

3
4 AN ORDINANCE AMENDING SEC. 50-232
5 OF THE VILLAGE OF HARTLAND MUNICIPAL CODE
6 PERTAINING TO IMPACT FEES
7

8 THE VILLAGE BOARD OF THE VILLAGE OF HARTLAND DO ORDAIN AS FOLLOWS:
9

10 **SECTION 1:** Chapter 50 of the CODE OF ORDINANCES OF THE VILLAGE OF HARTLAND is hereby
11 amended by the deletion of words marked with a and the addition of underlined words as
12 follows:

13 **Chapter 50 – Land Division**

14 **Article VI. – Fees**

15 **Sec. 50-232 – Impact fees**

16 (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings
17 ascribed to them in this section, except where the context clearly indicates a different meaning:

18 *Capital costs* means the capital costs to construct, expand or improve public facilities, including the cost of
19 land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that
20 not more than ten percent of capital costs may consist of legal, engineering and design costs unless the village can
21 demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which
22 the impact fees were imposed exceed ten percent of capital costs. The term "capital costs" does not include other
23 noncapital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct,
24 expand or improve public facilities.

25 *Developer* means a person that constructs or creates a land development, including land divisions and
26 condominium developments.

27 *Impact fees* means cash contributions, contributions of land or interests in land, or any other items of value
28 that are imposed on a developer by the village under this section.

29 *Land development* means the construction or modification of improvements to real property that creates
30 additional residential dwelling units within the village or that results in nonresidential uses that create a need for
31 new, expanded or improved public facilities within the village.

32 *Public facilities* means all of the following: highways as defined by Wis. Stats. § 340.01(22) and other
33 transportation facilities; traffic control devices, public sidewalks and pedestrian/recreational paths, facilities for
34 collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping,
35 storing and distributing water, parks, playgrounds and land for athletic fields, solid waste and recycling facilities, fire
36 protection facilities, law enforcement facilities, emergency medical facilities and libraries. The term "public facilities"
37 does not include facilities owned by a school district.

38 *Service area* means a geographic area delineated by the village within which there are public facilities.

39 *Service standard* means a certain quantity or quality of public facilities relative to a certain number of persons,
40 parcels of land or other appropriate measure, as specified by the village.

- 41 (b) *Imposed.* Pursuant to Wis. Stats. § 66.0617, Impact fees are hereby imposed on developers as follows:
- 42 (1) *Department of public works facilities.* Fees for public facilities for the construction, expansion or
43 improvement of such village facilities as streets and highways, traffic control devices, water distribution
44 systems, stormwater management systems, sanitary sewerage systems, and solid waste and recycling
45 facilities shall be as set by resolution of the village board.
- 46 (2) *Park facilities.* Fees for public facilities for parks, playgrounds or land for athletic fields shall be as set by
47 resolution of the village board.
- 48 (3) *Libraries.* Fees for public facilities for libraries shall be as set by resolution of the village board.
- 49 (4) *Fire protection facilities.* Fees for public fire protection facilities shall be as set by resolution of the village
50 board.
- 51 (5) *Law enforcement facilities.* Fees for public law enforcement facilities shall be as set by resolution of the
52 village board.
- 53 (c) *On-site public facilities.* On-site Public facilities are those facilities needed to be constructed on the site of the
54 land development including, but not limited to, sanitary sewage collection facilities, sidewalks or
55 pedestrian/recreation paths, water facilities, stormwater and surface water facilities, streets, signage, traffic
56 control signals/signs and lighting. The dollar value of such on-site public facilities will be determined for each
57 land development on a case-by-case basis in the manner described in the public facilities needs assessment.
58 The developer will be required to either provide or pay for the above on-site public facilities. It is the finding
59 by the village that such on-site public facilities are not Impact fees regulated by Wis. Stats. § 66.0617 nor do
60 such on-site public facilities constitute a type of capital costs for which a credit against or reduction of Impact
61 fees may be required.
- 62 (d) *Payment.* Except as provided under this paragraph, the Developer or the property owner shall pay Impact fees
63 to the village in full upon the issuance of a building permit by the village. If the total amount of Impact fees
64 due for a development will be more than \$75,000, a Developer may defer payment of the Impact fees for a
65 period of 4 years from the date of the issuance of the building permit or until 6 months before the village
66 incurs the costs to construct, expand, or improve the public facilities related to the development for which the
67 Impact fee was imposed, whichever is earlier. If the Developer elects to defer payment under this paragraph,
68 the Developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees
69 executed in the name of the village. The Developer may not defer payment of Impact fees for projects that
70 have been previously approved.
- 71 (e) *Requirements for revenues.* Impact fees collected shall be placed in a segregated, interest-bearing account and
72 shall be accounted separately from other funds of the village. Impact fees and interest earned thereon may be
73 expended only for capital costs for which the Impact fees were imposed.
- 74 (f) *Use/return.* The village finance director/treasurer shall keep a record of the amount and date of each Impact
75 fee collected or expended by the village on a first-in, first-out basis. Impact fees, together with interest earned,
76 which are not expended to pay capital costs for which they were imposed within the time periods described
77 in this subsection shall be refunded to the Developer or property owner to which the Impact fees were
78 imposed and paid by. The time periods for expenditure of Impact fees are established as follows:
- 79 (1) With regard to Impact fees collected on or before December 31, 2001, not later than December 31, 2012.
- 80 (2) With regard to Impact fees collected on or after January 1, 2003, and before April 11, 2006, not later
81 than the first day of the 120th month beginning after the date on which the fee was collected.
- 82 (3) With regard to Impact fees collected after April 10, 2006, but on or before May 6, 2015, not later than
83 May 6, 2018 which is ten years after the effective date of the ordinance enacting Impact fees. The ten-
84 year period may be extended three additional years in accordance with Wis. Stats. § 66.0617(9)(b).
- 85 (4) With regard to Impact fees collected after May 6, 2015, but on or before April 4, 2018, 20 years after the
86 date on which the fee was collected.

