060 Failure To Pay Fees And Charges.
- 3.32.070 Exemptions.
- 3.32.080 Ratification.

### 3.32.010 Definitions.

For the purposes of this chapter, the singular shall include the plural and the masculine gender shall include the feminine and neuter. As used in this chapter, unless the context otherwise requires, the following definitions shall apply:

"Fees and charges" means the following:

1. Fees and charges established for City services provided under this code;
2. Fees and charges for the dedication and vacation of streets and other public areas within the City;
3. Any other fee or charge established by the Council in which the Council specifically states that the fee or charge is to be subject to the provisions of this chapter. (Ord. 82-72 §1, 1982).

### 3.32.020 Authority.

The Tigard City Council shall have the authority to review and adopt by resolution rates for fees and charges reasonably related to the City's cost of service. The City Manager shall have authority to set interim fees and charges pending

adoption of a City Council resolution. (Ord. 02-06, Ord. 82-72 §2, 1982).

### 3.32.030 Method Of Determining Rates For Fees And Charges.

1. Rates shall be based upon the reasonably determined costs for service and shall be based upon estimates from the current or proposed municipal budget for the following categories, as applicable:

- a. Materials and services;
- b. Capital outlay;
- c. Indirect costs;
- d. Depreciation costs; and
- e. Personnel costs.

2. In no case shall the rate for fees and charges exceed the reasonable costs for the service or services provided. (Ord. 82-72 §3, 1982).

### 3.32.040 Administration.

The City Finance Director, or designee, shall be authorized to require a specific type of payment, in the event of a prior history of nonpayment, returned checks, and incidence of delayed, reduced or unpaid fees and charges. For applications which are subsequently withdrawn, the Finance Director, upon recommendation of the department head, may refund any or all of the fee amount not necessary to recover City costs incurred through the date of withdrawal. (Ord. 82-72 §4, 1982).

### 3.32.050 Fee Adjustments And Schedules.

After January 1, 1983, adjustments in the rate of fees and charges shall be reviewed by the Council at least annually, on or before July 1st of

# TIGARD MUNICIPAL CODE

any year. The Council shall consider the following in adjustments to fees and charges: (a) the Portland Consumer Price Index; (b) the total wage increase in relevant union contracts; (c) costs for services analyses; and (d) the provisions of Section 3.32.030. (Ord. 82-72 §5, 1982).

## **3.32.060 Failure To Pay Fees And Charges.**

1. All persons submitting applications or otherwise utilizing services or facilities of the City shall pay the appropriate fee or charge imposed pursuant to this chapter.

2. If the fee or charge for an application is governed by the provisions of this chapter, failure to pay the same in full shall prevent the submission of such application. If such application is accepted through mistake or inadvertance, the City Finance Director shall give a notice of the balance due of such fee or charge, which balance shall be paid within ten days of the giving of such notice. The Finance Director may waive the penalty if the failure to pay the full fee or charge was not the fault of the applicant. An aggrieved applicant may appeal the penalty decision of the Director to the Council. If the fee or charge is unpaid after the ten-day period has expired, the application shall be considered withdrawn. Where action or work for which any permit is required under City code is started or proceeded with prior to obtaining said permit, the fees specified shall be doubled.

3. For all other fees and charges subject to this ordinance and not involving an application, the City Finance Director shall give notice of delinquency in writing, if a fee or charge is unpaid. Such fee or charge shall be paid within ten days of the sending of such notice and, in addition, a delinquency fee in an amount to be established by the Council by resolution and sufficient to cover the cost of administration of such fee shall also be imposed. If the fee or charge is unpaid at the end of the ten-day notification period, the initial

amount of the fee shall be doubled and the difference shall be deemed a penalty. (Ord. 82-72 §6, 1982).

## **3.32.070 Exemptions.**

The City Council is authorized to waive or exempt the fee or charge imposed upon an application or for the use of City facilities and services, if a nonprofit organization requests such a waiver in writing and the Council determines that community benefit from the proposed activity outweighs the financial burden on the City. The waiver or exemption shall not excuse the nonprofit organization from compliance with other requirements of this code. (Ord. 82-72 §7, 1982).

## **3.32.080 Ratification.**

The Council determines that fees previously set by resolutions of the Council were set to recover cost and are hereby ratified pursuant to the ordinance codified in this chapter and shall remain in effect until superseded pursuant to the ordinance codified in this chapter. (Ord. 82-72 §8, 1982).

## **3.32.090 Recreation Program**

*1. For purposes of the Public Works Department Recreation Program, City Council delegates its authority to adopt rates and charges, pursuant to Section 3.32.020, to the Director of Public Works.*

*2. Notwithstanding Section 3.32.070, the Public Works Director shall have the authority to waive, exempt, or otherwise reduce recreation program fees and charges.*

*3. The Public Works Director shall annually report back to Council on the Recreation Program activities and revenues.*