

**TOWN OF GEORGIA ORDINANCE  
CAPITAL FACILITIES AND EQUIPMENT  
IMPACT FEE ORDINANCE**

AN ORDINANCE RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE TOWN OF GEORGIA, FRANKLIN COUNTY, VERMONT; IMPOSING AN IMPACT FEE ON LAND DEVELOPMENT IN THE TOWN OF GEORGIA FOR PROVIDING NEW CAPITAL FACILITIES AND EQUIPMENT FOR EACH OF THE TOWN'S COST CENTERS: FIRE AND PUBLIC SAFETY; ROAD DEPARTMENT; GENERAL GOVERNMENT AND ADMINISTRATION; EDUCATION; LIBRARY; AND PARKS AND RECREATION DEPARTMENT; STATING FINDINGS THAT CAPITAL FACILITIES AND EQUIPMENT ARE NECESSITATED BY THAT NEW DEVELOPMENT; STATING THE AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FINDINGS AND DECLARATION OF THE SELECTBOARD OF THE TOWN OF GEORGIA; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF ALL IMPACT FEES; PROVIDING FOR REVIEW OF ALL IMPACT FEES AND THE FEE SCHEDULES; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM EACH IMPACT FEE INTO A SEPARATE IMPACT FEE TRUST FUND ACCOUNT ESTABLISHED FOR EACH FEE; PROVIDING FOR EXEMPTIONS, CREDITS AND DISCOUNTS; PROVIDING FOR REFUND OF UNEXPENDED FUNDS; PROVIDING FOR USE OF FUNDS DERIVED FROM ALL IMPACT FEES; PROVIDING THAT ALL IMPACT FEES MAY BE PLEDGED TOWARD PAYMENT OF BOND ISSUES AND SIMILAR DEBT INSTRUMENTS; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE SELECTBOARD OF THE TOWN OF GEORGIA, FRANKLIN COUNTY, VERMONT

Section One: Legislative Findings

The Selectboard of the Town of Georgia finds, determines and declares that:

A. The Town of Georgia must expand its capital facilities and equipment in each of six cost centers: Fire and Public Safety, Road Department, General Government and Administration, Education, Library, and Parks and Recreation Department 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;

B. The Vermont State Legislature through the enactment in 1988 and subsequent revisions of 24 V.S.A. Chapter 117, Section (a) (3) (A) and 24 V.S.A. Chapter 131, Section 5203 (a) has enabled the Selectboard of the Town of Georgia to enact impact fees;

C. 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;

D. 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.

E. 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 facilities necessitated by the new land developments for which the fees are levied.

F. The report entitled, "Technical Memorandum On The Methods Used To Calculate Impact Fees: Town of Georgia, Vermont", dated March 29, 1996, 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 of Georgia.

G. The ordinance adopted herein replaces all prior ordinances and/or decisions relating to impact fees adopted or imposed by the Town of Georgia or other growth regulations as of the effective date per Section Sixteen.

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

A. This ordinance shall be known and may be cited as the "Town of Georgia Impact Fee Ordinance."

B. The Selectboard of the Town of Georgia, Franklin County, Vermont has the authority to adopt this ordinance pursuant to 24 V.S.A. Chapter 117, Section 4302 (a) (3) (A) and 24 V.S.A. Chapter 131, Section 5202 (a).

C. This ordinance shall apply in the Town of Georgia to the extent permitted by 24 V.S.A. Chapter 117, Section 4302 (a) (3) (A) and 24 V.S.A. Chapter 131, Section 5202 (a).

#### Section Three: Intents and Purposes

A. This ordinance is intended to assist in the implementation of the "Town of Georgia: Town Plan" and the "Five Year Capital Program and Budget: Town of Georgia: 1995 Through 2000."

B. The purpose of this ordinance is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary for each cost center to provide the current standards of public services in the Town of Georgia.

