

Article VIII

Permit Issuance

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Section

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8.010 Enforcement Officer

The provisions of this ordinance shall be administered and enforced by the White House Building Commissioner. The Building Commissioner shall be appointed by the White House Board of Mayor and Aldermen and shall have the power to make any and all inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

8.020 Building Permits and Certificates of Occupancy

A. Building Permit Required

It shall be unlawful to commence excavation for the construction of any building or structure including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the building inspector has issued a building permit for such work.

B. Issuance of a Building Permit

In applying to the building commissioner for a building permit, the applicant shall submit a scale plan indicating the shape, size, and location of all buildings to be erected, altered, or moved and of any buildings already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building commissioner for determining whether the provision of this ordinance is being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this ordinance and has been approved by the planning commission (other than single or two family detached dwellings) the building inspector shall, after at least three (3) days, issue a building permit for such excavation and/or construction. If a building permit is refused, the building inspector shall state such refusal in writing with the cause.

1. The issuance of a building permit shall in no case be construed as waiving any provision of this Ordinance.

2. A building permit shall become void twelve (12) months from the day of issuance unless progress acceptable to the building commissioner has been made by that date on the project described therein. The planning commission may grant exceptions.
3. No building permit shall be issued and no building or structure shall be erected on any lot within the jurisdictional area, unless the public way giving access to the lot upon which the building or structure is proposed to be placed shall have been accepted or opened or shall have otherwise received the legal status of a public way as provided by law.

8.030 Issuance of Certificates of Occupancy

- A. No such land or building or part thereof hereafter erected or altered in its use or structure shall be used or occupied until the building commissioner shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this Ordinance.
- B. Within three (3) days after notification that a building or premise or part thereof is ready for occupancy or use, it shall be the duty of the building commissioner to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof are found to conform with the provisions of this Ordinance; or, if such certificate is refused, the building commissioner shall state refusal in writing with the cause.

8.040 Records

A complete record of such applications, and plans shall be maintained in the office of the building inspector.

8.050 Impact Fees (Entire Section Added by Ordinance No. 95-22, January 1, 1996)

A. Purpose

This section and Sections 8.051 through 8.054, may be referred to as the City of White House "Impact Fee Ordinance." This Impact Fee Ordinance is intended to ensure timely construction of off-site public capital improvements for major road, park and recreation, police protection and fire protection facilities that are necessary to serve new development by ensuring that necessary financing is available for such improvements. The impact fees to be paid by each new development pursuant to this Impact Fee Ordinance are to be proportional to the impact that the new development will have on the types of facilities for which the fees are charged.

B. Applicability

No building permit, certificate of occupancy, electrical permit or other permit shall be issued for the construction, reconstruction, enlargement, relocation or change of use of any building until the requirements of this Impact Fee Ordinance are met. The movement of a structure, including a mobile home, onto

a lot shall be considered development and shall be subject to the impact fee provisions. A stop work order shall be issued on any such development for which the applicable impact fee has not been paid in full.

C. Exemptions

The impact fees shall not apply to the following actions:

1. Certificates of occupancy or other permits issued for a development for which a building permit was issued prior to the effective date of this ordinance.
2. Any development activity that does not involve the construction, reconstruction, enlargement, relocation or change of use of a building;
3. The movement of a mobile home onto a mobile home site in a mobile home park that was in existence on the effective date of the impact fee ordinance;
4. Placing on a lot in the City a temporary construction trailer or office, but only for the life of the building permit issued for the construction served by the trailer or office; and
5. Any minor development activity that, in the opinion of the Impact Fee Administrator, will not result in a net increase of more than one (1) One-Way Average Daily Trip, as defined in Section 8.051, B, Administrative Determination of Major Road Impact Fees.
6. Any development involving a governmental institution financed totally by funds from either federal, state or local taxes. **(Added by Ordinance No. 00-23, September 14, 2000)**

D. Impact Fee Service Area

1. There shall be one impact fee service area, which shall encompass the entire incorporated jurisdiction of the City, as such jurisdiction may be amended from time to time.
2. The appropriateness of the designation and boundaries of the service area shall be reviewed by the City as part of the impact fee revision process set forth in Section 8.050, P, Updates and Revisions of the Impact Fees. Following such review and a public hearing, the service area may be amended.
3. Impact fees collected within the service area shall be spent within the service area.

