

ORDINANCE 23-O-13 amending the Murfreesboro City Code, by establishing Chapter 16, Impact Fees.

WHEREAS, the City of Murfreesboro has been recognized as one of the fastest growing cities in both the State of Tennessee and the nation; and

WHEREAS, the anticipated population and employment growth in Murfreesboro creates demand for additional roadways, park and recreational facilities, public safety facilities, and school facilities; and

WHEREAS, the City is responsible for and committed to providing such public facilities and services at levels of service necessary to support anticipated residential and employment growth; and

WHEREAS, the City's capital improvements plan apportions the costs of providing additional public facilities and services among existing and future users of such facilities in proportion to the demands for these facilities generated by such users; and

WHEREAS, the demand for additional roadways, parks and recreational facilities, public safety facilities, and school facilities is generated in part by residential development and in part by nonresidential development; taking into consideration factors such as usage of public facilities by individuals residing outside of the city and demand for specialized services necessitated by nonresidential development, the ratio of the impact on public facilities and services attributable to new residential development and new nonresidential development is approximately 2:1; and

WHEREAS, City Council finds it is in the best interest of the City to establish and collect the following impact fees in a reasonable and equitable manner to fund these future additional public facilities.

NOW, THEREFORE, BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Chapter 16 of the Murfreesboro City Code is hereby amended by creating the following new Chapter and Sections:

“CHAPTER 16 - IMPACT FEES

ARTICLE I. GENERAL PROVISIONS.

Section 16-1 Short Title.

This chapter shall be known and may be cited as the City of Murfreesboro Impact Fee Ordinance.

Section 16-2 Purpose.

It is the intent and purpose of this chapter to establish the regulatory procedure for assessing and collecting fees of new development within the City of Murfreesboro to

ensure timely construction of public capital improvements that are necessary to serve new development by ensuring that necessary financing is available for such improvements. The impact fees to be paid by each new development pursuant to this chapter are to be proportional to the impact that the new development will have on the types of facilities for which the fees are charged.

Section 16-3 Authority.

This chapter is adopted pursuant to the powers conferred by the City of Murfreesboro Charter, Section 4 B(7), as amended by Tennessee Private Acts, 1990, ch. 180 § 1.

Section 16-4 Declaration of Findings and policy.

(A) The Murfreesboro City Council recognizes and finds that:

- (1) The City of Murfreesboro is one of the fastest growing cities in the State of Tennessee and in the nation; and
- (2) The anticipated population and employment growth in Murfreesboro creates the demand for additional roadways, park and recreational facilities, public safety facilities, and school facilities; and
- (3) The City is responsible for and committed to the providing such public facilities and services at levels of service necessary to support anticipated residential and employment growth; and
- (4) The City's capital improvements plan apportions the costs of providing additional public facilities and services among existing and future users of such facilities in proportion to the demands for these facilities generated by such users; and
- (5) The demand for additional roadways, parks and recreational facilities, public safety facilities, and school facilities is generated in part by residential development and in part by Nonresidential development; taking into consideration factors such as usage of public facilities by employees residing outside of the city and demand for specialized services necessitated by Nonresidential development, the ratio of the impact on public facilities and services attributable to new residential development and new Nonresidential development is approximately 2:1.

(B) City Council declares it is in the best interest of the City to establish and collect the impact fees in a reasonable and equitable manner to fund these future additional public facilities.

Section 16-5 Definitions.

For purposes of this chapter, the following terms shall have the meanings ascribed to them in this section:

- (1) *Administrator* means the City's Planning Director or other person(s) designated by City Council to administer this chapter.
- (2) *Building Permit* means a permit issued by the Building Official authorizing performance of a specified activity in or on a Structure.
- (3) *City* means the City of Murfreesboro, Tennessee.
- (4) *Developer* means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group, combination, or entity responsible for a new development or a new development project.
- (5) *Development* means the construction, building, reconstruction, erection, extension, betterment, or improvement of land by providing a new Structure or the addition to any Structure, or any part thereof, which provides, adds to, or increases the floor area of a Residential or Nonresidential use, and includes any interrelated set of developments, approved by the city pursuant to a subdivision plat, planned development, or other development plan.

