

TITLE 5**MUNICIPAL FINANCE AND TAXATION**¹**CHAPTER**

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3. PURCHASING.
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5. DEBIT AND CREDIT CARD REQUIREMENTS AND FEES.

CHAPTER 1**MISCELLANEOUS****SECTION**

- 5-101. Official depository for town funds.
- 5-102. Fiscal year.
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5-101. Official depository for town funds. The First Tennessee Bank is hereby designated as the official depository of funds for the Town of Nolensville. (Ord. #96-03, Oct. 1996)

5-102. Fiscal year. The fiscal year of the town is hereby fixed and determined to commence on the first day of July of each year. (Ord. #96-02, Oct. 1996)

5-103. Depository for town funds. Peoples State Bank of Commerce is designated as a depository of various funding for the Town of Nolensville. (as added by Ord. #06-20, Oct. 2006)

¹Charter references

For specific charter provisions on depositories of municipal funds, see Tennessee Code Annotated, § 6-4-402.

CHAPTER 2

ADEQUATE FACILITIES TAX

SECTION

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5-201. Short title. This chapter shall be known and cited as the Town of Nolensville Adequate Facilities Tax. (Ord. #98-13, May 1998)

5-202. Purpose. It is the intent and purpose of this chapter to authorize the governing body of the Town of Nolensville to impose a tax on new development within the municipality, payable at the time of issuance of a building permit, so as to ensure and require that the person responsible for new development share in the cost of public facilities necessary to serve the residents of Nolensville. (Ord. #98-13, May 1998)

5-203. Findings. The Town of Nolensville hereby finds and declares that:

(1) Williamson County, Tennessee, has been one of the fastest growing counties in the state for the past fifteen (15) years, having been impacted by the rapid growth in the standard metropolitan area of Nashville.

(2) Anticipated continued growth from the expansion of Nashville and Williamson County is expected to accelerate due to the continuing location of commercial businesses and families in the Middle Tennessee area, and from other factors; and

(3) Current projections show that:

(a) County population will be one hundred forty five thousand four hundred (145,400) persons in the year 2010, an increase of fifty-five percent (55%) from 1990; there will be a demand for additional dwelling units between 1990 and 2010; and new residential and non-residential

development will consume an additional number of acres of land in Williamson County and Nolensville.

(b) The projected growth and land use development within these municipalities will cause a demand for municipal capital facilities (roads, parks, city governmental facilities, etc.) over the next fifteen (15) years. Anticipated revenue increases required will be \$50,000 for 1999, \$85,000 for 2000, \$120,000 for 2001, \$120,000 for 2002, \$90,000 for 2003, and \$60,000 for 2004.

(4) The municipality is committed, both to present and future residents, to maintaining a level of public facilities and services commensurate with those presently provided.

(5) The municipality is prepared to impose a fair, equitable and reasonable share of the costs of providing the necessary public facilities and services on existing residents of the municipality.

(6) The municipality's present population, employment base, tax base and budget cannot alone support the additional revenues needed to supply facilities to serve new growth without a substantial increase in the property tax rate on existing development.

(7) The municipality has adopted by resolution a capital improvements program indicating the need for and the cost of public facilities anticipated to be funded, in part, by this tax.

(8) Due to these unique circumstances, it is necessary and appropriate that the Town of Nolensville utilize the authority granted by the Legislature of the State of Tennessee to impose an adequate facilities tax on the privilege of engaging in the business of development.

(9) The tax herein imposed is in compliance with chapter 100, Private Acts of 1997.² (Ord. #98-13, May 1998)

5-204. Authority. This chapter is imposed under the charter powers of the Town of Nolensville, Tennessee, and under the authority conferred on the municipality to levy an adequate facilities tax on the privilege of engaging in development by chapter 100, Tennessee Private Acts 1997. (Ord. #98-13, May 1998)

5-205. Definitions. As used in this chapter, unless a different meaning appears from the context:

(1) "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind; the term includes a mobile home. This term will not pertain to buildings used for agricultural purposes.

²See page C-39 of this code for the complete text of Priv. Acts 1997, ch. 100.

(2) "Building permit" means a permit for development issued in the Town of Nolensville.

(3) "Capital improvement program" means a proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expense, for the purchase, construction, or replacement of the physical assets of the community are included.

(4) "Certificate of occupancy" means a license for occupance of a building or structure issued in the Town of Nolensville.

