

Chapter 6 1/2 FEES FOR PERMITS AND LICENSES GENERALLY^{1[1]}

Art. I. In General, §§ 6 1/2-1--6 1/2-19

Art. II. Impact Fees, §§ 6 1/2-20--6 1/2-27

ARTICLE I. IN GENERAL

Sec. 6 1/2-1. Purpose.

[The purpose of this chapter is] to insure that the taxpayers do not bear the costs involved in the areas of development, public notices, stenographic records, investigations and inspections.
(Ord. of 7-26-77)

Sec. 6 1/2-2. Title.

This chapter shall be known and entitled as an "Ordinance regulating fees for permits and licenses and providing penalties for violations thereof in the Town of Colchester, County of Chittenden, State of Vermont."
(Ord. of 7-26-77)

Sec. 6 1/2-3. Definitions.

For the purpose of this chapter the following terms, phrases, words, and their derivatives shall have a meaning as given below:

- A. Town is the Town of Colchester.
- B. Selectboard is the Selectboard of the Town of Colchester.
- C. Administrative officer is the zoning administrator for the Town of Colchester.
- D. Health officer is the legally designated health officer of the Town of Colchester or his/her authorized representative.
- E. Town Manager is the Town Manager for the Town of Colchester or his/her agent or representative.
- F. Permit is a written document issued by the Town of Colchester giving a designated person permission to construct, alter or renovate.
- G. License is a written document issued by the Town of Colchester to a designated person or corporation granting permission to operate or conduct business.

(Ord. of 7-26-77)

Sec. 6 1/2-4. Fees enumerated.

The following fees shall be charged for the purposes indicated:

1. Building Permits

- A. New Construction (includes additions):
 - 1) Residential (single-family and duplex dwellings) base fee \$75 (includes \$20.00 recording fees) and:
 - a) \$.50 per square foot
 - 2) Commercial base fee \$75 and **\$.72** per square foot (includes \$20.00 recording fees)

- B. Decks, demolition or relocation: \$110 (includes \$20.00 recording fees).
- C. Sheds or fences \$50 (includes \$20.00 recording fees)
- D. Swimming Pools \$8.00 per \$1,000 of estimated construction cost with a minimum of \$75 (includes \$20.00 recording fees).
- E. All other construction, alterations, renovations and repairs: \$8.00 per \$1,000 of estimated construction cost with a minimum of \$75 (includes \$20.00 recording fees). In the case of construction projects that include decks, demolition, relocation, pools, sheds or fences as part of a combined application this fee shall be utilized instead of summing up the separate fees listed herein.
- F. Site development; (including but not limited to street construction, sidewalks, sanitary sewers, stormwater sewers, water lines, parking lots and all other general site work): \$8.00 per \$1,000 of estimated construction cost with a minimum of \$75 (includes \$20.00 recording fees).
- G. Temporary Certificates of Occupancy \$75. If a permanent Certificate of Occupancy is not obtained by the expiration of the temporary certificate or if occupancy is taken prior to the issuance of any certificate, an additional fee of \$100 shall be paid prior to the issuance of a permanent certificate.
- H. Failed Inspection Fee: \$40 per occurrence (shall be paid prior to issuance of a Certificate of Occupancy)

- 2. Local Wastewater Permit: \$110 (tank replacement)

- 3. State Water & Wastewater Permit (includes recording fees):
 - A. Projects 0- \leq 560 gallons per day \$400
 - B. Projects 560 \leq 2,000 gallons per day \$870
 - C. Projects 2,000 \leq 6,500 gallons per day \$3,000
 - D. Projects 6,500 \leq 10,000 gallons per day \$7,500
 - E. Projects 10,000 + gallons per day \$13,500

- 4. State Water Wastewater Permit Renewal: \$100 (includes recording fees)

- 5. State Water Wastewater Permit Minor Amendment (no increase in flow and no construction) \$200 (includes recording fees)

- 6. Development Review Board Applications (all applications shall be submitted in PDF form or subject to applicable third party consultant fees to digitize as provided herein):

