

ORDINANCE NO. 667
CITY OF DAYTON, OREGON

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON AUTHORIZING
THE ESTABLISHMENT OF A PUBLIC SAFETY FEE, ENACTING SECTION 20 TO
MUNICIPAL CODE CHAPTER 1.**

WHEREAS, the Dayton City Council (Council) is responsible for maintaining a sound financial basis for ongoing City operations; and

WHEREAS, after extensive review the Council has determined that reductions in police department revenue, as well as continual increases in police department costs, have created a significant budget deficit; and

WHEREAS, the Council further desires a long-term funding mechanism to support general operations of the police department in order to provide adequate services; and

WHEREAS, the purpose of this ordinance is to protect and ensure the health, safety and welfare of the residents and businesses of the City; and

WHEREAS, the Council recognizes that each property connected to the City's utility system is benefitted by and receives direct and indirect services from the police department; and,

WHEREAS, the Council believes that a public safety fee charged to utility customers in exchange for such services is in the best interests of the community and is necessary to protect and ensure ongoing public health and safety; and

WHEREAS, the public safety fee is a fee and not a tax and as a result is not subject to any limitation under state law.

NOW THEREFORE, THE CITY OF DAYTON ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 20, Public Safety Fee, is hereby added to Chapter 1 of the Dayton Municipal Code as set out in Exhibit A.

Section 2. This Ordinance shall become effective thirty (30) days after its adoption.

PASSED AND ADOPTED by the Dayton City Council this _____ day of _____, 2025.

Mode of Enactment:

Date of first reading: _____, In full _____ or by title only _____

Date of second reading: _____, In full _____ or by title only _____

No Council member present at the meeting requested that the ordinance be read in full
 A copy of the ordinance was provided to each Council member; three copies of the ordinance were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the ordinance.

Final Vote:

In Favor:

Opposed:

Absent:

Abstained:

Annette Frank, Mayor

Date of Signing

ATTESTED BY:

Rocio Vargas, City Recorder

Date of Enactment

Attachments: Exhibit A

EXHIBIT A

CHAPTER 1 SECTION 20

PUBLIC SAFETY FEE ACT

1.20.00	PUBLIC SAFETY FEE ACT
1.20.01	TITLE
1.20.02	PURPOSE AND INTENT
1.20.03	DEFINITIONS
1.20.04	IMPOSITION OF PUBLIC SAFETY FEE
1.20.05	DEDICATION OF FUNDS
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1.20.01. TITLE.

Sections 1.20.00 to 1.20.08 shall be known as the Public Safety Fee Act.

1.20.02. PURPOSE AND INTENT.

(A) The principal purpose of this Public Safety Fee Act (Act) is to protect and ensure the health, safety, and welfare of the residents and businesses of the City. The Council also finds that continuous and consistent police services provide 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; and
5. Promotion of community spirit and growth.

(B) It is the intent of this Act to provide a steady funding mechanism to help pay for the benefits conferred on city residents and businesses by the provision of an adequate program of public safety; and further to help maintain the police department at acceptable service levels.

(C) The structure of this Public Safety Fee 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.

1.20.03. 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 means a parcel or portion of real property on which an improvement exists. Improvement on developed property includes, but is not limited to, buildings, parking lots, outside storage, and other uses that increase demand for police services.
- (2) Nonresidential Unit means a developed property which is primarily not for personal domestic accommodation. A Nonresidential Unit includes but is not limited to business or commercial enterprise. A nonresidential structure which provides facilities for one or more businesses or tenants, including, but not limited to, permanent provisions for access to the public, shall have each distinct unit or tenancy considered as a separate Nonresidential Unit. A business that leases storage space does not create separate units for each storage space so long as the lease does not provide for general public access to the storage space from which the lessee runs a business.
- (3) Person means a natural person, unincorporated association, tenancy in common, partnership, corporation, limited liability company, cooperative, trust, governmental agency or other entity in law or in fact.
- (4) Residential Unit means a Developed Property primarily used for personal domestic accommodation which provides complete individual living facilities for one or more Persons including but not limited to permanent provisions for living, sleeping, and sanitation. A home business within a Residential Unit is not a separate Nonresidential Unit. An accessory dwelling unit on a parcel is a separate Residential Unit. Each individual dwelling unit within a multifamily residential property, condominium, or mobile home park is a separate Residential Unit. A business that provides long-term assisted living care, including but not limited to a long-term care facility, but that does not provide full individualized living facilities for each dwelling unit is a single Nonresidential Unit, not separate Residential Units.
- (5) Undeveloped Property means a parcel or portion of real property, on which no improvement exists or has been constructed. An Undeveloped Property becomes a Developed Property for purposes of this Act when an improvement exists or has been constructed, when Yamhill County issues a certificate of occupancy permit for the property, or such similar occurrence takes place.
- (6) Utility Customer means the Person in whose name a water, wastewater and/or stormwater account exists and who is responsible for payment of charges on such account.