(5) "Development" means the construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building or structure or the addition to any building or structure, or any part thereof, which provides, adds to or increases the floor area of a residential or non-residential use.

(6) "Dwelling unit" means a room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

(7) (a) "Floor area" for non-residential development means the total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of a party wall separating such building or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of any building or portions thereof without walls but excluding arcades, porticos, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, services, or production areas.

(b) "Floor area" for residential development means the total or the gross horizontal area of all floors, including basements, cellars, or attics which is heated and/or air-conditioned living space, or designed to be finished into heated and/or air-conditioned living space at a future date.

(8) "General plan" means the official statement of the municipal planning commission which sets forth major policies concerning the future development of the jurisdictional area and meeting the provisions set forth in Tennessee Code Annotated, §§ 13-3-301, 13-3-303, and 13-4-302. For the purposes of this chapter only, a general plan may consist solely of the land development plan element which sets out a plan or scheme of future land usage.

(9) "Governing body" means the municipal governing body of the Town of Nolensville.

(10) "Major street or road plan" means the plan adopted by the municipal planning commission, pursuant to Tennessee Code Annotated,

§§ 13-4-401, and 13-4-302, showing among other things, "the general location, character, and extent of public ways (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways";

(11) "Non-residential" means the development of any property for any use other than residential use, except as may be exempted by this chapter.

(12) "Person" means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, and the plural as well as the singular number.

(13) "Place of worship" means that portion of a building, owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, however, a place of worship does not include buildings or portions of buildings which are used for purposes other than for worship and related functions or which are or are intended to be leased, rented or used by persons who do not have tax-exempt status.

(14) "Public buildings" means a building owned by the State of Tennessee or any agency thereof, a political subdivision of the State of Tennessee, including but not necessarily limited to counties, cities, school districts and special districts, or the federal government or any agency thereof.

(15) "Public facility or facilities" means a physical improvement undertaken by the county or city, including, but not limited to the following: roads and bridges, parks and recreational facilities, jail and law enforcement facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities and other government capital improvements benefitting the citizens of the county and/or city.

(16) "Residential" means the development of any property for a dwelling unit or units. (Ord. #98-13, May 1998)

5-206. Tax levy. There is hereby levied a tax on each person engaging in the business of development in the municipality, which tax is to be paid at the time of application for a building permit for development, as provided in § 5-209.

Tax Rate Schedule

New residential development	\$1.00 per gross square foot of floor area
New non-residential development	\$2.00 per gross square foot of floor area

(Ord. #98-13, May 1998, as amended by Ord. #99-24, Sept. 1999; and Ord. #04-14, April 2005)

5-207. Prohibition of issuance of building permit. No building permit for development shall be issued within the municipality unless the tax has been paid in full to the municipality, as provided in § 5-209. (Ord. #98-13, May 1998)

5-208. Exemptions from tax. No tax shall be assessed or collected for the development of:

- (1) Public buildings.
- (2) Places of worship.
- (3) Barns or outbuildings used for agricultural purposes.
- (4) Replacement structures for previously existing structures destroyed by fire or other disaster.

- (5) Additions to a single family dwelling.
- (6) A structure owned by a non-profit corporation which is qualified 501(c)(3) corporation under the Internal Revenue code.

- (7) Permanent residential structures replacing mobile homes where the mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the permanent residential structure, provided that the permanent structure is a residence for the owner and occupant of the mobile home and that owner and occupant has resided on the property for a period of not less than three (3) years.

- (8) Buildings which either have previously had a privilege tax paid upon them, or which have been continuously occupied by the individual(s) making application for three (3) years immediately preceding the date of application for a building permit, and which are moved from on esite within the municipality to another site within the municipality, provided that no new building replaces the building moved. If a new building is to be placed on the site, then the person(s) having (a) paid the privilege tax for the building which originally occupied the site, or (b) otherwise qualified in accordance with provisions herein for exemption from paying the privilege tax, will be given first right to the exemption. Payment of the privilege tax would take precedence. The other building would then be required to pay the privilege tax. (Ord. #98-13, May 1998)

5-209. Collection of tax. (1) Each applicant for a building permit for development, as herein defined, shall state on a form provided by the municipality, the proposed use (residential or non-residential) and the amount of gross square footage of floor area contained in the development for which the permit is sought.

- (2) The municipal official designated in the administrative guidelines shall calculate the tax due on the development and collect such tax prior to acceptance of the application for the permit.

