

**PERRY CITY
ORDINANCE NO. 25-L
IMPACT FEE ENACTMENT**

AN ORDINANCE OF PERRY CITY, UTAH, AMENDING CHAPTER 13.05 OF THE PERRY CITY MUNICIPAL CODE AS THE “IMPACT FEE ENACTMENT” AS PROVIDED HEREIN; ADOPTING THE IFFP, CFP AND IFA PREPARED BY THIRD PARTIES; PROVIDE FOR THE CALCULATION AND COLLECTION OF CULINARY WATER IMPACT FEES; AND PROVIDE FOR APPEAL, ACCOUNTING, AND SEVERABILITY.

WHEREAS, Perry City (hereinafter “City”) is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, Title 11, Chapter 36a of the *Utah Code Annotated* authorizes municipalities in the State of Utah to adopt an impact fee enactment;

WHEREAS, in accordance state law, the appropriate notices have been given;

WHEREAS, the City retained a qualified engineer to prepare or update the required Impact Fee Facilities Plan and retained an independent consultant to prepare or update the required Impact Fee Analysis on the impact fees imposed;

WHEREAS, the City desires to impose its impact fees in compliance with state law;

WHEREAS, the City Council held its public hearing on August 14, 2025, on this Impact Fee Enactment;

WHEREAS, the Council deems it to be in the best interest of the health, safety, and welfare of the community to enact impact fees;

NOW, THEREFORE, be it Ordained by City Council of Perry City, Utah, as follows:

Section 1: Amendment. Chapter 13.05 is hereby adopted to read as follows:

**Chapter 15.05
IMPACT FEE ENACTMENT**

- 13.05.010. Findings, authority, and purpose.**
- 13.05.020. Definitions.**
- 13.05.030. Pre-existing impact fee unaffected.**
- 13.05.040. Exemption from impact fee facilities plan.**
- 13.05.050. Adoption of Impact Fee Analysis.**
- 13.05.060. Impact fee enactment and calculations.**
- 13.05.070. Service area.**
- 13.05.080. Adjustment of impact fee.**
- 13.05.090. Administrative challenges and appeals.**
- 13.05.100. Accounting, expenditure, and refund.**
- 13.05.110. Severability.**

13.05.010. Findings, authority, and purpose.

The City Council finds that growth and development activity in Perry City will create additional demand and need for public infrastructure facilities in the City, and City Council finds that persons responsible for growth and development activity should pay a proportionate share of the cost of such planned facilities needed to serve the growth and development activity. The City Council further finds that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison to the benefits already received and yet to be received. Therefore, in accordance with Title 11, Chapter 36a, of the *Utah Code Annotated*, the City Council adopts this Chapter and enacts the impact fees as provided herein, except those impact fees already adopted shall remain in full force and effect and are continued to be administered under this Chapter. The provisions of this Chapter shall be liberally construed in order to carry out the purposes of the impact fee program.

13.05.020. Definitions.

In addition to the definition provided in *Utah Code Annotated* §11-36a-102, 1953, as amended, the following definitions apply to this chapter:

1. “Administrator” means the City Administrator of Perry City, Utah, or his designee.
2. “Building permit” means any permit required for new construction and additions pursuant to state law and the municipal code.
3. “City” means the municipality of Perry City, Utah.
4. “Unit of measure” means that basic gauging unit which can be quantified for measuring impact of development on the public facilities in question, and provides a fair and equitable method of assessing the demands for expanded public facilities, or the inflow/outflow of people, products, or waste, depending on the particular type of public facility; and may include, but shall not be limited to, the following measuring methods: Plumbing fixture units, gallons per day, size of water meter or pipeline, or number of Equivalent Residential Units (ERUs).

13.05.030. Pre-existing impact fees unaffected.

Any impact fee imposed that predates this enactment is not repealed and shall continue in full force and effect and shall be applied by the City Administrator accordingly under this Chapter.

13.05.040. Adoption of Impact Fee Facilities Plan.

Any prior IFFP not superseded by the IFFP adopted in this Section shall continue.

