

ORDINANCE NO. 295
**AN ORDINANCE CREATING IMPACT FEES FOR WATER AND WASTEWATER
OF THE VILLAGE OF CAMPBELLSPORT, WISCONSIN**

The Village Board of the Village of Campbellsport, Wisconsin does ordain as follows:

Section 13.29 of the Village of Campbellsport Code of Ordinances is hereby created to read as follows:

WATER AND WASTEWATER IMPACT FEES

SECTION:

13.29.010	Introduction and Purpose
13.29.020	Definitions
13.29.030	Public Facilities (Water and Wastewater) Needs Assessment
13.29.040	Water and Wastewater Impact Fee Revenue Administration
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13.29.060	Payment of Water and Wastewater Impact Fees
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13.29.080	Water and Wastewater Impact Fees
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13.29.100	Severability

Section 13.29.010 **Introduction and Purpose**

Pursuant to the authority of Section 66.0617, Wisconsin Statutes, the local impact fees enabling legislation, the purpose of this Ordinance is to establish the mechanism for the imposition of water and wastewater impact fees to finance the capital costs of acquiring, establishing, upgrading, expanding, and constructing public facilities (water and wastewater facilities) which are necessary to accommodate future growth and land development. This section is intended to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide public facilities (water and wastewater facilities) within the Village of Campbellsport and its service areas, as they are required to serve the needs arising out of land development.

Section 13.29.020 **Definitions**

- A. “*Capital costs*” means the capital costs to construct, expand or improve public facilities (water and wastewater 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 such costs which relate directly to the public improvement for which the impact fees were imposed actually exceed 10% of capital costs. The term “*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.

- B. “*Developer*” means a person that constructs or creates a land development.
- C. “*Impact fees*” means cash contributions, contributions of land or interest in land or any other items of value that are imposed on a developer under this section.
- D. “*Land Development*” means the construction or modification of improvements to real property that creates additional residential dwelling units within the Village or its service areas or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Village or its service areas.
- E. “*Public facilities*” means highways, as defined in section 340.01 (22), Wisconsin Statutes, 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 other recreation facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. The term “*public facilities*” does not include facilities owned by a school district.
- F. “*Residential Equivalent User (REU)*” means a unit of measure for sewer or water-related impact fees equivalent to the amount of sewer or water capacity needed to supply one residential dwelling unit. For the purposes of the impact fees established under this Ordinance, a REU shall be defined as a sewer or water connection with either a 5/8 inch or 3/4 inch meter equal to one REU based on standards developed by the Wisconsin Public Service Commission, which are based on standard flow meter capacities. The REU assessment also utilizes water meter size and a conversion ratio for larger water users.
- G. “*Service area*” means a geographic area delineated by the Village Board within which the Village provides 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 Village.

13.29.030 **Public Facilities (Water and Wastewater) Needs Assessment**

New public facilities or improvements or expansions of existing public facilities as relate to water and wastewater that are required because of land development for which impact fees will be imposed are those which are identified in this section and in water and waste facilities needs assessment report prepared prior to the adoption of this section and any amendments hereto. The water and wastewater facility needs report that forms the basis of any impact fees imposed by the Village by this Ordinance shall be kept on file in the office of the Village Clerk at least twenty (20) days prior to any public hearing to be held on the creation of this chapter and any amendments. A Class 1 notice is required prior to any required hearing. The water and wastewater facilities needs assessment report shall remain on file in the office of the Village

Clerk for the entire period during which impact fees arising out of a specific report and this section are collected prior to expenditure, and such report shall, after expenditure of all impact fees, be maintained as a public record for such time period as required by law.

