

ORDINANCE No. 2024-02

AN ORDINANCE AMENDING, RENUMBERING, AND CODIFYING THE
CENTERVILLE CITY IMPACT FEES INCLUDING THE RELATED IMPACT
FEES FACILITIES PLANS AND WRITTEN IMPACT FEES ANALYSES FOR
THE CULINARY WATER IMPACT FEES, THE PARK IMPACT FEES, AND
THE STORM WATER IMPACT FEES

WHEREAS, Centerville City (the "City") is a political subdivision of the State of Utah, authorized and organized under applicable provisions of Utah law; and

WHEREAS, the City has legal authority, pursuant to Title 11, Chapter 36a of the Utah Code Annotated, as amended ("*Impact Fees Act*" or "*Act*"), to impose development impact fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to new development activity; and

WHEREAS, the City has previously enacted by separate uncodified ordinances and currently imposes impact fees for culinary water, park, and storm water facilities, including adoption of the statutorily required supporting impact fee analyses and impact fee facilities plans for such impact fees; and

WHEREAS, the City desires to amend, renumber, and codify the provisions of the various uncodified impact fee ordinances and to codify such provisions in the Centerville Municipal Code as a new Title 20 (Impact Fees);

WHEREAS, the proposed renumbering and codifying of the impact fee ordinances as provided herein is intended to be adopted and updated in accordance with applicable provisions of the Impact Fees Act for the purpose of appropriately assigning capital infrastructure costs to development in an equitable and proportionate manner as more particularly provided herein and setting forth guidelines and policies regarding the use and implementation of such impact fees; and

WHEREAS, the City has provided the required notice and held a public hearing before the City Council regarding the proposed amendments, renumbering, and codification of the impact fee ordinances in accordance with applicable provisions of the Impact Fees Act; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Repeal. Chapter 15.08 of the Centerville Municipal Code regarding Development and Impact Fees is hereby repealed as of the effective date of this Ordinance and the effective date of enactment of Title 20 of the Centerville Municipal Code regarding Impact Fees.

Section 2. Enactment. Title 20 of the Centerville Municipal Code regarding Impact Fees is hereby enacted as more particularly set forth in Exhibit A, attached hereto and incorporated by reference.

Section 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

Section 4. Effective Date. In accordance with provisions of Utah Code § 11-36a-401, the impact fee enactment adopted herein may not take effect until 90 days after the day on which the impact fee enactment is approved by the City Council. Therefore, the impact fee enactment adopted herein shall take effect on April 15, 2024.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 16th DAY OF JANUARY, 2024.**

CENTERVILLE CITY

ATTEST:

Jennifer Robison
Jennifer Robison, City Recorder

By: Clark A. Wilkinson
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Hayman	<u>✓</u>	_____	_____
Councilmember Hirst	<u>✓</u>	_____	_____
Councilmember Mecham	<u>✓</u>	_____	_____
Councilmember Plummer	<u>✓</u>	_____	_____
Councilmember Summerhays	<u>✓</u>	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted as required by law.

Jennifer Robison
JENNIFER ROBISON, City Recorder

DATE: 1-17-2024

RECORDED this 17th day of January, 2024.

PUBLISHED OR POSTED this 17th of January, 2024.

EFFECTIVE DATE: April 15, 2024



Exhibit A

Centerville Municipal Code - Title 20 (Impact Fees)

20 Impact Fees

- 20.01 General Provisions**
- 20.02 Impact Fee Enactments**
- 20.03 Notices and Hearings**
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20.01 General Provisions

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20.01.010 Title

This Title shall be known as the “Centerville Impact Fees Ordinance.” This Title shall also be known as Title 20 of the Centerville Municipal Code or CMC 20 (Impact Fees). This Title may be cited under either designation and referred to herein as this Title.

20.01.020 Purpose

This Title establishes the City’s impact fees policies and procedures and is enacted pursuant to the Impact Fees Act as set forth in Utah Code §§ 11-36a-101, et seq. The purpose of this Title is to set forth provisions regarding impact fees imposed by the City, provide a schedule of impact fees for development activity within the City, describe certain capital improvements to be funded by such impact fees, and set forth direction for challenging, modifying, and appealing impact fees imposed by the City.

20.01.030 Authority

This Title is adopted pursuant to authority provided in the Impact Fees Act as set forth in Utah Code §§ 11-36a-101, et seq. The City is authorized to impose impact fees subject to and in accordance with applicable provisions of the Impact Fees Act.