- (6) *Development Impact Fee District* means an area within the corporate boundaries of the City of Murfreesboro that City Council has designated as subject to specified development impact fees.
- (7) *Nonresidential* refers to a Development or Structure for any use other than residential use, except as may be exempted by this chapter.
- (8) *Place of Worship* means that portion of a Structure owned by a religious institution that has property tax exempt status and that is used primarily for religious worship services and related functions; provided, however, that a place of worship does not include Structures and portions of Structures that are used for purposes other than worship and related functions or that are intended to be leased, rented, or used by persons who do not have a tax exempt status.
- (9) *Residential* means to a Development or Structure that includes one or more dwelling units. A dwelling unit is any room or set of interconnected rooms providing independent permanent facilities for living, sleeping, cooking, eating, and sanitation designed for or used exclusively as living quarters by one or more persons living together as a common household, and physically separated from any other dwelling units that may be located in the same building, including a room or suite of rooms in an extended stay hotel, but excluding a tent, travel trailer, a room in a hotel motel, or boarding house.
- (10) *Roadway Administrator* means the City's Executive Director for Public InfraStructure or other person(s) designated by City Council to administer this chapter.
- (11) *Structure* means anything built, constructed, or erected that is located permanently or semi-permanently on the ground or attached to something having a permanent or semi-permanent location on the ground, but specifically excluding paving or other resurfacing of the ground.

Section 16-6 Applicability; exceptions.

- (A) All new development in the City shall be subject to the assessment and collection of impact fees unless otherwise expressly provided herein. The City will not issue a certificate of occupancy for any Structure until the required impact fee has been paid in full. For other uses not ultimately requiring a Building Permit, the City will not approve a development plan until the requisite impact fee has been paid in full. In addition, the City will issue a stop work order on any development for which the applicable impact fee has not been paid as required.
- (B) No impact fee shall apply or be collected as a result of the following actions:
 - (1) Any development by the federal government or any agency of the federal government, or by the state of Tennessee or any agency or political subdivision of the state of Tennessee, including, but not limited to, Rutherford County, the City, the Rutherford County School District, the Murfreesboro City Schools, the Consolidated Utility District of Rutherford County or other district, the Tennessee Board of Regents, or Middle Tennessee State University;
 - (2) Any development, including but not limited to the mere subdivision of land, installation of utilities, or the use of land for limited recreational, agricultural, filling, or dredging purposes, which, in the opinion of the Administrator, will not result in a significant net increase in the demand for public facilities subject to this chapter;
 - (3) Placing temporary construction trailer or office on a lot during the term of the Building Permit issued for the construction served by the trailer or office;
 - (4) Nonresidential accessory Structures, provided, however, that in the event an existing Industrial Accessory Building is converted, improved or changed in such a manner as to meet the applicable definition(s) stated within the City's code as a non-accessory "Industrial" Structure, the impact fee scheduled cost shall be applied at the current rate upon the initial change. A nonresidential accessory Structure means an enclosed storage shed that lacks heating and plumbing facilities and is used primarily for the storage of equipment, tools, heavy machinery, or similar appliances that are not for sale—either retail or

- wholesale; or an open perimeter shelter which may be open on one or more sides that lacks heating and plumbing facilities and may be used for the storage of materials available for sale—retail or wholesale;
- (5) Garages (whether attached or unattached) and other Accessory Structures constructed on residential property provided such Structures or parts thereof are neither heated or air-conditioned;
 - (6) Places of Worship;
 - (7) The replacement of a destroyed or partially destroyed Structure with a new Structure of like size, capacity, and use;
 - (8) Developments that received a final site plan approval or building permit prior to the effective date of the Ordinance.
- (C) The park impact fee and the school impact fee shall not apply to Nonresidential Developments.

