

## **ORDINANCE NO. 662**

### **AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A POLICE SERVICES SURCHARGE; DETERMINING USE OF FUNDS; SETTING UP BILLING AND COLLECTION PROCEDURES; CREATING AN APPEALS PROCESS; ESTABLISHING ENFORCEMENT**

**WHEREAS**, the Aumsville City Council is responsible for maintaining a sound financial basis for ongoing City operations and,

**WHEREAS**, after extensive review the City Council has determined that reductions in the police department revenue, as well as continual increases in the police departments cost, has created a significant budget deficit, and,

**WHEREAS**, after survey and meetings requesting public input on this problem, the Council has determined that the majority of the citizens of Aumsville do not want to see service or staff cuts in the Police Department to alleviate this deficit and,

**WHEREAS**, The City Council has determined it is in the best interests of the citizens of Aumsville to retain the Police Department and to establish a Police Services Surcharge to achieve that end;

### **NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF AUMSVILLE ORDAINS AS FOLLOWS:**

#### **Section 1. TITLE.**

Sections 1 to 9 shall be known as the Police Services Act.

#### **Section 2. PURPOSE AND INTENT.**

(A) The principal purpose of this Police Services Act is to safeguard, facilitate and encourage the health, safety, and welfare of the citizens and businesses of the city. The Council also finds that a continuous and consistent Police Services program provides a multitude of economic and social benefits to the public, including, but not limited to:

1. Police protection;
2. Prevention of crime;
3. Protection of property;
4. Promotion of business and industry;
5. Promotion of community spirit and growth.

(B) It is the intent of this act to provide a funding mechanism to help pay for the benefits conferred on city residents and businesses by the provision of an adequate program of Police Services; and further to help maintain the Police Department at acceptable service levels.

- (C) The structure of this Police Services Act is intended to be a surcharge for service within the city limits. However, it is not intended to provide full funding for the Police Department.

### **Section 3. DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) Developed Property. A parcel or portion of real property on which an improvement exists. Improvement on developed property includes, but is not limited to, buildings.

### **Section 4. IMPOSITION OF POLICE SERVICES SURCHARGE.**

- (A) There is hereby created a Police Services surcharge to accomplish the above-stated purposes.
- (B) The Police Services surcharge amount will be set by a resolution of the Council. Billing shall be as a line item on the City's utility bill unless otherwise specified below.
- (C) Except as the fees may be reduced or eliminated under Section 7, the obligation to pay a Police Services surcharge arises when a person responsible uses or otherwise benefits from Public Safety services. It is presumed that Police Services are used, and that a benefit arises, whenever the subject real property is a developed property within the City limits.
- (D) All developed properties within the city limits shall be charged the Police Services surcharge.
- (E) Undeveloped properties shall not be charged a Police Services surcharge.
- (F) It is the Council's intention to review the Police services surcharge annually, as part of the budget review process.

### **Section 5. DEDICATION OF FUNDS.**

All Police Services surcharge revenues derived shall be distinctly and clearly noted as revenue in the City budget and shall be expended on the improvement, maintenance, administration and operation of the Police Department and for no other purpose in order to help provide for a safe, well-functioning Police Services program.

### **Section 6. COLLECTION.**

- (A) Police Services surcharges shall be collected monthly. Statements for the surcharge shall be included as an item on the city monthly utility billing.

(B) Unless another person responsible has agreed in writing to pay, and a copy of that writing is filed with the city, the person normally responsible for paying the city's water and sewer utility charges is responsible for paying the Police Services surcharge. However, the owner of record of the property shall at all times be primarily responsible for payment. For instance, the property owner shall be responsible for payment if a tenant on the property does not pay the surcharge.

(C) In the event a developed property is not served by a domestic water meter or sewer hook-up, or if water and sewer service is disconnected, the property owner of record is the responsible party.

(D) There shall be no charge for an undeveloped property until such time as a certificate of occupancy permit has been issued for the property by Marion County.

(E) The imposition of surcharges shall be calculated on the basis of one surcharge per utility account with the exception of multifamily units that are billed as one utility account or combined utility accounts. In this circumstance the charges are based on individual residential units.

(F) Notwithstanding the above, if the Police Services surcharge is not paid for a period of three months, the surcharge, with any attendant late fees, shall be imposed on the owner of the property and the unpaid charges may be imposed as a lien on the owner's property after the owner of record has been notified of the outstanding charges by certified mail and given 45 days to pay those outstanding charges, as well as provide for adequate assurance of future payments. The city may proceed to enforce or foreclose any lien to which it shall be entitled pursuant to the law.

## **Section 7. APPEAL PROCESS.**

(A) A Police Services surcharge may be appealed for change or relief in accordance with the following criteria:

(1) Any property owner/manager who disputes any interpretation given by the city as to property classification may appeal such interpretation. If the appeal is successful, relief will be granted by reassignment to a more appropriate billing category. In such instances, reimbursement will be given for any overpayment, retroactive to the filing date of the appeal. Factors to be taken into consideration include, but are not limited to: availability of more accurate information; equity relative to billing classifications assigned to other developments of a similar nature; changed circumstances; and situations uniquely affecting the party filing the appeal.

(B) Application for appeal shall state the reason for appeal, with supporting documentation to justify the requested change or relief.

- (C) The owner will first file the appeal with the City administrator. The CA will investigate and determine if an error has been made, if an error exists the CA will authorize the appropriate correction to the owners account. If the owner is not satisfied with the CA decision he/she may appeal to the city council.
- (D) The City Council shall hear all appeals at a scheduled public meeting. Such appeal shall occur at the first regular meeting held subsequent to the appeal filing including the standard notification period. The matter shall be heard solely upon the record. In no event shall a final decision be made later than 90 days after the matter was formally appealed to the City Council.

**Section 8. ENFORCEMENT.**

- (A) In addition to other lawful enforcement procedures, the city may enforce the collection of charges required by this chapter by withholding delivery of water or sewer to any premises where Police Services surcharges are delinquent or unpaid.
- (B) In the event funds received for payments on a city monthly service bill are inadequate to satisfy in full all of the water, sewer, and public safety charges; credit shall be given first to the public safety surcharge, second to the sewer service charges, and third to charges for water service.
- (C) Notwithstanding any provision herein to the contrary, the city may institute any necessary legal proceedings to enforce the provisions of this chapter, including but not limited to injunctive relief and collection of charges owing. The city's enforcement rights shall be cumulative.

PASSED by the council December 11, 2017 and signed by the mayor December 17, 2017.