- (3) In its sole discretion, the municipality may permit a person engaging in the business of development to defer payment of the tax due until the time for issuance of the building permit. (Ord. #98-13, May 1998)

5-210. Use and segregation of tax funds. All tax funds collected within the municipality as authorized herein, shall be deposited and accounted for in a special revenue or capital projects fund, and shall be used for the

purpose of public facilities to serve the residents of the municipality. (Ord. #98-13, May 1998)

5-211. Authority to amend. The municipality may, from time to time, amend the tax herein imposed on development, based upon adoption of a revised capital improvements program. (Ord. #98-13, May 1998)

5-212. Protest of tax. Any person aggrieved by the decision of the municipal building official or other responsible official concerning any aspect of chapter 100, Private Acts of 1997 or this chapter may obtain a review of the official's decision in the manner provided in said act. (Ord. #98-13, May 1998)

5-213. Additional authority. The authority to impose this privilege tax on new developments within the municipality is in addition to all other authority to impose taxes, fees, assessments, or other revenue-raising or land development regulatory measures granted either by the private or public acts of the State of Tennessee and the imposition of such tax, in addition to any authorized tax, fee, assessment or charge, shall not be deemed to constitute double taxation. (Ord. #98-13, May 1998)

5-214. Non-repealer. The provisions of this chapter shall in no manner repeal, modify, or interfere with the authority granted by any other public or private law applicable to the Town of Nolensville. Chapter 100, Private Acts of 1997 and this chapter shall be deemed to create an additional and alternative method for the municipality to impose and collect taxes for the purpose of providing public facilities within the municipality. (Ord. #98-13, May 1998)

CHAPTER 3

PURCHASING

SECTION

5-301. Purchasing agent.

5-302. Public advertisement and competitive bidding.

5-301. Purchasing agent. (1) As provided in Tennessee Code Annotated, § 6-56-201, et seq., the office of purchasing agent is hereby created and the mayor and/or town recorder shall faithfully discharge the duties of said office or appoint an individual to make purchases for the town. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto, this chapter and purchasing procedure approved by the governing body.

(2) The purchasing agent, or designated representative, as provided herein, shall purchase materials, supplies, services, and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with purchasing procedures approved by the governing body and filed with the town recorder.

(3) After initial approval by resolution of the governing body of this town, changes or revisions to the purchasing procedures shall be made only by resolution. (Ord. #96-14, Jan. 1997)

5-302. Public advertisement and competitive bidding. Public advertisement and competitive bidding shall be required for the purchase of all goods and services exceeding an amount of ten thousand dollars (\$10,000.00) except for those purchases specifically exempted from advertisement and bidding by the Municipal Purchasing Act of 1983. (Ord. #97-02, March 1997, as amended by Ord. #99-17, Sept. 1999)

CHAPTER 4

ROAD IMPACT FEES

SECTION

- 5-401. Short title and applicability.
- 5-402. Intent.
- 5-403. Definitions.
- 5-404. Fee determination.
- 5-405. Exemptions.
- 5-406. Independent fee calculation.
- 5-407. Collection of fees.
- 5-408. Use of road impact fees.
- 5-409. Refunds.
- 5-410. Credits for developer contributions.
- 5-411. Miscellaneous provisions.
- 5-412. Appeals.
- 5-413. Violation.

5-401. Short title and applicability. (1) Short title. This chapter may be known and cited as the Town of Nolensville's "Road Impact Fee Ordinance," and is referred to herein as "this chapter."

(2) Applicability. The provisions of this chapter shall apply to all new development within the corporate limits of the Town of Nolensville, unless such development is expressly exempted. (as added by Ord. #07-12, June 2007)

5-402. Intent. (1) The intent of this chapter is to ensure that impact generating development bears a proportionate share of the cost of capital improvements to the town's major road facilities; to ensure that the proportionate share does not exceed the cost of providing such facilities; and to ensure that funds collected from impact generating development are actually used to construct improvements that serve new development.

(2) It is not the intent of this chapter to collect any money from any impact generating development in excess of the actual amount necessary to offset demands generated by that development for the type of facilities for which the fee was paid. (as added by Ord. #07-12, June 2007)

5-403. Definitions. For the purpose of interpreting this chapter, certain words used herein are defined as follows:

(1) "Applicant" means the applicant for a building permit for which an impact fee is due pursuant to the provisions of this chapter.

(2) "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind, including a mobile home, but excluding buildings used for agricultural purposes.

(3) "Building permit" means a permit issued by the building official authorizing performance of a specified activity in or on a structure or building.

