



ORDINANCE 895

AN ORDINANCE ADOPTING PHILOMATH MUNICIPAL CODE CHAPTER 3.26 REGARDING A POLICE SERVICES FEE AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Philomath City Council has determined the need for a revenue source to maintain essential police services; and,

WHEREAS, the purpose of this ordinance is to safeguard, facilitate and encourage the health, safety, and welfare of the community members and businesses of the City; and,

WHEREAS, the Council finds that continuous and consistent police services provide a multitude of economic and social benefits to the public, including, but not limited to:

- a) Protection of persons and property;
- b) Reduction in the incidence of crime;
- c) Dependable response to police calls and other public safety situations;
- d) Promotion of community spirit and quality of life.

WHEREAS, the Council received public comment on May 13, 2026; and,

WHEREAS, the Budget Review Committee held public meetings and received public comments related to the fiscal year 2026-2027 Budget which included expected revenue from the proposed Police Services Fee; and,

WHEREAS, the Budget Review Committee approved and recommended the fiscal year 2026-2027 Budget to the Council that includes increased funding for the Police Department; and,

WHEREAS, the City Council approved the fiscal year 2026-2027 Budget on June 22, 2026, and directed staff to prepare an ordinance establishing a Police Services Fee.

NOW, THEREFORE, the City Council of the City of Philomath ordains as follows:

Section 1. Chapter 3.26, Police Services Fee, is added to read as follows:

POLICE SERVICES FEE

Sections:

- 3.26.010 Title.
- 3.26.020 Purpose and Intent.
- 3.26.030 City Services Fee Amount.

1 3.26.040 Imposition of City Services Fee surcharge.

2 3.26.050 Means-based Fee Reduction.

3 3.26.060 Program Administration.

4 3.26.070 Appeal Process.

5 3.26.080 Enforcement.

6
7 **3.26.010 Title.**

8 Sections 3.26.010 through 3.26.080 of this chapter shall be known as the police services fee
9 ordinance.

10
11 **3.26.020 Purpose and Intent.**

12 A. This chapter establishes a police services fee surcharge. The revenues generated by this
13 fee are intended to allow the City of Philomath to continue to maintain essential police
14 services. The purpose of this ordinance is to safeguard, facilitate and encourage the health,
15 safety, and welfare of the community members and businesses of the City. The City Council
16 also finds that continuous and consistent police services provide a multitude of economic
17 and social benefits to the public, including, but not limited to:

- 18 (1) Protection of persons and property;
- 19 (2) Reduction in the incidence of crime;
- 20 (2) Dependable response to police calls and other public safety situations;
- 21 (5) Promotion of community spirit and quality of life.

22 B. The police services fee is intended to be a surcharge for police service within the City limits.
23 The police services fee is not intended to improve or replace facilities or directly provide
24 police services outside of City limits.

25
26 **3.26.030 Imposition of the Police Services Fee surcharge.**

27 A. The police services fee surcharge per developed residential unit and per developed
28 commercial site or developed industrial site, to accomplish the above-stated purposes is
29 hereby established.

30 B. The police services fee surcharge shall be assessed at an amount set by City council
31 resolution. Billing shall be shown as a line item on the City utility bill unless otherwise
32 specified below.

33 C. It is presumed that police services are used and that a benefit arises for all persons within
34 the City limits.

35 D. All developed properties within the City limits shall be charged the police services fee
36 surcharge.

37 E. The council shall review the fee amount annually and make a determination as to whether a
38 change in the police services fee surcharge would be appropriate.

39
40 **3.26.040 Collection.**

41 A. Police services fee surcharges shall be collected monthly through the City utility bill.

42 B. Unless another responsible person has agreed in writing to pay and a copy of that writing is
43 filed with the City, the person normally responsible for paying the City water and sewer utility
44 charges is responsible for paying the police services fee 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 discontinued, the police services fee surcharge shall be billed to the persons having the right to occupy the property. If unpaid by the occupants of the property, the bill will be the responsibility of the property owner.
- D. A request for water or sewer service, a building permit, or the occupancy of an un-served building will automatically initiate appropriate billing for police services fee services.
- E. The imposition of surcharges shall be calculated on the basis of the number of units supported, without regard to the number of water meters serving that property.
- F. A late charge shall be attached to any police services fee surcharges not received within 16 days of billing. The charge will be established as an administrative fee by resolution.
- G. Notwithstanding the above, if the police services fee surcharge is not paid for a period of two months, the surcharge, with any attendant late fees, shall be imposed on the responsible party. Water is subject to shut-off by the City.

3.26.050 Means-based Fee Reduction.

- A. Single-family residential unit occupants who are responsible for paying the police services fee surcharge and qualify as having "very low income" based on the definition from the U.S. Department of Housing and Urban Development as at or below 50% of the Area Median Income (AMI) for Benton County Oregon (as in effect July 1, 2026 and updated July 1 of each subsequent year), are entitled to a 50% reduction in the police services fee surcharge.
- B. The finance director shall create forms and a procedure for persons to apply for and receive the means-based fee reduction.

3.26.060 Program administration.

- A. Fees under this chapter will be collected by the appropriate staff at the City offices.
- B. The City Manager is authorized and directed to review the operation of this chapter and, where appropriate, recommend changes in the form of administrative procedures for adoption by the City Council by resolution. Such procedures, if adopted by the council, shall be given full force and effect, and unless clearly inconsistent with this chapter shall apply uniformly throughout the City.

3.26.070 Appeal process.

- A. The determination of means-based fee reduction may be appealed for change or relief in accordance with the following criteria:
 - (1) Any responsible party who disputes any interpretation given by the City as to means eligibility 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 other developments of a similar nature; changed circumstances; and situations uniquely affecting the party filing the appeal.
 - (2) The city council shall be responsible for hearing appeals of means eligibility that are timely filed. An appeal is timely filed if provided to the city manager within fourteen days of the initial city determination regarding the person's means eligibility. If the city council

decides information provided through the appeal process justifies a change, the city council may authorize this change retroactive to the date the appeal was filed. The city shall provide a report to the appellant within 90 days of the date the appeal was filed explaining the disposition of the appeal, along with the rationale and supporting documentation for the decision reached.

- (3) A schedule of fees, fines and penalties is kept on file in the offices of the City. These fees are fully refundable should the appellant adequately justify and secure the requested change or relief based on financial necessity.

3.26.080 Enforcement.

- A. In the event funds received from payment for a City utility bill are inadequate to satisfy in full all of the water, sewer, and police services fee charges for the bill, credit shall be given first to the police services fee surcharge, second to the street utility fee, third to storm drain fee, fourth to sewer services charges, fifth to water service charges and finally to the charges for interest and penalties.
- B. In addition to other lawful enforcement procedures, the City may enforce the collection of charges required by this chapter by withholding delivery of water to any premises where police services fee surcharges are delinquent or unpaid.
- 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.

Section 2. Emergency Clause.

The earliest imposition of the provisions of this ordinance is necessary to preserve the peace, health, and safety of the public. Accordingly, an emergency is declared, and this ordinance will take effect immediately upon its passage by the Council and approval by the Mayor.

PASSED by the Council this ____ day of _____ 2026.

SIGNED by the Mayor this ____ day of _____ 2026.

SIGNED:

ATTEST:

Christopher McMorran, Mayor

Crystal Weber, City Recorder