

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: **03/29/2002**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus 6-9220**

By/Representing: **Engel**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Addl. Drafters: **grantpr**

Subject: **Counties - miscellaneous
Munis - miscellaneous
Education - school boards**

Extra Copies:

Submit via email: **NO**

Pre Topic:

SCC:.....Engel - CN5541,

Topic:

Broaden municipal, county, and school district authority to impose impact fees

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 03/29/2002	gilfokm 03/29/2002	haugeca 03/29/2002	_____	lrb_docadmin 04/01/2002		
/2	shoveme 04/03/2002	gilfokm 04/03/2002	pgreensl 04/03/2002	_____	lrb_docadmin 04/03/2002		

FE Sent For:

<END>

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/1	shoveme 03/29/2002	gilfokm 03/29/2002	haugeca 03/29/2002	_____	lrb_docadmin 04/01/2002		

12 MES
FE Sent For:

4/12/02
4/3/02
[Handwritten initials]

4/13/02
[Handwritten initials]

<END>

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/1	shoveme	3/29 kmj	CH 3-29	CH 3-29 CH			

FE Sent For:

<END>

Shared Revenue and Tax Relief

Broaden municipal authority to impose impact fees on new development, and authorize school districts to impose impact fees for the cost of new development. [see attached drafting instructions, and expand to include authority for school districts to assess fees]

CN 5541

JK
MES
& PG

clerk of the political subdivision at least 20 days before the hearing under sub. (3).

(5) **DIFFERENTIAL FEES. IMPACT FEE ZONES.** (a) An ordinance enacted under this section may impose different impact fees on different types of land development.

(b) An ordinance enacted under this section may delineate geographically defined zones within the political subdivision and may impose impact fees on land development in a zone that differ from impact fees imposed on land development in other zones within the political subdivision. The public facilities needs assessment that is required under sub. (4) shall explicitly identify the differences, such as land development or the need for those public facilities, which justify the differences between zones in the amount of impact fees imposed.

(6) **STANDARDS FOR IMPACT FEES.** Impact fees imposed by an ordinance enacted under this section:

(a) Shall bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development.

~~(b) 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.~~

(c) Shall be based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities.

(d) Shall be reduced to compensate for other capital costs imposed by the political subdivision 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 dedications under ch. 236 or any other items of value.

(e) 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.

~~(f) May not include amounts necessary to address existing deficiencies in public facilities.~~

(g) Shall be payable by the developer to the political subdivision, either in full or in instalment payments that are approved by the political subdivision, before a building permit may be issued or other required approval may be given by the political subdivision.

(7) **LOW-COST HOUSING.** An ordinance enacted under this section may provide for an exemption from, or a reduction in the amount of, impact fees on land development that provides low-cost housing, except that no amount of an impact fee for which an exemption or reduction is provided under this subsection 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 political subdivision.

(8) **REQUIREMENTS FOR IMPACT FEE REVENUES.** Revenues from impact fees shall be placed in a segregated, interest-bearing account and shall be accounted for separately from the other funds of the political subdivision. Impact fee revenues and interest earned on impact fee revenues may be expended only for capital costs for which the impact fees were imposed.

(9) **REFUND OF IMPACT FEES.** An ordinance enacted under this section shall specify that impact fees that are imposed and collected by a political subdivision but are not used within a reasonable period of time after they are collected to pay the capital costs for which they were imposed shall be refunded to the current owner of the property with respect to which the impact fees were imposed. The ordinance shall specify, by type of public facility, reasonable time periods within which impact fees must be spent or refunded under this subsection. In determining the length of the time periods under the ordinance, a political subdivision shall consider what are appropriate planning and financing periods for the particular types of public facilities for which the impact fees are imposed.

(10) **APPEAL.** A political subdivision that enacts an impact fee ordinance under this section shall, by ordinance, specify a procedure under which a developer upon whom an impact fee is imposed has the right to contest the amount, collection or use of the impact fee to the governing body of the political subdivision.

History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617. Rough Proportionality and Wisconsin's New Impact Fee. Ishikawa. Wis. Law. March 1995.

66.0619 Public improvement bonds: issuance. (1) A municipality, in addition to any other authority to borrow money and issue its municipal obligations, may borrow money and issue its public improvement bonds to finance the cost of construction or acquisition, including site acquisition, of any revenue-producing public improvement of the municipality. In this section, unless the context or subject matter otherwise requires:

(a) "Debt service" means the amount of principal, interest and premium due and payable with respect to public improvement bonds.

(b) "Deficiency" means the amount by which debt service required to be paid in a calendar year exceeds the amount of revenues estimated to be derived from the ownership and operation of the public improvement for the calendar year, after first subtracting from the estimated revenues the estimated cost of paying the expenses of operating and maintaining the public improvement for the calendar year.

(c) "Municipality" means a county, sanitary district, public inland lake protection and rehabilitation district, town, city or village.

(d) "Public improvement" means any public improvement which a municipality may lawfully own and operate from which the municipality expects to derive revenues.

(2) The governing body of the municipality proposing to issue public improvement bonds shall adopt a resolution authorizing their issuance. The resolution shall set forth the amount of bonds authorized, or a sum not to exceed a stated amount, and the purpose for which the bonds are to be issued. The resolution shall prescribe the terms, form and contents of the bonds and other matters that the governing body considers necessary or advisable. The bonds may be in any denomination of not less than \$1,000. Shall bear interest payable annually or semiannually, shall be payable not later than 20 years from the date of the bonds, at times and places that the governing body determines, and may be subject to redemption prior to maturity on terms and conditions that the governing body determines. The bonds may be issued either payable to bearer with interest coupons attached to the bonds or may be registered under s. 67.09. The bonds may be sold at public competitive sale or by private negotiation. Sections 67.08 and 67.10 apply to public improvement bonds, except insofar as they are in conflict with this section, in which case this section controls.

(2m) (a) A resolution, adopted under sub. (2) by the governing body of a municipality, need not be submitted to the electors of the municipality for approval, unless within 30 days after the resolution is adopted there is filed with the clerk of the municipality a petition, conforming to the requirements of s. 8.40 and requesting a referendum on the resolution, signed by electors numbering at least 10% of the votes cast in the municipality for governor at the last general election. A resolution, adopted under sub. (2), may be submitted by the governing body of the municipality to the electors without waiting for the filing of a petition.

(b) If a referendum is to be held on a resolution, the municipal governing body shall file the resolution as provided in s. 8.37 and shall direct the municipal clerk to call a special election for the purpose of submitting the resolution to the electors for a referendum on approval or rejection. In lieu of a special election, the municipal governing body may specify that the election be held at the next succeeding spring primary or election or September primary or general election.