E. Calculation of Impact Fees Based on Fee Schedule

Unless an applicant requests an administrative determination or individual assessment as set forth in the following subsections, the impact fees shall be calculated for the proposed development based on the permit allowing the use, according to the applicable fee schedule. Impact fees shall be calculated and

assessed at ten (10%) of the impact fee set forth in the road, police, fire, and parks impact fee schedules effective until June 30, 2016.

1. The following impact fee schedules are hereby adopted:
 - a. Major road impact fees: Section 8.051, A;
 - b. Parks and recreation impact fees: Section 8.052, A;
 - c. Police protection impact fees: Section 8.053, A; and
 - d. Fire protection impact fees: Section 8.054, A.
2. The land use categories and units of development specified in the fee schedules shall be interpreted as follows:
 - a. "Single-family" means "dwelling, one-family detached" as defined in Section 2.020, Definitions. The term may include modular/manufactured dwellings that otherwise meet the definition, but excludes mobile homes.
 - b. "Duplex" means "dwelling, two-family detached" as defined in Section 2.020, Definitions.
 - c. "Multi-family" includes apartment, townhouse, condominium, triplex, quadplex and attached dwellings, as these terms are defined in Section 2.020, Definitions.
 - d. "Mobile home" shall be as defined in Section 2.020, Definitions.
 - e. "Commercial" development includes, but is not limited to, the following land use categories: hotel/motel, bank, convenience market, discount store, golf course, racquet club, fast food restaurant, quality restaurant, service station, shopping center and supermarket/food store.
 - f. "Office/institutional" development includes, but is not limited to, the following land use categories: general and medical office, church, community college, day care center, elementary school, high school, hospital, library and park.
 - g. "Industrial" development includes, but is not limited to, the following land use categories: light industry, mini-warehouse and warehousing.
 - h. Building square footage shall be measured in terms of "floor area," as defined in Section 2.020, Definitions.
3. For categories of uses not specified in the applicable impact fee schedule, the Impact Fee Administrator shall apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.

4. If the permit for the proposed development indicates a mix of uses in the development, the impact fees shall be calculated separately for each use according to the fee schedule, and the results aggregated.
5. For a change of use or an addition to or remodeling or replacement of existing structures, the impact fee to be paid shall be the difference, if any, between
 - a. the fee, if any, that would be payable for existing development on the site or, in the case of demolition or removal of a structure, the previous development on the site, provided that the demolition or removal has occurred within one (1) year of the date of submittal of the application for which impact fees are assessed; and
 - b. the fee, if any, that would be payable for the total development on the site after the new development.

F. Administrative Determination of Impact Fees

If any person submitting an application for which payment of an impact fee is a prerequisite to approval believes that the impacts of the proposed development will be less than would be indicated by using a strict interpretation of the fee schedule, such person may request that the Impact Fee Administrator determine the amount of the fee, taking into consideration the special factors indicated by the applicant. The Impact Fee Administrator shall make the fee determination based on a review of the information provided and the guidelines for calculating the fee set forth in Section 8.050, E. Requests for administrative determinations of major road impact fees shall be subject to the additional criteria set forth in Section 8.051, B, Administrative Determination of Major Road Impact Fees.

G. Individual Assessment of Impact Fees

If any person submitting an application for which payment of an impact fee is a prerequisite to approval believes that the impacts of the proposed development will be substantially less than would be indicated by using a strict interpretation of the fee schedule or an administrative determination of the fee, such person may request that the City perform an individual assessment of the impact of the proposed development.

1. The individual assessment shall be subject to the following special standards and procedures:
 - a. Major road impact fees: Section 8.051, C;
 - b. Parks and recreation impact fees: Section 8.052, B;
 - c. Police protection impact fees: Section 8.053, B;
 - d. Fire protection impact fees: Section 8.054, B.

2. The Impact Fee Administrator shall make the fee determination based on review of the individual assessment, the guidelines for calculating the fee set forth in Section 8.050, E, and any special standards and procedures established pursuant to Section 8.050, G., 1, above.
3. The City shall accept the calculations of the individual assessment if the Planning Commission finds at a public meeting that:
 - a. The proposed development is in fact so unique that the strict application of the fee schedule or administrative determination would result in inaccurate impact projections; and
 - b. The individual assessment results in a fee which differs by at least five (5) percent from the fees calculated under the fee schedule or administrative determination.
4. If the City accepts the computations of the individual assessment under this section, the applicable fee shall be determined from the individual assessment, regardless of whether it is higher or lower than the fee calculated under the fee schedule or administrative determination.

