

CITY ORDINANCE NO. 2022-12-14-2

Electric Power Impact Fee

AN ORDINANCE ADOPTING AN IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS FOR ELECTRIC POWER SERVICE, ESTABLISHING CERTAIN POLICIES RELATING TO THE IMPACT FEE, DEVELOPMENT ACTIVITIES AND RELATED MATTERS.

WHEREAS, the Manti City Council (the “Council”) met in regular meeting on May 19th, 2021 and provided notice of its intent to prepare an Electrical Impact Fee Analysis as required under Utah Code §11-36a-501 and 503; and

WHEREAS, Utah Code §11-36a-102(8)(a) defines an “Impact Fee” as the payment of money imposed upon new “Development Activity” as a condition of development approval to mitigate the impact of the new development on public infrastructure; and

WHEREAS, Utah Code §11-36a-102(3) defines “Development Activity” as any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of the land that creates additional demand and need for public facilities; and

WHEREAS, Utah Code §11-36a-402 authorizes municipalities to adopt an Impact Fee Enactment which allows the municipality to thereafter impose and collect Impact Fees; and

WHEREAS, Manti City has caused to be prepared an *Electric Power Impact Fee Facilities Plan and Impact Fee Analysis* by an engineer licensed in the State of Utah (a copy of said analysis is attached hereto as **Exhibit A** and incorporated herein by reference); and

WHEREAS, the Manti City Council held public hearings with regard to performing an impact fee analysis, including on November 9th, 2022 to take public comment on the submitted *Impact Fee Facilities Plan and Impact Fee Analysis* (**Exhibit A**); and

WHEREAS, the Analysis contains the analysis required under Utah Code §11-36a-301 to §11-36a-306; and

WHEREAS, the Analysis defines the methodology by which the Impact Fees proposed herein have been calculated and other information required by state law; and

WHEREAS, Manti City has provided the applicable notices prior to approving the Plan and adopting this Ordinance as required under Utah Code §11-36a-401 *et seq.*; and

WHEREAS, on November 9th, 2022, the Manti City Council held a public hearing to discuss the Plan and Ordinance and invited public comment; and

WHEREAS, the Manti City Council finds good cause for adopting the provisions set forth herein;

NOW THEREFORE, be it ordained by the City Council of Manti City, Utah as follows:

1. **Short Title.** This ordinance shall be known and may be cited as the “**Manti City Electric Power Impact Fee Ordinance.**”
2. **Intent and Purposes.** It is the intent of Manti City that the assessment and collection of Impact Fees pursuant to this Ordinance be consistent with the terms and provisions of the Utah Impact Fees Act, Utah Code §11-36-101 *et seq.* (“**Act**”). The collection, use, and expenditure of Impact Fees will be according to the terms of this Ordinance and the Act. To the extent the Act contains requirements associated with Impact Fees which are not expressly provided for herein, such terms and provisions of the Act will govern and are hereby incorporated by reference.
3. **Electric Power Impact Fee Analysis Adopted.** The Electric Power Impact Fee Facilities Plan and Impact Fee Analysis, as identified above and attached hereto as **Exhibit A**, is hereby adopted and approved by Manti City. The Analysis provides the analysis methodology, and formula used for the calculation of the Impact Fees established and imposed pursuant to this Ordinance.
4. **Electric Power Impact Fee Imposed.** Pursuant to Utah Code §11-36a-402(1)(b), Impact fees are hereby established for the service area established within Manti City. Electric Power Impact Fees is hereby established. The schedule and amount of the Impact Fees assessed will be variable depending on whether the connection is for residential or commercial use as well as the amperage, volt and phase requirements of the connection to be installed. The complete fee schedule is defined according to the Conclusion and Recommendation of the Electric Power Impact Fee Facilities Plan and Impact Fee Analysis as **Exhibit A**.
5. **Collection of Impact Fees.** Manti City Administration shall collect the applicable Impact Fee at, or prior to, the time any building permit for any “Development Activity” within Manti City is issued.
6. **Adjustment of Impact Fees.** Manti City Administration may adjust the standard Impact Fee imposed under this Ordinance at the time the Impact Fee is charged to respond to unusual circumstances in specific cases; to respond to a request for individualized impact fee review for the “Development Activity” of the state, a

school district, or a charter school; to ensure that the Impact Fee is imposed fairly; to respond to a particular development based on studies and data submitted by a developer; or to provide a credit for dedication of land for, improvement to, or new construction of system improvements that address the improvements, facilities, and needs identified in the Electric Power Impact Fee Facilities Plan and Impact Fee Analysis.

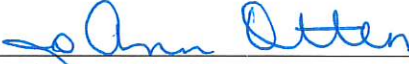
7. **Repeal of Conflicting Provisions.** Any provision of Manti City Code addressing Electric Power Impact Fees which predates or conflicts with this Ordinance is hereby repealed.
8. **Effective Date.** Subject to Utah Code §11-36a-401(2), this Ordinance will be effective March 14th, 2023, ninety (90) days after the day which the impact fee enactment is approved.

PASSED AND APPROVED this 14th day of December 2022.

MANTI CITY

By 
Alfred C. Bigelow, Mayor

ATTEST:


JoAnn Otten, City Recorder



Voting:

Gary Chidester	Yea ☒	Nay ☐
Darren Dyreng	Yea ☒	Nay ☐
Jeff Killian	Yea ☒	Nay ☐
Jason Vernon	Yea ☒	Nay ☐
Mary Wintch	Yea ☒	Nay ☐

Exhibit A