#### Section Four: Rules of Construction

A. The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.

B. For the purpose of administration and enforcement of this ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

1. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicated the contrary.
4. The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".
5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

6. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and”, “or” or “either..or”, the conjunction shall be interpreted as follows:

- a. “And” indicates that all the connected terms, conditions, provisions or events shall apply.
- b. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in combination.
- c. “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

7. The word “includes” shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

8. “the Town’s Administrator” means the Town officials or representatives the Selectboard may designate to carry out the administration of this ordinance.

#### Section Five: Definitions

A. A “Feepayer” is a person applying for the issuance of a building permit or building permit for the development of a mobile home installation site.

B. A “Capital Improvement” includes planning, land acquisition, off-site improvements associated with new or expanded facilities site improvements, buildings, equipment improvement and equipment for each of the cost centers, but excludes maintenance and operation.

C. A “Building Permit” means an official document or certification which is issued by a building official of the Town of Georgia and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, moving or repair of a building or structure. The meaning shall extend to permits for residential mobile home installation. In the case of a change in use or occupancy of an existing building or structure, the term shall specifically include Certificate of Occupancy and Occupancy Permits, as those are defined or required by Town Ordinance.

D. 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 of Georgia Zoning Bylaws and Subdivisions Regulations or as those terms are used and commonly applied in practice in the Town of Georgia.

E. “Capital Equipment” is equipment with an expected useful life of three (3) years or more.

F. “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.

G. “Capital Facilities” includes capital facilities improvements planning, preliminary engineering, engineering design studies, impact analyses, land survey, rights-of-way acquisition, land acquisition and all necessary features for projects including, but not limited to: municipal garages; schools; storage facilities, parking facilities and fueling facilities; shelters and recreation facilities; general government facilities; any necessary off-site improvements for the construction or improvement of capital facilities and other such buildings and/or developments as are required to serve the general public.

H. “Independent Fee Calculation Study” means the demographic, economic or other appropriate analysis documenting the impact of development prepared by a feepayer to allow the determination of an impact fee other than by the use of the tables in Section Seven (A) of this ordinance.

#### Section Six: Imposition of Impact Fees

A. Any person who, after the effective date of this Ordinance, seeks to develop land within the Town of Georgia by applying for: a building permit for a residential building; an extension of a building permit issued prior to that date; a permit for residential mobile home installation; an extension of a building permit for the development of a mobile home installation site prior to that date; 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.

B. No new residential building permit or new permit for residential mobile home installation 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.

C. No extension of a residential building permit or permit for residential mobile home installation 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.

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

A. At the option of the feepayer, the amount of the impact fee for each cost center may be determined by the following fee schedule. Feepayers opting to determine fees according to paragraph (C) of this section shall be required to pay the full cost of the administrative burden of independent fee calculation studies according to paragraph (B) of the section.

FEE SCHEDULE

YEAR ROUND DWELLING UNITS

<u>LAND USE TYPE (UNIT)</u>	<u>RATE</u>	<u>TOTAL FEE</u>
RESIDENTIAL PER DWELLING UNIT		
<b>FIRE AND PUBLIC SAFETY</b>		
SINGLE FAMILY DWELLING	\$ 300.00	\$ 300.00
MULTI-FAMILY DWELLING	\$ 300.00	\$ 300.00 *#DU\$
MOBILE HOME DWELLING	\$ 300.00	\$ 300.00
COHABITATIONAL AND		
INSTITUTIONAL DWELLINGS (NURSING HOME, YOUTH HOME)	\$ 95.00	\$ 95.00 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST)	\$ 95.00	\$ 95.00 *ZAO
RESIDENTIAL PER DWELLING UNIT		
<b>ROAD DEPARTMENT</b>		
SINGLE FAMILY DWELLING	\$ 320.00	\$ 320.00
MULTI-FAMILY DWELLING	\$ 320.00	\$ 320.00 *#DU\$
MOBILE HOME DWELLING	\$ 320.00	\$ 320.00
COHABITATIONAL AND		
INSTITUTIONAL DWELLINGS (NURSING HOME, YOUTH HOME)	\$ 100.00	\$ 100.00 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST)	\$ 100.00	\$ 100.00 *ZAO
RESIDENTIAL PER DWELLING UNIT		
<b>PUBLIC ADMINISTRATION AND     GENERAL GOVERNMENT FACILITIES</b>		
SINGLE FAMILY DWELLING	\$ 440.00	\$ 440.00
MULTI-FAMILY DWELLING	\$ 440.00	\$ 440.00 *#DU\$
MOBILE HOME DWELLING	\$ 440.00	\$ 440.00
COHABITATIONAL AND		
INSTITUTIONAL DWELLINGS (NURSING HOME, YOUTH HOME)	\$ 140.00	\$ 140.00 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST)	\$ 140.00	\$ 140.00 *ZAO
RESIDENTIAL PER DWELLING UNIT		
<b>LIBRARY</b>		
SINGLE FAMILY DWELLING	\$ 40.00	\$ 40.00
MULTI-FAMILY DWELLING	\$ 40.00	\$ 40.00 *#DU\$

