

RESOLUTION NO. 16-99

**AN AMENDED AND RESTATED RESOLUTION
OF THE GOVERNING BODY OF EAGLE MOUNTAIN TOWN
ESTABLISHING A CONSOLIDATED FEE SCHEDULE**

WHEREAS, the Town Council of Eagle Mountain Town pursuant to Utah Code is empowered by resolution to set fees; and

WHEREAS, the Town Council of Eagle Mountain Town wishes to establish an equitable system of fees to cover the cost of providing municipal services; and

WHEREAS, the Town Council believes it is in the public interest to restate, amend and revise requirements for developer payment and reimbursement to the Town for professional fees expended by the Town to review and process developer's applications which fees are not included in standard subdivision application fees or other fees and for other fees and charges and to provide specific remedies for failure to make timely reimbursement payments and other lawful charges;

NOW, THEREFORE, BE IT RESOLVED by the governing body of Eagle Mountain Town that:

I. The following fees are hereby imposed as set forth herein.:

A. Town Recorder:

1. Compiling records in a form other than that maintained by the Town actual cost and expense for employee time or time of any other person hired and supplies and equipment; minimum charge of \$10 per request.
2. Copy of record..... \$0.25/printed page
3. Certification of record..... \$1/certification
4. Postage..... actual cost to Town
5. Other costs allowed by law..... actual cost to Town
6. Miscellaneous copying..... \$0.10/printed page (8 2 x 11)
\$0.15/printed page (11x14)
\$0.20/printed page (11x17 2)
7. Copies of reports, documents, etc..... \$0.15/printed page
8. Electronic copies of minutes of meetings..... \$30.00 per meeting

B. Animal Control:

1. Dog license fees - Due 7/1 of each fiscal year..... \$7.00
2. Dog license fees - Late Fee License after 9/1.....\$25.00
3. Dog license fees - first time license at any time during Year..... No Charge
4. Redemption Fees B As per Utah County Animal Control Shelter Fee Schedule plus associated pickup and impound costs.

C. Building Inspection:

1. Fees charged for building permits are set forth in the 1997 Uniform Building Code (Table 1-A), fee schedule unamended.
2. Plan Review Fees: 65% of the permit fee per UBC 107.3.
3. Refunds for permits issued will be limited to 80 percent of the permit costs, not later than 180 days after the date of fee payment. No refunds for plan review costs will be given if the plan review has been conducted.
4. One-percent surcharge per building permits (Utah Code):
 - (a) 80 percent submitted to Utah State Government
 - (b) 20 percent retained by Town for administration of State collection.

5. Buildings of unusual design, excessive magnitude, or potentially hazardous exposures may, when deemed necessary by the Building Official, warrant an Independent review by a design professional chosen by the Chief Building Official. The cost of this review may be assessed in addition to the building permit fee set forth in (C. 2.) above.
6. Fast Track Fee for Registered Plans..... \$250.00
7. Temporary Occupancy Fee..... \$100.00 plus 120% of value of uncompleted items
8. Plumbing Permit Fees..... As per UPC Table 1-1
9. Mechanical Permit Fees..... As per MC Table 1-1
10. Board of Appeals (note sec. 105 UBC)..... \$100.00

D. Business License Fees:

1. Home Occupations..... \$40,00 + \$4 for Each Non-Family Employee
2. Commercial..... \$80.00 + \$4 for each Employee
3. Late Charge after 8/15 of each year..... 25% Additional
4. Temporary Licenses: Canvasser, Solicitors, and Other Itinerant Merchants
 - a. Application Fee..... 0
 - b. License Fee..... \$10.00 for 10 consecutive days only
5. Home Sales License Fee..... \$2.00 per year
6. Bond for Contractor Bonding License \$5,000.00

E. Ordinance Enforcement:

Abatement of injurious and noxious real property and unsightly or
 Deleterious objects or structures Actual Cost of Abatement plus 20% of Actual Cost

