



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 203
[2005 Assembly Bill 1077]

Time Limit on Using Impact Fees

Under prior law, an impact fee ordinance was required to include a provision that impact fees imposed and collected but not used within a reasonable period of time to pay the capital costs for which the fees were imposed must be refunded to the current owner of the property.

Act 203 generally requires that impact fees not used within seven years after collection to pay the capital costs for which the fees were imposed be refunded to the current property owner. Under the Act, the seven year time limit may be extended for three years if the city, village, town, or county adopts a resolution stating that, due to extenuating circumstances or hardship in meeting the seven year limit, it needs an additional three years to use the impact fees. The resolution must specify the extenuating circumstances or hardship.

Effective Date: Act 203 became effective April 11, 2006. Note that the Act first applies to impact fees that have been imposed under impact fee ordinances that are in effect on April 11, 2006.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.