

CHAPTER 22

IMPACT FEES

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22.01 Intent. This Ordinance establishes the mechanism for imposing impact fees upon land development to finance capital costs to construct, expand, or improve public facilities which are necessary to accommodate such land development. The City of St. Croix Falls, by adopting this Ordinance, is not limiting its authority to finance public facilities by any other means authorized by law, including, without limitation, any means authorized by §236.13(2), Wis. Stats., §236.13(2m), Wis. Stats., and Ch. 20 of this Code.

22.02 Definitions. (1) All words shall have the same meanings as set forth in Sec. 66.0617(1), Wis. Stats. As of the date of passage of this ordinance, those terms and definitions are as follows:

- (a) **“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 10% of capital costs may consist of legal, engineering and design costs unless the municipality can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. “Capital costs” does not include other non-capital costs to construct, expand or improve public facilities, vehicles or the costs of equipment to construct, expand or improve public facilities.
- (b) **“Developer”** means a person that constructs or creates a land development.
- (c) **“Impact fees”** means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer by a municipality.
- (d) **“Land development”** means the construction or modification of improvements to real property that creates additional residential dwelling units within a municipality or that results in nonresidential uses that create a need for new, expanded or improved public facilities within a municipality.
- (e) **“Municipality”** means a city, village or town.
- (f) **“Public facilities”** means highways, as defined in Sec. 340.01(22), 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 land for athletic fields, 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.

(g) **“Service area”** means a geographic area delineated by a municipality within which there are public facilities.

(h) **“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 municipality.

(2) **Development:** This term shall have the same meaning as "land development" as defined in §66.0617(1), Wis. Stats.

(3) **Residential Equivalent Unit (REU).** A unit of measure for impact fees equivalent to one residential dwelling unit. For the purpose of calculating the public water impact fee, one REU is equal to the basic residential meter size of 5/8 in. or 3/4 in. For the purpose of calculating the public wastewater treatment impact fee and the library impact fee, one REU is equal to the basic residential meter size of 5/8 in. or 3/4 in. For the purpose of calculating the public park impact fee, one REU is equal to each separate dwelling unit. In all cases, the City Clerk shall make the decision as to the application of these standards.

Section 22.03 Establishment of Impact Fees. The following are impact fees established by the City pursuant to §66.0617, Wis. Stats.:

- (1) Public water impact fee;
- (2) Public wastewater treatment impact fee;
- (3) Public park impact fee; and
- (4) Library impact fee.

Section 22.04 Revenues. Revenues collected by the City from each impact fee that is imposed shall be placed by the City Treasurer in a separate segregated interest-bearing account, and shall be accounted for separately from other funds of the City. Impact fee revenues and interest earned on impact fee revenues may be expended by the City only for the particular capital costs for which the impact fee was imposed, unless the fee is refunded pursuant to sec. 22.05 of this chapter.

Section 22.05 Time Limit for Expenditures. (1) Time to Use Collected Impact Fees. The City determines the following time periods to be reasonable for the use of impact fees:

Type of Facility:

- | | | |
|-----|---|---------|
| (a) | Public Water Facilities: | 7 years |
| (b) | Public Wastewater Treatment Facilities: | 7 years |
| (c) | Public Park Facilities: | 7 years |
| (d) | Library Facilities: | 7 years |

(2) Refund of Unused Impact Fees. Impact fees to pay the capital costs for which they were imposed, which are not used within 7 years after collection, shall be refunded to the current owner of the property upon which the impact fees were imposed, along with any interest that has accumulated, unless the 7 year time limit is extended pursuant to §66.0617(9)(b), Wis. Stats.

22.06 Payment of Impact Fees. Unless otherwise expressly provided herein, all required impact fees shall be paid by the property owner in full within 14 days of the issuance of a building permit by the City.

22.07 Payment of Impact Fees For Larger Meter Installation. An impact fee imposed due to the installation of a larger meter pursuant to sec. 22.09(2) of this chapter shall be paid prior to the installation of the larger meter.

22.08 Appeals. (1) No appeal of any impact fee may be commenced if any applicable impact fee is delinquent.

(2) An appeal of any impact fee is limited to the following issues:

- (a) The amount of the impact fee;
- (b) The method of collection of the impact fee; and
- (c) The use of the impact fee.

(3) An appeal is initiated by the filing of a notice of appeal with the City Clerk within 30 days of the applicable impact fee.

(4) The appellant shall pay a filing fee of \$200.00 at the time of filing the notice of appeal.

(5) The Common Council shall hold a public hearing on the appeal, preceded by a Class 1 notice, providing a fair opportunity for the appellant to be heard. The appellant shall have the burden to establish illegality or impropriety of the impact fee at issue. Following the close of the public hearing, the Common City Council shall deliberate and conduct any studies and inquiries it deems appropriate to decide the appeal.

(6) If the Common City Council determines that the appeal has merit, it shall determine the appropriate remedies. These may include, but shall not be limited to, reallocation of the proceeds of the challenged impact fee to accomplish the purposes for which the fee was collected, refunding the impact fee in full or in part together with interest thereon, or such other remedies as the Common Council deems appropriate in a particular case.

22.09 Public Water Impact Fee. (1) Pursuant to sec. 22.03(1) of this chapter, a public water impact fee is hereby imposed on all development occurring on land annexed into the City subsequent to the effective date of this Ordinance.

(2) Pursuant to sec. 22.03 (1) of this chapter, a public water impact fee is hereby imposed for any current (subsequent to the effective date of this Ordinance) or future development within the City. A public water impact fee shall also be imposed on any existing development in which a larger water meter is installed, whether such installation is due to a modification of the development or not. Any such public water impact fee shall be referred to in this chapter as a "larger meter fee" and shall be imposed based on the size of the new larger meter, subject to the credit described in sec 22.09(5)(b) of this chapter.

(3) The public water impact fee shall be \$220.00 for each REU.

(4) The total public water impact fee for a particular development shall be based on the size of the water meter installed to service the development according to the following table of meter equivalents:

Meter Size and Number of REUs

3/4 in. or 5/8 in. = 1 REU

1 in. = 2.5 REU

1.25 in. = 4 REU

1.5 in. = 5 REU

2 in. = 8 REU

3 in. = 15 REU

4 in. = 25 REU

6 in. = 50 REU

8 in. or larger = 80 REU

The public water impact fee for a particular development shall be determined by multiplying the applicable public water impact fee specified in sec. 22.09(4) of this chapter by the number of REUs as determined by reference to the above table.

(5) Public water impact fees may be reduced or eliminated as follows:

(a) Additions or modifications to existing structures which do not involve installation of additional or larger water meters shall not be assessed a public water impact fee;

(b) A larger meter impact fee shall be reduced by the amount of any previous impact fee paid for that same meter installation. In the case of installment payments, the reduction does not include any interest paid.

22.10 Public Wastewater Treatment Impact Fee. (1) Pursuant to sec. 22.03(2) of this chapter, a public wastewater treatment impact fee is hereby imposed on all development occurring on land annexed into the City subsequent to the effective date of this Ordinance.

(2) Pursuant to sec. 22.03(2) of this chapter, a public wastewater treatment impact fee is hereby imposed for any current or future development within the City subsequent to the effective date of this Ordinance. A public wastewater treatment impact fee shall also be imposed on any existing development in which a larger meter is installed, whether such installation is due to a modification of the development or not. Any such public wastewater treatment impact fee shall be referred to in this chapter as a "larger meter fee" and shall be imposed based on the size of the new larger meter, subject to the credit described in sec. 22.09(5)(b) of this chapter.

(3) A public wastewater treatment impact fee shall be \$1,110.00 for each REU.

(4) The total public wastewater treatment impact fee for a particular development shall be based on the size of the meter installed to service the development according to the following table of meter equivalents:

Meter Size and Number of REUs:

3/4 in. or 5/8 in. = 1 REU

1 in. = 2.5 REU

1.25 in. = 3.7 REU

1.5 in. = 5 REU

2 in. = 8 REU

3 in. = 15 REU

4 in. = 25 REU

6 in. = 50 REU

8 in. or larger = 80 REU

The public wastewater treatment impact fee for a particular development shall be determined by multiplying the applicable public wastewater treatment impact fee specified in sec. 22.10(3) of this chapter by the number of REUs as determined by reference to the above table.

(5) Public wastewater treatment impact fees may be reduced or eliminated as follows:

(a) Additions or modifications to existing structures which do not involve installation of additional or larger meters shall not be assessed a public wastewater treatment impact fee;

(b) A larger meter impact fee shall be reduced by the amount of any previous impact fee paid for that same meter installation. In the case of installment payments, the reduction does not include any interest paid.

22.11 Public Parks Impact Fee. (1) Pursuant to sec. 22.03(3) of this chapter and subject to the limits as set forth in §66.0617(1)(f), Wis. Stats., a public park impact fee is hereby imposed on all residential development in the City occurring on land annexed into the City subsequent to the effective date of this Ordinance.

(2) Pursuant to sec. 22.03(3) of this chapter and subject to the limits as set forth in §66.0617(1)(f), Wis. Stats., a public park impact fee is hereby imposed for any current or future residential development within the City subsequent to the effective date of this Ordinance. A public park impact fee shall also be imposed on any modification to an existing residential development which results in additional residential units.

(3) The public park impact fee shall be \$780.00 for each REU.

(4) The public park impact fee shall be based upon the number of dwelling units created by the development.

(5) The public park impact fee shall be equal to the impact fee per REU as set forth in sec. 22.11(3) of this chapter, multiplied by the total number of dwelling units in a development.

22.12 Library Impact Fee. (1) Pursuant to sec. 22.03(4) of this chapter and subject to the limits as set forth in §66.0617(1)(f), Wis. Stats., a library impact fee is hereby imposed on all residential development in the City occurring on land annexed into the City subsequent to the effective date of this Ordinance.

(2) Pursuant to sec. 22.03(4) of this chapter, a library impact fee is hereby imposed for any current or future residential development within the City subsequent to the effective date of this Ordinance. A library impact fee shall also be imposed on any modification to an existing development which results in any additional units.

(3) The library impact fee shall be \$640.00 for each REU.

(4) The library impact fee shall be equal to the amount per REU set forth in sec. 22.12(3) of this chapter multiplied by the number of REUs specified in sec. 22.09(4) of this chapter.

22.13 Reduction or Waiver of Impact Fees. (1) The City Council may, in its sole discretion, agree to reduce or waive an impact fee imposed on a specific development to accommodate the construction of low cost housing within the City. Pursuant to §66.0617(7) Wis. Stats., no amount of an impact fee for which an exemption or reduction is provided under this subsection may be shifted to any other development in the land

development in which the low-cost housing is located or to any other land development in the municipality. The City Council may, in its sole discretion, agree, on a case-by-case basis, to reduce or waive an impact fee imposed on a specific development where the imposition of the fee would be grossly unfair or unjust.

(2) A request for a reduction or waiver pursuant to this provision must be in writing, stating in detail the basis or justification for the request, and be filed with the City Clerk.

22.14 Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, phrase, sentence, or portion shall be deemed separate, distinct, and independent from the remainder of the Ordinance. Any such holding shall not affect the validity of the remaining Ordinance.