



# Town of Georgia Impact Fee Ordinance

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## Table of Contents

1	Section One: Legislative Findings.....	1
2	Section Two: Short Title, Authority and Applicability.....	1
3	Section Three: Intents and Purposes.....	1
4	Section Five: Definitions.....	1
5	Section Six: Imposition of impact Fees.....	3
6	Section Seven: Computation of the Amount of the Impact Fee for Each of the Cost Centers.....	3
6.2	FEE SCHEDULE YEAR-ROUND DWELLING UNITS.....	3
6.3	FEE SCHEDULE SEASONAL DWELLING UNITS.....	5
7	Section Eight: Payment of Fee.....	7
8	Section Nine: Impact Fee Trust Funds Established for Town Impact Fees.....	8
9	Section Ten: Use of Funds.....	8
10	Section Eleven: Refund of Fees Paid.....	9
11	Section Twelve: Exemptions, Credits and Discounts.....	9
11.1	Exemptions.....	9
11.2	Credits:.....	9
11.3	Discounts.....	11
12	Section Thirteen: Conversions and Accessory Dwelling Units.....	11
13	Section Fourteen: Appeals.....	12
14	Section Fifteen: Violations.....	12
15	Section Sixteen: Severability.....	12
16	Section Seventeen: Other Laws.....	12
17	Section Eighteen: Effective Date.....	12
17.2	Adoption History.....	13

## 1 Section One: Legislative Findings

- 1.1.1 The Selectboard of the Town of Georgia finds, determines and declares that:
- 1.1.1.1 The Town must expand its capital projects in each of six cost centers: Fire and Public Safety, Road Department, General Government and Administration, Library, Parks and Recreation Department, and the Town School District in order to maintain the current services standards for each cost center if new development is to be accommodated without decreasing the current service standards for each cost center. This must be done in order to promote and protect the public health, safety and welfare;
  - 1.1.1.2 The imposition of impact fees is one of the preferred methods ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare;
  - 1.1.1.3 Each of the types of land development described in Section Seven hereof will create demand for the acquisition of equipment, the expansion of related capital facilities and the construction of capital facilities for each of the cost centers;
  - 1.1.1.4 The fees established by Section Seven are derived from, are based upon, and do not exceed the costs of providing the proportionate share of the cost of equipment, the expansion of related facilities and the construction of additional capital projects necessitated by the new land developments for which the fees are levied;
  - 1.1.1.5 The report entitled, "Capital Program & Budget 2019-2024", dated October 14, 2019, sets forth a reasonable methodology and analyses for the determination of the impact of new development on the need for and costs of additional equipment and facilities for each of the cost centers in the Town.

## 2 Section Two: Short Title, Authority and Applicability

- 2.1.1 This ordinance shall be known and may be cited as the "Town of Georgia Impact Fee Ordinance."
- 2.1.2 This ordinance is enacted pursuant to the specific authority granted municipalities to establish impact fees contained in 24 V.S.A. Chapters 117 and 131, and the authority granted to municipalities to enact ordinances in 24 V.S.A. Chapter 59. This ordinance is designated as a civil ordinance under 24 V.S.A. § 1971(b).

## 3 Section Three: Intents and Purposes

- 3.1.1 This ordinance is intended to assist in the implementation of the "Town of Georgia: Town Plan" and the "Town of Georgia: Capital Budget and Program 2013-2018" and the "Georgia School Five-Year Spending Plan for Impact Fees."
- 3.1.2 It is the intent of this chapter to enable municipalities to require the beneficiaries of new development to pay their proportionate share of the cost of municipal and school capital projects which benefit them and to require them to pay for or mitigate the negative effects of construction." 24 V.S.A. § 5200.

