



TITLE #: 8

Ordinance No: 03-26-14-018

Date: 03-26-2014

ORDINANCE for the Administration of Impact Fees

DESCRIPTION: This Ordinance of the Town of Cheswold, Kent County, State of Delaware, specifies the processes, procedures and administration for the collection and usage of impact fees on new building construction or upon first time occupancy of new construction and directs the usage of the acquired fees.

Section 1. PURPOSE

This Ordinance clarifies, specifies and directs when impact fees should be imposed and how the proceeds of the collection of such fees will be expended.

Section 2. AUTHORITY TO ACT

The Town Council of the Town of Cheswold may impose upon new construction such, "impact fees", as are reasonably calculated to recover the cost of installing, enlarging, improving or expanding public or municipal improvements which have a rational nexus to such new construction. *(See Town Charter – Section 4.2.39)*

Section 3. APPLICABILITY

Impact fees will be calculated, assessed and collected for all new building construction and as determined as applicable, by the Town Council to first time occupants of new construction.

Section 4. DEFINITIONS

As used in this Ordinance, the following terms shall have the specified meaning:

- 4.1 Capital Account** – is the account set apart from general operating fund accounts and whose proceeds are designed for payment of specific capital improvement projects.
- 4.2 Capital Improvement Project/s** – are projects requiring expenditures from the Capital Account and includes repairs incident to reconstruction and renovation, but does not include ordinary repairs and maintenance of an on-going nature.
- 4.3 First Time Occupant** – is a person or entity who takes residence in a construction structure that has never been occupied by any other person or entity.
- 4.4 Impact Fee** – is a fee that is imposed by a municipality on a new or proposed development project to pay for all or a portion of the costs of providing public services to a new development.
- 4.5 New Construction** – is the preparation for, and construction of structures which did not previously exist and extensions to existing structures whether or not the site was previously occupied.

Section 5. DEPOSIT OF IMPACT FEES

Checks for the impact fees shall be made out to the Capital Account – Town of Cheswold.

- 5.1 The proceeds received from funds designated as impact fees shall be deposited into the Capital Account of the Town of Cheswold.
- 5.2 This account shall be a part of the Treasury of the Town.

Section 6. USAGE of IMPACT FEES for CAPITAL IMPROVEMENT PROGRAMS

Impact fees received by the Town shall be used as follows:

- 6.1 Capital Improvement Projects only.
- 6.2 Funds shall be specifically assigned and recorded a Capital Improvement Project within the Capital Account.
- 6.3 Capital Improvement Projects are designated as follows:
 - 6.3.1 Road construction, renovation, repair or re-surfacing
 - 6.3.2 Sidewalk and pavement improvements
 - 6.3.3 Sewage treatment plants, construction, renovation, repair or re-construction
 - 6.3.4 Water line construction, renovation, repair or re-construction
 - 6.3.5 Sewer line construction, renovation, repair or re-construction
 - 6.3.6 Municipal building construction, improvements, extensions
 - 6.3.7 Energy conservation
 - 6.3.8 Fire Safety Projects
 - 6.3.9 Code compliance
 - 6.3.10 Municipal and Emergency Vehicle purchases with associated new equipment
 - 6.3.11 Waste treatment/Filtration Plants, construction, renovation, repair or re-construction
 - 6.3.12 Water main construction, renovation, repair or re-construction
 - 6.3.13 Public Housing projects
 - 6.3.14 Creation and improvements to emergency communication systems
 - 6.3.15 Memorial monuments, construction and renovation
 - 6.3.16 Thermal imaging systems

Section 6. USAGE of IMPACT FEES for CAPITAL IMPROVEMENT PROGRAMS “continued”

- 6.3.17 Acquisitions of automatic external defibrillators
- 6.3.18 Floodplain management and hazard mitigation activities
- 6.3.19 Emergency services building construction, improvements, extensions
- 6.3.20 Acquisition of new furniture and/or equipment

6.4 Additional Capital Improvement Projects may be added by a majority vote of the Town Council.

Section 7 – EXEMPTION to SECTION 6

- 7.1 If by a majority decision of the Town Council, it is determined that a loan from the Capital Account is required to sustain the viability of the Town, then such should be made and duly recorded by the Secretary/Treasurer and Town Clerk.
- 7.2 The loan should be recorded as an active debt for accounting purposes until it is repaid to the Capital Account in full.
- 7.3 Section 13 of the Town Charter authorizes Town Council to make such decisions about Treasury funds usage.

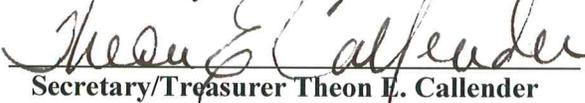
Section 8 - EFFECTIVE DATE

This ordinance and the rules, regulations, provisions, requirements, orders, administration and management and matters established and adopted hereby shall take effect and be in full force and effect Tuesday, April 8, 2014, from and after the date of its final passage and adoption.

Ordinance No. 03-26-14-018 entitled, Administration of Impact Fees, was duly adopted by a majority vote of the Cheswold Town Council at the Council meeting held on Monday, April 7, 2014, at which a quorum was present.

I, Donald F. Tinari, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of the Act passed by affirmative vote of all elected Members of the Cheswold Town Council at a regularly scheduled Town Council Meeting, (or Special Meeting).

Certified: 
 Mayor Donald F. Tinari Date: April 7, 2014

ATTEST: 
 Secretary/Treasurer Theon E. Callender Date: April 7, 2014

Agreed: Robert W. Sine
Vice-Mayor Robert W. Sine

Date: April 7, 2014

Agreed: Sherry Lambertson
Councilperson Sherry Lambertson

Date: April 7, 2014

Agreed: _____
Councilperson – Position Vacant

Date: April 7, 2014

Agreed: _____
Councilperson – Position Vacant

Date: April 7, 2014

NOTARIZED: Shadina Jones
Town Clerk Shadina Jones

Date: April 7, 2014

Sponsored by: Theon E. Callender- Secretary/Treasurer
Co-Sponsor: N/A

Introduction: April 8, 2014