# ORDINANCE NO. O-2023-11

TOWN OF LEDGEVIEW, BROWN COUNTY, WISCONSIN

**AN ORDINANCE TO ESTABLISH A TRANSPORTATION IMPACT FEE IN THE TOWN OF LEDGEVIEW**

**The Town Board of Supervisors of the Town of Ledgeview do hereby ordain as follows:**

**Chapter 56 of the Ledgeview Municipal Code is hereby repealed and recreated to reads as follows:**

**Chapter 56**
**IMPACT FEES**


**§ 56-1 Intent**
**§ 56-2 Imposition of Impact Fees**
**§ 56-3 Other Means of Financing Park Improvements Reserved**
**§ 56-4 Public Facilities Needs Assessment**
**§ 56-5 Disposition of Revenues; Expenditures**
**§ 56-6 Time Limits**
**§ 56-7 Appeals**
**§ 56-8 Severability**


**[History: Created by the Town Board of the Town of Ledgeview, Brown County, Wisconsin, on February 18, 2004.]**

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## § 56-1. Intent

This article is intended to allocate financial burdens of providing public facilities fairly between residents living in the Town at the time of adoption of this Ordinance and owners of existing land development projects within the Town and developers of new land developments, and to comply with Wis. Stats. § 66.0617 on municipal impact fees.

## § 56-2. Imposition of Impact Fees

### A. Imposition of Park Facilities Impact Fee.

1. **Appropriateness and use of fee.** The Town Board has determined that it is appropriate to impose and use impact fees to pay for the capital costs for park facilities that are necessary to accommodate new land development without decreasing current levels of service in the Town. The impact fees are being imposed in accordance with Wis. Stats. § 66.0617 and the needs assessment and methodology set forth in the Impact Fee Report for Park Improvement ("Needs Assessment Report") on file in the office of the Town Clerk.

2. **Payment of park facilities impact fee required.** Any person who, after the effective date of this article, applies for a building permit or an extension of a previously issued building permit, for the construction or modification of improvements to real property that creates additional residential dwelling units within the Town, shall pay a park facilities impact fee as follows:

a. The amount of the fee shall be:

i. Fee in lieu of parkland dedication $931 per dwelling unit.

ii. Parkland Development Fee $392 per dwelling unit.

b. Payment of the impact fee shall be made to the Town prior to the issuance of any building permit for which the fee is applicable except as provided in§ 56- 7(a)(3), below.

3. **Low-cost housing**. The impact fee imposed by this section may be waived or reduced by the Town Board upon recommendation of the Plan Commission on new development for low-cost housing in accordance with Wis. Stats.§ 66.0617(7).

4. **Definitions.** The definitions set forth in Wis. Stats.§ 66.0617(1), and any amendments thereto, are hereby incorporated and made a part of this article unless otherwise expressly modified in the Needs Assessment Report.

5. **Fee review.** The Town Treasurer shall report annually to the Town Board with regard to all deposits, withdrawals and fund balances in the accounts established for impact fees. Upon review of such reports, the Town Board may determine to make reasonable modifications to the impact fees, if necessary, in accordance with Wis. Stats.§ 66.0617.

**B. Imposition of Transportation Impact Fee.**

1. **Appropriateness and use of fee.** The Town Board has determined that it is appropriate to impose and use impact fees to pay for the capital costs for transportation facilities that are necessary to accommodate new land development without decreasing current *levels* of service in the Town. The impact fees are being imposed in accordance with Wis. Stats. § 66.0617 and the needs assessment and methodology set forth in the Impact Fee Report for Park Improvement ("Needs Assessment Report") on file in the office of the Town Clerk.

2. **Payment of transportation impact fee required.** Any person who, after the effective date of this article, applies for a building permit or an extension of a previously issued building permit, for the construction or modification of improvements to real property that creates additional residential dwelling units within the Town, shall pay a transportation impact fee as follows:

a. Single Family Residence $749.09 / unit
b. Two Family Residential $580.86 / unit
c. Multi-Family Residential $431.68 / unit

3. **Low-cost housing.** The impact fee imposed by this section may be waived or reduced by the Town Board upon recommendation of the Plan Commission on new development for low-cost housing in accordance with Wis. Stats.§ 66.0617(7).

4. **Definitions.** The definitions set forth in Wis. Stats.§ 66.0617(1), and any amendments thereto, are hereby incorporated and made a part of this article unless otherwise expressly modified in the Needs Assessment Report.

5. **Fee review.** The Town Treasurer shall report annually to the Town Board with regard to all deposits, withdrawals and fund balances in the accounts established for impact fees. Upon review of such reports, the Town Board may determine to make reasonable modifications to the impact fees, if necessary, in accordance with Wis. Stats.§ 66.0617.

## § 56-3 Other Means of Financing Park Improvements Reserved

Pursuant to Wis. Stats.§ 66.0617(2)(b), the imposition of park facilities impact fees under this section does not prohibit or limit the Town's authority to finance park facilities by other means authorized by law, including, but not limited to, for example, the use of fees in lieu of land dedication under Chapter 236 of the Wisconsin Statutes, which are deemed to not be impact fees as that term is used in Wis. Stats.§ 66.0617.

## § 56-4 Public Facilities Needs Assessment

### A. Public Facilities Needs Assessment for Park Improvements

In accordance with Wis. Stats. § 66.0617(4), the Town has prepared a Needs Assessment Report for park facilities improvements. The needs assessment, standards and methodology used for calculation of the park facilities impact fee, together with documentation of the Town's compliance with the statutory requirements, are contained in the Needs Assessment Report on file with the Town Clerk.