F. Planning and Zoning:

1. Master Development Plan Application or Amendment (Except for Annexation)
 - a. Class 1 \$1,000
 - b. Class 2 \$2,000
2. Board of Adjustment: variance, non-conforming use,
 Conditional use appeal, appeal of Zoning Administrator \$100
3. Conditional Use:
 - a. Conditional use (new)..... \$500
 - b. Conditional use (amendment)..... \$200
4. Subdivisions:
 - a. Subdivision Concept Plan..... \$100 plus \$20 /Lot
 - b. Plat Amendment Fee \$400 plus \$35/Lot
 - c. Recording Fees..... \$100 plus \$10/ Lot
 - d. Class I Permit processing fee \$55/Lot or \$500 /acre if not a subdivision
 - e. Class II Permit processing fee \$400 plus \$60/Lot
 - f. Final plat & Development Agreement processing fee \$400 plus \$95/Lot
 - g. Inspection Fees (Based on Engineer=s Estimate of Project Cost)
 - (1) \$1.00 to \$50,000. 5%
 - (2) \$50,001. to \$250,000. \$2,500 for first \$50,000 Plus 2 1/2 %
 - (3) \$250,001 to \$500,000. \$7,500 for first \$250,000 Plus 2%
 - (4) \$500,001 to \$750,000. \$12,500 for first \$500,000 Plus 1 1/2%
 - (5) over \$750,000. \$16,250 for first \$750,000 Plus 1%
 - h. Contractors, Subdivision & Building Bonds
 - (1) Performance and Guaranty 110% of Value plus two-year warranty
 - (2) Contractor Infrastructure Protection Bond..... \$3000.00 Cash Bond
5. Residential Site Plan Review Fee \$60.00/D.U.
 Commercial Site Plan Review Fee \$6,000.00 plus \$500.00 per acre

- 6. Annexation:
 - a. Application Fee\$1,500.00 + \$5.00 per acre
 - b. Master Development Plan (Annexation only) Review Fee \$6,000.00
- 7. Signs:
 - a. Permit Fee per Sign Face..... \$50.00 (Except as abated by the Town Council)
 - b. Impound Release Fee \$150 per Sign
 - c. Master Signage Plan Application Fee..... \$1,000.00
- 8. Streets:
 - a. Street dedication or vacation..... \$300.00
 - b. Street name change application..... \$100.00
 - c. New street sign for name change approval \$175.00 per sign
- 9. Maps and Publications:
 - a. Street (8-1/2 x 11).....\$1.00
 - b. Zoning map\$5.00
 - c. General plan.....\$10.00
 - d. Subdivision ordinance packet.....\$5.00
 - e. Zoning ordinance\$15.00

7. Public Works:

- 1. Concrete Inspection Permits:
 - a. Curb and gutter\$1.00 per linear foot
 - b. Sidewalk.....\$0.75 per linear foot
- 2. Excavation Permits, Asphalt/Concrete Cuts/Unimproved Surface:
 - a. Minimum fee for cuts in paved surfaces more than 3 years old..... \$300.00
 - b. Minimum fee for cuts in paved surfaces 3 years old or less \$2,000.00
- 3. Grading Permit:
 - a. 101 - 1000 Yd³\$37.00 for first 100 Yd³, plus 17.50 each additional Yd³
 - b. 1,001 - 10,000 Yd³ \$194.50 for first 1,000 Yd³, plus 14.50 each additional Yd³
 - c. 10,001 - 100,000 Yd³ \$325.00 for first 10,000 Yd³, plus 66.00 each additional Yd³
 - d. Over 100,001 Yd³ \$919.00 for first 100,000 Yd³, plus 36.50 each additional Yd³
- 4. Water Rates:
 - a. Minimum Monthly Charge\$20.00
 - b. Usage Rate for first 10,000 gallons\$20.00
 - c. Usage Rate for 10,001 to 30,000 gallons..... \$1.00 per 1000 Gallons
 - d. Usage Rate for 30,001 to 60,000 gallons..... \$2.00 per 1000 Gallons
 - e. Usage Rate for everything above 60,000 gallons..... \$3.00 per 1000 Gallons
 - f. Construction Water Fee . Meter Rental - \$1,000 Plus Water Usage Rate \$4.00 per 1000 Gal.
 - g. Meter Connection Fee (In addition to Impact Fee):

| <u>Minimum Lot Size Requirements</u> | <u>Meter Size</u> | <u>Set Meter Fee</u> |
|--|-------------------|----------------------|
| N/A | 5/8@ or 3/4" | \$ 350.00 |
| One acre or Larger or Commercial Use | 1" | \$1,400.00 |
| As justified by engineering requirements | 1 2" | \$2,800.00 |
| As justified by engineering requirements | 2" | \$4,900.00 |