MOBILE HOME DWELLING	\$ 40.00	\$ 40.00
COHABITATIONAL AND INSTITUTIONAL DWELLINGS (NURSING HOME, YOUTH HOME)	\$ 10.00	\$ 10.00 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST)	\$ 10.00	\$ 10.00 *ZAO
RESIDENTIAL PER DWELLING UNIT		
<b>PARKS AND RECREATION</b>		
SINGLE FAMILY DWELLING	\$ 190.00	\$ 190.00
MULTI-FAMILY DWELLING	\$ 190.00	\$ 190.00 *#DUs
MOBILE HOME DWELLING	\$ 190.00	\$ 190.00
COHABITATIONAL AND INSTITUTIONAL DWELLINGS (NURSING HOME, YOUTH HOME)	\$ 60.00	\$ 60.00 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST)	\$ 60.00	\$ 60.00 *ZAO
RESIDENTIAL PER DWELLING UNIT		
<b>EDUCATION</b>		
SINGLE FAMILY DWELLING	\$1,160.00	\$1,160.00
MULTI-FAMILY DWELLING	\$1,160.00	\$1,160.00 *#DUs
MOBILE HOME DWELLING	\$1,160.00	\$1,160.00
COHABITATIONAL AND INSTITUTIONAL DWELLINGS (YOUTH HOME)	\$ 365.00	\$ 365.00 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST)	\$ 365.00	\$ 365.00 *ZAO

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NOTE:        DUs = Dwelling Units  
              ZAO = Zoning Allowable Occupants  
              \* = Multiply

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FEE SCHEDULE  
SEASONAL DWELLING UNITS

<u>LAND USE TYPE (UNIT)</u>	<u>RATE</u>	<u>TOTAL FEE</u>
SEASONAL PER DWELLING UNIT		
<b>FIRE AND PUBLIC SAFETY</b>		
SINGLE FAMILY SEASONAL DU	\$ 300.00	\$ 300.00
MULTI-FAMILY SEASONAL DU	\$ 300.00	\$ 300.00 *#DUs
MOBILE HOME SEASONAL DU	\$ 300.00	\$ 300.00
COHABITATIONAL AND		
INSTITUTIONAL SEASONAL DU (TIME SHARE)	\$ 95.00	\$ 95.00 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST)	\$ 95.00	\$ 95.00 *ZAO
SEASONAL PER DWELLING UNIT		
<b>ROAD DEPARTMENT</b>		
SINGLE FAMILY SEASONAL DU	\$ 320.00	\$ 320.00
MULTI-FAMILY SEASONAL DU	\$ 320.00	\$ 320.00 *#DUs
MOBILE HOME SEASONAL DU	\$ 320.00	\$ 320.00
COHABITATIONAL AND		
INSTITUTIONAL SEASONAL DU (TIME SHARE)	\$ 100.00	\$ 100.00 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST)	\$ 100.00	\$ 100.00 *ZAO
SEASONAL PER DWELLING UNIT		
<b>PUBLIC ADMINISTRATION AND GENERAL GOVERNMENT FACILITIES</b>		
SINGLE FAMILY SEASONAL DU	\$ 440.00	\$ 440.00
MULTI-FAMILY SEASONAL DU	\$ 440.00	\$ 440.00 *#DUs
MOBILE HOME SEASONAL DU	\$ 440.00	\$ 440.00
COHABITATIONAL AND		
INSTITUTIONAL SEASONAL DU (TIME SHARE)	\$ 140.00	\$ 140.00 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST)	\$ 140.00	\$ 140.00 *ZAO
SEASONAL PER DWELLING UNIT		
<b>LIBRARY</b>		
SINGLE FAMILY SEASONAL DU	\$ 40.00	\$ 40.00
MULTI-FAMILY SEASONAL DU	\$ 40.00	\$ 40.00 *#DUs
MOBILE HOME SEASONAL DU	\$ 40.00	\$ 40.00

