

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/16/99

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 6-9916

By/Representing: Olin

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Alt. Drafters:

Subject: **Munis - miscellaneous
Counties
Real Estate - miscellaneous**

Extra Copies: **PJK**

Pre Topic:

LFB:.....Olin -

Topic:

Changes to: impact fees, sewerage services charges and approval of plats

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 05/18/99	gilfokm 05/21/99	ismith 05/21/99	_____	lrb_docadmin 05/21/99		
/2	shoveme 06/5/99	gilfokm 06/5/99	jfrantze 06/6/99	_____	lrb_docadmin 06/7/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/16/99

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-9916**

By/Representing: **Olin**

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

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Munis - miscellaneous
Counties
Real Estate - miscellaneous**

Extra Copies: **PJK**

Pre Topic:

LFB:.....Olin -

Topic:

Changes to: impact fees, sewerage services charges and approval of plats

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 05/18/99	gilfokm 05/21/99	ismith 05/21/99	_____	lrb_docadmin 05/21/99		

12MES 6/5/99
 FE Sent For: *12-6-5-99 King* *to jll* *to Kim*
 <END>

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/16/99

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-9916**

By/Representing: **Olin**

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

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Munis - miscellaneous
Counties
Real Estate - miscellaneous**

Extra Copies: **PJK**

Pre Topic:

LFB:.....Olin -

Topic:

Changes to: impact fees, sewerage services ^(S/T) charged and approval of plats ^(S/T)

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	1-5-19-99 kmg	IS 5/21/99	IS/CMH 5/2/99			

(1) MES 5/18/99

FE Sent For:

<END>

in 9-7

Representative Gard

SHARED REVENUE AND TAX RELIEF - PROPERTY TAXATION**Impact Fees****Motion:**

Move to modify provisions in state law regarding sewerage system service charges, impact fees and the approval of plats (subdivision regulation), as follows:

Sewerage System Service Charges. Prohibit any standby charges, connection fees or other charges that are not uniformly assessed against all users as part of the periodic sewerage service charges, unless the charges were adopted as part of an ordinance adopted in compliance with the impact fee statute.

Impact Fees. Prohibit counties from imposing impact fees. Remove the following items from the definition of public facilities for which impact fees may be imposed: (1) other transportation facilities; (2) solid waste and recycling facilities; and (3) libraries. Modify the definition of public facilities for which impact fees may be imposed by deleting a reference to "parks, playgrounds and other recreational facilities" and substituting a reference to "lands for and basic real property improvements to parks." Define "basic real property improvements to parks" to include shelters, playground equipment, restroom facilities and parking lots. Modify the current law provision that establishes that impact fees are payable before a building permit may be issued to specify that this applies to a building permit issued for the construction of dwellings or other privately-owned structures within the land development.

Approval of Plats. Prohibit any fee or charge to fund the acquisition or installation of any land, infrastructure or other real or personal property, unless the fee or charge has been imposed as part of an ordinance adopted in compliance with the impact fee statute. Specify that any required dedication of land or construction or installation of public or private improvements cannot exceed the proportionate amount reasonably necessary to serve the land in the subdivision.

Note:

State law authorizes cities, counties, towns and villages to impose impact fees on developers to pay for the capital costs that are necessary to accommodate land development, although counties are prohibited from charging fees to recover certain transportation-related costs. The motion would

prohibit counties from imposing impact fees.

Fees are required to bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development. Public facilities are defined to exclude facilities owned by school districts, but may include:

- highways 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.

The motion would change the definition of public facilities to exclude other transportation facilities, solid waste and recycling facilities and libraries and would replace the enumeration of parks, playgrounds and other recreational facilities with a reference to "lands for and basic real property improvements to parks."

The motion would change current law provisions regarding fees and charges imposed for sewerage service and for the approval of plats to conform with the standards required for charges imposed as impact fees.

[Change to Base: None]

Post-it® Fax Note	7571	Date	13 May	# of pages	3
To	Marc Shovers	From	R. Olin		
Co./Dept.	LRB	Co.			
Phone #		Phone #			
Fax #		Fax #			

MES
(from LFB)

Impact Fee law changes

1) **Revisions to Subdivision and Sewer Service laws**

Add the following to Section 236.13:

"(2p) No fees or other charges to fund the acquisition or installation of any land, infrastructure, or other real or personal property shall be imposed as a condition of approval unless established by an ordinance adopted in compliance with s. 66.55."

"(2q) Any land or improvements, public or private, required to be dedicated, constructed or installed as a condition of approval shall not exceed the proportionate amount of land or improvements reasonably necessary to serve the lands which are the subject of the land division."

Add the following to Section 66.076:

"(13) any standby charges, connection fees or other charges which are not uniformly assessed against all users as part of the periodic sewer service charges shall be unlawful unless established by an ordinance adopted in compliance with s.66.55."

NOTE: Our intent remains the same as it has with other proposed changes to the definition of impact fees. Fees assessed under 236 or 66.076 are impact fees, and therefore should meet the standards of an impact fee.

2. **Remove Counties from the definition of "political subdivision"**

This is self-explanatory. No Wisconsin County exercises impact fee authority; they should be taken out of the law.

3. **Revise list of public facilities eligible for impact fee financing**

Makes the following changes to the definition of public facilities (66.55(1)(f)):

- delete "other transportation facilities"
- replace "parks, playgrounds, and other recreational facilities" with "lands for and basic real property improvements to parks."

NOTE: The intent of the use of the term "basic" is to limit park facilities to simple facilities that may include the land, shelters, or restroom facilities, but not include such specialized luxury facilities as swimming pools, multiple baseball diamonds, scoreboards, etc.

- delete "solid waste and recycling facilities"
- delete "libraries."

4) **Establish a uniform time of payment**

Revise ss. 66.55(6)(g) to require payment of impact fees no earlier than the time building permits are issued for the construction of dwellings or other privately-owned structures within the land development.

Impact Fee law changes

1) **Revisions to Subdivision and Sewer Service fees**

Add the following to Section 236.13:

"(2p) No fees or other charges to fund the acquisition or installation of any land, infrastructure, or other real or personal property shall be imposed as a condition of approval unless established by an ordinance adopted in compliance with s. 66.55."

"(2q) Any land or improvements, public or private, required to be dedicated, constructed or installed as a condition of approval shall not exceed the proportionate amount of land or improvements reasonably necessary to serve the lands which are the subject of the land division."