Section 16-7 Development Impact Fee District.

- (A) The City's corporate boundaries constitute a single Development Impact Fee District and the development impact fees imposed by City Council shall be applicable to all development within the City until such time as City Council, after a duly noticed public hearing, establishes additional development impact fee districts that shall have specific development impact fees applicable to that district.
- (B) The boundaries of a development impact fee district may be modified, separate impact fees may be assessed separately within the districts, and each impact fee may have separate districts should City Council deem it beneficial to do so following notice and a public hearing on the proposed changes.
- (C) Impact fees collected within a development impact fee district shall be spent within that district.

Section 16-8 Impact Fee Schedule

- (A) *Calculation based on fee schedule.* Impact fees shall be calculated as follows.
 - (1) The impact fees shall be calculated for the proposed development based on the development plan approval or permit allowing the use according to the applicable fee schedule.
 - (2) City Council will adopt and may modify by ordinance a development impact fee schedule that will establish the development impact fees that is imposed by new Development on the following:
 - (a) Roadway;
 - (b) Parks;
 - (c) Public Safety; and
 - (d) City Schools.
 - (3) The units of development specified in the fee schedule shall be interpreted in terms of building square footage, which shall be measured in terms of gross floor area, as determined by the Administrator. For purposes of this chapter, "gross floor area" means the total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of a party wall separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building or portions thereof without walls, but excluding in the case of nonresidential facilities: arcades, porticoes and similar open areas which are accessible to the general public but are not designed or used as sales, display, storage, service or production areas.
 - (4) For categories of uses not specified in the applicable impact fee schedule, the Administrator shall apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.
 - (5) If the development plan approval or permit for the proposed development indicates a mix of uses in the development, the impact fees shall be calculated

separately for each use according to the fee schedule, and the results aggregated. Accessory uses that are customarily part of the principal use of a Structure or lot shall be assessed at the same rate as the principal use.

- (6) For an addition to or replacement of existing Structures, or a change of use, the impact fee to be paid shall be the difference, if any, between:
 - (a) The fee, if any, that would be payable for existing development on the site or, in the case of demolition or removal of a Structure or the reuse of a vacant Structure, the previous development and use on the site, provided that the demolition or removal of the Structure or the discontinuation of the previous use has occurred within five years of the date of submittal of the application for which impact fees are assessed; and
 - (b) The fee, if any, that would be payable for the total development on the site after the new development.
- (7) Upon written request of an applicant, the Administrator may provide an estimate of the current fee based on sufficient data being provided prior to submission of an application Building Permit or development plan; provided, however, the Administrator shall not be responsible for determining the accuracy of the information provided or the estimate and the applicant may not act in reliance on the preliminary estimate.

Section 16-9 Collection of impact fees.

- (A) Except as set forth in subsection (B) below, the impact fees for all new development shall be calculated in conjunction with the application for a Building Permit and shall be paid to the City prior to the issuance of a certificate of occupancy.
- (B) For other uses not ultimately requiring a Building Permit, the fee shall be calculated and collected prior to or at the time of approval of the development plan.
- (C) The Building and Codes Department shall transmit to the Finance Department all fees collected and a copy of all related fee transaction documents for recordation. The Finance Department shall be responsible for depositing all collected fees in the appropriate fund accounts.
- (D) A monthly summary of all fee collection transactions, by service area and type of use, shall be prepared by the Building and Codes Department and transmitted to the City Manager, the Executive Director for Development Services, and the Administrator.

Section 16-10 Fund accounting.

- (A) The City shall establish a separate accounting fund in which the impact fees collected for a particular type of facility within the development impact fee district shall be credited. Such fees shall be invested by the City and the yield on such fees, at the actual rate of return to the City, shall be credited to such accounting fund periodically in accordance with the accounting policies of the City. Such funds shall be segregated from other City monies for accounting purposes.
- (B) Any yield on such accounting fund into which the fees are deposited shall accrue to that fund and shall be used for the purposes specified for such fund.
- (C) The City shall maintain and keep financial records for such accounting fund showing the revenues to such fund and the disbursements from such fund, in accordance with normal City accounting practices. The records of such fund shall be open to public inspection in the same manner as other financial records of the City.

