

ORDINANCE NO. 18-08

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL
MODIFYING THE ADJUSTMENT OF IMPACT FEES

WHEREAS, the City Council of the City of North Logan, Utah, adopted and passed the Code of Revised Ordinance of the City of North Logan on March 16, 1989, which Code was published and effective on March 20, 1989; and

WHEREAS, said Code included Title 6, which is the City's Finances And Taxation Ordinance; and

WHEREAS the City Council has deemed it appropriate to amend the regulations on how adjustments and waivers of Impact Fees are handled.

NOW, THEREFORE, the City Council of the City of North Logan, Utah hereby adopts, passes and publishes the following:

BE IT ORDAINED by the City Council of the City of North Logan, Utah as follows:

SECTION I: Paragraph 6-404. *Adjustment Of Impact Fees* is amended to read as follows (the highlighted portions are added and the words struck through are deleted):

6-404. Adjustment Of Impact Fees.

- A. The City may adjust the impact fees imposed pursuant to this ordinance as necessary in order to:
 - 1. Respond to unusual circumstances in specific cases;
 - 2. Ensure that the impact fees are imposed fairly;
 - 3. Permit the adjustment of the amount of the fee based upon studies and data submitted by an applicant or developer, as approved by the City Council; and
 - 4. Allow a credit against impact fees, as approved by the City Council, for dedication of land for, improvement to, or new construction of, any system improvements by the applicant or developer if the facilities are identified in the City's Capital Facilities Plans and are required by the City as a condition of approving the development activity. No credits shall be given for project improvements as defined by the Utah Impact Fees Act.
- B. The City ~~Administrator~~ **Council** shall have the authority to make such adjustments based upon information submitted by an applicant or developer **and upon the recommendation of the City Administrator or Public Works Director** ~~and any recommendations from the City Engineer.~~
- C. The City may adopt policies consistent with this ordinance and any resolutions passed by the City Council to assist in the implementation, administration and interpretation of this ordinance related to Municipal Impact Fees.
- D. If the applicant, developer, person or entity is not satisfied with the City's **Administrator's** decision, an appeal may be made ~~to the City Council~~ under the procedures set forth in Section 6-406, ~~below~~.

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SECTION II: CONFLICT

To the extent of any conflict between this ordinance and any other North Logan City ordinance(s) or regulation(s), the provisions of this Ordinance shall be controlling.

SECTION III: SEVERABILITY.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

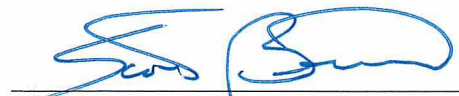
SECTION IV: EFFECTIVE DATE.

In the opinion of the City Council of North Logan, it is necessary that this ordinance take effect immediately; therefore, this Ordinance shall take effect immediately upon its passage and first posting as provided by law.

ADOPTED AND PASSED by the City Council of the City of North Logan, Utah, this 7th day of November, 2018.

NORTH LOGAN CITY

ATTEST:



Scott Bennett, City Recorder

BY: 

Damon Cann, Mayor Pro-Tempore

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CERTIFICATE OF DUE POSTING

I, Scott Bennett, City Recorder of North Logan, Utah, hereby certify that I caused to be posted the foregoing Ordinance No. 18 - 08 on the 8th day of November, 2018, in the City of North Logan, Cache County, State of Utah, a copy of which is hereto attached, in each of three public places in the said City of North Logan, to-wit:

1. North Logan City Offices, 2076 North 1200 East
2. North Logan City Library, 475 East 2500 North
3. North Park Police Department, 575 E East 2500 North

WITNESS my hand this 8th day of November, 2018.



Scott Bennett, City Recorder