

CHAPTER 9A-04. IMPACT FEES.

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9A-04-010. Findings And Purpose.

(a) The City Council of Fruit Heights City hereby declares that the City will impose impact fees on development activity in accordance with the provisions of the Utah Impact Fees Act and the provisions of this chapter.

(b) The City Council finds and determines that there is a need for certain public facilities to serve new development activity within the City which facilities have not been constructed and must be constructed in conformance with the Impact Fees Act of the state of Utah to protect public health, safety, and welfare. The public facilities are needed for the following categories of improvements:

- (1) Water system improvements;
- (2) Transportation system improvements;
- (3) Storm drainage system improvements;
- (4) Police facilities;
- (5) Fire apparatus;
- (6) Fire facilities; and
- (7) Parks and recreation facilities;

(c) Continuing growth within the City requires the imposition and collection of impact fees to assure that the costs associated with the impact of new growth are equitably assessed.

9A-04-020. Definitions.

Unless otherwise stated, the terms used in this chapter shall have the same meaning as set forth in the Impact Fees Act, Utah Code Annotated sections 11-36a-101, et seq. ("Impact Fees Act")

9A-04-030. Calculation And Administration.

Impact fees imposed by the City shall be calculated and administrated in accordance with the Impact Fees Act.

9A-04-040. Service Areas.

The City Council may adopt separate service areas for any category of impact fee where it determines that the adoption of such service areas is necessary to equitably allocate the cost of public facilities to serve new growth.

9A-04-050. Timing Of Payment Of Fees.

Impact fees for the declared categories of public improvements shall be collected at those times as may be set forth in the rules, regulations or resolutions of the City. The fee shall be paid as a condition precedent to the issuance of a building permit or construction of improvements upon the property in question. Where the development is a subdivision of a conditional use, the fee shall be paid to and collected by the city prior to the approval of the plat or plan by the city.

9A-04-060. Use Of Fees.

Collected impact fees shall be used solely to:

- (a) Pay for described system improvements to be constructed by the city or caused to be constructed by the City;
- (b) For reimbursing the City for the development's share of those system improvements already constructed by the District;
- (c) For reimbursing developers who have constructed system improvements where such facilities were beyond the project improvements needed for the developer's project(s); and
- (d) For debt service incurred for system improvements.

9A-04-070. Adjustments And Credits.

The City may, upon proper showing, adjust the impact fee at the time the fee is charged to:

- (a) Respond to unusual circumstances in specific cases;
- (b) Ensure that impact fees are imposed fairly;
- (c) Allow credits pursuant to this chapter;
- (d) Adjust the amount of the fee based upon studies and data submitted by the developer which are approved by the City after review of the same;
- (e) Allow credits as approved by the City for dedication of land, improvement to, or new construction of public facilities providing service to the City at large, provided such facilities are identified in the Impact Fee Facilities Plan for the appropriate category of improvement and are required by the City as a condition of approving the development activity, however, no credit shall be given for project improvements as defined by the Impact Fees Act.

9A-04-080. Accounting, Expenditure And Refund.

The City shall account for, expend and refund impact fees in accordance with the provisions of the Impact Fees Act.

9A-04-090. Impact Fee Challenges And Appeals.

Any challenge to the fees imposed by the City shall comply with the provisions of the Impact Fees Act. Administrative appeals of the impact fees imposed by the City shall follow the procedures of this section.

- (a) Within thirty (30) days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall file a written appeal with the City by delivering a copy of such appeal to the City Recorder and the Mayor, setting forth, in detail, all grounds for the appeal and all facts

relied upon by the appealing party with respect to the fees appealed.

(b) Upon receipt of the appeal, the City shall schedule a hearing on the appeal before the City Council at which time the appeal will be heard. The City Council shall thereafter render its decision on the appeal within thirty (30) days of the filing of the appeal. An applicant may request that the City appoint a hearing officer to hear an appeal of an impact fee. The City shall appoint a hearing officer qualified to hear an appeal of an impact fee and the applicant shall bear the cost associated with the appointment and work of the hearing officer.