

ORDINANCE N^o 10-68

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING TOWN CODE § 34.01 AND TOWN CODE CHAPTER 150 APPENDIX A; PROVIDING FOR CODIFICATION OF THE TOWN'S DEVELOPMENT FEES (MAKING NO CHANGES THERETO); PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PART OF ORDINANCES OR CODE PROVISIONS IN CONFLICT THEREWITH.

Whereas, the Town of Dewey-Humboldt provides building, engineering, and general services to members of the community, who derive a specific and personal benefit from those services;

Whereas, services of the Town providing a general public benefit should be provided at the expense of general fund Town revenues, but services providing a special benefit should be provided at the expense of the persons receiving those special benefits;

Whereas, the Town's *Principles of Sound Financial Management* require the Town to conduct a cost of service study to identify the full cost of providing a service for which fees are charged;

Whereas, the calculation of full cost included all reasonable and justifiable direct and indirect cost components;

Whereas, in this case, overhead and indirect costs are not an appropriate component of these fees because no additional staff, facilities, or training have been retained or obtained solely to provide these services;

Whereas, the fees and charges will be established to recover the full cost of service, unless the percentage of full cost recovery has been reduced by specific action of the Town Council when balancing competing policy objectives;

Whereas, the building, engineering, and general user fees shall be reviewed every 3 years to calculate their full cost recovery levels, to compare them to the current fee structure, and to recommend adjustments where necessary;

Whereas, the Town's existing building, engineering, and general user fees were copied and adopted, in whole, from the Yavapai County fee structure by Ord. 07-31, passed 4-17-2007, without the benefit of a professional study calculating any reasonable and justifiable direct and indirect cost components;

Whereas, the Town now finds that the costs associated with the operation of Town building, engineering, and general services providing a special benefit are different than originally assessed;

Whereas, absent revised fees, the Town would have to supplement the building, engineering, and general services provided to individuals by the Town from general public funds;

Whereas, the Town believes that that cooperation and support of other governmental agencies, tax-exempt non-profit corporations, and certain Special Event providers will support the development of the community's character, justifying a range of reductions in building, engineering, and general user fees;

Whereas, the Town believes that it will increase compliance with Town Code if building, engineering, and general user fees are reduced by up to 50% for persons in hardship situations; and

Whereas, the Town believes that these building, engineering, and general fees are applied and will be administered in a consistent and equitable manner, and that all building, engineering, and general fee reductions have a rational basis.

Now, Therefore, be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona as follows:

1. Amendment of Dewey-Humboldt Town Code. Town Code Chapter 150 Appendix A is hereby deleted in its entirety. Town Code § 34.01 is hereby amended by appending the following to the end of existing § 34.01:

A. The following table is the fee schedule for Town building, engineering, and general services, which Town staff must collect unless otherwise directed in this section.

Building, Engineering, and General Fees		Fee
Professional Services		
Engineering review	Per Sheet	\$265
Additional reviews (after the 3 rd)	Per Sheet	\$83
Engineer	Per Hour	\$101
Planner	Per Hour	\$58
Clerical	Per Hour	\$28
Building Permits and Administration		
Building permit (includes all permits required by Town Code Chapters 150 and 151)	Per App	Per Yavapai County Schedule (pass-through fees)
Building permit administration	Per App	42% of building permit fee
Single family residential building plan review (includes all plan reviews required by Town Code Chapters 150 and 151 for single family residential)	Per App	Per Yavapai County Schedule (pass-through fees)
All other building plan review (includes all other plan reviews required by Town Code Chapters 150 and 151)	Per App	Actual cost of Professional Services and materials
Building plan review administration	Per App	42% of plan review fee
Engineering – Right-of-Way Access and Encroachment		
ROW Access – Driveway access (including on-street parking)	Per App	\$265
ROW Access – Roadway access (multiple parcels accessing right-of-way via non-Town owned roadway)	Per App	\$265
ROW Access – Complex roadway access (when multiple roads, easements, or ownerships access a Town road)	Per App	Actual cost of Professional Services and materials
ROW Access – Special Events (road use or closure)	Per App	\$164

