

VILLAGE OF GRAFTON

ORDINANCE NO. 003, SERIES 2024

AN ORDINANCE AMENDING CHAPTER 3.44 IMPACT FEES
OF THE VILLAGE OF GRAFTON MUNICIPAL CODEE

WHEREAS, the Village of Grafton has established impact fees in order to provide for the capital costs for the construction, expansion, and improvement of public facilities, including the cost of land, legal, engineering and design costs to serve growth in the Village of Grafton's population;

WHEREAS, the Village conducted a review of the current parks and recreation facilities, police station facilities, and public works facilities fees in July 2023 and determined that adjustments were needed to the parks and recreation facilities and police station facilities fees; and

WHEREAS, Trilogy Consulting, LLC has prepared a Park and Police Facilities Impact Fee Study (i.e., Needs Assessment) which updated the parks and recreation facilities and police station facilities fees and recommended amendments to Chapter 3.44 Impact Fees of the Village of Grafton Municipal Code.

NOW, THEREFORE, the Village Board of the Village of Grafton does hereby ordain as follows:

Section 1. § 3.44.040.A is amended to read as follows:

- A. Determination. Impact fee amounts shall be determined from time to time and shall be based upon detailed estimates of the capital costs of providing new public facilities or the improvement or expansion of existing public facilities which will be required because of land development, in accordance with § 66.0617, Wis. Stats. Such determination shall include an estimate of the effect of the impact fees on the availability of affordable housing within the Village. The full amount of the impact fee shall be determined based upon the number of residential dwelling units created or square feet of nonresidential building space constructed, as applicable.

Section 2. § 3.44.040.B is amended to read as follows:

- B. Guidelines and criteria for the impact fees imposed by this chapter. The impact fees imposed by this chapter:
 - 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 include amounts for an increase in service capacity greater than the capacity necessary to serve the development for which the fee is imposed.

3. 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.
4. Shall be based upon actual capital costs for new, expanded or improved public facilities.
5. Shall be reduced to compensate for other capital costs imposed by the Village 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 dedication under Ch. 236, Wis. Stats., or any other items of value.
6. Shall 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 are imposed.
7. May not include amounts necessary to address existing deficiencies in public facilities.
8. May not include expenses for operation or maintenance of a public facility.
9. Shall be payable by the developer or the property owner to the political subdivision in full upon the issuance of a building permit by the political subdivision, except as provided in § 3.44.050.

Section 3. § 3.44.050 Payment of Fees shall be amended to read as follows:

- A. Except as provided in this section, the payment of all fees imposed by this chapter shall be at the time of building permit issuance. The Village Clerk shall be notified in writing by the Building Inspection Department when a building permit is issued that will require the collection of an impact fee. The required fee shall be paid to the Village Finance Department, which shall provide the developer with an accounting of how the fees will be spent, and shall notify the Village Clerk of said payment.
- B. If the total amount of impact fees due for a development will be more than \$75,000, a developer may defer payment of the impact fees for a period of 4 years from the date of the issuance of the building permit or until 6 months before the municipality incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this paragraph, the developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality. A developer may not defer payment of impact fees for projects that have been previously approved.
- C. The payment of impact fees imposed by this chapter shall apply to the following types of development:
 1. Single-family dwelling units.
 2. Two-family dwelling units.
 3. Multifamily dwelling units.
 4. Commercial developments (excluding condominiums, which are classified as residential units for the purposes of this chapter).
 5. Industrial developments.

6. Institutional developments.

Section 4. § 3.44.060 Segregation of impact fees is amended to read as follows:

Impact fees shall be placed in segregated, interest-bearing accounts as follows:

- A. Revenues from each impact fees collected ~~to shall~~ be placed in a segregated, interest-bearing accounts ~~and shall be accounted for separately from other funds. Revenues from impact fees collected pursuant to this chapter shall be placed in an interest-bearing account and each service area district or zone as established in this chapter shall be individually accounted for.~~
- B. Expenditure of impact fee funds. All funds collected from ~~land development activities within a given service area district or zone~~ each impact fee, and interest thereon, shall be expended ~~only within that service area district or zone and~~ only for capital costs for which they were imposed.

Section 5. § 3.44.070 Time limitations on use of impact fees is amended to read as follows:

§ 3.44.070 Time limitations on use of impact fees.

Impact fees collected under this chapter that are not used within 8 years after they are collected to pay for the capital costs for which they were imposed shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated. Impact fees that are collected for capital costs related to lift stations or collecting and treating sewage that are not used within 10 years after they are collected to pay the capital costs for which they were imposed, shall be refunded to the payer of the fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated.

~~The impact fees imposed by this chapter shall be used or refunded based upon the provisions of Wisconsin Act 44, which became effective on January 19, 2008. The Act established the following timeline for the use or refund of the impact fees imposed by this chapter:~~

- ~~A. Police facility impact fees—approved December 20, 2004.
 - 1. Fees collected before April 11, 2006, must be used not later than the first day of the 120th month beginning after the date on which the fee was collected.
 - 2. Fees collected after April 10, 2006, and collected within seven years of the effective date of the ordinance imposing the fee must be used within 10 years after the effective date of the ordinance.
 - 3. Fees collected after April 10, 2006, and collected more than seven years after the effective date of the ordinance imposing the fees must be used within a reasonable period of time after collected.~~
- ~~B. Department of Public Works facility impact fees—approved December 5, 2005.
 - 1. Fees collected before April 11, 2006, must be used not later than the first day of the 120th month beginning after the date on which the fee was collected.~~

- ~~2. Fees collected after April 10, 2006, and collected within seven years of the effective date of the ordinance imposing the fee must be used within 10 years after the effective date of the ordinance.~~
- ~~3. Fees collected after April 10, 2006, and collected more than seven years after the effective date of the ordinance imposing the fees must be used within a reasonable period of time after collected.~~

Section 6. § 3.44.086 Police station facility needs assessment is amended to read as follows:

§ 3.44.086 Police station facility needs assessment.