(4) "Capital improvement" means any road capital improvement, including but not limited to planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any road construction project including, but not limited to:

- (a) Construction of new through lanes;
- (b) Construction of new turn lanes;
- (c) Construction of new bridges;
- (d) Construction of new drainage facilities in conjunction with new road construction;
- (e) Purchase and installation of traffic signalization (including new and upgraded signalization);
- (f) Construction of curbs, medians and shoulders in conjunction with new road construction; and
- (g) Relocating utilities to accommodate new road construction.

(5) "Developer" means any individual, firm, company partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group, combination or entity responsible for a new development or a new development project.

(6) "Development project" means an interrelated set of developments, approved by the town pursuant to a subdivision plat, planned development or other development plan.

(7) "Dwelling unit" means a room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

(8) "Impact fee study" means the road impact fee update prepared for the Town of Nolensville by Duncan Associates in January 2017, or a subsequent similar report.

(9) "Impact generating development" means any land development designed or intended to permit an increase in the number of service units.

(10) "Major road system" means all existing or planned collector or arterial roads that are identified on the town's adopted major road plan map and are or will be the responsibility of the town to improve and maintain.

(11) "Mini warehouse" means a building in which a number of storage units or vaults are rented for the storage of goods, each unit is physically separated from other units and access is usually provided through an overhead door or other common access point.

(12) "Multi-family" means a building used for two (2) or more dwelling units, in which individual living accommodations are provided for each family.

(13) "Nonresidential" means the development of any property for any use other than residential use, except as may be exempted by this chapter.

(14) "Non-site-related improvements" means land dedications or provisions of arterial road improvements that are not for the exclusive use or benefit of a new development and which are not site related improvements. Non-site-related improvements may be located wholly within a development project.

(15) "Office/institutional" means buildings housing primarily office or institutional uses, including but not limited to corporate headquarters, medical offices, real estate offices, hospitals, government buildings, schools, day care centers, and private lodges.

(16) "Residential" means single-family detached or multi-family dwelling units.

(17) "Retail/commercial" means shopping centers, commercial land uses and other nonresidential land uses not elsewhere classified in the fee schedule.

(18) "Road impact fee administrator" means the Town of Nolensville employee primarily responsible for administering the provisions of this chapter, or his or her designee.

(19) "Service units" means common units of measure of the demand placed on the road system measured as equivalent dwelling units.

(20) "Single family detached" means a detached dwelling unit on an individual lot principally used, designed, or adapted for use by a single family.

(21) "Square feet" means gross floor area, defined as the total area of all floors of a primary building and all associated accessory buildings, measured from the external surface of the outside walls, but excluding covered walkways, open roofed over areas, porches and similar spaces, exterior terraces or steps, chimneys, roof overhangs, and similar features. Excluded areas include basements or attic spaces of less than seven feet in height and vehicular parking and maneuvering areas.

(22) "Warehouse" means a building primarily devoted to the storage of materials. (as added by Ord. #07-12, June 2007, and amended by Ord. #13-09, Sept. 2013, and Ord. #17-02, April 2017 ***Ch3_6-6-19***)

5-404. Fee determination. (1) Fee schedule. Any person who applies for a building permit for an impact generating development, except those exempted or preparing an independent fee calculation study, shall pay a road impact fee in accordance with the following fee schedule prior to the issuance of a building permit. If any pre-ordinance offset credit is due pursuant to sections §§ 5-410(7) and (8), the amount of such credit shall be deducted from the amount of the fee to be paid. Fees per one thousand (1,000) square feet shall be based on square feet, as herein defined, and shall be prorated to the nearest dollar.

<u>Land Use Type</u>	<u>Unit</u>	<u>Impact Fee</u>
Single-family detached	Dwelling	\$4,594.00
Multi-family	Dwelling	\$2,527.00
Hotel/motel	Room	\$919.00
Retail/commercial	1,000 sq. ft.	\$1,424.00
Office/institutional	1,000 sq. ft.	\$2,619.00
Nursing home	1,000 sq. ft.	\$1,057.00
Church	1,000 sq. ft.	\$689.00
Elementary/secondary school	1,000 sq. ft.	\$322.00
Industrial	1,000 sq. ft.	\$1,470.00
Warehouse	1,000 sq. ft.	\$551.00
Mini-warehouse	1,000 sq. ft.	\$459.00