87 (5) With regard to Impact fees collected after April 4, 2018, 8 years after the date on which the fee is
88 collected unless the fees are for capital costs related to lift stations or collecting and treating sewage
89 that are not used within 10 years after they are collected and the time limit is extended for 3 years if a
90 resolution is adopted in conformity with Wis. Stats. § 66.0617 (9).

91 (g) *Annual adjustments.* The Impact fees imposed under this section shall be increased annually at the percent
92 change of the U.S. Census Bureau Construction Price Index (CPI) for single-family houses under construction,
93 for the twelve-month period preceding October of the prior year, with the adjustment effective January 1 of
94 each year. The village manager or designee shall calculate the adjusted fees and maintain a copy of the
95 calculation and the adjusted Impact fees schedule in the office of the village clerk.

96 (h) *Appeals.* Any Developer or property owner upon whom an Impact fee is imposed under this section as a
97 condition of the issuance of a building permit shall have the right to contest the amount, collection or use of
98 the Impact fee to the village board, provided that the Developer or property owner files a written notice of
99 appeal in the village clerk within 15 days of the Developer's or property owner's filing of an application for a
100 building permit upon which the Impact fee is imposed. Such notice of appeal shall be entitled "Notice of Appeal
101 of Impact Fee" and shall state the Developer or property owner's name, address, telephone number, and legal
102 description of the land development upon which the Impact fee is imposed, and a detailed statement of the
103 nature of and reasons for the appeal. The village clerk shall schedule the appeal for consideration by the village
104 board at a regular meeting as soon as reasonably practicable under the circumstances and shall notify the
105 Developer or property owner of the time, date and place of such meeting, in writing, by regular mail, deposited
106 in the mail no later than at least three days before the date of such meeting. Upon review of such appeal, the
107 village board may adjust the amount, the collection or the use of the Impact fee upon just and reasonable cause
108 shown.

109
110 **SECTION 2:** If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or
111 unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and
112 independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

113 **SECTION 3:** This ordinance shall take effect and be in full force after adoption and publication.

114

115 Adopted this _____ day of _____, 2024.

116 VILLAGE OF HARTLAND

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118 By: _____
119 Jeffrey Pfannerstill, Village President

120 ATTEST:

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122 By: _____
123 Sandee Policello, Village Clerk
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