

RESOLUTION NO. 28-00

**A RESOLUTION OF THE GOVERNING BODY OF THE TOWN OF EAGLE MOUNTAIN
AMENDING THE TOWN OF EAGLE MOUNTAIN CONSOLIDATED FEE SCHEDULE**

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

WHEREAS, the governing body of the Town of Eagle Mountain previously established 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 procedures and requirements for certain fees and to amend the fee schedule to enact fair and reasonable fees to be charged by the Town to reimburse the Town for the costs of review of site plans and related requirements for temporary commercial buildings; and

WHEREAS, the Town Council has received a recommendation from the Town Public Works Board advising the Council that electric power and natural gas service rates should be increased to pay the increasing cost of electric power and natural gas which must be purchased by the Town and the Town Council finds that it is in the public interest to not allow the municipal power and natural gas systems to operate at a financial loss and therefor the rates charged by the Town for electric power and natural gas service should be increased to pay increased costs.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Town of Eagle Mountain 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 plus supplies and equipment-minimum charge of \$10 per request.
2. Certification of record..... \$1/certification
3. Postage..... actual cost to Town
4. Other costs allowed by law..... actual cost to Town
5. Miscellaneous copying.....\$0.10/printed page (82 x 11)
\$0.15/printed page (11x14)
\$0.20/printed page (11x17)
6. Electronic copies of minutes of meetings..... \$30.00 per meeting
7. Bound copy of Development Code.....\$22.00
8. Bound copy of Address Index\$19.00
9. Standard Specifications.....\$20.00
10. Policies & Procedures Manual.....\$20.00
11. Street Map (82 x 11).....\$1.00
12. Zoning Map.....\$5.00
13. General Plan\$10.00
14. Subdivision Ordinance Packet.....\$5.00
15. Recreation Master Plan (bound copy).....\$30.00
16. Capital Facilities Plan\$15.00

B. Library:

1. Overdue Book Fee..... \$0.05 per day

C. Animal Control:

1. Dog License Fees as per the Utah County Animal Control Shelter Fee Schedule.
2. Redemption Fees as per Utah County Animal Control Shelter Fee Schedule plus associated pickup and impound costs.

D. 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. Plan Review Fee for Registered Plans\$250.00
4. 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.
5. One-percent surcharge per building permit (Utah Code):
 - (a) 80 percent submitted to Utah State Government
 - (b) 20 percent retained by Town for administration of State collection.
6. 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.
7. Fast Track Fee\$250.00
8. Temporary Occupancy Fee..... \$100.00 plus 120% of value of uncompleted items
9. Plumbing Permit Fees As per UPC Table 1-1
10. Mechanical Permit Fees As per UMC Table 1-1
11. Board of Appeals (note sec. 105 UBC)\$100.00

E. 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 year25% 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
6. Liquor License.....\$300.00

Prorating of Fees

All business licenses issued after the commencement of the current license year (July 1st through June 30th) shall be prorated semiannually according to the following schedules, except that no annual license fee of thirty-five dollars or less shall be prorated:

- A. On or after January 1st but prior to July 1st, the fee shall be one half the annual fee;
- B. On or after July 1st but prior to January 1st, the fee shall be the annual fee.

F. Ordinance Enforcement:

1. Abatement of injurious and noxious real property and unsightly or deleterious objects or structures..... Actual Cost of Abatement plus 20% of Actual Cost
2. Burn Permit Fee.....\$25.00
3. Fine for Burning without a Burn Permit..... As provided by Law

