

ORDINANCE NO 382

AN ORDINANCE ESTABLISHING POLICE AND FIRE PROTECTION IMPACT FEES IN THE CITY OF
GREENLAND, ARKANSAS

WHEREAS, because of anticipated rapid growth in 2024 and the ensuing years, and the requirement and general governmental goal of protecting the health, safety and general welfare of the citizens of the City of Greenland, it is necessary that the City's Police and Fire Protection facilities be expanded and improved to accommodate growth and development with the City as it is recognized that new residential and non-residential development imposes increased and excessive demands upon these existing City facilities.

WHEREAS, new development often overburdens these existing facilities, and the tax revenues generated from new development does not generate sufficient funds to provide the necessary Police and Fire Protection facilities, buildings, equipment, apparatus or vehicles, to accommodate new development.

WHEREAS, the creation of an equitable Development Impact Fee system would enable the City to impose a proportionate share of the costs of the needed improvements to the City Police and Fire Protection, and this impact fee system would not only benefit new development but the City as a whole.

WHEREAS, this ordinance creates a system by which Police and Fire Protection Impact Fees paid by new development will be used to finance, defray, or reimburse all or a portion of the costs incurred by the City to construct improvements, and obtain equipment, apparatus or vehicles for the Police and Fire Protection facilities in ways that benefit the development that paid said fee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENLAND:

SECTION 1. Pursuant to the authority granted to the City of Greenland, by Ark. Code Ann. 14-43-602, and other relevant laws and judicial interpretations of the State of Arkansas, this ordinance creates a system under which the Police and Fire Protection Impact Fees shall be collected to help the City's plans for necessary growth. The fees collected shall be used to finance, defray or purchase Police and Fire Protection facilities, buildings, required equipment, apparatus or vehicles.

SECTION 2. Fees collected under this ordinance shall not be used to correct existing deficiencies or to rehabilitate existing facilities, equipment, apparatus or vehicles. These fees shall not be used for operational expenses.

SECTION 3. Establishment of Accounts: Two (2) distinct accounts are hereby created. A **Police and Public Safety Impact Fee Fund, and a Fire Protection System Impact Fee Fund.** Both accounts will be maintained separately from the General Fund. Both accounts will be maintained as an interest-bearing account. Monies in these trust funds shall be considered to be spent in the order collected, on a first-in/first-out basis.

SECTION 4. Applicability:

1. The following provisions shall apply to all of the territory within the City's corporate City Limits, and any area near the corporate limits if specifically agreed to by the owner.
2. The following types of development shall be required to pay a Police and Fire Protection Impact fee:
 - (a). New development within one (1) of the categories of development in Use Chart A.
 - (b). Redevelopment involving the construction of one or more additional units within one (1) of the categories of development in Use Chart A.

SECTION 5. Time of Collection: The impact fees shall be paid to the City by the owner/developer of the property at the time when the building permit is issued for new development. Use chart A, shall be used to determine the correct amount of impact fees to be collected for new development.

SECTION 6. Calculation of Amount of Development Impact Fees:

1. Any person or business who commences any new Impact-Generating Land Development, except those exempted pursuant to this Ordinance, shall pay all Police and Fire Protection Impact Fees applicable to the proposed development, as determined by the fee schedule included in this Ordinance (Use Chart A).
2. If the proposed development is of a type not listed in Use Chart A, then the City shall use the fees that are most nearly comparable to the type of land use listed in Use Chart A.
3. If the proposed development includes a mix of those uses listed in Use Chart A, then the Police and Fire Impact fees shall be determined by adding up the fees that would be payable for each use as if it were a freestanding use pursuant to Use Chart A.
4. Redevelopment, reconstruction, change of use: In the event of a redevelopment, reconstruction or change of use from an existing development or use, the fee shall be the difference between what the fee would be for the entire redevelopment, reconstruction project, minus the fees already paid for the existing approved development.

SECTION 7. Exemptions:

The following types of development shall be exempted from payment of the Police and Fire Protection Impact fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first building permit. The Mayor or his/her designee shall determine the validity of any claim for exemption pursuant to the standards set forth below. Any person denied exemption may appeal the decision to the City Council.

