

**AN ORDINANCE TO CREATE CHAPTER \_\_ OF THE CODE OF  
ORDINANCES OF THE CITY OF STOUGHTON ESTABLISHING IMPACT  
FEES**

Draft Dated 6-1-2009

The City Council of the City of Stoughton, Dane County, Wisconsin, does ordain as follows:

**Section 1:** Chapter 67, as it relates to impact fees is hereby created to read as follows:

**Chapter \_\_  
Impact Fees**

- Sec. 67-1 Authority
- Sec. 67-2 Purpose
- Sec. 67-3 Definitions
- Sec. 67-4 Imposition of Impact Fees
- Sec. 67-5 Parks, Playgrounds and Land for Athletic Fields Impact Fee
- Sec. 67-6 Fee Reduction
- Sec. 67-7 Exemption From Fees
- Sec. 67-8 Administration and Review
- Sec. 67-9 Appeal
- Sec. 67-10 Severability
- Sec. 67-11 Effective Date

**Sec. 67-1. Authority**

This ordinance is authorized under §66.0617, Wis. Stats. The provisions of this ordinance shall not be construed to limit the power of the City to adopt such ordinance pursuant to any other source of local authority, nor 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 ordinance.

**Sec. 67-2. Purpose**

The purpose of this ordinance is to promote the public health, safety and general welfare of the community and 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.

**Sec. 67-3. Definitions**

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

(1) CAPITAL COST. 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 City 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 or the costs of equipment to construct, expand or improve public facilities.

(2) DEVELOPER. A person that constructs or creates a land development.

(3) IMPACT FEES. Cash fees or contributions of land imposed upon a developer under this chapter.

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

#### **Sec. 67-4. Imposition of Impact Fees**

(1) Impact fees are hereby imposed on all developments and land divisions within the City of Stoughton and shall be calculated pursuant to this ordinance.

(2) For all land development, impact fees shall be due at the issuance of a building permit. As such, building permit approval shall be contingent upon payment of said fees and no permit shall be issued for development until payment is received.

#### **Sec. 67-5. Parks, Playgrounds and Land for Athletic Fields Impact Fee**

(1) Any developer creating or constructing additional residential dwelling units within the City shall pay a fee to the City to provide for the capital costs necessary to accommodate the parks, playgrounds and land for athletic fields needs of land development, except as provided in Sec. 67-7 below.

(2) The amount of the fee per residential dwelling unit to be constructed or created by the proposed development, subject to adjustment pursuant to Sec. 67-6 below, shall be as follows:

- a. For single-family or two-family residential development, the fee shall be \$912 per dwelling unit for park facilities, \$2,805 per dwelling unit for parkland for a total of \$3,717 per dwelling unit (\$7434 for two-family structure) for all impact fees.
- b. For multi-family residential development units of 2 bedrooms or more, the fee shall be \$684 per dwelling unit for park facilities, \$2,104 per

dwelling unit for parkland for a total of \$2,788 per dwelling unit for all impact fees.

- c. For multi-family residential development units of 1 bedroom or less, the fee shall be \$456 per dwelling unit for park facilities, \$1,402 per dwelling unit for parkland for a total of \$1,859 per dwelling unit for all impact fees.

(3) Such fees collected by the City shall be placed in a special fund which shall be separate from the general fund of the City, and the special fund and all interest earned thereon shall be used exclusively for the capital costs for parks, playgrounds and land for athletic fields within the City.

(4) Impact Fees imposed and collected by the City under this Chapter shall be used within the time limits defined by Section 66.0617(9) Wisconsin Statutes by the City to pay the Capital Costs of the Public Facilities for which they were imposed, or in the alternative, refunded to the current owner of the real property with respect to which the Impact Fees were imposed along with any interest that has accumulated. Specifically, the time limits shall be as follows:

- a. With regard to impact fees collected after April 10, 2006 but within 7 years of the effective date of the ordinance enacting the impact fees, 10 years after the effective date of the ordinance enacting the impact fees.
- b. With regard to impact fees collected after April 10, 2006 but more than 7 years after the effective date of the ordinance enacting the impact fees, 15 years after the date on which the fee was collected.
- c. With regard to impact fees collected within 7 years after the effective date of the ordinance enacting impact fees, 10 years after the effective date of the ordinance enacting impact fees.
- d. With regard to impact fees collected more than 7 years after the effective date of the ordinance enacting impact fees, 15 years after the date on which the fee was collected.

#### **Sec. 67-6. Fee Reduction**

Any impact fee imposed under this section shall be reduced to compensate for capital costs otherwise imposed by the City upon land development, for the same public facilities for which an impact fee is imposed under this section, including special assessments, special charges, land dedications or fees in lieu of land dedications under Ch. 236, Wis. Stats., or any ordinance adopted thereunder or any other items of value. Impact fees imposed under this section 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 section are imposed.

#### **Sec. 67-7. Exemption From Fees**

The lawful new construction of a single-family dwelling structure razed or to be razed within one year of the date 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 section. 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 City Council and a finding by the City Council 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 application shall be made to the City Council prior to the payment of any fees under this section.

#### **Sec. 67-8. Administration and Review**

All fees collected and special accounts maintained under this section shall be subject to administration by the City Treasurer. The Treasurer shall report annually to the City Council with regard to all deposits, withdrawals and fund balances in these accounts. The purpose of the annual report is to provide the City Council with information necessary to determine that all funds collected are spent within the time required for the purpose intended and that the amount of fees imposed continues to represent an equitable and reasonable apportionment of the cost of public improvements and requirements generated by land development. Upon such considerations and for such purposes, the City Council may determine whether there exists any reasonable need for refund of fees previously collected. The impact fees imposed under this section shall be increased annually at a rate equal to the percentage change in the Engineering News Record Construction Cost Index for the previous 12 months, with the adjustment effective January 1 of each year. The City Treasurer or designee shall calculate the adjusted fees and maintain a copy of the calculation and the adjusted impact fees in the office of the City Clerk.

#### **Sec. 67-9. Appeal**

Any developer upon whom an impact fee is imposed under this section shall have the right to contest the amount, collection or use of the impact fee to the City Council, provided that the developer files a written notice of appeal in the City Clerk's office within 15 days of the issuance of a building permit upon which the impact fee is imposed. Such notice of appeal shall be entitled "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 City Clerk shall schedule the appeal for consideration by the City Council 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 ten days before the date of such meeting. Upon review of such appeal, the City Council may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.

**Sec. 67-10. Severability**

If any provision of this Ordinance is found to be illegal, the remaining provisions shall remain in effect.

**Sec. 67-11. Effective Date**

This Ordinance shall take effect on \_\_\_\_\_, 2009.

Adopted this \_\_ day of **(Month)**, 2009

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk