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- A. Conditional use/variances/appeals – \$280 (includes legal warning & \$10 recording fee) or \$140 for conditional use application submitted concurrently with a site plan application (includes legal warning & \$10 recording fee)
- B. Subdivision Applications:
 - 1) Sketch Plan Application: \$250
 - 2) Preliminary Plat Application: Base fee \$350 (includes legal warning & \$10 recording fee) plus:
 - a) Major residential subdivision fee of \$100.00-per lot/unit
 - b) Commercial or industrial or PUD fee of \$125.00 per acre or \$125 per lot/unit, whichever is greater
 - 3) Final Plat Application:
 - a) Major subdivision base fee \$350
 - b) Minor subdivision \$350 (includes legal warning & \$10 recording fee)
 - c) Final Plat Amendment (if Final Plat approval issued within past 5 yrs.): \$350 (includes legal warning & \$10 recording fee)
- C. Site Plan Applications:
 - 1. Residential - single family or duplex dwellings:
 - a. Seawall \$320
 - b. Certificate of Appropriateness \$275
 - c. Administrative Amendment \$120
 - d. All others \$230
 - 2. Commercial/industrial/PUD/residential multi-family:
 - a) Amendment (if site plan approval issued within past 5 yrs.) \$270
 - b) Administrative Amendment \$150
 - c) In conjunction with Final Plat Application \$150
 - d) All others \$350

All conditional use, variance, appeals, and preliminary and final plat application fees include the average \$50 legal notice fee in the local Colchester paper as well as all recording fees. If, due to time constraints, an applicant chooses to advertise in the Burlington Free Press, the applicant shall be required to pay in addition to the application fee the difference between the average legal notice fee and the actual cost of the advertisement
- D. Recess of Development Review Board hearings: \$100 for each recess requested by applicant.
- E. Third Party Review (including but not limited to engineering and legal reviews): Applicants for all permits are responsible for costs of services conducted by third party consultants/experts requested by the Town.

- 7. Boundary line adjustments: \$200 base fee, plus: ~~\$50.00 surcharge for Mylars without digital copy~~-(includes \$75 wastewater exemption review letter and recording).
- 8. Mylar recording fee: \$15.00
- 9. Sign permit:
 - A. Permanent sign \$75 (includes \$10.00 recording fee).
 - B. Temporary sign permit \$20 per month or \$50 annually

10. Permit Extensions: \$20 for renewals of all building permits and \$100 for all Development Review Board permits (includes \$10.00 recording fee).
11. Compliance/disclosure letters:
 - A. \$100.00 (includes file review).
 - B. \$50 for updates to letters less than two years old (includes file review).
 - C. \$15.00 all other zoning file reviews related to refinancing or sales.
 - D. \$100 surcharge for requests requiring less than two weeks to process.
12. Zoning permits:
 - A. Administrative permits for home occupations and home businesses: \$25 (includes \$10 recording fee but does not include construction fee).
 - B. Conversion to year-round – permit fee: \$150 (includes \$20 recording fee but does not include construction fee).
 - C. Accessory Apartment: \$150 (includes \$20 recording fee but does not include construction or impact fees).
 - D. All other zoning permits \$75 (includes \$20 recording fee but does not include construction fee)
13. GIS fees:
 - A. CD: \$25.00
 - B. 8.5” by 11” or 11”x 17” print-out: \$5
 - C. Custom print-outs or projects: 25.00 base fee (includes first 15 minutes), plus \$0.50 per minute after the first 15 minutes.
 - D. 22” x 34” print out: \$10
14. Petitioned or Requested Amendments to Comprehensive Plan or Zoning Regulations (when filed outside annual update period prescribed in the Master Plan): \$500.00 each for Planning Commission and Selectboard hearings. Applicant or petitioner must also pay \$300.00, if request is for a zone change requiring preparation of impact statement pursuant of Title 24, VSA, Section 4384(c) or 24 VSA, Section 4403(c) and Section 2.03(D) of Colchester’s Zoning Regulations.
15. Planning & Zoning Photocopies & Prints: \$.15 per page (payment shall include discarded pages).
16. Penalties. Permits issued after construction or change of use (includes zoning/building permit, site plan, conditional use, variance, home occupation, etc.): Penalty fee of two (2) times the normal permit cost will be charged.
17. Carter's permit. Sixty dollars (\$60.00) plus thirty-five dollars (\$35.00) per vehicle.
18. Amusement license.
 - A. Full term: One hundred dollars (\$100.00)
 - B. Limited term: Fifty-five dollars (\$55.00).

