



**CITY OF DAPHNE  
CODE ENFORCEMENT/ORDINANCE COMMITTEE  
REGULAR MEETING AGENDA  
1705 MAIN STREET, DAPHNE, AL  
MONDAY, MAY 5, 2025 at 4:30 PM**

*Councilman Ron Scott  
Councilwoman Angie Phillips  
Councilman Steve Olen, Chairperson  
Councilman Benjamin Hughes*

*Councilwoman Tommie Conaway  
Councilman Joel Coleman  
Councilman Doug Goodlin*

- 1. CALL TO ORDER/ROLL CALL**
- 2. APPROVE MINUTES**
  - A. Review the minutes from the April 7th meeting.
- 3. PUBLIC PARTICIPATION**
- 4. ORDINANCE REVIEW/DISCUSSION**
  - A. Parking Regulation Ordinance
  - B. Impact Fee Ordinance
  - C. Tattoo Ordinance
- 5. OTHER BUSINESS DEEMED NECESSARY**
- 6. NEXT MEETING: June 2, 2025**
- 7. ADJOURN**

**CODE ENFORCEMENT/ORDINANCE COMMITTEE MEETING**

**April 7, 2025, 4:30 p.m.**

**City Hall, Council Chamber**

**1705 Main Street, Daphne, AL 36526**

**MEETING MINUTES**

**MEMBERS PRESENT:** Councilman Hughes, Councilman Scott, Councilman Olen and Councilman Goodlin

**MEMBERS ABSENT:** Councilwoman Conaway, Councilwoman Phillips, Councilman Coleman

**ALSO PRESENT:** Patrick Dungan, City Attorney; Alex Biscoff, Code Enforcement; Troy Strunk, City Development; Chief Tacon, Fire; Andy Bobe, City Engineer; Bobby Purvis, Public Works; Adrienne Jones, Community Development; Candace Antinarella, City Clerk; Schuyler Smith, Junior Councilmember; and Jessica Linne, Assistant City Clerk.

**1) CALL MEETING TO ORDER / ROLL CALL**

There being a quorum present Councilman Olen called the meeting to order at 4:32 p.m.

**2) APPROVE MINUTES FROM THE March 3, 2025 Meeting**

**3) PUBLIC PARTICIPATION**

**4) ORDINANCE REVIEW/DISCUSSION**

Alex Biscoff presented on the ordinance regulating parking with the City of Daphne. Council discussed. Councilman Scott asked for legal to review the changes and for this to be on the May agenda.

**5) OTHER BUSINESS DEEMED NECESSARY**

City Clerk brought up potential polling locations. Council agreed that one polling location (Daphne Civic Center) was good.

**6) NEXT MEETING**

The next meeting is scheduled for Monday, May 5, 2025 at 4:30 p.m.

**7) ADJOURN**

There being no further business to discuss, the Council adjourned at 4:50pm.

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2025-\_\_**

**AN ORDINANCE AMENDING THE CITY OF DAPHNE'S  
ORDINANCE REGULATING PARKING**

**WHEREAS**, the City Council of the City of Daphne, Alabama deems it to be in the interest of public safety and for the benefit of its citizens to provide regulations for parking within the City of Daphne; and

**WHEREAS**, the City Council, after due consideration, has determined that certain revisions to the City of Daphne Parking Ordinance, Ordinance 2006-66, as adopted on September 5, 2006, and codified at Chapter 19, Article III, Division 1 in the City's Code of Ordinances, are necessary for the proper administration of said Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** as follows:

**SECTION 1.            AMENDMENT TO SECTION 19-40: DEFINITIONS**

**Section 19-40 of the City of Daphne Code of Ordinances (adopted as Section I of Ordinance 2006-66) is hereby amended by adding the following definition:**

*Access aisle.* The hash-marked or cross-striped space that is 5 feet or 8 feet wide that is directly next to an accessible parking space, or as otherwise defined by the Americans with Disabilities Act.

**SECTION 2.            AMENDMENT TO SECTION 19-41: PARKING SPACES FOR PHYSICALLY HANDICAPPED; REGULATION**

**Section 19-41 of the City of Daphne Code of Ordinances (adopted as Section II of Ordinance 2006-66) is hereby repealed in its entirety and replaced with the following:**

- (a) It shall be unlawful for any person who does not have a distinctive special long-term access or long-term disability access license plate or placard or temporary disability placard duly issued to such person and currently in effect to park a vehicle in a parking place designated for individuals with disabilities on any public or private property within the corporate limits or police jurisdiction of the city.
- (b) It shall be unlawful for any vehicle to be parked on an access aisle on any public or private property within the corporate limits or police jurisdiction of the city.
- (c) Upon issuance of a municipal ordinance violation citation for a violation under this section, the violator shall receive a court date in the same manner as traffic citations. If the violator, or person to whom the vehicle was registered at the time the citation was issued, fails to either pay the fine prior to the court date or fails to appear in municipal court at the appointed date and time, the municipal court magistrate may issue a summons to the person or persons to whom the vehicle was registered at the time the citation was issued or the magistrate may issue an arrest warrant for the person to whom the vehicle was registered at the time the citation was issued in lieu of a summons. If a violation of a municipal parking ordinance is heard in municipal court, the municipal court judge shall impose court costs.

- (d) In any prosecution for any violation of the provisions of this section, it shall be prima facie evidence that the owner of such vehicle was operating the same at the time of such alleged violation.
- (e) Upon conviction, notwithstanding any other penalty provision which may be authorized or employed, any person violating this ordinance shall be fined a minimum of fifty dollars (\$50.00) for the first offense, a minimum of two hundred dollars (\$200.00) for the second offense, and a maximum of five hundred dollars (\$500.00) for the third or any subsequent offense. In addition, for the second or any subsequent offense under this section, the person may be ordered by the court to perform a minimum of forty (40) hours of either of the following forms of community service:
  - (1) Community service for a nonprofit organization that serves the disabled community or serves persons who have a disabling disease.
  - (2) Any other community service that may sensitize the persons to the needs and obstacles faced daily by persons who have disabilities.

**SECTION 3.            ADDITION OF NEW SECTION 19-49: NO PARKING ON SIDEWALKS; RENUMBERING OF PRIOR SECTION 19-49**

**A. Chapter 19, Article III, Division 1 of the City of Daphne Code of Ordinances is hereby amended by adding the following Section 19-49:**

**Sec. 19-49. - No parking on sidewalks.**

- (a) It shall be unlawful to park any vehicle on any sidewalk located in the City of Daphne, Alabama.
- (b) Any violation of this section shall be punishable of a fine not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), plus cost of court, and in addition thereto, the motor vehicle may be towed at the vehicle owner's expense. Each day a violation occurs shall constitute a new and separate offense.

