

DIVISION 2. - MOBILITY FEE

Sec. 13-2002. - Title, authority and applicability.

- (a) This division shall be known and may be cited as the "Town of Miami Lakes Mobility Fee Ordinance."
- (b) The provisions of this division shall apply to all land development in the incorporated areas of the Town.
- (c) This division and the obligations herein for the payment of mobility fees shall apply to all development projects that apply for a building permit and/or certificate of use, as applicable, on or after the effective date of this division, except as may be specifically provided for elsewhere in this division.
- (d) All development projects that submit a complete application and obtain a building permit and/or certificate of use, as applicable, prior to the effective date of this division will meet any obligations established by the then-current transportation concurrency ordinance, and will not be required to pay the mobility fee established herein.

(Ord. No. 16-192, § 2, 4-25-2016)

Sec. 13-2003. - Reserved.

Sec. 13-2004. - Timing of calculation and payment of mobility fee due.

- (a) All development projects occurring within the incorporated area of the Town shall pay the mobility fee established in this division, except as explicitly otherwise provided for herein. For purposes of this division, the term "development projects" shall include any construction activity, or the establishment of a land use or change of a land use and any activities appurtenant thereto.
- (b) Except as otherwise provided in this division, the mobility fee shall be paid directly to the Town prior to the issuance of a building permit or a certificate of use, as applicable, whichever occurs earlier.
- (c) Where a development project or change of use requires a conditional use, site plan or plat approval prior to issuance of a building permit, the amount of the mobility fee due may, at the option of the applicant, be calculated and established as part of one of those processes, and such amount when established shall remain in effect until the conditional use, site plan or plat approval expires or for a full calendar year, whichever comes first, regardless of any changes in the rate per daily trip that may occur in the interim between such approval and the issuance of a building permit or certificate of use, as applicable. However, if such approval is subject to a request for an extension, either administrative or granted by the State of Florida, the mobility fee

due shall be reevaluated as part of the extension application and any changes in the rate per daily trip that have occurred in the interim between the original approval and the expiration of the approval (regardless of when the application for extension is submitted) shall be applied.

- (d) For development projects involving the subdivision of land into single family or two-family lots, the entire mobility fee due shall be paid prior to issuance of the first building permit in the subdivision, regardless of whether such permit authorizes construction of a residential structure or other structure, such as a club house, guard house or similar common amenity.
- (e) For proposed development other than subdivision into single family or two-family lots, the mobility fee due shall be paid prior to issuance of the first building permit that includes authorization to begin work on a structure or paving.

(Ord. No. 16-192, § 2, 4-25-2016; Ord. No. 20-260, § 2(Exh. A), 4-21-2020)

Sec. 13-2005. - Calculation of mobility fee due.

- (a) The mobility fee due for a development project shall be calculated as follows:
 - (1) The project's net daily person-trip generation, as determined according to the procedures in this section, shall be multiplied by the rate per daily trip established according to the procedures in Section 13-2006.
 - (2) From the result of Subsection (a)(1), subtract the value of any mobility credits earned according to Section 13-2007. The result is the mobility fee due.
- (b) A development project's net daily person-trip generation shall be determined by one of the following methods:
 - (1) The development project's net daily person-trip shall be calculated by multiplying the number of units of the proposed use by the amount shown in the following Flat Trip Chart, and thereafter, multiply the result by the mean auto occupancy of trips generated by that land use, determined according to Subsection (b)(2):
 - Residential—Single family and town home (per unit)9.44
 - Residential—Multifamily (per unit)7.32
 - Commercial—Retail (per 1,000 sf or portion thereof)61.64
 - Commercial—Restaurant full service (per 1,000 sf or portion thereof)112.18
 - Commercial—Restaurant fast food (per 1,000 sf or portion thereof)470.95
 - Office—General (per 1,000 sf or portion thereof)9.74
 - Office—Medical (per 1,000 sf or portion thereof)34.80
 - Industrial (per 1,000 sf or portion thereof)1.94

