

CHAPTER 22.00 IMPACT FEES

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22.01 INTRODUCTION AND PURPOSE.

Pursuant to the authority of Section 66.0617 (04-08), Wisconsin Statutes, the local impact fees enabling legislation, the purpose of this Ordinance is to establish the mechanism for the imposition of impact fees upon new development to finance the capital costs of acquiring, establishing, upgrading, expanding and constructing public facilities which are necessary to accommodate land development. This chapter is intended to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide public facilities within the Village of Jackson and its service areas, as they are required to serve the needs arising out of land development.

22.02 DEFINITIONS.

In this Section:

“**Capital costs**” means the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than ten percent (10%) of capital costs may consist of legal, engineering and design costs unless such costs which relate directly to the public improvement for which the impact fees were imposed actually exceed ten percent (10%) of capital costs. “**Capital costs**” does not include the non-capital costs to construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.

“**Developer**” means a person that constructs or creates a land development.

“**Impact fees**” means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer under this chapter.

“**Land development**” means the construction or modification of Improvements to real property that creates additional residential dwelling units within the Village or its service areas or that results in non-residential uses that that create a need for new, expanded or improved public facilities within the Village or its service areas.

“**Public facilities**” means highways as defined in Section 340.01(22), Wis. Stats. and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds and other recreation facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. “**Public facilities**” does not include facilities owned by a school district.

“**Service area**” means a geographic area delineated by the Village Board within which the Village provides public facilities.

“**Service standard**” means a certain quantity or quality of public facilities relative to a certain number of persons, parcels’ of land or other appropriate measure, as specified by the Village Board.

22.03 PUBLIC FACILITIES NEEDS ASSESSMENT.

New public facilities, or improvements or expansions of existing public facilities that are required because of land development for which impact fees or sewer service fees (10-11) will be imposed are those which are identified in this chapter and in facilities needs assessment reports prepared prior to the adoption of this chapter and any amendments hereto. All facilities needs reports that form the basis of any impact fee or sewer service fee (10-11) imposed by the Village shall be kept on file in the Office of the Village Clerk at least twenty (20) days prior to any public hearing to be held on the creation of this chapter and any amendments. A Class one (1) notice is required prior to any required hearing. All facilities needs assessment reports shall remain on file in the Office of the Village (10-11) Clerk for the entire period during which impact fees or sewer service fees (10-11) arising out of a specific report and this chapter are collected prior to expenditure, and such reports shall after expenditure of all impact fees or sewer service fees (10-11) be maintained as a public record for such time period as required by law.

22.04 IMPACT FEE REVENUE ADMINISTRATION.

- A. Revenues from impact fees shall be placed in one or more segregated, interest bearing accounts and shall be accounted for separately from other Village general and utility funds. Impact fee revenues and interest earned thereon may be expended only for capital costs for which the impact fees were imposed.
- B. Impact fee revenues imposed and collected but not used within a specified reasonable period of time after collection to pay the capital costs for which they were imposed shall be refunded on a prorated proportional basis, as determined by the Village Board, to the current record owner or owners of the property with respect to which the impact fees were imposed. Reasonable time periods for expenditure of impact fee revenues shall be within five (5) years after the recommended time for completion of construction, expansion or improvement of a specific public facility identified in a facilities needs assessment report, or within five (5) years after the projected loan obligations undertaken for a project should be satisfied.

22.05 USE OF IMPACT FEES.

Funds collected from impact fees shall be used solely for the purpose of paying the proportional costs of providing public facilities that become necessary due to land development. These costs may include the costs of debt service on bonds or similar debt instruments when the debt has been incurred for the purpose of proceeding with designated public facilities projects prior to the collection of all anticipated impact fees for that project.

22.06 PAYMENT OF IMPACT FEES.

All required impact fees, unless expressly excepted in a section of this chapter, or unless otherwise are payable as specified herein, shall be paid to the Village Clerk by the developer prior to being issued a building or plumbing permit, or both, whichever permits are applicable. Impact fee payments shall be assumed to be the responsibility of the owner of the record at the time the fee is imposed on a particular parcel.

22.07 APPEALS.

- A. The developer or property owner upon whom an impact fee is imposed may contest the amount, collection, or use of an impact fee as specified herein. An appeal to contest either the amount or collection of an impact fee imposed on a developer shall be commenced at any time prior to endorsement of the approval certificate of any subdivision plat or certified survey map by the City Clerk but not later than thirty (30) days from the date of notification of final action approving such plat or survey. An appeal to contest the amount or collection of an impact fee may be commenced within thirty (30) days from the date of the notification of final action approving such plat or survey. An appeal to contest the amount or collection of an impact fee may be commenced within thirty (30) days of application for a building or plumbing permit, if applicable to the particular impact fee. An appeal to contest the use of an impact fee shall be commenced not later than thirty (30) days prior to the award of any public contract for expenditure of the collected fee revenues.
- B. An appeal is commenced by filing a complaint with the Village Clerk, which complaint shall specify the impact fee amount or collection objected to and the basis for the objection. The appeal shall be scheduled for a public hearing before the Village Board at its next regular meeting. The Board shall take additional evidence and testimony on the matter, including reports from the Village staff, and shall make its decision based upon the standards set forth in Sec. 66.55(6), Wis. Stats. The Village Board shall consider and decide the appeal, based upon the standards for impact fees in Sec. 66.55(6). The decision of the Village Board is final.

