

Town of Fairfax, Vermont

CHAPTER FIVE FEE ORDINANCE

SECTION 1. Authority

This ordinance is adopted by the Selectboard of the Town of Fairfax, VT, pursuant to authority to adopt, amend, repeal, and enforce ordinances granted by 24 V.S.A. § 1971 and §2296(a) and 24 V.S.A. Chapter 131. This ordinance shall be a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

SECTION 2. Purpose.

It is the purpose of this ordinance is to provide proportional fees for services to be paid by the beneficiaries of the services.

SECTION 3. Definitions.

The terms used in this Article shall have the same meanings as those terms set forth in 24 V.S.A. Chapter 131 and in the Fairfax Development Regulations unless specified otherwise herein. For the purpose of this Chapter, the following terms, phrases, words, and their derivatives shall have a meaning as given below:

- a. Administrative Officer is the Zoning Administrator for the Town of Fairfax.
- b. Alarm Activations/Automatic Alarms shall mean audible and/or visual alarm activations within or outside of a protected property, including those systems incorporating automatic fire department notification.
- c. Dwelling Unit: A building or portion thereof, designed, occupied, or intended for occupancy by residents as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of its residents. A dwelling unit excludes dormitories, nursing care homes and institutions, inns, hotels, motels, extended stay hotels, and other similar facilities as determined by the Zoning Administrator.
- d. Emergency Incident shall mean those incidents that require fire response in an immediate fashion, following established emergency response protocols.
- e. Emergency Personnel shall mean the personnel of the Fairfax Fire Department and/or Public Works Department, during their involvement in an emergency or non-emergency incident/event.
- f. License is a written document issued by the Town of Fairfax to a designated person or corporation granting permission to operate or conduct business.
- g. Malicious Incident shall mean those emergency incidents which stem from an individual's intentional purpose to cause property damage, endanger lives, and/or cause the response of emergency personnel for other than an actual emergency.

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- h. Multi-unit Dwelling: A building designed for or occupied by two or more dwelling units. For the purposes of accessory apartments authorized by Title 24 VSA Section 4412(1) (E), the accessory apartment shall be considered as a multi-unit dwelling whereas the principal dwelling shall be considered a single dwelling unit.
- i. Nuisance Incident shall mean those incidents that are of the same nature, on a repetitive basis, at the same location, due to the lack of servicing to mechanical and/or electrical equipment of an emergency system, or the failure to correct a previously documented fire hazard, or false reporting of an emergency incident.
- j. Permit is a written document issued by the Town of Fairfax giving designated person permission to operate, construct, alter or renovate.
- k. Single Dwelling Unit: A detached dwelling unit designed for and occupied or intended for occupancy by residents as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of its residents.

SECTION 4. General Fees Enumerated.

The following fees shall be charged for the purposes indicated:

a. Zoning Permit Fees:

<u>Fee</u>	<u>Cost</u>
1. Dwelling Unit	\$1200.00/unit and \$.25 / sq. ft.
2. Replacement Mobile Home (includes double-wides)	\$500.00/unit and \$.25 / sq. ft. for additional square footage more than original
3. Accessory Apartment	\$500.00/unit
4. Accessory Structure 200 sq. ft. or less	No fee
5. New Accessory Structure 201 sq. ft. or more and Accessory Structure Additions	\$150.00 and \$.25 / sq. ft.
6. Residential Structural Alteration more than 100 sq. ft.	\$150.00 and \$.25 / sq. ft.
7. New Commercial Structure	\$1000.00/ project and \$0.50 per sq. ft.
8. Commercial Use and Additions	\$500/project and \$0.50 per additional sq. ft.
9. Professional Services	\$300.00
10. Personal Services	\$250.00
11. Home Industry	\$250.00
12. Home Occupation	\$150.00
13. Other Permitted or Approved Conditional Use	\$150.00
14. Childcare Home 6 children or less	No fee
15. Childcare Home 7 to 10 children	\$150.00
16. Daycare Center - more than 10 children	\$250.00
17. Agricultural structures (as exempted by State)	No fee
18. Signs	\$50.00
19. Permit Renewal (unexpired permits only)	\$100 and any applicable fee change

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20. Certificate of Compliance (includes recording fee of \$30)	\$100.00
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b. Development Review Board (DRB) Hearing Fees (includes abutter and recording fees):