H. Assessment and Collection of Impact Fees

1. Impact fees shall be calculated and collected in conjunction with the application for the first building or grading permit, electrical permit, certificate of occupancy, or other permit for such development, whichever occurs first in time.
2. Upon written request of an applicant, the Impact Fee Administrator shall provide an estimate of the current fee based on the data provided by the applicant. However, the Impact Fee Administrator shall not be responsible for determining at such preliminary date the accuracy of the information provided.

I. Fund Accounting for Impact Fees

1. The City shall establish a separate accounting fund in which the impact fees collected for a particular type of facility within the service area shall be credited. Such fees shall be invested by the City and the yield on such fees, at the actual rate of return to the City, shall be credited to such accounting fund periodically in accordance with the accounting policies of the City. Such funds need not be segregated from other City monies for banking purposes.
2. Any yield on such accounting fund into which the fees are deposited shall accrue to that fund and shall be used for the purposes specified for such fund.
3. The City shall maintain and keep financial records for such accounting fund showing the revenues to such fund and the disbursements from such fund, in accordance with normal City accounting practices. The records of such fund shall be open to public inspection in the same manner as other financial records of the City.

J. Expenditure of Impact Fees

Impact fees may only be spent on qualifying improvements, as follows:

1. Major road impact fees shall only be spent in accordance with Section 8.051, D;
2. Parks and recreation impact fees shall only be spent in accordance with Section 8.052, C;
3. Police protection impact fees shall only be spent in accordance with Section 8.053, C;
4. Fire protection impact fees shall only be spent in accordance with Section 8.054, C;

K. Refunds of Impact Fees

1. Any impact fee or portion thereof collected pursuant to this Impact Fee Ordinance, which has not been spent for a use permitted by Section 8.050, J, within six (6) years from the last day of the fiscal year in which it was received by the City, shall be refunded to the current record owner of the property upon written request. Impact fees shall be deemed to be spent in the order in which they are received by the City. The refund shall include accrued interest at the rate of return on investments earned by the City on such amount. In disbursing such funds the City may rely on the written certification of the current record owner of the property as to his entitlement to the refund, in the absence of a written assertion by another party that such proposed payee is not the proper payee. If in doubt, the City may deposit such funds in an appropriate court for disposition as the court may determine. In such event, the City may deduct from the funds deposited an amount equal to the reasonable cost of causing the funds to be deposited with the court, including reasonable attorney's fees.
2. If development for which an impact fee has been paid has not begun, the impact fee and any accrued interest thereon shall be returned to the applicant provided that the applicant applies for the refund in writing within sixty (60) days after the expiration of the building permit or other approval (or any extension thereof) on which it was assessed.
3. The City shall charge an administrative fee for verifying and computing the refund of fifty dollars (\$50.00) for each year or portion thereof that the fee has been deposited with the City.

L. Offsets to Impact Fees

Offsets, which are reductions from the impact fee that would otherwise be due from a development, shall be subject to the following provisions.

1. The City shall grant an offset only for qualifying improvements, as defined in Section 8.050, J, that are required to be made by a developer as a condition of development approval after the effective date of the impact fee ordinance against which such offset is claimed.
2. Offsets shall be allowable and payable only to offset impact fees otherwise due for the same category of improvements and shall not result in reimbursement from, nor constitute a liability of, the City.
3. Offsets shall be given only for the value of any construction of improvements or contribution or dedication of land or money by a developer or his predecessor in title or interest for qualifying improvements of the same category for which an impact fee was imposed.
4. The person applying for an offset shall be responsible for providing appraisals of land and improvements, construction cost figures, and documentation of all contributions and dedications necessary to the computation of the offset claimed. The Impact Fee Administrator shall have no obligation to grant offsets to any person who cannot provide such documentation in such form as the Impact Fee Administrator may reasonably require.
5. Offsets provided for qualifying improvements meeting the requirements of this section shall be valid from the date of acceptance of the improvement by the City until ten (10) years after the date of acceptance.
6. The right to claim offsets shall run with the land and may be claimed only by owners of property within the development for which the qualifying improvement was required.
7. Any claim for offsets must be made no later than the time of submittal of a development application that is subject to impact fees. Any claim not so made shall be deemed waived.