Add the following to Section 66.076:

"(13) any steady charges, connection fees or other charges which are not uniformly assessed against all users as part of the periodic sewer service charges shall be unlawful unless established by an ordinance adopted in compliance with s. 66.55."

NOTE: Our intent remains the same as it has with other proposed changes to the definition of impact fees. Fees assessed under 236 or 66.076 are impact fees, and therefore should meet the standards of an impact fee.

2. **Remove Counties from the definition of "political subdivision"**

This is self-explanatory. No Wisconsin County exercises impact fee authority; they should be taken out of the law.

3. **Revise list of public facilities eligible for impact fee financing**

Makes the following changes to the definition of public facilities (66.55(1)(f):

- delete "other transportation facilities"
- replace "parks, playgrounds, and other recreational facilities" with "lands for and basic real property improvements to parks."

NOTE: The intent of the use of the term "basic" is to limit park facilities to simple facilities that may include the land, shelters, or restroom facilities, but not include such specialized luxury facilities as swimming pools, multiple baseball diamonds, skateboards, etc.

- delete "solid waste and recycling facilities"
- delete "libraries."

4. **Establish a uniform time of payment**

Revises ss. 66.55(9)(g) to require payment of impact fees no earlier than the time building permits are issued for the construction of dwellings or other privately-owned structures within the land development.

Marc - this is what the developers submitted -
Feel free to consider it

Rick



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0319/1

MES... King

LFB:.....Olin - Changes to: impact fees, sewerage service charges and approval of plats

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

D - NOTE

500N

WPO: REMOVE CS FOR ALL SECS. IN THIS DRAFT.

1 At the locations indicated, amend the bill as follows:

2 1. Page 808, line 5: after that line insert:

3 "SECTION 66.076 (5) (a) of the statutes is amended to read:

4 66.076 (5) (a) For the purpose of making equitable charges for all services
5 rendered by the sanitary sewerage system to the municipality or to citizens,
6 corporations and other users, the property benefited thereby may be classified,
7 taking into consideration the volume of water, including surface or drain waters, the
8 character of the sewage or waste and the nature of the use made of the sewerage
9 system, including the sewage disposal plant. The Subject to sub. (13), the charges
10 may also include standby charges to property not connected but for which such
11 facilities have been made available.

1 ~~2. Page 808, line 5: after that line insert:~~

2 ~~SECTION (608B).~~ 66.076 (5) (b) of the statutes is amended to read:

3 66.076 (5) (b) For the purpose of making equitable charges for all services
4 rendered by a storm water and surface water sewerage system to users, the property
5 served may be classified, taking into consideration the volume or peaking of storm
6 water or surface water discharge that is caused by the area of impervious surfaces,
7 topography, impervious surfaces and other surface characteristics, extent and
8 reliability of mitigation or treatment measures available to service the property,
9 apart from measures provided by the storm water and surface water sewerage
10 system, and any other considerations that are reasonably relevant to a use made of
11 the storm water and surface water sewerage system. The Subject to sub. (13), the
12 charges may also include standby charges to property not yet developed with
13 significant impervious surfaces for which capacity has been made available in the
14 storm water and surface water sewerage system."

History: 1971 c. 276; 1975 c. 414 s. 28; 1977 c. 29; 1981 c. 282, 314; 1983 a. 207; 1989 a. 322; 1991 a. 316; 1995 a. 27 s. 9126 (19); 1997 a. 53, 213; s. 13.93 (2) (c).

15 ~~3. Page 808, line 5: after that line insert:~~

16 ~~SECTION (608B).~~ 66.076 (13) of the statutes is created to read:

17 66.076 (13) No municipality may impose any charges under this section which
18 are not uniformly assessed against all users of the system, unless the charges are
19 imposed as part of an impact fee ordinance under s. 66.55."

20 ✓ 4. Page 822, line 6: after that line insert:

21 ~~SECTION (638B).~~ 66.55 (1) (a) of the statutes is amended to read:

22 66.55 (1) (a) "Capital costs" means the capital costs to construct, expand or
23 improve public facilities, including the cost of land, and including legal, engineering
24 and design costs to construct, expand or improve public facilities, except that not

1 more than 10% of capital costs may consist of legal, engineering and design costs
2 unless the ~~political subdivision~~ municipality can demonstrate that its legal,
3 engineering and design costs which relate directly to the public improvement for
4 which the impact fees were imposed exceed 10% of capital costs. “Capital costs” does
5 not include other noncapital costs to construct, expand or improve public facilities
6 or the costs of equipment to construct, expand or improve public facilities.

History: 1993 a. 305; 1997 a. 27.

7 SECTION ~~1638EC~~ 66.55 (1) (c) of the statutes is amended to read:

8 66.55 (1) (c) “Impact fees” means cash contributions, contributions of land or
9 interests in land or any other items of value that are imposed on a developer by a
10 ~~political subdivision~~ municipality under this section.

History: 1993 a. 305; 1997 a. 27.

11 SECTION ~~1638EE~~ 66.55 (1) (d) of the statutes is amended to read:

12 66.55 (1) (d) “Land development” means the construction or modification of
13 improvements to real property that creates additional residential dwelling units
14 within a ~~political subdivision~~ municipality or that results in nonresidential uses that
15 create a need for new, expanded or improved public facilities within a ~~political~~
16 ~~subdivision~~ municipality.

History: 1993 a. 305; 1997 a. 27.

17 SECTION ~~1638EG~~ 66.55 (1) (e) of the statutes is amended to read:

18 66.55 (1) (e) “~~Political subdivision~~ Municipality” means a city, village, or town
19 ~~or county~~.

History: 1993 a. 305; 1997 a. 27.

20 SECTION ~~1638ED~~ 66.55 (1) (f) of the statutes is amended to read:

21 66.55 (1) (f) “Public facilities” means highways, as defined in s. 340.01 (22), ~~and~~
22 ~~other transportation facilities~~, traffic control devices, facilities for collecting and
23 treating sewage, facilities for collecting and treating storm and surface waters,

1 facilities for pumping, storing and distributing water, ~~parks, playgrounds and other~~
 2 ~~recreational facilities, solid waste and recycling facilities, lands for parks and real~~
 3 ~~property improvements to parks, fire protection facilities, law enforcement facilities,~~
 4 ~~and emergency medical facilities and libraries except that, with regard to counties,~~
 5 ~~“public facilities” does not include highways, as defined in s. 340.01 (22), other~~
 6 ~~transportation facilities or traffic control devices. “Public facilities” does not include~~
 7 facilities owned by a school district.