(2) As a means of enforcing the collection of any room tax imposed by a municipality or a district under sub. (1m), the municipality or district may exchange audit and other information with the department of revenue and may do any of the following:

(a) If a municipality or district has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, inspect and audit the financial records of any person subject to sub. (1m) pertaining to the furnishing of accommodations to determine whether the correct amount of room tax is assessed and whether any room tax return is correct.

(b) Enact a schedule of forfeitures, not to exceed 5% of the tax under sub. (1m) or par. (c), to be imposed on any person subject to sub. (1m) who fails to comply with a request to inspect and audit the person's financial records under par. (a).

(c) Determine the tax under sub. (1m) according to its best judgment if a person required to make a return fails, neglects or refuses to do so for the amount, in the manner and form and within the time prescribed by the municipality or district.

(d) Require each person who is subject to par. (c) to pay an amount of taxes that the municipality or district determines to be due under par. (c) plus interest at the rate of 1% per month on the unpaid balance. No refund or modification of the payment determined may be granted until the person files a correct room tax return and permits the municipality or district to inspect and audit his or her financial records under par. (a).

(e) Enact a schedule of forfeitures, not to exceed 25% of the room tax due for the previous year under sub. (1m) or par. (c) or \$5,000, whichever is less, to be imposed for failure to pay the tax under sub. (1m).

(3) The municipality shall provide by ordinance and the district shall provide by resolution for the confidentiality of information obtained under sub. (2) but shall provide exceptions for persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of a court. The municipality or district may provide for the publishing of statistics classified so as not to disclose the identity of particular returns. The municipality or district shall provide that persons violating ordinances or resolutions enacted under this subsection may be required to forfeit not less than \$100 nor more than \$500.

History: 1983 a. 189, 514; 1993 a. 263, 467, 491; 1999 a. 9; 1999 a. 150 ss. 565 to 567; Stats. 1999 s. 66.0615.

A city was authorized to enact a room tax; the gross receipts method was a fair and reasonable way of calculating the tax. *Blue Top Motel, Inc. v. City of Stevens Point*, 107 Wis. 2d 392, 320 N.W.2d 172 (1982).

66.0617 Impact fees. (1) DEFINITIONS. In this section:

(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 the political subdivision 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 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 by a political subdivision under this section.

(d) "Land development" means the construction or modification of improvements to real property that creates additional residential dwelling units within a political subdivision or that results in nonresidential uses that create a need for new, expanded or improved public facilities within a political subdivision.

(e) "Political subdivision" means a city, village, town or county.

(f) "Public facilities" ^{includes} ~~means~~ highways, as defined in s. 340.01 (22), and other transportation facilities, traffic control device 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 ~~except that, with regard to counties, "public facilities" does not include highways, as defined in s. 340.01 (22), other transportation facilities or traffic control devices.~~ "Public facilities" does not include facilities owned by a school district.

(g) "Service area" means a geographic area delineated by political subdivision within which there are 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 political subdivision.

(2) GENERAL. (a) ~~Subject to par. (one),~~ a political subdivision may enact an ordinance under this section that imposes impact fees on developers to pay for the capital costs that are necessary to accommodate land development.

~~(am) No county may impose an impact fee under this section to recover costs related to transportation projects.~~

(b) ~~Subject to par. (a),~~ this section does not prohibit or limit the authority of a political subdivision to finance public facilities by any other means authorized by law, ~~except that the amount of a impact fee imposed by a political subdivision shall be reduced under sub. (6) (d), to compensate for any other costs of public facilities imposed by the political subdivision on developers to provide or pay for capital costs.~~

~~(c) Beginning on May 1, 1995, a political subdivision may impose and collect impact fees only under this section.~~

(3) PUBLIC HEARING; NOTICE. Before enacting an ordinance that imposes impact fees, or amending an existing ordinance that imposes impact fees, a political subdivision shall hold a public hearing on the proposed ordinance or amendment. Notice of the public hearing shall be published as a class 1 notice under ch. 985 and shall specify where a copy of the proposed ordinance or amendment and the public facilities needs assessment may be obtained.

(4) PUBLIC FACILITIES NEEDS ASSESSMENT. (a) Before enacting an ordinance that imposes impact fees or amending an ordinance that imposes impact fees by revising the amount of the fee or altering the public facilities for which impact fees may be imposed, political subdivision shall prepare a needs assessment for the public facilities for which it is anticipated that impact fees may be imposed. The public facilities needs assessment shall include, but not be limited to, the following:

1. An inventory of existing public facilities, including an identification of any existing deficiencies in the quantity or quality of those public facilities, for which it is anticipated that an impact fee may be imposed.

2. An identification of the new public facilities, or improvements or expansions of existing public facilities, that will be required because of land development for which it is anticipated that impact fees may be imposed. This identification shall be based on explicitly identified service areas and service standards.

3. A detailed estimate of the capital costs of providing the new public facilities or the improvements or expansions in existing public facilities identified in subd. 2., including an estimate of the effect of recovering these capital costs through impact fees on the availability of affordable housing within the political subdivision.

(b) A public facilities needs assessment or revised public facilities needs assessment that is prepared under this subsection shall be available for public inspection and copying in the office of the



202 State Street
Suite 300
Madison, Wisconsin 53703-2215

608/267-2380
800/991-5502
Fax: 608/267-0645

E-mail: league@lwm-info.org
www.lwm-info.org

Add schools

To: Senate Majority Leader Chuck Chvala
Doug Burnett, Legislative Aide

From: Curt Witynski, Assistant Director

Re: Broadening Municipal Authority to Impose Impact Fees

The League requests that language be included in the budget repair bill broadening municipal authority and flexibility to impose impact fees on new development. I've attached a copy of the current impact fee law, sec. 66.0617, Stats., to this memo. I've marked in blue the provisions in current law that we recommend deleting. In addition, we recommend the following changes be made to the impact fee law and chapter 236, the subdivision approval law.