Section 16-11 Expenditure of fees.

- (A) Except as otherwise provided in subsections (B) below, impact fees may be spent only on qualifying improvements.

- (1) Qualifying improvements on which Roadway Impact fees may be spent are set forth in § 16-20;
 - (2) Qualifying improvements on which Park Impact fees may be spent are set forth in § 16-22;
 - (3) Qualifying improvements on which Public Safety Impact Fees may be spent are set forth in § 16-24; and
 - (4) Qualifying improvements on which City School Impact Fees may be spent are set forth in § 16-26.
- (B) Impact fees collected pursuant to this chapter may be used to pay the fees actually paid or contracted to be paid to qualified professionals preparing or updating impact fee studies and ordinances.
- (C) The Finance Department shall have the responsibility for tracking the expenditure of roadway impact fee revenues by service area.

Section 16-12 Refunds.

- (A) If development for which an impact fee has been paid has not begun, the impact fee and any accrued interest thereon shall be returned to the applicant, provided that the applicant applies for the refund in writing within 60 days after the expiration of the Building Permit or other approval (or any extension thereof) on which it was assessed.
- (B) The City shall charge an administrative fee for verifying and computing the refund of 3% of the amount of the refund.

Section 16-13 Offsets.

- (A) Offsets are reductions from the impact fee that would otherwise be due from a development and shall be credited at the same percent of the maximum impact fee rate assessed per fee type.
- (B) The Administrator shall grant an offset for qualifying improvements, as defined in Section 16-11, or cash contributions for such improvements, that are required to be paid as a condition of development approval for the type of facility against which such offset is claimed.
- (C) Offsets shall be allowable and payable only to offset impact fees otherwise due for the same category of improvements and shall not result in reimbursements from, nor constitute a liability of, the City.
- (D) Offsets shall be given only for the value of any construction of improvements or contribution or dedication of land or money by a fee payer or his or her predecessor in title or interest for qualifying improvements of the same category for which an impact fee was imposed.
- (E) No offset shall be provided under this section for contributions, payments, or construction made more than one year prior to the effective date of this chapter.
- (F) The person applying for an offset shall be responsible for providing appraisals of land and improvements, construction cost figures, and documentation of all contributions and dedications necessary to the computation of the offset claimed. The Administrator shall have no obligation to grant offsets to any person who cannot provide the documentation in such form as the Administrator may reasonably require.
- (G) The value of land dedicated or donated shall be based on the appraised land value of the parent parcel (which land value is based on the date of transfer of ownership to the City) as determined by a certified appraiser who was selected and paid for by the applicant, and who used generally accepted appraisal techniques. If the City disagrees with the appraised value, the City may engage another appraiser at the City's expense, and the value shall be an amount equal to the average of the two appraisals.
- (H) Offsets provided for qualifying improvements meeting the requirements of this section shall be valid from the date of approval until two years after the date of approval or until the last date of construction within the project, whichever occurs first.

- (I) The right to claim offsets shall run with the land and may be claimed only by owners of property within the development for which the qualifying improvement was required.
- (J) Any claim for offsets must be made not later than the time of submittal of a Building Permit application or application for another permit subsequent to development plan approval that is subject to impact fees. Any claim not so made shall be deemed waived.

Section 16-14 Development Agreements.

