

**TOWN OF RINDGE
NEW HAMPSHIRE**

IMPACT FEE ORDINANCE

Adopted March 8, 2003
Amended March 8, 2005
Amended March 14, 2006
Amended March 13, 2012

TOWN OF RINDGE IMPACT FEE ORDINANCE

A. Purpose. This ordinance is enacted pursuant to RSA 674:21, and in order to:

1. Promote the public health, safety and welfare and prosperity;
2. Ensure that adequate and appropriate facilities are available to development, which may come to be located in the Town of Rindge;
3. Provide for the harmonious development of the municipality and its environs;

B. Definitions

1. Fee payer means the applicant for the issuance of a permit that would create new development as defined in this Section.
2. Impact fee means a fee or assessment imposed upon development, including subdivision, building construction or other land-use change, in order to help meet the needs occasioned by the development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public libraries; and public recreation facilities, not including public open space.
3. New development means an activity that results in:
 - a. The creation of a new dwelling unit or units; or
 - b. The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of dwelling units; or
 - c. The creation of a new non-residential development; or
 - d. The conversion of an existing use to another use if such change creates a net increase in the demand on public capital facilities that is the subject of impact fee assessments. New development shall not include the replacement of an existing manufactured home, or the reconstruction of a structure that has been destroyed by fire or natural disaster or replacement of an existing structure where there is no change in its size,

density or type of use or location, and where there is no net increase in demand on the public capital facilities of the town of Rindge.

See Appendix for further clarification of structural classification of dwelling units.

C. Authority to Assess Impact Fees.

The Planning Board is hereby authorized to assess impact fees, as herein defined, and in accordance with the standards herein set forth. The Planning Board shall have the authority to adopt regulations to implement the provisions of this ordinance.

D. Standards and Methodology for Assessment

1. The amount of any impact fee shall be a proportional share of municipal capital improvement costs, which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee.
2. Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.
3. The Planning Board may prepare, adopt, or amend studies or reports that are consistent with the above standards, and which define a methodology for impact fee assessment for public capital facilities, and impact fee assessment schedules. No impact fee assessment schedule, methodology of assessment or amendment to such methodology shall be adopted by the Planning Board until it has been the subject of a public hearing.

E. Waivers

The Planning Board may grant full or partial waivers of impact fees where the Board finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed.

1. A fee payer may request a full or partial waiver of public school impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 55 or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The Planning Board may waive school impact fee assessments on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age 55 or over for a period of at least 20 years.
2. The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of impact fees under this provision that would involve a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy

of the waiver request to the Town's legal Counsel for review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. All costs incurred by the Town for the review of such proposal, including consultant and counsel fees, shall be paid by the fee payer.

3. The Planning Board may agree to waive all or part of an impact fee assessment for Student Housing as defined in Article XVI (24) of the Rindge Zoning Ordinance.
4. The Planning Board may agree to waive all or part of an impact fee assessment for affordable housing based on income.

F. Administration of Impact Fees

1. All impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development.
2. Between the date of assessment and collection, the Planning Board may require fee payers to post security, in the form of a cash bond, letter of credit or performance bond so as to guaranty future payment of assessed impact fees.
3. Impact fees shall be collected as a condition for the issuance of a Certificate of Occupancy.
4. The Planning Board and the fee payer may establish an alternate, mutually acceptable schedule of payment of impact fees.
5. Each impact fee shall be accounted for separately, shall be segregated from the Town's general fund, may be spent upon order of the governing body, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs for which fees are collected to meet.
6. In the event that bonds or similar debt instruments have been or will be issued by the Town of Rindge or the Jaffrey - Rindge Cooperative School District for the funding of capital improvements that are the subject of impact fee assessment, impact fees from the appropriate related capital facility impact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.
7. The Treasurer for the Town of Rindge shall record all fees paid, by date of payment and the name of the person making payment, and shall maintain an updated record of the current ownership and tax map reference number of properties for which fees have been paid under this Section for each permit so affected for a period of at least six (6) years from the date of receipt of the impact fee payment associated with the issuance of each permit.

G. Refund of Fees Paid

The current owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest under the following circumstances:

1. When either the full or partial portion of the impact fee, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from the date of the full and final payment of the fee; or
2. When the Town of Rindge, or in the case of school impact fees, the Jaffrey - Rindge Cooperative School District, has failed, within the period of six (6) years from the date of the full and final payment of such fee, to appropriate their proportionate non-impact fee share of related capital improvement costs.

H. Appeals Under This Section

1. A party aggrieved by a decision made by the Code Enforcement Officer regarding the assessment or collection of impact fees authorized by this Section may appeal such decision to the Zoning Board of Adjustment.

I. Applicability

This ordinance shall not be deemed to affect the existing authority of the Planning Board over subdivisions and site plans, including, but not limited to the authority to declare a development to be premature or scattered in accordance with the regulations of the Board and in accordance with RSA 674:36, II(a). Payment of the impact fee under this Section does not restrict the Town of Rindge or the Planning Board from requiring other payments or improvements from new development. Nothing in this section shall be construed to affect fees that are assessed under the authority of other statutes, town ordinances or regulations.

Appendix to Impact Fee Ordinance

Structural Classification for Impact Fee Assessment

The impact fee assessment schedule is expressed on a per unit basis by type of structure for new construction or conversion activity that would result in a net increase in the number of dwelling units. The building official will need to interpret which fee will apply to a particular type of dwelling unit. The definitions of housing units by structure type are interpreted below for each category, based in part on the U.S. Census, “Definitions of Subject Characteristics”, and upon the experience of the consultant.

Single Family Detached (1-Unit, Detached). This is a 1-unit structure detached from any other structure; that is with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A one-family house that contains a business is considered detached as long as the building has open space on all four sides. Mobile homes or trailers to which one or more permanent rooms have been added or built are also included.

Townhouse (1-Unit, Attached). This is a one-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to non-residential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof. In cases of “condex” construction, utilization of the duplex structural type rather than the townhouse category is recommended for impact fee assessment. Research for other impact fee studies has indicated that the enrollment per unit for a condex tends to be better represented by a “duplex” enrollment multiplier than by a “townhouse” multiplier.

Duplex/Two Unit, and Multifamily (3+ unit) Structures. These are units in structures containing two housing units, other than those meeting the townhouse or 1-unit attached definition. For the purpose of impact fee assessment, structures with 2 units tend to have higher enrollment multipliers than multifamily structures of three or more units (typical for apartment developments) and are therefore broken out separately. Duplexes and garden apartments (flats), where a floor separates the units, or which are separated by a wall but share a basement fit the duplex or 3+ unit multifamily definition. The 3+-unit category is generally used for garden-style apartments.

Manufactured Housing (Mobil Home or Trailer). Mobile homes (manufactured housing) to which no permanent rooms have been added are included in this category. In general, manufactured housing as defined by NH statute would be subject to this structural category. Generally, manufactured housing is transported on a chassis and designed to comprise a living unit once connected to utilities. This structural category should not be used for modular homes involving on-site assembly of pre-built components to construct a unit.