History: 1993 a. 305; 1997 a. 27.

8 SECTION ~~638EE~~ 66.55 (1) (fs) of the statutes is created to read:

9 66.55 (1) (fs) “Real property improvements to parks” means [✓]basic facilities and
 10 improvements that includes [✓]shelters and restroom facilities, but [✓]~~do~~ ^{does} not include
 11 swimming pools, [✓]multiple baseball diamonds or scoreboards.

12 SECTION ~~638EE~~ 66.55 (1) (g) of the statutes is amended to read:

13 66.55 (1) (g) “Service area” means a geographic area delineated by a political
 14 subdivision municipality within which there are public facilities.

History: 1993 a. 305; 1997 a. 27.

15 SECTION ~~638EE~~ 66.55 (1) (h) of the statutes is amended to read:

16 66.55 (1) (h) “Service standard” means a certain quantity or quality of public
 17 facilities relative to a certain number of persons, parcels of land or other appropriate
 18 measure, as specified by the political subdivision municipality.

History: 1993 a. 305; 1997 a. 27.

19 SECTION ~~638EE~~ 66.55 (2) (a) of the statutes is amended to read:

20 66.55 (2) (a) [✓]~~Subject to par. (am), a political subdivision~~ A municipality may
 21 enact an ordinance under this section that imposes impact fees on developers to pay
 22 for the capital costs that are necessary to accommodate land development.

History: 1993 a. 305; 1997 a. 27.

23 SECTION ~~638EE~~ 66.55 (2) (am) of the statutes is repealed.

1 SECTION ~~1638ET~~ 66.55 (2) (b) of the statutes is amended to read:

2 66.55 (2) (b) Subject to par. (c), this section does not prohibit or limit the
3 authority of a ~~political subdivision~~ municipality to finance public facilities by any
4 other means authorized by law, except that the amount of an impact fee imposed by
5 a ~~political subdivision~~ municipality shall be reduced, under sub. (6) (d), to
6 compensate for any other costs of public facilities imposed by the ~~political subdivision~~
7 municipality on developers to provide or pay for capital costs.

History: 1993 a. 305; 1997 a. 27.

8 SECTION ~~638EV~~ 66.55 (2) (c) of the statutes is amended to read:

9 66.55 (2) (c) Beginning on May 1, 1995, a ~~political subdivision~~ municipality
10 may impose and collect impact fees only under this section.

History: 1993 a. 305; 1997 a. 27.

11 SECTION ~~638EV~~ 66.55 (3) of the statutes is amended to read:

12 66.55 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance that imposes
13 impact fees, or amending an existing ordinance that imposes impact fees, a ~~political~~
14 ~~subdivision~~ municipality shall hold a public hearing on the proposed ordinance or
15 amendment. Notice of the public hearing shall be published as a class 1 notice under
16 ch. 985, and shall specify where a copy of the proposed ordinance or amendment and
17 the public facilities needs assessment may be obtained.

History: 1993 a. 305; 1997 a. 27.

18 SECTION ~~638EV~~ 66.55 (4) (a) (intro.) of the statutes is amended to read:

19 66.55 (4) (a) (intro.) Before enacting an ordinance that imposes impact fees or
20 amending an ordinance that imposes impact fees by revising the amount of the fee
21 or altering the public facilities for which impact fees may be imposed, a ~~political~~
22 ~~subdivision~~ municipality shall prepare a needs assessment for the public facilities

1 for which it is anticipated that impact fees may be imposed. The public facilities
2 needs assessment shall include, but not be limited to, the following:

History: 1993 a. 305; 1997 a. 27.

3 **SECTION 1638FC.** 66.55 (4) (a) 3. of the statutes is amended to read:

4 66.55 (4) (a) 3. A detailed estimate of the capital costs of providing the new
5 public facilities or the improvements or expansions in existing public facilities
6 identified in subd. 2., including an estimate of the effect of recovering these capital
7 costs through impact fees on the availability of affordable housing within the
8 ~~political subdivision~~ municipality.

History: 1993 a. 305; 1997 a. 27.

9 **SECTION 1638FB.** 66.55 (4) (b) of the statutes is amended to read:

10 66.55 (4) (b) A public facilities needs assessment or revised public facilities
11 needs assessment that is prepared under this subsection shall be available for public
12 inspection and copying in the office of the clerk of the ~~political subdivision~~
13 municipality at least 20 days before the hearing under sub. (3).

History: 1993 a. 305; 1997 a. 27.

14 **SECTION 1638FG.** 66.55 (5) (b) of the statutes is amended to read:

15 66.55 (5) (b) An ordinance enacted under this section may delineate
16 geographically defined zones within the ~~political subdivision~~ municipality and may
17 impose impact fees on land development in a zone that differ from impact fees
18 imposed on land development in other zones within the ~~political subdivision~~
19 municipality. The public facilities needs assessment that is required under sub. (4)
20 shall explicitly identify the differences, such as land development or the need for
21 those public facilities, which justify the differences between zones in the amount of
22 impact fees imposed.

History: 1993 a. 305; 1997 a. 27.

23 **SECTION 1638FL.** 66.55 (6) (b) of the statutes is amended to read:

1 66.55 (6) (b) May not exceed the proportionate share of the capital costs that
2 are required to serve land development, as compared to existing uses of land within
3 the ~~political subdivision~~ municipality.

History: 1993 a. 305; 1997 a. 27.

4 ~~SECTION 1638FM.~~ 66.55 (6) (d) of the statutes is amended to read:

5 66.55 (6) (d) Shall be reduced to compensate for other capital costs imposed by
6 the ~~political subdivision~~ municipality with respect to land development to provide or
7 pay for public facilities, including special assessments, special charges, land
8 dedications or fees in lieu of land dedications under ch. 236 or any other items of
9 value.

History: 1993 a. 305; 1997 a. 27.

10 ~~SECTION 1638FM.~~ 66.55 (6) (g) of the statutes is amended to read:

11 66.55 (6) (g) Shall be payable by the developer to the ~~political subdivision~~
12 municipality, either in full or in instalment payments that are approved by the
13 ~~political subdivision, before~~ municipality, and may not be due on a date that is earlier
14 than the date on which a building permit may be for the construction of a dwelling
15 or other structure within the land development is issued or other required approval
16 may be given by the political subdivision.