(2) Uses not listed. The road impact fee administrator shall be responsible for calculating the appropriate fee for all building permit applications. If the type of development activity for which a building permit is applied is not specified on the fee schedule, the road impact fee administrator shall use the fee applicable to the most nearly comparable type of land use on the fee schedule. The road impact fee administrator shall be guided in the selection of a comparable type by the Institute of Transportation Engineers' Trip Generation Manual (latest edition), studies or reports done by the United States Department of Transportation or the state department of transportation, articles or reports appearing in the ITE Journal or other, similar sources. If the road impact fee administrator determines that there is no comparable type of land use on the fee schedule or that the fee schedule understates the cost to mitigate the road impacts of the development due to the nature, timing or location of the proposed development, the road impact fee administrator shall cause to be prepared an individual assessment pursuant to § 5-406.

(3) Fee assessed on primary use. In many instances, a particular structure may include auxiliary uses associated with the primary land use. For example, in addition to the actual production of goods, manufacturing facilities usually also have office, warehouse, research, and other associated functions. The impact fees are assessed based on the primary land use.

(4) Net impact of redevelopment. If the type of impact generating development for which a building permit is requested is for a change of land use type or for the expansion, redevelopment, or modification of an existing development, the fee shall be based on the net increase in the fee for the new

land use type as compared to the previous land use type. Remodeling activity that does not increase the number of residential units or the amount of nonresidential square footage shall not require payment of an impact fee.

(5) No refund for change of use. In the event that the proposed change of land use type, redevelopment, or modification results in a net decrease in the fee for the new use or development as compared to the previous use or development, there shall be no refund of impact fees previously paid.

(6) Impact fee calculation errors. If the road impact fee has been calculated and paid based on error or misrepresentation, it shall be recalculated and the difference refunded to the original fee payer or collected by the town, whichever is applicable. If road impact fees are owed, no permits of any type may be issued for the building or structure in question, or for any other portion of a development of which the building or structure in question is a part, until impact fees are paid. The road impact fee administrator may bring any action permitted by law or equity to collect unpaid fees. (as added by Ord. #07-12, June 2007, and amended by Ord. #13-09, Sept. 2013, and Ord. #17-02, April 2017 *Ch3_6-6-19*)

5-405. Exemptions. The following shall be exempt from the terms of this chapter. An exemption must be claimed at the time of application for a building permit.

(1) Residential alterations. Alterations of an existing dwelling unit where no additional dwelling units are created.

(2) Residential replacement. Replacement of a destroyed, partially-destroyed or moved residential building or structure with a new building or structure of the same use, and with the same number of dwelling units.

(3) Nonresidential replacement. Replacement of destroyed, partially-destroyed or moved nonresidential building or structure with a new building or structure of the same gross floor area and use.

(4) Pre-ordinance permit applications. Any development for which a completed application for a building permit was submitted prior to the effective date of this chapter, provided that the construction proceeds according to the provisions of the permit and the permit does not expire prior to the completion of the construction.

(5) No waivers; payment of fees by town. Impact fees shall not be waived. In order to promote the economic development of the town or the public health, safety, and general welfare of its residents, the board of mayor and aldermen may agree to pay some or all of the impact fees imposed on a proposed development or redevelopment from other funds of the town that are not restricted to other uses. Any such decision to pay impact fees on behalf of an applicant shall be at the discretion of the Board of Mayor and Aldermen of the Town of Nolensville and shall be made pursuant to goals and objectives articulated by the town board. (as added by Ord. #07-12, June 2007)

5-406. Independent fee calculation. (1) Use of independent fee calculation. The road impact fee for a proposed new development shall be calculated by the use of an individual assessment of major road impacts if:

(a) The type of new development is not of the type or reasonable equivalent thereof listed on the fee schedule § 5-404(1); or

(b) The road impact fee administrator determines that the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to mitigate than the costs attributable to the development in the fee schedule; or

(c) The applicant chooses to have the amount of the fee determined by such method.

(2) Cost of study; fee. The applicant shall be responsible for preparation of the individual assessment of road impacts if the applicant chooses to conduct such analysis. The road impact fee administrator shall be responsible for preparation of the individual assessment if the type of new development being proposed is not of the type listed on the fee schedule, or the nature, timing or location of the proposed new development makes it likely that major road system improvements will be necessary to serve the development, the cost of which exceed the costs attributable to the development in the fee schedule.

(3) Content of study. The person preparing the individual assessment of road impacts shall be a qualified professional, and shall be approved by the road impact fee administrator on the basis of professional training and experience.