## 4 Section Five: Definitions

- 4.1.1 "Capital Project" means any physical betterment or improvement including furnishings, machinery, apparatus or equipment for such physical betterment or improvement; any preliminary studies and surveys relating to any physical betterment or improvement; land or rights in land; or any combination of these." 24 V.S.A. § 5201(2).
- 4.1.2 A " Dwelling Unit (DU)" is any structure utilized for or designed for or intended to be utilized for human habitation whether seasonal or year-round, including lodging establishments, nursing homes, residential lodging and tourist homes as those terms are defined or applied in the Town Zoning Bylaws and Subdivisions Regulations or as those terms are used and commonly applied in practice in the Town.
- 4.1.3 A "Feepayer" is a person applying for the issuance of a Municipal Land Use Permit
- 4.1.4 "Impact Fee" means a fee levied as a condition of issuance of a zoning or subdivision permit which will be used to cover any portion of these costs of an existing or planned capital project that will benefit or it attributable to the users of the development or to compensate the Town for any expenses it incurs as a result of construction. The fee may be levied for recoupment of costs for previously expended capital outlay for a capital project that will benefit the users of the development.
- 4.1.5 "Mission Specific Equipment" is equipment necessary to the ability of each of the cost centers to provide those public services for which they are responsible including, but not limited to: "Fire Protection" meaning the prevention and extinguishment of fire, the protection of life and property from fire, and the enforcement of town, county and state fire codes; "Rescue" meaning what commonly is called "rescue", a service which generally includes the provision of basic life support, and the extrication of accident victims from entrapment; the meaning shall extend to support assistance in service in other agencies or authorities engaged in "rescue", but excludes maintenance and operations; "Road Equipment" meaning the acquisition of equipment including, but not limited to: equipment for plowing roads; equipment for sanding roads; equipment for grading roads; equipment for maintaining ditches, culverts, and drainage facilities; equipment for mowing; and equipment for maintaining easements, medians, shoulders, curbing and rights-of-way, but excludes maintenance and operations; "General Government Equipment" meaning, computers and related equipment and software; copiers, ledgers, binding and storage for municipal records, and other necessary office equipment, but excludes maintenance and operations; "Educational Equipment" meaning furnishing, fixtures, computers, related computer equipment, software, tele-communications equipment, audio and visual assistance equipment, copiers and other office equipment but excludes maintenance and operations; "Library Equipment" meaning books in the traditional form as bound 'volumes', and in modern terms as provided for by a variety of media such as auditory books, microfilm, and audio-visual tape media, and the equipment necessary to store, retrieve and 'read' books in any form, but excludes maintenance and operations; "Park and Recreation Equipment" meaning docks, shelters, athletic fields, beaches, picnic facilities, bike paths, playground equipment, and equipment required for maintaining park and recreation facilities and equipment, but excludes maintenance and operations.
- 4.1.6 "Municipal Land Use Permit" means a zoning, subdivision, site plan, or building permit or approval, any of which relate to land development that has received final approval from the applicable board, commission, or officer of the Town; final official minutes of a meeting that relate to a permit or approval described in this section that serve as the sole evidence of that permit or approval; and a certificate of occupancy, certificate of compliance, or similar certificate that relates to the permits or approvals described this section.

4.1.7 A "Seasonal Dwelling Unit" is any structure, as defined in Section S(C) above, which is not occupied for more than seven (7) months in a calendar year.

## 5 Section Six: Imposition of impact Fees

- 5.1.1 Any person who, after the effective date of this Ordinance, seeks to develop land within the Town by applying for: a Municipal Land Use Permit; or an improvement to land or building which may reasonably be expected to increase the demand for the public services provided by the cost centers is hereby required to pay impact fees for each cost center in the manner and amount set forth in this ordinance.
- 5.1.2 No new Municipal Land Use Permit for any activity requiring payment of an impact fee pursuant to Section Seven of this ordinance shall be issued unless and until all impact fees hereby required have been paid.
- 5.1.3 No extension of a Municipal Land Use Permit issued prior to the effective date of this ordinance for any activity requiring payment of an impact fee pursuant to Section Seven of this ordinance shall be granted unless and until all impact fees hereby required have been paid.