5. Sewer Usage Rate:
 - a. Single Family Residential \$25 per month
 - b. Schools, Businesses and Churches..... 80% of Water Used for Culinary Purposes
 - c. Connection Fee (Impact Fee Additional) \$100.00 per ERU
6. Natural Gas
 - a. Usage Rate - Summer (April 1st - October 31st)..... \$5.00 Base Rate plus \$3.70/ decatherm
 - b. Usage Rate - Winter (November 1st - March 31st)... \$5.00 Base Rate plus \$4.50/ decatherm
 - c. Connection Fee (Impact Fee Additional)..... \$575.00 per ERU
7. Electric Power
 - a. Usage Rate \$4.00 Base Rate plus \$0.07/KWH
 - b. Connection Fee (Impact Fee Additional)..... \$225.00 per ERU
8. Telecommunication Rates
 - a. Residential..... \$20.00 per month per Line
 - c. Commercial..... \$30.00 per month per Line
 - d. Long Distance within the State of Utah..... \$0.095/minute
 - e. Long Distance outside Utah but within the United States \$0.115/minute
 - f. Long Distance - International(Schedule As Approved by Public Works Director)
 - g. Voice Mail \$5.95 per month
 - h. Voice Mail Installation Fee \$8.50 per Line
 - i. Connection Fee \$200.00 per ERU
9. Disconnect Fee.....\$50.00
Charge (usually to builder, developer or seller of home) to have utilities shut off until home is occupied.
10. Re-connect Fee.....\$50.00
Charge for reconnection of utilities after shut off due to delinquent account.
11. a. Infrastructure Damage Fee With Blue Staking 200% of Actual Repair Cost & Associated Damages Plus
 - (1) \$250 for all Laterals
 - (2) \$500 for Subdivision Lines
 - (3) \$1,000 for Main Lines
- b. Infrastructure Damage Fee Surcharge Without Blue Staking..... Fee as outlined in Subsection AI-G-11-a@ above Plus \$2000
- c. Cutting into Town Road or Utility without a Permit..... \$1,000.00 per occurrence
12. a. Park reservation Resident\$25 Refundable Cleanup Deposit
- b. Non-Resident Daily Park Fee \$100 Refundable Cleanup Deposit Plus \$200/Day Use Fee

II. PAYMENT OF CHARGES, REIMBURSEMENT FOR PROFESSIONAL FEES, AND COLLECTION OF PAST DUE ACCOUNTS

This section restates and consolidates prior resolutions of the Town Council of the Town of Eagle Mountain and clarifies the requirements for collection of past due accounts and other remedies to collect past due accounts from development applicants and others.

- A. As additional fees for development review and approval, each development applicant shall be responsible to reimburse the Town of Eagle Mountain for all excess fees and charges incurred by the Town of Eagle Mountain in the review and processing of the development applicant=s application for subdivision, site-plan review, building permit, Master Site Plan (original or amended) or other development review. Existing application fees stated above payable by applicants include reasonable monetary charges for professional services required to the Town to review and process the developer=s application, however, if the project or development review requires more professional or other third party services than anticipated and provided for in the original application fee, the developer shall be responsible to reimburse the Town for the excess reasonable fees and charges incurred in the review, processing and compliance assurance required by the Town to complete consideration of the developer=s application. Such fees and charges shall accrue to, and are payable by, the development entity which executes the development application, or enters into a development agreement with the Town of Eagle Mountain as required under the Town Development Code.

