

1113 **11-36a-603. Refunds.**

1114 A local political subdivision shall refund any impact fee paid by a developer, plus  
 1115 interest earned, when:

1116 (1) the developer does not proceed with the development activity and has filed a  
 1117 written request for a refund;

1118 (2) the fee has not been spent or encumbered; and

1119 (3) no impact has resulted.

1120 Section 27. Section **11-36a-701** is enacted to read:

1121 **Part 7. Challenges**1122 **11-36a-701. Impact fee challenge.**

1123 (1) A person or an entity residing in or owning property within a service area, or an  
 1124 organization, association, or a corporation representing the interests of persons or entities  
 1125 owning property within a service area, has standing to file a declaratory judgment action  
 1126 challenging the validity of an impact fee.

1127 (2) (a) A person or an entity required to pay an impact fee who believes the impact fee  
 1128 does not meet the requirements of law may file a written request for information with the local  
 1129 political subdivision who established the impact fee.

1130 (b) Within two weeks after the receipt of the request for information under Subsection  
 1131 (2)(a), the local political subdivision shall provide the person or entity with the impact fee  
 1132 analysis, the impact fee facilities plan, and any other relevant information relating to the impact  
 1133 fee.

1134 (3) (a) Subject to the time limitations described in Section ~~§~~ → [17] 11 ← ~~§~~ -36a-702 and  
 1134a procedures

1135 set forth in Section 11-36a-703, a person or an entity that has paid an impact fee that was  
 1136 imposed by a local political subdivision may challenge:

1137 (i) if the impact fee enactment was adopted on or after July 1, 2000:

1138 (A) subject to Subsection (3)(b)(i) and except as provided in Subsection (3)(b)(ii),  
 1139 whether the local political subdivision complied with the notice requirements of this chapter  
 1140 with respect to the imposition of the impact fee; and

1141 (B) whether the local political subdivision complied with other procedural  
 1142 requirements of this chapter for imposing the impact fee; and

1143 (ii) except as limited by Subsection (3)(c), the impact fee.