(4) Road impact fee formula. The individual assessment of road impacts shall compute the impact fee per residential unit or, in the case of nonresidential development, the impact fee per one thousand (1,000) square feet of gross floor area, using the following formula:

$$\text{Impact fee} = \text{EDUs} \times \text{Netcost/EDU}$$

Where:

$$\text{EDUs} = \text{VMT/Single family VMT}$$

$$\text{VMT} = \text{Triprate}/2 \times \% \text{New} \times \text{Length}$$

$$\text{Triprate} = \text{Average daily trip ends on a weekday (ADT) per unit of development (e.g., dwelling unit or 1,000 square feet)}$$

$$\% \text{New} = \text{Percent of average daily trips that are primary, as opposed to pass-by or diverted-linked trips}$$

$$\text{Length} = \text{Average length of a trip in miles associated with the land}$$

use, from national transportation data

Netcost/EDU = Net cost per equivalent dwelling unit as calculated in the impact fee study separately for residential and nonresidential uses

(5) Application procedure. The individual assessment of road impacts shall be prepared on an application form provided by the town. The determination of the appropriate impact fee for the development, based on the above formula, the information provided by the applicant and any other information determined to be relevant by the road impact fee administrator, shall be made by the road impact fee administrator.

(6) Appeals. The applicant may appeal the decision of the road impact fee administrator on the individual assessment to the board of mayor and aldermen pursuant to § 5-411, appeals. (as added by Ord. #07-12, June 2007)

5-407. Collection of fees. The collection of impact fees shall be as follows:

(1) Collection at building permit. Except as set forth in the following paragraph, the impact fees for all affected development shall be calculated and collected in conjunction with the application for the each building permit for such development.

(2) Collection for non-permit development. For uses not ultimately requiring a building permit, the fee shall be calculated and collected at the time of approval of the site plan. (as added by Ord. #07-12, June 2007)

5-408. Use of road impact fees. (1) Segregation of funds. A road impact fee fund that is distinct from the general fund of the town is hereby created, and the impact fees received will be deposited in the interest bearing account of the road impact fee fund.

(2) FIFO accounting. Monies in the impact fee account shall be considered to be spent in the order collected, on a first in/first out basis.

(3) Eligible expenditures. The monies in the road impact fee account shall be used only for the following:

(a) To acquire or construct planned improvements that add capacity to the major road system and that are included in the calculation of the road impact fee. Capacity expanding improvements include, but are not limited to, constructing new roads, relocating roads, widening of roads to increase lane and/or shoulder width or to add additional travel lanes, signalization, addition of turn lanes and other intersection improvements, and drainage improvements if they are associated with improvements that will add capacity or enhance traffic flow.

(b) Qualifying project costs include project engineering costs; the acquisition cost of rights-of-way and easements, including legal costs;

the construction cost of improvements, including, but not limited to, public street travel lanes, public pedestrian and bicycle pathways, turning lanes or the portion thereof located within the right-of-way of a public street, lighting, signalization, signage and landscaping improvements that are required for the road improvement to function effectively; and the principal, interest and other financing costs of bonds, notes or other obligations issued by or on behalf of the town to finance qualified improvements.

(c) As described in § 5-409, refunds; or

(d) As described in § 5-410, credits.

(4) Ineligible expenditures. The monies in each impact fee account shall not be used for the following:

(a) Rehabilitation, reconstruction, replacement or maintenance of existing facilities and capital equipment except to the extent that the projects increase the capacity to serve new development and is included in the impact fee calculation; or

(b) Ongoing operational costs. (as added by Ord. #07-12, June 2007)

5-409. Refunds. (1) Refund of unspent funds. Any monies in the impact fee fund that have not been spent within ten (10) years after the date on which such fee was paid shall be returned to the current owners with earned interest since the date of payment.

(2) Notice of the right to a refund. Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the present owners of the property within thirty (30) days of the date the refund becomes due. The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.

(3) Pro rata refund basis. The refund shall be made on a pro rata basis, and shall be paid in full within ninety (90) days of the date certain upon which the refund becomes due.

(4) Refund; permit expiration. If an applicant has paid an impact fee required by this chapter and the building permit later expires without the possibility of further extension, and the development activity for which the impact fee was imposed did not occur and no impact has resulted, then the applicant who paid such fee shall be entitled to a refund of the fee paid, without interest. In order to be eligible to receive such refund, the applicant who paid such fee shall be required to submit an application for such refund within thirty (30) days after the expiration of the permit or extension for which the fee was paid.

