

## Chapter 323

### IMPACT FEES

**[HISTORY: Adopted by the Village Board of the Village of Plover as indicated in article histories. Amendments where noted where applicable.]**

#### GENERAL REFERENCES

Wastewater Utility — See Ch. 502.

Water — See Ch. 505.

Subdivision of land — See Ch. 545.

#### ARTICLE I

##### Water and Sewer Facilities

**[Adopted by Ord. No. 14-98 (§ 3.08 of the 1985 Code)]**

#### § 323-1. Definitions.

The definitions in § 66.0617(1), Wis. Stats, are hereby adopted by reference.

#### § 323-2. Impact fees imposed.<sup>1</sup>

Pursuant to § 66.0617, Wis. Stats., impact fees are hereby imposed on developers as follows:

- A. Facilities for pumping, storing, denitrification and other treatment and distributing water: designated in Exhibit B of the Public Facilities Needs Assessment which is hereby adopted by reference.
- B. Sewage treatment facilities: designated in Exhibit B of the Public Facilities Needs Assessment which is hereby adopted by reference.

#### § 323-3. Consideration of effect on affordable housing.

The Village Board may review the potential effect of imposing impact fees upon the availability of affordable housing in the Village and may waive or reduce said fee without increasing the base fee if appropriate in the opinion of the Board.

#### § 323-4. Payment of impact fees.

The impact fees shall be paid at the time of applying for a building permit or initial sewer or water service.

#### § 323-5. Disposition of revenues.

Revenues from impact fees shall be placed in a segregated, interest-bearing account and shall be accounted for separately from other funds of the Village. Impact fee revenues and interest earned

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

on impact fee revenues may be expended only for capital costs for which the impact fees were imposed.

**§ 323-6. Accounting; time period or expenditure; return of fees.**

- A. The Village Treasurer shall keep an account of the amount and date of each impact fee payment and the date such funds are expended on a first in, first out basis.
- B. Time periods for the expenditure of tax impact funds are hereby established as follows:
  - (1) Water facilities: six years.
  - (2) Sewage treatment facilities: six years.
- C. Impact fees, together with interest earned, which are not used to pay the capital costs for which they were imposed within the time periods prescribed in Subsection B above shall be refunded to the current owner of the property with respect to which the impact fees were imposed.

**§ 323-7. Appeals.**

Any developer upon whom an impact fee has been imposed may contest the amount, collection or use of the impact fee by filing an appeal to the Village Board addressed to the Village Clerk. A copy of the appeal shall be forwarded to the appropriate department head, who shall submit a written report and recommendation to the Board in 10 days or less. The Board shall review said report and recommendation. At the next Board meeting, the Board shall either confirm the imposition of the impact fees or adopt a proposed resolution of the matter, and the Village Clerk shall send a copy of the determination to the developer. If the developer still feels aggrieved, within 10 days he may file a written request with the Village Clerk that a hearing on the matter be held.

- A. If the hearing request is received by the Clerk five days or more from the next Board meeting, the Board will hear the matter at that meeting; if received less than five days from the next Board meeting, the matter will be heard at the next succeeding Board meeting.
- B. After fully hearing the matter, the Board shall reduce its findings and decisions to writing within 10 days and the Clerk shall send a copy thereof to the developer by certified mail. If the developer still feels aggrieved, he may file an appeal with the Circuit Court within 30 days of receipt of the Board's decision.

ARTICLE II  
**Park Facilities**

[Adopted effective 12-20-2006 (Ch. 19, Subchapter III of the 1985 Code)]

**§ 323-8. Title.**

This article is titled the "Impact Fee Ordinance."

**§ 323-9. Authority.**

This article is authorized under § 66.0617, Wis. Stats. The provisions of this article shall not be

construed to limit the power of the Village to adopt such article pursuant to any other source of local authority or to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this article.

**§ 323-10. Purpose.**

The purpose of this article is to facilitate the adequate provision of parks, playgrounds and land for athletic fields by imposing impact fees upon developers to pay for the capital costs of public facilities that are necessary to accommodate land development.

**§ 323-11. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**CAPITAL COSTS** — 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 Village can demonstrate that its legal, engineering and design costs which related directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. "Capital costs" does not include other noncapital costs to construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.

