

Sponsor: Alvin Pope  
First Reading: 08/18/2025  
Second Reading: waived  
Third Reading: waived

**ORDINANCE NO. 013 -25**

**AN ORDINANCE TO AMEND CHAPTER 32 (IMPACT FEES) OF THE TOWN CODE OF THE TOWN OF SMYRNA TO REPEAL SCHOOL CONSTRUCTION IMPACT FEES**

WHEREAS, section 4.2.39 of the Town Charter authorizes 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 of Smyrna has imposed school construction impact fees on new construction for a number of years;

WHEREAS, the Town of Smyrna has recently received litigation threats from developers over the Town’s imposition of school construction impact fees;

WHEREAS, without any admission of wrong doing on behalf of the Town, in the opinion of the Town Council of the Town of Smyrna, it is in the best interest of the public health, safety, and welfare to repeal the school construction impact fees imposed by the Town.

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 fees), by making additions as shown by underline and deletions as shown by strike through as follows:

- (h) ~~[Reserved.] School construction impact fee. An impact fee for school construction shall be assessed at the time a building permit is issued for new residential dwellings (including single family dwellings, townhouse dwellings, two family dwellings, semidetached dwellings, apartment dwellings, and mobile homes/manufactured homes). Subject to the annual inflation adjustment in Section 32-12, which shall commence on January 1, 2026 for school construction impact fees, school construction impact fees shall be as follows:~~
- ~~(i) Single family dwellings, semidetached dwellings, and townhouse dwellings: \$10,284 per dwelling unit~~
  - ~~(ii) Multi family dwellings, including two family dwellings, and apartment dwellings: \$5,872 per dwelling unit~~
  - ~~(iii) Mobile homes and manufactured homes: \$9,348 per dwelling unit~~

~~The proceeds of the impact fee shall be collected on a continuous basis and transferred by the town to the town school district at the end of each quarter. Such funds are to be used~~

by the town school district for capital construction to enhance the provision of educational facilities 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 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 repeals school construction impact fees.

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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 August 18<sup>th</sup>, 2025.

ATTEST:

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

  
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Mayor

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This shall certify that the title and synopsis of this Ordinance was published in "The Smyrna Times" on August 27<sup>th</sup>, 2025 and posted at the Town Hall on August 18<sup>th</sup>, 2025.

So Certifies:

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