History: 1993 a. 305; 1997 a. 27.

17 ~~SECTION 1638FM.~~ 66.55 (7) of the statutes is amended to read:

18 66.55 (7) LOW-COST HOUSING. An ordinance enacted under this section may
19 provide for an exemption from, or a reduction in the amount of, impact fees on land
20 development that provides low-cost housing, except that no amount of an impact fee
21 for which an exemption or reduction is provided under this subsection may be shifted
22 to any other development in the land development in which the low-cost housing is
23 located or to any other land development in the ~~political subdivision~~ municipality.

History: 1993 a. 305; 1997 a. 27.

1

SECTION ~~638FQ~~. 66.55 (8) of the statutes is amended to read:

2
3
4
5
6

66.55 (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~~ municipality. Impact fee revenues and interest earned on impact fee revenues may be expended only for capital costs for which the impact fees were imposed.

7

History: 1993 a. 305; 1997 a. 27.

SECTION ~~638FS~~. 66.55 (9) of the statutes is amended to read:

8
9
10
11
12
13
14
15
16
17
18

66.55 (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~~ municipality 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~~ municipality shall consider what are appropriate planning and financing periods for the particular types of public facilities for which the impact fees are imposed.

19

SECTION ~~638FU~~. 66.55 (10) of the statutes is amended to read:

20

66.55 (10) APPEAL. A ~~political subdivision~~ municipality 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~~ municipality)).

History: 1993 a. 305; 1997 a. 27.
History: 1993 a. 305; 1997 a. 27.

24

5. Page 1117, line 1: after that line insert:

✓ 1

“SECTION ~~2398Y~~. 236.13 (2s) of the statutes is created to read:

2 236.13 (2s) No municipality or town may impose a fee or charge of any kind
3 under this chapter, as a condition of plat approval, to fund the acquisition or
4 installation of property unless the fee or charge is imposed as an impact fee under
5 s. 66.55. The amount of any property, or value of any improvements, that a
6 municipality or town requires to be dedicated, constructed or installed under this
7 chapter as a condition of plat approval may not exceed the proportionate amount of
8 property, or value of improvements, that is reasonably necessary to serve the land
9 which is the subject of the land division.”

10 ✓ 6. Page 1118, line 13: after that line insert:

11

“SECTION ~~2400E~~. 236.45 (1) of the statutes is amended to read:

12 236.45 (1) DECLARATION OF LEGISLATIVE INTENT. The purpose of this section is
13 to promote the public health, safety and general welfare of the community and the
14 regulations authorized to be made are designed to lessen congestion in the streets
15 and highways; to further the orderly layout and use of land; to secure safety from fire,
16 panic and other dangers; to provide adequate light and air, including access to
17 sunlight for solar collectors and to wind for wind energy systems; to prevent the
18 overcrowding of land; to avoid undue concentration of population; to facilitate
19 adequate provision for transportation, water, sewerage, schools, parks, playgrounds
20 and other public requirements; to facilitate the further resubdivision of larger tracts
21 into smaller parcels of land. The regulations provided for by this section shall be
22 made with reasonable consideration, among other things, of the character of the
23 municipality, town or county with a view of conserving the value of the buildings
24 placed upon land, providing the best possible environment for human habitation,

1 and for encouraging the most appropriate use of land throughout the municipality,
2 town or county. Any fee or charge of any kind that is imposed under this section may
3 be imposed only as an impact fee under s. 66.55.✓”

History: 1979 c. 221, 248, 355; 1981 c. 354; 1983 a. 189 s. 329 (26).

4

(END)

D-NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0319/1dn

MES.../...
King

Rick Olin:

Please review this amendment carefully to ensure that it is consistent with the intent of the motion. In s. 66.076 (13) I did not use the phrase "part of the periodic sewer service charges" because I'm not sure what it means, but I believe that sub. (13), as drafted, is consistent with what I understand to be the motion's intent. Similarly, I didn't use the exact words suggested in the motion for the definition of "real property improvements to parks" in s. 66.55 (1) (fs), but I believe that the definition captures the intent of the motion that such improvements be limited to "basic facilities."

Finally, I please review created s. 236.13 (2s) and the amendment of s. 236.45 (1). The motion states that only s. 236.13 should be amended, however a "NOTE" in the motion states that "Our intent remains the same as it has with other proposed changes to the definitions of impact fees. Fees assessed under 236 or 66.076 are impact fees, and therefore should meet the standards of an impact fee." Although I have no idea what "other proposed changes" the motion refers to, the leading state Supreme Court cases that essentially authorize the imposition of impact fees by a local unit of government under ch. 236 cite s. 236.45 as the source of local authority. See *Jordan v. Village of Menomonee Falls*, 28 Wis. 2d 608, 615 (1965) and *Black v. City of Waukesha*, 125 Wis. 2d 254 (1985). Consequently, if the intent of the motion is to require that fees assessed under ch. 236 meet the standards of an impact fee, s. 236.45 should, I believe, be amended.

Please let me know if you think that this amendment is inconsistent with the intent of Motion #719 in any way and I will redraft the amendment.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0319/1dn
MES:kmg:ijs

May 21, 1999

Rick Olin:

Please review this amendment carefully to ensure that it is consistent with the intent of the motion. In s. 66.076 (13) I did not use the phrase "part of the periodic sewer service charges" because I'm not sure what it means, but I believe that sub. (13), as drafted, is consistent with what I understand to be the motion's intent. Similarly, I didn't use the exact words suggested in the motion for the definition of "real property improvements to parks" in s. 66.55 (1) (fs), but I believe that the definition captures the intent of the motion that such improvements be limited to "basic facilities".

Finally, please review created s. 236.13 (2s) and the amendment of s. 236.45 (1). The motion states that only s. 236.13 should be amended, however a "NOTE" in the motion states that "Our intent remains the same as it has with other proposed changes to the definitions of impact fees. Fees assessed under 236 or 66.076 are impact fees, and therefore should meet the standards of an impact fee." Although I have no idea what "other proposed changes" the motion refers to, the leading state Supreme Court cases that essentially authorize the imposition of impact fees by a local unit of government under ch. 236 cite s. 236.45 as the source of local authority. See *Jordan v. Village of Menomonee Falls*, 28 Wis. 2d 608, 615 (1965) and *Black v. City of Waukesha*, 125 Wis. 2d 254 (1985). Consequently, if the intent of the motion is to require that fees assessed under ch. 236 meet the standards of an impact fee, s. 236.45 should, I believe, be amended.