M. Developer Agreements for Impact Fees

1. Where a development includes or requires a qualifying improvement, as defined in Section 8.050, J, the City and the developer may agree in writing to have the developer participate in the financing or construction of part or all of the qualifying improvements. Such agreement may provide for cash reimbursements, offsets, or other appropriate compensation to the developer for the developer's participation in the financing and/or construction of the improvements.
2. The agreement shall include:
 - a. the estimated cost of the qualifying improvements, using the lowest responsive bid by a qualified bidder, which bid is approved by the Impact Fee Administrator; or, if no bid is available, the estimated cost certified by a registered Tennessee engineer and approved by the Impact Fee Administrator;

- b. a schedule for initiation and completion of the improvement;
- c. a requirement that the improvement be designed and completed in compliance with any applicable City ordinances; and,
- d. such other terms and conditions as deemed necessary by the City.

N. Relief Procedures and Hearings

The developer who owes or has paid an impact fee may appeal the assessment or payment of the fee to the Board of Zoning Appeals in accordance with Section 9.030, Appeals.

O. Impact Fees as Supplemental Regulation

1. Except as herein otherwise provided, impact fees are in addition to any other requirements, taxes, fees, or assessments imposed by the City on development or the issuance of building permits or certificates of occupancy which are imposed on and due against property within the jurisdiction of the City. Such fees are intended to be consistent with the City's Comprehensive Plan, Capital Improvements Program and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of capital facilities in conjunction with development.
2. In addition to the use of impact fees, the City may finance qualifying capital improvements through the issuance of bonds, the formation of assessment districts or any other authorized mechanism, in such manner and subject to such limitations as may be provided by law.

P. Updates and Revisions of the Impact Fees

Not less often than every five (5) years, following a public hearing, the Planning Commission shall review and, if warranted, recommend changes in the schedules of impact fees. Factors to be considered may include, without limitation, past and projected growth in residential and nonresidential development, qualifying improvements actually constructed, changing levels of service, revised cost estimates for qualifying improvements, changes in the availability of other funding sources, changes in demand generation characteristics, sources of non-City funds and such other factors as may be relevant.

8.051 Major Road Impact Fees

A. Major Road Impact Fee Schedule

At the option of the applicant, the major road impact fee may be calculated based on the attached fee schedule (Table 8.051). If the land use category in the fee schedule that best represents the proposed use is not clear, the Impact Fee Administrator shall determine the category, based on the most similar use in terms of trip generation characteristics.

TABLE 8.051

MAJOR ROAD IMPACT FEE SCHEDULE

Land Use	Unit	1-Way ADT	Primary Trips	Average Trip Length	Daily VMT	Net Cost/VMT	Impact Fee/Unit
Single Family	Dwelling	4.78	100%	1.00	4.78	\$80	\$ 381
Duplex	Dwelling	3.24	100%	1.00	3.24	\$80	\$ 258
Multi-Family	Dwelling	3.24	100%	1.00	3.24	\$80	\$ 258
Mobile Home	Dwelling	2.41	100%	1.00	2.41	\$80	\$ 192
Hotel/Motel	Room	5.10	100%	1.00	5.10	\$80	\$ 407
Bank	1000 sf*	132.60	15%	1.00	19.89	\$80	\$1,586
Church	1000 sf*	4.66	100%	1.00	4.66	\$80	\$ 371
Community College	1000 sf*	6.44	100%	1.00	6.44	\$80	\$ 513
Convenience Market	1000 sf*	369.00	15%	1.00	55.35	\$80	\$4,412
Day Care Center	1000 sf*	39.63	15%	1.00	5.94	\$80	\$ 474
Discount Store	1000 sf*	35.07	75%	1.00	26.30	\$80	\$2,096
Elementary School	1000 sf*	5.36	100%	1.00	5.36	\$80	\$ 427
Golf Course	Hole	18.80	100%	1.00	18.80	\$80	\$1,499
High School	1000 sf*	5.45	100%	1.00	5.45	\$80	\$ 434
Hospital	1000 sf*	8.39	100%	1.00	8.39	\$80	\$ 669
Library	1000 sf*	22.75	100%	1.00	22.75	\$80	\$1,813
Light Industry	1000 sf*	3.49	100%	1.00	3.49	\$80	\$ 278
Medical Clinic/Office	1000 sf*	17.09	100%	1.00	17.09	\$80	\$1,362
Mini-Warehouse	1000 sf*	1.31	100%	1.00	1.31	\$80	\$ 104
Office (25,000 sf+)	1000 sf*	8.31	100%	1.00	8.31	\$80	\$ 662
Office (<25,000 sf)	1000 sf*	11.65	100%	1.00	11.65	\$80	\$ 929
Park	Acre	1.12	100%	1.00	1.12	\$80	\$ 89
Racquet Club	1000 sf*	8.57	100%	1.00	8.57	\$80	\$ 683
Restaurant, Fast Food	1000 sf*	316.06	27%	1.00	85.34	\$80	\$6,803
Restaurant, Quality	1000 sf*	48.23	100%	1.00	48.23	\$80	\$3,845
Service Station	Hose	48.29	15%	1.00	7.24	\$80	\$ 577
Shopping Center	1000 sf*	35.34	55%	1.00	19.44	\$80	\$1,550
Supermarket/Food Store	1000 sf	43.91	40%	1.00	17.56	\$80	\$1,400
Warehousing	1000 sf	2.44	100%	1.00	2.44	\$80	\$ 195