- (A) Where a development includes or requires a qualifying improvement, as defined in Section 16-11, the City and the Developer may agree in writing to have the Developer participate in the financing or construction of part or all of the qualifying improvements. In addition, as an economic incentive for a Development, City Council by resolution may waive, in whole or in part, the amount of the impact fee that would otherwise be assessed for a Development, where City Council reasonably believes, based on objective facts and reasonable projections set forth in the resolution, that the economic or other public benefit of the Development to the City will outweigh the benefit of collecting the impact fee, in whole or in part, from the Developer. Such development agreement may provide for cash reimbursements, offsets, or other appropriate compensation to the Developer for the Developer's participation in the financing and/or construction of the improvements or providing the City with measurable economic improvement.
- (B) The agreement shall include:
 - (1) The estimated cost of the qualifying improvements, using the lowest responsive bid by a qualified bidder, which bid is approved by the Administrator; or, if no bid is available, the estimated cost certified by a licensed engineer and approved by the Administrator;
 - (2) A schedule for initiation and completion of the improvement;
 - (3) A requirement that the improvement be designed and completed in compliance with any applicable City ordinances; and
 - (4) Such other terms and conditions as deemed necessary by the City.
- (C) If City Council waives, in whole or in part, the amount of the impact fee due for a Development as an economic incentive, City Council shall cause to be appropriated from other City funds the amount of the reduction in the impact fee to the account for the service area in which the property is located. The Administrator shall keep a record of all waivers and variances granted pursuant to this section by service area. Prior to the commencement of the next ensuing fiscal year, City Council shall appropriate an amount equal to the sum of all waivers granted as economic incentives within the service area and shall cause that amount to be transferred to the impact fee account for the service area, which shall thereafter be considered funds of the amount. Such funds shall be appropriated from any source other than from the proceeds of impact fees in accordance with the laws of the state.

Section 16-15 Supplemental regulation.

- (A) Except as herein otherwise provided, impact fees are in addition to any other requirements, taxes, fees, or assessments imposed by the City on development or the issuance of Building Permits or certificates of occupancy which are imposed on and due against property within the jurisdiction of the City. Such fees are intended to be consistent with the City's comprehensive plan, capital improvements program, development regulations, and other City policies, ordinances, and resolutions by which the City seeks to ensure the provision of capital facilities in conjunction with development.
- (B) In addition to the use of impact fees, the City may finance qualifying capital improvements through the issuance of bonds, the formation of assessment

districts, or any other authorized mechanism in such manner and subject to such limitations as may be provided by law.

Section 16-16 Updates to Impact Fee Schedules.

Not less often than every five years, City Council, following a public hearing, shall review and, if warranted, recommend changes in the schedules of impact fees. Factors to be considered may include, without limitation, past and projected growth in Residential and Nonresidential development, qualifying improvements actually constructed, changing levels of service, revised cost estimates for qualifying improvements, changes in the availability of other funding sources, changes in demand generation characteristics, sources of non-City funds and such other factors as may be relevant.

Section 16-17 Relief Procedures.

(A) City Council may grant a variance or waiver from a requirement of this chapter.

- (1) To secure a variance or waiver, a Developer must present a written request to the Administrator detailing the grounds for the waiver and provide any additional information requested by the Administrator. The Administrator and Legal Department shall prepare findings of fact and conclusions of law that includes consideration of uses permitted by right or conditionally under existing development regulations, and a recommendation as to any requested variance or waiver. The Administrator shall submit such findings of fact, conclusions of law, and recommendation to City Council to consider whether a variance or waiver is appropriate.
- (2) Upon review of the Administrator's findings of fact, conclusions of law, and recommendation at a public meeting, City Council may a variance or waiver upon determination that a strict application of such requirement would result in de facto taking of the property. City Council may reduce or waive the impact fee.
- (3) If City Council grants a variance or waiver to the amount of the impact fee due for a Development under this section, it shall cause to be appropriated from other City funds the amount of the reduction in the impact fee to the account for the service area in which the property is located. The Administrator shall keep a record of all waivers and variances granted pursuant to this section by service area. Prior to the commencement of the next ensuing fiscal year, City Council shall appropriate an amount equal to the sum of all waivers and variances granted within the service area and shall cause that amount to be transferred to the impact fee account for the service area, which shall thereafter be considered funds of the amount. Such funds shall be appropriated from any source other than from the proceeds of impact fees in accordance with the laws of the state.