20.01.040 Definitions

Words and phrases that are defined in the Impact Fees Act shall have the same definition in this Title. In the event of conflict between definitions set forth herein and those set forth in State law, the definitions set forth in State law shall govern. The following words and phrases are defined as follows:

- (a) "City" means Centerville City, a political subdivision of the State of Utah.
- (b) "Development Activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.
- (c) "Development Approval" means any written authorization from the City that authorizes the commencement of development activity and any other approval as defined in Utah Code § 11-36a-102.
- (d) "Impact Fee" means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. Impact fee does not include a tax, special assessment, building permit fee, hookup fee, fee for project improvements, or other reasonable permit or application fee.
- (e) "Impact Fee Analysis" means the written analysis for each impact fee imposed by the City as required by Utah Code § 11-36a-303.
- (f) "Impact Fee Facilities Plan" means the facilities plan for each impact fee imposed by the City as required by Utah Code § 11-36a-301.
- (g) "Impact Fees Act" means the Utah Impact Fees Act as set forth in Utah Code §§ 11-36a-101, et seq.
- (h) "Level of Service" means the defined performance standard or unit of demand for each capital component of a public facility within the a service area.
- (i) "Project Improvements" means site improvements and facilities that are: planned and designed to provide service for development resulting from a development activity; necessary for the use and convenience of the occupants or users of development resulting from a development activity; and not identified or reimbursed as a system improvement. Project Improvements does not include system improvements as more particularly defined herein.
- (j) "Proportionate Share" means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.
- (k) "Public Facilities" means impact fee facilities as defined in the Impact Fees Act that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity. As defined in the Impact Fees Act, impact fee facilities include, but are not limited to, water rights and water supply, treatment, storage, and distribution facilities; wastewater collection and treatment facilities; stormwater, drainage, and flood control facilities; municipal power facilities; roadway facilities; parks, recreation facilities, open space, and trails; public safety facilities; environmental mitigation; or municipal gas facilities.
- (l) "Service Area" means a geographic area designated by the City on the basis of sound planning or engineering principles in which a public facility, or a defined set of public facilities, provides service within the area.

- (m) "System Improvements" means existing public facilities that are identified in the impact fee analysis under Utah Code § 11-36a-304 and designed to provide services to service areas within the community at large, and future public facilities identified in the impact fee analysis under Utah Code § 11-36a-304 that are intended to provide services to service areas within the community at large. System improvements do not include project improvements as defined herein.

20.01.050 Severability

If any section, subsection, paragraph, clause, or phrase of this Title is declared invalid for any reason, such decision shall not affect the remaining portions of this Title, which shall remain in full force and effect, and for this purpose, the provisions of this Title are declared to be severable.

20.01.060 Interpretation

This Title has been divided into sections, subsections, paragraphs, and clauses for convenience only and the interpretation of this Title shall not be affected by such division or by any heading contained herein.

20.01.070 Effective Date

In accordance with the provisions of Utah Code § 11-36a-401, this Title and the impact fees adopted herein or pursuant hereto, shall not take effect until 90 days after the day on which the ordinance is approved. All impact fees in place at the time of adoption of this Title shall remain in full force and effect until and unless repealed and replaced by the provisions of this Title after the 90-day waiting period.

20.01.080 Disclaimer

Nothing in this Title may be construed to repeal or otherwise eliminate an impact fee in effect on the effective date of this Title that is pledged as a source of revenues to pay bonded indebtedness that was incurred before the effective date of this Title.

20.02	Impact Fee Enactments
20.02.010	Impact Fee Enactment
20.02.020	Impact Fee Facilities Plan
20.02.030	Impact Fee Analysis
20.02.040	Calculating Impact Fees
20.02.050	Certification
20.02.060	Compliance
20.02.070	Public Facilities Restrictions
20.02.080	Level of Service Restrictions
20.02.090	Accessory Dwelling Unit Restrictions
20.02.100	School Restrictions

20.02.010 Impact Fee Enactment

Before imposing or amending an impact fee, the City is required to prepare and adopt by ordinance an impact fee enactment in accordance with Utah Code § 11-36a-401. The impact fee enactment shall be prepared to include all of the elements and requirements set forth in Utah Code § 11-36a-402. An impact fee enactment may not take effect until 90 days after the day on which the impact fee enactment is approved by the City Council as more particularly provided in CMC § 20.01.070 and Utah Code § 11-36a-401.