FEE = One-Way Average Daily Trips (ADT) x Primary Trip Factor x Average Trip Length x Average Cost per Daily Travel Mile.

Where:

"One-way average daily trips" means one-half the average daily trip ends on a weekday.

"Primary trip factor" means the percentage of average daily trips to or from the development that are primary trips, as opposed to pass-by or diverted-link trips.

"Average trip length" means the average distance per trip traveled on major roads in the City. The average trip length is estimated to be one mile based on analysis of the geographic layout of the major road network.

"Average cost per daily travel mile" means the average cost to construct a lane-mile of roadway to City standards divided by the capacity of the road. This cost shall be eighty dollars (\$80) per daily mile until re-calculated by the City and this ordinance is updated to reflect such re-calculation.

B. Administrative Determination of Major Road Impact Fees

In the event that the applicant feels that the land use categories, trip generation rates or primary trip factors in the fee schedule do not accurately reflect the proposed development, the applicant may request that the Impact Fee Administrator determine the fee based on the land use categories, trip generation rates or equations and/or primary trip data contained in the most current edition of the Institute of Transportation Engineers Trip Generation Manual (ITE Manual). The Impact Fee Administrator shall make the determination of the appropriate land use category, trip generation rate or equation and primary trip factor based on the appropriateness and quality of the data, the guidelines for determining whether to use trip generation rates or equations set forth in the ITE Manual, and other relevant considerations. Once the appropriate land use and travel demand factors have been determined, the Impact Fee Administrator shall calculate the fee using the following formula.

C. Individual Assessments of Major Road Impact Fees

Individual assessments of major road impact fees shall be allowed as follows:

1. The traffic engineer or engineering firm to perform each individual assessment shall be selected by the applicant from a list of qualified traffic engineers or engineering firms maintained by the City. The list of engineers shall be created through the solicitation by the City of professional traffic engineers qualified to perform this service. The list shall contain the names of at least three traffic engineers or traffic engineering firms, along with statements of qualifications on each. The list shall be updated annually by the Planning Commission.
2. The applicant shall pay to the City in escrow a sufficient fee to pay the cost of obtaining such assessment from a professional engineer hired by the City. The City shall then obtain the services of a professional engineer to perform the study, paying the engineer from the escrow and remitting the balance to the person requesting the assessment.
3. The traffic study shall be signed by the traffic engineer submitting the assessment and shall include, without limitation, the following elements:
 - a. A projection of the number of vehicular trips entering and departing from the project during an average weekday.
 - b. If the site is already developed, and some or all of the existing development will be replaced by the completed

project, a calculation of the number of vehicular trips for that portion of the existing development which will be replaced by the completed project.

- c. The percentage of those trips identified in a. and b. above which are "new trips" (as opposed to "pass-by trips" or "diverted-link trips" for which the project is not the primary destination).
 - d. The assumptions and conclusions from which any projections are made. If the assumptions or conclusions are derived from the current edition of the ITE Manual or other standard reference materials, the materials shall be identified and appropriate excerpts or specific references provided. Otherwise, the reasoning underlying the assumptions and conclusions shall be clearly stated in writing.
 - e. Such other information as the Impact Fee Administrator shall reasonably request.
4. The Impact Fee Administrator shall determine the fee based on the review of the independent assessment and the guidelines and formula described in the preceding Section 8.051, B, Administrative Determination of Major Road Impact Fees.