- ~~1. Parks. The Parks Impact Fee Facilities Plan (IFFP) prepared by Lewis Robertson Birmingham dated April 2023, and the Water IFFP prepared by Lewis Robertson Birmingham dated February 2024, are is hereby adopted and incorporated herein by this reference. Any prior IFFP not superseded by the IFFP adopted in this section shall continue.~~
2. Culinary Water. The Culinary Water Capital Facilities Plan (CFP) prepared by Jones & Associated Consulting Engineers dated June, 2025, is hereby adopted and incorporated herein by this reference. Also, the Culinary Water Impact Fee Facilities Plan (IFFP) prepared by LRB Public Finance Advisors dated July 2025, is hereby adopted and incorporated herein by this reference.

13.05.050. Adoption of Impact Fee Analysis.

Any prior IFA not superseded by the IFA adopted in this Section shall continue. The following Impact Fees Analysis (IFA) ~~also constitute the “reasonable plan”~~ required by state law and are hereby adopted and incorporated by reference with the impact fee rates as specified in each IFA:

1. ~~Parks. The Parks IFA prepared by Lewis Robertson Birmingham dated April 2023, and the Water IFA prepared by Lewis Robertson Birmingham dated February 2024 are is hereby adopted and incorporated herein by this reference.~~
2. Culinary Water. The Culinary Water Impact Fee Analysis (IFA) prepared by LRB Public Finance Advisors dated July 2025, is hereby adopted and incorporated herein by this reference.

~~3. Any prior IFA not superseded by the IFA adopted in this section shall continue.~~

13.05.060. Impact fee enactment and calculations.

The City Administrator shall implement this Chapter. The impact fees adopted herein are hereby enacted as a condition of the issuance of a building permit by the City or for any development activity which creates additional demand and need for public facilities. This Chapter serves as the impact fee enactment required by *Utah Code Annotated* §11-36a-401, 1953, as amended. In accordance with *Utah Code Annotated* §11-36a-401(1)(b), 1953, as amended, impact fees enacted by this Chapter are hereby specified in the City's Fee Schedule and may not exceed the highest fee justified by the IFA.

13.05.070. Service area.

In accordance with *Utah Code Annotated* §11-36a-402, 1953, as amended, the service area for all impact fees provided in this Chapter constitutes the city limits of Perry City, Utah, and also includes any applicable overlay designated in the City's General Plan, and includes any area outside of the city limits serviced in any way by the City for the impact fee being imposed.

13.05.080. Adjustment of impact fee.

The City Administrator may adjust impact fees enacted by this Chapter as allowed by *Utah Code Annotated* §11-36a-402, 1953, as amended, as provided by statute or fairness. If an applicant is not satisfied with the decision under this section, an appeal may be made as set forth in this Chapter.

Adjustments may be granted to adjust the calculation of the amount of the fee based upon:

1. Studies and Data. Studies and data submitted by an applicant as approved by the City Administrator in order to ensure that the impact fee represents the proportionate share of the costs of providing such public facilities which are reasonably related to and necessary in order to provide the services in question to anticipated future growth and development activities.
2. Credits. Credits against impact fees for dedication of land for, improvements to or new construction of, any system improvements provided by that developer that relate to the reasonable plan and required as a condition of development. No credits shall be given for project improvements that service only the development.
3. Information. The City Administrator shall have the authority to make such adjustments based upon creditable information submitted by an applicant, recommendation from the City Engineer, or as provided by law.

13.05.090. Administrative challenges and appeals.

4. Challenges. Any challenge to this Chapter shall be in accordance with *Utah Code Annotated* §11-36a-701, 1953, as amended.
5. Time limitations. The time limitations for challenging any impact fee is set forth in *Utah Code Annotated* §11-36a-702, 1953 as amended.
6. Administrative Appeal Procedure. In accordance with *Utah Code Annotated* § 11-36-703, 1953, as amended, the appeal procedure for challenging an impact fees is as follows:
 - a. Any person subject to an impact fee may challenge the impact fee imposed by filing a written request for information as provided in this section.
 - b. After receiving a copy of the written analysis if such person still believes an impact fee does not meet the requirements of the law, the person~~they~~ may file a written notice of challenge. A notice of challenge shall state:
 - i. The name and contact information of appellant.
 - ii. The legal basis for appellant's challenge of the impact fee.