1. Add the word "purchase" to the first sentence in the definition of "Capital costs" in sec. 66.0617(1)(a). So that the definition reads as follows: "Capital costs" means the capital costs to purchase, construct, expand or improve public facilities ...
2. Add the following sentence to the definition of "Capital costs" in sec. 66.0617(1)(a):
"Capital costs" also include the costs of conducting the needs assessment required under s. 66.0617(4) and preparing an impact fee ordinance.
3. Replace the word "means" with the word "includes" in the first sentence of the definition of "Public facilities" in sec. 66.0617(1)(f). The first part of the definition should read as follows: "Public facilities" includes highways, as defined in sec. 340.01(22), and other transportation facilities...
4. Add "athletic fields" to the definition of "Public facilities" in sec. 66.0617(1)(f).
5. Add the phrase "including fire trucks" to the definition of "Public facilities" in sec. 66.0617(1)(f). The definition should read in relevant part as follows: "... solid waste and recycling facilities; fire protection facilities, including fire trucks; law enforcement facilities..."
6. Add the following language to sec. 236.45(2):
"An ordinance adopted under this section by a municipality may require persons, as a condition of obtaining approval of a land division, to dedicate land or pay fees to fund the acquisition of land or the construction of public improvements or facilities for any purpose specified in sub. (1). Any fees imposed as a condition of approving a land division shall bear a rational relationship to the need for the land or new public improvements or facilities that are necessary to serve the land division."

Thanks for considering our recommendations. Please let me know if you have any questions or need additional information.



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2937/1
MES&PG...

King
RMR

SCC:.....Engel - CN5541, Broaden municipal, county, and school district authority to impose impact fees

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

D-NOTE

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 53, line 4: after that line insert:

3 ✓ SECTION 152d. 66.0617 (1) (a) of the statutes is amended to read:

4 66.0617 (1) (a) "Capital costs" means the capital costs to purchase, construct,
5 expand, or improve public facilities, including the cost of land, including the costs of
6 conducting the needs assessment that is described under sub. (4) and of preparing
7 an impact fee ordinance, and including legal, engineering, and design costs to
8 construct, expand, or improve public facilities, except that not more than 10% of
9 capital costs may consist of legal, engineering, and design costs unless the political
10 subdivision or school district can demonstrate that its legal, engineering and design

1 costs which relate directly to the public improvement for which the impact fees were
2 imposed exceed 10% of capital costs. ~~“Capital costs” does not include other~~
3 ~~noncapital costs to construct, expand or improve public facilities or the costs of~~
4 ~~equipment to construct, expand or improve public facilities.~~

History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

5 SECTION ~~??~~ ^{152dd} 66.0617 (1) (f) of the statutes is amended to read:

6 66.0617 (1) (f) “Public facilities” ~~means~~ includes highways, as defined in s.
7 340.01 (22), and other transportation facilities, traffic control devices, facilities for
8 collecting and treating sewage, facilities for collecting and treating storm and
9 surface waters, facilities for pumping, storing, and distributing water, parks, athletic
10 fields, playgrounds ✓ and other recreational facilities, solid waste and recycling
11 facilities, fire protection facilities, fire trucks, law enforcement facilities, emergency
12 medical facilities, public school facilities, and libraries ^{plain} ~~except that, with regard to~~
13 ~~counties, “public facilities” does not include highways, as defined in s. 340.01 (22),~~
14 ~~other transportation facilities or traffic control devices. “Public facilities” does not~~
15 ~~include facilities owned by a school district.~~

History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

16 SECTION ~~??~~ 66.0617 (2) (a) of the statutes is amended to read:

17 66.0617 (2) (a) ~~Subject to par. (am), a~~ A political subdivision may enact an
18 ordinance under this section that imposes impact fees on developers to pay for the
19 capital costs that are necessary to accommodate land development.

History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

20 SECTION ~~??~~ ^{152dh} 66.0617 (2) (am) of the statutes is repealed.

21 SECTION ~~??~~ ^{152di} 66.0617 (2) (b) of the statutes is amended to read:

22 66.0617 (2) (b) ~~Subject to par. (e), this~~ This section does not prohibit or limit the
23 authority of a political subdivision to finance public facilities by any other means
24 authorized by law, ~~except that the amount of an impact fee imposed by a political~~

or school district

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1 ~~subdivision shall be reduced, under sub. (6) (d), to compensate for any other costs of~~
2 ~~public facilities imposed by the political subdivision on developers to provide or pay~~
3 ~~for capital costs.~~

4 History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.

4 SECTION ~~77~~ 66.0617 (2) (c) of the statutes is repealed.

5 SECTION ~~77~~ 66.0617 (6) (b) of the statutes is repealed.

6 SECTION ~~77~~ 66.0617 (6) (f) of the statutes is repealed.

7 **2.** Page 182, line 9: after that line insert:

8 "SECTION 367e. 236.45 (2) (am) of the statutes is created to read:

9 236.45 (2) (am) An ordinance adopted under this section by a municipality may
10 require any person, as a condition of obtaining approval of a land division, to dedicate
11 land or pay fees to fund the acquisition of land or the construction of public
12 improvements or facilities for any purpose specified in sub. (1). Any fees that are
13 imposed as a condition of approving a land division shall bear a rational relationship
14 to the need for the land or new public improvements or facilities that are necessary
15 to serve the land division."

16 (END)

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

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MES&PG...
kmq

Andy Engel:

Your instructions did not indicate whether you wanted to strike through the last sentence in s. 66.0617 (1) (f), "Public facilities' does not include facilities owned by a school district", but the amendment deletes this phrase. Is this consistent with your intent? Your proposed amendment of s. 236.45 (2), which we created in s. 236.45 (2) (am), is limited only to cities and villages because your instructions used the word "municipality"; see the definition of municipality in s. 236.02 (6). Is this consistent with your intent?

Marc E. Shovers
Senior Legislative Attorney
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Peter R. Grant
Managing Attorney
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INSERTS

Section # 66.0617 of the statutes is amended to read:

66.0617 Impact fees. (1) DEFINITIONS. In this section:

(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 the political subdivision 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 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.

section 152 db. A.M.; 66.0617 (1) (b)

(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 by a political subdivision under this section.

section 152 dc. A.M.; 66.0617 (1) (c)

(d) "Land development" means the construction or modification of improvements to real property that creates additional residential dwelling units within a political subdivision or that results in non-residential uses that create a need for new, expanded, or improved public facilities within a political subdivision.

(e) "Political subdivision" means a city, village, town or county.

(f) "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 except that, with regard to counties, "public facilities" does not include highways, as defined in s. 340.01 (22), other trans-

, and public school facilities

~~portation facilities or traffic control devices. "Public facilities" does not include facilities owned by a school district.~~

Section 152 de. AM; 66.0617(1)(g)

or school district

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2-19

(g) "Service area" means a geographic area delineated by a political subdivision within which there are public facilities.

Section 152 df. AM; 66.0617(1)(h)

(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 political subdivision

or school district

sec. 152 dg. AM; 66.0617(2)(a)

66.0617

(2) (a) Subject to par. (am), a political subdivision may enact an ordinance under this section that imposes impact fees on developers to pay for the capital costs that are necessary to accommodate land development.