G. Community Development:

1. Master Development Plan Application or Amendment (Except for Annexation).....\$2,000
2. Rezoning Request\$1,350
3. Conditional Use:
 - a. Conditional use (new).....\$500
 - b. Conditional use (amendment).....\$200
4. Subdivisions:
 - a. Subdivision Concept Plan..... \$300 plus \$5.00 for each ERU over 40
 - b. Plat Amendment Fee \$400 plus \$35/Lot
 - c. Recording Fees..... \$100 plus \$10/ Lot
 - d. Minor Development Processing Fee.....\$55/Lot or \$500 /acre if not a subdivision
 - e. Preliminary Plat & Major Development Processing Fee \$400 plus \$60/Lot
 - f. Condominium Fees
 - (1) Conceptual Review..... \$500 + \$10 per ERU
 - (2) Preliminary Plat Review \$1,300 + \$26 per ERU
 - (3) Site Plan and Final Plat Review \$1,600 + 50 per ERU
 - g. Final plat & Development Agreement Processing Fee..... \$400 plus \$95/Lot
 - h. 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 22%
 - (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 12%
 - (5) Over \$750,000..... \$16,250 for first \$750,000 plus 1%
 - i. Contractors, Subdivision & Building Bonds
 - (1) Performance and Guaranty..... 110% of Value plus two-year warranty
 - (2) Contractor Infrastructure Protection Bond\$5,000.00 Cash Bond
 - j. Lot Split Application Fee.....\$1,600.00
5. Residential Site Plan Review Fee \$60.00/D.U.
 Commercial Site Plan Review Fee.....\$6,000.00 plus \$500.00 per acre
 Temporary Commercial Site Plan Review Fee..... \$1,580.00
6. Annexation:
 - a. Application Fee.....\$1,500.00 plus \$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. Board of Adjustment: variance, non-conforming use, conditional use appeal, appeal of Zoning Administrator\$100

H. 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 B 1,000 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 1,000 gal. plus \$10.00/day
 - g. Open Space Usage Rate \$1.15 per 1000 gal.
 - h. Meter Connection Fee (In addition to Impact Fee where applicable):

Minimum Lot Size Requirements	Meter Size	Set Meter Fee
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

- i. Multi-family Connection Fee (up to :@ meter)..... \$245.00 per ERU
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 where applicable) \$100.00 per ERU
 - d. Multi-family Connection Fee..... \$70.00 per ERU
6. Natural Gas:
 - a. Usage Rate\$16.00 Base Rate plus Actual Cost of Natural Gas Fee to the Town
 - b. Connection Fee (Impact Fee Additional where applicable) \$575.00 per ERU
 - c. Multi-family Connection Fee..... \$275.00 per ERU
7. Electric Power:
 - a. Usage Rate.....\$5.00 Base Rate plus \$0.0911/KWH

	b.	Connection Fee (Impact Fee Additional where applicable).....	\$200.00 per ERU
	c.	Multi-family Connection Fee.....	\$145.00 per ERU
8.		Telecommunication Rates:	
	a.	Residential	\$20.00 per month per Line
	b.	Commercial	\$30.00 per month per Line
	c.	Long Distance within the State of Utah.....	\$0.095/minute
	d.	Long Distance outside Utah but within the United States.....	\$0.115/minute
	e.	Long Distance - International	(Schedule As Approved by Public Works Director)
	f.	Voice Mail	\$4.95 per month
	g.	Voice Mail Installation Fee.....	\$8.50 per Line
	h.	Connection Fee	\$200.00 per ERU
	i.	Multi-family Connection Fee.....	\$150.00 per ERU
	j.	Phone Number Change Request.....	\$5.00 per line
	k.	Call Waiting.....	\$2.95 per month
	l.	Call Waiting ID.....	(Includes Caller ID) \$ 8.95 per month
	m.	Caller ID	\$4.95 per month
	n.	Anon. Call Rejection	\$1.95 per month
	o.	Last Call Return	\$2.95 per month
	p.	Call Forwarding	\$2.95 per month
	q.	Selective Call Forwarding	\$2.95 per month
	r.	Custom Ringing	\$2.95 per month
	s.	Priority Call	\$2.95 per month
	t.	Call Rejection	\$3.95 per month
	u.	Speed Calling 8.....	\$1.95 per month
	v.	Speed Calling 30.....	\$2.95 per month
	w.	Voice Messaging.....	\$4.95 per month
	x.	Usage 3-way Calling	0.75/use per month
	y.	Unlisted Line	\$2.50 per month
9.		User Requested Disconnect/Reconnect Fee.....	\$25.00
10.		Re-connect Fee	\$50.00
		(Charge for reconnection of utilities after shut off due to delinquent account.)	
11.		Utility Deposit Fee:	
	a.	New Customer	\$160.00
	b.	Deposit (when required by Ordinance) for Delinquent Utility Accounts	estimated value of 2 months service
12.	a.	Infrastructure Damage Fee <i>with</i> 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 <i>without</i> Blue Staking	Fee as outlined in Subsection I-G-11-a@ above Plus \$2000
	c.	Cutting into Town Road or Utility without a Permit	\$1,000.00 per occurrence
13.	a.	Park Reservation/Resident.....	\$25 Refundable Cleanup Deposit
	b.	Non-Resident Daily Park Fee . \$100 Refundable Cleanup Deposit Plus \$200/Day Use Fee	
14.		Capital Facilities Plan Amendment Application Fee per Development	\$9,750.00
15.		Blasting Permit Fee.....	\$500.00