20.02.020 Impact Fee Facilities Plan

Before imposing or amending an impact fee, the City is required to prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity in accordance with Utah Code § 11-36a-301. The impact fee facilities plan shall identify and include all of the elements and requirements set forth in Utah Code § 11-36a-302.

20.02.030 Impact Fee Analysis

Before imposing or amending an impact fee, the City is required to prepare an impact fee analysis for each impact fee in accordance with Utah Code § 11-36a-303. The City is also required to prepare a summary of the impact fee analysis designed to be understood by a lay person. The impact fee analysis shall identify and include all of the elements and requirements set forth in Utah Code § 11-36a-304.

20.02.040 Calculating Impact Fees

In calculating an impact fee, the City may include those costs, services, and expenses set forth in Utah Code § 11-36a-305. In calculating impact fees, the City shall base such amounts on realistic estimates and the assumptions underlying those estimates shall be disclosed in the impact fee analysis. An impact fee imposed by the City may not exceed the highest fee justified by the applicable impact fee analysis.

20.02.050 Certification

The impact fee facilities plan and impact fee analysis for any impact fee imposed by the City must include a written certification from the person or entity that prepared the impact fee facilities plan and impact fee analysis in accordance with Utah Code § 11-36a-306.

20.02.060 Compliance

An impact fee imposed by the City shall comply with the requirements of the Impact Fees Act, as set forth in Utah Code §§ 11-36a-101, et seq.

20.02.070 Public Facilities Restrictions

Pursuant to Utah Code § 11-36a-201, impact fees may only be established for public facilities that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity, as more particularly defined in CMC § 20.01.020 and Utah Code § 11-36a-102.

20.02.080 Level of Service Restrictions

Pursuant to Utah Code § 11-36a-202, the City may not impose an impact fee to:

- (a) Cure deficiencies in a public facility serving existing development;
- (b) Raise the established level of service of a public facility serving existing development; or
- (c) Recoup more than the City's costs actually incurred for excess capacity in an existing system improvement.

20.02.090 Accessory Dwelling Unit Restrictions

Pursuant to Utah Code § 11-36a-202, the City may not impose an impact fee on development activity that consists of the construction of an internal accessory dwelling unit, as defined in Utah Code § 10-9a-530, within an existing primary dwelling.

21.02.100 School Restrictions

Certain restrictions apply to imposing an impact fee on a school district or charter school as more particularly set forth in Utah Code §§ 11-36a-202, 11-36a-206, and 10-9a-305.

20.03 Notice and Hearing

- 20.03.010 Notice of Intent to Prepare or Amend Impact Fee Facilities Plan**
- 20.03.020 Notice to Adopt or Amend Impact Fee Facilities Plan**
- 20.03.030 Public Hearing to Adopt or Amend Impact Fee Facilities Plan**
- 20.03.040 Notice of Intent to Prepare Impact Fee Analysis**
- 20.03.050 Notice of Intent to Adopt or Amend Impact Fee Enactment**
- 20.03.060 Public Hearing to Adopt or Amend Impact Fee Enactment**
- 20.03.070 Exemption**

20.03.010 Notice of Intent to Prepare or Amend Impact Fee Facilities Plan

Before preparing or amending an impact fee facilities plan, the City shall provide notice of its intent to prepare or amend an impact fee facilities plan in accordance with applicable provisions of Utah Code § 11-36a-501.

20.03.020 Notice to Adopt or Amend Impact Fee Facilities Plan

Before adopting or amending an impact fee facilities plan, the City shall provide notice of its intent to adopt or amend an impact fee facilities plan in accordance with applicable provisions of Utah Code § 11-36a-502.

20.03.030 Public Hearing to Adopt or Amend Impact Fee Facilities Plan

Before adopting or amending an impact fee facilities plan, the City shall hold a public hearing to hear public comment on the adoption or amendment to the impact fee facilities plan in accordance with applicable provisions of Utah Code § 11-36a-502.

20.03.040 Notice of Intent to Prepare Impact Fee Analysis

Before preparing or contracting to prepare an impact fee analysis, the City shall provide notice of its intent to prepare or contract to prepare an impact fee analysis in accordance with the requirements of Utah Code § 11-36a-503.