**B. Section 19-49 of the City of Daphne Code of Ordinances (adopted as Section X of Ordinance 2006-66) is hereby renumbered as Section 19-50.**

**SECTION 4.            INCORPORATION IN THE CODE OF ORDINANCES.**

The provisions of this Ordinance shall be included in and incorporated in the Code of Ordinances of Daphne, Alabama, as an addition or amendment thereto, and shall be renumbered, if appropriate, to conform to the uniform numbering system of the Code.

**SECTION 5.            SEVERABILITY.**

The provisions, sections, paragraphs, sentences, clauses, phrases, and parts thereof of this Ordinance are severable, and if any provision, section, paragraph, sentence, clause, phrase, or part thereof of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, then such ruling shall not affect any other provision, section, paragraph, sentence, clause, phrase, or part thereof, since the same would have been enacted by the Council without the

incorporation of any such unconstitutional or invalid provision, section, paragraph, sentence, clause, phrase, or part thereof.

**SECTION 6.            EFFECTIVE DATE.**

This Ordinance shall become effective upon its adoption and publication as provided by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this the \_\_\_ day of \_\_\_\_\_, 2025.**

\_\_\_\_\_  
**Robin LeJeune, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Candace G. Antinarella, MMC, City Clerk**

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CITY OF DAPHNE  
ORDINANCE 2025-

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE 2006-66 AND  
REGULATING PARKING WITHIN THE CITY OF DAPHNE**

**WHEREAS**, the City Council of the City of Daphne, Alabama deems it to be in the interest of public safety and for the benefit of its citizens to provide regulations for parking within the City of Daphne; and,

**WHEREAS**, the City Council of the City of Daphne wishes to promote the health welfare and safety of the citizens of the City of Daphne through proper regulation of parking in the City of Daphne; and

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:**

**SECTION I: DEFINITIONS**

A. For the purposes of this ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in this ordinance:

- 1). **Vehicle**: The term vehicle shall mean any machine propelled by power other than human power designed to travel along the ground or through or upon water by use of wheels, treads, runners, slides, wings or hulls for the purpose of transporting persons or property or pulling non-self propelled vehicles or machinery. This shall include, but not be limited to, automobiles, boats, trucks, trailers, motorcycles, motor driven cycles, motor scooters, mopeds, tractors, recreational vehicles and all terrain vehicles.
- 2). **Public Parking Area**: Any area designated for parking of vehicles whether or not located on public property or on private property if the area is open for public use.

**SECTION II: PARKING SPACES FOR PHYSICALLY HANDICAPPED;  
REGULATION**

~~A. The city street superintendent is hereby authorized to establish parking spaces on public property within any city block for the exclusive parking of motor vehicles of physically handicapped persons.~~

~~B. On private property, the designation of exclusive parking for motor vehicles of handicapped persons shall be a voluntary action by the property owner or lessee.~~

~~Where such parking is designated, and parking spaces shall be properly identified with signs which conform to the requirements of this section, violations by unauthorized persons shall be enforced by the police department. It shall be the responsibility of the property owner, lessee or designated agent to notify the police department by telephone or other appropriate means that enforcement is required when violation is observed or reported.~~

- ~~C. Vehicles which bear current license plates of the state to which the authorized handicapped insignia decal is affixed are eligible to utilize those handicapped parking spaces created by this section. Additionally, vehicles which display the four-inch by eight-inch handicapped parking placard issued by the State of Alabama Department of Revenue, or by any other official state agency other than Alabama, on the dashboard are authorized to use parking spaces for physically handicapped persons. Either the handicapped license decal or the parking placard shall be acceptable identification for the use of designated handicapped parking spaces within the city.~~
  - ~~D. The handicapped parking permit shall in no way exempt the operator of motor vehicles from compliance with any other ordinance or law prohibiting the standing, stopping or parking of motor vehicles upon any public street.~~
  - ~~E. On public property, parking spaces reserved for handicapped use will be identified by a traffic control sign which conforms to the Manual on Uniform Traffic Control Devices, as revised, and also words "by permit only." To be eligible for enforcement provided by this section, property owners or lessees must display the approved sign on each parking space reserved for handicapped. Such signs shall be purchased from the city traffic engineer and shall be erected by the property owner or lessee.~~
  - ~~F. It shall be unlawful for any person to park any vehicle not displaying either the special permit provided for herein or the approved Alabama vehicular license plate in an area designated for handicapped parking.~~
  - ~~G. In any prosecution for any violation of the provisions of this section, it shall be prima facie evidence that the owner of such vehicle was operating the same at the time of such alleged violation, or, in the case of parking overtime, that the owner parked the vehicle and caused it to be parked overtime.~~
  - ~~H. Any violation of this Section shall be punishable of a fine of not less than \$25.00, nor more than \$100.00, plus cost of court, and in addition thereto, the motor vehicle may be towed at the vehicle owner's expense.~~
- (a) This section 19-41 shall apply to all of the Daphne corporate limits and the police jurisdiction. Enforcement of this section shall be performed by the Daphne Police Code Enforcement or any Daphne Police Officer.

- (b) It shall be unlawful for any person who does not have a distinctive special long-term access or long-term disability access license plate or placard or temporary disability placard duly issued to such person and currently in effect to park a vehicle in a parking place designated for individuals with disabilities on any public or private property within the corporate limits or police jurisdiction of the City of Daphne. Upon conviction, notwithstanding any other penalty provision which may be authorized or employed, shall be fined a minimum of fifty dollars (\$50.00) for the first offense, a minimum of two hundred dollars (\$200.00) for the second offense, and a maximum of five hundred dollars (\$500.00) for the third or any subsequent offense. In addition, for the second or any subsequent offense under this section, the person may be ordered by the court to perform a minimum of forty (40) hours of either of the following forms of community service:
  - (1) Community service for a nonprofit organization that serves the disabled community or serves persons who have a disabling disease.
  - (2) Any other community service that may sensitize the persons to the needs and obstacles faced daily by persons who have disabilities.
- (c) Code Enforcement Officers or any Daphne Police Officer are authorized to ticket vehicles parked on access aisles. "Access aisles" are defined as the hash-marked or cross-striped space that is 5 feet or 8 feet wide that is directly next to the accessible parking space. "Access aisle" also has the same definition as contained within the 2010 Accessible Design Standards within the ADA.
- (d) Upon issuance of a municipal ordinance violation citation for a parking violation under this section, the violator shall receive a court dated in the same manner as traffic citations. If the violator, or person to whom the vehicle was registered at the time the citation was issued, fails to either pay the fine prior to the court date or fails to appear in municipal court at the appointed date and time, the municipal court magistrate may issue a summons to the person or persons to whom the vehicle was registered at the time the citation was issued or the magistrate may issue an arrest warrant for the person to whom the vehicle was registered at the time the citation was issued in lieu of a summons. If a violation of a municipal parking ordinance is heard in municipal court, the municipal court judge shall impose court costs.
- (e) In any prosecution for any violation of the provisions of this section, it shall be prima facie evidence that the owner of such vehicle was operating the same at the time of such alleged violation, or, in the case of parking overtime, that the owner parked the vehicle and caused it to be parked overtime.