Section 16-18 Appeals.

A fee payer affected by a decision of the Administrator under this chapter may appeal such decision to the City Manager, by filing with the City Recorder written notice specifying the grounds of the appeal within ten business days of the date of the decision. The City Manager shall decide the appeal within 30 days after a fully stated appeal is made.

Sections 16-20—16-29 Reserved.

ARTICLE II. ROADWAY IMPACT FEES.

Section 16-30 Roadway impact fee schedule.

The roadway impact fee shall be calculated based on the fee schedule adopted with the annual budget ordinance or subsequently amended by ordinance. The Administrator and the Roadway Administrator shall jointly determine the land use category in the fee schedule that best represents the proposed use based on the definitions provided in this chapter.

Section 16-31 Individual assessments of roadway impact fees.

- (A) The roadway impact fee for a proposed new development shall be calculated using an individual assessment of roadway impacts if:
- (1) The Roadway Administrator determines that the nature, timing, or location of the proposed development makes it likely to generate impacts costing substantially more to mitigate than the costs attributable to the development in the fee schedule; or
 - (2) The Developer chooses to have the amount of the fee determined by such method.
- (B) The Developer shall be responsible for preparing the individual assessment of roadway impacts if the Developer chooses to conduct such analysis as provided in subsection (A)(3) above. Otherwise, the City shall be responsible for preparation of the individual assessment.
- (C) An individual assessment shall include a traffic study prepared and signed by a licensed traffic engineer. Such traffic study shall include the following elements:
- (1) A projection of the number of vehicular trips entering and departing from the project during an average weekday;
 - (2) If the site is already developed, and some or all of the existing development will be replaced by the completed project, a calculation of the number of vehicular trips for that portion of the existing development which will be replaced by the completed project;
 - (3) The percentage of those trips identified in subsections (1) and (2) above, which are “primary trips” (as opposed to “pass-by trips” or “diverted-link trips” for which the project is not the primary destination);
 - (4) The assumptions and conclusions from which any projections are made. If the assumptions or conclusions are derived from the current edition of the ITE manual or other standard reference materials, the materials shall be identified and appropriate excerpts or specific references provided. Otherwise, the reasoning underlying the assumptions and conclusions shall be clearly stated in writing; and
 - (5) Such other information as the Administrator shall reasonably request.
- (D) The Administrator shall determine the fee based on the review of the independent assessment and the following formula.

$$\text{MAXIMUM FEE} = (\text{PK HR VMT} \times (\text{NET COST/VMT})) \times \text{PERCENT}$$

Where:

$$\text{PK HR VMT} = \text{PK HR TRIPS} \times \% \text{NEW} \times (\text{LENGTH}/2)$$

PK HR TRIPS = Trip ends during PM peak hour of adjacent street traffic.

%NEW = Percent of trips that are primary, as opposed to pass-by or diverted-link trips.

LENGTH = Average length of a trip on the major roadway system. Note: dividing LENGTH by 2 when calculating PK HR VMT avoids double-counting trips for origin and destination.

NET COST/VMT = Average net cost to accommodate a new vehicle-mile of travel during the peak hour. Until recalculated by an update of the impact fee study, this shall be \$86.58.

PERCENT = Percent at which maximum fees are currently being assessed by the City.

VMT = Vehicle-miles of travel

- (E) The Roadway Administrator shall determine the appropriate impact fee for the development, based on the above formula, the information provided by the applicant and any other information determined to be relevant by the roadway Administrator. The Administrator shall accept the calculations of the individual assessment if the Administrator finds that:
- (1) The proposed development is in fact so unique in its long-term impacts that the strict application of the fee schedule or administrative determination would result in inaccurate impact projections; and
 - (2) The individual assessment results in a fee that differs by at least 10% from the fees calculated under the fee schedule.
- (F) If the City accepts the computations of the individual assessment under this section, the applicable fee shall be determined from the individual assessment regardless of whether it is higher or lower than the fee calculated under the fee schedule or administrative determination.
- (G) The applicant may appeal the decision of the Roadway Administrator on the individual assessment to City Council pursuant to Section 16-15.