- B. The Town shall bill developers for excess reimbursable fees and other charges on a regular basis within forty-five (45) days of the payment of such fees and/or accrual of other charges by the Town. The billing by the Town shall be in reasonable detail to permit the developer applicant to determine the reason for the expenditure, the project for which the fees or charges were incurred, and the rate or other basis for the reimbursement or other charge. Developer applicants, or their representatives, may informally confer with Town staff to obtain further information, ask questions, and receive clarification of charges included on the billings. An informal conference may result in changes to the invoice from the Town to the developer applicant. If the invoice is corrected or changed, the developer applicant shall pay the corrected invoice within fifteen (15) days of receipt of the corrected invoice. If the developer applicant does not request and engage in an informal conference with staff concerning the billing, the invoice shall be due thirty (30) days from the date of the invoice. Billed invoices shall be due and payable to the Town thirty (30) days from the date of the invoice in the case of undisputed invoices and fifteen (15) days after receipt of a corrected invoice in the case of an invoice corrected after an informal conference or corrected after a decision by the Town Council. If the developer applicant disputes any charge on the invoice from the Town to the developer applicant, the developer applicant shall pay the amount of the invoice and notify the Town in writing of the dispute, indicating each disputed item and the reason each disputed item is disputed. The total sum of all disputed items shall constitute the contested amount of the payment by the developer applicant to the Town.
- C. The Town Treasurer shall receive the disputed payment and the contested amount and shall notify the Town Recorder of the contested payment. The Town Recorder shall notify the Mayor and provide the Mayor and Council with the statement of dispute received from the developer applicant. The Town Council shall consider the payment dispute in a regularly scheduled town meeting. The developer applicant shall be present and present any statement or evidence supporting the developer applicant's position with respect to the dispute. The Town Council shall cause the party to whom disbursement was made by the Town to be present at the hearing on the disputed amount and after hearing all of the relevant evidence and statements of parties and staff, the Town Council shall vote on each disputed item and determine whether or not to direct a refund to the developer applicant for any disputed charge.
- D. Developer applicants must remain in good standing with all amounts due and payable to the Town paid as such amounts become due. Developers or master developers who are delinquent in payment of reimbursable fees and charges to the Town, or other charges to the Town, are deemed to be in default and all processing of all applications before the Town staff, Planning Commission or Town Council shall be tabled until the developer applicant's default is cured by the payment of all fees and charges. Town staff are specifically instructed to verify that each master developer or developer applicant is in good standing with respect to all fees and charges owed to the Town before presenting developer applications to the Planning Commission agenda or to the Town Council agenda, and specifically before recordation of plats or final signing and approval of site-plans, building permits, or other development approval applications.
- E. Utility customer's accounts are due and payable within thirty (30) days of the date of the utility billing. Utility customers who do not pay the full amount of the utility billing invoice within thirty (30) days, are in default and are subject to disconnection of utilities and collection of the delinquent amounts. This section describes the process for notice to utility customers of billing delinquency, terminating service, collection of reconnection fees, and provisions for deferred payments schedule contracts.
1. Each utility invoice not paid when due shall be considered delinquent and the delinquent utility customer shall be provided a delinquent account notice requiring payment in full within seven (7) days of the date of the notice of the full past due amount.
 2. In the event payment in full is not received within the seven (7) day delinquent account notice period, a termination of service/shutoff notice will be issued notifying the utility customer that the utility service will be terminated for the utility where payment is delinquent seven (7) days after the date of the notice. Utility customers are invited to contact Town staff during the seven (7) day delinquent account notice to arrange a deferred payment schedule which may be approved by the Town under the provisions of Section 4 below.

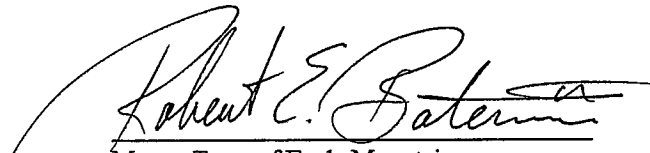
3. Services terminated for non-payment of delinquent accounts shall not be reinstated until payment of the delinquent account is received or an acceptable deferred payment contract is approved by the Town and the initial payment required under the deferred payment schedule is received by the Town together with the reconnect fee of \$50 to reimburse the Town for the professional services necessary to reinstitute the utility service.
4. A deferred payment schedule contract may be entered with a delinquent customer, provided that the deferred payment schedule does not extend for a period of more than one (1) year, provides for a specific amount to be paid each month together with interest on the unpaid balance at the current rate received by the Town for invested funds with the Public Treasurers Investment Fund. Utility customers who do not comply with the terms of an executed deferred payment schedule contract, are subject to termination of service after the Town provides the delinquent account notice and the shutoff notices provided in sections E.1 and E.2 above. Service terminated after default on a deferred payment contract form shall not be reinstated until the entire past due amount is paid in full and a deposit as collateral for all future service is received by the Town in an amount equal to three (3) times the average monthly billing for the service in consideration.

III. OTHER FEES

It is not intended by this Resolution to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other resolutions, ordinances, or laws except to effect modification of the fees reflected above. The fees listed in the Consolidated Fee Schedule supersede present fees for services specified, but all fees not listed remain in effect. Where this Resolution imposes a higher fee than is imposed or required by existing provisions, resolution, ordinance, or law, the provisions of this resolution shall control.

- IV. This Resolution shall take effect at 12:01 a.m. October 20, 1999.

ADOPTED by the Town Council of the Town of Eagle Mountain this 19th day of October, 1999.


Mayor, Town of Eagle Mountain

ATTEST:


Recorder, Town of Eagle Mountain

