

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

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**CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE**

Ordinance No. 19-1216-01

ORDINANCE TO ADOPT ARTICLE XIV, SECTION 54-32 (IMPACT FEES), OF THE CITY OF DELAWARE CITY CODE RELATING TO THE IMPLEMENTATION OF IMPACT FEES ON NEW CONSTRUCTION

WHEREAS, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter ("Charter"), and pursuant to the "Powers of the City," outlined in Article II, § 2-01 of the Charter, the Mayor and the Council of The City of Delaware City ("City Council") possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code ("Code"); and

WHEREAS, impact fees are necessary to the provision of quality of City services and infrastructure in furtherance of the continued health, safety, and welfare of the Delaware City community; and

WHEREAS, impact fees will be used to recoup the costs of capital improvements or facility expansions necessitated by, and attributable to, new development.

WHEREAS, the City does not currently receive impact fees from persons or entities benefiting from City services as they create new developments within the City; and

WHEREAS, the Mayor and Council desire to amend Chapter 54 of the City Code, relating to the implementation and payment of impact fees.

NOW, THEREFORE, making the express finding that the below changes enhance the health, safety, and welfare of the City of Delaware City, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

Section 1. Chapter 54 of the City Code is hereby amended by inserting a new Article XIV, Section 54-32, as follows:

Chapter 54

SUBDIVISION OF LAND

ARTICLE XIV IMPACT FEES

Sec. 54-32 – Impact Fees.

A. Purpose.

The purpose of these impact fee provisions is to ensure that new development in the City bears a proportional or reasonably-related share of the cost of new, expanded, or replacement infrastructure necessary to service that development through the payment of impact fees.

B. Applicability.

Any new building or commercial space shall be subject to impact fees, with the exception of municipal buildings, which shall be considered exempt. Residential additions shall not be subject to impact fees.

C. Calculation of Impact Fees.

- 1) Impact fees shall be calculated based on the impact fee schedule in effect at the time of submittal of a complete application for a building permit.

- 2) In the event that there is more than one dwelling unit within a building, impact fees shall be calculated separately for each dwelling unit.

D. Impact Fee Schedule.

Below is the Impact Fee Schedule:

Fee Type	Fee
Fire & Rescue	\$300 ¹
Parks & Recreation	\$150
Police Services	\$100
City Facilities	\$125

E. Collection of Impact Fees

The City shall not issue any certificate of occupancy required under the City Code until the applicant has paid any impact fees required by this article.

F. Segregation of Impact Fees from General Revenue

Impact fees collected pursuant to this article shall be maintained in separate, non-lapsing impact fee accounts for each of the facilities for which impact fees are assessed, and shall be segregated from the City's general revenues.

These accounts shall be dedicated for funding of the improvements for which the fee is collected. Funds from these accounts shall be distributed to City departments solely for the purpose of capital and infrastructure projects relating to the departments.

G. Review and Revisions.

The impact fees established in this article are based upon the best estimates of the costs of the construction of the facilities for which the fees are collected. The Council may, by amendments to this article, change the amounts of the impact fees from time-to-time as warranted by new information or changed circumstances.

¹ This specific Impact Fee shall go into a subvention fund for the benefit of Delaware City's Fire & Rescue resources.

Section 2. Inconsistent Ordinances and Resolutions Repealed. All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.

Section 3. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its adoption by City Council.

ADOPTED BY THE MAYOR AND COUNCIL, this ____ day of _____, 2019.

ATTEST:

City Secretary

Mayor

APPROVED AS TO FORM:

Council Member

City Solicitor

Council Member

Council Member

Council Member

Council Member

First Reading on _____,

Second Reading, Public Hearing, and Final Passage on _____.