Building, Engineering, and General Fees		Fee
ROW Encroachment – Landscaping (including fences)	Per App	\$265
ROW Encroachment – Mailbox	Per App	\$10
ROW Encroachment – Driveway	Per App	\$265
ROW Encroachment – Utilities (pulling wire, utility conduit, stringing poles)	Per App	\$265
ROW Encroachment – Renewal (required for construction after permit expiration)	Per App	\$164
Penalty (for work performed without a permit; includes issuance of the proper permit)	Per App	Double base fee
General Services		
Copy fees	Per Sheet	\$0.25
CD Transcription	Per CD	\$15
Initiative, Recall, or Referendum (A.R.S. §§ 19-141 to 19-143, 19-123, 19-201 ff)	Per App	\$0
Ballot arguments (A.R.S. § 19-124)	Per App	Actual external costs
Candidate filing fee	Per App	\$0
Standing Political Committee registration fee (A.R.S. § 16-902.01)	Per Reg'n	\$81

B. Reduced Fees.

- a. The above fees shall be waived when the applicant is the Town of Dewey-Humboldt, the County of Yavapai, the State of Arizona, or the United States Government, or their dependents, agencies and divisions. This exception shall not apply to a nongovernmental lessee of governmentally owned land. Other governmental discounts may be negotiated through intergovernmental agreements.
- b. Fees may be waived by the Town Council, the Town Hearing Officer, or Board of Adjustment to avoid undue hardship.
- c. If requested in writing, the Town Manager may discount the Engineering Fees by up to 50% in cases where the following is proven:
 - i. The fee payer (and family, if resident with fee payer) is earning less than 200% of the Federal poverty guideline and is required to obtain Town services by lawful authority (e.g., the Town, another level of government, or by court order); or
 - ii. The fee payer is permanently disabled.
- d. If requested in writing, the Town Manager may discount the *ROW Access – Special Events* fee by up to 100% in cases where the following is proven:
 - i. The event is open to the public;
 - ii. The event is provided with no admittance fee; and
 - iii. The primary purpose of the event is recreation or entertainment.

- e. If requested in writing, the Town Manager may discount the *ROW Encroachment – Driveway* fee by up to 100% in cases where the following is proven:
- i. An existing *ROW Access – Driveway* permit exists for the driveway, whether issued by the County or the Town; and
 - ii. All conditions of the *ROW Access – Driveway* permit have been satisfied and maintained.

C. The Town Manager is responsible to interpret and apply the foregoing fees in light of the Report for User Fee Study dated March 2010 (on file with the Town Clerk). A fee payer may appeal the Town Manager's decision to the Town Hearing Officer, but must do so within 30 days of the Town Manager's written decision.

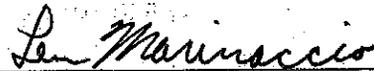
2. Codification of Development Fees. Ordinance 09-59, relating to development fees per A.R.S. § 9-463.05, shall be codified at Town Code § 34.05 (with no amendment hereby).

3. Effective Date. That this Ordinance shall be effective at the soonest date after its passage and approval, according to law.

4. Savings Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

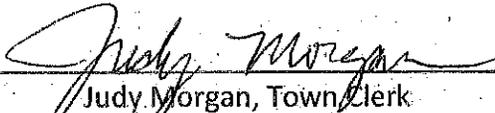
5. Repeal. All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof. However, nothing in this Ordinance is intended or will be effective to change or otherwise affect exemptions from fees otherwise contained in Town Code: such exemptions shall continue in full force and effect.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 20th day of April 2010.



Len Marinaccio, Mayor

ATTEST:



Judy Morgan, Town Clerk

APPROVED AS TO FORM:



Ethan Wolfinger, Town Attorney

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