- 19. Borrow pits. One hundred seventeen dollars (\$117.00) (includes \$10 recording fee)
- 20. Sewer connection fee. Permitted allocation multiplied by the debt retirement rate.
- 21. Excavation within public right-of-way.
 - A. Major work such as installation of public utilities along, or excavation across, the public highway: Five hundred dollars (\$500.00) plus escrow to cover full restoration cost.
 - B. Other minor work within the right-of-way: One hundred dollars (\$100.00).
- 22. Peddlers License: \$80.00 (eighty dollars)

(Ord. of 1-12-88; Ord. of 3-14-89; Ord. of 9-12-89; Ord. of 5-22-90; Ord. of 6-17-95; Ord. of 2-13-96; Ord. of 2-25-97; Ord. of 7-8-97; Ord. of 3-24-98; Ords. (two) of 12-22-98; Ord. of 4-8-03; Ord. of 2-22-05; Ord. of 2-27-07; Ord. of 6-26-11)

Cross References: Borrow pits and quarries, Ch. 3; building permits and fees, § 4-20 et seq.; subdivisions, App. A; recreation fee, App. A, § 411.2; zoning, App. B; sign permit, App. B, § 1708.

Sec. 6 1/2-5. Permits and licenses required.

No activity shall be commenced within the areas covered by this chapter without a permit or license issued by the Selectboard or administrative officer of the Town of Colchester. Municipal organizations are exempt from fee enumerated herein.
(Ord. of 7-26-77; Ord. of 5-22-90; Ord. of 6-27-95)

Sec. 6 1/2-6. Separability.

The invalidity of any provision of this chapter shall not invalidate any other part.
(Ord. of 7-26-77)

Sec. 6 1/2-7. Penalties and fines.

Any person or corporation not obtaining the proper permit or license in violation of this chapter shall be subject to a fine pursuant to chapter 1, section 1-9(b). If any violation continues, each day's violation shall be deemed a separate violation.
(Ord. of 7-26-77; Ord. of 9-10-96)

Sec. 6 1/2-8. Variances and waivers.

Where the Selectboard finds that extraordinary and unnecessary hardships may result from strict compliance with this chapter or where there are special circumstances, they may vary this chapter in the public interest.

(Ord. of 7-26-77)

Sec. 6 1/2-9. Delinquent taxes.

No permits or licenses will be issued until such time as all property taxes are current.
(Ord. of 6-27-95)

Sec. 6 1/2-10. Appeals.

Appeals from the requirements of this chapter shall be heard and decided by the Selectboard.
(Ord. of 6-27-95)

Sec. 6 1/2-11. Permit to obstruct street or sidewalk; fee.

The fee for a permit for a week or part thereof shall be forty dollars (\$40.00).
(Ord. of 10-10-95; Ord. of 4-8-03)

Sec. 6 1/2-12. Permits for curb cuts; fee.

The fee for each curb cut and/or driveway application/permit shall be forty dollars (\$40.00).
(Ord. of 10-10-95; Ord. of 4-8-03)

Secs. 6 1/2-13--6 1/2-19. Reserved.

ARTICLE II. IMPACT FEES

Sec. 6 1/2-20. Purpose.

The purpose of this article is to:

- (1) Provide for the payment by beneficiaries of new development of their proportionate share of the cost of municipal and school capital projects which benefit or are attributable to them;
- (2) To require the beneficiaries to pay for or mitigate the negative effects of construction; and
- (3) To provide for the proper accounting for and expenditure of impact fees collected by the Town of Colchester.

(Ord. of 11-11-97)

Sec. 6 1/2-21. Authority.

This article is adopted pursuant to 24 V.S.A. chapter 59 and 24 V.S.A. chapter 131 and shall be known as the "Colchester Impact Fee Ordinance." The terms used in this article shall have the same meanings as those terms set forth in 24 V.S.A. chapter 131.