13.29.040 Water and Wastewater Impact Fee Revenue Administration

- A. Revenues from water and wastewater impact fees shall be placed in one or more segregated, interest-bearing accounts and shall be accounted for separately from other Village general and utility funds. Water and wastewater impact fee revenues and interest earned thereon may be expended only for capital costs for which the impact fees were imposed.
- B. Water and wastewater impact fee revenues imposed and collected but not used within a specified reasonable period of time after collection to pay the capital costs for which they were imposed shall be refunded on a prorated proportional basis, as determined by the Village Board, to the current record owner or owners of the property with respect to which the impact fees were imposed. Reasonable time periods for expenditure of water and wastewater impact fee revenues shall be within five (5) years after the recommended time for commencement of construction, expansion or improvement of a specific public facility identified in a facilities needs assessment report, or within five years after the projected loan obligations undertaken for a project should be satisfied.

13.29.050 Use of Water and Wastewater Impact Fees

Funds collected from water and wastewater impact fees shall be used solely for the purpose of paying the proportionate costs of providing public facilities (water and wastewater) that become necessary due to land development. These costs may include the costs of debt service on bonds or similar debt instruments when the debt has been incurred for the purpose of proceeding with designated public facilities (water and wastewater) projects prior to the collection of all anticipated impact fees for that project.

13.29.060 Payment of Water and Wastewater Impact Fee

- A. All required water and wastewater impact fees are hereby imposed on all developments and land divisions within the Village of Campbellsport or any development sub-area thereof.
- B. For all unplatted lands, no final plat or certified survey map approval shall be given unless the water and wastewater impact fees set forth in section 13.29.080 are imposed and calculated pursuant to this Ordinance. Fees may be payable at the time of final plat or certified survey map approval in full or in installments pursuant to a developer's agreement.

- C. For all developments not subject to subsection (B), no building permit shall be issued for a development unless the water and wastewater impact fees set forth in section 13.29.080 are imposed and calculated pursuant to this Ordinance. Fees shall be paid prior to the issuance of building permits.
- D. Annexations:
1. Any property or parcel of land annexed by the Village of Campbellsport is subject to the payment of water and wastewater impact fees under the conditions set forth in this Section. Properties annexed are benefited by the availability of water and the wastewater distribution system.
 2. Any property annexed by the Village of Campbellsport which is developed and currently connected to the water and wastewater system is exempt from the water and wastewater fees.
 3. Undeveloped property annexed to the Village of Campbellsport is subject to the payment of water and wastewater impact fees at the time of development. Time of development is defined as the date of application of any and all applicable building permits.
 4. Payment of impact fees for developed property requesting annexation shall be paid prior to the final action of the Village Board on the annexation petition.
- E. Undeveloped Land/Existing Building Permits/ Previously Developed Land:
1. Undeveloped Land: Undeveloped land which has existing water and/or wastewater laterals shall pay impact fees at the time of issuance of a building permit. This applies to undeveloped land in the Village of Campbellsport and to undeveloped land outside the Village which is within the water and wastewater service area.
 2. Existing Building Permits: Lands that have been issued building permits prior to the adoption of this Ordinance are exempt from the water and wastewater impact fees set forth herein. However, the exemption shall not exceed two (2) years from the date of the issuance of the building permit for the property issued (prior to the adoption of this Ordinance) to the date of connection to the water and wastewater system.
 3. Previously Developed Land: Land which has wastewater and/or water laterals due to previous development are exempt from the payment of impact fees only if the lateral(s) have been unused for less than one year as of the date of application for a building permit. In the event the laterals have been unused one year or more, impact fees for water and/or wastewater shall be

paid prior to the issuance of a building permit. In the event a building permit is not required, the impact fees shall be paid prior to the initiation of service.

