

**AN ORDINANCE TO ADOPT AMENDMENTS TO THE  
DEVELOPMENT IMPACT FEE ORDINANCE  
OF NEWTON COUNTY, GEORGIA;  
TO REPEAL CONFLICTING PROVISIONS;  
TO PROVIDE FOR AN EFFECTIVE DATE;  
AND FOR OTHER PURPOSES**

**BE IT ORDAINED** by the Board of Commissioners, Newton County, Georgia:

**SECTION I**

Section 9 of the Development Impact Fee Ordinance is hereby amended as indicated below by inserting the underlined text and deleting the text that has been stricken through.

Section 9. Refunds.

9.01 Eligibility for a Refund

1. Upon the request of a feepayor regarding a property on which a development impact fee has been paid, the development impact fee shall be refunded if:
  - a. Capacity is available in the Public Facilities for which the fee was collected but service is permanently denied; or
  - b. The development impact fee has not been encumbered or construction has not been commenced within six years after the date the fee was collected.
2. In determining whether development impact fees have been encumbered, development impact fees shall be considered encumbered on a first-in, first-out (FIFO) basis

9.02 Notice of Entitlement to a Refund

When the right to a refund exists due to a failure to encumber the development impact fees, the Administrator shall provide written notice of entitlement to a refund to the feepayor who paid the development impact fee at the address shown on the application for development approval or to a successor in interest who has given adequate notice to the Administrator of a legal transfer or assignment of the right to entitlement to a refund and who has provided a mailing address. Such notice shall also be published in the official organ of Newton County within 30 days after the expiration of the six year period after the date that the development impact fee was collected and shall contain a heading "Notice of Entitlement to

Development Impact Fee Refund.” No refund shall be made for a period of 30 days from the date of said publication.

9.03 Filing a Request for Refund

All requests for refunds shall be made in writing to the Administrator within one year of the time the refund becomes payable or within one year of publication of the notice of entitlement to a refund, whichever is later.

9.04 Payment of Refunds

1. All refunds shall be made to the feepayor within 60 days after it is determined by the Administrator that a sufficient proof of claim for refund has been made.
2. A refund shall include a refund of a pro rata share of interest actually earned on the unused or excess impact fee collected.

**SECTION 2**

All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.

**SECTION 3**

This Ordinance shall be in force and take effect on April 4, 2007.

**BE IT SO ORDAINED** this 3 day of April, 2007, after public hearings on  
March 20, 2007 and April 3, 2007.

NEWTON COUNTY BOARD OF COMMISSIONERS



By: *Aaron Varner*  
Aaron Varner, Chairman

Attest: *Jackie Smith*  
Jackie Smith, Clerk

**NEWTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
April 3, 2007  
MINUTES**

**Excerpt**

NOTE: CHAIRMAN VARNER OPENED THE PUBLIC HEARING

**O-040307 ORDINANCE TO ADOPT AMENDMENTS TO THE  
DEVELOPMENT IMPACT FEE ORDINANCE**

Administrative Officer John Middleton presented amendment to board and stated this amendment was discussed at earlier work sessions.

Chairman Varner requested questions and/or comments from the audience, but none were given.

Motion: To approve O-040307 Ordinance to adopt Amendments to the Development Impact Fee Ordinance.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

Chairman Varner closed the Public Hearing.