### B. Transportation Needs and Impact Study for Transportation Improvements

In accordance with Wis. Stats.§ 66.0617(4), the Town has prepared a Transportation Needs and Impact Study for Transportation Improvements. The needs assessment, standards and methodology used for calculation of the transportation impact fee, together with documentation of the Town's compliance with the statutory requirements, are contained in the Needs Assessment Report on file with the Town Clerk

## § 56-5 Disposition of Revenues; Expenditures

Revenues collected as impact fees under this article shall be placed by the Town Treasurer in segregated interest-bearing accounts and shall be accounted for separately from other funds of the Town. Impact fee revenues and interest earned on impact fee revenues may be expended by the Town only for the capital costs for which the impact fees were imposed and shall be expended on a first-in first-out basis. Separate accounts shall be kept of fees collected from different impact fee zones, where the particular impact fee ordinance provides for differential fees according to zones, and revenues collected in particular zones shall be spent in those zones as appropriate.

## § 56-6 Time Limits

A. The Town determines the following lengths of time appropriate for the planning, financing, acquisition and construction and equipment of the public facilities listed:

| Type of Facility | Maximum Time to Use Impact Fees Collected from Time of Fee Collection |
|---|---|
| Park Improvements | 10 years |
| Transportation Improvements | 10 years |

B. Fees that are held by the Town under§ 56-5, above, and not used within the time period specified in this section to pay the indicated capital costs shall be refunded to the owners of record of the properties at the time of refund as to which the fee was collected.

## § 56-7 Appeals

A. Appeals to the imposition of impact fees may be brought by developers, as defined in Wis. Stats. § 66.0617(1)(b), as follows:

1. It shall be a condition to the lodging of such an appeal that the impact fee appealed from shall be paid as and when the fee or any installments thereof become due and payable, and upon default in making any such payment, such appeal shall be dismissed.

2. The only questions that are appealable under this article are the following, pursuant to Wis. Stats.§ 66.0617(10):

    a. The amount of fee charged to and paid by the appellant developer.
    b. The method of collection of the fee.
    c. The use of the particular fee charged to and paid by the appellant developer.

3. Pursuant to Wis. Stats.§ 66.0617(6)(g), the Appeal Board may authorize the payment of a fee that is otherwise payable at the time of issuance of a building permit or other required municipal approval as specified within the Ordinance imposing the particular impact fee in installment payments. The Appeal Board may require that interest be paid on installment payments at a rate comparable to the rate charged by the Town on installment payments of special assessments modified to reflect then-current interest costs or interest cost estimates.

A challenge to the use of impact fees that are collected shall address solely the question of whether the fees are being used for the purposes for which they were collected within the allowable time established under§ 56-6(a), above. Appeals as to use of proceeds are not entitled to challenge the Town's public facility plans or Needs Assessment.

B. Appeals must be brought within 30 days of the date of payment of the impact fee by the appellant. The appeal must be submitted to the Town Clerk, in writing, and must specify the basis of the appeal.

C. For purposes of this article, the Town Board shall be the Hearing and Appeals Board, and appeals and notices of appeal shall be filed with the Town Clerk. An application fee to bring an appeal shall be paid at the time of the filing of the appeal in the amount of $100.00. The appeal fee is nonrefundable, and failure to pay this amount shall cause the appeal to be dismissed.

D. Following the filing of the appeal, the Town Clerk shall compile a record of the Ordinance imposing the impact fee that is the subject of the appeal and a record of the management and expenditure of the proceeds of such fee, and shall transmit such with the appeal documents to the Appeal Board. In consultation with appropriate departments at the Town government, the Town Clerk shall also compile a report on each appeal in which the appellant is seeking a reduction or total refund in the fee paid by the appellant. This report shall identify the fiscal impact on the Town if the request to the appellant is granted. If this fiscal impact report indicates that the granting of the appeal will cause a revenue shortfall that otherwise had not been expected with respect to the public facility, and if this revenue

shortfall cannot be reconciled by reduction in impacts caused by development on the appellant's property, the report shall estimate whether it will be necessary for the Town to adjust impact fees to amendment of existing Ordinances to make up the revenue shortfall.

E. The Appeal Board shall hold a public hearing on the appeal, preceded by a Class I notice under Wis. Stats. § Ch. 985, providing fair opportunity for the appellant to be heard. The burden shall be on the appellant to establish illegality or impropriety of the fee from which the appeal has been taken. Following the close of the public hearing, the Appeal Board shall deliberate upon the matter, conducting such studies and inquiries as it deems appropriate, and shall decide the appeal.

F. If the Appeal Board feels that the appeal has merit, the Appeal Board may determine the appropriate remedies. These may include redirection of the proceeds of the impact fee in question to accomplish the purposes for which the fee was collected, refunding in full or in part the impact fee that was collected, along with interest collected by the Town thereon, or granting the appellant the opportunity to make the impact fee payment in installment payments as described in this article, or such other remedies as the Appeal Board deems appropriate to the case.

**§ 56-8 Severability**

If any provision of this Ordinance or article is declared illegal or invalid for any reason, that illegality or invalidity shall not affect the remaining provisions, which shall remain in full force and effect."

**APPROVED** by the Town Board of the Town of Ledgeview. This ordinance shall take effect upon passage, postage, and publication as required by §60.80, Wis. Stats.

**ADOPTED** this 4th day of December 2023.

Philip J. Danen, Town Board Chairman
Town of Ledgeview, Brown County, WI

ATTEST:
I, Jennifer L Broich, Clerk of the Town of Ledgeview, do hereby certify that this is a true and correct copy of the original ordinance required by law to be in my custody and which was adopted by the Town of Ledgeview at a meeting held December 04, 2023.

Jennifer L. Broich, Clerk

Posted: December 22, 2023
Published: December 29, 2023