(Ord. of 11-11-97)

Sec. 6 1/2-22. Compliance with the impact fee statute.

The formula for each impact fee imposed by this article is intended to comply with the provisions of 24 V.S.A. chapter 131. Notwithstanding anything to be contrary in this article, each fee imposed by this article shall be equal to or less than the portion of the capital project which will benefit or is attributable to the development for which the permit is being issued and shall not include costs attributable to the operation, administration, or maintenance of the capital project. The fees shall be based upon a formula which reflects the level of service for the capital project to be funded and a means of assessing the impact associated with the development, such as square footage or numbers of bedrooms.

(Ord. of 11-11-97)

Sec. 6 1/2-23. Establishment of impact fees.

(a) *Recreational impact fee.* A recreational impact fee shall be paid for all land development in the Town of Colchester that includes the construction of one or more new residential dwelling units and/or the conversion of an existing structure, in whole or in part, for use as a residential dwelling unit including those converted from seasonal to nonseasonal use as defined in the Colchester Zoning Regulations. The recreation impact fee shall be payable according to the following formula: ~~Two thousand nine hundred thirty five~~ dollars (\$~~2,009.00~~~~735.00~~) per each new or additional residential dwelling unit including those converted from seasonal to nonseasonal use as defined in the Colchester Zoning Regulations.

(b) *Educational impact fee.* An education impact fee shall be paid for all land development in the Town of Colchester that includes an increase in the number of residential bedrooms on the land, including but not limited to construction of new buildings and renovations and additions to existing buildings, the installation of mobile homes and the conversion of dwelling units from seasonal to nonseasonal use as defined in the Colchester Zoning Regulations. The educational impact fee shall be payable according to the following formula: Six hundred dollars (\$600.00) per each new or additional bedroom including those converted from seasonal to nonseasonal. The enactment of any new impact fee or change in the amount of an existing fee shall be established by resolution or by ordinance. If by resolution, the resolution shall be adopted in the same manner required for the adoption of an ordinance under 24 V.S.A. chapter 59.

(Ord. of 11-11-97)

Sec. 6 1/2-24. Payment of fees.

(a) Prior to issuance of a zoning permit for land development subject to payment of impact fees under this article, the permit applicant shall pay to the zoning administrator the impact fee or fees established pursuant to this article.

~~(b) The Selectboard may accept off site mitigation in lieu of one or both of the impact fees imposed by the article or as compensation for damage to important land such as prime~~

~~agricultural land or important wildlife habitat.~~

(be) The Selectboard may accept payment of fees pursuant to a reasonable installment schedule with a reasonable rate of interest; the Selectboard may require a letter of credit to guarantee future payments of off-site mitigation.
(Ord. of 11-11-97)

Sec. 6 1/2-25. Appeals.

Appeals from the requirements of this article shall be made to the Selectboard.
(Ord. of 11-11-97)

Sec. 6 1/2-26. Accounting; refund.

Upon receipt of fees, the zoning administrator shall promptly deliver to the Town treasurer all fees collected. The treasurer shall maintain the fees in a separate interest bearing account for impact fees and shall enter in a register the name of the payor, the amount of each fee, the land development for which each fee is collected, the capital project(s) for which the fee is intended, and the expenditure of the fee on a capital project, if any. Annually, the treasurer shall render an accounting showing the total amounts collected, the sources of the fees, the capital projects for which each fee was expended, and the amount of impact fees spent, the total amount spent on each project, and a breakdown of the sources of funding for each project. If the fee is not spent on the capital project(s) for which the fee was intended within six (6) years of when the fee was collected, upon the request by the owner of the property for which the fee was paid pursuant to 24 V.S.A. section 5203(e), the municipality shall refund the owner's proportionate share of the fee.
(Ord. of 11-11-97)

Sec. 6 1/2-27. Applicability of this chapter.

All the general provisions of this chapter shall apply to this article II.
(Ord. of 11-11-97)

^{2[1]} **Editors Note:** Ord. of July 26, 1977 amended this Code by adding provisions designated as Ch. 13. In order to preserve the alphabetical sequence of chapters within the Code, and in accord with the preface to this volume (see page V), the editors have redesignated such provisions as Ch. 6 1/2.