Section 16-32 Use of roadway impact fees.

- (A) The revenues from roadway impact fees collected within the Development Impact Fee District and accrued interest on such revenues shall be used to finance project costs of capacity-expanding improvements to the major roadway system, as determined by City Council, provided that the improvements are located within the same Development Impact Fee District. Such revenues may also fund the cost of consultants used in updating the transportation portion of the capital improvements program and in updating the roadway impact fee computations.
- (B) Capacity-expanding improvements are those that increase the capacity of the major roadway system to accommodate additional traffic. Such improvements include, but are not limited to, widening of roadways to increase lane and/or shoulder width or to add additional travel lanes, signalization, addition of turn lanes, and other intersection improvements. Improvements such as intersection improvements or acceleration/deceleration lanes that primarily serve traffic entering or exiting a development project shall not be considered capacity-expanding improvements.
- (C) Qualifying project costs include project engineering costs; the acquisition cost of rights-of-way and easements, including legal costs; the construction cost of improvements, including, but not limited to, public street travel lanes, public pedestrian and bicycle pathways, turning lanes or the portion thereof located within the right-of-way of a public street, lighting, signalization, signage and landscaping improvements that are required for the roadway improvement to function effectively; and the principal, interest, and other financing costs of bonds, notes, or other obligations issued by or on behalf of the City to finance qualified improvements.
- (D) Monies collected as roadway impact fees shall not be used to pay for any of the following:
- (1) Construction, acquisition, or expansions of public facilities other than qualifying major roadway system improvements;
 - (2) Repair, operation, or maintenance of existing or new public street or pathway improvements;

- (3) City personnel and consultants hired for purposes other than those expressly permitted under this section; and
- (4) Streets, pathways, and related transportation improvements that are within and intended to serve only a specific development such as a new residential subdivision.

Sections 16-33—16-39 Reserved.

ARTICLE III. PARK IMPACT FEES.

Section 16-40 Park impact fee schedule.

The park impact fee shall be calculated based on the fee schedule adopted with the annual budget ordinance or subsequently amended by ordinance. The Administrator shall determine the land use category in the fee schedule that best represents the proposed use.

Section 16-41 Use of park impact fees.

- (A) The revenues from park impact fees collected within the Development Impact Fee District and accrued interest on such revenues shall be used to finance project costs of capacity-expanding improvements to the City's parks and recreation facilities, as determined by City Council, provided that the improvements are located within the same Development Impact Fee District. Such revenues may also fund the cost of consultants used in updating the parks and recreation portion of the capital improvements program and in updating the park impact fee computations.
- (B) Capacity-expanding improvements are those that add land and facilities to the City's park and recreation system that are available to be used by City residents. Such improvements include, but are not limited to, acquiring or developing new parks and recreation facilities, improvements to existing parks that add new facilities, and expansions of existing recreation facilities.
- (C) Qualifying project costs include project design and engineering costs; the acquisition cost of land and easements, including legal costs; the construction cost of improvements; and the principal, interest, and other financing cost of bonds, notes, or other obligations issued by or on behalf of the City to finance qualified improvements.
- (D) Monies collected as park impact fees shall not be used to pay for any of the following:
 - (1) Construction, acquisition, or expansion of public facilities other than qualifying parks and recreation improvements;
 - (2) Repair, operation, maintenance, or replacement of existing parks and recreation facilities; and
 - (3) Private parks and recreational facilities that are not open to the public.

Sections 16-42—16-49 Reserved.

ARTICLE IV. PUBLIC SAFETY IMPACT FEES.

Section 16-50 Public safety impact fee schedule.