20.03.050 Notice of Intent to Adopt or Amend Impact Fee Enactment

Before adopting or amending an impact fee enactment, the City shall provide notice of its intent to adopt or amend an impact fee enactment in accordance with applicable provisions of Utah Code § 11-36a-504. The City shall also make a copy of the impact fee enactment and impact fee analysis available to the public in accordance with applicable provisions of Utah Code § 11-36a-504.

20.03.060 Public Hearing to Adopt or Amend Impact Fee Enactment

Before adopting or amending an impact fee enactment, the City shall hold a public hearing to hear public comment on the adoption or amendment to the impact fee enactment in accordance with applicable provisions of Utah Code § 11-36a-504.

20.03.070 Exemption

In accordance with Utah Code § 11-36a-403, an impact fee enactment that repeals or suspends the collection of impact fees is exempt from the noticing provisions set forth in this Chapter and in Utah Code § 11-36a-501, et seq.

20.04 Accounting and Expenditures

- 20.04.010 Impact Fees Accounting**
- 20.04.020 Impact Fees Reporting**
- 20.04.030 Impact Fees Expenditures**
- 20.04.040 Timing of Expenditures**
- 20.04.050 Impact Fees Refunds**
- 20.04.060 Other Impact Fees**
- 20.04.070 Additional Fees and Costs**
- 20.04.080 Fees Effective at Time of Payment**
- 20.04.090 Imposition of Additional Fee or Refund after Development**

20.04.010 Impact Fees Accounting

The City shall establish a separate interest-bearing ledger account for each type of public facility for which an impact fee is collected, deposit a receipt for an impact fee in the appropriate ledger account, and retain the interest earned on each fund or ledger account in the fund or ledger account in accordance with Utah Code § 11-36a-601.

20.04.020 Impact Fees Reporting

At the end of each fiscal year, the City shall prepare a report for each impact fee fund or ledger account that complies with Utah Code § 11-36a-601. The annual impact fee report shall be certified by the Finance Director and transmitted to the State Auditor within 180 days after the day on which the fiscal year ends.

20.04.030 Impact Fees Expenditures

Pursuant to Utah Code § 11-36a-602, the City may expend impact fees only for a system improvement: (i) identified in the applicable impact fees facilities plan; and (ii) for the specific public facility type for which the fee was collected. Impact fees will be expended on a first-in first-out basis as described in CMC § 20.04.040.

20.04.040 Timing of Expenditures

Except as otherwise provided by law, the City shall expend or encumber impact fees with respect to a lot for a permissible use and within six years after the impact fee with respect to that lot is collected. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended. Pursuant to Utah Code § 11-36a-602, the City may hold the impact fees for longer than six years if the City identifies in writing: (i) an extraordinary and compelling reason why the impact fees should be held longer than six years; and (ii) an absolute date by which the fees will be expended.

20.04.050 Impact Fees Refunds – Developer Requested

Pursuant to Utah Code § 11-36a-603, the City shall refund any impact fees paid by a developer, plus interest earned, when: (i) the developer does not proceed with the development activity and files a written request for a refund; (ii) the impact fees have not been spent or encumbered; and (iii) no impact has resulted. An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities

and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

20.04.060 Impact Fees Refunds – Failure to Spend or Encumber

If the City fails to spend or encumber an impact fee in accordance with Utah Code § 11-36a-602, the City shall refund the impact fee to the original owner or claimants in accordance with Utah Code § 11-36a-603. The City may retain an unclaimed refund in accordance with Utah Code § 11-36a-603 and shall expend any such unclaimed refund on capital facilities identified in the current capital facilities plan for the type of public facility for which the impact fee was collected.

20.04.060 Other Impact Fees

To the extent allowed by law, the City Council may negotiate or otherwise impose impact fees and other fees different from those currently charged. Those charges may, at the discretion of the City Council, include but not be limited to reductions or increases in impact fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the City's system.

20.04.070 Additional Fees and Costs

The impact fees authorized herein are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the impact fees set forth in the City Fee Schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.

20.04.080 Fees Effective at Time of Payment

The City will collect impact fees at the time of subdivision approval, building permit issuance, or any other trigger point set forth in the City Fee Schedule for the applicable impact fee. The impact fees will be calculated by the City. Unless the City is otherwise bound by a contractual requirement, the impact fees shall be determined by the fees set forth in the City Fee Schedule in effect at the time of payment.