**SECTION III: TOW-AWAY ZONES**

- A. There are hereby created on certain streets where no parking shall be allowed and designated as "Tow-Away Zones."
- B. The City Council shall establish the location of said "Tow-Away Zones," by passage of appropriate ordinance.
- C. All "Tow-Away Zones" shall be marked by signs at the beginning and end of said zones along said streets.
- D. Any violation of this Section shall be punishable of a fine of not less than \$25.00,

nor more than \$100.00, plus cost of court, and in addition thereto, the motor vehicle may be towed at the vehicle owner's expense.

**SECTION IV: NO PARKING AREAS**

- A. There are hereby created areas on certain streets where no parking shall be allowed, and said areas shall be designated "No Parking Areas."
- B. The Public Works Director or his designee shall establish the location of the "No Parking Areas."
- C. All "No Parking Areas" shall be marked by signs at the beginning and end of each area on each street.
- D. Any violation of this Section shall be punishable of a fine of not less than \$25.00, nor more than \$100.00, plus cost of court, and in addition thereto, the motor vehicle may be towed at the vehicle owner's expense.

**SECTION V: PARKING NEAR INTERSECTIONS; EXCEPTIONS; PENALTIES**

- A. It shall be unlawful to park a vehicle on any city street parallel to the street centerline and nearer than twenty-five (25) feet to the corner of the intersection of any other street or alley
- B. It shall be unlawful to park a vehicle in any such manner as to obscure the view of any other vehicle within one hundred (100) feet of the center of the intersection, provided, however, that the foregoing shall not apply to any intersection controlled by automated traffic signals while such signals are in operation; nor shall it apply to any vehicle properly parked in an officially designated, marked parking space.
- C. Any violation of this Section shall be punishable of a fine of not less than \$25.00, nor more than \$100.00, plus cost of court, and in addition thereto, the motor vehicle may be towed at the vehicle owner's expense.

**SECTION VI: PARKING NEAR FIRE PLUGS**

- A. It shall also be unlawful for any person to park a vehicle on any public street, public parking area or public right-of-way within fifteen (15) feet of any fire plug located within the city limits of the City of Daphne.
- B. Any violation of this Section shall be punishable of a fine of not less than \$25.00, nor more than \$100.00, plus cost of court, and in addition thereto, the motor vehicle may be towed at the vehicle owner's expense.

**SECTION VII: NO PARKING OF VEHICLES FOR SALE**

- A. It shall be unlawful for any business, corporation, partnership and/or individual to park a vehicle with any type of sign or marking which suggests or indicates that said vehicle is for sale, upon any right-of-way, median, street, public alley, public parking area or private parking area dedicated for public use located within the city limits of the City of Daphne.
- B. It shall be unlawful for any private property owner, tenant and/or lessee not otherwise exempted herein and who is not licensed as a car dealer to sell new or used vehicles within the City of Daphne to have or maintain more than one vehicle of any kind with a “for sale” sign on a said vehicle.
- C. Subject to the foregoing paragraphs (a) and (b), of this Section, the following constitute exceptions to this Ordinance:
  - 1). Any dealer licensed to sell new and/or used vehicles in the City of Daphne shall have the right to keep such vehicles on their business premises with signs advertising the same for sale.
  - 2). Any vehicle may be parked unattended by the owner, lessee and/or driver thereof upon any premises, whether residential or commercial, for which the owner, lessee and/or driver thereof is an agent, employee, customer or invitee upon said premises and may leave said vehicle unattended upon the premises for any reasonable period of time for the purpose of employment or as a customer or invitee or for any other legitimate purpose provided that the same is not solely incident to or for the purpose of sale of said vehicle.
  - 3). Any private noncommercial owner or lessee of any real property within the city limits of the City of Daphne shall be limited to having no more than one vehicle of any kind with a “for sale” sign or other sign placed on the vehicle which suggests or otherwise indicates that the said vehicle is for sale.
- D. Any vehicle found in violation of this section ordinance shall be towed at the vehicle owner’s expense.
- F. Any violation of this Section shall be punishable of a fine of not less than \$25.00 nor more than \$500.00, plus cost of court and sentenced to not more than three (3) months in the municipal jail or both at the discretion of the municipal judge. Each day a violation occurs shall constitute a new and separate offense.

**SECTION VIII: FIRE LANES**

- A. There are hereby created areas on certain streets, public parking areas, and public rights of way within the city where no parking shall be allowed, and said areas shall be designated as “Fire Lanes.”
- B. “Fire Lanes” shall be established by the Daphne Fire Chief or his designee.
- C. All “Fire Lanes” shall be marked by signs at the beginning and end of said lanes.
- D. Any violation of this Section shall be punishable of a fine of not less than \$25.00, nor more than \$100.00, plus cost of court, and in addition thereto, the motor vehicle may be towed at the vehicle owner’s expense.

**SECTION IX: MEDIANS**

- A. It shall be unlawful to park any vehicle on any median located in the City of Daphne, Alabama, whether such median is posted as such or not.
- B. It shall be unlawful for a vehicle to cross any median located in the city with exception being, the foregoing shall not apply to any vehicle crossing at a lawfully designated and maintained median cut.
- C. Any violation of this Section shall be punishable of a fine not less than \$25.00, nor more than \$100.00, plus cost of court, and in addition thereto, the motor vehicle may be towed at the vehicle owner’s expense. Each day a violation occurs shall constitute a new and separate offense.

**SECTION X: PENALTY**

Any person charged with a violation of any Section of this Ordinance may waive court appearance by paying the designated fine for said violations directly to the Municipal Court Magistrate of the City of Daphne,Alabama.

