

ORDINANCE NO. 1489

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR AMENDMENT TO POST FALLS MUNICIPAL CODE 19.10.040 REGARDING THE IMPOSITION OF IMPACT FEES; PROVIDING FOR AMENDMENT TO POST FALLS MUNICIPAL CODE 19.10.050 REGARDING EXEMPTIONS; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS Kootenai County Fire & Rescue (“KCFR”) and the Kootenai County Emergency Medical Services System (“KCEMSS”) are taxing districts (“the Districts”) organized and existing by virtue of Chapter 14 of Title 31, Idaho Code, and both Districts’ boundaries include all areas within the City limits of the City and areas surrounding the City; and

WHEREAS Kootenai County Fire & Rescue’s has the duty and responsibility to provide protection of property against fire and the preservation of life, and enforcement of any of the fire codes and other rules that are adopted by the state fire marshal; and

WHEREAS the Kootenai County Emergency Medical Services System’s has the duty and responsibility is to provide for the protection and preservation of life; and

WHEREAS the Mayor and City Council find that adopting this ordinance to amend the imposition of impact fees for the Districts is in the best interests of the citizens of the city of Post Falls.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the city of Post Falls as follows:

SECTION 1. That Post Falls Municipal Code 19.10.040 is amended to read as follows:

19.10.040: IMPOSITION OF FIRE AND EMS IMPACT FEE:

A. **Imposition of Fire and EMS Impact Fee.** A *Fire and EMS Impact Fee* is hereby assessed on all new *Development* in the *City*.

B. Calculation of Fee and Adoption of Fee Schedule. Unless an exemption is contained in this section, *Fire and EMS Impact Fees* will be calculated in accordance with the fee schedule contained in the *Capital Improvements Plan* providing for standard fees based on the total number of dwelling units or square feet of nonresidential space in the *Development Approval*. The methodology for determining the costs per *Service Unit* provided for in the fee schedule must be set forth in the *Capital Improvements Plan*. The fee schedule will be adopted by resolution of the City Council and will be updated annually for inflation based on the Engineering News-Record Index.

1. A *Fee Payer* may claim an exemption from the *Fire and/or EMS Impact Fee* at the time of filing a *Building Permit* or manufactured home installation application as provided in Section 19.10.050. Any exemption that is not requested at the time of application filing is waived by the *Fee Payer*.
2. The City may, in its sole discretion, determine an exemption from *Fire and/or EMS Impact Fee* exists based on its own imposition of impact fees. If the City would not collect a city impact fee, the City will not assess the *Fire and/or EMS Impact Fee*.
- ~~23.~~ The *Fee Payer* may request an individual assessment of *Fire and/or EMS Impact Fees* as provided in Section 19.10.060 in lieu of paying the impact fees contained in the fee schedule.
- ~~34.~~ If the City assesses an *Extraordinary Impact* fee for a *Development* under Municipal Code Section 19.04.120, the City will refer the application to the Districts for a determination of whether the *Development* also creates an *Extraordinary Impact* for the *District(s)*. In that event, the *Fire and/or EMS Impact Fee* will be established as provided in Section 19.10.070.
- ~~45.~~ A *Fee Payer* may claim a credit as provided in Section 19.10.080. A credit that is not claimed at the time of application filing is waived by the *Fee Payer*.

SECTION 2. That Post Falls Municipal Code 19.10.050 is amended to read as follows:

19.10.050: EXEMPTIONS:

A. Exemptions. The provisions of this Chapter do not apply to the following:

1. Rebuilding the same amount of floor space of a structure which is destroyed by fire or other catastrophe, provided the structure is rebuilt and ready for occupancy within two (2) years of its destruction;
2. Remodeling or repairing a structure which does not increase the number of *Service Units*;
3. Replacing a residential unit, including a *Manufactured/Mobile Home*, with another residential unit on the same lot; provided that, the number of *Service Units* does not increase;

4. Placing a temporary construction trailer or office on a lot;
 5. Constructing an addition on a residential structure which does not increase the number of *Service Units*;
 6. Adding uses that are typically accessory to residential uses, such as tennis court or a clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of *System Improvements*;
1. The installation of a *Modular Building, Manufactured/Mobile Home or Recreational Vehicle* if the *Fee Payer* can demonstrate by documentation such as utility bills and tax records that either: (a) a *Modular Building, Manufactured/Mobile Home or Recreational Vehicle* was legally in place on the lot or space prior to the effective date of this Chapter; or (b) *Fire and/or EMS Impact Fees* has been paid previously for the *Modular Building, Manufactured/Mobile Home or Recreational Vehicle* on that same lot or space; or
 2. Construction or *Development* by taxing districts as defined in Idaho Code §63-201 and public charter schools as defined in Idaho Code §33-502A are exempt from paying *Fire and EMS Impact Fees*.
- B. **Claiming an Exemption.** An exemption from *Fire and/or EMS Impact Fee* must be claimed by the *Fee Payer* or determined by the City when applying for a *Building Permit* or manufactured home installation permit. Any exemption not claimed by the *Fee Payer* at the time of application is waived by the *Fee Payer*. The *City* will deliver exemption applications claimed by a *Fee Payer* to the *District(s)* who must determine if the *Development* is exempt within ~~ninety~~ thirty (30) days of receipt.

SECTION 3. All provisions of the current Post Falls Municipal Code or ordinances of the City of Post Falls and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause sentence, subsection, word, or part had

not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Post Falls, and shall be in full force and effect on and after September 1, 2022.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Post Falls at a regular session of the City Council on August 5, 2023.

APPROVED, ADOPTED and SIGNED this 5th day of August, 2023.

Ronald G. Jacobson, Mayor

ATTEST:

Shannon Howard, City Clerk

SUMMARY OF POST FALLS ORDINANCE NO. 1489

The City of Post Falls, Kootenai County Idaho hereby gives notice of the adoption of Post Falls Ordinance No. 1489, which provides for imposition of impact fees and provides for exemptions; providing repeal of conflicting ordinances and providing severability. The ordinance is effective upon publication of this summary. The full text of Ordinance No. 1489 is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the City Clerk. Dated this 5th day of August, 2023.

/s/

Shannon Howard, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, the legal advisor for the City of Post Falls, I have examined the attached summary of Ordinance No. 1489, which provides for imposition of impact fees and provides for exemptions, and find it to be a true and complete summary of said ordinance and provides adequate notice of the contents to the public.

Dated this 5th day of August, 2023.

Warren J. Wilson, City Attorney