

HOUSE BILL 2712

By Curcio

AN ACT to amend Chapter 194 of the Private Acts of 1994; and any other acts amendatory thereto, relative to fees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 194 of the Private Acts of 1994, and any acts amendatory thereto, is amended by deleting the preamble.

SECTION 2. Chapter 194 of the Private Acts of 1994, and any acts amendatory thereto, is amended by deleting Section 1 through Section 7 and substituting instead the following:

SECTION 1. As used in this act:

(1) "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind; the term includes a mobile home;

(2) "Building Permit" means a permit for development issued in Columbia;

(4) "Developer" means any individual, firm, co-partnership, joint venture, association, corporation, estate, business trust, receiver, syndicate, or other group or combination acting as a unit, in the plural as well as the singular number;

(5) "Direct Replacement Structures" means any structure erected to replace a structure damaged by fire or other natural disaster that results in no increase in floor area, dwelling unit number, or other dimension that would otherwise be subject to a pro-rata fee;

(6) "Governing Body" means the City of Columbia, Tennessee;

(7) "Land Development" means the construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building or structure or the addition to any building or structure, or any part thereof, that provides, adds to, or increases the floor area of a residential or nonresidential use;

(8) "Nonresidential" means the development of any property for any use other than residential use, except as may be exempted by this act;

(9) "Place of Worship" means that portion of a building, owned by a religious institution that has tax-exempt status, that is used for worship services and related functions; provided, however, that a place of worship does not include buildings or portions of buildings that are used for purposes other than for worship and related functions or that are or are intended to be leased, rented, or used by persons who do not have tax-exempt status;

(10) "Public Building" means a building owned by the state or any agency thereof, a political subdivision of the state, including, but not necessarily limited to, counties, school districts, and special districts, or the federal government or any agency thereof;

(11) "Public Improvements" means a physical improvement undertaken by the City, including, but not limited to, the following: roads and bridges, parks and recreational facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities, and any other governmental capital improvements benefiting the citizens or utility customers of the city. "Public improvements" includes any debt service requirements for financing the physical improvements under this subdivision (11); and

(12) "Residential" means the development of any property for a dwelling unit or units.

SECTION 2. The City of Columbia may, by ordinance, impose a fee on the privilege of constructing new residential, commercial, and industrial buildings. The payment of this fee is a condition precedent to the issuance of a building permit. The fee is levied in an amount per square foot of new residential, commercial, or industrial construction requiring a building permit, up to, but not exceeding, three dollars (\$3.00) per square foot.

SECTION 3. The governing body shall, by resolution, adopt administrative guidelines, procedures, regulations, and forms necessary to properly implement, administer, and enforce the provisions of this act.

SECTION 4. This act does not apply to development of:

- (1) Public buildings;
- (2) Places of worship;
- (3) Direct replacement structures for previously existing structure destroyed by fire or other disasters, but only if replaced within one (1) year of the loss;
- (4) A structure owned by a nonprofit organization that is a qualified 501(c)(3) corporation under the Internal Revenue Code;

SECTION 5. The City Recorder shall collect the fees imposed pursuant to Section 2 and deposit such funds in a separate special revenue account to be used exclusively for public improvements.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing body of the City of Columbia. Its approval or nonapproval shall be proclaimed by the presiding officer of the governing body and certified by said officer to the Secretary of State.

SECTION 4. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.