20.04.090 Imposition of Additional Fee or Refund after Development

Should any developer undertake development activities such that the ultimate density or other impact of the development activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the impact fee is not initially charged against all units or the total density within the development, the City shall be entitled to charge an additional impact fee to the developer or other appropriate person covering the density for which an impact fee was not previously paid.

20.05 Adjustments and Credits

20.05.010 Adjustments

20.05.020 Credits

20.05.030 Waiver for Public Purpose

20.05.010 Adjustments

In accordance with Utah Code § 11-36a-402, the City may adjust the standard impact fee at the time the fee is charged to respond to unusual circumstances in specific cases or to ensure that impact fees are imposed fairly. The City may also adjust the standard impact fee in response to a request for an individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected. To the extent required by law, the City may adjust the amount of the impact fee on a particular development based on written information and data submitted by the developer deemed sufficient by the City to show a discrepancy between the impact fee being assessed and the actual impact of the development on the system.

20.05.020 Credits

In accordance with Utah Code § 11-36a-402, a developer may be allowed a credit against an impact fee or a proportionate reimbursement of an impact fee if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that the City and the developer agree will reduce the need for a system improvement; *provided* that the system improvement is identified in the City's Impact Fee Facilities Plan and is required by the City as a condition of approving the development activity. To the extent required in Utah Code § 11-36a-402, the City shall provide a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements, as defined herein and identified in the City's Impact Fee Facilities Plan, or are dedicated to the public and offset the need for an identified system improvement.

20.05.030 Waiver for Public Purpose

In accordance with Utah Code § 11-36a-403, the City Council may, on a project by project basis, authorize exceptions or adjustments to the impact fees for those projects the City Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include low or moderate income housing or other development activities with a broad public purpose. The City Council may elect to waive or adjust impact fees for such projects. Applications for exceptions are to be filed with the City at the time the developer first requests the extension of service to the development or property.

20.06 Challenges and Appeals

20.06.010	Requests for Information
20.06.020	Advisory Opinion
20.06.030	Challenges
20.06.040	Procedure for Challenges
20.06.050	Time Limitations
20.06.060	Sole Remedy
20.06.070	Administrative Appeal
20.06.080	Arbitration
20.06.090	Mediation
20.06.100	Declaratory Judgment

20.06.010 Requests for Information

A person or entity required to pay an impact fee who believes the the impact fee does not meet the requirements of law may file a written request for information with the City Recorder in accordance with and subject to the provisions of Utah Code § 11-36a-701. As required by law, within two weeks after the receipt of the request for information, the City Recorder shall provide the person or entity with the applicable impact fee facilities plan, impact fee analysis, and any other relevant information relating to the applicable impact fee.

20.06.020 Advisory Opinion

A local government, private entity, or a potentially aggrieved person may request an advisory opinion from a neutral third party to determine compliance with the Impact Fees Act by filing a request for a written advisory opinion with the Office of the Property Rights Ombudsman in accordance with the procedures and provisions of Utah Code § 13-43-205. The statutory deadline for filing a request for an advisory opinion is set forth in Utah Code § 13-43-205. Unless otherwise provided by law, an advisory opinion issued by the Office of the Property Rights Ombudsman is not binding on any party to nor admissible as evidence in a dispute involving land use law and does not stay the progress of a land use application or the effect of a land use decision. However, if an impact fee that is the subject of an advisory opinion under Utah Code § 13-43-205 is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances, and is resolved consistent with the advisory opinion, the substantially prevailing party on the cause of action may collect reasonable attorney fees and court costs and a refund of impact fees held to be in violation of the Impact Fees Act, as more particularly provided in Utah Code § 11-36a-701.

20.06.030 Challenges

A person or entity that has paid an impact fee that the City has imposed may challenge the impact fee in accordance with applicable provisions of Utah Code § 11-36a-701, et seq. Except as otherwise provided by law, a person or entity that has paid an impact fee that the City has imposed may generally challenge: (1) the impact fee; (2) whether the City complied with the notice requirements of the Impact Fees Act with respect to the imposition of the impact fee; and (3) whether the City complied with other procedural requirements of the Impact Fees Act for imposing the impact fee.

20.80.040 Procedure for Challenges

A challenge to an impact fee may be initiated by filing: (1) an appeal to the City Council pursuant to the administrative appeal procedures set forth in CMC § 20.06.070; (2) a request for arbitration as provided in Utah Code § 11-36a-705; or (3) an action in district court.

