

Chapter 12

Development Impact Fees

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Sec. 10-12-1 Introduction and Purpose.

Pursuant to the authority of Section 66.55, Wisconsin Statutes, the local impact fee enabling legislation, the purpose of this ordinance is to establish the mechanism for the imposition of impact fees upon developers to finance the capital costs for public facilities which are necessary to accommodate land development. It is intended to facilitate adequate provision for transportation, water, sewerage, storm drainage, parks, playgrounds and for other public requirements; and to coordinate land dedication and financing of public facilities imposed on developers as outlined in other chapters of the Village Code of Ordinances and the adopted Master Plan and Official Map of the Village of Belleville.

Sec. 10-12-2 Definitions.

In this chapter:

- a) "Capital costs" means 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 such 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 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 interests in land or any other items of value that are imposed on a developer under this section or by other specified ordinance.
- d) "Land development" means the construction or modification of improvements to real property that creates additional residential or equivalent dwelling units within the Village of Belleville or that results in nonresidential uses that create a need for new, expanded or improved public facilities.
- e) "Public facilities" means highways, as defined in s. 340.01(22), 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 recreational facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. "Public facilities" does not include facilities owned by a school district.
- f) "Service area" means a geographic area delineated by ordinance within which there are public facilities.
- g) "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 ordinance.

Sec. 10-12-3 Public Facilities Needs Assessment.

The new public facilities, or improvements or expansion of existing public facilities, that are required because of land development for which impact fees will be imposed are those which are identified in this section and in the applicable provisions of the Land Division Regulations (Chapter 10-6), Zoning Code (Chapter 10-1), Streets and Sidewalks (Chapter 6-2), Water Utility Regulation and Rates (Chapter 9-1), User Charges and Sewer Use (Chapter 9-2), Erosion, Sediment and Water Runoff Control (Chapter 10-7), Belleville Code of Ordinances, and the adopted Master Plan and Official Map of the Village of Belleville. The service areas and service standards are identified therein. The Public Facilities Needs Assessment Report prepared prior to the adoption of this section, and any addendum or amendment thereto, shall be kept on file in the office of the Village Clerk.

Sec. 10-12-4 Sanitary Sewer\Wastewater Treatment Impact Fee.

- a) **Establishment.** An impact fee is hereby established to collect capital costs for public facilities used for collecting and treating sewage. The fee established below was done so based on the Public Facilities

Needs Assessment prepared for the Village, and approved by the Village Board following the procedures of Section 66.55, Wis. Stats., and as may be amended from time to time. That fee shall be established by resolution of the Village Board based on the approved Public Facilities Needs Assessment.

- b) **Payment.** Payment of the fees referred to above shall be made prior to or at the time an application for a building permit for the property on which the development takes place. No building permit application shall be deemed acceptable by the Village, nor shall any such permit be granted, until the appropriate fee is paid.

Sec. 10-12-5 Impact Fee Revenue Administration.

- a) **Separate Accounts.** Revenues from development impact fees shall be placed in one or more segregated, interest-bearing accounts and shall be accounted for separately from other Village funds. Impact fee revenues and interest earned thereon may be expended only for capital costs for which the impact fees were imposed.
- b) **Use Timing.** 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 Public Works Committee, 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 impact fee revenues shall be as follows: [20 years for Sanitary Sewer\Wastewater Treatment]

Sec. 10-12-6 Appeal.

- a) **Generally.** The developer upon whom an impact fee is imposed may contest the amount, collection or use of an impact fee as specified hereafter.
- b) **Appeal of Amount or Collection.** An appeal to contest either the amount or collection of an impact fee imposed upon a developer shall be commenced at any time prior to endorsement of the approval certificate on any land division by the Village Clerk, but not later than thirty (30) days from the date of notification of final action approving such land division. With respect to any other land development activity for which an impact fee is imposed, an appeal to contest either the amount or collection of that fee shall be commenced within 5 days of timely payment of such fee, provided that such payment is clearly made "under protest."
- c) **Appeal of Use.** 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 collected fee revenues.

- d) **Procedure.** An appeal is commenced by filing a complaint with the Planning Commission Chair, with a copy to the Village Clerk, which complaint shall specify the impact fee amount, collection or use objected to and the basis for the objection. No appeal may be commenced or continued unless the impact fee has been timely paid. The appeal shall be scheduled for a public hearing before the Planning Commission at its next regular meeting which is scheduled 14 or more days after the date the complaint is filed with the Commission Chair. A filing fee to commence and continue the appeal shall also be paid to the Village Clerk upon the filing of a complaint. The amount of this filing fee shall be set by resolution of the Village Board and made available to the public. The Commission shall take additional evidence and testimony on the matter, including reports from Village staff, and shall make its recommendation to the Village Board, based upon the standards set forth in the applicable ordinances and the standards for impact fees set forth in Section 66.55(6), Wis. Stats. The Village Board shall consider the appeal, review the record made before the Planning Commission and the recommendation of the Commission and decide the appeal, based upon the above-mentioned standards. The decision of the Village Board is final.