

Ordinance No. 643

AN ORDINANCE TO AMEND PORTIONS OF ORDINANCE #624 TO PROVIDE FOR A FLOATING INTEREST RATE APPLICABLE TO REFUNDS AND TO STANDARDIZE THE REVIEW BOARD PURSUANT TO 3.02.14 OF THE CITY CHARTER OF THE CITY OF POLSON

Whereas, the City Council of the City of Polson has adopted an Impact Fee Ordinance, denominated Ordinance #643; and,

Whereas, pursuant to Montana statute Ordinance #643 provides that, under certain circumstances, refunds of paid impact fees are appropriate; and,

Whereas, Ordinance #643 presently provides that refunds of impact fee monies shall be credited with interest calculated thereon at three percent per annum, and the City desires to ensure that the interest paid on refunds, if any, does not exceed the interest earned thereon by the City while the impact fee monies were in its care, custody, and control; and,

Whereas, Ordinance #643 further provides for a Review Board, pursuant to Montana statute, for the purpose of serving as an appeal panel for redetermination and refund requests, currently consisting of two sitting councilpersons and one person from the former Impact Fee Advisory Committee; and,

Whereas, the City Council desires to increase the flexibility of city staff in responding to redetermination and refund requests by re-organising the Review Board, retaining to itself the final decision as to any request for re-determination of an assessed impact fee or any refund of any fee assessed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON:

1. Section 6.16(4) of Ordinance 624 is wholly amended as follows:
“(4) Any money refunded pursuant to this subsection shall be returned with interest not to exceed the interest earned on the money while in the care and custody of the City, and in any case not to exceed two percent per annum.”
2. Section 6.12(3) of Ordinance #624 is wholly amended as follows:
“(3) Authority is hereby granted to the office of the City Manager to form an Impact Fee Review Board, pursuant to Section 3.02.14 of the City Charter, the said Board to be constituted as necessary to address requests for redetermination or refunds of impact fees paid, and shall be, when so constituted, empowered to hear all petitions for IFRs, refunds, credits, or any other appeals of city staff findings as the same might otherwise appear in this Chapter or result from the administration thereof.”
3. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, rescinded.

First Reading: March 2, 2009

Second Reading: March 16, 2009

Effective Date: April 16, 2009

Lou Marchello, Mayor

ATTEST: _____
Aggi Loeser, City Clerk