

Introduced by

1 A BILL for an Act to provide for city development impact fees.

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

3 **SECTION 1. Definitions.** As used in this Act:

- 4 1. "Building permit fee" means the fees charged to enforce the uniform codes
5 adopted pursuant to the North Dakota state building code or equivalent local
6 ordinance.
- 7 2. "Development activity" means any construction or expansion of a building,
8 structure, or use, any change in use of a building or structure, or any changes in
9 the use of land that creates additional demand and need for public facilities.
- 10 3. "Development approval" means any written authorization from a city that
11 authorizes the commencement of development activity.
- 12 4. "Hookup fees" means reasonable fees, not in excess of the approximate average
13 costs to the city, for services provided for and directly attributable to the connection
14 to utility services, including gas, water, sewer, power, or other municipal utility
15 services.
- 16 5. "Impact fee" means a payment of money imposed upon development activity as a
17 condition of development approval. The term does not include a tax, a special
18 assessment, a building permit fee, a hookup fee, or a fee for project improvements,
19 except the term may include a project improvement that has been approved by
20 agreement between the city and the owner of the property against which the
21 impact fee is being charged or other reasonable permit or application fee.
- 22 6. "Project improvements" means site improvements and facilities that are planned
23 and designed to provide service for development resulting from a development
24 activity and are necessary for the use and convenience of the occupants or users

of development resulting from a development activity. The term does not include system improvements.

7. "Public facilities" means the following capital facilities that have a life expectancy of ten or more years and are owned or operated by or on behalf of a city:

a. Water rights and water supply, treatment, and distribution facilities;

b. Wastewater collection and treatment facilities;

c. Storm water, drainage, and flood control facilities;

d. Municipal power facilities;

e. Roadway facilities;

f. Parks, recreation facilities, open space, and trails; and

g. Public safety facilities.

8. "Public safety facility" means a building constructed or leased to house police, fire, or other public safety entities. The term does not include a jail, prison, or other place of involuntary incarceration.

9. "Roadway facilities" means streets or roads that have been designated on an officially adopted subdivision plat, roadway plan, or general plan of a political subdivision, together with all necessary appurtenances. The term includes associated improvements to federal or state roadways if the associated improvements are necessitated by the new development and are not funded by the state or federal government. The term does not include federal or state roadways.

10. "System improvements" means existing public facilities that are designed to provide services to service areas within the community at large and future public facilities identified in a capital facilities plan that are intended to provide services to service areas within the community at large. The term does not include project improvements.

SECTION 2. City development impact fees. A city may establish impact fees. To impose impact fees, a city shall pass an impact fee ordinance.