

CHAPTER 25 IMPACT FEE ORDINANCE (Adopted 6-17-1996)

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25.01 ESTABLISHMENT OF SERVICE ZONES.

There is hereby established geographically defined zones. These zones shall be known as service areas within which it will be necessary to install new public facilities or expand existing public facilities as a result of land development. The service areas which are to be served by public water facility improvements are shown in Exhibit A (not included herein).

25.02 STANDARD FOR IMPACT FEES.

In accordance with State Statutes, the Village of Williams Bay does adopt the following standards for impact fees imposed under this ordinance. Impact fees adopted by the Village of Williams Bay:

- (1) Shall bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development.
- (2) May not exceed the proportionate share of the capital costs that are required to serve land development, as compared to existing uses of land within the political subdivision.
- (3) Shall be based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities.
- (4) Shall be reduced to compensate for other capital costs imposed by the political subdivision with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under chapter 236 or any other items of value.
- (5) Shall be reduced to compensate for moneys received from the federal or state government specifically to provide for payment of the public facilities for which the impact fees are imposed.
- (6) May not include amounts necessary to address existing deficiencies in public facilities.
- (7) Shall be payable by the developer to the political subdivision, in full, before a building permit may be issued or other required approval may be given by the political subdivision.
- (8) Impact fees shall be determined upon a Residential Unit basis with a single family residence being a unit of one (1). The number of Residential Units for all properties shall be assigned in accordance with the schedule contained in Exhibit B.

25.03 AMOUNT.

Based on the foregoing zones and standards, the impact fees are adopted in the following amounts:

(1) Water Supply and Storage	\$635 per Residential Unit- Zone 1 and 2
(2) Water Main Oversizing	\$129 per Residential Unit- Zone 2 only

These fees are to be adjusted annually and approved by the Village Auditor, effective each January 1, based on the lesser of the actual cost of the improvements or updated estimates thereof. In updated such estimates the Village may use its prior year's average investment rate less 2% as an escalator in lieu of new engineering estimates.

25.04 PAYMENT OF IMPACT FEES.

Impact fees shall come due and payable either in full or in installment payments as approved by the Village Board before a building permit may be issued.

25.05 LOW-COST HOUSING.

No exemption or a reduction in the amount of said fee shall be made on land development that provides for low-cost housing.

25.06 SEPARATE FUNDS ESTABLISHED.

There are hereby established impact fee funds for each of the categories of impact fees. Revenues from said funds shall be placed in segregated, interest bearing accounts and shall be accounted for separately from all other funds of the Village. Revenues from said funds, including impact fee revenues and interest earned on impact fee revenues may be expended only for capital costs for which the impact fees were imposed.

25.07 REFUND OF IMPACT FEES.

Impact fees that are imposed and collected by the Village of Williams Bay but not used within a reasonable time period after which they are collected, shall be refunded to the current owner of property with respect to which the impact fees were imposed. The Village hereby determines that a reasonable time period for improvements shall be considered as 20 years.

25.08 APPEAL.

A developer upon whom an impact fee is imposed has the right to contest the amount, collection, or use of the impact fee to the Village Board of the Village of Williams Bay. The appeal process shall be as follows:

- (1) REVIEW OF INITIAL DETERMINATION. Any developer wishing to contest the amount, collection, or use of the impact fee imposed upon him or her as a condition of obtaining a building permit shall, within 30 days of the imposition of the impact fee upon the developer by the Village of Williams Bay, file with the Building Inspector a request for review of such impact fee imposition. The request for review shall state the ground or grounds upon which the developer contends that the imposition of the impact fee in amount, in collection, or in use is improper. The Building Inspector

shall review the initial determination to impose the impact fee that is the subject of contest within 30 days of receipt of a request for review. The Building Inspector shall ascertain and determine whether the initial imposition of the impact fee in amount, collection, or use thereof was made in accordance with this ordinance and shall mail or deliver to the person contesting the said impact fee a copy of the Building Inspector's determination.

The Building Inspector shall also file a copy of his determination with the Village Board. If the Building Inspector determines the imposition of the impact fee was not made in accordance with this ordinance, he shall correct the imposition of the impact fee as necessary to conform to this ordinance. The determination shall advise the person aggrieved of the right to appeal the determination. Appeal from a determination on review under this subsection shall be taken within 30 days of notice of such determination.

(2) **APPEAL TO VILLAGE BOARD.** An appeal of the amount, collection or use of the impact fee and the review of the initial determination made by the Building Inspector and the Building Inspector's determination to the Village Board may be taken by filing with or mailing to the office of the Village Clerk within 30 days of notice of the Building Inspector's determination a written notice of appeal. The building builder or developer contesting the amount, collection or use of the impact fee may file with the notice of appeal written evidence and argument in support of the builder's or developer's position with regard to the imposition of the impact fee. The Village shall provide the appellant a hearing before the Village Board within 30 days of receipt of the notice of appeal filed or made in accordance with the requirements of this subsection and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing.

(3) **CONDUCT OF HEARING.** At the hearing, the Appellant and the Village may be represented by an attorney and may present evidence and call and examine witnesses and cross examine witnesses of the other party. Such witnesses shall be sworn by the Village Clerk. The hearing will be held before the Village Board who shall make the decision on appeal. The Village Board may issue subpoenas. An Appellant's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. The proceedings shall be taken by a recording device, the expense thereof to be paid by the Village.

(4) **FINAL DETERMINATION.** Within 30 days of completion of the hearing and the filing of briefs, if any, the Village Board shall mail or deliver to the Appellant its written determination stating the reasons therefore. Such determination shall be a final determination.

(5) **JUDICIAL REVIEW.** Any party to a proceeding resulting in a final determination may seek review thereof by certiorari to the Circuit Court within 30 days of receipt of the final determination. The Court may affirm or reverse the final determination, or remand to the Village Board for further proceedings consistent with the court's decisions. If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. By stipulation, the Court may order a synopsis of the proceedings in lieu of a transcript. The Court may otherwise limit the requirement for a transcript.

**EXHIBIT B
NUMBER OF RESIDENTIAL UNITS AND RELATED IMPACT FEES
FOR THE VARIOUS WATER METER SIZES IN THE VILLAGE**

Meter Size (inches)	Residential Units	Supply and Storage Impact Fee	Main Oversizing Impact Fee
5/8	1.0	\$ 635	\$ 129
3/4	1.0	\$ 635	\$ 129
1	2.5	\$ 1,588	\$ 323

1 1/4	3.7	\$ 2,350	\$ 477
1 1/2	5.0	\$ 3,175	\$ 645
2	8.0	\$ 5,080	\$1,032
3	15.0	\$ 9,525	\$1,935
4	25.0	\$15,875	\$3,225
6	50.0	\$31,750	\$6,450