- (2) The greater of either the weekday or weekend trip generation rate of the land use(s) proposed in the development project, as calculated, signed and sealed by a duly licensed traffic engineer and according to the most current edition of the Trip Generation Manual, published by the Institute for Transportation Engineers (ITE) (hereafter "Trip Generation Manual"). Thereafter, multiply the result by the mean auto occupancy of trips generated by that land use, determined according to Subsection (b)(3). In the event that a development project involves a land use not included in the Trip Generation Manual, the Administrative Official shall calculate the appropriate mobility fee. The Administrative Official shall utilize as a standard in this determination the trip generation rates in the most similar land use category or any other generally accepted standard source of transportation engineering or planning.
- (3) The mean auto occupancy of trips generated for each land use shall be established, and amended from time to time, by resolution of the Town Council. Mean auto occupancy shall be based on the best available data and shall initially be determined by the October 2000 Southeast Florida Regional Travel Characteristics Study. Upon the publication of more recent, professionally accepted data and analysis appropriate to establish mean auto occupancy, the Town Council shall amend the mean auto occupancy by land use by resolution.
- (4) Alternative trip generation study.
 - a. In the event an applicant reasonably believes that the daily trip generation pursuant to Subsection (b)(2) does not reasonably approximate the likely actual trip generation of the proposed development, then the applicant may, prior to issuance of a building permit for such development project, file with the Administrative Official an alternative trip generation study, along with the fee prescribed by Article XI, that seeks to establish an alternative fee. This study shall be based on standard engineering and planning practice, using the Trip Generation Manual as a base. The Administrative Official shall review the alternative calculations and make a determination within 30 days of submittal as to whether such calculation complies with the requirements of this section. Failure to render a decision within 30 days shall be deemed a denial.
 - b. If the Administrative Official determines that the data, information and assumptions utilized by the applicant to establish an alternative trip generation is more appropriate, then the mobility fee assessed shall be paid based on the alternative methodology.
 - c. If the Administrative Official determines that the data, information and assumptions utilized by the applicant to establish an alternative trip generation does not demonstrate that it is a more appropriate approximation of the likely actual daily trip generation of the development project, then the Administrative Official shall provide to the applicant written notification of the rejection of the alternative trip generation and the reasons therefore, including notification that the mobility fee as applicable, shall be paid in accordance with the provisions of this division.

d. An applicant who submits a proposed alternative trip generation pursuant to this subsection and desires the issuance of a building permit prior to the resolution of a pending alternative fee shall pay the applicable mobility fee prior to or at the time said applicant desires the building permit. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any rights. Any difference in the amount of the fee after resolution of the pending alternative fee shall be refunded to the applicant or owner.

(c) Reserved.

(d) In the event a development project involves a mixed-use project, the Administrative Official shall calculate the mobility fee based upon the sum of each land use category included in the proposed mixed use project.

(e) An applicant may appeal any determination of the Administrative Official under the provisions of this section in accordance with Subsection 13-302(i).

(Ord. No. 16-192, § 2, 4-25-2016; Ord. No. 20-260, § 2(Exh. A), 4-21-2020)

Sec. 13-2006. - Establishment of rate per daily trip.

(a) The rate per daily trip, and subsequent amendments thereto, shall be established by the Town Council by resolution, based on the methodology as described in Subsection (b). The rate per daily trip shall be reviewed by the Town Council at least once every three years but may be reviewed more frequently. The initial and each review thereafter shall consider changes to the demand component of the mobility fee equation, changes to the Town's Capital Improvements Element of the Comprehensive Plan (CIE), changes in construction, land acquisition and related costs, changes in historical and projected funding, adjustments to the assumptions and conclusions or findings set forth in the study. Changes to the CIE that result in either an increase or decrease greater than ten percent of the total cost of implementation of the plan, shall trigger a rate review.

