

CHAPTER 44
SALEM DOWNTOWN ECONOMIC IMPROVEMENT DISTRICT

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44.005. Creation of Salem Downtown Economic Improvement District.

(a) The City Council of Salem hereby approves and creates the “Salem Downtown Economic Improvement District.” The Salem Downtown Economic Improvement District is authorized to make economic improvements, as defined by ORS 223.112(2), and in particular, is authorized to provide the following:

- (1) The planning or management of development or improvement activities;
- (2) The conduct of activities in support of business recruitment and development;
- (3) The marketing and promotion of businesses, public events and other activities occurring in the Salem Downtown Economic Improvement District;
- (4) The provision of decorations, flowers, trash cans, planters, benches, banners, signage, or other assets that generally benefit the Salem Downtown Economic Improvement District;
- (5) Cleaning and maintaining the public spaces within the Salem Downtown Economic Improvement District;
- (6) Provision of safety and security in the public spaces within the Salem Downtown Economic Improvement District; and
- (7) Any other economic improvement activity that specially benefits the Salem Downtown Economic Improvement District.

(b) The boundaries of the Salem Downtown Economic Improvement District are: Beginning at the intersection of the north line of Marion Street NE and the west line of Front Street NE; thence easterly along the north line of Marion Street NE to the west line of Liberty Street NE; thence northerly along the west line of Liberty Street NE to the north line of Union Street NE; thence easterly along the north line of Union Street NE to the east line of Church Street NE; thence southerly along the east line of Church Street NE to the north line of Marion Street NE; thence easterly to the east line of Cottage Street NE; thence southerly along the east line of Cottage Street NE to north line of Chemeketa Street NE; thence westerly along the north line of Chemeketa Street NE to the west line of the alley between Chemeketa Street NE and Court Street NE; thence southerly along the west line of said alley to the north line of Court Street NE; thence westerly along the north line of Court Street NE to the east line of Church Street NE; thence southerly along the east line of Church Street NE to the south line of Trade Street SE; thence westerly along the south line of Trade Street SE to the west line of Front Street SE; thence northerly along the west line of Front Street SE to the point of intersection of the west line of Front Street SE and the north line of Ferry Street SE; thence westerly to a point on the

top of the east bank of the Willamette Slough and River; thence northerly along the top of said bank to a point on the north line of Marion Street NE; thence easterly along the north line of Marion Street NE to the point of beginning. (Ord No. 1-08; Ord No. 29-11)

44.010. Administration; Rulemaking. The Director of Finance shall administer and enforce the provisions of this Chapter, and shall have the authority to render written and oral interpretations and to adopt administrative rules and procedures necessary for its proper administration and enforcement. (Ord No. 1-08)

44.015. Duration of Salem Downtown Economic Improvement District.

- (a) The Salem Downtown Economic Improvement District shall be in existence for three consecutive years, commencing upon the effective date of Ordinance No. 1-08.
- (b) The duration of the Salem Downtown Economic Improvement District is hereby extended for a period of time concluding June 30, 2014, as authorized by ORS 223.124. The property owners within the boundaries of the Salem Downtown Economic Improvement District shall have the rights to notice and remonstrance of the extension, as provided in SRC 44.040. (Ord No. 1-08; Ord No. 33-10; Ord No. 29-11)

44.020. Assessment.

- a) All commercial property located within the boundaries of the Salem Downtown Economic Improvement District shall be subject to the assessment provided by SRC 44.020. No residential real property located within the boundaries of the Salem Downtown Economic Improvement District, or any portion of a structure used primarily for residential purposes within the boundaries of the Salem Downtown Economic Improvement District, shall be subject to the assessment provided by SRC 44.020.
- (b) All commercial property located within the boundaries of the Salem Downtown Economic Improvement District shall be assessed as follows: \$0.07 per square foot per year of real property with structure improvements and \$0.02 per square foot per year for unimproved property and parking lots.
- (c) Notwithstanding subsection (b) of this section, in no event shall the assessment levied in any year exceed one percent of the real market value of all real property located within the Salem Downtown Economic Improvement District.
- (d) The Director of Finance shall prepare and file in the records of the Finance Division a proposed assessment for each lot within the Salem Downtown Improvement District. (Ord No. 1-08)

44.023. Levy to be by Resolution; Partial Levies.

- (a) The assessment may be for all or a portion of a full fiscal year; provided, however, that in the event of such partial assessment, the rate specified in SRC 44.020(b) shall be prorated for the period covered by the assessment.
- (b) The levy of assessment shall be made by resolution of the City Council. Except as otherwise specified in the resolution making the levy, a levy shall be effective on July 1, and shall coincide with the commencement of each fiscal year. (Ord No. 29-11)