## 6 Section Seven: Computation of the Amount of the Impact Fee for Each of the Cost Centers

6.1.1 The amount of the impact fee for each cost center shall be determined by the following fee schedule.

### 6.2 FEE SCHEDULE YEAR-ROUND DWELLING UNITS

LAND USE TYPE (UNIT)	RATE	TOTAL FEE
<b>RESIDENTIAL PER DWELLING UNIT</b>		
<b>FIRE AND PUBLIC SAFETY</b>		
SINGLE FAMILY DWELLING	\$ 1,735.00	\$ 1,735.00
MULTI-FAMILY DWELLING	\$ 1,735.00	\$ 1,735.00 *#DUs
MOBILE HOME DWELLING	\$ 1,735.00	\$ 1,735.00
<b>COHABITATIONAL AND</b>		
<b>INSTITUTIONAL DWELLINGS</b>		
(NURSING HOME, YOUTH HOME, ETC.)	\$ 473.65	\$ 473.65 *ZAO
<b>TOURIST DWELLING (GUEST HOMES,</b>		
<b>BED &amp; BREAKFAST, ETC.)</b>		
	\$ 473.65	\$ 473.65 *ZAO
<b>RESIDENTIAL PER DWELLING UNIT</b>		
<b>ROAD DEPARTMENT</b>		
SINGLE FAMILY DWELLING	\$ 495.00	\$ 495.00
MULTI-FAMILY DWELLING	\$ 495.00	\$ 495.00 *#DUs
MOBILE HOME DWELLING	\$ 495.00	\$ 495.00
<b>COHABITATIONAL AND</b>		
<b>INSTITUTIONAL DWELLINGS</b>		
(NURSING HOME, YOUTH HOME, ETC.)	\$ 135.13	\$ 135.13 *ZAO
<b>TOURIST DWELLING (GUEST HOMES,</b>		
<b>BED &amp; BREAKFAST, ETC.)</b>		
	\$ 135.13	\$ 135.13 *ZAO

LAND USE TYPE (UNIT)	RATE	TOTAL FEE
<b>RESIDENTIAL PER DWELLING UNIT</b>		
<b>PUBLIC ADMINISTRATION AND GENERAL GOVERNMENT FACILITIES</b>		
RESIDENTIAL PER DWELLING UNIT		
SINGLE FAMILY DWELLING	\$ 670.00	\$ 670.00
MULTI-FAMILY DWELLING	\$ 670.00	\$ 670.00 *#DUs
MOBILE HOME DWELLING	\$ 670.00	\$ 670.00
COHABITATIONAL AND		
INSTITUTIONAL DWELLINGS		
(NURSING HOME, YOUTH HOME, ETC.)	\$ 182.91	\$ 182.91*ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST, ETC.)		
	\$ 182.91	\$ 182.91*ZAO
<b>RESIDENTIAL PER DWELLING UNIT</b>		
<b>LIBRARY</b>		
RESIDENTIAL PER DWELLING UNIT		
SINGLE FAMILY DWELLING	\$ 85.00	\$ 85.00
MULTI-FAMILY DWELLING	\$ 85.00	\$ 85.00 *#DUs
MOBILE HOME DWELLING	\$ 85.00	\$ 85.00
COHABITATIONAL AND		
INSTITUTIONAL DWELLINGS		
(NURSING HOME, YOUTH HOME, ETC.)	\$ 23.20	\$ 23.20 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST, ETC.)		
	\$ 23.20	\$ 23.20 *ZAO
<b>RESIDENTIAL PER DWELLING UNIT</b>		
<b>PARKS AND RECREATION</b>		
RESIDENTIAL PER DWELLING UNIT		
SINGLE FAMILY DWELLING	\$ 340.00	\$ 340.00
MULTI-FAMILY DWELLING	\$ 340.00	\$ 340.00 *#DUs
MOBILE HOME DWELLING	\$ 340.00	\$ 340.00
COHABITATIONAL AND		
INSTITUTIONAL DWELLINGS		
(NURSING HOME, YOUTH HOME, ETC.)	\$ 92.82	\$ 92.82 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST, ETC.)		
	\$ 92.82	\$ 92.82 *ZAO
<b>RESIDENTIAL PER DWELLING UNIT</b>		
<b>FIRST RESPONSE</b>		
RESIDENTIAL PER DWELLING UNIT		
SINGLE FAMILY DWELLING	\$ 10.00	\$ 10.00
MULTI-FAMILY DWELLING	\$ 10.00	\$ 10.00 *#DUs
MOBILE HOME DWELLING	\$ 10.00	\$ 10.00
COHABITATIONAL AND		
INSTITUTIONAL DWELLINGS		
(NURSING HOME, YOUTH HOME, ETC.)	\$ 2.73	\$ 2.73 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST, ETC.)		
	\$ 2.73	\$ 2.73 *ZAO

