

## **Chapter 114**

### **FEES**

**[HISTORY: Adopted by the Town of Somers as indicated in article histories. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Subdivision of land — See Ch. 213.

#### **ARTICLE I**

##### **Subdivision Applications**

**[Adopted 5-22-1989 by the Board of Selectmen, effective 6-7-1989]**

##### **§ 114-1. Purpose; statutory authority.**

The purpose of this article is to:

- A. Establish a schedule of fees, pursuant to Section 8-1c of the Connecticut General Statutes, which requires new subdivision applications to fund the approximate actual municipal administrative costs of reviewing, evaluating and processing such applications and ensures that fees do not cause such applications to subsidize municipal expenses which are not related to reviewing, evaluating and processing such applications.
- B. Ensure that the system of fees does not fund municipal expenses for negotiating with subdivision applicants for agreements, conveyances, conditions, modifications or any other concessions desired by the municipality in the review process.
- C. Improve the services provided subdivision applicants by recouping municipal expenses for reviewing, evaluating and processing land use applications.
- D. Encourage subdivision applicants to become familiar with and review municipal development regulations, to submit subdivision applications which comply with municipal regulations and to submit plans and proposals with fewer errors and omissions. [Amended 4-29-1996 by the Board of Selectmen, effective 5-23-1996]

##### **§ 114-2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**APPLICANT** — Any person or entity who or which submits a subdivision application, or a successor in interest.

**REVIEW, EVALUATION AND PROCESSING** — Includes all functions performed in connection with or association with a subdivision application by the Planning Commission and any other department of the Town of Somers or any consultant hired by the Town to review, evaluate or process subdivision applications.

SUBDIVISION APPLICATION — Any subdivision application to the Planning Commission, including but not limited to an application for any of the following: subdivision or resubdivision or application for amendment or revision to the same.

**§ 114-3. Fees established.**

A. The subdivision applicant shall pay a base application fee of two hundred fifty dollars (\$250.) which is intended to cover a portion of the Town's costs for processing and administrative handling of a subdivision application, including but not limited to legal advertisements regarding hearings, decisions of the Commission and other matters requiring publication in a newspaper; recording and transcribing public hearings and minutes of Commission meetings relative to the application; staff salaries and overhead expenses for the Town Planner, Town Sanitarian and other Town officials and consultant expenses in direct connection with the technical and regulatory review; and Town Attorney fees in direct connection with legal advice and review of documents directly related to the subdivision. To this base subdivision application fee shall be added the following surcharges and fees to cover engineering review of construction plans and inspection of improvements during construction:

- (1) A surcharge of eighty-five dollars (\$85.) for every one hundred (100) feet, or any part thereof, of new roadway proposed to be constructed as part of the subdivision and intended to be deeded to the Town as a public right-of-way.
- (2) A surcharge of fifty-five dollars (\$55.) for every one hundred (100) feet, or part thereof, of existing or previously approved public rights-of-way for Town or state roadways abutted by the boundaries of the land contained in the proposed subdivision.
- (3) A subdivision lot fee for each new lot to be created by the subdivision filed with the Planning Commission as follows:

**Number of Lots    Fee**

1 to 20	\$150
21 to 50	125
51 to 100	100
Each over 100	75

- (4) An inspection fee of fifty dollars (\$50.) per lot to cover a portion of the Town's cost of inspections and administrative actions to ensure compliance with approved plans for sedimentation and erosion control measures in connection with the approved subdivision application.
- B. All applicable fees and surcharges must be paid in full at the time the subdivision application is filed with the Planning Commission.

ARTICLE II  
**Delinquent Motor Vehicle Tax Fee**  
[Adopted 4-26-2004 by the Special Town Meeting, effective 5-17-2004]

**§ 114-4. Imposition of fee.**

The Town of Somers hereby authorizes the Tax Collector to impose and collect a fee from those taxpayers who are delinquent in the payment of their motor vehicle taxes as provided in C.G.S. § 12-146. Said fee shall be imposed and collected only with respect to these accounts in which the tax collector has notified the commissioner of Motor Vehicles of an existing delinquency.

ARTICLE III  
**Fees for Permits from Building Official and Fire Marshal**  
[Adopted 7-23-2009 by the Board of Selectmen, effective 8-10-2009]

**§ 114-5. Purpose.**

The purpose of this article is to establish a schedule of fees for permits issued by the Building Official and Fire Marshal as permitted by the Connecticut General Statutes.

**§ 114-6. Establishment of fees.**

- A. Each applicant for a building, construction, demolition, alteration or other permit issued by the Office of the Building Official shall pay a fee as set forth in the attached Schedule of Fees.<sup>1</sup>
- B. Each applicant for any permit issued or, required to be issued, by the Office of the Local Fire Marshal shall pay a fee as set forth in the attached Schedule of Fees.<sup>2</sup>
- C. All fees shall be paid in full prior to the issuance of any permit.
- D. The Town of Somers, or events sponsored by the Town, the Somers Board of Education, the Somers Public Library, or the Somers Fire Department or Ambulance Corp. shall be exempt from the payment of fees set forth in the attached Schedule of Fees,<sup>3</sup> with the exception of state-required education fees.
- E. The attached fee schedule may be amended from time to time upon vote of the Board of Selectman and shall be based upon recommendations by the Building Official or Fire Marshal. Notice of a proposal to amend existing fees will be published at least five days prior to the date of the meeting at which the Selectmen will consider the proposal. An amended fee schedule shall become effective 30 days following the date of adoption by the Board of Selectmen.

ARTICLE IV  
**Fees for Significant Land Use Applications and Affordable Housing Applications**  
[Adopted 12-21-2010 by the Board of Selectmen, effective 1-14-2011]

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1. Editor's Note: Said scheduled is included as an attachment to this chapter.  
2. Editor's Note: Said scheduled is included as an attachment to this chapter.  
3. Editor's Note: Said scheduled is included as an attachment to this chapter.

**§ 114-7. Purpose.**

The purpose of this article is to establish the authority of certain land use boards and commissions, pursuant to C.G.S. § 8-1c, to pass through the cost of engaging outside engineering and consulting services in connection with a technically complex application and beyond the expertise of the town resources.

**§ 114-8. Additional costs for certain applications.**

Certain applications for extraordinarily technically complex projects may pose environmental, traffic, and/or other problems beyond the expertise of the Planning, Zoning or Wetlands Commissions' staff to evaluate and make appropriate recommendations. In such instances, if these commissions with the concurrence of the Board of Selectmen, after reviewing the matter with staff, reasonably conclude that an outside, independent study or consultation is necessary for the Commission to decide the issue before it, the Commission may require an applicant, as a condition of processing its application, to pay for the cost of such study or consultation. In such cases, the applicant will be required to place a sum not to exceed \$10,000 total into a fee account to be used for payment for such studies or consultation. The balance of the funds, if any, will be returned to the applicant after the study and/or consultation is completed.

**§ 114-9. Fee established.**

Any application for an affordable housing project submitted pursuant to C.G.S. § 8-30g shall require a fee to the Planning and/or Zoning Commission in the amount of \$250.

**§ 114-10. Fee in addition to other charges.**

Any fees or charges imposed pursuant to this article will be in addition to any other application fee imposed under any other ordinance or local regulation.