

# **Town of Greenwood**

## **Fire and EMS Impact Fee Ordinance**

### 1. Authority.

- A. The Town under the authority of 30A M.R.S.A. §4354, paragraph 1A(4), and its statutory and constitutional home rule provisions, the Town of Greenwood hereby ordains the following Ordinance to authorize the assessment of an impact fee for the purposes of providing for public safety capital improvements needed as a result of expansion in building-related activity as specified herein.
- B. Town exempt. The Town is exempt from the payment of an impact fee as provided herein.

### 2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**APPLICANT:** A person making application for a building permit under the Town of Greenwood Land Use and Building Code Ordinance.

**IMPROVEMENTS:** New construction/development /building or renovations to any existing structure that increases that structure, by volume or square footage, or changes in the existing footprint.

**PUBLIC SAFETY:** The maintenance, prevention of, and protection from conditions that could endanger the safety of the general public, including, but not limited to, fire, and emergency medical services.

**PUBLIC SAFETY CAPITAL IMPROVEMENTS:** New, expanded or modified public safety equipment or facilities as approved the the Town Capital Improvement Plan process.

### 3. Purpose and application.

- A. The Select Board acknowledges that improvements in the Town lead directly to public safety infrastructure and capital equipment requirements made necessary by such development. The purpose of this impact fee is to ensure that improvements in the Town of Greenwood are supported for those public safety requirements with necessary equipment and facilities, and ordain that such improvements must bear a proportional or reasonably related share of the cost of public safety equipment and facilities through:

- (1) The payment of an impact fee that must be dedicated to paying for such needed public safety capital requirements; or
- (2) The direct funding of the public safety capital improvements of such needed equipment and facilities.

B. Determination of impact fee. The amount of the fee provided herein is reasonably related to the improvement's share of the cost, where the construction cost, as shown in the application for the building permit, amounts to or exceeds the sum of \$100,000.

- (1) The impact fee assessed is calculated by the CEO at the rate as set forth in Appendix A – Town of Greenwood Fee Schedule at \$ 1.5% of the cost of improvements in excess of \$ 100,000.
- (2) The first \$ 100,000 of the cost of the improvements, as determined herein, is exempted from this impact fee.
- (3) The following formula is to be used to determine the impact fee: Cost of the improvements less \$ 100,000 x the rate set in Appendix A = Impact Fee.

C. Payment of impact fees. Prior to the issuance of a building permit, the applicant must pay this public safety impact fee as determined above. The impact fee must be paid to the Town for deposit in the dedicated impact fee account established for this purpose at the time of issue of the building permit.

D. Waiver of impact fee. The Select Board by vote, may waive in whole or in part the payment of an impact fee as determined under this chapter if the CEO, in consultation with the Town Manager, finds that:

- (1) The applicant, as part of the improvements to be undertaken, is required by the Town or a State or Federal agency, as part of the development/building approval, to make or pay for capital improvements that are in the same nature as the capital improvements improvements to be funded by the impact fee as determined under the terms of this chapter.
- (2) The construction/development/building subject to the impact fee involves the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development of the Maine State Housing Authority. If only part of the project is affordable housing, the Select Board, in consultation with the Town Manager, may waive only that portion of the impact fee assessed hereunder that is attributable to the affordable housing units.

#### 4. Impact fee account

- A. All impact fees collected under the provisions of this ordinance must be segregated and accounted for in a dedicated impact fee account designated as the Public Safety impact fee account.
- B. The impact fee account is established by the Town Manager and must be the depository for all impact fees collected by the Code Enforcement Officer under the terms of this Ordinance.
- C. The impact fee funds must be segregated by the Town from general revenues and must be applied solely and exclusively towards capital improvements for public equipment and facilities for which the impact fees are collected hereunder.
- D. No portion of these funds may be used for routine maintenance or operational activities of the Fire Department relating to public safety improvements and expenses.
- E. The proceeds in this account may be expended in concert with other revenues and planned expenditures of capital improvement funds of the Town only for capital costs of equipment and facilities for the public safety as authorized by this ordinance.

#### 5. Refund of impact fee.

- A. If a building permit for which an impact fee has been paid is revoked or allowed to lapse prior to the commencement of the improvements, the payer of the impact fee is entitled to a refund, without interest, of any impact fee paid in conjunction with the issuance of that building permit.
- B. A request for refund must be made in writing to the CEO within 60 days of the lapse or revocation of the building permit, and the refund if deemed to be allowed hereunder is to be remitted within 60 days after the request is received by the CEO.

#### 6. Reasonable schedule.

- A. Any fees collected that are not spent or obligated by contract for the specified improvements allowed under this chapter by the end of the calendar quarter immediately following 10 years from the date the fee was paid must be returned to the payer of the impact fee, or successor, heir or assign, together with interest calculation at the simple interest rate of 2% per year from the date of the payment of the impact fee.

7. Enforcement.

- A. This chapter is enforced by the CEO or any other person duly authorized by the Select Board.

8. Review and revision.

- A. The Select Board must periodically review the provisions of this chapter at least once in every five year period.
- B. If the Select Board finds that the anticipated cost of the public safety capital improvements has changed or that the identification of capital improvements subject to this impact fee is no longer appropriate, the Select Board may make recommendations to the Town of Greenwood voters for any appropriate amendments to this ordinance.
- C. Any changes adopted as a result of such review must apply to all future development but must not be applied retroactively to construction/development/building projects that have already paid an impact fee.

**Voted and approved at the Town of Greenwood Annual Town Meeting on May 18, 2024. Voted all in favor.**