A school district may adopt a resolution under this section that imposes impact fees on developers to pay for the capital costs

(am) No county may impose an impact fee under this section to recover costs related to transportation projects.

that are necessary to accommodate land development.

(b) Subject to par. (c), this section does not prohibit or limit the authority of a political subdivision to finance public facilities by any other means authorized by law, except that the amount of an impact fee imposed by a political subdivision shall be reduced, under sub. (6) (d), to compensate for any other costs of public facilities imposed by the political subdivision on developers to provide or pay for capital costs.

or school district

(c) Beginning on May 1, 1995, a political subdivision may impose and collect impact fees only under this section.

SEC. 152 dk AM; 66.0617(3)

or adopting a resolution

or school district

(3) PUBLIC HEARING; NOTICE. Before enacting an ordinance that imposes impact fees, or amending an existing ordinance that imposes impact fees, a political subdivision shall hold a public hearing on the proposed ordinance or amendment. Notice of the public hearing shall be published as a class 1 notice under ch. 985, and shall specify where a copy of the proposed ordinance or amendment and the public facilities needs assessment may be obtained.

or resolution

SEC. 152 dl AM; 66.0617(4)(a) (intro.) (intro.)

(4) PUBLIC FACILITIES NEEDS ASSESSMENT (a) Before enacting an ordinance that imposes impact fees or amending an ordinance that imposes impact fees by revising the amount of the fee or altering

or resolution

or adopting a resolution

3-4

3-4 (cont.)

the public facilities for which impact fees may be imposed, a political subdivision ^{or school district} shall prepare a needs assessment for the public facilities for which it is anticipated that impact fees may be imposed.

The public facilities needs assessment shall include, but not be limited to, the following:

1. An inventory of existing public facilities, including an identification of any existing deficiencies in the quantity or quality of those public facilities, for which it is anticipated that an impact fee may be imposed.
2. An identification of the new public facilities, or improvements or expansions of existing public facilities, that will be required because of land development for which it is anticipated that impact fees may be imposed. This identification shall be based on explicitly identified service areas and service standards.
3. A detailed estimate of the capital costs of providing the new public facilities or the improvements or expansions in existing public facilities identified in subd. 2., including an estimate of the effect of recovering these capital costs through impact fees on the availability of affordable housing within the political subdivision.

SEC. 152nd AM. 66.0617 (4)(b) ^{or school district}
66.0617 (4) (b) A public facilities needs assessment or revised public facilities needs assessment that is prepared under this subsection shall be available for public inspection and copying in the office of the clerk of the political subdivision at least 20 days before the hearing under sub. (3).

SEC. 152nd AM. 66.0617 (5)
66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted ^{or resolution adopted} under this section may impose different impact fees on different types of land development.

(b) An ordinance enacted ^{or resolution adopted} under this section may delineate geographically defined zones within the political subdivision ^{or school district} and may impose impact fees on land development in a zone that differ from impact fees imposed on land development in other zones within the political subdivision ^{or school district}. The public facilities needs assessment that is required under sub. (4) shall explicitly identify the differences, such as land development or the need for those public facilities, which justify the differences between zones in the amount of impact fees imposed.

SEC. 152nd AM. 66.0617 (6) (Intro.)
66.0617 (6) ~~STANDARDS FOR IMPACT FEES~~ Impact fees imposed by an ordinance enacted ^{or resolution adopted} under this section:

(Intro.)

3
→ Stat title

3-5

(a) Shall bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development.

(b) ~~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.~~ or school district

152dr

(c) Shall be based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities.

SEC. 152dr AM, 66.0617 (6)(d)

or school district

3-5

66.0617(d) Shall be reduced to compensate for other capital costs imposed by the political subdivision 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 dedications under ch. 236 or any other items of value.

(e) ~~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.~~

(f) ~~May not include amounts necessary to address existing deficiencies in public facilities.~~

SEC. 152dr AM, 66.0617 (6)(g)

or school district

3-6

66.0617 (6)(g) Shall be payable by the developer to the political subdivision, either in full or in instalment payments that are approved by the political subdivision, before a building permit may be issued or other required approval may be given by the political subdivision.

or school district

SEC. 152du AM, 66.0617 (7)

66.0617 (7) LOW-COST HOUSING. An ordinance enacted ^{or resolution adopted} under this section may provide for an exemption from, or a reduction in the amount of, impact fees on land development that provides low-cost housing, except that no amount of an impact fee for which an exemption or reduction is provided under this subsection 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 political subdivision.

or school district

SEC. 152dv AM, 66.0617 (8)

66.0617 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from impact fees shall be placed in a segregated, interest-bearing account and shall be accounted for separately from the other funds of the political subdivision. Impact fee revenues and interest earned on impact fee revenues may be expended only for capital costs for which the impact fees were imposed.

or school district

3-6 (cont.)

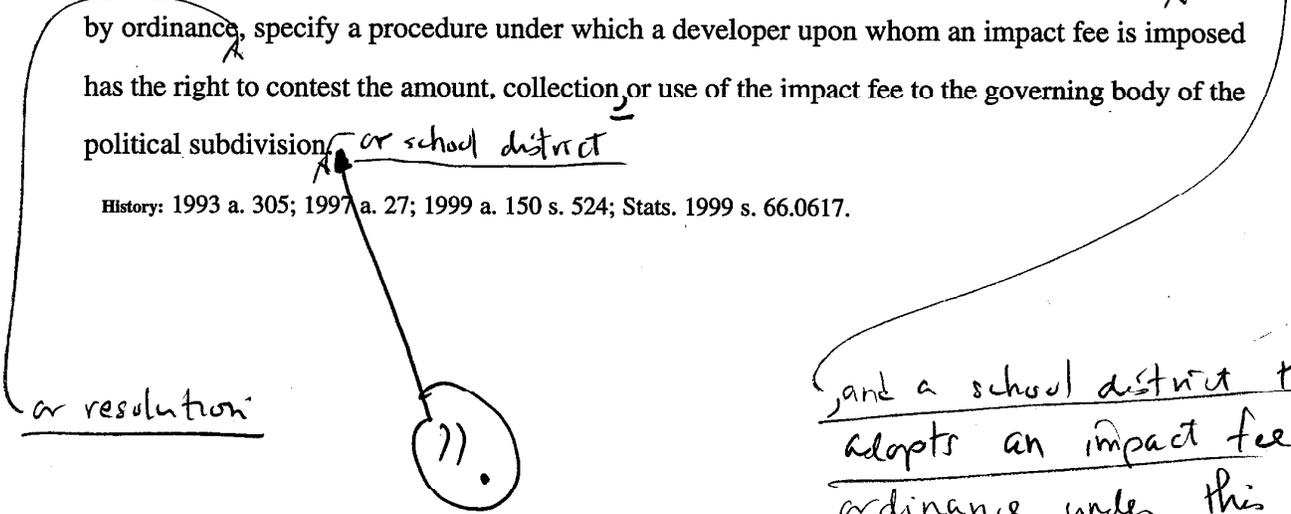
SEC. 1520X AM; 66.0617 (9)

