

Sponsor: \_\_\_\_\_  
First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_-24**

**AN ORDINANCE TO AMEND CHAPTER 32 (IMPACT FEES) TO REVISE THE IMPACT FEES IMPOSED FOR FIRE PROTECTION SERVICES AND AMBULANCE SERVICES AND TO CLARIFY AUTOMATIC ADJUSTMENTS BASED ON INFLATION**

WHEREAS, the Town of Smyrna is authorized by section 4.2.39 of the Town Charter to impose impact fees that are “reasonably and proportionally calculated to recover the cost of installing, enlarging, improving, or expanding public or municipal improvements;”

WHEREAS, the Town commissioned an impact fee study by TischlerBise, experts in the field of municipal impact fees, to determine the appropriate rate for impact fees associated with providing fire protection and ambulance services;

WHEREAS, pursuant to the findings in a report issued by TischlerBise and incorporated herein by reference thereto, it is in the best interest of the public health, safety, and welfare to adjust the fire protection and ambulance services impact fees charged by the Town to align with the recommendations established in the TischlerBise report;

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Chapter 32 (Impact Fees) of the Town Code of the Town of Smyrna be and hereby is amended as follows:

**Section 1.** Amend Section 32-9 (Amount of impact fee), by making additions as shown by underline and deletions as shown by strike through as follows:

Sec. 32-9. - Amount of impact fees.

\* \* \*

(f) *Fire protection.* ~~An impact fee of five eighths of one percent of the construction value of the building permit of~~ for fire protection shall be assessed at the time a building permit is issued for new residential dwellings (including single-family homes, townhouses, apartment units and mobile homes) and new non-residential structures of all types (including tenant fit-outs of existing structures). ~~shall be assessed at the time the building permit is issued.;~~ provided that the impact fee for any single building permit shall not exceed \$3,750.00, as adjusted annually pursuant to Section 32-12 herein. Subject to the annual adjustment in Section 32-12, the impact fee for fire protection shall be as follows:

- (i) Single-family dwellings: \$2,463 per residential dwelling unit
- (ii) Multi-family dwellings, including townhouses, duplexes, mobile homes, and apartment units: \$1,603 per residential dwelling unit
- (iii) Industrial structures: \$1,487 per 1,000 square feet

- (iv) Commercial structures: \$1,669 per 1,000 square feet
- (v) Institutional structures: \$2,244 per 1,000 square feet
- (vi) Office and other non-residential structures: \$2,557 per 1,000 square feet

The proceeds of the impact fee shall be transferred by the town to the Citizens Hose Company No. 1 of Smyrna at the end of each quarter of each year to be used for capital equipment and facilities to enhance fire protection ~~services~~ to the residents and properties of the town.

Building permits for decks, sheds, residential additions, pools, fences, sidewalks, moving and demolition, signs and renovations or repairs to existing structures are exempt from this impact fee.

- (g) *Ambulance service.* ~~An impact fee of five-eighths of one percent of the construction value of the building permit of~~ for ambulance services shall be assessed at the time a building permit is issued for new residential dwellings (including single-family homes, townhouses, apartment units and mobile homes) and new non-residential structures of all types (including tenant fit-outs of existing structures), shall be assessed at the time the building permit is issued; ~~provided that the impact fee for any single building permit shall not exceed \$3,750.00, as adjusted annually pursuant to Section 32-12 herein. Subject to the annual adjustment in Section 32-12, the impact fee for ambulance services shall be as follows:~~

- (i) Single-family dwellings: \$768 per residential dwelling unit
- (ii) Multi-family dwellings, including townhouses, duplexes, mobile homes, and apartment units: \$540 per residential dwelling unit
- (iii) Industrial structures: \$292 per 1,000 square feet
- (iv) Commercial structures: \$1,504 per 1,000 square feet
- (v) Institutional structures: \$438 per 1,000 square feet
- (vi) Office and other non-residential structures: \$667 per 1,000 square feet

The proceeds of the impact fee shall be transferred by the town to the David C. Harrison Post 14 American Legion Ambulance Service of Smyrna at the end of each quarter of each year to be used for capital equipment and facilities to enhance emergency medical protection services to the residents of the town.

Building permits for decks, sheds, residential additions, pools, fences, sidewalks, moving and demolition, signs and renovations or repairs to existing structures are exempt from this impact fee.

**Section 2.** Amend Section 32-12 (Impact fee subject to adjustment for inflation), by making additions as shown by underline and deletions as shown by strike through as follows:

Sec. 32-12. - Impact fee subject to adjustment for inflation.

Annually, beginning January 1, 2023, the amount of the impact fees set forth in the town fee schedule and in Sections 32-9(f) & (g) herein shall automatically be increased to reflect inflation

based upon changes in the consumer price index as established by the U.S. Department of Labor for the Philadelphia-Wilmington-Atlantic City (Pennsylvania, New Jersey, Delaware, Maryland) region for the preceding 12 months; provided however, that the town council may act, by resolution, to waive or to increase the adjustment more than the posted change in the CPI for the following year. The impact fee percentages for ~~fire protection, ambulance service, and school construction~~ shall not be increased to reflect inflation.

**Section 3. Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council’s intent.

**Section 4. Effective Date.** This Ordinance shall become effective immediately upon its adoption by the Town Council.

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#### SYNOPSIS

This ordinance establishes impact fees for fire protection and ambulance services based on the results of a study conducted by an impact fee consultant. This ordinance also clarifies that fire protection and ambulance services impact fees shall be adjusted annually based on inflation.

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This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Council Secretary

\_\_\_\_\_  
Mayor

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This shall certify that the title and synopsis of this Ordinance was published in “The Smyrna Times” on \_\_\_\_\_, 2024 and posted at the Town Hall on \_\_\_\_\_, 2024.

So Certifies:

\_\_\_\_\_  
Town Clerk