Please let me know if you think that this amendment is inconsistent with the intent of Motion #719 in any way and I will redraft the amendment.

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



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0319/v
MES:kmg:ijs

PMR

LFB:.....Olin - Changes to: impact fees, sewerage services charges and approval of plats

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

SOON

1 At the locations indicated, amend the bill as follows:

2 1. Page 808, line 5: after that line insert:

3 "SECTION 1608g. 66.076 (5) (a) of the statutes is amended to read:

4 66.076 (5) (a) For the purpose of making equitable charges for all services
5 rendered by the sanitary sewerage system to the municipality or to citizens,
6 corporations and other users, the property benefited thereby may be classified,
7 taking into consideration the volume of water, including surface or drain waters, the
8 character of the sewage or waste and the nature of the use made of the sewerage
9 system, including the sewage disposal plant. The Subject to sub. (13), the charges
10 may also include standby charges to property not connected but for which such
11 facilities have been made available.

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

5 **SECTION 1638ec.** 66.55 (1) (c) of the statutes is amended to read:

6 66.55 (1) (c) "Impact fees" means cash contributions, contributions of land or
7 interests in land or any other items of value that are imposed on a developer by a
8 ~~political subdivision~~ municipality under this section.

9 **SECTION 1638ee.** 66.55 (1) (d) of the statutes is amended to read:

10 66.55 (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~~ municipality or that results in nonresidential uses that
13 create a need for new, expanded or improved public facilities within a ~~political~~
14 ~~subdivision~~ municipality.

15 **SECTION 1638eg.** 66.55 (1) (e) of the statutes is amended to read:

16 66.55 (1) (e) "~~Political subdivision~~ Municipality" means a city, village, or town
17 or county.

18 **SECTION 1638ei.** 66.55 (1) (f) of the statutes is amended to read:

19 66.55 (1) (f) "Public facilities" means highways, as defined in s. 340.01 (22), and
20 ~~other transportation facilities~~, traffic control devices, facilities for collecting and
21 treating sewage, facilities for collecting and treating storm and surface waters,
22 facilities for pumping, storing and distributing water, ~~parks, playgrounds and other~~
23 ~~recreational facilities, solid waste and recycling facilities, lands for parks and real~~
24 ~~property improvements to parks, fire protection facilities, law enforcement facilities,~~
25 and emergency medical facilities and libraries except that, with regard to counties,

1 ~~“public facilities” does not include highways, as defined in s. 340.01 (22), other~~
2 ~~transportation facilities or traffic control devices.~~ “Public facilities” does not include
3 facilities owned by a school district.

4 **SECTION 1638ek.** 66.55 (1) (fs) of the statutes is created to read:

5 66.55 (1) (fs) “Real property improvements to parks” means basic facilities and
6 improvements that include shelters ^{playground equipment, parking lots} and restroom facilities, but does not include
7 swimming pools, multiple baseball diamonds or scoreboards.

8 **SECTION 1638eL.** 66.55 (1) (g) of the statutes is amended to read:

9 66.55 (1) (g) “Service area” means a geographic area delineated by a political
10 ~~subdivision~~ municipality within which there are public facilities.

11 **SECTION 1638en.** 66.55 (1) (h) of the statutes is amended to read:

12 66.55 (1) (h) “Service standard” means a certain quantity or quality of public
13 facilities relative to a certain number of persons, parcels of land or other appropriate
14 measure, as specified by the ~~political subdivision~~ municipality.

15 **SECTION 1638ep.** 66.55 (2) (a) of the statutes is amended to read:

16 66.55 (2) (a) ~~Subject to par. (am), a political subdivision~~ A municipality may
17 enact an ordinance under this section that imposes impact fees on developers to pay
18 for the capital costs that are necessary to accommodate land development.

19 **SECTION 1638er.** 66.55 (2) (am) of the statutes is repealed.

20 **SECTION 1638et.** 66.55 (2) (b) of the statutes is amended to read:

21 66.55 (2) (b) Subject to par. (c), this section does not prohibit or limit the
22 authority of a ~~political subdivision~~ municipality to finance public facilities by any
23 other means authorized by law, except that the amount of an impact fee imposed by
24 a ~~political subdivision~~ municipality shall be reduced, under sub. (6) (d), to

1 compensate for any other costs of public facilities imposed by the ~~political subdivision~~
2 municipality on developers to provide or pay for capital costs.

3 **SECTION 1638ev.** 66.55 (2) (c) of the statutes is amended to read:

4 66.55 (2) (c) Beginning on May 1, 1995, a ~~political subdivision~~ municipality
5 may impose and collect impact fees only under this section.

6 **SECTION 1638ex.** 66.55 (3) of the statutes is amended to read:

7 66.55 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance that imposes
8 impact fees, or amending an existing ordinance that imposes impact fees, a ~~political~~
9 ~~subdivision~~ municipality shall hold a public hearing on the proposed ordinance or
10 amendment. Notice of the public hearing shall be published as a class 1 notice under
11 ch. 985, and shall specify where a copy of the proposed ordinance or amendment and
12 the public facilities needs assessment may be obtained.

13 **SECTION 1638f.** 66.55 (4) (a) (intro.) of the statutes is amended to read:

14 66.55 (4) (a) (intro.) Before enacting an ordinance that imposes impact fees or
15 amending an ordinance that imposes impact fees by revising the amount of the fee
16 or altering the public facilities for which impact fees may be imposed, a ~~political~~
17 ~~subdivision~~ municipality shall prepare a needs assessment for the public facilities
18 for which it is anticipated that impact fees may be imposed. The public facilities
19 needs assessment shall include, but not be limited to, the following:

20 **SECTION 1638fc.** 66.55 (4) (a) 3. of the statutes is amended to read:

21 66.55 (4) (a) 3. A detailed estimate of the capital costs of providing the new
22 public facilities or the improvements or expansions in existing public facilities
23 identified in subd. 2., including an estimate of the effect of recovering these capital
24 costs through impact fees on the availability of affordable housing within the
25 ~~political subdivision~~ municipality.

1 **SECTION 1638fe.** 66.55 (4) (b) of the statutes is amended to read:

2 66.55 (4) (b) A public facilities needs assessment or revised public facilities
3 needs assessment that is prepared under this subsection shall be available for public
4 inspection and copying in the office of the clerk of the ~~political-subdivision~~
5 municipality at least 20 days before the hearing under sub. (3).