44.025. Exemptions from Assessment. All commercial property within the Salem Downtown Economic Improvement District is conclusively presumed subject to assessment unless the owner has filed a request for exemption from property assessment as provided in ORS 307.162 and is declared exempt from assessment under Oregon Law. (Ord No. 1-08)

44.035. Agreement to Administer Program and Provide Expenditure of Funds.

(a) The City shall enter into an agreement with a third party provider upon terms and conditions mutually acceptable to the parties, for the administration of the Salem Downtown Economic Improvement District funds, to provide for public meetings, to prepare a budget for consideration and adoption at open publicly noticed meetings, which the budget shall include limitations on expenditures and other appropriate matters. The agreement shall contain a provision that will allow either party to terminate the agreement upon good cause shown, and shall be executed within thirty days after the date of the adoption of the first resolution making the levy therefor adopted under SRC 44.040(d).

(b) No less than fifty percent of the voting members of the third party provider's board shall own real property within the district. (Ord No. 1-08; Ord No. 33-10)

44.040. Notice of Assessments and Hearing to Receive Objections.

(a) The Finance Director shall promptly cause a notice to be mailed to property owners within the boundaries of the Salem Downtown Economic Improvement District, identifying the amount of the proposed assessment for each property, and informing the persons of the time and place of a public hearing before the City Council, at which time affected persons may appear and present evidence and testimony in support of or in objection to the proposed assessment. The hearing shall occur not sooner than thirty days after the mailing of the notice to property owners.

(b) After the hearing, the City Council shall consider objections, if any, and may adopt, correct, modify or revise the proposed assessment.

(c) The City Council shall not impose the proposed assessment if written objections are received at the public hearing from owners of property upon which more than thirty-three percent of the total amount of proposed assessment would be levied.

(d) After the public hearing, if the City Council decides to impose the proposed assessment, it shall determine whether the property benefited shall bear all or a portion of the costs of the activities to be funded, and shall adopt a resolution making the levy therefor. (Ord No. 1-08; Ord No. 29-11)

44.041. Correction of Errors. After the City Council has made the assessment, the Finance Director may correct a clerical error or omission in the assessment to conform to the facts. A clerical error is an error in the assessment which is a failure to correctly identify the property subject to assessment, and which, had the error been discovered by the Finance Director prior to the date of the assessment made pursuant to SRC 44.040(d) would have been corrected as a matter of course. Such errors include, but are not limited to, arithmetic and copying errors, and the omission or misstatement of the character of the land or an improvement. The Finance Director shall refund any overpayment made as the result of such clerical error. In the event additional monies are due, the Finance Director shall correct the assessment for the next fiscal year. (Ord No. 44-08)

44.045. Due Date; Penalties; Assessment is Debt to City. The assessment shall be due and payable upon the thirtieth day after the date the bill for the assessment is mailed to the owner. Any assessment not paid within thirty days of the date of mailing of the bill shall be subject to a penalty equal to ten percent of the amount of the assessment due. Any unpaid assessment, and penalty thereof, shall bear interest at the rate of nine percent per annum. The assessment and any penalty thereof shall constitute a debt of the person from whom the assessment is due, and, if unpaid, may be collected in the manner of an unpaid debt to the City. (Ord No. 1-08)

44.050. Expenditure of Monies. Money derived from assessments levied and from interest earned on monies collected shall be spent only for the economic improvements, as defined by ORS 223.112(2)

and SRC 44.005, within the Salem Downtown Economic Improvement District, and for the cost of City administration of the Salem Downtown Economic Improvement District. (Ord No. 1-08; Ord No. 29-11)

44.055. Use of Monies upon Termination of Salem Downtown Economic Improvement District.

Upon the termination of the Salem Downtown Economic Improvement District, all monies collected as of the date of termination and all monies which are received after termination, but which were levied prior to termination of the Salem Downtown Economic Improvement District, shall be used for the continuation of the economic improvements, as defined by ORS 223.112(2) and SRC 44.005, within the boundaries of the Salem Downtown Economic Improvement District described in SRC 44.005(a), and for the cost of City administration of such economic improvements until the monies are completely expended. (Ord No. 1-08; Ord No. 29-11)

(CHAPTERS 45 AND 46 RESERVED FOR EXPANSION)