

Chapter 3

Community Facilities Impact Fee Program

3-101 Preamble

The Town of Minot finds that new development: places demands on municipal government to provide new services and expand and improve public facilities. In order to provide an equitable source of funding for these new services and facilities: the Town of Minot has established a. municipal infrastructure improvement program which charges a proportionate share of the cost of facilities improvements to those who are creating the demand for these improvements.

3-101.1 Use of Impact Fees

- A. Impact fees may only be used for financing facility improvements needed due to demand caused by new growth.
- B. Impact fees may not be used for:
 - 1. Operations and Maintenance: Impact fees may not be used to pay salaries or to pay for day-to-day costs or replacement of existing equipment
 - 2. Meeting Existing Deficiencies: Impact: fees may not be used to replace portable classrooms or to relieve congested streets; or
 - 3. Facilities not Needed to Serve the New Development or Which do not Benefit new Development: Impact fees may not be used to finance improvements that will not serve the new development. There must be a reasonable connection between the need for additional facilities and growth due to new development and between spending the fees collected and benefits received by the development paying the fee.

3-101.2 Applicability

- A. The Code Enforcement Officer shall require the applicant for a Building Permit to participate in the municipal infrastructure improvement program and pay a development impact fee at the rate currently in effect for schools. The total impact fee shall be paid separately from any other fees required by this Code and shall be paid at the time the Building Permit is issued.
- B. The Board of Selectmen shall establish the impact fee schedule and shall review and revise, if necessary, the impact fee schedule at least annually to reflect changes in planned improvements, current budget levels and compliance with the Town of Minot Comprehensive Plan and the Town's [anticipated capital needs] [Capital Improvement Program]. Prior to the establishment or revision of the impact fee schedule, the Municipal Officers shall hold two public hearings on the proposed fees. Notice of the public hearings shall be published in a newspaper of general circulation in the Town at least twice. The first notice shall be published no more than Thirty (30) days in advance of the first hearing and the second no less than Seven (7) days in advance of the first hearing.
- C. The impact fee schedule shall indicate the improvements to be financed; the anticipated schedule for construction; and the characteristic of new development: by which the fee shall be calculated such as, but not limited to:

1. number of bedrooms;
 2. square footage of floor area, or
 3. traffic generated.
- D. The amount of the fee shall be reasonably related to the development's share of the cost of the facilities improvements made necessary by the development or, ' if the improvements were previously constructed at municipal expense prior to the development, the fee must be reasonably related to the portion or percentage of the improvement used by the development.

3-101.3 Segregation of Impact Fees from General Fund

- A. The Code Enforcement Officer shall record the name of the individual paying the impact fee, the assessor's map and lot numbers for the property for which the impact fee is being paid, the amount of the fee paid for each facility for which fees are collected, and the date the impact fee was paid.
- B. Upon collection of an impact fee, the Code Enforcement Officer shall transfer the funds to the municipal treasurer who shall deposit the impact fees in special non-lapsing accounts dedicated for funding the improvements for which the fee is collected.
- C. Impact fee funds shall be maintained separately from and not be combined with other municipal revenues.
- D. Funds collected as impact fees shall be expended only for the infrastructure improvement for which the fee was collected.

3-101.4 Refund of Impact Fees

The Town shall refund impact fees, or that portion of impact fees, actually paid that exceed the Town's actual costs or that were not expended within fifteen (15) years of the date they were collected. The Board of Selectmen shall establish the procedure for refunding impact fees or portions of impact: fees not expended. Unexpended fees shall be returned to the owner of record at the time a refund is warranted.