6 **SECTION 1638fg.** 66.55 (5) (b) of the statutes is amended to read:

7 66.55 (5) (b) An ordinance enacted under this section may delineate
8 geographically defined zones within the ~~political-subdivision~~ municipality and may
9 impose impact fees on land development in a zone that differ from impact fees
10 imposed on land development in other zones within the ~~political-subdivision~~
11 municipality. The public facilities needs assessment that is required under sub. (4)
12 shall explicitly identify the differences, such as land development or the need for
13 those public facilities, which justify the differences between zones in the amount of
14 impact fees imposed.

15 **SECTION 1638fi.** 66.55 (6) (b) of the statutes is amended to read:

16 66.55 (6) (b) May not exceed the proportionate share of the capital costs that
17 are required to serve land development, as compared to existing uses of land within
18 the ~~political-subdivision~~ municipality.

19 **SECTION 1638fk.** 66.55 (6) (d) of the statutes is amended to read:

20 66.55 (6) (d) Shall be reduced to compensate for other capital costs imposed by
21 the ~~political-subdivision~~ municipality with respect to land development to provide or
22 pay for public facilities, including special assessments, special charges, land
23 dedications or fees in lieu of land dedications under ch. 236 or any other items of
24 value.

25 **SECTION 1638fm.** 66.55 (6) (g) of the statutes is amended to read:

1 66.55 (6) (g) Shall be payable by the developer to the ~~political subdivision~~
2 municipality, either in full or in instalment payments that are approved by the
3 ~~political subdivision, before municipality, and may not be due on a date that is earlier~~
4 than the date on which a building permit may be for the construction of a dwelling
5 or other structure within the land development is issued or other required approval
6 may be given by the political subdivision.

7 **SECTION 1638fo.** 66.55 (7) of the statutes is amended to read:

8 66.55 (7) LOW-COST HOUSING. An ordinance enacted under this section may
9 provide for an exemption from, or a reduction in the amount of, impact fees on land
10 development that provides low-cost housing, except that no amount of an impact fee
11 for which an exemption or reduction is provided under this subsection may be shifted
12 to any other development in the land development in which the low-cost housing is
13 located or to any other land development in the ~~political subdivision~~ municipality.

14 **SECTION 1638fq.** 66.55 (8) of the statutes is amended to read:

15 66.55 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from impact fees
16 shall be placed in a segregated, interest-bearing account and shall be accounted for
17 separately from the other funds of the ~~political subdivision~~ municipality. Impact fee
18 revenues and interest earned on impact fee revenues may be expended only for
19 capital costs for which the impact fees were imposed.

20 **SECTION 1638fs.** 66.55 (9) of the statutes is amended to read:

21 66.55 (9) REFUND OF IMPACT FEES. An ordinance enacted under this section shall
22 specify that impact fees that are imposed and collected by a ~~political subdivision~~
23 municipality but are not used within a reasonable period of time after they are
24 collected to pay the capital costs for which they were imposed shall be refunded to
25 the current owner of the property with respect to which the impact fees were

1 imposed. The ordinance shall specify, by type of public facility, reasonable time
2 periods within which impact fees must be spent or refunded under this subsection.
3 In determining the length of the time periods under the ordinance, a political
4 ~~subdivision~~ municipality shall consider what are appropriate planning and
5 financing periods for the particular types of public facilities for which the impact fees
6 are imposed.

7 **SECTION 1638fu.** 66.55 (10) of the statutes is amended to read:

8 66.55 (10) APPEAL. A ~~political subdivision~~ municipality that enacts an impact
9 fee ordinance under this section shall, by ordinance, specify a procedure under which
10 a developer upon whom an impact fee is imposed has the right to contest the amount,
11 collection or use of the impact fee to the governing body of the ~~political subdivision~~
12 municipality.”

13 **3.** Page 1117, line 1: after that line insert:

14 “SECTION 2398v. 236.13 (2s) of the statutes is created to read:

15 236.13 (2s) No ~~municipality or town~~ ^{may be imposed} ~~may impose~~ fee or charge of any kind
16 under this chapter, as a condition of plat approval, to fund the acquisition or
17 installation of property unless the fee or charge ^{meets the standards} ~~is imposed as an impact fee~~ under
18 s. 66.55. ⁽⁶⁾ The amount of any property, or value of any improvements, that ^{is required} ~~is~~
19 ~~municipality or town~~ ^{requires} to be dedicated, constructed or installed under this
20 chapter as a condition of plat approval may not exceed the proportionate amount of
21 property, or value of improvements, that is reasonably necessary to serve the land
22 which is the subject of the land division.”

23 **4.** Page 1118, line 13: after that line insert:

24 “SECTION 2400e. 236.45 (1) of the statutes is amended to read:

1 236.45 (1) DECLARATION OF LEGISLATIVE INTENT. The purpose of this section is
2 to promote the public health, safety and general welfare of the community and the
3 regulations authorized to be made are designed to lessen congestion in the streets
4 and highways; to further the orderly layout and use of land; to secure safety from fire,
5 panic and other dangers; to provide adequate light and air, including access to
6 sunlight for solar collectors and to wind for wind energy systems; to prevent the
7 overcrowding of land; to avoid undue concentration of population; to facilitate
8 adequate provision for transportation, water, sewerage, schools, parks, playgrounds
9 and other public requirements; to facilitate the further resubdivision of larger tracts
10 into smaller parcels of land. The regulations provided for by this section shall be
11 made with reasonable consideration, among other things, of the character of the
12 municipality, town or county with a view of conserving the value of the buildings
13 placed upon land, providing the best possible environment for human habitation,
14 and for encouraging the most appropriate use of land throughout the municipality,
15 town or county. Any fee or charge of any kind that is imposed under this section may
16 be imposed only ^{if it meets the standards} as an impact fee under s. 66.55.

(END)

(6)
(6)

17



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0319/2
MES:kmg:jf

LFB:.....Olin - Changes to: impact fees, sewerage services charges and approval of plats

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 808, line 5: after that line insert:

3 **"SECTION 1608g.** 66.076 (5) (a) of the statutes is amended to read:

4 66.076 (5) (a) For the purpose of making equitable charges for all services
5 rendered by the sanitary sewerage system to the municipality or to citizens,
6 corporations and other users, the property benefited thereby may be classified,
7 taking into consideration the volume of water, including surface or drain waters, the
8 character of the sewage or waste and the nature of the use made of the sewerage
9 system, including the sewage disposal plant. The Subject to sub. (13), the charges
10 may also include standby charges to property not connected but for which such
11 facilities have been made available.