13.29.070 **Appeals**

- A. The developer or property owner upon whom a water and wastewater impact fee is imposed may contest the amount, collection, or use of an impact fee as specified herein. An appeal to contest the amount, collection or use of an impact fee may be commenced within thirty (30) days of application for a building permit. An appeal to contest the use of an impact fee shall be commenced not later than thirty (30) days prior to the award of any public contract for expenditure of the fee revenues.
- B. It shall be a condition precedent to the commencement of such an appeal that the water and wastewater impact fee from which the developer or property owner appeals shall be paid as and when the fee becomes due and payable, and upon default in making any such payment, such appeal may be dismissed.
- C. The appellant shall pay a filing fee of \$200 at the time of filing of the appeal.
- D. An appeal is commenced by filing a written complaint with the Village Clerk. The complaint shall specify the impact fee amount or collection objected to and the basis for the objection. The appeal shall be scheduled for a public hearing before the Planning Commission at a regular meeting. The Planning Commission shall take evidence and testimony on the matter, including reports from Village staff and consultants, and shall make its recommendation to the Village Board based upon the standards set forth in section 66.0617, Wisconsin Statutes.
- E. The Village Board shall consider the appeal, review the record made before the Planning Commission and the recommendation of the Planning Commission and decide the appeal, based upon the standards for impact fees in section 66.0617, Wisconsin Statutes. If the Village Board determines that the appeal has merit, it shall determine appropriate remedies. The remedies may include: 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; whether interest collected by the Village thereon should be returned; granting the appellant the opportunity to make the impact fee payments in installments; or such other remedies as it deems appropriate by the Village Board in a particular case. The decision of the Village Board is final.

13.29.080 **Water/Wastewater Impact Fees**

- A. The basis for the imposition of water and wastewater impact fees is the facilities needs assessment report and its attachments, “Water and Wastewater Facilities Needs Assessment” which is on file in the office of the Village Clerk.

- B. The water and wastewater impact fees are based on a residential equivalent user (REU) basis to determine impact on the water and wastewater systems. A residential unit is assumed to be equivalent to an average residential household with 2.64 people per household as provided in the Comprehensive Plan. The REU assessment utilizes a water meter size and a conversion ratio to determine the fee for other larger water users. The conversion ratio to be utilized is as follows with a standard 5/8-inch or 3/4-inch meter equal to one REU based on standards developed by Wisconsin Public Service Commission, which are based on standard meter flow capacities. The meter size and conversion ratio are as follows:

Meter Size	Conversion Ratio
5/8” and 3/4”	1.0
1”	2.5
1-1/4”	3.75
1-1/2”	5
2”	8
2-1/2”	12.5
3”	15
4”	25
6”	50
8”	80

- C. The property owner shall be charged a water and wastewater impact fee based on the size of the meter connection as follows:

Meter Size	Water System Impact Fees	Wastewater Impact Fees
5/8" and 3/4"	\$900	\$950
1"	\$2,250	\$2,375
1-1/4"	\$3,375	\$3,562.5
1-1/2"	\$4,500	\$4,750
2"	\$7,200	\$7,600
2-1/2"	\$11,250	\$11,875
3"	\$13,500	\$14,250
4"	\$22,500	\$23,750
6"	\$45,000	\$47,500
8"	\$72,000	\$76,000

- D. The Village Board shall, from time to time, review and adjust such rates based on inflation or capital costs and other related costs.
- E. The water and wastewater impact fees shall be paid prior to the issuance of any building permit.
- F. Low cost housing. As provided by Section 66.0617(7), Wisconsin Statutes, the Village Board may, on a case-by-case basis, provide for an exemption from or a reduction in the amount of the water and wastewater impact fees. However, no amount of water and wastewater fees 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 Village.

13.29.090 Park Facilities Impact Fees

Nothing in this section shall limit the authority of the Village to impose land dedication requirements contained elsewhere in the code on developers as part of plat and certified survey map approvals under ch. 236, Wisconsin Statutes, and the Ordinances of the Village.

13.29.100 Severability

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

Section 2. All Ordinances or parts of Ordinances inconsistent with or contravening the express provisions of this Ordinance are hereby repealed.

Section 3. Following passage, this Ordinance shall be in full force and effect at 11:59 p.m. on the date of publication in the Village's official newspaper.

Adopted this _____ day of _____, 2006.

Dean Uelmen, Village President

ATTEST:

Diane Lemke, Village Clerk

Motion for Adoption by Trustee _____

Motion for Adoption seconded by Trustee _____

Roll Call Vote was _____ "Aye" _____ "Nay" _____ "Absent"

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