



BUYNAK LAW FIRM

**DON'T PAY GENERAL GOVERNMENTAL LEVIES TO GAIN PERMITS;
THAT'S WHY WE PAY GENERAL TAXES FOR GENERAL
GOVERNMENTAL OPERATION**

Governmental “taking” occurs when an individual fee, levy, or other financial requirement is attached to an individual permit, whether it is “legislative and administrative permit”. A local government entity (city, county, etc.) cannot require a traffic impact fee that is general in nature. The U.S. Supreme Court in *Sheetz v. County of El Dorado, California*, 601 U.S. ___ (2024) considered such general extractions to be extortion and a taking under the U.S. Constitution’s Fifth Amendment’s takings clause.

George Sheetz gained a residential building permit and under protest, paid a general traffic impact fee, which was not based on the particular cost of his building. Rather, it was based on a general rate schedule. Such a requirement was deemed to be “extortion” under the Fifth Amendment.

All governmental levies, whether by administrative (building departments) or legislative bodies (Legislature or Congress) must be individualized and based upon the “costs of impacts specifically attributable to a particular project” and are not to be a generalized charge. Stated otherwise, individual property owners should not be saddled with the cost of general governmental operations that are to be provided by the entity. Rather, we already pay taxes to governmental entities for their general operations.

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Helping Clients Thrive!


S. Timothy Buynak, Principal