

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 2481

**AN ORDINANCE TO PLACE A MORATORIUM ON
APPROVAL OF SUBDIVISION PLATS FOR NEW
BUILDING CONSTRUCTION IN ALL OF THE
ZONED DISTRICTS IN THE CITY PENDING THE
ENACTMENT OF A TRAFFIC GENERATION
ASSESSMENT ORDINANCE**

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 17th day of July, 2006**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 18th day of
July, 2006.**

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WHEREAS, the City Council of the City of Columbia, Illinois (the "City") has found and determined and does hereby declare that the accelerated growth and development in the City has created a need to determine and establish a traffic generation assessment on building lots in the City for the purpose of paying for street and road improvements created by said growth and development, including but not limited to street and roadway widening and reconstruction, resurfacing, signaling, repairing and replacing of pavement, curbing and guttering in various locations in the City;

WHEREAS, for that use and purpose and in furtherance thereof the City Council of the City enacted its Ordinance No. 2467 on May 1, 2006 to amend the City's Subdivision Code to provide and allow for Development Agreements as a means for the City to require the assessment of traffic generation assessments for new subdivision developments in the City to pay for roadway and street improvements the need for which is created by said new subdivision developments and the City Council of the City is determined to include the same obligation in annexation agreements for property annexed to the City hereafter;

WHEREAS, the City Council of the City, pursuant to its Ordinance No. 2480 enacted even date herewith, has employed Juneau Associated, Inc. of Edwardsville, Illinois to: (i) determine "Service Areas" within the City where development will require roadway improvements; (ii) identify the roadway improvements required in each such Service Area; (iii) estimate the cost thereof; and, (iv) determine the traffic generation assessments required to pay for said roadway improvements for the use and purpose of the City enacting a Traffic Generation Assessment Ordinance to apply to the applicable zoned districts in the City;

WHEREAS, it is contemplated that it will require three (3) to six (6) months or more before the City Council of the City will be able to enact its Traffic Generation Assessment Ordinance due to the nature and extent of the work required to determine the nature, basis and amount of the assessments to be made; and,

WHEREAS, the City Council has found and determined and does hereby declare that it is necessary and appropriate that a moratorium be placed on the

approval of subdivision plats in all zoned districts in the City pending the enactment of the City's Traffic Generation Assessment Ordinance as is made and provided for in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The foregoing recitals contained in the preamble of this Ordinance are hereby incorporated into this Ordinance as findings of the City Council of the City of Columbia, Illinois, the same as if set forth herein verbatim.

Section 2. There is hereby established a moratorium upon the approval of preliminary subdivision plats and final subdivision plats for minor subdivisions (as minor subdivision is defined in the City's subdivision code) in all zoned districts in the City for a term of nine (9) months (i.e., 270 days) or until the enactment of the City's Traffic Generation Assessment Ordinance, whichever first occurs, upon the following terms and conditions:

(A) During the term of this moratorium an applicant for approval of a preliminary subdivision plat or a final subdivision plat for a minor subdivision who is otherwise eligible to receive City Council approval of their subdivision plat will be able to receive subdivision plat approval provided that they make and enter into a written Development Agreement with the City whereby they agree to pay the Traffic Generation Assessment that would have applied to the property for which they are seeking subdivision plat approval had the City's Traffic Generation Assessment Ordinance been in force and effect at the time they applied for subdivision plat approval and which agreement shall contain the following basic terms and any others deemed necessary and appropriate by the City in order for the City to collect the traffic generation assessment after subdivision plat approval:

(i) The assessment must be paid within thirty (30) days of the property owner receiving notice of the amount due and a request for payment from the City Clerk;

(ii) With regard to lots in a subdivision which is subject to a Development Agreement as provided above and which lots are sold by the subdivider before the City's Traffic Generation Ordinance was enacted, the subdivider will be jointly and severally liable with the lot owner to the City for the payment of any traffic generation assessment as shall apply to the lot after the enactment of the Traffic Generation Assessment Ordinance;

(iii) Delinquent assessments shall bear interest from the payment due date at the highest lawful rate provided by law;

(iv) A Stop Work Order will be issued by the acting Building Commissioner for new buildings under construction on the property for which the building permit was issued if an assessment is not paid when due;

(v) If the building construction for which the building permit was issued has been completed before the assessment becomes delinquent no occupancy permit will be issued until the assessment has been paid;

(vi) If the occupancy permit has been issued before the assessment becomes delinquent and in all other cases (including those described above in the preceding subparagraphs (A)(iv) and (A)(v) above) the City shall be entitled to employ such other methods of collecting the delinquent assessment as the law allows, including those which the agreement otherwise provides for.

(B) In the event the City's Traffic Generation Assessment Ordinance has not been enacted within the nine (9) month term aforesaid the moratorium on subdivision plat approvals may be extended by the City Council enacting another ordinance to extend the same.

(C) All subdivisions in the City for which either preliminary or final subdivision plats have been approved by the Columbia, Illinois City Council before the enactment of this ordinance establishing the moratorium shall be exempt from the application of the moratorium and this ordinance shall not apply to such subdivisions.

Section 3. Due to the emergency need to require that City Traffic Generation Assessments apply to the development of property in the City retroactive to the date of this Ordinance, this Ordinance shall be in full force and effect from and after its passage by two-thirds (2/3) vote of the Mayor and Aldermen holding office, and prior to publication, as provided by law.

Alderman Agne moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Niemietz, and the roll call vote was as follows:

YEAS: Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row and Mayor Hutchinson.

NAYS: None.

ABSENT: Aldermen Unnerstall and Huch.

PASSED by the City Council and APPROVED by the Mayor this 17th day of July, 2006.

KEVIN B. HUTCHINSON, Mayor

ATTEST:

WESLEY J. HOEFKIN, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF PUBLICATION

I, Wesley J. Hoeffken, certify that I am the duly elected and acting Municipal Clerk of the City of Columbia, Illinois.

I further certify that on the 17th day of July, 2006, the Corporate Authorities of the City of Columbia, Illinois passed and approved Ordinance No. 2481, entitled:

**"AN ORDINANCE TO PLACE A MORATORIUM ON
THE ISSUANCE OF BUILDING PERMITS FOR NEW
BUILDING CONSTRUCTION IN ALL OF THE
ZONED DISTRICTS IN THE CITY PENDING THE
ENACTMENT OF A TRAFFIC GENERATION
ASSESSMENT ORDINANCE "**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2481, including the ordinance and a cover sheet thereof, was prepared and a copy of such ordinance will be posted in the Columbia City Hall, commencing on the 18th day of July, 2006 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also available for public inspection upon request at the office of the City Clerk.

DATED at Columbia, Illinois this 18th day of July, 2006.

WESLEY J. HOEFFKEN, City Clerk

(SEAL)