

Regulations to Establish an Impact Fee for School Construction



Town of York, Maine

Date of Current Version: June 13, 2011

Date of Original Enactment: August 31, 1998

Prior Revisions: March 6, 2000

ENACTMENT BY THE BOARD OF SELECTMEN

Date of the vote to enact/amend these Regulations: June 13, 2011

Certified by the Town Clerk: May-Anne Spence on 6/14/11
(signature) (date)

**REGULATIONS TO ESTABLISH AN
IMPACT FEE FOR SCHOOL CONSTRUCTION**

1. **AUTHORITY** – These Regulations are enacted under the authority granted to the Board of Selectmen by Article 18, Administration, Section 18.12, Community Facilities Impact Fee Program of the York Zoning Ordinance.

2. **DEFINITION** – Words and phrases shall be considered to have the same meaning as defined in the York Zoning Ordinance. In addition, the following words and phrases shall have the meaning listed below:

Bedroom – A private room in a dwelling which is larger than 100 square feet in area, meets the bedroom egress requirements of the York Building Code, is separable from other rooms by a door or door frame (frame that can be used for a standard door), does not have facilities or furnishings for cooking, eating, laundering, and is not solely a bathroom, a living room, a den/family room, a kitchen, a dining room, a laundry room or a utility room for central heating/cooling equipment. However, if a dwelling has a subsurface wastewater disposal system, the number of bedrooms shall be considered the number indicated on the application for a wastewater disposal permit (HHE-200 form, Town of York Design Flows).

3. **PURPOSE OF SCHOOL IMPACT FEES** – The fees collected under implementation of these Regulations shall be used to contribute to the Town of York debt burden for the construction or renovation of a middle school and improvements to York High School as authorized by the voters on May 23, 1998. A portion of the costs of these construction projects are necessary due to the projected increase in enrollment due to anticipated new housing construction in the Town of York.

4. **CALCULATION OF FEE**

A. The fee schedule has been developed using the February 23, 1998 cost estimates for school improvements prepared for the York School Committee. Prior to the issuance of an Occupancy Permit for a new dwelling unit a fee shall be paid to Town Treasurer based on the following schedule. (See memorandum dated September 21, 1999).

	<u>SINGLE FAMILY</u>	<u>APARTMENT</u>	<u>MOBILE HOME</u>
1 Bedroom	0.	0.	0.
2 Bedroom	0.	0.	0.
3 Bedroom	\$ 1,700.	\$ 1,900.	\$ 2,700.
4 or more Bedrooms	\$ 3,400.	\$ 3,400.	\$ 3,400.

Fees were reviewed and revised by the Board of Selectmen on November 2, 1999 and became effective for all building permits issued on or after November 23, 1999.

Notwithstanding the definition of “bedroom” above, for the purposes of calculating impact fees, each dwelling unit shall have at least one, but not be considered to have more than four bedrooms.

- B. The fee for an addition to an existing dwelling unit which expands the number of bedrooms shall be the difference in the fees for the type of unit after the addition and the type of unit prior to the addition. (For example, the impact fee for adding one bedroom to a three bedroom single family home is \$3,400 - \$1,700 = \$1,700).
 - C. The conversion of a seasonal dwelling unit to a year-round unit shall require payment of an impact fee as if it were new construction, in accordance with paragraph a above.
5. **PAYMENT OF FEE** – The application for a permit to construct a new dwelling unit, expand an existing dwelling unit, or convert a seasonal dwelling unit shall indicate the number of bedrooms in the new dwelling unit, to be added to the existing dwelling unit, or in the converted seasonal dwelling unit. The Code Enforcement Officer shall review the plans accompanying the application and determine the number of bedrooms in the unit. For any dwelling unit served by a subsurface wastewater disposal system the number of bedrooms shall be considered the number indicated on the application for a wastewater disposal permit (HHE-200 form, Town of York Regulations, Design Flows), as shown in Town records. The number of bedrooms in a mobile home shall be determined by the number of bedrooms identified by the manufacturer’s specifications.

At the time of issuance of a permit, the Code Enforcement Officer shall inform the applicant of the number of bedrooms assigned to the permit and the impact fee for the new unit, addition or converted seasonal unit. A Certificate of Occupancy shall not be issued by the Code Enforcement Officer until the applicant presents a receipt.

6. **EXEMPTIONS** – An impact fee shall be paid prior to issuance of a Certificate of Occupancy for all new dwelling units, all additions to existing dwelling units which construct a new bedroom and all conversions of existing seasonal dwelling units, subject to the following exemptions:
- a. dwelling units in elderly housing or congregate care facilities; and
 - b. new dwelling units and additions to existing dwelling units which construct a new bedroom, which are seasonal structures as stated on the Occupancy Permit and which are not habitable in winter.
7. **EFFECTIVE DATE** – The provisions of these Regulations shall apply to all new dwelling units, all additions to dwelling units and all conversions of seasonal dwelling units for which an Occupancy Permit was issued on or after August 10, 1998, except for new dwelling units and additions to dwelling units which obtained a Building Permit on or prior to August 9, 1998 or conversions of seasonal dwelling units which obtained a Seasonal Conversion Permit on or prior to August 9, 1998 and which subsequently obtain an Occupancy Permit within the effective period of the Building Permit.
8. **APPEALS** – The appeal of the decision of the Code Enforcement Officer in determining the number of bedrooms in a new dwelling unit or the number of bedrooms in an addition shall be taken to the York Board of Appeals in accordance with Section 18.8.1 of the York Zoning Ordinance
9. **PERIODIC REVIEW AND REVISION** – In accordance with Article 18, Administration, Section 18.12, Community Facilities Impact fee Program of the York Zoning Ordinance, the Board of selectmen shall review, and as necessary, revise the fee schedule in Section 4, at least

annually. As part of the review, the Board shall request that the York School Committee inform it of any changes to the construction cost estimates, building plans or projected enrollments for the schools.

10. **SEPARABILITY** – Should any section or part of a section or any provision of these Regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.