20.06.050 Time Limitations

A person or entity that initiates a challenge to an impact fee may not initiate that challenge unless it is initiated within the applicable time limitations set forth in Utah Code § 11-36a-702 for the applicable type of challenge. Pursuant to Utah Code § 11-36a-702, the deadline to file an action in district court challenging an impact fee is tolled from the date that a challenge is filed using the administrative appeals procedure set forth in CMC § 20.06.070 until 30 days after the day on which a final decision is rendered in the administrative appeals process. Pursuant to Utah Code § 11-36a-705, the filing of a written request for arbitration tolls the time limitations set forth in Utah Code § 11-36a-702 until the day on which the arbitrator or arbitration panel issues a decision.

20.06.060 Sole Remedy

The sole remedy for a challenge to the City's compliance with noticing requirements with respect to imposition of the impact fee is the equitable remedy of requiring the City to correct the defective notice and repeat the process, as provided in Utah Code § 11-36a-701. The sole remedy for a challenge to City's impact fee is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated, as provided in Utah Code § 11-36a-701. The sole remedy for a successful challenge under Utah Code § 11-36a-701 which determines an impact fee process was invalid or an impact fee is in excess of the fee allowed by law, is a declaration that, until the City enacts a new impact fee study, the City may charge an impact fee only as the court determines would have been appropriate if it had been properly enacted, as provided in Utah Code § 11-36a-703.

20.06.070 Administrative Appeal

The City hereby adopts an administrative appeal procedure to consider and decide challenges to impact fees imposed by the City. Any person or entity that has paid an impact fee to the City may challenge or appeal the impact fee to the City Council by filing written notice of administrative appeal with the City Recorder within 30 days after the day on which the person or entity paid the impact fee. The notice of appeal shall set forth the grounds for the appeal and shall include any applicable filing fees as set forth in the City Fee Schedule. Upon receiving the written notice of appeal, the City Council shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the City may also appear and present evidence to support the imposition of the impact fee. The City Council shall hold a hearing and make a decision on the appeal within 30 days after the day on which the administrative appeal is filed as required by Utah Code § 11-36a-703. To the extent provided in Utah Code § 11-36a-703, a person or entity is not required to exhaust administrative remedies by filing an administrative appeal with the City before filing an action in district court.

20.06.080 Arbitration

A person or entity intending to challenge an impact fee under Utah Code § 11-36a-703 shall file a written request for arbitration with the City within the time limitations set forth in Utah Code § 11-36a-702 for the applicable type of challenge. If a person or entity files a written request for arbitration as provided herein, an arbitrator or arbitration panel shall be selected in accordance with the procedures set forth in Utah Code § 11-36a-705. The arbitrator or arbitration panel shall hold a hearing and issue a written decision on the challenge in accordance with the time requirements set forth in Utah Code § 11-36-705. Except as otherwise provided in Utah Code § 11-36a-705, the arbitration shall be governed by the Utah Uniform Arbitration Act, as set forth in Utah Code §§ 78B-11-101, et seq.

20.06.090 Mediation

In addition to the methods of challenging an impact fee as provided herein, a specified public agency may require the City to participate in mediation of any applicable impact fee in accordance with the provisions of Utah Code § 11-36a-704. To require mediation, the specified public agency shall submit a written request for mediation to the City. The specified public agency may submit a request for mediation under Utah Code § 11-36a-704 at any time, but no later than 30 days after the day on which an impact fee is paid. To the extent required by law, upon the submission of a request for mediation as provided herein, the City shall cooperate with the specified public agency to select a mediator and to participate in the mediation process.

20.06.100 Declaratory Judgement

A person or entity residing in or owning property within any defined impact fee service area, or an organization, association, or a corporation representing the interests of persons or entities owning property within a defined impact fee service area, has standing to file a declaratory judgment action challenging the validity of an impact fee in accordance with and subject to the provisions of Utah Code § 11-36a-701.

20.07 Culinary Water Impact Fees

- 20.07.010 Culinary Water Impact Fee Enactment**
- 20.07.020 Culinary Water Impact Facilities Plan**
- 20.07.030 Culinary Water Impact Fee Analysis**
- 20.07.040 Culinary Water Impact Fee Service Area**
- 20.07.050 Culinary Water Impact Fee**
- 20.07.060 Conflicts and Repeal**

20.07.010 Culinary Water Impact Fee Enactment

The City adopted Ordinance No. 2013-10 enacting the Culinary Water Impact Fee. Except as otherwise provided in CMC 20.07.060 regarding conflicts and repeal, Ordinance No. 2013-10 is hereby adopted in its entirety and incorporated herein by this reference. A copy of Ordinance No. 2013-10 can be accessed at the following link: [Ordinance No. 2013-10](#).