D. Use of Major Road Impact Fees

1. The revenues from major road impact fees collected within the service area and accrued interest on such revenues shall be used to finance project costs of qualifying major road improvements, provided that the improvements are to City-maintained arterials and collectors or state-maintained highways within the City limits, excluding I-65.
2. Qualifying major road improvements include project engineering costs; the acquisition cost of rights-of-way and easements; the construction cost of improvements, including, but not limited to, public street travel lanes, public pedestrian and bicycle pathways, turning lanes from public streets onto public streets, lighting, signalization, signage and landscaping improvements that are required for the road improvement to function effectively; and the principal, interest and other financing costs of bonds, notes or other obligations issued by or on behalf of the City to finance qualified improvements. Such revenues may also fund the cost of consultants used in preparing or updating the major road portion of the impact fee study or ordinance.
3. Monies collected as major road impact fees shall not be used to pay for any of the following:

- a. construction, acquisition or expansion of public facilities other than qualifying major road improvements;
- b. repair, reconstruction or maintenance of existing streets; or
- c. streets and related improvements that are within and intended to serve only a specific development such as a new residential subdivision.

8.052 Parks and Recreation Impact Fees

A. Parks and Recreation Impact Fee Schedule

Parks and recreation impact fees shall apply only to residential development. At the option of the applicant, the parks and recreation impact fee may be calculated based on the attached fee schedule (Table 8.052). If the land use category in the fee schedule that best represents the proposed use is not clear, the Impact Fee Administrator shall determine the category, based on the most similar use in terms of persons per unit characteristics.

Table 8.052

PARKS AND RECREATION IMPACT FEE SCHEDULE

<u>Land Use</u>	<u>Unit</u>	<u>Persons per Unit</u>	<u>Net Local Cost/Person</u>	<u>Impact Fee/Unit</u>
Single-Family	Dwelling	2.81	\$141	\$396
Duplex	Dwelling	2.07	\$141	\$292
Multi-Family	Dwelling	1.74	\$141	\$245
Mobile Home	Dwelling	2.50	\$141	\$353

B. Individual Assessments of Parks and Recreation Impact Fees

Individual assessments of parks and recreation impact fees shall be allowed as follows:

- 1. The individual assessment shall be prepared by a qualified professional in the field of planning, engineering or other appropriate discipline.

2. The assessment shall include an analysis of housing, demographic or other data to support a calculation of the persons per unit that is appropriate to the proposed development.
3. The analysis shall follow the general methodology used to calculate persons per unit by housing type in the impact fee study, and shall include, without limitation, the following elements:
 - a. A projection of the number of the number of dwelling units by type or other characteristic, such as size, to be constructed in the project.
 - b. The average size of households expected to occupy dwelling units within the development.
 - c. The average long-term vacancy rate that is appropriate to the type of development project.
 - d. The proportionate share of persons residing in the City outside of households that should be attributed to the development.
 - e. The data and assumptions on which the calculations are based. The data source and the reasoning underlying the assumptions and conclusions shall be clearly stated in writing.
 - f. Such other information as the Impact Fee Administrator shall reasonably request.
4. The Impact Fee Administrator shall review the independent assessment and determine the persons per unit factors that are appropriate for the proposed development. Once the persons per unit factors have been determined, the Impact Fee Administrator shall calculate the fee using the following formula.

$$\text{FEE} = \text{Persons per Unit} \times \text{Net Local Cost per Person.}$$

Where:

"Persons per unit" means average number of persons per unit attributable to a particular housing type.

"Net local cost per person" means the net cost per person to the City of providing the current array of existing park and recreation capital facilities to the current City population. This cost shall be one hundred-forty-one dollars (\$141.00) per person until re-calculated by the City and this ordinance is updated to reflect such re-calculation.