LAND USE TYPE (UNIT)	RATE	TOTAL FEE
RESIDENTIAL PER DWELLING UNIT		
<b>EDUCATION</b>		
SINGLE FAMILY DWELLING	\$1,165.00	\$1,165.00
MULTI-FAMILY DWELLING	\$1,165.00	\$1,165.00 *#DUs
MOBILE HOME DWELLING	\$1,165.00	\$1,165.00
COHABITATIONAL AND		
INSTITUTIONAL DWELLINGS (YOUTH HOME, ETC.)	\$ 318.04	\$ 318.04*ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST, ETC.)		
	\$ 318.04	\$ 318.04 *ZAO
(NURSING HOME, YOUTH HOME, ETC.)	\$ 86.54	\$ 86.54 *ZAO

### 6.3 FEE SCHEDULE SEASONAL DWELLING UNITS

LAND USE TYPE (UNIT)	RATE	TOTAL FEE
RESIDENTIAL PER DWELLING UNIT		
<b>FIRE AND PUBLIC SAFETY</b>		
SINGLE FAMILY DWELLING	\$ 863.00	\$ 863.00
MULTI-FAMILY DWELLING	\$ 863.00	\$ 863.00 *#DUs
MOBILE HOME DWELLING	\$ 863.00	\$ 863.00
COHABITATIONAL AND		
INSTITUTIONAL DWELLINGS (NURSING HOME, YOUTH HOME, ETC.)	\$ 235.59	\$ 235.59 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST, ETC.)		
	\$ 235.59	\$ 235.59 *ZAO
RESIDENTIAL PER DWELLING UNIT		
<b>ROAD DEPARTMENT</b>		
SINGLE FAMILY DWELLING	\$ 317.00	\$ 317.00
MULTI-FAMILY DWELLING	\$ 317.00	\$ 317.00 *#DUs
MOBILE HOME DWELLING	\$ 317.00	\$ 317.00
COHABITATIONAL AND		
INSTITUTIONAL DWELLINGS (NURSING HOME, YOUTH HOME, ETC.)	\$ 86.54	\$ 86.54 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST, ETC.)		
	\$ 86.54	\$ 86.54 *ZAO
RESIDENTIAL PER DWELLING UNIT		
<b>PUBLIC ADMINISTRATION AND GENERAL GOVERNMENT FACILITIES</b>		
RESIDENTIAL PER DWELLING UNIT		
SINGLE FAMILY DWELLING	\$ 670.00	\$ 670.00
MULTI-FAMILY DWELLING	\$ 670.00	\$ 670.00 *#DUs
MOBILE HOME DWELLING	\$ 670.00	\$ 670.00
COHABITATIONAL AND		
INSTITUTIONAL DWELLINGS		