22.08 SEWER SERVICE FEES. (10-11)

The basis for the imposition of sewer service fees is the facilities needs assessment report and its attachments, "PUBLIC FACILITIES NEEDS ASSESSMENT", which is on file

in the office of the Village Clerk. The sewer service (10-11) fees to be paid prior to the issuance of applicable building or plumbing permits are as follows:

- A. These fees shall be established by Resolution (10-11)
- B. Each dwelling unit in a multi-family structure, which consists of one (1) or two (2) bedrooms, or the dwelling unit is less than fourteen hundred (1,400) square feet shall pay a sewer service (10-11) fee of fifty-five percent (55%) of one residential equivalent unit (REU) for each dwelling unit. (See Chapter 17.06 for definition of an REU.)
- C. The sewer service (10-11) fees for multi-family structures, as established in paragraph B, hereof, shall be reviewed every five (5) years and if its determined that multi-family units sewer usage on average has increased or decreased by a factor of ten percent (10%) from fifty-five percent (55%) of an REU, the percentage of the REU assigned herein to the multi-family units shall be adjusted accordingly.
- D. These fees do not apply in cases where an existing building is being hooked up to an existing sewer or lateral or to a sewer lateral that has been replaced or repaired, unless the discharge has increased to more than the discharge provided by the service (10-11) fee previously paid. In cases where an increase in the discharge can be demonstrated, the differential between the existing sewer service and the expanded sewer service shall be the basis for determining the applicable service (10-11) fee, and the Village Board shall make such determination.
- E. These service (10-11) fees shall be collected until all capital costs associated with specified projects in the "PUBLIC FACILITIES NEEDS ASSESSMENT" report have been incurred and satisfied, unless such time period exceeds five (5) years beyond the projected completion of projects or five (5) years beyond projected satisfaction of indebtedness for the specified projects for which these sewer service (10-11) fees are imposed.
- F. These service (10-11) fees shall be applicable to those persons, properties, and premises that are located in the Village of Jackson sewer service area.

22.09 WATER IMPACT FEES.

The basis for the imposition of water impact fees is the facilities needs assessment report and its attachments, which is on file in the office of the Village Clerk. The water impact fees to be paid prior to the issuance of applicable building or plumbing permits are as follows:

- A. Water Impact Fee is set at \$820.00. (11-02)
- B. Each dwelling unit in a multi-family structure shall be treated as an individual connection.

- C. These fees do not apply in cases where an existing building is being hooked up to an existing sewer lateral or to a sewer lateral that has been replaced or repaired, unless the size of the meter is increased. In cases where an increase in the meter occurs, the differential between the existing water service and the expanded water service shall be the basis for determining the applicable impact fee and such determination shall be made by the Village Board.
- D. These fees shall be increased by Resolution on January 1 of each year by a percentage amount equal to the Consumer Price index from the previous calendar year.
- E. These impact fees shall be collected until all capital costs associated with specified projects in the report have been incurred and satisfied, unless such time period exceeds five (5) years beyond the projected completion of projects of five (5) years beyond projected satisfaction of indebtedness for the specified projects for which these water impact fees are imposed.

22.10 PARK FACILITIES FEES.

Park Facilities Fees as may be charged pursuant to Section 236.45 (6) Wis. Stats. (11-02)

22.11 POLICE AND FIRE FACILITIES IMPACT FEES. (11-01)

The basis for the imposition of Police and Fire Facilities Impact Fees is the Facilities Needs Assessment Report and its attachments, which are on file in the office of the Village Clerk. The Police and Fire Facilities Impact Fee is to be paid prior to the issuance of applicable building permits.

- A. Police and Fire Facilities Impact Fee is set at \$1,4300 per residential unit, Multi-Family is \$1,280.00 per unit, and at \$2.80 per \$1,000.00 of improvements of non-residential property.
- B. The fees shall be increased by Ordinance as of January 1 of each year by a percentage equal to the Consumer Price Index from the previous calendar year.
- C. These impact fees shall be collected until all capital costs associated with the projects identified in the Public Facilities Needs Assessment Report have been incurred and satisfied, unless such time period exceeds five (5) years beyond the projected completion of the projects or five (5) years beyond satisfaction of indebtedness for the projects for which the impact fees are imposed.