(5) Administrative fee. The town shall assess two percent (2%) of the amount of any refund to cover the administrative costs of processing refunds. (as added by Ord. #07-12, June 2007)

5-410. Credits for developer contributions. Credit against the road impact fees shall be provided for contributions toward the major road system included in the calculation of the impact fee.

(1) Reimbursement credits available. The town may provide reimbursement from the impact fee account for contributions toward the major road system that are included in the calculation of the impact fee.

(a) Approved reimbursements for construction shall generally become effective when the improvements have been completed and have been accepted by the town under the provisions of a prior agreement.

(b) Approved reimbursements for land dedication shall become effective when the land has been conveyed to the town and has been accepted by the town under the provisions of a prior agreement.

(2) Land valuation. Credit for dedication of land for major road system right-of-way shall be based on the value of the land to be dedicated. The value of any land required to be dedicated during the subdivision process shall be based upon the "fair market value" of the land at the time of filing the final plat. The value of any land required to be dedicated as part of a rezoning or other approval shall be based on the value of the land at the time of the application for the approval. The value shall be determined by a certified appraiser who is selected and paid for by the applicant, and who uses generally accepted appraisal techniques. If the town disagrees with the appraised value, the town may engage another appraiser at the town's expense, and the value shall be an amount equal to the average of the two appraisals. If either party rejects the average of the two (2) appraisals, a third appraisal shall be obtained, with the cost of such third appraisal being borne by the party rejecting the average. The third appraiser shall be selected by the first two (2) appraisers, and the third appraisal shall be binding on both parties. Approved credits for dedicated land shall become effective when the land has been conveyed to the town and has been accepted by the town.

(3) Construction cost. In order to receive credit for major road system improvements, the developer shall submit complete engineering drawings, specifications, and construction cost estimates or property appraisals to the road impact fee administrator. The road impact fee administrator shall determine the amount of reimbursement credit due based on the information submitted, or where such information is deemed inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the road impact fee administrator.

(4) Developer agreement. To qualify for an impact fee credit, the developer must enter into an agreement with the town. At a minimum, the developer agreement shall specify the amount of the credit, and within how many years the developer will be reimbursed from impact fees collected by the town, assuming adequate funds are available for such repayment.

(5) Reimbursement fund. The town will allocate a minimum of twenty-five percent (25%) of annual road impact fees collected to reimburse developers

for eligible improvement credits. If the amount allocated for reimbursements is not sufficient to make all payments due to developers for that year, each developer will receive a pro rata share of the amount owed, and the unpaid amount will be added to the amount owed for the following year. If less than twenty-five percent (25%) of annual road impact fee collections are required for reimbursements in any given year, the remainder may be used for project expenditures.

(6) Expiration of credits. Credits provided pursuant to this chapter shall be valid from the effective date of such credits until ten (10) years after such date.

(7) Pre-ordinance offset credits. Developers may not obtain reimbursement credits for a non-site-related capital improvement completed prior to the effective date of this chapter, but applicants for building permits within the development project for which such improvement had been made shall be eligible for reduced impact fees. Application for such offset credits must be made, on forms provided by the town, within one (1) year after the effective date of this chapter. In the event that the impact generating development for which the credits are claimed is partially completed, the amount of the credits shall be reduced by the amount of the impact fees that would have been charged for the completed portion of the development project had this chapter been in effect. In the event that the impact generating development project has been fully completed, no credits shall be issued. If some credits are warranted, the town shall determine the appropriate percentage reduction of impact fees within the development project, and shall reduce the impact fees charged for all future building permits within the development project.

(8) Prior payment of county road impact fee. The town's road impact fee will be reduced by the amount of any prior payments of county road impact fees for the same property. In order to receive a credit for prior payment of the Williamson County road impact fee, an applicant will need to provide evidence of payment to the road impact fee administrator. (as added by Ord. #07-12, June 2007)

5-411. Miscellaneous provisions. (1) Developer exactions. Nothing in this chapter shall restrict the town from requiring the construction of reasonable improvements required to serve the development project, whether or not such improvements are of a type for which credits are available under § 5-410, credits for developer contributions.

(2) Record keeping. The impact fee administrator shall maintain accurate records of the impact fees paid, including the name of the person paying such fees, the project for which the fees were paid, the date of payment of each fee, the amounts received in payment for each fee, and any other matters that the town deems appropriate or necessary to the accurate accounting of such fees. Records shall be available for review by the public during normal business hours and with reasonable advance notice.