LAND USE TYPE (UNIT)	RATE	TOTAL FEE
(NURSING HOME, YOUTH HOME, ETC.)	\$ 182.91	\$ 182.91*ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST, ETC.)	\$ 182.91	\$ 182.91*ZAO
RESIDENTIAL PER DWELLING UNIT		
<b>LIBRARY</b>		
SINGLE FAMILY DWELLING	\$ 85.00	\$ 85.00
MULTI-FAMILY DWELLING	\$ 85.00	\$ 85.00 *#DUs
MOBILE HOME DWELLING	\$ 85.00	\$ 85.00
COHABITATIONAL AND		
INSTITUTIONAL DWELLINGS (NURSING HOME, YOUTH HOME, ETC.)	\$ 23.20	\$ 23.20 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST, ETC.)	\$ 23.20	\$ 23.20 *ZAO
RESIDENTIAL PER DWELLING UNIT		
<b>PARKS AND RECREATION</b>		
SINGLE FAMILY DWELLING	\$ 340.00	\$ 340.00
MULTI-FAMILY DWELLING	\$ 340.00	\$ 340.00 *#DUs
MOBILE HOME DWELLING	\$ 340.00	\$ 340.00
COHABITATIONAL AND		
INSTITUTIONAL DWELLINGS (NURSING HOME, YOUTH HOME, ETC.)	\$ 92.82	\$ 92.82 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST, ETC.)	\$ 92.82	\$ 92.82 *ZAO
RESIDENTIAL PER DWELLING UNIT		
<b>FIRST RESPONSE</b>		
SINGLE FAMILY DWELLING	\$ 10.00	\$ 10.00
MULTI-FAMILY DWELLING	\$ 10.00	\$ 10.00 *#DUs
MOBILE HOME DWELLING	\$ 10.00	\$ 10.00
COHABITATIONAL AND		
INSTITUTIONAL DWELLINGS (NURSING HOME, YOUTH HOME, ETC.)	\$ 2.73	\$ 2.73 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST, ETC.)	\$ 2.73	\$ 2.73 *ZAO
LAND USE TYPE (UNIT)	RATE	TOTAL FEE
RESIDENTIAL PER DWELLING UNIT		
<b>EDUCATION</b>		
SINGLE FAMILY DWELLING	\$1,165.00	\$1,165.00
MULTI-FAMILY DWELLING	\$1,165.00	\$1,165.00 *#DUs
DWELLING	\$1,165.00	\$1,165.00



LAND USE TYPE (UNIT)	RATE	TOTAL FEE
MOBILE HOME COHABITATIONAL AND INSTITUTIONAL DWELLINGS (YOUTH HOME, ETC.)	\$ 318.04	\$ 318.04*ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST, ETC.)	\$ 318.04	\$ 318.04 *ZAO

NOTES:

DUs = Dwelling Units

ZAO = Zoning Allowable Occupants

\* = Multiply

- 6.3.1 If a Municipal Land Use Permit is requested for mixed uses, then the fee shall be determined through using the applicable schedule by apportioning the space committed to uses specified on the applicable schedule.
- 6.3.2 For applications for an extension of a Municipal Land Use Permit or an extension of a Municipal Land
- 6.3.3 Use Permit, the amount of the fee is the difference between that fee then applicable and any amount already paid pursuant to previous impact fee ordinances and/or decisions.
- 6.3.4 If the type of development activity that a Municipal Land Use Permit is applied for is not specified on the applicable fee schedule, the Town's Administrator shall use the fee applicable to the most nearly comparable type of land use on the fee schedule. If the Town's Administrator determines that there is no comparable
- 6.3.5 type of land use on the applicable fee schedule then the Town's Administrator shall determine the fee by applying the appropriate formula set forth in Section Seven (C) hereof.
- 6.3.6 In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a Municipal Land Use Permit, the impact fee shall be based upon the net positive increase of the impact of the new use as compared to the previous use.
- 6.3.7 Upon acceptance of an independent fee calculation study, the following formula shall be used by the Town's Administrator as appropriate to determine the impact fee per use of development:

[Number of Occupants Allowable by Zoning Ordinance per Living Unit] \* [Per Capita Fee]

Or

[Number of Dwelling Units] \* [Fee Per Dwelling Unit] Note: A \* means multiply.

**7 Section Eight: Payment of Fee**

- 7.1.1 The feepayer shall pay all of the impact fees required by this ordinance to the Town Treasurer prior to the issuance of a Municipal Land Use Permit. No Municipal Land Use Permit will be issued without first receiving proof of payment of any required associated impact fee(s) from the Town Treasurer. Payment shall be in two checks: one payable to the town impact fees and one payable to the School District for school impact fees.

- 7.1.2 All town impact fees collected shall be properly identified as impact fees and promptly transferred for deposit in the appropriate Impact Fee Trust Fund to be accounted for separately for each cost center as determined in Section Nine of this ordinance and used solely for the purposes specified in this ordinance.
- 7.1.3 All impact fees intended for the Town School District will go to the Town School District directly to avoid conflict with 16 V.S.A. §4029(b).