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

This section amends, enacts new provisions and restates and consolidates prior resolutions of the Town Council of the Town of Eagle Mountain and clarifies the requirements for collection of facilities, construction payments, 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 applicants 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 developers 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 developers 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 accruing under paragraph A above and all other charges on a regular basis within forty-five (45) days of the payment of such reimbursable fees and/or accrual of other charges to the developer 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. Billings for reimbursable fees are due upon receipt and if the balance due is not paid within thirty (30) days of mailing, the developer applicant account is delinquent and the developer applicant is in default on its reimbursement fee obligations to the Town. Every billing statement from the Town to a developer shall be deemed correct, accurate, undisputed and due in full unless the Town Treasurer is notified in writing of a disputed bill in reasonable detail to ascertain the exact question or matter in dispute within thirty (30) days of the postmarked date on the mailed statement or the date of hand-delivery if the statement is not delivered through the U.S. Mail.
1. 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.
 2. 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.
 3. If the developer applicant does not dispute the billing, request information 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.

4. 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.
1. The Town Council shall consider the payment dispute in a regularly scheduled town meeting. Notice of the time, date and place of the meeting where the disputed statement will be considered by the Town Council will be mailed to the developer applicant not less than five (5) days before the date of the meeting. The developer applicant may be present and present any statement or evidence supporting the developer applicant's position with respect to the dispute.
 2. 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. A final decision by the Town Council may be made in the absence of the developer applicant disputing the statement in dispute.
- 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 except facilities construction fee payments under Section D.1, D.2, and D.3, 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 timely payment of all fees and charges or the execution of an agreement for the payment of all fees and charges acceptable to the Town (Treasurer)(Administrator). Except as provided below, 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.
1. Master Developers obligated to facilities construction fee payments to the Town who are not current in the payment of all facilities fee construction payments and all major development applicants within the respective master development areas where the Master Developer is not current on all facilities fee construction payments, may qualify to continue to process major development subdivision applications as provided by the Development Code under special rules established in this Section D.1 and in Section D.2 and D.3.
 2. Whenever a Master Developer is not current in the payment of facilities fee construction obligations, major development subdivision applications may be processed by the Planning Commission and Town Staff and Town Engineer up to consideration of the final plat of the subdivision by the Town Council. No final vote shall be taken on the final plat or on the approval of a development agreement if the Master Developer or subdivider is in default in the payment of facilities fee construction obligations to the Town. The Town Council shall not

vote on the final plat or the subdivision development agreement for the period of time the Developer remains in default in the payment of the facilities fee obligations. The vote may be scheduled on the final plat and subdivision development agreement after the expiration of the period of time equal to the time between the date the facilities fee payment should have been paid to the Town by the Master Developer and the date the payment was received by the Town.

3. Master Developers may qualify for the alternative processing provisions described in Sections D.1 and D.2, but shall only be qualified for the alternative processing if the Master Developer is current at the date of each processing request in the completion of all outstanding projects required to be completed at the date of the processing request. Master Developer projects include, but are not limited to, the completion of all subdivision development improvements required to be constructed by the Master Developer, the completion of parks or other improvements, or the completion of other public improvements or dedication of open space consistent with the Master Developer's representations to the Town Council.

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 stating the date service will be discontinued for nonpayment if delinquent payments are not received by the Town. Utility customers are invited to contact Town staff during the seven (7) day delinquent account notice period 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 reinstate 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 as provided in Paragraph F below. 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.

- F. All bills for utility service, invoices for reimbursable fees or other charges owned to the Town of every kind and nature except for returned checks, shall bear interest at the rate of 1% per month on the unpaid balance due.
- G. Each check or other instrument tendered to the Town for payment of an obligation to the Town and returned to the Town as a dishonored instrument shall accrue the maximum penalty, services charges and other allowable fees for recovery of the amount due allowed by Utah law.

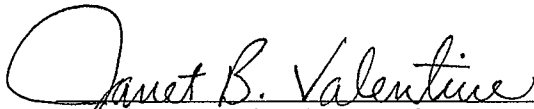
III. OTHER FEES

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. November 22, 2000.

ADOPTED by the Town Council of the Town of Eagle Mountain this 21 day of November 2000.

ATTEST:


Recorder, Town of Eagle Mountain

Town of Eagle Mountain


Mayor