(3) Programming of funds. The town's capital improvements program shall assign monies from the impact fee fund to specific projects and related expenses for eligible improvements of the type for which the fees in that fund were paid. Any monies, including any accrued interest, not assigned to specific projects within such capital improvements program and not expended pursuant to § 5-409, refunds, or § 5-410, credits for developer contributions, shall be retained in the same impact fee fund until the next fiscal year.

(4) Administrative charges. The town shall assess a surcharge of two percent (2%) of the road impact fee collected to cover the expenses of collecting the fee and administering this chapter. The administrative charge may not be paid with impact fee credits.

(5) Underpayment or overpayment. If an impact fee has not been paid, has been underpaid or has been overpaid for any reason, the underpayment or overpayment shall be remedied as soon as possible after it is discovered. Any amounts overpaid by an applicant shall be refunded by the impact fee administrator to the applicant within thirty (30) days after the discovery of the overpayment, with interest since the date of such overpayment. Any amounts not paid or underpaid by the applicant shall be paid to the impact fee administrator within thirty (30) days after notice is given to the applicant of the amount due, with interest since the date of such underpayment. In the case of a nonpayment or underpayment, the town shall not issue any additional permits or approvals for the project for which the impact fee was previously underpaid until such underpayment is corrected, and if amounts owed to the town are not paid within such thirty (30) day period, the town may also rescind any permits issued in reliance on the previous payment of such impact fee.

(6) Periodic updates. The impact fee schedules and the administrative procedures established by this chapter shall be reviewed at least once every three (3) years.

(7) Annual fee schedule inflation adjustment. In years when a comprehensive update is not performed, the road impact fee schedule shall be adjusted to account for construction cost inflation, pursuant to the provisions of this section. On January 1 following each calendar year during which the fee schedule was not comprehensively updated, an adjusted fee schedule shall become effective. The road impact fee administrator shall make the adjusted road impact fee schedule publicly available. The road impact fee administrator shall calculate adjustments to the impact fee rates based upon the percentage change over the most recently available preceding twelve (12) month period in the Engineering News Record Construction Cost Index, or, if this index becomes unavailable, a comparable index. (as added by Ord. #07-12, June 2007)

5-412. Appeals. Any determination made by the impact fee administrator charged with the administration of any part of this chapter may be appealed to the board of mayor and aldermen within thirty (30) days from the date of the decision to be appealed. (as added by Ord. #07-12, June 2007)

5-413. Violation. Furnishing false information on any matter relating to the administration of this chapter, including without limitation the furnishing of false information regarding the expected size, use, or impacts from a proposed development, shall be a violation of this chapter. (as added by Ord. #07-12, June 2007)

CHAPTER 5

DEBIT AND CREDIT CARD REQUIREMENTS AND FEES

SECTION

5-501. Payment by credit card or debit card.

5-502. Convenience fee.

5-503. Notice to card users.

5-504. Notice to comptroller.

5-501. Payment by credit card or debit card. (1) It is lawful for the town to receive payment by credit card or debit card for any public court fine and/or fee assessment, or other monies collected by Nolensville.

(2) As used in this subsection, unless the context otherwise requires:

(a) "Credit card" has the same meaning as defined in Tennessee Code Annotated, § 47-22-101.

(b) "Debit card" has the same meaning as defined in Tennessee Code Annotated, § 39-14-102(3). (as added by Ord. #11-07, Nov. 2011)

5-502. Convenience fee. The Town of Nolensville is hereby establishing a processing fee of five percent (5%) from customers using credit or debit cards as the method of payment.

In the event that the credit or debit card company issuing the card does not honor payment of the charge, the town shall collect the same fee that it normally charges for returned checks, and this fee shall be in addition to the normal fee for using a credit or debit card for payment. (as added by Ord. #11-07, Nov. 2011)

5-503. Notice to card users. Any notice to the customer owing the fees/charges shall state the percentage of the processing fee for use of a credit or debit card. (as added by Ord. #11-07, Nov. 2011)

5-504. Notice to comptroller. Filing of a pre-implementation statement with the comptroller's office, as required by Tennessee Code Annotated, § 47-10-119, shall be required thirty (30) days prior to implementing the above processing fees. The town shall provide to the comptroller of the treasury a post-implementation review of the system between twelve (12) and eighteen (18) months after the date a pre-implementation statement has been filed with the comptroller. (as added by Ord. #11-07, Nov. 2011)