(b) The rate per daily trip shall be calculated as follows:

- (1) Determine the difference between current development and projected future development levels, based on the Comprehensive Plan.
- (2) Determine daily weekday person-trip generation from projected increases in development levels determined per Subsection (b)(1) from the Trip Generation Manual and Household Survey Model;
- (3) Compute transportation improvement costs from the Town's Capital Improvements Element (CIE), other adopted Town transportation mobility plans and policies, and Unfunded Projects from the Long Range Transportation Plan (LRTP) of the Miami-Dade Metropolitan Planning

Organization (MPO). Costs shall be adjusted from the time of their original estimation to account for inflation, according to the "Inflation Factors" published by the Florida Department of Transportation (FDOT); and

- (4) Compute Total Cost per Daily Trip, which shall be the result from Subsection (b)(3) divided by the result from Subsection (b)(2);

(Ord. No. 16-192, § 2, 4-25-2016; Ord. No. 20-260, § 2(Exh. A), 4-21-2020)

Sec. 13-2007. - Mobility fee credits.

The Town Council finds that certain improvements or actions instituted or committed to as part of a development project tend to partially mitigate the development's impact upon the transportation system, reduce peak hour traffic congestion and/or shift trips from single-occupant vehicle travel to other modes. Therefore, those improvements or actions, when not otherwise required by local, state or federal laws or regulations, may reduce the mobility fee due for a development project, as further set out herein.

- (1) A developer wishing to receive a mobility fee credit shall submit an application to the Administrative Official with the fee prescribed in Article XI of the chapter. The application shall set forth what improvements or actions, not otherwise required by local, state or federal laws or regulations, are proposed and what mobility fee credit is due for those improvements or actions; In reviewing the application, the Administrative Official shall follow the procedures for applications as enumerated in Section 13-301. The Administrative Official shall take action on the application by written development order, and may approve, approve with modifications and/or conditions or deny the application. Where the application for a mobility fee credit is submitted in conjunction with another application under this chapter, the Administrative Official may combine the development order under this subsection with that of the other application. Any appeals of the Administrative Official's decision shall be in accordance with Subsection 13-302(i).

- (2) The following table sets forth the improvements or actions eligible for a mobility fee credit, and the amount of such credit:

Improvement or Action	Type of Eligible Project	Credit Available (Daily Trips)	Special Requirements
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<p>Bicycle parking spaces on-site</p>	<p>All types of development/uses other than single family and two-family projects. However, bicycle parking spaces developed as part of a single family or two-family development as part of common areas may, at the discretion of the Administrative Official, be eligible so long as said bicycle parking spaces are accessible to the general public.</p>	<p>One-half trips [trip] per bicycle parking space not located on a site adjacent to a designated greenway. One trips [trip] per bicycle parking space located on a site adjacent to a designated greenway.</p>	<p>All bicycle parking spaces used for mobility fee credit shall be over and above those otherwise required by the LDC or which are provided as part of another incentive program under the LDC. In order to receive mobility fee credits for bicycle parking spaces, said spaces be must accessible to the general public and so located on the site as to encourage bicycle use, as determined by the Administrative Official.</p>
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<p>Mixed-Use Development</p>	<p>Projects that include at least two different general types of land uses (i.e. residential, commercial, office and industrial) wherein no one use category exceeds 75 percent of the total floor area.</p>	<p>Up to ten percent of daily trips, at the discretion of the Administrative Official.</p>	<p>Applicants must demonstrate that the mixed use project is so designed to achieve internal trip capture and encouragement of alternative modes. The percent of daily trips credited shall be based on the level of mitigation of transportation impacts expected due to the mixed use nature of the development, supported by data and analysis submitted by the applicant.</p>
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<p>Pedestrian throughways and bicycle facilities.</p>	<p>All</p>	<p>Maximum of three percent of daily trips.</p>	<p>Applicant must demonstrate that the proposed pedestrian throughway will contribute to creating a safe, comfortable and convenient pedestrian and bicycle network in Miami Lakes, or will help to complete a designated greenway. Any such facility receiving a mobility fee credit shall be accessible to the general public. One or more easements for public access may be required, at the discretion of the Administrative Official.</p>
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<p>Placing parking in the rear</p>	<p>Nonresidential, mixed use and multifamily residential development</p>	<p>Maximum of three percent of daily trips.</p>	<p>The amount of credit given shall be based on the proportion of parking placed in the rear of the building. All parking must be placed in the rear in order to receive the full three percent credit.</p>
<p>Developer or employer sponsored transit</p>	<p>Office and industrial development or uses cumulatively accounting for at least 150 employees. More than one employer on a single site or on more than one site that are located within one-quarter mile of a central point may jointly apply to receive this credit.</p>	<p>Up to three and one-half percent of daily trips</p>	<p>The applicant or applicants for developer or employer sponsored transit shall submit a plan to be considered for approval by the Administrative Official.</p>