**SECTION XI: SEVERABILITY**

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid, then such portions shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION XII: REPEALER**

That Ordinance No’s: 1990-04, 1990-13 and 2003-25 be and are hereby repealed in their entirety. Any other city Ordinances or parts thereof in conflict

with the provisions of this Ordinance, in so far as they conflict, are hereby repealed to the extent of conflict.

**SECTION XIII: EFFECTIVE DATE.**

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

\_\_\_\_\_  
**Robin LeJeune, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Candace G. Antinarella, MMC, City Clerk**

**Parking Complaints and Citations Issued**  
**Date Range: 01/01/2024-04/01/2025**

Complaints received to Dispatch: 129

Parking complaints handled by Code Enforcement: 66

State parking tickets issued: 17

MOT Parking tickets issued: 6

Total: 23

Breakdown of Citations:

- Fire lane – 1
- Parking on Highway – 1
- Improper Parking – 1
- Handicap - 20



**CITY OF DAPHNE  
ORDINANCE NO. 2006-66**

**AN ORDINANCE REGULATING PARKING WITHIN  
THE CITY OF DAPHNE**

**WHEREAS**, the City Council of the City of Daphne, Alabama deems it to be in the interest of public safety and for the benefit of its citizens to provide regulations for parking within the City of Daphne; and,

**WHEREAS**, the City Council of the City of Daphne wishes to promote the health welfare and safety of the citizens of the City of Daphne through proper regulation of parking in the City of Daphne; and

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:**

**SECTION I: DEFINITIONS**

A. For the purposes of this ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in this ordinance:

- 1). **Vehicle**: The term vehicle shall mean any machine propelled by power other than human power designed to travel along the ground or through or upon water by use of wheels, treads, runners, slides, wings or hulls for the purpose of transporting persons or property or pulling non-self propelled vehicles or machinery. This shall include, but not be limited to, automobiles, boats, trucks, trailers, motorcycles, motor driven cycles, motor scooters, mopeds, tractors, recreational vehicles and all terrain vehicles.
- 2). **Public Parking Area**: Any area designated for parking of vehicles whether or not located on public property or on private property if the area is open for public use.

**SECTION II: PARKING SPACES FOR PHYSICALLY HANDICAPPED;  
REGULATION**

- A. The city street superintendent is hereby authorized to establish parking spaces on public property within any city block for the exclusive parking of motor vehicles of physically handicapped persons.
- B. On private property, the designation of exclusive parking for motor vehicles of handicapped persons shall be a voluntary action by the

property owner or lessee. Where such parking is designated, and parking spaces shall be properly identified with signs which conform to the requirements of this section, violations by unauthorized persons shall be enforced by the police department. It shall be the responsibility of the property owner, lessee or designated agent to notify the police department by telephone or other appropriate means that enforcement is required when violation is observed or reported.

- C. Vehicles which bear current license plates of the state to which the authorized handicapped insignia decal is affixed are eligible to utilize those handicapped parking spaces created by this section. Additionally, vehicles which display the four-inch by eight-inch handicapped parking placard issued by the State of Alabama Department of Revenue, or by any other official state agency other than Alabama, on the dashboard are authorized to use parking spaces for physically handicapped persons. Either the handicapped license decal or the parking placard shall be acceptable identification for the use of designated handicapped parking spaces within the city.
- D. The handicapped parking permit shall in no way exempt the operator of motor vehicles from compliance with any other ordinance or law prohibiting the standing, stopping or parking of motor vehicles upon any public street.
- E. On public property, parking spaces reserved for handicapped use will be identified by a traffic control sign which conforms to the Manual on Uniform Traffic Control Devices, as revised, and also words "by permit only." To be eligible for enforcement provided by this section, property owners or lessees must display the approved sign on each parking space reserved for handicapped. Such signs shall be purchased from the city traffic engineer and shall be erected by the property owner or lessee.
- F. It shall be unlawful for any person to park any vehicle not displaying either the special permit provided for herein or the approved Alabama vehicular license plate in an area designated for handicapped parking.
- G. In any prosecution for any violation of the provisions of this section, it shall be prima facie evidence that the owner of such vehicle was operating the same at the time of such alleged violation, or, in the case of parking overtime, that the owner parked the vehicle and caused it to be parked overtime.
- H. Any violation of this Section shall be punishable of a fine of not less than \$25.00, nor more than \$100.00, plus cost of court, and in addition thereto, the motor vehicle may be towed at the vehicle owner's expense.

### **SECTION III: TOW-AWAY ZONES**

- A. There are hereby created on certain streets where no parking shall be allowed and designated as "Tow-Away Zones."
- B. The City Council shall establish the location of said "Tow-Away Zones," by passage of appropriate ordinance.
- C. All "Tow-Away Zones" shall be marked by signs at the beginning and end of said zones along said streets.
- D. Any violation of this Section shall be punishable of a fine of not less than \$25.00, nor more than \$100.00, plus cost of court, and in addition thereto, the motor vehicle may be towed at the vehicle owner's expense.

### **SECTION IV: NO PARKING AREAS**

- A. There are hereby created areas on certain streets where no parking shall be allowed, and said areas shall be designated "No Parking Areas."
- B. The Public Works Director or his designee shall establish the location of the "No Parking Areas."
- C. All "No Parking Areas" shall be marked by signs at the beginning and end of each area on each street.
- D. Any violation of this Section shall be punishable of a fine of not less than \$25.00, nor more than \$100.00, plus cost of court, and in addition thereto, the motor vehicle may be towed at the vehicle owner's expense.

### **SECTION V: PARKING NEAR INTERSECTIONS; EXCEPTIONS; PENALTIES**

- A. It shall be unlawful to park a vehicle on any city street parallel to the street centerline and nearer than twenty-five (25) feet to the corner of the intersection of any other street or alley
- B. It shall be unlawful to park a vehicle in any such manner as to obscure the view of any other vehicle within one hundred (100) feet of the center of the intersection, provided, however, that the foregoing shall not apply to any intersection controlled by automated traffic signals while such signals are in operation; nor shall it apply to any vehicle properly parked in an officially designated, marked parking space.
- C. Any violation of this Section shall be punishable of a fine of not less than \$25.00, nor more than \$100.00, plus cost of court, and in addition thereto,

the motor vehicle may be towed at the vehicle owner's expense.

**SECTION VI: PARKING NEAR FIRE PLUGS**

- A. It shall also be unlawful for any person to park a vehicle on any public street, public parking area or public right-of-way within fifteen (15) feet of any fire plug located within the city limits of the City of Daphne.
- B. Any violation of this Section shall be punishable of a fine of not less than \$25.00, nor more than \$100.00, plus cost of court, and in addition thereto, the motor vehicle may be towed at the vehicle owner's expense.

**SECTION VII: NO PARKING OF VEHICLES FOR SALE**

- A. It shall be unlawful for any business, corporation, partnership and/or individual to park a vehicle with any type of sign or marking which suggests or indicates that said vehicle is for sale, upon any right-of-way, median, street, public alley, public parking area or private parking area dedicated for public use located within the city limits of the City of Daphne.
- B. It shall be unlawful for any private property owner, tenant and/or lessee not otherwise exempted herein and who is not licensed as a car dealer to sell new or used vehicles within the City of Daphne to have or maintain more than one vehicle of any kind with a "for sale" sign on a said vehicle.
- C. Subject to the foregoing paragraphs (a) and (b), of this Section, the following constitute exceptions to this Ordinance:
  - 1). Any dealer licensed to sell new and/or used vehicles in the City of Daphne shall have the right to keep such vehicles on their business premises with signs advertising the same for sale.
  - 2). Any vehicle may be parked unattended by the owner, lessee and/or driver thereof upon any premises, whether residential or commercial, for which the owner, lessee and/or driver thereof is an agent, employee, customer or invitee upon said premises and may leave said vehicle unattended upon the premises for any reasonable period of time for the purpose of employment or as a customer or invitee or for any other legitimate purpose provided that the same is not solely incident to or for the purpose of sale of said vehicle.
  - 3). Any private noncommercial owner or lessee of any real property within the city limits of the City of Daphne shall be limited to having no more than one vehicle of any kind with a "for sale" sign or other sign placed on the vehicle which suggests or otherwise indicates

that the said vehicle is for sale.

- D. Any vehicle found in violation of this section ordinance shall be towed at the vehicle owner's expense.
- F. Any violation of this Section shall be punishable of a fine of not less than \$25.00 nor more than \$500.00, plus cost of court and sentenced to not more than three (3) months in the municipal jail or both at the discretion of the municipal judge. Each day a violation occurs shall constitute a new and separate offense.

**SECTION VIII: FIRE LANES**

- A. There are hereby created areas on certain streets, public parking areas, and public rights of way within the city where no parking shall be allowed, and said areas shall be designated as "Fire Lanes."
- B. "Fire Lanes" shall be established by the Daphne Fire Chief or his designee.
- C. All "Fire Lanes" shall be marked by signs at the beginning and end of said lanes.
- D. Any violation of this Section shall be punishable of a fine of not less than \$25.00, nor more than \$100.00, plus cost of court, and in addition thereto, the motor vehicle may be towed at the vehicle owner's expense.

**SECTION IX: MEDIANS**

- A. It shall be unlawful to park any vehicle on any median located in the City of Daphne, Alabama, whether such median is posted as such or not.
- B. It shall be unlawful for a vehicle to cross any median located in the city with exception being, the foregoing shall not apply to any vehicle crossing at a lawfully designated and maintained median cut.
- C. Any violation of this Section shall be punishable of a fine not less than \$25.00, nor more than \$100.00, plus cost of court, and in addition thereto, the motor vehicle may be towed at the vehicle owner's expense. Each day a violation occurs shall constitute a new and separate offense.

**SECTION X: PENALTY**

Any person charged with a violation of any Section of this Ordinance may waive court appearance by paying the designated fine for said violations directly to the Municipal Court Magistrate of the City of Daphne, Alabama.

**SECTION XI: SEVERABILITY**

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid, then such portions shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION XII: REPEALER**

That Ordinance No's: 1990-04, 1990-13 and 2003-25 be and are hereby repealed in their entirety. Any other city Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed to the extent of conflict.

**SECTION XIII: EFFECTIVE DATE.**

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 5<sup>TH</sup> DAY OF SEPTEMBER, 2006.**

  
\_\_\_\_\_  
**GREG BURNAM**  
**CITY COUNCIL PRESIDENT**

Date & Time Signed: 9-5-06 7:55 p.m.

  
\_\_\_\_\_  
**FRED SMALL**  
**MAYOR**

Date & Time Signed: 9-5-06 10:11

**ATTEST:**

  
\_\_\_\_\_  
**DAVID COHEN**  
**CITY CLERK, MMC**

**Option 1:** Remove Grandfather Provision; Keep Effective Date Immediate (All building permits applied for after adoption of ordinance are subject to Impact Fee; no grandfathering.)

**Section 18.** ~~[Intentionally Deleted] Grandfathered Developments. Impact Fees authorized by this Ordinance shall not be imposed upon any development that has obtained PUD approval, preliminary plat approval, or site plan approval by the City prior to the adoption of this Ordinance.~~

...

**Section 20.** **Effective Date.** This Ordinance shall be effective from and after its adoption by Council and publication as required by law.

**Option 2:** Remove Grandfather Provision, but push Effective Date back 6-18 months (All building permits applied for after Effective Date of ordinance are subject to Impact Fee, regardless of timing of approvals or identity of applicant.)

**Section 18.** ~~[Intentionally Deleted] Grandfathered Developments. Impact Fees authorized by this Ordinance shall not be imposed upon any development that has obtained PUD approval, preliminary plat approval, or site plan approval by the City prior to the adoption of this Ordinance.~~

...

**Section 20.** **Effective Date.** This Ordinance shall ~~take effect~~ ~~be effective from~~ and ~~be in force commencing~~ [January 1, 2026 OR July 1, 2026 OR January 1, 2027], ~~after its adoption by Council~~ and following publication as required by law.