Fee	Cost
1. Subdivision Sketch Plan	\$250
2. Subdivision Admin Review	\$500.00
3. Subdivision Minor	\$750.00
4. Subdivision Major	\$1000.00
5. Subdivision Final Plat Revision	\$500.00
6. Boundary Adjustment	\$500.00
7. Conditional Use (incl. Site Plan)	\$500.00
8. Site Plan for Permitted Use	\$500.00
9. All Other Uses	\$500.00
10. Variance	\$500.00
11. Second Principal Use	\$500.00
12. Daycare Center - more than 10 children	\$500.00
13. Appeal of Administrator's Decision	\$500.00
14. New Road Fee	\$225.00

c. Building Inspection, Code Enforcement, and Fire Safety Fees:

Fee	Cost
1. Purchase & Sale Inspection 1 Unit	\$155.00/unit
2. Purchase & Sale Inspection Additional Units	\$75.00/unit
3. Follow-up Inspections	\$75.00/unit
4. Rental Registry	n/a
5. Failure to submit Rental Registry	\$25.00/unit
6. Solar PV Review	\$75.00
7. Solar PV Site Visit	\$75.00

d. Utility Fees: Utility rates including sewer hook-up fees are established and maintained separately by the Town of Fairfax.

Fee	Cost
1. Connection Fee (sewer) for Residential	\$1,000 / unit
2. Connection Fee (sewer) for Commercial	Base Flow x \$5
3. Final Fee (sewer) for Residential	\$1,000 / unit
4. Final Fee (sewer) for Commercial	Base Flow x \$5
5. Municipal Sewer Hook-up Application	\$100.00/unit
6. Water / Sewer Access Application for Gravel Road	\$2,500.00
7. Water / Sewer Access Application for Paved Road	\$3,000.00
8. Water/ Sewer Final Bill Request	\$30.00
9. Water/ Sewer Late Payment Fee	\$25.00

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e. Facility Rental Fees:

Location	Facility	Daily Fee	Weekly Fee
Town Offices	Conference Room	\$25.00	n/a
Community Park	Pavilion	\$50.00	\$200.00
Community Center	Per Level	\$100.00	\$300.00

f. Other Fees: Town road acceptance is subject to additional costs as described in applicable Town Ordinances. Fees not listed herein are set by Vermont State Statute. Other fees are listed as follows:

Fee	Cost
1. Town Road Acceptance Application	\$100.00
2. Application for Road Excavation Permit for Gravel Road	\$2,500.00 escrow
3. Application for Road Excavation Permit for Paved Road	\$3,000.00 escrow
4. Access Permit Application	\$100.00
5. 911 Sign	\$15.00
6. Mobile Vendor Application	\$100.00
7. Special Event Application	\$100.00
8. Copies (non-vault)	\$0.25 / page
9. Copies and prints (non-vault) greater than 11x17"	\$25
10. Permit to Work Within ROW (incl. block road / sidewalk)	\$100
11. Special Event Permit	\$50
12. Mobile Vendor Permit	\$75 one event or \$100 annual
13. Dog License Spayed or Neutered	\$15
14. Dog License Not Spayed or Neutered	\$17
15. Dog License Between April 2 nd and May 1 st	Add \$2
16. Dog License After May 1 st (Late)	Add \$7

g. Penalties: Permits and licenses issued after the fact shall have a penalty fee of two times the normal fee charged except as otherwise provided herein.

SECTION 5: Fire Fees Enumerated.

The Fairfax Fire Chief is empowered to invoice responsible parties for costs incurred by the Town of Fairfax for emergency and non-emergency responses by the Fairfax Fire Department for special events, malicious incidents, nuisance incidents, hazardous materials incidents, motor vehicle accidents, and incidents caused by negligence and/or willful disregard for established fire and life-safety codes and ordinances such as non-permitted burns, permitted burns that get out of control due to negligence, and wildland fires. Invoice rates shall be the current Franklin County rate for Fire Department personnel and equipment and/or the current FEMA personnel, equipment, and material rates for Fairfax Department of Public Works personnel as amended from time to time. Invoices shall provide that payment be made to the Fairfax Town Treasurer within 30 days of the date of invoice with interest to accrue at the statutory rate beginning on the 31st day.

SECTION 6: Impact Fees.

The formula for each impact fee imposed by this Article is intended to comply with the provisions of 24 V.S.A. Chapter 131. Notwithstanding anything to be contrary in this Chapter, each fee imposed by this Article shall be equal to or less than the portion of the capital project which will benefit or is attributable to the development for which the permit is being issued and shall not include costs attributable to the operation, administration, or maintenance of the capital project. The fees shall be based upon a formula which reflects the level of service for the capital project to be funded and a means of assessing the impact associated with the development, such as square footage or numbers of bedrooms. The Town of Fairfax Capital Budget and Program and Impact Fee Study shall be the basis for these fees.

