

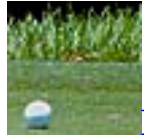
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Supreme Court to hear Summerville impact fee case

Published Friday, December 23, 2005

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SUMMERVILLE, S.C. (AP) - The South Carolina Supreme Court is set to determine how municipalities use the impact fees collected from developers of new construction projects.

Early next year, the justices will hear arguments regarding the Charleston Trident Home Builders Association's objections to Summerville's impact fees. Trident originally sued the town in 2003, arguing Summerville did not effectively demonstrate how impact fees from new development would be spent only on projects made necessary by the new construction, according to association president Phillip Ford.

The association appealed after Judge Patrick Watts sided with Summerville in April. Both sides asked the Supreme Court to intervene without waiting for an appeals court to rule on the case. Supreme Court clerk Daniel Shearouse said the justices will take a case before it reaches appellate court if there is significant interest to the public.

According to state law, a municipality may collect impact fees to pay for services as long as the money is used only in those specific areas for building roads, fire and police stations and other capital improvements.

Summerville began collecting impact fees in February 2003 when residents worried the town's rapid growth would require a property tax increase. Because of the pending lawsuit, the town has not spent any of the more than \$3 million it has collected in impact fees. Town operations director Charlie Miller said money collected in impact fees must be spent within three years of collection.

Summerville is the first South Carolina town to be sued since the state authorized impact fees in the early 1990s. In February, the town council approved an ordinance that would allow Summerville to declare a moratorium on new construction.

According to the town's planning department, Summerville issued 979 permits through November of this year, compared with 914 permits for all of 2004. The fee for a single family home is \$1,138.

So far, Summerville has earmarked more than \$1 million to design to new parks and buy a new fire truck. The town also plans to build a new fire station. Should the high court rule in the association's favor, Summerville's contingency fund would cover the expenses until the town amends its report on how the fees will be spent, Miller said.

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