**DEVELOPER** — A person that constructs or creates a land development.

**IMPACT FEES** — Cash fees imposed upon a developer under this article.

**LAND DEVELOPMENT** — The construction or modification of improvements to real property that creates additional residential dwelling units within the Village or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Village.

**§ 323-12. Impact fees imposed; due date for payment; building permit.**

- A. Impact fees are hereby imposed on all residential developments and land divisions within the Village of Plover.
- B. For residential development, impact fees shall be due in full within 14 days of the issuance of a building permit.
- C. The effective date of a building permit is the date on which all impact fees imposed under this article are paid in full, and unless all impact fees are paid in full within 14 days after issuance as required by § 66.0617(6)(g), Wis. Stats., said building permit shall expire 15 days after issuance.

**§ 323-13. Applicability; amount of fee; annual adjustment; disposition of revenue.**

- A. Any developer creating a land division for residential development or constructing additional residential dwelling units within the Village shall pay a fee to the Village to provide for the capital costs necessary to accommodate the park facilities needs of land

development, except as provided in § 323-15 below.

- B. The amount of the fee per residential dwelling unit to be constructed or created by the proposed development, subject to adjustment pursuant to § 323-14 below, shall be as follows:
  - (1) For single-family or two-family residential development, the fee shall be \$397 per dwelling unit.
  - (2) For multifamily residential development, the fee shall be \$284 per dwelling unit.
  - (3) For a one-bedroom dwelling unit, the fee shall be \$213 per dwelling unit.
- C. In order to ensure that these fees remain equitable, the impact fees described herein shall automatically adjust on an annual basis on January 1 of each year by the percentage increase or decrease in the United States Bureau of Labor Statistics Midwest Region All Times Consumer Price Index for All Urban Consumers from January 1 of the preceding year.
- D. Such fees collected by the Village shall be placed in a special fund which shall be separate from the general fund of the Village and shall be used exclusively for the particular capital costs for which the fee was imposed.<sup>2</sup>
- E. Such fees shall be expended by the Village for the aforesaid purpose within seven years of the date of payment or such fee amount paid along with any interest accumulated shall be refunded to the current owner(s) of the property with respect to which such fee was imposed.

**§ 323-14. Fee reduction.**

Any impact fee imposed under this article shall be reduced to compensate for capital costs otherwise imposed by the Village upon the land development subject to this article for the same particular public facilities for which an impact fee has been imposed under this article, including by way of special assessments, special charges or any ordinance adopted thereunder or any other items of value. Impact fees imposed under this article shall also be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees under this article are imposed.

**§ 323-15. Exemption.**

The lawful new construction of a single-family dwelling structure razed or to be razed within one year of the issuance of a building permit for the new construction as part of the new construction project shall be exempt from the fees imposed under this article. Any new construction of a single-family dwelling structure upon a single parcel of land involving the demolition of a preexisting residential structure upon such single parcel of land, which project is similar to but not exactly as described above, may be found to be exempt upon application to the Village Board and a finding by the Village Board that such project does not bear a rational relationship to the need for new, expanded or improved public facilities required to serve such development. Such

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

application shall be made to the Village Board prior to the payment of any fees under this article.

**§ 323-16. Administration and review.** <sup>3</sup>

The Village Board shall, as part of its annual budget process, review the impact fees imposed under this article. The revenue and expenditure totals for each impact fee must also be included in the Village's annual budget, and a summary of the revenue and expenditure totals for each impact fee must be made available in the Village's annual budget summary required under § 65.90(3)(a), Wis. Stats.

**§ 323-17. Appeals.**

Any developer upon whom an impact fee is imposed under this article shall have the right to contest the amount, collection or use of the impact fee to the Village Board, provided that the developer files a written notice of appeal in the Village Clerk's office within 15 days of the building permit approval upon which the impact fee is imposed. Such notice of appeal shall be titled "Notice of Appeal of Impact Fee" and shall state the developer's name, address, telephone number, address (if available) and legal description or tax parcel identification number of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. The Village Clerk shall schedule the appeal for consideration by the Village Board at a regular meeting as soon as reasonably practicable under the circumstances and shall notify the developer of the time, date and place of such meeting, in writing, by regular mail deposited in the mail no later than at least three days before the date of such meeting. Upon review of such appeal, the Village Board may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).