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2025-07**

**AN ORDINANCE ESTABLISHING IMPACT FEES  
ON NEW DEVELOPMENT IN THE CITY OF DAPHNE**

**WHEREAS**, in accordance with Act 2006-300, as codified at §§ 45-2-243.80–243.87, *Code of Alabama* (1975) (the “Act”), the City of Daphne (the “City”) is authorized by the Legislature of the State of Alabama to adopt and impose impact fees on new development within the City’s corporate limits.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:**

**Section 1. Findings.** In support of the adoption and imposition of impact fees authorized by the Act, the City Council makes the following findings:

- A. The City is a municipal corporation vested with a portion of the state’s sovereign power to protect and provide for the public health, safety, and welfare. The City is authorized to adopt and implement comprehensive plans, zoning ordinances, and other land use regulations to assure its orderly development.
- B. The City is a fast-growing community of over 30,000 full time residents. In calendar years 2023-24, approximately 1,462 new building permits and renovation permits were issued.
- C. The City encourages development that will make the City a vital, attractive community to serve both residents of the City and the substantial and significant number of visitors who visit the City on a yearly basis.
- D. New residential and nonresidential development, however, imposes increased and excessive demands upon public facilities. As demand for public facilities has increased, funding sources for those facilities have decreased at both the state and federal level. In addition, demand for new facilities necessitated by new development impairs the ability of the City to maintain existing facilities because funds must be diverted to construction or expansion of new facilities.
- E. The City’s current Comprehensive Plan, *Envision Daphne 2042*, projects that new development will continue and will place ever-increasing demands on the City to provide public facilities to serve new development.
- F. Following the adoption of the Act by the Legislature of the State of Alabama, the City engaged the consulting firm TischlerBise for purposes of preparing an impact fee study. With input from the City, TischlerBise prepared an “Impact Fee Study” for the City dated January 31, 2025 (the “Study”).
- G. The Study demonstrates the monetary needs of the City in adding the additional governmental infrastructure necessary to keep pace with the City’s growth.
- H. In accordance with Alabama Code § 45-2-243.86, a public meeting during a Work Session of the City Council was held on January 13, 2025, at City Hall with a representative of TischlerBise to present the Study to the Council and the public and to address the City’s governmental infrastructure needs as a result of new development. A public hearing was

held on [\_\_\_\_\_], 2025, to give the public the opportunity to provide additional comments.

- I. To the extent that new development places demands upon public facilities, those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the public to the development creating the demands.
- J. An impact fee, established in accordance with this Ordinance, will benefit new development.

**Section 2. Authorization.** This Ordinance is adopted pursuant to the Act and the City’s general police power and land use authority.

**Section 3. Purpose and Intent.** The purpose of this Ordinance is to establish procedures to:

- A. determine what local capital improvements are reasonably necessary to serve New Development and the cost thereof;
- B. determine the portion of the demand for local capital improvements created by particular types of New Development; and
- C. assess against New Development an Impact Fee to finance the cost of local capital improvements proportional to the New Development’s demand for said capital improvements.

**Section 4. Definitions.** Whenever used in this Ordinance, the following capitalized words, terms, and phrases, and their derivations, shall have the meanings ascribed to them below except where the context clearly indicates a different meaning:

- i. “Act” shall mean the enabling legislation for Impact Fees applicable to Baldwin County, Alabama as established by the Alabama Legislature and set forth in Alabama Code §§ 45-2-243.80 through 45-2-243.87 (Act 2006-300), as the same may hereafter be altered or amended from time to time.
- ii. “All Other Housing” means residential housing units and/or structures other than single-family residential structures, and includes, without limitation, duplexes, triplexes, apartments, condominiums and other multi-family developments.
- iii. “Applicant” shall mean any person or entity making an application for a Building Permit with the City.
- iv. “Benefit Area” means one or more areas as defined herein which are used to calculate the costs and expenses relative to the Governmental Infrastructure needs created by a particular type of New Development.
- v. “Building Department” means the City’s Building and Inspection Department.
- vi. “Building Permit” means a document issued by the City authorizing construction of new buildings and/or improvements within the City’s corporate limits.
- vii. “Business Park” means a cluster of associated businesses, usually in a campus setting, typically consisting of the use of buildings for the administration of business, professional firms and other organizations.

- viii. “Calculate” means to determine the amount of the Impact Fees assessed against a particular New Development in accordance with the terms and conditions of this Ordinance and the Act.
- ix. “City” means the City of Daphne, Alabama.
- x. “Com/Shop Ctr” means a building or series of buildings in which retail and/or wholesale sales and services will be delivered to the public.
- xi. “Estimated Fair and Reasonable Market Value” shall have the meaning ascribed to such term in Alabama Code § 45-2-243.84.
- xii. “Fire” means a Benefit Area for (i) the construction, development and/or improvement of fire stations, (ii) the acquisition of fire fighting vehicles, (iii) the acquisition of firefighting apparatus, and (iv) the fire component of the Study and/or any other impact fee study obtained by the City in connection with the imposition of Impact Fees.
- xiii. “Governmental Infrastructure” shall have the meaning ascribed to such term in the Act.
- xiv. “Impact Fee” shall have the meaning ascribed to such term in the Act.
- xv. “Impact Fee Account” means a special interest-bearing account of the City established by the City at a banking institution whose deposits are insured by the Federal Deposit Insurance Corporation.
- xvi. “Impact Fee Committee” means a committee chaired by the Mayor and comprised of the Mayor, the City Finance Director, the City Building Official, the City Public Works Director, the Chief of the Daphne Fire Department, the Chief of the Daphne Police Department, and the City’s Director of Parks and Recreation.
- xvii. “Impact Fee Schedule” means the schedule of fees adopted by the Council setting the base fee amount for each Benefit Area and the total Impact Fee for each type of New Development, which schedule is attached hereto as **Exhibit A** and incorporated herein by reference.
- xviii. “Light Industrial” means facilities used for the manufacturing or assembly of products to their final form. These uses could be enclosed or could have outside storage of equipment, materials or merchandise. In addition to the actual production of goods, industrial facilities generally also have incidental office, warehouse and associated functions.
- xix. “Lodging” means a building or group of buildings having five (5) or more guest rooms under a common or individual ownership and single management. These buildings are designed to give, for a fee, transient guests sleeping accommodations and may include as incidental uses, restaurants, cafes, lounges or other guest services. These buildings typically, but do not necessarily have to, have an inner lobby and furnish a room cleaning service for their paying customers.
- xx. “Manufacturing” means a building or series of buildings for businesses engaged in economic activity involving construction, production, processing, transformation, warehousing, wholesale, and disposal of goods, products and component parts of goods and products, including related services.
- xxi. “New Development” shall mean the subdivision of land, the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any

structure; any use of the extension of the use of land; any of which increases the demand on governmental infrastructure.