The public safety impact fee shall be calculated based on the fee schedule adopted with the annual budget ordinance or subsequently amended by ordinance. The Administrator shall determine the land use category in the fee schedule that best represents the proposed use.

Section 16-51 Use of public safety impact fees.

- (A) The revenues from public safety impact fees collected within the Development Impact Fee District and accrued interest on such revenues shall be used to finance project costs of capacity-expanding improvements to the City's public safety facilities, as determined by City Council, provided that the improvements are located within the same Development Impact Fee District. Such revenues may also fund the cost of consultants used in updating the public safety facilities portion of the capital improvements program and in updating the public safety impact fee computations.
- (B) Capacity-expanding improvements are those that add land and facilities to the City's public safety facilities that are available to serve City residents. Such improvements include, but are not limited to, acquiring or developing new fire and police stations, including land acquisition, expansions to existing fire and police stations that add additional space for personnel or equipment, and acquisition of new apparatus or vehicles for fire protection or police protection services.
- (C) Qualifying project costs include project design and engineering costs; the acquisition cost of land and easements, including legal costs; the construction cost of improvements; and the principal, interest, and other financing costs of bonds, notes, or other obligations issued by or on behalf of the City to finance qualified improvements.
- (D) Monies collected as public safety impact fees shall not be used to pay for any of the following:
 - (1) Construction, acquisition, or expansion of public facilities other than qualifying public safety facilities;
 - (2) Repair, operation, maintenance, or replacement of existing fire or police stations or equipment; or
 - (3) Acquisition of apparatus, vehicles, or equipment that essentially replaces existing or older equipment that is being taken out of service; provided that if the new equipment will provide better service than the comparable equipment being retired and is more costly than the current replacement cost of the existing equipment, the difference in cost may be funded out of public safety impact fees.

Sections 16-52—16-59 Reserved.

ARTICLE IV. SCHOOL IMPACT FEES.

Section 16-60 City Schools Impact Fee schedule.

- (A) The City Schools Impact Fee shall be calculated based on the fee schedule adopted with the annual budget ordinance or subsequently amended by ordinance. The Administrator shall determine the land use category in the fee schedule that best represents the proposed use.

Section 16-61 Use of City Schools Impact Fee.

- (A) The revenues from City Schools Impact Fee collected within the Development Impact Fee District and accrued interest on such revenues shall be used to finance project costs of capacity-expanding improvements to the Murfreesboro City Schools facilities, as may be recommended by the City School Board and determined by City Council, provided that the improvements are located within the same Development Impact Fee District. Such revenues may also fund the cost of consultants used in updating the school portion of the capital improvements program and in updating the City Schools Impact Fee computations.
- (B) Capacity-expanding improvements are those that add land, facilities, and buses to the City's school system that are available to be used by City students. Such

improvement include, but are not limited to, acquiring or developing new school facilities, improvements to existing school facilities that add new facilities, and expansions of existing school facilities.

- (C) Qualifying project costs include project design and engineering costs; the acquisition cost of land and easements, including legal costs; the construction cost of improvements; and the principal, interest, and other financing cost of bonds, notes, or other obligations issued by or on behalf of the City to finance qualified improvements.
- (D) Monies collected as City Schools Impact Fee shall not be used to pay for any of the following:
 - (1) Construction, acquisition, or expansion of public facilities other than qualifying school improvements;
 - (2) Repair, operation, maintenance, or replacement of existing school facilities; and
 - (3) Acquisition of vehicles or equipment that essentially replaces existing or older equipment that is being taken out of service; provided that if the new equipment will provide better service than the comparable equipment being retired and is more costly than the current replacement cost of the existing equipment, the difference in cost may be funded out of school impact fees.

Sections 16-62—16-63 Reserved.

SECTION 2. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1st reading _____

2nd reading _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Jennifer Brown
City Recorder

DocuSigned by:
Adam F. Tucker

Adam F. Tucker
City Attorney

SEAL