1 **SECTION 1608h.** 66.076 (5) (b) of the statutes is amended to read:

2 66.076 (5) (b) For the purpose of making equitable charges for all services
3 rendered by a storm water and surface water sewerage system to users, the property
4 served may be classified, taking into consideration the volume or peaking of storm
5 water or surface water discharge that is caused by the area of impervious surfaces,
6 topography, impervious surfaces and other surface characteristics, extent and
7 reliability of mitigation or treatment measures available to service the property,
8 apart from measures provided by the storm water and surface water sewerage
9 system, and any other considerations that are reasonably relevant to a use made of
10 the storm water and surface water sewerage system. The Subject to sub. (13), the
11 charges may also include standby charges to property not yet developed with
12 significant impervious surfaces for which capacity has been made available in the
13 storm water and surface water sewerage system.

14 **SECTION 1608j.** 66.076 (13) of the statutes is created to read:

15 66.076 (13) No municipality may impose any charges under this section which
16 are not uniformly assessed against all users of the system, unless the charges that
17 are imposed meet the standards under s. 66.55 (6).”.

18 **2.** Page 822, line 6: after that line insert:

19 **“SECTION 1638e.** 66.55 (1) (a) of the statutes is amended to read:

20 66.55 (1) (a) “Capital costs” means the capital costs to construct, expand or
21 improve public facilities, including the cost of land, and including legal, engineering
22 and design costs to construct, expand or improve public facilities, except that not
23 more than 10% of capital costs may consist of legal, engineering and design costs
24 unless the ~~political subdivision~~ municipality can demonstrate that its legal,

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

5 **SECTION 1638ec.** 66.55 (1) (c) of the statutes is amended to read:

6 66.55 (1) (c) “Impact fees” means cash contributions, contributions of land or
7 interests in land or any other items of value that are imposed on a developer by a
8 ~~political subdivision~~ municipality under this section.

9 **SECTION 1638ee.** 66.55 (1) (d) of the statutes is amended to read:

10 66.55 (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~~ municipality or that results in nonresidential uses that
13 create a need for new, expanded or improved public facilities within a ~~political~~
14 ~~subdivision~~ municipality.

15 **SECTION 1638eg.** 66.55 (1) (e) of the statutes is amended to read:

16 66.55 (1) (e) “~~Political subdivision~~ Municipality” means a city, village, or town
17 ~~or county~~.

18 **SECTION 1638ei.** 66.55 (1) (f) of the statutes is amended to read:

19 66.55 (1) (f) “Public facilities” means highways, as defined in s. 340.01 (22), and
20 ~~other transportation facilities~~, traffic control devices, facilities for collecting and
21 treating sewage, facilities for collecting and treating storm and surface waters,
22 facilities for pumping, storing and distributing water, ~~parks, playgrounds and other~~
23 ~~recreational facilities, solid waste and recycling facilities, lands for parks and real~~
24 ~~property improvements to parks~~, fire protection facilities, law enforcement facilities,
25 and emergency medical facilities ~~and libraries except that, with regard to counties,~~

1 ~~“public facilities” does not include highways, as defined in s. 340.01 (22), other~~
2 ~~transportation facilities or traffic control devices. “Public facilities” does not include~~
3 facilities owned by a school district.

4 **SECTION 1638ek.** 66.55 (1) (fs) of the statutes is created to read:

5 66.55 (1) (fs) “Real property improvements to parks” means basic facilities and
6 improvements that include shelters, playground equipment, parking lots and
7 restroom facilities, but does not include swimming pools, multiple baseball diamonds
8 or scoreboards.

9 **SECTION 1638eL.** 66.55 (1) (g) of the statutes is amended to read:

10 66.55 (1) (g) “Service area” means a geographic area delineated by a political
11 subdivision municipality within which there are public facilities.

12 **SECTION 1638en.** 66.55 (1) (h) of the statutes is amended to read:

13 66.55 (1) (h) “Service standard” means a certain quantity or quality of public
14 facilities relative to a certain number of persons, parcels of land or other appropriate
15 measure, as specified by the ~~political subdivision~~ municipality.

16 **SECTION 1638ep.** 66.55 (2) (a) of the statutes is amended to read:

17 66.55 (2) (a) ~~Subject to par. (am), a political subdivision~~ A municipality may
18 enact an ordinance under this section that imposes impact fees on developers to pay
19 for the capital costs that are necessary to accommodate land development.

20 **SECTION 1638er.** 66.55 (2) (am) of the statutes is repealed.

21 **SECTION 1638et.** 66.55 (2) (b) of the statutes is amended to read:

22 66.55 (2) (b) Subject to par. (c), this section does not prohibit or limit the
23 authority of a ~~political subdivision~~ municipality to finance public facilities by any
24 other means authorized by law, except that the amount of an impact fee imposed by
25 a ~~political subdivision~~ municipality shall be reduced, under sub. (6) (d), to

1 compensate for any other costs of public facilities imposed by the ~~political subdivision~~
2 municipality on developers to provide or pay for capital costs.

3 **SECTION 1638ev.** 66.55 (2) (c) of the statutes is amended to read:

4 66.55 (2) (c) Beginning on May 1, 1995, a ~~political subdivision~~ municipality
5 may impose and collect impact fees only under this section.

6 **SECTION 1638ex.** 66.55 (3) of the statutes is amended to read:

7 66.55 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance that imposes
8 impact fees, or amending an existing ordinance that imposes impact fees, a ~~political~~
9 ~~subdivision~~ municipality shall hold a public hearing on the proposed ordinance or
10 amendment. Notice of the public hearing shall be published as a class 1 notice under
11 ch. 985, and shall specify where a copy of the proposed ordinance or amendment and
12 the public facilities needs assessment may be obtained.

13 **SECTION 1638f.** 66.55 (4) (a) (intro.) of the statutes is amended to read:

14 66.55 (4) (a) (intro.) Before enacting an ordinance that imposes impact fees or
15 amending an ordinance that imposes impact fees by revising the amount of the fee
16 or altering the public facilities for which impact fees may be imposed, a ~~political~~
17 ~~subdivision~~ municipality shall prepare a needs assessment for the public facilities
18 for which it is anticipated that impact fees may be imposed. The public facilities
19 needs assessment shall include, but not be limited to, the following:

20 **SECTION 1638fc.** 66.55 (4) (a) 3. of the statutes is amended to read:

21 66.55 (4) (a) 3. A detailed estimate of the capital costs of providing the new
22 public facilities or the improvements or expansions in existing public facilities
23 identified in subd. 2., including an estimate of the effect of recovering these capital
24 costs through impact fees on the availability of affordable housing within the
25 ~~political subdivision~~ municipality.