C. Use of Parks and Recreation Impact Fees

1. The revenues from parks and recreation impact fees collected within the service area and accrued interest on such revenues shall be used to finance project costs of qualifying parks and recreation improvements, provided that the improvements are used to acquire additional land for parks and recreation activities, to develop such land for active or passive use, to acquire or construct parks and recreation buildings, structures, or equipment with a useful life of at least three years, or for similar purposes that expand the capacity of the City's parks and recreation capital facilities.
2. Qualifying parks and recreation improvements include project engineering, construction and acquisition costs of improvements, including, but not limited to, active parks, nature preserves, library buildings and equipment, including circulation materials, gymnasiums, auditoriums, public meeting rooms, senior adult centers and associated support equipment and facilities. Qualifying parks and recreation improvements also include the principal, interest and other financing costs of bonds, notes or other obligations issued by or on behalf of the City to finance qualified improvements. Such revenues may also fund the cost of consultants used in preparing or updating the parks and recreation portion of the impact fee study or ordinance.
3. Monies collected as parks and recreation impact fees shall not be used to pay for any of the following:
 - a. construction, acquisition or expansion of public facilities other than qualifying parks and recreation improvements;
 - b. repair, operation or maintenance costs;
 - c. the replacement of existing facilities, vehicles or equipment that does not result in a net increase in the stock of such facilities, vehicles or equipment; or
 - d. private parks and recreation facilities that are not open to the public and owned and operated by the City.

8.053 Police Protection Impact Fees

A. Police Protection Impact Fee Schedule

At the option of the applicant, the police protection impact fee may be calculated based on the attached fee schedule (Table 8.053). If the land use category in the fee schedule that best represents the proposed use is not clear, the Impact Fee Administrator shall determine the category, based on the most similar use in terms of functional population characteristics.

Table 8.053

POLICE PROTECTION IMPACT FEE SCHEDULE

<u>Land Use</u>	<u>Functional Population Unit</u>	<u>Net Cost per Unit</u>	<u>Maximum per Person</u>	<u>Fee/Unit</u>
Single-Family	Dwelling	1.41	\$200	\$282
Duplex	Dwelling	1.04	\$200	\$208
Multi-Family	Dwelling	0.87	\$200	\$174
Mobile Home	Dwelling	1.25	\$200	\$250
Commercial	1000 sq. ft.*	4.03	\$200	\$806
Office/Institutional	1000 sq. ft.*	1.87	\$200	\$374
Industrial	1000 sq. ft.*	0.90	\$200	\$180

B. Individual Assessments of Police Protection Impact Fees

Individual assessments of police protection impact fees shall be allowed as follows:

1. The individual assessment shall be prepared by a qualified professional in the field of planning, engineering or other appropriate discipline.
2. The assessment shall include an analysis of housing, demographic, employment, trip rate or other data to support a calculation of the functional population per unit factors that are appropriate to the proposed development.
3. The analysis shall follow the general methodology used to calculate functional population by land use type in the impact fee study, and shall include, without limitation, the following elements:
 - a. All of the factors used to calculate persons per unit by housing type, as described in Section 8.052, B, Individual Assessments of Parks and Recreation Impact Fees.
 - b. The appropriate residential occupancy factor to be used.

- c. The appropriate trip rates, employee/square footage ratios, vehicle occupancy, duration of visitor stays and other factors described in the impact fee study.
 - d. The data and assumptions on which the calculations are based. The data source and the reasoning underlying the assumptions and conclusions shall be clearly stated in writing.
 - e. Such other information as the Impact Fee Administrator shall reasonably request.
4. The Impact Fee Administrator shall review the independent assessment and determine the functional population factors that are appropriate for the proposed development. Once the functional population factors have been determined, the Impact Fee Administrator shall calculate the fee using the following formula.

$$FEE = \text{Functional Population per Unit} \times \text{Net Cost per Person.}$$

Where:

"Functional population per Unit" means the average number of full-time equivalent persons per unit of development present at the site of a land use during a typical week, based on a 16-hour day.

"Net cost per person" means the net cost per person to the City of providing the current array of police protection capital facilities to the current City population. This cost shall be two hundred dollars (\$200.00) per person until re-calculated by the City and this ordinance is updated to reflect such re-calculation.

