

TIGARD MUNICIPAL CODE

Chapter 13.12 ECONOMIC IMPROVEMENT DISTRICTS.

Sections:

- 13.12.010 Definitions
- 13.12.020 Economic Development Plan
- 13.12.030 Notice
- 13.12.040 Hearing
- 13.12.050 Voluntary Assessments
- 13.12.060 Collection of Assessments
- 13.12.070 Assessment
- 13.12.080 Expenditures

13.12.010 Definitions

The following words and phrases, when used in this ordinance shall have the following meanings, except where the context requires otherwise:

(a.) "Economic improvement" means:

1. The planning or management of development or improvement activities;
2. Landscaping, enhancement, maintenance and provision of security for public areas;
3. Promotion of commercial activity or public events;
4. Activities in support of business recruitment and development;
5. Improvements in parking systems or parking enforcement;
6. Any other economic improvement activity that specially benefits specific properties.

(b.) "Economic improvement plan" means a

plan setting out:

1. A description of economic improvements proposed to be carried out, with any appropriate phasing plan or schedule;
2. The number of years, to a maximum of five, in which assessments are proposed to be levied;
3. A preliminary estimate of annual cost of the proposed economic improvements;
4. The proposed boundaries designated by map or perimeter description of an economic improvement within which subject properties would be assessed to finance the cost of the economic improvement;
5. The proposed formula for assessing the cost of economic improvements against subject properties, which formula may be an assessment based on the assessed value or area of the property involved, or a surcharge on the business tax on any business, trade, occupation or profession carried on or practiced in the economic improvement district, or both;
6. A statement whether the property assessment will be a voluntary assessment or mandatory assessment;
 - A. If voluntary, that the scope and level of improvements could be reduced depending on the amount of money

TIGARD MUNICIPAL CODE

collected; or

B. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Article XI Section 11(b) and may be reduced to fit within the property tax limitation thereby affecting the level and scope of services described.

7. If applicable, information about the organization requesting the creation of the economic improvement district;
8. Reasons why the economic improvement district should be created;
9. If applicable, a list of anticipated agreements between the proposed economic improvement district and other organizations;
10. The administration fee, if any, to be paid to the City of administering the economic improvement district.

(c) "Owner" means the owner of the title to real property or the contract purchaser of record shown on the last available complete assessment roll in the office of the County Assessor.

13.12.020 Economic Development Plan

The City Council may consider creation of an economic improvement district on its own motion or at the request of any person, entity, association, or City staff. Any request for consideration of the creation of an economic improvement district shall contain a proposed economic improvement

plan. If the City Council decides to consider such a district on its own motion, it shall instruct the City staff to prepare an economic improvement plan. If an organization is willing to carry out improvement activities, City staff shall coordinate with that organization in developing the economic improvement plan.

13.12.030 Notice

A public hearing before the City Council shall be held on the question of establishment of the economic improvement district. Notices of the proposed hearing shall be mailed or delivered personally to affected property owners and business owners, and shall announce the intention of the City Council to construct or undertake the economic improvement project and to assess benefited properties or impose a business tax surcharge for a part or all of the cost. The notice shall state the time and place of the public hearing. This hearing shall be set not sooner than thirty (30) days after the mailing or delivery.

13.12.040 Hearing

If, after the hearing held pursuant to Section 13.12.020, the City Council determines that the economic improvements would afford special and peculiar benefit to properties or businesses within the economic improvement district different in kind or degree from that afforded to the general public, and that the economic improvement district should be established, then the City Council may adopt an ordinance stating those findings and establishing the district. The City Council shall then determine whether the properties or businesses benefited shall bear all or a portion of the cost, and shall require notice of any proposed assessment or business tax surcharge be mailed or personally delivered to the owner of each lot to be assessed or business to be charged, which notice shall state the amount of the assessment proposed on the property of the owner receiving the notice, or the charge to the

TIGARD MUNICIPAL CODE

owner of the business receiving the notice. The ordinance shall require the City Finance Director to prepare the proposed assessment of each lot and file it with the City Recorder. The notice shall state the time and place of a second public hearing at which affected property owners or business owners may appear to support or object to the proposed charge. The second hearing shall not be held sooner than thirty (30) days after the mailing or personal delivery of the notices. At the second hearing, the City Council may consider objections and may adopt, correct, modify or revise the proposed assessments or charges. The City Council shall exempt residential real property and any portion of a structure used for residential purposes, those properties exempt from general property taxation under State law, and any other type of property that the City Council determines should be exempt from the assessment. The ordinance shall also provide that the assessments will not be made and the economic improvement project will be terminated when written objections are received at the second public hearing from owners of property upon which more than 33% of the total amount of the assessments is levied, or if a business tax surcharge is charged, from more than 33% of persons conducting business within the economic improvement district who will be subject to the proposed business tax surcharge.

13.12.050 Voluntary Assessments

Pursuant to the requirement as set forth above, an assessment ordinance may at the discretion of the City Council, provide that:

- (a) When the City Council receives written objections at the second public hearing only from owners of property upon which less than 33% of the total amount of assessments is levied, the economic improvement project may be undertaken or constructed, but that the assessment shall not be levied on any lot or parcel of property if the owner of

that property submitted written objection at the public hearing. Notwithstanding any other provision of law, an owner of property who fails to submit written objections at the public hearing as provided for in the ordinance shall be deemed to have made a specific request for the economic improvement services to be provided during the period of time specified in the assessment ordinance.

- (b) The City Council, after excluding from assessment property belonging to such owners, shall determine the amount of the assessment on each of the remaining lots or parcels in the district.

These provisions may be included only if the City Council chooses to form the economic improvement district as a voluntary district. These provisions shall not be included in any district in which payment is mandatory.

13.12.060 Collection of Assessments

If written objections in the requisite 33% are not received as provided above, the City Council may adopt a final ordinance levying the appropriate assessments and/or business tax surcharge. Upon adoption of the final ordinance, the City Recorder shall enter any assessments in the docket of City liens. The assessments shall be collected in the same manner as local improvement assessments. Failure to pay may result in foreclosure in the same manner as provided for other such assessments.

13.12.070 Assessment

Any assessment ordinance may require creation, for each economic improvement district, of an advisory committee to allocate expenditures of monies for economic improvement activities

TIGARD MUNICIPAL CODE

within the scope of this ordinance. If an advisory committee is created, the City Council shall strongly consider appointment of owners of property within the economic improvement district to the advisory committee. An existing association of property owners or tenants may enter into agreement with the City to provide the proposed economic improvement.

13.12.080 Expenditures

Money derived from assessments or fees levied under the procedures set forth in this ordinance shall be spent only for the economic improvements set forth in the Economic Improvement Plan and for the cost of City administration of the economic improvement district. (Ord. 01-01)■