66.0617 (9) REFUND OF IMPACT FEES. An ordinance enacted ^{or resolution adopted} under this section shall specify that impact fees that are imposed and collected by a political subdivision ^{or school district} but are not used within a reasonable period of time after they are collected to pay the capital costs for which they were imposed shall be refunded to the current owner of the property with respect to which the impact fees were imposed. The ordinance ^{or resolution} shall specify, by type of public facility, reasonable time periods within which impact fees must be spent or refunded under this subsection. In determining the length of the time periods under the ordinance, ^{or resolution} a political subdivision ^{or school district} shall consider what are appropriate planning and financing periods for the particular types of public facilities for which the impact fees are imposed.

SEC. 1520X AM; 66.0617 (10)

66.0617 (10) APPEAL. A political subdivision that enacts an impact fee ordinance under this section shall, by ordinance, specify a procedure under which a developer upon whom an impact fee is imposed has the right to contest the amount, collection, or use of the impact fee to the governing body of the political subdivision ^{or school district}

History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617.



or resolution

11)

and a school district that adopts an impact fee ordinance under this section

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb2937/1dn
MES&PG:kmg:ch

March 29, 2002

Andy Engel:

Your instructions did not indicate whether you wanted to strike through the last sentence in s. 66.0617 (1) (f), "Public facilities' does not include facilities owned by a school district," but the amendment deletes this phrase. Is this consistent with your intent? Your proposed amendment of s. 236.45 (2), which we created in s. 236.45 (2) (am), is limited only to cities and villages because your instructions used the word "municipality"; see the definition of municipality in s. 236.02 (6). Is this consistent with your intent?

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us

Shovers, Marc

From: Shovers, Marc
Sent: Tuesday, April 02, 2002 11:46 AM
To: Olin, Rick
Cc: Engel, Andy
Subject: RE: LRBb2937/1

Hi Rick:

Actually, I think it's the latter and, now that you mention it, I think that the requester may want to repeal s. 66.0617 (6) (d) instead of amending it.

Among other things, the amendment greatly expands the definition of "Public facilities" by changing "means" to "includes"; repeals s. 66.0617 (2) (am), which limits the imposition of impact fees to fees imposed under s. 66.0617; deletes the material in s. 66.0617 (2) (b) that you're asking about; and repeals s. 66.0617 (6) (b) and (f), which limit impact fees "to the proportionate share of the capital costs that are required to serve land development" and prohibited the use of impact fees "to address existing deficiencies in public facilities."

Again, I think that, consistent with the other drafting instructions related to this amendment, s. 66.0617 (6) (d) should be repealed. It seems inconsistent to me that the requester would repeal and amend several restrictions on impact fees yet not repeal the provision in sub. (6) (d) which requires impact fees imposed under s. 66.0617 to be reduced to compensate for other capital costs that may be imposed by a political subdivision for land development.

Please let me know if you'd like the amendment redrafted.

Marc

Marc E. Shovers

Senior Legislative Attorney
Legislative Reference Bureau
Phone: (608) 266-0129
Fax: (608) 264-8522
e-mail: marc.shovers@legis.state.wi.us

-----Original Message-----

From: Olin, Rick
Sent: Monday, April 01, 2002 5:57 PM
To: Shovers, Marc
Cc: Ammerman, Fred
Subject: LRBb2937/1

Marc:

Regarding the current law language being repealed on Page 3, lines 18 - 21,

Is the intent of the repeal to remove language that is redundant to s. 66.0617 (6)(d), as amended,
or
does the removal of the language have a more significant meaning?

I vote for the former, but wanted to make sure my interpretation is correct.

Thanks,

**Rick
Tracking:**

Recipient
Olin, Rick
Engel, Andy

Delivery
Delivered: 04/02/2002 11:46 AM
Delivered: 04/02/2002 11:46 AM

Read
Read: 04/02/2002 11:59 AM
Read: 04/02/2002 11:49 AM

Shovers, Marc

From: Olin, Rick
Sent: Wednesday, April 03, 2002 1:19 PM
To: Shovers, Marc
Cc: Ammerman, Fred
Subject: FW: Impact Fee Law Changes

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Marc:

I have tried to avoid giving you guys these types of instructions since they ought to come from the SDC. However, in the interest of time, please proceed with these changes:

1. Repeal s. 66.0617 (6)(d) to achieve consistency with s. 66.0617 (2)(b), as amended.
2. On page 2, line 21, delete "fire trucks" and insert "fire fighting apparatus".

Please let me know, if you have any questions.

Rick

P.s. Check the spelling, is fire fighting hyphenated?

-----Original Message-----

From: Burnett, Douglas
Sent: Wednesday, April 03, 2002 1:07 PM
To: Olin, Rick
Subject: FW: Impact Fee Law Changes

These changes are ok with us. Could you have it redrafted if you haven't already? Thanks Rick.

-----Original Message-----

From: Curt Witynski [mailto:witynski@lwm-info.org]
Sent: Wednesday, April 03, 2002 9:12 AM
To: Douglas.Burnett@legis.state.wi.us
Subject: Impact Fee Law Changes

Hi Doug: I just talked to Rick Olin about possible changes to the impact fee law. He suggested an additional change that I agree with.

In my original memo I suggested repealing some of the language in sec. 66.0617(2)(b), Stats. The only portion of that subsection that should remain is the following sentence: "This section does not prohibit or limit the authority of a political subdivision to finance public facilities by any other means authorized by law." The rest of the provision should be repealed. Rick Olin points out, and I agree, that it would be consistent with that change to also repeal sec. 66.0617(6)(d).

In addition, in my original memo to you I suggested adding the phrase "including fire trucks" to the definition of "public facilities" in sec. 66.0617(1)(f). I think it would be better to use the term "fire

fighting
apparatus" rather than "fire truck."

Thanks. Let me know if you have any questions.

Curt Witynski
Assistant Director
League of Wisconsin Municipalities
202 State St., Suite 300
Madison, WI 53703
608-267-2380
608-267-0645 (Fax)
www.lwm-info.org



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2937A
MES&PG:kmg:ch

2
RMA

SCC:.....Engel – CN5541, Broaden municipal, county, and school district authority to impose impact fees

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 53, line 4: after that line insert:

3 "SECTION 152d. 66.0617 (1) (a) of the statutes is amended to read:

4 66.0617 (1) (a) "Capital costs" means the capital costs to purchase, construct,
5 expand, or improve public facilities, including the cost of land, including the costs of
6 conducting the needs assessment that is described under sub. (4) and of preparing
7 an impact fee ordinance, and including legal, engineering, and design costs to
8 construct, expand, or improve public facilities, except that not more than 10% of
9 capital costs may consist of legal, engineering, and design costs unless the political
10 subdivision or school district can demonstrate that its legal, engineering, and design

1 costs which relate directly to the public improvement for which the impact fees were
2 imposed exceed 10% of capital costs. ~~“Capital costs” does not include other~~
3 ~~noncapital costs to construct, expand or improve public facilities or the costs of~~
4 ~~equipment to construct, expand or improve public facilities.~~

5 **SECTION 152db.** 66.0617 (1) (c) of the statutes is amended to read:

6 66.0617 (1) (c) “Impact fees” means cash contributions, contributions of land
7 or interests in land or any other items of value that are imposed on a developer by
8 a political subdivision or school district under this section.

9 **SECTION 152dc.** 66.0617 (1) (d) of the statutes is amended to read:

10 66.0617 (1) (d) “Land development” means the construction or modification of
11 improvements to real property that creates additional residential dwelling units
12 within a political subdivision or school district or that results in nonresidential uses
13 that create a need for new, expanded, or improved public facilities within a political
14 subdivision or school district.

15 **SECTION 152dd.** 66.0617 (1) (f) of the statutes is amended to read:

16 66.0617 (1) (f) “Public facilities” means includes highways, as defined in s.
17 340.01 (22), and other transportation facilities, traffic control devices, facilities for
18 collecting and treating sewage, facilities for collecting and treating storm and
19 surface waters, facilities for pumping, storing, and distributing water, parks,
20 athletic fields, playgrounds and other recreational facilities, solid waste and
21 recycling facilities, fire protection facilities, fire trucks, fighting apparatus, law enforcement facilities,
22 emergency medical facilities, public school facilities, and libraries ~~except that, with~~
23 ~~regard to counties, “public facilities” does not include highways, as defined in s.~~
24 ~~340.01 (22), other transportation facilities or traffic control devices. “Public~~
25 ~~facilities” does not include facilities owned by a school district.~~

1 **SECTION 152de.** 66.0617 (1) (g) of the statutes is amended to read:

2 66.0617 (1) (g) “Service area” means a geographic area delineated by a political
3 subdivision or school district within which there are public facilities.

4 **SECTION 152df.** 66.0617 (1) (h) of the statutes is amended to read:

5 66.0617 (1) (h) “Service standard” means a certain quantity or quality of public
6 facilities relative to a certain number of persons, parcels of land, or other appropriate
7 measure, as specified by the political subdivision or school district.

8 **SECTION 152dg.** 66.0617 (2) (a) of the statutes is amended to read: *strike space*

9 66.0617 (2) (a) ~~Subject to par. (am), a~~ ^A political subdivision may enact an
10 ordinance under this section that imposes impact fees on developers to pay for the
11 capital costs that are necessary to accommodate land development. A school district
12 may adopt a resolution under this section that imposes impact fees on developers to
13 pay for the capital costs that are necessary to accommodate land development.

14 **SECTION 152dh.** 66.0617 (2) (am) of the statutes is repealed.

15 **SECTION 152di.** 66.0617 (2) (b) of the statutes is amended to read:

16 66.0617 (2) (b) ~~Subject to par. (e), this~~ This section does not prohibit or limit the
17 authority of a political subdivision or school district to finance public facilities by any
18 other means authorized by law, ~~except that the amount of an impact fee imposed by~~
19 ~~a political subdivision shall be reduced, under sub. (6) (d), to compensate for any~~
20 ~~other costs of public facilities imposed by the political subdivision on developers to~~
21 ~~provide or pay for capital costs.~~

22 **SECTION 152dj.** 66.0617 (2) (c) of the statutes is repealed.

23 **SECTION 152dk.** 66.0617 (3) of the statutes is amended to read:

24 66.0617 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance or adopting
25 a resolution that imposes impact fees, or amending an existing ordinance or

1 resolution that imposes impact fees, a political subdivision or school district shall
2 hold a public hearing on the proposed ordinance or resolution or amendment. Notice
3 of the public hearing shall be published as a class 1 notice under ch. 985, and shall
4 specify where a copy of the proposed ordinance or resolution or amendment and the
5 public facilities needs assessment may be obtained.

6 **SECTION 152dL.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

7 66.0617 (4) (a) (intro.) Before enacting an ordinance or adopting a resolution
8 that imposes impact fees or amending an ordinance or resolution that imposes
9 impact fees by revising the amount of the fee or altering the public facilities for which
10 impact fees may be imposed, a political subdivision or school district shall prepare
11 a needs assessment for the public facilities for which it is anticipated that impact fees
12 may be imposed. The public facilities needs assessment shall include, but not be
13 limited to, the following:

14 **SECTION 152dm.** 66.0617 (4) (b) of the statutes is amended to read:

15 66.0617 (4) (b) A public facilities needs assessment or revised public facilities
16 needs assessment that is prepared under this subsection shall be available for public
17 inspection and copying in the office of the clerk of the political subdivision or school
18 district at least 20 days before the hearing under sub. (3).

19 **SECTION 152dn.** 66.0617 (5) of the statutes is amended to read:

20 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or
21 resolution adopted under this section may impose different impact fees on different
22 types of land development.

23 (b) An ordinance enacted or resolution adopted under this section may
24 delineate geographically defined zones within the political subdivision or school
25 district and may impose impact fees on land development in a zone that differ from

1 impact fees imposed on land development in other zones within the political
2 subdivision or school district. The public facilities needs assessment that is required
3 under sub. (4) shall explicitly identify the differences, such as land development or
4 the need for those public facilities, which justify the differences between zones in the
5 amount of impact fees imposed.

6 **SECTION 152do.** 66.0617 (6) (intro.) of the statutes is amended to read:

7 66.0617 (6) STANDARDS FOR IMPACT FEES. (intro.) Impact fees imposed by an
8 ordinance enacted or resolution adopted under this section:

9 **SECTION 152dq.** 66.0617 (6) (b) of the statutes is repealed.

10 **SECTION 152dr.** 66.0617 (6) (d) of the statutes is ^{repealed} amended to read.