1.20.04. IMPOSITION OF PUBLIC SAFETY FEE.

- (A) There is hereby created a Public Safety Fee to accomplish the above stated purposes. The Public Safety Fee is imposed by the City monthly on all utility accounts connected to City utilities.

(B) The Public Safety Fee amount will be set by a resolution of the Council. The City Council may, in its fee resolution, provide for penalties for delinquency of payments to ensure prompt payment of the Public Safety Fee. 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 1.20.07, the obligation to pay a Public Safety Fee arises when a Utility Customer uses or otherwise benefits from police 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 Public Safety Fee.

(E) Undeveloped Properties shall not be charged a Public Safety Fee.

(F) It is the Council's intention to review the Public Safety Fee annually, as part of the budget review process.

1.20.05. DEDICATION OF FUNDS.

All Public Safety Fee 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 department and safe community.

1.20.06. COLLECTION.

(A) The Public Safety Fee shall be collected monthly. Statements for the fee shall be included as an item on the City monthly utility billing.

(B) The Utility Customer shall pay the Public Safety Fee at the same time and in the same manner as payment is made for City utility services. The Public Safety Fee shall be prorated based on utility billing cycles and, for utility accounts that are opened or closed during the period the Public Safety Fee is in effect, the date the utility account is opened or closed.

(C) Charges for water, sewer, other City services and the Public Safety Fee may be billed on the same utility bill. In the event funds received for payments on a monthly utility bill are inadequate to satisfy in full all of the water, sewer, other City services charges and the Public Safety Fee, credit shall be given first to the Public Safety Fee, second to sewer service charges, third to charges for water service and fourth to other City services charges. Any future payment will be applied first to any previous unpaid balances before this priority payment schedule will apply in any given month.

(D) The imposition of the fee shall be calculated on the basis of one fee per utility account with the exception of Developed Properties that have more than one Residential Unit or Nonresidential Unit, which are billed as one utility account or combined utility accounts. In this circumstance the charges are based on individual Residential Units or Nonresidential Units as the case may be.

(E) Creation of a city utility account is the basis for imposing the Public Safety Fee. The Public Safety Fee does not in any way create an obligation of the real property. Rather, the obligation to pay the Public Safety Fee is a personal obligation of the Utility Customer. No lien will attach to the real property at which the account is located because of the nonpayment of the Public Safety Fee.

1.20.07. APPEAL PROCESS.

(A) A Public Safety Fee may be appealed for change or relief in accordance with the following criteria:

(1) Any Utility Customer 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 Utility Customer will first file the appeal with the City Manager. The City Manager will investigate and determine if an error has been made, and if an error exists the City Manager will authorize the appropriate correction to the Utility Customer's account. The decision shall be in writing and shall be sent to the appellant at the address provided in the application for appeal. If the Utility Customer is not satisfied with the City Manager's decision he/she may appeal to the City Council by filing a notice of appeal with the City Recorder within 20 days of the date of the City Manager's decision.

(D) The City Council shall hear all appeals of the City Manager decisions at a scheduled public meeting. Upon such further appeal, the City Council shall at its first regular meeting held subsequent to the filing of the appeal with the City Council, set a hearing date. 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. The City Council's decision shall be in writing and shall be sent to the appellant at the address provided in the application for appeal. The City Council's decision shall be the final decision of the City.

(E) The initial filing fee for an appeal shall be fifty dollars (\$50.00). An additional fifty dollar (\$50.00) fee is required for further appeal to the City Council. These fees are fully refundable should the appellant adequately justify and secure the requested change or relief.

1.20.08. 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 services to any premises where Public Safety Fees are delinquent or unpaid consistent with the provisions in Code Chapter 8.2.

(B) Notwithstanding any provision herein to the contrary, the City may institute any necessary legal proceedings, other than foreclosure proceedings, to enforce the provisions of this chapter, including but not limited to collection of charges owing. The City's enforcement rights shall be cumulative. If the City commences any legal proceeding to enforce the provision of this Chapter, and the City prevails, the City is entitled to all fees and costs it incurred, as well as any sum that a court, including any appellate court, may deem reasonable as attorney's fees