Dollar-for-Dollar contribution	All projects	At the sole discretion of the Town, an applicant may elect to construct, pay for, or contribute, a qualified capital improvement or right-of-way contribution to a mobility facility in the mobility network in order to satisfy its mobility fee obligation on a dollar-for-dollar basis against the value of said contributed, qualified capital improvement	Qualified capital improvements will include technology improvements that the Town has identified, adopted, and prioritized as part of its strategic planning
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- (3) Failure to implement construct or maintain any plan or facility pursuant to Subsection (2) shall be punishable by any lawful means available to the Town, including but not limited to code enforcement proceedings. In addition, any trips previously credited will be due and payable as a mobility fee at the rate in place at the time of failure or removal of facilities that generated the credit.
- (4) In Addition to the above credits, the Town Council may, at the time of site plan approval, further reduce the mobility fee due, at their discretion, in order to allow for projects or uses that provide a necessary service to the neighborhood or community, such as, but not limited to grocery stores, emergency rooms, community centers, and such others as may be found to be necessary to enhance the quality of life of the area.

(Ord. No. 16-192, § 2, 4-25-2016; Ord. No. 20-260, § 2(Exh. A), 4-21-2020)

A mobility fee shall be imposed and calculated for the alteration, expansion or replacement of a building or dwelling unit or the construction of an accessory building or structure if the alteration, expansion or replacement of a building or dwelling unit or the construction of an accessory building or structure results in the generation of a greater number of daily trips than the present use as determined in accordance with Section 13-2005. The mobility fee imposed under the applicable mobility fee rate shall be calculated as follows:

- (1) In cases of alteration, expansion or replacement of a use and/or structure, the mobility fee shall be calculated based on the increment between daily trips generated by the existing use and/or structure and the daily trips generated by the alteration, expansion or replacement.
- (2) If in the interim between permit expiration or invalidation and application for a new permit on the property the amount of the applicable fee has been increased, or the new permit application is for a use different than the previously permitted use and the new use requires a greater fee than the previously permitted use, the applicant shall pay the difference between the amount previously paid and the revised amount prior to permit issuance.
- (3) In the event a property which has been previously permitted and the mobility fee paid is subdivided, divided, or split subsequent to permit expiration or invalidation, the Administrative Official shall prorate the fee to apply to each newly created lot, tract or parcel in the relation that the newly created lot, tract, or parcel bears to the original property in terms of its size. Applicants for building permits on each newly created lot, tract, or parcel shall pay the difference between the value of the previously paid fee as prorated and any greater amount due to revision of the fee amount or a change of use. In the case of a subdivision into single family or two-family lots, all lots will be treated equally, regardless of size.
- (4) In the event that there is a change in use that results in a decrease in daily trips from that generated by the previously allowed use, the applicant shall not be entitled to a refund or credit.

(Ord. No. 16-192, § 2, 4-25-2016)

Sec. 13-2009. - Exemptions.

The following shall be exempted from payment of the mobility fee:

- (1) Alteration, expansion or replacement of an existing dwelling unit which does not increase the number of families for which such dwelling unit is arranged, designed or intended to accommodate for the purpose of providing living quarters.
- (2) The alteration or expansion of a building if the building use upon completion does not generate a greater number of daily trips than prior to the alteration or expansion.