## **8 Section Nine: Impact Fee Trust Funds Established for Town Impact Fees**

- 8.1.1 There is hereby established an Impact Fee Trust Fund for Town Impact Fees.
- 8.1.2 There are hereby established five (5) separate accounts within the Impact Fee Trust Fund, one account for each of the town's cost centers as identified in Section One of this Ordinance.
- 8.1.3 At least once each fiscal year the Town's Administrator and/or Treasurer shall report to the Capital Budget Committee and/or the Selectboard the fund balance for each of the accounts in the Impact Fee Trust Fund, including any accrued interest.
- 8.1.4 Funds withdrawn from these accounts must be used in accordance with the provisions of Section Ten of this Ordinance.
- 8.1.5 Impact fees collected pursuant to this ordinance shall be placed by the Town Treasurer in separate interest-bearing accounts for each type of impact fee established.
- 8.1.6 The Town Treasurer shall maintain a register for each account indicating the date of payment of each fee, the amount paid, and the name of the fee payer.
- 8.1.7 The Town Treasurer shall prepare an annual accounting of all fees paid into and withdrawn from each account, showing the source and amounts collected, and the amounts expended and the projects for which such expenditures were made.

## **9 Section Ten: Use of Funds**

- 9.1.1 The Selectboard hereby agrees to ensure proper use of the funds collected pursuant to this ordinance.
- 9.1.2 At least once each fiscal period each of the cost centers, through the Capital Budget Committee and/or the Town's Administrator, shall present to the Selectboard proposed capital improvements for the cost center, assigning funds, including any accrued interest, from the appropriate account within the Impact Fee Trust Fund for specific capital improvement projects. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the appropriate account in the Impact Fee Trust Fund until the next fiscal period except as provided by the refund provisions of this ordinance.
- 9.1.3 Impact fees collected for each of the cost centers shall be used solely for the purpose of acquiring and/or making capital improvements to capital projects owned and/or controlled by the Town.
- 9.1.4 Funds shall be used exclusively for acquisitions, expansions, or capital improvements as defined in Section Five for each of the respective cost centers, identified in Section One, for which the funds were collected. Funds shall be expended in the order in which they are collected.

- 9.1.5 In the event that bonds or similar debt instruments are or have been issued for advanced provision of capital facilities or equipment for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in paragraphs C and D above.
- 9.1.6 Funds may be used to provide refunds as described in Section Eleven.

## 10 Section Eleven: Refund of Fees Paid

- 10.1.1 If a Municipal Land Use Permit expires without commencement of construction, then the feepayer shall be entitled to a refund without interest, of the impact fee paid as a condition for its issuance. Any accrued interest will be retained by the Town to offset administrative costs. The feepayer must apply for such a refund with a receipt for payment of impact fees to the Town Administrator and Treasurer of the Town within thirty (30) days of the expiration of the permit. A feepayer who receives a refund under this provision shall not commence construction of the land development for which the refund was made without having again paying the required impact fee and obtaining a new Municipal Land Use Permit.
- 10.1.2 If the Town does not expend an impact fee within six (6) years of the date it is paid then the owner of the property at the expiration of the six-year (6) period for which the fee was paid may receive a refund of the fee with any interest that has accrued and minus any associated administrative costs, provided that such application is made to the Treasurer of the Town within one (1) year of the expiration of the six year period.
- 10.1.3 A refund shall be granted under Section (A) or Section (B) above upon written request. The original receipt issued by the Town for the fees paid shall be presumptive proof of entitlement to the refund under the above provisions.