1. Enlargement, reconstruction, expansion or replacement of a single family home.
2. The replacement of a destroyed or partially destroyed non-residential building or structure with a new non-residential building or structure of the same use as the original structure and with no more than five (5%) percent increase in floor area from the original structure.
3. Construction or addition of an unoccupied accessory structure related to a residential unit (i.e.) storage building, garage or shop building.
4. Projects built by the federal government and or the State of Arkansas
5. Public Schools
6. Any development approved prior to the adoption of this Ordinance.

SECTION 8. Refunds of Police and Fire Protection Impact Fees:

Any Police and Fire Protection Impact Fees collected that have not been spent or encumbered within seven (7) years after the date on which such fee was paid, shall be refunded to the fee payer or present property owner, along with interest at the rate of four (4%) percent based on an annual rate.

The refund shall be paid in full no later than ninety (90) days after the date upon which the refund becomes due.

If a fee payer has paid a Police and Fire Protection Impact fee and has obtained a building permit, and the building permit for which the fee was paid, later expires, without possibility of further extension, then the fee payer shall be entitled to a refund of the fee, without interest. In order to be eligible to receive a refund, the fee payer must submit a written request to the Mayor or his/her designee within thirty (30) days after the expiration of the building permit for which the fee was paid. The request must detail why the development was not completed. The refund shall be made within ninety (90) days of the request.

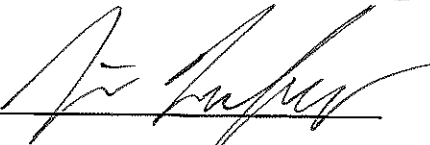
After a Police and Fire Protection Impact Fee has been paid pursuant to this Ordinance, no refund of any part shall be made if the project for which the fee was paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the project or the number of units in the project.

SECTION 9. Administration of Funds:

The Recorder/Treasurer for the City of Greenland, shall maintain and administer all accounts and funds with respect to the Police and Fire Protection Impact Fees.

SECTION 10. Severability: If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part of provision, other than the part so decided to be invalid or unconstitutional.

PASSED AND APPROVED THIS 11th DAY OF March, 2024



Jim Renfrow, Mayor

ATTEST:



Misty McCard, City Recorder/Treasurer

City of Greenland Police and Fire Impact Fees

USE CHART A

<u>Type of Structure</u>	<u>Police Services</u>	<u>Fire Services</u>
Single Family Residential	\$ 150.00 Per Home	\$ 150.00 Per Home
Commercial/Office	\$ 150.00 Per 1000 sq. feet	\$ 150.00 Per 1000 sq. feet
Industrial/Warehouse	\$ 150.00 Per 1000 sq. feet	\$ 150.00 Per 1000 sq. feet
Manufactured Home Park	\$ 250.00 Per Pad	\$ 250.00 Per Pad
Hotel/Motel	\$ 250.00 Per Room	\$ 250.00 Per Room
Mini-Warehouse	\$ 150.00 per 1000 sq. feet	\$ 150.00 per 1000 sq. feet
Nursing Home	\$ 150.00 per 1000 sq. feet	\$ 150.00 per 1000 sq feet
Multi-Family Residential (apartments/duplexes/etc.)	\$ 150.00 per dwelling unit	\$ 150.00 per unit dwelling

Fees are due when the first building permit is issued.

i.e. Single family residential fee is \$150.00 for Police and \$ 150.00 for Fire for a total fee of \$300.00.

If there are multi use applications to the property, each use will be calculated at the above rates separately.

If changes are made after construction begins, and for example more apartments are added, then an addition fee will be collected for the new construction.

EXEMPTIONS:

Enlargement, expansion or replacement of a single family home.

The replacement of a destroyed or partially destroyed non-residential structure, not to exceed 5% increase in floor area as the original structure

Storage buildings/shop buildings/garage

State or federal Government, or public Schools

Any Development approved prior to the effective date of this ordinance.