- (3) The replacement of a building or the construction of an accessory building or structure if the replacement building or accessory building or structure generates a lower number of daily trips than prior to the building construction.
- (4) The issuance of a tie-down permit on a mobile home on which applicable mobility fees have previously been paid.
- (5) In cases where uses are changed, with no changes in building square footage or other similar determinant of trip generation, and there is no replacement of all or a portion of a principal building proposed, the mobility fee shall only be due in cases where a public hearing (i.e., for a conditional use, rezoning, comprehensive plan amendment, site plan, etc.) is required in order to issue the certificate of use.
- (6) All development or uses that have obtained a building permit or a certificate of use/occupancy for a particular use, existing at the time of the effective date of this division, shall be vested at the previous concurrency fee in existence at the time of adoption of this division.
- (7) All development or uses that have received a transportation concurrency determination or determination of vested rights, including but not limited to as part of site plan approval, development agreement or development of regional impact approval, shall be vested under that existing transportation concurrency determination or determination of vested rights, for so long as that transportation concurrency determination or determination of vested rights remains in effect, and subject to any obligations for off-site transportation improvements or other obligations attached to the transportation concurrency determination or the determination of vested rights. However, a property owner with an existing transportation concurrency determination or determination of vested rights may voluntarily, subject to acceptance by the Town, choose to forego that previous determination and instead be subject to this division. In such cases, obligations under the existing transportation concurrency determination or determination of vested rights shall be extinguished, and said development project shall be subject to the provisions of this division. In such cases, the applicant and/or property shall not be subject to any credit for the mobility fee due as a result of improvements constructed or contributions made under the previous transportation concurrency determination or determination of vested rights.

(Ord. No. 16-192, § 2, 4-25-2016)

Sec. 13-2010. - Collection of fees.

- (a) Except as otherwise provided in this division, prior to the issuance of a building permit for a development project, an applicant shall pay the mobility fee as applicable.
- (b) The obligation for payment of the fee shall run with the land.

- (c) The payment of the mobility fee shall be in addition to any other fees, charges or assessments of the Town due upon the issuance of a building permit.
- (d) In the event the mobility fee is not paid prior to the issuance of a building permit for the affected development project the Town may elect to collect the mobility fee by any other method which is authorized by law.

(Ord. No. 16-192, § 2, 4-25-2016)

Sec. 13-2011. - Refund of fees paid.

- (a) Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date a fee was paid, shall, upon written application by the fee payer submitted to the Town within 180 days of notification as hereafter provided, be returned to the fee payer. Failure to submit a timely written application shall result in remittance of the fees paid to the Mobility Fee Trust Fund and the fee payer's claim shall be barred. The Town shall send written notice to the fee payer of eligibility to make application for refund within 60 days of the date the fee becomes eligible for refund. Mailing to the fee payer's address as set forth on the building permit application, and to the address of the property owner on the property for which the fee was paid according to the latest information available from the Miami-Dade County Property Appraiser, shall be deemed sufficient.
- (b) The petition for refund shall be submitted to the Administrative Official and shall contain:
 - (1) A notarized sworn statement that the petitioner is the current owner of the property on behalf of which the mobility fee was paid;
 - (2) A copy of the dated receipt issued for payment of such fee or such other record as would indicate payment of such fee; and
 - (3) A copy of the latest recorded deed.
- (c) Within three months from the date of receipt of a petition for refund, the Administrative Official will advise the owner of the status of the mobility fee requested for refund, and if such mobility fee has not been spent or encumbered within the applicable time period, then it shall be returned to the petitioner. The Town shall retain five percent of the mobility fee to offset the costs of administering the refund. For the purposes of this section, fees collected shall be deemed to be spent or encumbered on the basis of the first fee in, shall be the first fee out.
- (d) All mobility fees paid for a building permit which subsequently expires or is otherwise invalidated prior to completion of the permitted land development activity shall be nonrefundable subject to appeal. Any amount paid will be credited toward any future mobility fee due on the same property.