11 ~~66.0617 (6) (d) Shall be reduced to compensate for other capital costs imposed~~
12 ~~by the political subdivision or school district with respect to land development to~~
13 ~~provide or pay for public facilities, including special assessments, special charges,~~
14 ~~land dedications or fees in lieu of land dedications under ch. 236 or any other items~~
15 ~~of value.~~

16 **SECTION 152ds.** 66.0617 (6) (f) of the statutes is repealed.

17 **SECTION 152dt.** 66.0617 (6) (g) of the statutes is amended to read:

18 66.0617 (6) (g) Shall be payable by the developer to the political subdivision or
19 school district, either in full or in instalment payments that are approved by the
20 political subdivision or school district, before a building permit may be issued or
21 other required approval may be given by the political subdivision or school district.

22 **SECTION 152du.** 66.0617 (7) of the statutes is amended to read:

23 66.0617 (7) LOW-COST HOUSING. An ordinance enacted or resolution adopted
24 under this section may provide for an exemption from, or a reduction in the amount
25 of, impact fees on land development that provides low-cost housing, except that no

Six
com p 10

1 amount of an impact fee for which an exemption or reduction is provided under this
2 subsection may be shifted to any other development in the land development in
3 which the low-cost housing is located or to any other land development in the
4 political subdivision or school district.

5 **SECTION 152dv.** 66.0617 (8) of the statutes is amended to read:

6 66.0617 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from impact
7 fees shall be placed in a segregated, interest-bearing account and shall be accounted
8 for separately from the other funds of the political subdivision or school district.
9 Impact fee revenues and interest earned on impact fee revenues may be expended
10 only for capital costs for which the impact fees were imposed.

11 **SECTION 152dw.** 66.0617 (9) of the statutes is amended to read:

12 66.0617 (9) REFUND OF IMPACT FEES. An ordinance enacted or resolution adopted
13 under this section shall specify that impact fees that are imposed and collected by
14 a political subdivision or school district but are not used within a reasonable period
15 of time after they are collected to pay the capital costs for which they were imposed
16 shall be refunded to the current owner of the property with respect to which the
17 impact fees were imposed. The ordinance or resolution shall specify, by type of public
18 facility, reasonable time periods within which impact fees must be spent or refunded
19 under this subsection. In determining the length of the time periods under the
20 ordinance or resolution, a political subdivision or school district shall consider what
21 are appropriate planning and financing periods for the particular types of public
22 facilities for which the impact fees are imposed.

23 **SECTION 152dx.** 66.0617 (10) of the statutes is amended to read:

24 66.0617 (10) APPEAL. A political subdivision that enacts an impact fee
25 ordinance under this section, and a school district that adopts an impact fee

①

~~ordinance~~ ^{resolution} under this section, shall, by ordinance or resolution, specify a procedure under which a developer upon whom an impact fee is imposed has the right to contest the amount, collection or use of the impact fee to the governing body of the political subdivision or school district.”.

2
3
4
5 **2.** Page 182, line 9: after that line insert:

6 “**SECTION 367e.** 236.45 (2) (am) of the statutes is created to read:

7 236.45 (2) (am) An ordinance adopted under this section by a municipality may
8 require any person, as a condition of obtaining approval of a land division, to dedicate
9 land or pay fees to fund the acquisition of land or the construction of public
10 improvements or facilities for any purpose specified in sub. (1). Any fees that are
11 imposed as a condition of approving a land division shall bear a rational relationship
12 to the need for the land or new public improvements or facilities that are necessary
13 to serve the land division.”.

14

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2937/2
MES&PG:kmg:pg

SCC:.....Engel – CN5541, Broaden municipal, county, and school district authority to impose impact fees

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 53, line 4: after that line insert:

3 "SECTION 152d. 66.0617 (1) (a) of the statutes is amended to read:

4 66.0617 (1) (a) "Capital costs" means the capital costs to purchase, construct,
5 expand, or improve public facilities, including the cost of land, including the costs of
6 conducting the needs assessment that is described under sub. (4) and of preparing
7 an impact fee ordinance, and including legal, engineering, and design costs to
8 construct, expand, or improve public facilities, except that not more than 10% of
9 capital costs may consist of legal, engineering, and design costs unless the political
10 subdivision or school district can demonstrate that its legal, engineering, and design

1 costs which relate directly to the public improvement for which the impact fees were
2 imposed exceed 10% of capital costs. ~~“Capital costs” does not include other~~
3 ~~noncapital costs to construct, expand or improve public facilities or the costs of~~
4 ~~equipment to construct, expand or improve public facilities.~~

5 **SECTION 152db.** 66.0617 (1) (c) of the statutes is amended to read:

6 66.0617 (1) (c) “Impact fees” means cash contributions, contributions of land
7 or interests in land or any other items of value that are imposed on a developer by
8 a political subdivision or school district under this section.

9 **SECTION 152dc.** 66.0617 (1) (d) of the statutes is amended to read:

10 66.0617 (1) (d) “Land development” means the construction or modification of
11 improvements to real property that creates additional residential dwelling units
12 within a political subdivision or school district or that results in nonresidential uses
13 that create a need for new, expanded, or improved public facilities within a political
14 subdivision or school district.

15 **SECTION 152dd.** 66.0617 (1) (f) of the statutes is amended to read:

16 66.0617 (1) (f) “Public facilities” ~~means~~ includes highways, as defined in s.
17 340.01 (22), and other transportation facilities, traffic control devices, facilities for
18 collecting and treating sewage, facilities for collecting and treating storm and
19 surface waters, facilities for pumping, storing, and distributing water, parks,
20 athletic fields, playgrounds and other recreational facilities, solid waste and
21 recycling facilities, fire protection facilities, fire fighting apparatus, law enforcement
22 facilities, emergency medical facilities, public school facilities, and libraries ~~except~~
23 ~~that, with regard to counties, “public facilities” does not include highways, as defined~~
24 ~~in s. 340.01 (22), other transportation facilities or traffic control devices. “Public~~
25 ~~facilities” does not include facilities owned by a school district.~~

1 **SECTION 152de.** 66.0617 (1) (g) of the statutes is amended to read:

2 66.0617 (1) (g) “Service area” means a geographic area delineated by a political
3 subdivision or school district within which there are public facilities.

4 **SECTION 152df.** 66.0617 (1) (h) of the statutes is amended to read:

5 66.0617 (1) (h) “Service standard” means a certain quantity or quality of public
6 facilities relative to a certain number of persons, parcels of land, or other appropriate
7 measure, as specified by the political subdivision or school district.