20.07.020 Culinary Water Impact Fee Facilities Plan

The City adopted the Culinary Water Impact Fee Facilities Plan. Except as otherwise provided in CMC 20.07.060 regarding conflicts and repeal, the Culinary Water Impact Fee Facilities Plan is hereby adopted in its entirety and incorporated herein by this reference. A copy of the Culinary Water Impact Fee Facilities Plan can be accessed at the following link: [Culinary Water Impact Fee Facilities Plan](#).

20.07.030 Culinary Water Impact Fee Analysis

The City adopted the Culinary Water Impact Fee Analysis. Except as otherwise provided in CMC 20.07.060 regarding conflicts and repeal, the Culinary Water Impact Fee Facilities Plan is hereby adopted in its entirety and incorporated herein by this reference. A copy of the Culinary Water Impact Fee Analysis can be accessed at the following link: [Culinary Water Impact Fee Analysis](#).

20.07.040 Culinary Water Impact Fee Service Area

The service area for the Culinary Water Impact Fees includes all of the area within the corporate limits and jurisdictional boundaries of Centerville City.

20.07.050 Culinary Water Impact Fee

The City Council has previously approved the Culinary Water Impact Fee in accordance with Ordinance No. 2013-10, as more particularly set forth in Section 12.030 (Water Development Impact Fees) of the Centerville Fee Schedule. The City reserves the right to establish or amend the Culinary Water Impact Fee as established in this Title by Resolution enacting or amending the Centerville Fee Schedule. In no event will the Culinary Water Impact Fee set forth in the Centerville Fee Schedule exceed the maximum supportable Culinary Water Impact Fee as set forth in Ordinance No. 2013-10.

20.07.060 Conflicts and Repeal

In the event of conflict between the provisions of any of the documents adopted herein by reference and the provisions of this Title, the provisions of this Title shall apply. In the event of

conflict between any of the documents adopted herein by reference or the provisions of this Title with the provisions of State law, the provisions of State law shall govern. The procedural, administrative, and statutory provisions set forth in this Title regarding impact fee accounting, reporting, expenditures, refunds, adjustments, credits, waivers, challenges, appeals, definitions, noticing, and enactments hereby repeal and replace any similar provisions set forth in the Culinary Water Impact Fee Enactment, the Culinary Water Impact Fee Facilities Plan, and the Culinary Water Impact Fee Analysis.

20.08 Park Impact Fees

- 20.080.010 Park Impact Fee Enactment**
- 20.080.020 Park Impact Facilities Plan**
- 20.080.030 Park Impact Fee Analysis**
- 20.080.040 Park Impact Fee Service Area**
- 20.080.050 Park Impact Fee**
- 20.080.060 Conflicts and Repeal**

20.080.010 Park Impact Fee Enactment

The City adopted Ordinance No. 2018-03 enacting the Park Impact Fee. Except as otherwise provided in CMC 20.08.060 regarding conflicts and repeal, Ordinance No. 2018-03 is hereby adopted in its entirety and incorporated herein by this reference. A copy of Ordinance No. 2018-03 can be accessed at the following link: [Ordinance No. 2018-03](#).

20.080.020 Park Impact Fee Facilities Plan

The City adopted the Park Impact Fee Facilities Plan. Except as otherwise provided in CMC 20.08.060 regarding conflicts and repeal, the Park Impact Fee Facilities Plan is hereby adopted in its entirety and incorporated herein by this reference. A copy of the Park Impact Fee Facilities Plan can be accessed at the following link: [Park Impact Fee Facilities Plan](#).

20.080.030 Park Impact Fee Analysis

The City adopted the Park Impact Fee Analysis. Except as otherwise provided in CMC 20.08.060 regarding conflicts and repeal, the Park Impact Fee Facilities Plan is hereby adopted in its entirety and incorporated herein by this reference. A copy of the Park Impact Fee Analysis can be accessed at the following link: [Park Impact Fee Analysis](#).

20.080.040 Park Impact Fee Service Area

The service area for the Park Impact Fees includes all of the area within the corporate limits and jurisdictional boundaries of Centerville City.