1 **SECTION 1638fe.** 66.55 (4) (b) of the statutes is amended to read:

2 66.55 (4) (b) A public facilities needs assessment or revised public facilities
3 needs assessment that is prepared under this subsection shall be available for public
4 inspection and copying in the office of the clerk of the ~~political subdivision~~
5 municipality at least 20 days before the hearing under sub. (3).

6 **SECTION 1638fg.** 66.55 (5) (b) of the statutes is amended to read:

7 66.55 (5) (b) An ordinance enacted under this section may delineate
8 geographically defined zones within the ~~political subdivision~~ municipality and may
9 impose impact fees on land development in a zone that differ from impact fees
10 imposed on land development in other zones within the ~~political subdivision~~
11 municipality. The public facilities needs assessment that is required under sub. (4)
12 shall explicitly identify the differences, such as land development or the need for
13 those public facilities, which justify the differences between zones in the amount of
14 impact fees imposed.

15 **SECTION 1638fi.** 66.55 (6) (b) of the statutes is amended to read:

16 66.55 (6) (b) May not exceed the proportionate share of the capital costs that
17 are required to serve land development, as compared to existing uses of land within
18 the ~~political subdivision~~ municipality.

19 **SECTION 1638fk.** 66.55 (6) (d) of the statutes is amended to read:

20 66.55 (6) (d) Shall be reduced to compensate for other capital costs imposed by
21 the ~~political subdivision~~ municipality with respect to land development to provide or
22 pay for public facilities, including special assessments, special charges, land
23 dedications or fees in lieu of land dedications under ch. 236 or any other items of
24 value.

25 **SECTION 1638fm.** 66.55 (6) (g) of the statutes is amended to read:

1 66.55 (6) (g) Shall be payable by the developer to the ~~political subdivision~~
2 municipality, either in full or in instalment payments that are approved by the
3 ~~political subdivision, before~~ municipality, and may not be due on a date that is earlier
4 than the date on which a building permit may be for the construction of a dwelling
5 or other structure within the land development is issued or other required approval
6 ~~may be given by the political subdivision.~~

7 **SECTION 1638fo.** 66.55 (7) of the statutes is amended to read:

8 66.55 (7) LOW-COST HOUSING. An ordinance enacted under this section may
9 provide for an exemption from, or a reduction in the amount of, impact fees on land
10 development that provides low-cost housing, except that no amount of an impact fee
11 for which an exemption or reduction is provided under this subsection may be shifted
12 to any other development in the land development in which the low-cost housing is
13 located or to any other land development in the ~~political subdivision~~ municipality.

14 **SECTION 1638fq.** 66.55 (8) of the statutes is amended to read:

15 66.55 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from impact fees
16 shall be placed in a segregated, interest-bearing account and shall be accounted for
17 separately from the other funds of the ~~political subdivision~~ municipality. Impact fee
18 revenues and interest earned on impact fee revenues may be expended only for
19 capital costs for which the impact fees were imposed.

20 **SECTION 1638fs.** 66.55 (9) of the statutes is amended to read:

21 66.55 (9) REFUND OF IMPACT FEES. An ordinance enacted under this section shall
22 specify that impact fees that are imposed and collected by a ~~political subdivision~~
23 municipality but are not used within a reasonable period of time after they are
24 collected to pay the capital costs for which they were imposed shall be refunded to
25 the current owner of the property with respect to which the impact fees were

1 imposed. The ordinance shall specify, by type of public facility, reasonable time
2 periods within which impact fees must be spent or refunded under this subsection.
3 In determining the length of the time periods under the ordinance, a ~~political~~
4 ~~subdivision~~ municipality shall consider what are appropriate planning and
5 financing periods for the particular types of public facilities for which the impact fees
6 are imposed.

7 **SECTION 1638fu.** 66.55 (10) of the statutes is amended to read:

8 66.55 (10) APPEAL. A ~~political subdivision~~ municipality that enacts an impact
9 fee ordinance under this section shall, by ordinance, specify a procedure under which
10 a developer upon whom an impact fee is imposed has the right to contest the amount,
11 collection or use of the impact fee to the governing body of the ~~political subdivision~~
12 municipality.”.

13 **3.** Page 1117, line 1: after that line insert:

14 “**SECTION 2398v.** 236.13 (2s) of the statutes is created to read:

15 236.13 (2s) No fee or charge of any kind may be imposed under this chapter,
16 as a condition of plat approval, to fund the acquisition or installation of property
17 unless the fee or charge meets the standards under s. 66.55 (6). The amount of any
18 property, or value of any improvements, that is required to be dedicated, constructed
19 or installed under this chapter as a condition of plat approval may not exceed the
20 proportionate amount of property, or value of improvements, that is reasonably
21 necessary to serve the land which is the subject of the land division.”.

22 **4.** Page 1118, line 13: after that line insert:

23 “**SECTION 2400e.** 236.45 (1) of the statutes is amended to read:

1 236.45 (1) DECLARATION OF LEGISLATIVE INTENT. The purpose of this section is
2 to promote the public health, safety and general welfare of the community and the
3 regulations authorized to be made are designed to lessen congestion in the streets
4 and highways; to further the orderly layout and use of land; to secure safety from fire,
5 panic and other dangers; to provide adequate light and air, including access to
6 sunlight for solar collectors and to wind for wind energy systems; to prevent the
7 overcrowding of land; to avoid undue concentration of population; to facilitate
8 adequate provision for transportation, water, sewerage, schools, parks, playgrounds
9 and other public requirements; to facilitate the further resubdivision of larger tracts
10 into smaller parcels of land. The regulations provided for by this section shall be
11 made with reasonable consideration, among other things, of the character of the
12 municipality, town or county with a view of conserving the value of the buildings
13 placed upon land, providing the best possible environment for human habitation,
14 and for encouraging the most appropriate use of land throughout the municipality,
15 town or county. Any fee or charge of any kind that is imposed under this section may
16 be imposed only if it meets the standards under s. 66.55 (6).”

17

(END)