## 11 Section Twelve: Exemptions, Credits and Discounts

### 11.1 Exemptions

- 11.1.1 The following shall be exempted from payment of one or all impact fees as appropriate:
- 11.1.1.1 Alterations or expansion of an existing building where no additional residential units are created and where the use is not changed.
- 11.1.1.2 The replacement of a destroyed or partially destroyed building or structure, as defined by this ordinance, with a new building or structure of the same size and use so long as such improvement takes place within twelve (12) months of its destruction, abandonment, or disuse.
- 11.1.1.3 The installation of a replacement mobile home on a lot or other such site when impact fees for such mobile home site has previously been paid pursuant to this ordinance or where a mobile home legally existed on such a site on or prior to the effective date of this ordinance.
- 11.1.1.4 The construction of any non-residential building or structure or the installation of a non-residential mobile home.
- 11.1.2 Any claim of exemption must be made no later than the time of application for a Municipal Land Use Permit. Any claim not so made shall be deemed waived.

### 11.2 Credits:

- 11.2.1 Land and/or capital improvements for any cost center may be offered by the feepayer as total or partial payment of the required impact fee for that cost center. The offer must specifically request or provide for an impact fee credit for each and every cost center for which the feepayer proposes to provide improvements. If the Town's Administrator receives such offers and the offer(s) is (are) approved by the Selectboard such offer(s) whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined and provided in the following manner:
- 11.2.1.1 Credit for the dedication of land shall be valued at: (i) 100% of the most recent assessed value by the Town Assessor or Listers, or (ii) by such other appropriate method as the Selectboard of the Town may have accepted prior to the effective date of this ordinance for the particular cost center(s) in question(s), or (iii) by fair market value established by private appraisers acceptable to the Town. Credit for the dedication of land shall be provided when the property has been conveyed at no charge to, and accepted by, the Town in a manner satisfactory to the Selectboard of the Town.
- 11.2.1.2 Applicants for credit for construction of facilities or improvements to existing facilities for a cost center shall submit acceptable engineering drawings and specifications, and construction cost estimates to the Town's Administrator. The Town's Administrator shall determine credit for construction based upon either these costs estimates or upon alternative engineering criteria and construction cost estimates if the Town's Administrator determines that such estimates submitted by the applicants are either unreliable or inaccurate. The Town's Administrator shall upon the approval of the Selectboard provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letters or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the Town's Administrator before credit will be given. The failures of the applicant to sign, date, and return such document within sixty (60) days shall nullify the credit.
- 11.2.1.3 Applicants for credit for non-site-related equipment and/or associated facilities and improvements to facilities shall provide model specifications, cost estimates and any other identifying information to the Town's Administrator. The Town's Administrator shall determine credit for each cost center's equipment and/or associated facilities and improvements to facilities based upon either these cost estimates or upon alternative cost estimates if the Town's Administrator determines that such estimates submitted by the applicant are either unreliable or inaccurate. The Town's Administrator shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, reasons for the credit, and the legal description or other adequate description of the equipment or facilities. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the Town's Administrator before credit will be given. The failure of the applicant to sign, date and return such document within sixty (60) days shall nullify the credit.

- 11.2.1.4 Except as provided in subparagraph (e), credit against impact fees otherwise due will not be provided until: (i) the construction is completed and accepted by the Town, or (ii) a title, deed, or other appropriate document of ownership is properly conveyed to the Town, or (iii) a suitable maintenance and warranty bond is received and approved by the Selectboard when applicable.
- 11.2.1.5 Credit may be provided before completion of specified capital project if adequate assurances are given by the applicant that the standards set out in Subparagraph (c) will be met and if the feepayer security as provided below for the costs of such capital project. Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with and approved by the Clerk of the Courts of Franklin County in an amount determined by the Town's Administrator. If the capital project will not be constructed within one year of the acceptance of the offer by the Town's Administrator, the amount of security shall be increased by ten percent (10 %) compounded, for each year of the life of the security. The security shall be reviewed and approved by the Selectboard prior to acceptance of the security by the Clerk. If the capital project is not to be completed within the year of the date of the feepayer's offer, the Selectboard must approve the capital project and its scheduled completion date prior to the acceptance of the offer by the Town's Administrator.
- 11.2.2 Any claim for credit must be made no later than the time of application for a Municipal Land Use Permit. Any claims not so made shall be deemed waived.
- 11.2.3 Credits shall not be transferable from one project or development to another without the approval of the Selectboard.
- 11.2.4 There shall be no credit given for improvements or construction outside of the Town against fees due hereunder.