20.080.050 Park Impact Fee

The City Council has previously approved the Park Impact Fee in accordance with Ordinance No. 2018-03, as more particularly set forth in Section 12.010 (Park Impact Fees) of the Centerville Fee Schedule. The City reserves the right to establish or amend the Park Impact Fee as established in this Title by Resolution enacting or amending the Centerville Fee Schedule. In no event will the Park Impact Fee set forth in the Centerville Fee Schedule exceed the maximum supportable Park Impact Fee as set forth in Ordinance No. 2018-03.

20.080.060 Conflicts and Repeal

In the event of conflict between the provisions of any of the documents adopted herein by reference and the provisions of this Title, the provisions of this Title shall apply. In the event of

conflict between any of the documents adopted herein by reference or the provisions of this Title with the provisions of State law, the provisions of State law shall govern. The procedural, administrative, and statutory provisions set forth in this Title regarding impact fee accounting, reporting, expenditures, refunds, adjustments, credits, waivers, challenges, appeals, definitions, noticing, and enactments hereby repeal and replace any similar provisions set forth in the Park Impact Fee Enactment, the Park Impact Fee Facilities Plan, and the Park Impact Fee Analysis.

20.09 Storm Drain Impact Fees

- 20.090.010 Storm Drain Impact Fee Enactment**
- 20.090.020 Storm Drain Impact Facilities Plan**
- 20.090.030 Storm Drain Impact Fee Analysis**
- 20.090.040 Storm Drain Impact Fee Service Area**
- 20.090.050 Storm Drain Impact Fee**
- 20.090.060 Conflicts and Repeal**

20.090.010 Storm Drain Impact Fee Enactment

The City adopted Ordinance No. 2014-13 enacting the Storm Drain Impact Fee. Except as otherwise provided in CMC 20.09.060 regarding conflicts and repeal, Ordinance No. 2014-13 is hereby adopted in its entirety and incorporated herein by this reference. A copy of Ordinance No. 2014-13 can be accessed at the following link: [Ordinance No. 2014-13](#).

20.090.020 Storm Drain Impact Fee Facilities Plan

The City adopted the Storm Drain Impact Fee Facilities Plan. Except as otherwise provided in CMC 20.09.060 regarding conflicts and repeal, the Storm Drain Impact Fee Facilities Plan is hereby adopted in its entirety and incorporated herein by this reference. A copy of the Storm Drain Impact Fee Facilities Plan can be accessed at the following link: [Storm Drain Impact Fee Facilities Plan](#).

20.090.030 Storm Drain Impact Fee Analysis

The City adopted the Storm Drain Impact Fee Analysis. Except as otherwise provided in CMC 20.09.060 regarding conflicts and repeal, the Storm Drain Impact Fee Facilities Plan is hereby adopted in its entirety and incorporated herein by this reference. A copy of the Storm Drain Impact Fee Analysis can be accessed at the following link: [Storm Drain Impact Fee Analysis](#).

20.090.040 Storm Drain Impact Fee Service Area

The service area for the Storm Drain Impact Fees includes all of the area within the corporate limits and jurisdictional boundaries of Centerville City.

20.090.050 Storm Drain Impact Fee

The City Council has previously approved the Storm Drain Impact Fee in accordance with Ordinance No. 2014-13, as more particularly set forth in Section 12.020 (Storm Drain Impact Fees) of the Centerville Fee Schedule. The City reserves the right to establish or amend the Storm Drain Impact Fee as established in this Title by Resolution enacting or amending the Centerville Fee Schedule. In no event will the Storm Drain Impact Fees set forth in the Centerville Fee Schedule exceed the maximum supportable Storm Drain Impact Fee as set forth in Ordinance No. 2014-13.

20.090.060 Conflicts and Repeal

In the event of conflict between the provisions of any of the documents adopted herein by reference and the provisions of this Title, the provisions of this Title shall apply. In the event of

conflict between any of the documents adopted herein by reference or the provisions of this Title with the provisions of State law, the provisions of State law shall govern. The procedural, administrative, and statutory provisions set forth in this Title regarding impact fee accounting, reporting, expenditures, refunds, adjustments, credits, waivers, challenges, appeals, definitions, noticing, and enactments hereby repeal and replace any similar provisions set forth in the Storm Drain Impact Fee Enactment, the Storm Drain Impact Fee Facilities Plan, and the Storm Drain Impact Fee Analysis.