- a. Any development that results in an increase in dwelling units and is issued a zoning permit under the Fairfax Development Regulations after the effective date of this ordinance shall pay impact fees as specified below:
 1. Highway Impact Fee: \$1249 per single dwelling unit or \$937 per multi-unit dwelling
 2. Town Administration Impact Fee: \$620 per single dwelling unit or \$440 per multi-unit dwelling
 3. Fire Department Impact Fee: \$1741 per single dwelling unit or \$1184 per multi-unit dwelling
 4. Recreation Impact Fee: \$963 per single dwelling unit or \$722 per multi-unit dwelling
 5. Education Impact Fee: \$680 per single dwelling unit or \$420 per multi-unit dwelling
- b. Impact fees levied under this ordinance shall be paid to the Town of Fairfax prior to the issuance of any zoning permits for development that results in an increase in dwelling units.
- c. The Selectboard may accept in lieu of the recreation impact fee: 1) suitable land; and or 2) monetary or in-kind donations of amenities for completion of projects defined in the Town's approved capital budget and program and/or official map.
- d. Impact fees collected under this ordinance shall be placed in a separate interest-bearing account. The Town of Fairfax shall prepare an annual accounting of all fees paid into and withdrawn from the account, showing the source and amounts collected, the amounts expended, and the projects for which such expenditures. All impact fees collected under this ordinance, and any accrued interest, shall be expended only on those projects for which impact fees were imposed.
- e. If the Town of Fairfax does not expend an impact fee within six (6) years of the date it is paid, then the owner of the property for which the fee was paid may apply for and receive a refund of the fee and any accrued interest Any such application shall be made in writing to the Selectboard with one year of the sixth anniversary of the date upon which the impact fee was paid. Thereafter, any claim for refund shall be barred and of no force and effect.
- f. A person who pays an impact fee established under this ordinance and subsequently abandons the project without commencing construction may apply for and receive a refund of the fee. Any such application shall be made in writing to the Selectboard. The town may retain any accrued interest to offset administrative costs. A person who receives such a refund shall not commence construction of the development for which the refund was made without repaying the required impact fee.

SECTION 7: Permits and licenses required.

No activity shall be commenced within the areas covered by this Chapter without a permit or license issued by the Fairfax Selectboard or Administrative Officer of the Town of Fairfax. The Town of Fairfax (including its Utility) and the Fairfax School District are exempt from fees enumerated herein.

SECTION 8: Delinquent Fees and Taxes.

No permits or licenses will be issued until such time as all other municipal fees, fire invoices, and /or property taxes are current.

SECTION 9: Appeals.

Appeals from the requirements of this Chapter may be made to the Fairfax Selectboard. Appeals shall be in writing and filed with the Fairfax Town Clerk within ten (10) business days of the date of the fee or invoice being levied. The appeal shall be acted upon by the Selectboard within thirty (30) days of receipt of the appeal. The Selectboard shall issue a written decision affirming, reversing, or modifying the fee or invoice.

SECTION 10. Enforcement and Penalties.

- a. This ordinance shall be a civil ordinance and violations may be enforced in the Judicial Bureau by any enforcement officer or in the Superior Court at the election of the Town of Fairfax.
 1. For purposes of enforcement in the Judicial Bureau, any enforcement officer shall have authority to issue tickets and represent the Town of Fairfax as the appearing officer at any hearing. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a et seq.
 2. The Town of Fairfax or its designee(s) may initiate a civil action in Superior Court to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure.
 3. Enforcement Officers for this Ordinance shall be identified in the Fairfax General Provisions Ordinance.
- b. Civil Penalties.
 1. Current fines will be listed in the Fairfax General Provisions Ordinance.
 2. Each day that a violation continues shall constitute a separate violation of this ordinance.
 3. For purposes of determining the sequence of offenses, subsequent offenses shall be those that occur within a twenty-four-month period of the anniversary day of the first offense. Any offense occurring after this twenty-fourth-month period shall be considered a new first offense.

SECTION 11. Severability.

This ordinance and its various parts, sentences, sections, and clauses are severable. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 12. Other Laws.

This ordinance is in addition to all other ordinances of the Town of Fairfax and all applicable laws of the State of Vermont. All ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency. The Town of Fairfax Impact Fee Ordinance, Town of Fairfax Fire Department Service Reimbursement Ordinance, and Town of Fairfax Fee Policy are hereby repealed.

SECTION 13. Effective date.

This ordinance shall become effective sixty (60) days after its adoption by the Fairfax Selectboard or at such time following the expiration of the 60 days from the date of its adoption as is determined by the Fairfax Selectboard per 24 V.S.A. § 1973. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 4th day of March, 2024 by the Selectboard of the Town of Fairfax.