8 **SECTION 152dg.** 66.0617 (2) (a) of the statutes is amended to read:

9 66.0617 (2) (a) ~~Subject to par. (am), a~~ A political subdivision may enact an
10 ordinance under this section that imposes impact fees on developers to pay for the
11 capital costs that are necessary to accommodate land development. A school district
12 may adopt a resolution under this section that imposes impact fees on developers to
13 pay for the capital costs that are necessary to accommodate land development.

14 **SECTION 152dh.** 66.0617 (2) (am) of the statutes is repealed.

15 **SECTION 152di.** 66.0617 (2) (b) of the statutes is amended to read:

16 66.0617 (2) (b) ~~Subject to par. (c), this~~ This section does not prohibit or limit the
17 authority of a political subdivision or school district to finance public facilities by any
18 other means authorized by law, ~~except that the amount of an impact fee imposed by~~
19 ~~a political subdivision shall be reduced, under sub. (6) (d), to compensate for any~~
20 ~~other costs of public facilities imposed by the political subdivision on developers to~~
21 ~~provide or pay for capital costs.~~

22 **SECTION 152dj.** 66.0617 (2) (c) of the statutes is repealed.

23 **SECTION 152dk.** 66.0617 (3) of the statutes is amended to read:

24 66.0617 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance or adopting
25 a resolution that imposes impact fees, or amending an existing ordinance or

1 resolution that imposes impact fees, a political subdivision or school district shall
2 hold a public hearing on the proposed ordinance or resolution or amendment. Notice
3 of the public hearing shall be published as a class 1 notice under ch. 985, and shall
4 specify where a copy of the proposed ordinance or resolution or amendment and the
5 public facilities needs assessment may be obtained.

6 **SECTION 152dL.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

7 66.0617 (4) (a) (intro.) Before enacting an ordinance or adopting a resolution
8 that imposes impact fees or amending an ordinance or resolution that imposes
9 impact fees by revising the amount of the fee or altering the public facilities for which
10 impact fees may be imposed, a political subdivision or school district shall prepare
11 a needs assessment for the public facilities for which it is anticipated that impact fees
12 may be imposed. The public facilities needs assessment shall include, but not be
13 limited to, the following:

14 **SECTION 152dm.** 66.0617 (4) (b) of the statutes is amended to read:

15 66.0617 (4) (b) A public facilities needs assessment or revised public facilities
16 needs assessment that is prepared under this subsection shall be available for public
17 inspection and copying in the office of the clerk of the political subdivision or school
18 district at least 20 days before the hearing under sub. (3).

19 **SECTION 152dn.** 66.0617 (5) of the statutes is amended to read:

20 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or
21 resolution adopted under this section may impose different impact fees on different
22 types of land development.

23 (b) An ordinance enacted or resolution adopted under this section may
24 delineate geographically defined zones within the political subdivision or school
25 district and may impose impact fees on land development in a zone that differ from

1 impact fees imposed on land development in other zones within the political
2 subdivision or school district. The public facilities needs assessment that is required
3 under sub. (4) shall explicitly identify the differences, such as land development or
4 the need for those public facilities, which justify the differences between zones in the
5 amount of impact fees imposed.

6 **SECTION 152do.** 66.0617 (6) (intro.) of the statutes is amended to read:

7 66.0617 (6) STANDARDS FOR IMPACT FEES. (intro.) Impact fees imposed by an
8 ordinance enacted or resolution adopted under this section:

9 **SECTION 152dq.** 66.0617 (6) (b) of the statutes is repealed.

10 **SECTION 152dr.** 66.0617 (6) (d) of the statutes is repealed.

11 **SECTION 152ds.** 66.0617 (6) (f) of the statutes is repealed.

12 **SECTION 152dt.** 66.0617 (6) (g) of the statutes is amended to read:

13 66.0617 (6) (g) Shall be payable by the developer to the political subdivision or
14 school district, either in full or in instalment payments that are approved by the
15 political subdivision or school district, before a building permit may be issued or
16 other required approval may be given by the political subdivision or school district.

17 **SECTION 152du.** 66.0617 (7) of the statutes is amended to read:

18 66.0617 (7) LOW-COST HOUSING. An ordinance enacted or resolution adopted
19 under this section may provide for an exemption from, or a reduction in the amount
20 of, impact fees on land development that provides low-cost housing, except that no
21 amount of an impact fee for which an exemption or reduction is provided under this
22 subsection may be shifted to any other development in the land development in
23 which the low-cost housing is located or to any other land development in the
24 political subdivision or school district.

25 **SECTION 152dv.** 66.0617 (8) of the statutes is amended to read:

1 66.0617 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from impact
2 fees shall be placed in a segregated, interest-bearing account and shall be accounted
3 for separately from the other funds of the political subdivision or school district.
4 Impact fee revenues and interest earned on impact fee revenues may be expended
5 only for capital costs for which the impact fees were imposed.

6 **SECTION 152dw.** 66.0617 (9) of the statutes is amended to read:

7 66.0617 (9) REFUND OF IMPACT FEES. An ordinance enacted or resolution adopted
8 under this section shall specify that impact fees that are imposed and collected by
9 a political subdivision or school district but are not used within a reasonable period
10 of time after they are collected to pay the capital costs for which they were imposed
11 shall be refunded to the current owner of the property with respect to which the
12 impact fees were imposed. The ordinance or resolution shall specify, by type of public
13 facility, reasonable time periods within which impact fees must be spent or refunded
14 under this subsection. In determining the length of the time periods under the
15 ordinance or resolution, a political subdivision or school district shall consider what
16 are appropriate planning and financing periods for the particular types of public
17 facilities for which the impact fees are imposed.

18 **SECTION 152dx.** 66.0617 (10) of the statutes is amended to read:

19 66.0617 (10) APPEAL. A political subdivision that enacts an impact fee
20 ordinance under this section, and a school district that adopts an impact fee
21 resolution under this section, shall, by ordinance or resolution, specify a procedure
22 under which a developer upon whom an impact fee is imposed has the right to contest
23 the amount, collection or use of the impact fee to the governing body of the political
24 subdivision or school district.”

1 **2.** Page 182, line 9: after that line insert:

2 “**SECTION 367e.** 236.45 (2) (am) of the statutes is created to read:

3 236.45 **(2)** (am) An ordinance adopted under this section by a municipality may
4 require any person, as a condition of obtaining approval of a land division, to dedicate
5 land or pay fees to fund the acquisition of land or the construction of public
6 improvements or facilities for any purpose specified in sub. (1). Any fees that are
7 imposed as a condition of approving a land division shall bear a rational relationship
8 to the need for the land or new public improvements or facilities that are necessary
9 to serve the land division.”

10

(END)