### 11.3 Discounts

#### 11.3.1 Special Provision Permitting the Discounting of Impact Fees for Affordable Housing:

- 11.3.1.1 Special Provision Permitting The Discounting of Impact Fees For Affordable Housing: (1) Pursuant to 24 V.S.A. § 4302(b)(1) and 24 V.S.A. § 5205, the Selectboard may grant a partial or total discount of the impact fee(s) to a new development provided the developer:
- 11.3.1.2 makes a specific request for such a discount subject to the provisions contained in Subsection B, Paragraphs 2, 3, and 4 of this Section.
- 11.3.1.3 Provides evidence that new development shall not exceed the eligibility criteria established by the Vermont Housing Finance Agency for affordability of housing in Franklin County.
- 11.3.1.4 Provides a written guarantee that any and all new development granted a discount of the impact fees shall be offered in the market such that it meets all eligibility criteria established by the Vermont Housing Finance Agency for affordability of housing in Franklin County.

## 12 Section Thirteen: Conversions and Accessory Dwelling Units

- 12.1.1 The impact fee for a dwelling unit upon conversion from seasonal to year-round shall be imposed in the amount of the difference between the year-round dwelling fee and the seasonal dwelling unit fee.
- 12.1.2 The impact fee for an accessory dwelling unit shall be imposed in the amount of one-third of the year-round dwelling unit fee.

### 13 Section Fourteen: Appeals

13.1.1 Any individual or entity required to pay an impact fee under this ordinance may challenge the imposition of such fee, or the amount of the fee, by filing a written notice of appeal with the Town Clerk, which appeal shall not be filed later than thirty (30) days after written notification of the impact fee imposed on the development. Said notice of appeal shall state the basis of the appellant's challenge to the fee. Within sixty (60) days of the filing of a notice of appeal, the Selectboard shall hold a public hearing to receive oral and written evidence and argument from the appellant and Town representatives. Within forty- five (45) days after the conclusion of the hearing, the Selectboard shall notify the appellant of its decision in writing.

### 14 Section Fifteen: Violations

- 14.1.1 A violation of this ordinance shall be a civil matter enforced in the Vermont Judicial Bureau or in the Vermont Superior Court by the Town's Administrator in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977, et seq.
- 14.1.2 A civil penalty of not more than \$800.00 per violation may be imposed for violation of this ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance.
- 14.1.3 Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977, et seq. For purposes of enforcement in the Judicial Bureau, the Town's Administrator shall be the designated enforcement officer(s). The Town's Administrator shall issue tickets and may be the appearing officer at any hearing.
- 14.1.4 Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief.

### 15 Section Sixteen: Severability

15.1.1 If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

### 16 Section Seventeen: Other Laws

16.1.1 This ordinance is in addition to all other ordinances of the Town and all applicable laws of the State of Vermont. The ordinance adopted herein replaces all prior ordinances and/or decisions relating to impact fees adopted or imposed by the Town or other growth regulations as of the effective date per Section Nineteen.

### 17 Section Eighteen: Effective Date

17.1.1 This ordinance shall become effective sixty (60) days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Amended this \_\_\_ day of \_\_\_\_\_, 20\_\_.

SIGNATURES OF GOVERNING BODY

\_\_\_\_\_  
Matt Crawford – Chair

\_\_\_\_\_  
Steve Lamos – Vice Chair

\_\_\_\_\_  
Tara Wright – Board Member

\_\_\_\_\_  
Jason Burt – Board Member

\_\_\_\_\_  
Scott St. Onge

[17.2 Adoption History](#)

- 17.2.1 Agenda item at regular selectboard meeting held on October 28, 2019.
- 17.2.2 Read and approved at selectboard meeting on October 28, 2019 and entered in the minutes of that meeting which were approved on November 11, 2019.
- 17.2.3 Posted in public places on November 29, 2019.
- 17.2.4 Notice of adoption published in the St. Albans Messenger newspaper on November 29, 2019 with a notice of the right to petition.
- 17.2.5 Other actions [petitions, etc.]