(Ord. No. 16-192, § 2, 4-25-2016)

Sec. 13-2012. - Developer contribution credit.

- (a) Upon mutual agreement by an applicant and the Town, an applicant may choose to undertake off-site improvements to the Town's multimodal mobility network, where said improvements are consistent with the Town of Miami Lakes Comprehensive Plan. Where such off-site improvements are undertaken as part of a development project, a credit may be granted against the mobility fee imposed pursuant to Section 13-2005, as applicable, for the conveyance of land or for the construction of any off-site improvements to major road network roads required pursuant to a development order by the Town or voluntarily made in connection with a development project. Such land conveyance, construction and improvement shall be subject to approval by the Administrative Official and the following standards:
- (1) The conveyed land shall be an integral part of and a necessary accommodation of the contemplated off-site improvements to the multimodal network;
 - (2) The off-site improvements to be constructed shall be an integral part of and a necessary accommodation of the contemplated off-site improvements to the multimodal network and shall exclude access improvements, sidewalks and/or bicycle lanes directly adjacent to the development project wherein the Town Code may require their construction, improvement or repair and any roadway improvements directly adjacent to the development site that are necessitated solely for the proper functioning of transportation facilities for the development rather than as part of the larger transportation network; and,
 - (3) The off-site improvements shall be constructed to the specifications of the governmental agency that has ownership of the road right-of-way, and the specifications of the Town, as determined by the Administrative Official.
- (b) The amount of developer contribution credit to be applied to the mobility fee shall be determined according to the following standards of valuation:
- (1) The value of conveyed land shall be based upon a written appraisal of fair market value by a qualified and professional appraiser and based upon comparable sales of similar property resulting from an arms-length transaction, if available;
 - (2) The cost of anticipated construction of off-site improvements shall be based upon cost estimates certified by a professional engineer or registered planner, and such estimate shall be reviewed and approved by the Administrative Official. The Town reserves the right to require the developer to competitively bid in accordance with this Code, in which case the credit shall be limited to the actual cost or 100 percent of the lowest responsible bid amount, whichever is less. All bidders shall be qualified to construct the off-site improvements in accordance with the provisions of this Code; and
 - (3)

Should the cost of the land conveyance and/or construction of the off-site improvements exceed the mobility fee due from the development project then the credit received by the applicant shall be limited to the mobility fee generated by the development project.

- (4) Where applicable, the prevailing standards as adopted in the Alternative to Concurrency Study report take precedence.
- (c) Prior to issuance of a building permit, the applicant shall submit to the Administrative Official a proposed plan for the construction or conveyance of off-site improvements to multimodal network. The proposed plan shall include:
 - (1) A designation of the development project for which the plan is being submitted;
 - (2) A list of contemplated off-site improvements to the multimodal network;
 - (3) A legal description of any land proposed to be donated and a written appraisal prepared in conformity with Subsection (b)(1);
 - (4) An estimate of proposed construction costs based on detailed unit costs that are less than one year old and sealed by a professional engineer; and
 - (5) A proposed time schedule for completion of the proposed plan.
- (d) Upon receipt of the proposed plan, the Administrative Official shall review the application and the proposed plan to determine if it complies with this division. The Administrative Official shall render a decision 30 days following receipt of the proposed plan to grant or deny the credit. Failure to render a decision within the 30 days shall be deemed a denial.
- (e) If the request for credit is denied and the applicant wishes to appeal such denial, the appeal shall be in accordance with the procedures in Subsection 13-302(i).
- (f) If a proposed plan of conveyance or construction is approved for credit by the Administrative Official or, upon appeal, by the Town Council, the applicant or owner and the Town shall enter into a credit agreement which shall provide for the timing of the action to be taken by the applicant and the obligations and responsibilities of the parties, including but not limited to:
 - (1) The timing of actions to be taken by the applicant and the obligations and responsibilities of the applicant, including, but not limited to, the construction standards and requirements to be complied with;
 - (2) The obligations and responsibilities of the Town, including, but not limited to, inspection of the project; and
 - (3) The amount of the credit as determined in accordance with Subsection (b).
- (g) All construction cost estimates shall be based upon and all construction plans and specifications shall be in conformity with the road construction standards of the Town, and the road construction standards of any other jurisdiction having responsibility for the right-of-way and shall be approved by the Town Engineer prior to the commencement of construction.

