

ORDINANCE NO. 464
CASE NO. ORA12-0001
TITLE 7, CHAPTER 4, KOOTENAI COUNTY CODE
SUSPENDING COLLECTION OF IMPACT FEES

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO DEVELOPMENT IMPACT FEES; SUSPENDING COLLECTION OF SHERIFF'S DEPARTMENT IMPACT FEES, JAIL IMPACT FEES, EMERGENCY MEDICAL SERVICE (EMS) SYSTEM IMPACT FEES, PARKS AND WATERWAYS IMPACT FEES, HIGHWAY IMPACT FEES, AND FIRE IMPACT FEES FOR A PERIOD OF EIGHTEEN (18) MONTHS OR UNTIL A FEE TABLE IS ADOPTED VIA SUBSEQUENTLY ENACTED ORDINANCE OR RESOLUTION OF THE KOOTENAI COUNTY BOARD OF COMMISSIONERS; PROVIDING FOR DISBURSEMENT AND EXPENDITURE OF CERTAIN PREVIOUSLY COLLECTED IMPACT FEES; PROVIDING FOR SEVERABILITY; PROVIDING THAT ADOPTION OF THIS ORDINANCE SHALL HAVE NO EFFECT ON PROSECUTIONS MADE UNDER ANY PREVIOUSLY EFFECTIVE ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF KOOTENAI COUNTY, IDAHO AS FOLLOWS:

SECTION 1. That Section 7-4-14, Kootenai County Code, shall be of no further force or effect for a period of eighteen (18) months beginning on December 1, 2012.

SECTION 2. Collection of development impact fees pursuant to this chapter shall be, and is hereby suspended as of December 1, 2012. Suspension shall extend to all building permit applications received prior to December 1, 2012 in which impact fees have not yet been collected. Collection of Impact Fees shall resume only upon adoption of a new Fee Table via subsequently enacted ordinance or resolution.

SECTION 3. Disbursement and Expenditure of Previously Collected Impact Fees.

- A. *Disbursement of Fees:* All Impact Fees collected on behalf of Highway Districts, Fire Districts and the Kootenai County Emergency Medical Services System (KCEMSS) prior to December 1, 2012, less the County administrative fee, shall be disbursed to the respective Highway Districts and Fire Districts, and to KCEMSS. In the case of Highway Districts and Fire Districts, disbursement shall be in accordance with the terms of the intergovernmental agreement between the County and each Highway District or Fire District then in effect.
- B. *Temporary Freeze of County Fee Expenditures:* All Sheriff's Department, Jail, and Parks and Waterways Impact Fees, and any other undisbursed Impact Fees, shall remain in their respective trust accounts established pursuant to section 7-4-7, Kootenai County Code.


SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. Neither the adoption of this Ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the Kootenai County Board of Commissioners or the validity of any such action to be taken upon matters pending before the Kootenai County Board of Commissioners on the effective date of this Ordinance.

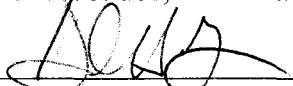
SECTION 6. This Ordinance shall take effect and be in full force retroactive to December 1, 2012.

ADOPTED this 6th day of December 2012.

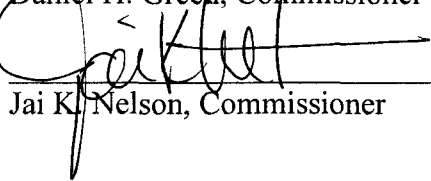
**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**



W. Todd Tondee, Chairman



Daniel H. Green, Commissioner

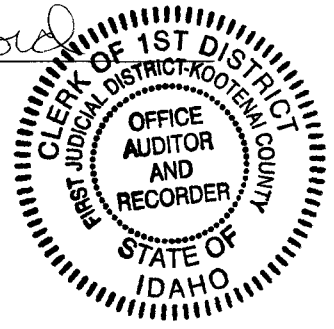


Jai K. Nelson, Commissioner

**ATTEST:
CLIFFORD T. HAYES, CLERK**

By: 

Deputy Clerk



Date of Publication: December 10, 2012

C: Community Development, Prosecuting Attorney (Civil and Criminal Divisions), Sterling Codifiers, All Fire Protection Districts (except Hauser and St. Maries Fire Protection Districts), Post Falls Highway District, East Side Highway District, Kootenai County EMS System