

**ORDINANCE No. \_\_\_\_\_**

ROLL CALL

<b>VOTING</b>	<b>YES</b>	<b>NO</b>
<b>MAYOR STANLEY W. GREEN</b> (votes only in case of tie)		
<b>LYNN DURRANT</b> City Councilperson		
<b>TERRY A. FICKLIN</b> City Councilperson		
<b>TODD R. GORDON</b> City Councilperson		
<b>SIDNEY M. JORGENSEN</b> City Councilperson		
<b>STERLING M. REES</b> City Councilperson		

I MOVE this ordinance be adopted: \_\_\_\_\_  
City Council person

I SECOND the foregoing motion: \_\_\_\_\_  
City Council person

ORDINANCE \_\_\_\_\_

**CULINARY WATER AND WASTEWATER  
IMPACT FEE ENACTMENT ORDINANCE**

WHEREAS, Salem City has experienced extremely rapid growth, which growth has slowed in the past year; and

WHEREAS, that rapid growth is placing a burden on the culinary water and wastewater capital facilities infrastructure of the City; and

WHEREAS, new culinary water loop lines and main lines in areas of projected growth are

necessary to accommodate the growth and make culinary water services available; and

WHEREAS, new wastewater main lines in areas of projected growth are necessary to accommodate the growth and make sewer services available; and

WHEREAS, the slower growth has eliminated the need for certain of the capital infrastructure projects to be completed as quickly as anticipated when the culinary water and wastewater impact fees were last updated; and

WHEREAS, it is fair and equitable that the entities responsible for the new facilities pay for the costs thereof; and

WHEREAS, impact fees are an appropriate mechanism to pay for the water facilities, including culinary water and wastewater facilities made necessary by rapid growth; and

WHEREAS, Salem City has prepared a water capital facilities plan, which includes culinary water and wastewater, and has updated that plan from time to time, as needed; and

WHEREAS, an impact fee analysis has been prepared for culinary water and wastewater, whereby the needs, costs, and equitable allocations of those costs have been determined and fairly apportioned; and

WHEREAS, it is fair and equitable that new residents pay their share of the buy in costs to the existing infrastructure, taking into account those factors identified in Utah Code Ann. §11-36-201; and

WHEREAS, all sources of revenue for the culinary water system and wastewater system have been analyzed and considered by the City; and

WHEREAS, a written analysis dated January 6th, 2010, has been prepared for the City by impact fee consultants for the culinary water system and the wastewater system; and

WHEREAS, the impact fee consultants have certified the analysis, that it complies with the Utah Impact Fees Act; and

WHEREAS, the written analysis have been available for public inspection for at least fourteen days; and

WHEREAS, the analysis identifies the impacts on improvements needed to the culinary water system and the wastewater system required by development activity; and

WHEREAS, the analysis demonstrates how those impacts on the improvements are related to the development activity; and

WHEREAS, the analysis make a conservative estimate of the proportionate share of the cost of impacts on the system improvements that are reasonably related to the development activity; and

WHEREAS, the analysis identifies the amount of impact fee that could be imposed and how that fee was calculated; and

WHEREAS, the City has identified and analyzed, through the impact fee analysis, the criteria set forth in Utah Code Ann. §11-36-201(5)(b); and

WHEREAS, the impact fees proposed by this impact fee enactment do not exceed the highest fee justified by the impact fee analysis; and

WHEREAS, a public hearing was held before the Salem City Council on the 3rd day of February, 2010, where public input was received; and

WHEREAS, the impact fee enactment ordinance has been available for public inspection for at least fourteen days preceding the public hearing; and

WHEREAS, in order to protect the health, safety, and welfare of the residents of the City, it is necessary to impose impact fees on new development to pay for improvements made necessary

to the culinary water system and the wastewater system by that new development;

NOW THEREFORE, be it enacted and ordained by the Salem City Council as follows:

#### SECTION I.

1. A culinary water impact fee and a wastewater impact fee are hereby imposed for each new building in the City.

2. The amount of the culinary water impact fee for each residential connection in the City shall be \$1,771.00. The amount of the culinary water impact fee for each commercial or industrial connection in the City shall be based upon an equivalent residential use and shall take the estimated water usage, as a percent of the residential usage, and times that percent by the residential impact fee.

3. The amount of the wastewater impact fee for each residential connection in the City shall be \$1,593.00. The amount of the wastewater impact fee for each commercial or industrial connection in the City shall be based upon an equivalent residential use and shall take the estimated wastewater usage, as a percent of the residential usage, and times that percent by the residential impact fee.

4. The impact fees assessed herein are due and payable when a building permit is obtained and shall be a condition precedent to the issuance of a building permit. In the event of a building which is already in existence and does not need a building permit, payment of the impact fee shall be a condition of connection to the applicable water system.

5. The impact fee shall be deposited into an interest bearing ledger account and may only be used for capital improvements to the applicable capital facilities systems for which the impact fees were collected. These improvement may include analysis costs, the construction contract price,

the cost of acquiring land, improvements, materials, fixtures, the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of system improvements, debt service charges incurred if the improvements are financed by bond, or other obligations carrying debt service charges, and for the costs of issuance of any such bonds, notes, or other obligations.

6. The impact fees may not be used for operation or maintenance costs for any public facilities within the City.

7. Special exceptions, waivers, or credits may be granted, in the sole discretion of the Council, upon application in accordance with Salem City Municipal Code §13-4-050.

8. The impact fees identified herein shall become effective on May 5, 2010, ninety days after adoption, in accordance with Utah Code Ann. §11-36-202.

10. These impact fees are for system improvements and are in addition to hook up fees, which represent the City's actual costs in materials and labor to connect to the system.

## SECTION II.

This Ordinance shall not be part of the Salem City Municipal Code.

## SECTION III.

This Ordinance shall become effective on May 5, 2010.

DATED this 3rd day of February, 2010.

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STANLEY W. GREEN, Mayor

Attest:

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JEFFREY D. NIELSON, City Recorder

**AFFIDAVIT OF POSTING**

JEFFREY D. NIELSON, being first duly sworn, deposes and says that he is the duly appointed and qualified recorder of the City of Salem, a Municipal Corporation of the State of Utah, and that on the \_\_\_\_ day of \_\_\_\_\_, 2010, he posted a true and correct copy of Ordinance No. \_\_\_\_\_ as enacted by Salem City Council on the 3rd day of February, 2010, said posting being made at the City Offices, at the United States Post Office, and at \_\_\_\_\_ all being public places and located within the City Limits of Salem, Utah County, Utah.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2010.

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JEFFREY D. NIELSON, City Recorder