- (h) Any applicant who submits a proposed plan pursuant to this section and desires the issuance of a building permit prior to the resolution of a pending credit shall pay the applicable mobility fee prior to or at the time the request for hearing is filed. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any review rights. Any difference shall be refunded to the applicant or owner.
- (i) Nothing contained herein shall be construed to qualify, for a developer contribution credit under this Section, the conveyance of land which is required as right-of-way or the construction of access improvements.

(Ord. No. 16-192, § 2, 4-25-2016)

Sec. 13-2013. - Use of mobility fee funds.

- (a) The Town Council hereby establishes one separate trust account for the mobility fee, which account shall be accounted for separate and apart from all other accounts of the Town, to ensure that all mobility fee collections and expenditures are properly deposited, accounted for, reported, and appropriated in accordance with this division and any other applicable legal requirements. This mobility fee account shall be administered by the Finance Department, which will be entrusted with the responsibility of fund accounting, receipts, disbursements, and other actions necessary to maintain the mobility fee account.
- (b) All mobility fees shall be deposited into this trust account immediately upon receipt. Interest accruing thereto shall be deposited into this account.
- (c) The monies deposited into the mobility fee trust account shall be used solely for the purpose of planning, constructing, installing or improving the multimodal network included in the Town's CIE; including, but not limited to:
 - (1) Design and construction plan preparation;
 - (2) Permitting;
 - (3) Right-of-way acquisition, including any costs of acquisition or condemnation;
 - (4) Construction of new through lanes, bicycle and pedestrian facilities, transit facilities and their amenities, operational improvements and landscape or integral components of such when built concurrent with and part of a construction project;
 - (5) Construction management and inspection;
 - (6) Surveying and soils and material testing;
 - (7) Repayment of monies transferred or borrowed from any budgetary fund of the Town which were used to fund any construction or improvements as herein defined;
 - (8) Payment of principal and interest, necessary reserves and costs of issuance of any bonds or other indebtedness issued by the Town to provide funds to construct or acquire growth impacted capital transportation improvements on the multimodal network;

- (9) Transportation planning, development and engineering;
 - (10) Sidewalks and bicycle lanes;
 - (11) Off-road multiuse trail network;
 - (12) Transit capital equipment;
 - (13) Transit infrastructure (such as bus shelters, benches and signs);
 - (14) The implementation or administration of transportation demand management techniques incorporated into the master planning lists;
 - (15) Street trees, where deemed to be needed to create a pedestrian or bicycle friendly environment; and,
 - (16) Traffic signalization.
- (d) The monies deposited into the Mobility Fee Trust Fund account shall not be used for any expenditure that would be classified as a maintenance or repair expense.
 - (e) Any monies on deposit which are not immediately necessary for expenditure may be invested by the Town. All income derived from such investments shall be deposited in the Mobility Fee Trust Fund account and used as provided herein.
 - (f) Each fiscal year the Administrative Official shall present to the Town Council a proposed Capital Improvement Program, which shall assign funds, including any accrued interest, from the Mobility Fee Trust Fund, to specific improvement projects and related expenses. Monies, including any accrued interest, not assigned to any fiscal year, shall be retained in the Mobility Fee Trust Fund until the next fiscal year.
 - (g) The Town may enter into one or more interlocal agreements to contribute funds collected under this division toward a project being implemented by another public agency, so long as such improvement is not inconsistent with the Town's Comprehensive Plan and where the Town Council finds, by resolution, that this contribution is in the Town's best interests.
 - (h) The Town may retain up to five percent of all mobility fees received, based on its actual costs, as an administrative fee to defray the costs of administering the mobility fees.

(Ord. No. 16-192, § 2, 4-25-2016)