COHABITATIONAL AND INSTITUTIONAL SEASONAL DU (TIME SHARE)	\$ 10.00	\$ 10.00 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST)	\$ 10.00	\$ 10.00 *ZAO
SEASONAL PER DWELLING UNIT		
<b>PARKS AND RECREATION</b>		
SINGLE FAMILY SEASONAL DU	\$ 190.00	\$ 190.00
MULTI-FAMILY SEASONAL DU	\$ 190.00	\$ 190.00 *#DUs
MOBILE HOME SEASONAL DU	\$ 190.00	\$ 190.00
COHABITATIONAL AND INSTITUTIONAL SEASONAL DU (TIME SHARE)	\$ 60.00	\$ 60.00 *ZAO
TOURIST DWELLING (GUEST HOMES, BED & BREAKFAST)	\$ 60.00	\$ 60.00 *ZAO

NOTE:           DUs = Dwelling Units  
                  ZAO = Zoning Allowable Occupants  
                  \* = Multiply

(1) If a building 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.

(2) For applications for an extension of a building permit or an extension of a building permit for the development of a mobile home installation site, 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.

(3) If the type of development activity that a building 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 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.

(4) In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a building permit or building permit for the development of a mobile home installation site, the impact fee shall be based upon the net positive increase of the impact of the new use as compared to the previous use.

B. If a feepayer opts not to have the impact fee determined according to paragraph (A) of this section and the feepayer chooses to submit an independent fee calculation, the Town shall in no way bear the costs of such calculations, and the Town shall receive, not less than \$250 as payment, and may assess the feepayer all of the extra-ordinary administrative cost for each and every review of an independent fee calculation submitted to the Selectboard.

C. If a feepayer opts not to have the impact fee determined according to paragraph (A) of this section, then the feepayer shall prepare and submit to the Town's Administrator an independent fee calculation study for the land development activity for which a building permit or building permit for the development of a mobile home installation site is sought. The independent fee calculation study shall conform to acceptable professional practices and the demographic and economic documentation shall show both the method and basis upon which the independent fee calculation was made.

Independent fee calculation studies shall be prepared and presented by professionals qualified in a field appropriate to the requisite methodology used in the independent fee calculation studies. The Selectboard shall consider the documentation submitted by the feepayer, but is not required to accept such documentation as the Selectboard shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the feepayer shall pay all impact fees based upon the schedule shown in paragraph (A) of this section. The Selectboard shall render a written finding within Twenty-One (21) days of the final presentation. Deliberations of the Selectboard may be made in Executive Session.

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.

Section Eight: Payment of Fee

A. The feepayer shall pay all of the impact fees required by this ordinance to the Town Treasurer or his/her designee prior to the issuance of a building permit or a permit for residential mobile installation.

B. All funds 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.

Section Nine: Impact Fee Trust Funds Established

A. There is hereby established an Impact Fee Trust Fund.

B. There are hereby established six (6) separate accounts within the Impact Fee Trust Fund, one account for each of the cost centers as identified in Section One of this Ordinance.

C. 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.

D. Funds withdrawn from these accounts must be used in accordance with the provisions of Section Ten of this Ordinance.

Section Ten: Use of Funds

A. The Selectboard of the Town of Georgia hereby agrees to ensure proper use of the funds collected pursuant to this ordinance.