- xxii. “Nonresidential Development Project” means all New Development in the City other than Residential Development Projects, and shall include, without limitation, any New Development project consisting of one or any combination of Comm/Shop Ctr, Office/Inst, Business Park, Light Industrial, Warehousing, Manufacturing and Lodging.
- xxiii. “Occupancy classification” means the intended use of a structure or tenant spaces within a structure as defined by the International Building Code.
- xxiv. “Office/Inst” means a building used for professional, administrative, financial, clerical and similar uses. This definition includes, without limitation, institutional uses such as churches, schools, hospitals, libraries, clubs, police and fire stations and other public buildings.
- xxv. “Parks and Recreation” means a Benefit Area for (i) the acquisition of new public park lands, (ii) the construction, development and/or improvement of public recreational facilities, (iii) the construction, development and/or improvement of public park amenities, (iv) the acquisition of new park vehicles, and (v) the parks and recreation component of the Study and/or any other impact fee study obtained by the City in connection with the imposition of Impact Fees.
- xxvi. “Police” means a Benefit Area for (i) the cost recovery of the City’s cost and expense related to the construction, development and improvement of its justice center, (ii) the cost recovery of the City’s cost and expense related to the construction, development and improvement of its animal shelter, (iii) the acquisition of police vehicles, and (iv) the acquisition of police-related apparatus and equipment, and (v) the police component of the Study and/or any other impact fee study obtained by the City in connection with the imposition of Impact Fees.
- xxvii. “Residential Development Project” means any New Development in the City undertaken with respect to a Single-Family development and/or an All Other Housing development.
- xxviii. “Single Family” means a detached residential dwelling unit designed for and occupied by one family as a home.
- xxix. “Transportation” means a Benefit Area for the cost of intersection improvements made to address additional demand generated by New Development.
- xxx. “Warehousing” means the storage of materials, but may also include incidental office and maintenance areas.

**Section 5. Imposition of Impact Fees.** The City hereby imposes an Impact Fee in accordance with the Impact Fee Schedule against all New Development and renovation or expansion of existing structures within the City’s corporate limits subject to any limitations on the amount of the Impact Fee set forth in the Act. In the event any appraisal process is commenced in accordance with the Act, the City shall be responsible for the cost of any appraisal required by the City, and the City and the Applicant shall share equally in the cost of any appraisal obtained at the request of both the City and the Applicant. This Ordinance and/or the Impact Fee Schedule may be amended at any time hereafter and from time to time by the Council in accordance with the

procedure set forth in the Act for the adoption of an Impact Fee. The Impact Fee shall be collected and administered as hereinafter provided.

**Section 6. Calculation and Collection of Impact Fees.** Impact Fees may be imposed on New Development or renovation or expansion of existing structures as defined in Section 8 hereof, and subject to any limitations on the imposition and collection thereof in the Act. Impact Fees shall be Calculated using either 1% of the combined construction and land cost, or per the fees listed in **Exhibit A**, and the lesser of the two calculations will apply. Land cost will not be assessed or added to renovation, expansion, or change in occupancy classification of existing structures. Fees shall be collected by the Building Department prior to the issuance of a Building Permit for New Development and in accordance with the Impact Fee Schedule. Except as is hereafter provided in Section 14 hereof, all Impact Fees shall be paid by an Applicant to the City in cash or other immediately available funds.

**Section 7. No Additional Capacity.** No Impact Fee may be assessed for or expended upon the construction, improvement, operation or maintenance of any Governmental Infrastructure that does not create additional capacity for use by the general public. The following shall be exempt from the payment of impact fees:

- A. Alteration or expansion of an existing dwelling unit which does not result in any additional dwelling units or increase in the number of families for which such dwelling unit is arranged, designed or intended to accommodate for the purposes of living quarters.
- B. The replacement of a building or dwelling unit where no additional square footage or dwelling units are created and when the existing and replacement or dwelling unit are located on the same lot. To be eligible for this exemption, official evidence such as, but not limited to, aerial photos, property surveys, Revenue Commission property appraiser data, or building permit data must be provided that confirms a building of equivalent use existed within the parcel boundaries in which the replacement structure is to be located.

**Section 8. Change in Size and Use.** An impact fee shall be imposed and calculated for alteration, expansion or replacement of a building if the alteration, expansion or replacement of a building results in a use that it is determined to generate greater impact than the present under the applicable fee rate schedule. Impact fee shall be calculated as follows:

- A. If the impact fee is based on a per dwelling unit method, the impact fee shall be the amount due under the applicable impact fee rate schedule, less the calculated impact fee applicable prior to the alteration, expansion or replacement.
- B. If the impact fee is based on the square footage method, the impact fee due for the increased square footage shall be calculated by determining the impact fee due according to the square footage resulting from the alteration, expansion or replacement, less the impact fee that would have been imposed for the original square footage prior to the alteration, expansion or replacement.
- C. All single family residential fees in the fee schedule are based on an assumed 3-bedroom home. If the replacement structure has an increase in the number of bedrooms or sleeping rooms as defined by the City of Daphne Building Code Supplement, any partial impact fee will be calculated on a percentage basis based on the increased number of sleeping rooms within the structure.

- D. If a building is demolished in preparation of a new structure, a pre-demolition inspection will be performed to determine the number of sleeping rooms in the existing structure to establish the baseline for the calculation of any partial impact fee imposed.
- E. All changes in use or Occupancy classification as defined by the International Building Code will be subject to full impact fees calculated at the new construction fee based of Occupancy classification. Credit will be given for the calculation of the new construction fee of the previous building based on Occupancy Classification.

**Section 9. Nature of Impact Fee.** An Impact Fee is both a personal liability of the Applicant and a lien upon the real property upon which the New Development is to be constructed and/or improved. Said lien may be foreclosed upon in accordance with the procedure for the foreclosure of real estate mortgages in the State of Alabama.

**Section 10. Refund of Impact Fee.** Except as is specifically required by the Act, Impact Fees are not refundable, unless the applicable Building Permit is voided in writing by the Applicant and no construction or construction-related activities have taken place. In the event a refund is made pursuant to the foregoing sentence, a processing fee of five hundred and no/100 dollars (\$500.00) shall be withheld by the City from any such refund.

**Section 11. Impact Fee Amounts.** The funds collected pursuant to this Ordinance shall be deposited into the Impact Fee Account. The funds of the Impact Fee Account shall not be commingled with other funds of the City. The City shall separately account for fees collected for the Benefit Areas of Parks and Recreation, Fire, Police and Transportation. In the event that less than the full Impact Fee is assessed for any reason, including, without limitation, any cap on such fee contained in the Act, said partial Impact Fee shall be allocated to the applicable Benefit Areas in the same proportion as the full Impact Fee would be allocated to and among the applicable Benefit Areas.