The Village of Grafton, in response to the 2001 Village of Grafton Police Department Space Needs Study, ~~has~~ prepared a Police Facility Needs Assessment ~~in 2004, which is on file in the Village Clerk's office. This Police Facility Needs Assessment was updated in 2024 and is on file in the Village Clerk's office.~~ In accordance with § 66.0617, Wis. Stats., the police station needs assessment evaluates the physical adequacy of the original facility as well as a projection of the future needs based on forecasted growth. The Police station needs assessment considers any deficiencies that may have existed in the original police station facility as well as the recommended police station expansion in order to compensate for new development. The police station facility needs assessment was utilized as a primary source for forecasting the future demands for public services from projected residential and nonresidential development and to determine the costs that shall be recovered from this new growth in the form of an impact fee.

Section 7. § 3.44.090 Impact fees – park, playground and land for athletic field is amended to read as follows:

§ 3.44.090 Impact fees – park, playground and land for athletic field.

The developer or the owner shall pay to the Village a park, playground and land for athletic field impact fee for each dwelling unit that has been issued a building permit. The amount of the impact fee shall be as indicated in the ~~2020~~ 2024 Village of Grafton Park and Recreational Facilities Impact Fee Needs Assessment and updated annually per § 3.44.110. ~~Annually thereafter, the amount of the impact fee shall be listed in the Schedule of Impact Fees maintained by the Village Clerk.~~ If the land is suitable for the dedication and development of a public park, playground or land for athletic field, as determined by the Village Board, the above impact fee shall be reduced by an amount as determined by the Village Board by subtracting the value of any lands dedicated within the land development for public park, playground or land for athletic field purposes

Section 8. § 3.44.096 Impact fees – police station facilities is amended to read as follows:

§ 3.44.096 Impact fees – police station facilities.

- ~~A. The following fees schedule is the amount as set by the Village Board upon creation of the Police Station Facility impact fee. The amount of the impact fee~~

~~shall be as indicated in the 2024 Police Facilities Needs Assessment. This amount shall be adjusted annually based upon the current year's Consumer Price Index (CPI) and shall be utilized for the imposition of Police Station Facility impact fees: per § 3.44.110. Annually thereafter, the amount of the impact fee shall be listed in the Schedule of Impact Fees maintained by the Village Clerk.~~

- ~~1. Residential development: \$631 per dwelling unit.~~
- ~~2. Commercial development: \$0.40 per square foot.~~
- ~~3. Industrial development: \$0.40 per square foot.~~
- ~~4. Institutional development: \$0.40 per square foot.~~

- B. The fees imposed by this section shall apply to any and all land development projects that occur following the effective date of this chapter. In addition, the fees imposed by this section shall apply to land development projects that were approved prior to the effective date of this chapter but that have not been signed and/or recorded as of the date of the adoption of this chapter. The fees imposed herein shall be paid according to § 3.44.050 of this chapter.

Section 9. § 3.44.098 Impact fees – public works facilities is amended to read as follows:

§ 3.44.098 Impact fees – public works facilities.

- A. ~~The following fees schedule is the amount as set by the Village Board upon creation of the Public Works Facility impact fee. The amount of the impact fee shall be as indicated in the 2005 Public Works Transportation Facility Needs Assessment. This amount shall be adjusted annually based upon the current year's Consumer Price Index (CPI) and shall be utilized for the imposition of Public Works Facility impact fees: per § 3.44.110. Annually thereafter, the amount of the impact fee shall be listed in the Schedule of Impact Fees maintained by the Village Clerk.~~

- ~~1. Residential development: \$918 per dwelling unit.~~
- ~~2. Commercial development: \$0.20 per square foot.~~
- ~~3. Industrial development: \$0.18 per square foot.~~
- ~~4. Institutional development: \$0.20 per square foot.~~

- B. The fees imposed by this section shall apply to any and all land development projects that occur following the effective date of this chapter. In addition, the fees imposed by this section shall apply to land development projects that were approved prior to the effective date of this chapter but that have not been signed and/or recorded as of the date of the adoption of this chapter. The fees imposed herein shall be paid according to § 3.44.050 of this chapter.

Section 10. § 3.44.110 Fee increases is amended to read as follows:

§ 3.44.110 Fee increases.

The impact fees imposed in this chapter for parks, playgrounds and land for athletic fields, police station facilities and public works facilities shall be automatically adjusted, without further Village Board action, during the first quarter of each year by the percentage equal to that of the rate of consumer inflation based upon the percent of

change of the yearly Consumer Price Index for the previous year for the Milwaukee Metropolitan Area as reported by the U.S. Department of Labor, Bureau of Labor Statistics, unless the Village Board, by resolution, limits the fee increase to a lesser percentage rate. The Village Director of Administrative Services, or the Village Director of Administrative Services' designee, shall determine such adjustment and maintain a copy of the said Consumer Price Index upon which such adjustment was made in the Village Department of Finance.

Section 11. If any provision of this ordinance is invalid and unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can give effect with the invalid or unconstitutional provisions or applications.

Section 12. This ordinance shall take effect and be in force upon passage and posting as required by law.

Approved by the Village Board of the Village of Grafton this 16th day of April, 2024.



Daniel Delorit
Village President

Attest: 

Katy Olsen
Village Clerk