B. At least once each fiscal period each of the cost centers, through Capital Budget Committee and/or the Town's Administrator, shall present to the Selectboard of the Town of Georgia 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.

C. 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 facilities and equipment owned and/or controlled by the Town of Georgia.

D. 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.

E. 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.

F. Funds may be used to provide refunds as described in Section Eleven

#### Section Eleven: Refund of Fees Paid

A. If a residential building permit or permit for residential mobile home installation 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. The feepayer must submit an application for such a refund with a receipt for payment of impact fees to the Town Administrator and Clerk/Treasurer of the Town of Georgia within 30 days of the expiration of the permit.

B. Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact fee was paid shall, upon application of the feepayer with a receipt for payment of impact fees, be returned to the feepayer with interest at a rate not to exceed five percent (5%) per annum, provided that the feepayer submits an application for a refund to the Clerk/Treasurer of the Town of Georgia within 180 days of the expiration of the six year period.

C. A refund shall be granted under Section (A) or Section (B) above upon written request. The original receipt issued by the Town of Georgia for the fees paid shall be presumptive proof of entitlement to the refund under the above provisions.

#### Section Twelve: Exemptions, Credits and Discounts

A. The following shall be exempted from payment of one or all impact fees as appropriate:

- (1) Alterations or expansion of an existing building where no additional residential units are created and where the use is not changed.
- (2) The construction of accessory buildings or structures.
- (3) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
- (4) 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.

(5) The construction of any non-residential building or structure or the installation of a non-residential mobile home.

Any claim of exemption must be made no later than the time of application for a building permit or building permit for the development of a mobile home installation site. Any claim not so made shall be deemed waived.

B. Credits:

(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:

(a) Credit for the dedication of land shall be valued at: (i) 100% of the most recent assessed value by the Town of Georgia Property Appraiser or Lister, or (ii) by such other appropriate method as the Selectboard of the Town of Georgia 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 of Georgia.

(b) 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 failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.

(C) 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 60 days shall nullify the credit.

(d) 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 of Georgia, or (iii) a suitable maintenance and warranty bond is received and approved by the Selectboard when applicable.

(e) Credit may be provided before completion of specified capital improvements if adequate assurances are given by the applicant that the standards set out in Subparagraph (c) will be met and if the feepayer posts security as provided below for the costs of such construction. 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 construction project will not be constructed within one (1) 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 construction project is not to be completed within the year of the date of the feepayer's offer, the Selectboard must approve the capital construction project and its scheduled completion date prior to the acceptance of the offer by the Town's Administrator.

(2) Any claim for credit must be made no later than the time of application for a building permit or permit for mobile home installation. Any claims not so made shall be deemed waived.

(3) Credits shall not be transferable from one project or development to another without the approval of the Selectboard.

(4) There shall be no credit given for improvements or construction outside of the Town of Georgia against fees due hereunder.

C. Special Provision Permitting The Discounting of Impact Fees For Affordable Housing:

(1) Pursuant to 24 V.S.A. Chapter 117, Section 4302 (a)(E) Goal 1 and 24 V.S.A. Chapter 131, Section 5205, the Selectboard of the Town of Georgia may grant a partial or total discount of impact fee to new development provided the developer:

(a) makes a specific request for such a discount subject to the provisions contained in Subsection B, Paragraphs 2, 3, and 4 of this Section.

(b) 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.

(c) 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.

Section Thirteen: Review

The fee schedule in Section Seven (A) may be reviewed by the Selectboard of the Town of Georgia annually.

Section Fourteen: Review

A violation of this ordinance shall be prosecuted pursuant to 24 V.S.A. Section(s) 1972-1974.

Section Fifteen: Severability

If any section, phrase, sentence or portion of this 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.

Section Sixteen: Effective Date

This ordinance shall become effective on \_\_\_\_\_.

PASSED AND DULY ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

ATTEST:

\_\_\_\_\_

SELECTBOARD OF THE TOWN OF GEORGIA,  
FRANKLIN COUNTY, VERMONT

BY: \_\_\_\_\_  
Its Chairperson