**Section 12. Use of Impact Fees.** Impact Fees may be expended only for the Benefit Area for which they were imposed, calculated, and collected and according to the time limits and procedures established in this Ordinance and the Act, if any. All impact fees collected for a Benefit Area must be spent in that Benefit Area. Impact Fees generated by this Ordinance may be used for any purpose permitted by the Act.

**Section 13. Time Limitations on Use of Impact Fees.** The City shall expend or contract for the expenditure of all Impact Fees collected in accordance with this Ordinance within any time periods set forth in the Act; provided, however, that in the event the Act does not impose any limitation on the timing of the expenditure of Impact Fees, then the City shall have no obligation to expend any Impact Fees within any specific period of time. In the event it becomes necessary for the City to refund any Impact Fees due to the failure to expend or contract for the expenditure of such Impact Fees within a given period of time as required by the Act, the City shall refund such Impact Fees to the Applicant who paid such Impact Fees.

Notwithstanding anything contained herein to the contrary, no party entitled to a refund of any Impact Fee hereunder shall be entitled to any interest on said refunded Impact Fee.

**Section 14. Appeals.** In the event the Building Department and an Applicant are unable to agree upon the Estimated Fair and Reasonable Value following the appraisal process set forth in Alabama Code § 45-2-243.84, the Applicant against which an Impact Fee has been assessed may pay the Impact Fee as Calculated by the Building Department and preserve the right to appeal the

amount of the Impact Fee by submitting with payment a written statement that payment is made “under protest” or that includes other language that would notify a reasonable person that the Applicant intends to preserve its right of appeal. Any Applicant intending to appeal the Calculation of an Impact Fee must file said appeal in writing with the City Clerk of the City within thirty (30) days of the last to occur of the Calculation of the Impact Fee by the Building Department and the payment of the Impact Fee by the Applicant to the City. In the written appeal provided to the City Clerk by the Applicant, the Applicant shall set forth enough detail to allow the City to reasonably determine the basis for the Applicant’s appeal. All appeals of Impact Fee assessments shall be heard by the Council at a regularly held meeting of the Council within thirty (30) days of the date of the filing of the notice of appeal by the Applicant with the City Clerk. At such appeal hearing, the Applicant and the City shall have the right to present evidence relative to the establishment of the Estimated Fair and Reasonable Market Value of a New Development. In making such presentations, each of the Applicant and the City shall be limited to fifteen (15) minutes for the presentation of such evidence. Thereafter, a majority decision by the Council shall be required to overturn the decision of the Building Department with regard to the Calculation of the applicable Impact Fee.

**Section 15. Review of Impact Fee Structure.** The Impact Fee Committee shall report at least once every three (3) years to the Council with:

- A. recommendations, if any, for amendments to this Ordinance;
- B. proposals identifying capital improvements to be funded in whole or in part by the Impact Fees collected pursuant to this Ordinance; and
- C. proposals for changes to the Impact Fee Schedule.

In connection with the foregoing, the Impact Fee Committee is hereby authorized to engage such consultants as it deems reasonably necessary to prepare additional impact fee studies for purposes of arriving at an appropriate and reasonable impact fee rate structure.

**Section 16. Credits.** An Applicant who offers to dedicate land or otherwise provide for the funding of Governmental Infrastructure may be eligible for a credit for such contribution against the Impact Fee otherwise due for that Benefit Area. In the event an Applicant desires to obtain a credit in accordance with the foregoing, the Applicant shall submit its proposal for a credit in writing to the Building Department. To the extent the City prepares forms for the credit process, the Applicant shall make its submittal on said City provided forms.

Thereafter, the Building Department shall submit said proposal to the Impact Fee Committee. The Impact Fee Committee shall make written findings with regard to (a) the value of the Applicant’s proposed contribution; (b) whether the proposed contribution meets capital improvement needs for which the particular Impact Fee has been imposed; and (c) whether the proposed contribution will substitute or otherwise reduce the need for Governmental Infrastructure anticipated to be provided with Impact Fees otherwise assessable against the Applicant.

The Impact Fee Committee shall transmit said written findings to the Council along with a recommendation for whether to accept or decline the Applicant’s offer. The Council shall make the final determination as to whether to accept the Applicant’s proposed contribution; provided, however, that in no event shall the credit given to any such Applicant exceed the amount of the otherwise applicable Impact Fee.

**Section 17. Recovery of Public Hearing Costs.** Any costs incurred by the City (a) in preparing for and conducting any public hearing required by the Act and (b) in connection with the Study or any similar study conducted hereafter may be recovered as a part of the Impact Fees assessed and collected in accordance with this Ordinance.

**Section 18. Grandfathered Developments.** Impact Fees authorized by this Ordinance shall not be imposed upon any development that has obtained PUD approval, preliminary plat approval, or site plan approval by the City prior to the adoption of this Ordinance.

**Section 19. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-exemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 20. Effective Date.** This Ordinance shall be effective from and after its adoption by Council and publication as required by law.

**ADOPTED AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_, 2025.**

\_\_\_\_\_  
**Robin LeJeune,  
Mayor**

**ATTEST:**

\_\_\_\_\_  
**Candace G. Antinarella, MMC, City Clerk**

## EXHIBIT A

### Impact Fee Schedule<sup>1</sup>

Residential Fees per Unit					
Development Type	Fire	Parks and Recreation	Police	Transportation	Total
Single Family	\$833	\$2,656	\$1,212	\$4,648	\$9,349
Percentage allocation	9%	28%	13%	50%	1% max
Multi-Family	\$536	\$1,708	\$779	\$2,210	\$5,233
Percentage allocation	10%	33%	15%	42%	1% max

Nonresidential Fees per 1,000 Square Feet					
Development Type	Fire	Parks and Recreation	Police	Transportation	Total
Industrial	\$388	\$0	\$277	\$1,133	\$1,798
Percentage allocation	22%	0%	15%	63%	1% max
Commercial/Retail	\$524	\$0	\$1,388	\$3,788	\$5,700
Percentage allocation	9%	0%	24%	66%	1% max
Office/Institutional	\$806	\$0	\$616	\$2,521	\$3,943
Percentage allocation	20%	0%	16%	64%	1% max
Lodging (per room)	\$138	\$1,528	\$455	\$1,239	\$3,360
Percentage allocation	4%	45%	14%	37%	1% max

<sup>1</sup> The total Impact Fee imposed per development unit shall be *the lesser of* the amount shown in the “Total” column and one percent (1%) of the combined construction and land cost.