

1 (a) Definitions. The following words in this section are defined for this
2 subdivision as follows, unless the contrary clearly appears from the context:

3 (1) 'Drainage project' means public storm drainage improvements
4 provided or established by the Town or in conjunction with other units
5 of government which are required in addition to those required by the
6 subdivision regulations.

7 (2) 'Pond project' means retention or detention ponds established for
8 control or limit of water run-off from developments and to protect
9 water quality, whether established by a developer or by the Town or in
10 conjunction with other units of governments.

11 (3) 'Facility fee' means a monetary charge on development to recoup a
12 proportionate share of the capital costs required to accommodate that
13 development with necessary public facility and regarding which there
14 must be a reasonable connection between community growth
15 generated by new development and the need for additional facilities to
16 serve that growth.

17 (4) 'Capital costs' means costs spent for developing new public drainage
18 projects; such costs may include land acquisition, design, and
19 construction interest and expenses in connection with issuance and
20 debt service of bonds for the project, and no other.

21 (5) 'Developer' means an individual, corporation, partnership,
22 organization, association, firm, political subdivision, or other legal
23 entity constructing or creating new construction.

24 (6) 'New construction' means any new development, construction, or
25 installation that results in real property improvement which requires a
26 Conditional Use Permit Subdivision or Conditional Use Permit site
27 plans, but excepting installation or erection of fences or signage.

28 (b) The Board of Aldermen may, as part of its land use ordinance require that a
29 developer provide funds that the Town will use as a part of the capital costs of
30 additional drainage projects related to the particular subdivision or development, and
31 these funds may be used for projects which serve more than one subdivision or
32 development within the Town. All funds received by the Town pursuant to this section
33 shall be used only for the capital costs of developing of such projects and no other uses.

34 (c) The Board of Aldermen may, as a part of its land use ordinance require that a
35 developer provide funds that the Town will use as a part of the operating costs of
36 monitoring, inspecting, draining, dredging or otherwise maintaining or repairing
37 retention and detention ponds, or the capital cost of constructing the same and these
38 funds may be placed in a pool of funds and used for pond projects which serve more
39 than one subdivision or development within the Town. All funds received by the Town
40 pursuant to this section shall be used only for the capital costs of developing of such
41 projects and no other uses.

42 "Sec. 5.9. Water or sewer capacity replacement facility fee.

43 (a) Definitions. The following words in this section are defined for this section
44 as follows, unless the contrary clearly appears from the context:

- 1 (1) 'Water or sewer project' means public water or sewer improvements
2 provided or established by the Town or in conjunction with other units
3 of government which are required in addition to those required by the
4 subdivision regulations.
- 5 (2) 'Facility fee' means a monetary charge on development to recoup a
6 proportionate share of the capital costs required to accommodate that
7 development with necessary public facility and regarding which there
8 must be a reasonable connection between community growth
9 generated by new development and the need for additional facilities to
10 serve that growth.
- 11 (3) 'Capital costs' means costs spent for developing new public water or
12 sewer projects; such costs may include land acquisition, design, and
13 construction interest and expenses in connection with issuance and
14 debt service of bonds for the project, and no other.
- 15 (4) 'Capacity replacement facility fee' means a particular type of facility
16 fee designed to recover a proportionate amount of the capital costs
17 associated with the expansion of the Town's water or sewer treatment
18 capacity which would be allocated to the new development.
- 19 (5) 'Developer' means an individual, corporation, partnership,
20 organization, association, firm, political subdivision, or other legal
21 entity constructing or creating new construction.
- 22 (6) 'New construction' means any new development, construction, or
23 installation that results in real property improvement which requires a
24 Conditional Use Permit Subdivision or Conditional Use Permit site
25 plans, but excepting installation or erection of fences or signage.

26 (b) The Board of Aldermen may, as a part of its land use ordinance require that a
27 developer provide funds that the Town will use as a part of the capital costs of
28 constructing facilities for additional production impoundment or treatment capacity
29 based on replacing the actual costs, at present dollars, of the replacement of the capacity
30 allocation to the particular subdivision or development, and these funds may be used for
31 replacing impoundment or treatment capacity which serve more than one subdivision or
32 development within the Town. All funds received by the Town pursuant to this section
33 shall be used only for the capital costs of developing of impoundment or treatment
34 facilities and no other uses. Any formula adopted to determine the amount of funds the
35 developer is to pay shall be based on the daily water consumption or daily wastewater
36 flow levels allocated or reasonably attributable to the particular subdivision or
37 development."

38 Sec. 2. The Town is authorized to enact ordinances, resolutions, rules and
39 regulations that are necessary or expedient to implement this act.

40 Sec. 3. The powers conferred in this act shall be supplementary to all other
41 powers and procedures authorized by any other general or local law. Assessments,
42 charges, fees, or rates authorized by any other general or local law are not affected by
43 this act.

1 Sec. 4. This act shall apply only to the Town of Garner, and its area of
2 extraterritorial planning jurisdiction.

3 Sec. 5. This act is effective upon ratification.