C. Use of Police Protection Impact Fees

- 1. The revenues from police protection impact fees collected within the service area and accrued interest on such revenues shall be used to finance project costs of qualifying police protection improvements, provided that the improvements are used to acquire or develop additional land for police protection facilities, to acquire or construct police protection buildings, structures, or equipment with a useful life of at least three years, or for similar purposes that expand the capacity of the City's police protection capital facilities.
- 2. Qualifying police protection improvements include project engineering, construction and acquisition costs of improvements, including, but not limited to, land for police station facilities; office space, firing ranges, and other facilities for the use of Police Department personnel; patrol and support vehicles; ambulances; animal control vehicles and equipment; and communication and police station equipment. Qualifying police protection improvements also include the principal, interest and other financing costs of bonds, notes or other obligations issued by or on

behalf of the City to finance qualified improvements. Such revenues may also fund the cost of consultants used in preparing or updating the police protection portion of the impact fee study or ordinance.

3. Monies collected as police protection impact fees shall not be used to pay for any of the following:
 - a. construction, acquisition or expansion of public facilities other than qualifying police protection improvements;
 - b. repair, operation or maintenance costs; or
 - c. the replacement of existing facilities, vehicles or equipment that does not result in a net increase in the stock of such facilities, vehicles or equipment.

8.054 Fire Protection Impact Fees

A. Fire Protection Impact Fee Schedule

At the option of the applicant, the fire protection impact fee may be calculated based on the attached fee schedule (Table 8.054). If the land use category in the fee schedule that best represents the proposed use is not clear, the Impact Fee Administrator shall determine the category, based on the most similar use in terms of functional population characteristics.

Table 8.054

FIRE PROTECTION IMPACT FEE SCHEDULE

<u>Land Use</u>	<u>Unit</u>	<u>Functional Population per Unit</u>	<u>Net Cost per Person</u>	<u>Maximum Fee/Unit</u>
Single-Family	Dwelling	1.41	\$132	\$186
Duplex	Dwelling	1.04	\$132	\$137
Multi-Family	Dwelling	0.87	\$132	\$115
Mobile Home	Dwelling	1.25	\$132	\$165
Commercial	1000 sq. ft.*	4.03	\$132	\$532
Office/Institutional	1000 sq. ft.*	1.87	\$132	\$247
Industrial	1000 sq. ft.*	0.90	\$132	\$119

B. Individual Assessments of Fire Protection Impact Fees

Individual assessments of fire protection impact fees shall be subject to the same requirements set forth in Section 8.053, B, for individual

assessments of police protection impact fees, provided that the net cost per person shall be one hundred-thirty-two dollars (\$132) per person until re-calculated by the City and this ordinance is updated to reflect such re-calculation.

C. Use of Fire Protection Impact Fees

1. The revenues from fire protection impact fees collected within the service area and accrued interest on such revenues shall be used to finance project costs of qualifying fire protection improvements, provided that the improvements are used to acquire or develop additional land for fire protection facilities, to acquire or construct fire stations, structures, or equipment with a useful life of at least three (3) years, or for similar purposes that expand the capacity of the City's fire protection capital facilities.
2. Qualifying fire protection improvements include project engineering, construction and acquisition costs of improvements, including, but not limited to, land for fire protection facilities; fire stations; fire-fighting apparatus and support vehicles; office space, sleeping quarters, training facilities and other facilities and equipment for the use of paid or volunteer fire protection personnel; and communication and fire station equipment. Qualifying fire protection improvements also include the principal, interest and other financing costs of bonds, notes or other obligations issued by or on behalf of the City to finance qualified improvements. Such revenues may also fund the cost of consultants used in preparing or updating the fire protection portion of the impact fee study or ordinance.
3. Monies collected as fire protection impact fees shall not be used to pay for any of the following:
 - a. construction, acquisition or expansion of public facilities other than qualifying fire protection improvements;
 - b. repair, operation or maintenance costs; or
 - c. the replacement of existing facilities, vehicles or equipment that does not result in a net increase in the stock of such facilities, vehicles or equipment.

8.060 Penalties (Amended by Renumbering 8.050 to 8.060, by Ordinance No. 95-22, January 1, 1996)

Violation of the provisions of this ordinance or failure to comply with any of its requirements, (including violation of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punished as provided for by law. Each day such violation exists shall be deemed a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

8.070 Remedies (Amended by Renumbering 8.060 to 8.070, by Ordinance No. 95-22, January 1, 1996.)

In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained , or any building, structure, or land is used in violation of this Ordinance, the building commissioner or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may constitute injunction, mandamus, criminal proceedings for maintaining a nuisance, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure, or land.