

## INTERIM IMPACT FEE ORDINANCE

Pursuant to the provisions of 24 VSA Chapter 131, the Town of Thetford hereby ordains the following INTERIM IMPACT FEE ORDINANCE, to be effective as of midnight, Feb 19, 1989:

WHEREAS, as provided in Section 39 of No. of the Acts of the 1988 session of the Vermont General Assembly, the Town of Thetford is authorized to impose impact fees (as defined in 24 VSA 5201(2)); and

WHEREAS, the Town of Thetford has adopted permanent zoning by-laws, adopted by the Voters of the Town of Thetford October 21, 1972 and amended March 7, 1978 and March 1, 1988 and a subdivision ordinance adopted by the Board of Selectmen and amended by the Voters of the Town of Thetford March 1, 1988; and

WHEREAS, the Town is engaged in a planning process approved under 24 VSA 4350; and

WHEREAS, the Town of Thetford has undertaken studies and analyses of the costs of acquiring, constructing, operating and maintaining capital projects necessary to maintain levels of municipal service deemed sufficient for public health, safety, welfare and convenience; and

WHEREAS, the Town of Thetford has taken into consideration those factors set out in 24 VSA 5203 in establishing and assessing impact fees imposed hereunder; and

WHEREAS, the Town of Thetford desires to establish and assess impact fees under an ordinance to be adopted in accordance with 24 VSA 1971-1976.

### NOW THEREFORE, BE IT RESOLVED THAT:

1. For any development, construction or subdivision located within the Town of Thetford for which either a zoning or subdivision permit or approval, occupancy certificate, or site plan approval is required, there is hereby imposed an impact fee which will be computed and assessed in accordance with the formula and methodology set out in Appendix A hereto. The impact fee herein established, and the formula by which said fee shall be calculated, are hereby found and determined to reflect the cost of maintaining an appropriate level of service, consistent with the town plan, to be provided by capital projects and expenditures resulting from development, construction and subdivision, and capital projects previously constructed or acquired.

2. In lieu of the fee imposed by Section 1. hereof, the Town of Thetford, acting by and through its Board of Selectmen, may, but is not obligated to, accept comparable and equal off-site mitigation in the form of interests in real estate, the value of which shall be discounted to reflect the diminution thereof as a result of said real estate being exempt from taxation or of limited development potential.

3. All impact fees imposed and collected under Section 1. hereof shall be maintained in a segregated account and shall be used only to fund capital projects identified as relating to the development for which the impact fees are collected. The Town of Thetford shall produce annually an accounting identifying the source of each impact fee, the amount thereof, and the capital project attributable thereto.

4. All impact fees imposed and collected under Section 1. hereof, and all interest accretions, shall be expended only to fund those capital projects attributable to the impact fees imposed thereto.

5. All applications for refund of any unexpended impact fees shall be made in writing to the Board of Selectmen within six months of the sixth anniversary of the date upon which such impact fee was paid. Thereafter, any claim for refund shall be barred and of no force and effect.

6. Nothing herein shall be construed to impair the ability of the Town of Thetford, acting by and through its Board of Selectmen and its Road Commissioner to enter into independent contracts for the provision, extension or maintenance of municipal roads or improvements or any other municipal services; provided, however, that a reasonable proportion of the cost thereof attributable to and paid by any person otherwise subject to the impact fee imposed by Section 1. hereof, shall be deducted from such impact fee.

7. Nothing herein shall be construed to impair the ability of the Town of Thetford, acting by and through its Planning Commission to require developers or subdividers to provide fire ponds or other facilities or equipment for fire protection as provided for in the zoning bylaws and the subdivision ordinance; provided, however, that a reasonable portion of the cost thereof attributable to and paid by any person otherwise subject to the impact fee imposed by Section 1. hereof shall be deducted from such impact fee.

8. No zoning or subdivision permit or approval be issued until payments of the impact fee imposed by Section 1. hereof, and set out in the schedule B, shall be received by the Town Treasurer, provided, however, that with prior consent of the Selectmen,

A. said fee may be paid in installments with interest accruing at the maximum annual rate of interest allowable by law, to be secured by a recorded lien in favor of the Town upon all lands made subject to such fee; or

B. the payment of said fee may be deferred until a certain date, together with interest accruing at the maximum annual rate of interest allowed by law, to be secured by an approved bond, sureties or letter of credit unconditionally in favor of the Town.

9. This ordinance shall be effective with respect to all zoning and subdivision applications duly filed with the Town of Thetford requiring final approval on or after *December 31, 1988.*

10. This ordinance shall not be constructed to repeal, modify or amend any existing ordinances of the Town of Thetford.

11. Any person commencing or undertaking development in the Town

of Thetford without first complying with the provisions of this Ordinance, including the payment of any impact fee imposed hereunder, shall be subject to a penalty, not to exceed \$500.00 per day a violation of this Ordinance continues in existence, to be recovered in a civil action commenced by and prosecuted in the name of the Town. The penalty imposed in this section shall be in addition to any other penalty imposed by law or ordinance, and shall not be in lieu thereof. In addition to the penalties provided for herein, the Town shall have the power to enjoin and abate any violations of this Ordinance.

Appendix A

An impact fee shall be assessed on each dwelling unit or building lot which does not have an approved Deferral Permit as follows:

School impact	\$900.00
Fire impact	250.00
Highway impact	150.00

Appendix B

Impact fees shall be paid on the following schedule:

Upon Subdivision Approval	%100
Upon Zoning Permit application	%100

If %100 of the impact fee is paid as required at the time of subdivision approval, then the %100 impact fee is waived at the time of zoning permit application.

Any impact fee which is collected by the Town for a building site which is subsequently denied a zoning permit will be refunded in full upon the rejection of the zoning permit.

THETFORD TOWN CLERK'S OFFICE  
 Filed for Record 12-28 A.D. 1988  
 \_\_\_\_\_ o'clock \_\_\_\_\_ minutes AM  
 I recorded in Book \_\_\_\_\_ Page \_\_\_\_\_  
 Thetford \_\_\_\_\_ Records.  
 Attest PC [Signature]  
 \_\_\_\_\_ Town Clerk

*[Handwritten Signature]*  
*[Handwritten Signature]*