

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/22/2001

Received By: shoveme

Wantcd: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Smith

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Addl. Drafters:

Subject: Munis - miscellaneous

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Smith - AM62,

Topic:

Changes to the impact fee statute; no counties, limit uses, uniform time to charge the fees

Instructions:

See Attached. See 99b0319/2

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>
/?	shoveme 06/24/2001	hhagen 06/24/2001		_____			
/1			haueca 06/25/2001	_____	lrb_docadmin 06/25/2001		
/2	shoveme 06/26/2001	hhagen 06/26/2001	rschluet 06/26/2001	_____	lrb_docadmin 06/26/2001		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/1			haugca 06/25/2001	_____	lrb_docadmin 06/25/2001		

1/2 MES 6/26/01
FE Sent For: (2hmk
6/26/01)

DS
6-25-1

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1?	shoveme	1 hmk 6/24/01	CH 6-25	CA 6-25 RhR RPN			

11MES 6/24/01

FE Sent For:

<END>

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

Statement of Intent Changes to the General Municipality laws regarding impact fees and special charges

PLEASE NOTE THERE WAS A SIMPLE AMENDMENT ADDING PUBLIC UTILITIES THAT IS NOT REFLECTED IN THE DRAFTING INSTRUCTIONS. THIS IS THE NEW LANGUAGE THAT IS INCLUDED IN THE SUMMARY:

Impact fees should be limited to use for necessities: roads, public utilities, sewer-water infrastructure, and basic park land.

Legislator	Sykora	Amendment	62
Legislator 2		Pass or Fail	Pass
Legislator 3		Spending Cut	
Legislator 4		Withdrawn	
Staff contact	Martha	Package	61542
Agency	General Provisions		

MES?

Summary This amendment would simplify Wisconsin's impact fee law, deleting unused or ambiguous authority. Since the impact fee law was passed, these areas have proven to be the most vague or troublesome. Broad or vague definitions create disputes between property owners and communities.

Specifically the amendment would:

Eliminate county authority to impose impact fees, which no Wisconsin county does. These fees are very difficult for a county to justify, and development on one side of a county should not be used to pay for improvements on another side.

Narrow the list of public facilities that may be funded by impact fees to those improvements that are most related to new development. Impact fees should be limited to use for necessities: roads, public utilities, sewer-water infrastructure, and basic park land.

Clarify that fees for certain utility improvements must be charged according to the impact fee law. This will allow communities to collect the money, but provide clear direction for the municipality and fee payer.

Finally it establishes a uniform time for charging an impact fee - upon the issuance of a building permit. Impact is not created until the building permit is issued, so the fee shouldn't be assessed before the impact. Paying such fees earlier forces carrying costs including higher interest, which increases costs for home buyers.

Fiscal Impact None

new a class / notice for all special charges in sub. (3) (b)

Drafting Inst In chapter 66 of the statutes, this amendment would:

Eliminate county-imposed impact fees; (it would specifically amend section 66.0617(1)(e) to eliminate the words "or county" and add the word "or" between the words "village" and "town." It would also

Request # 308

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

ARC Analyst Smith

deletes entirely section 66.0617(2)(am) which refers to counties inability to impose impact fees.)

Modify the definition of "public facilities." Specifically, exclude "transportation facilities other than highways" and replace "playgrounds and other recreational facilities" with the words "lands for parks." Also, **308** remove references to county-imposed impact fees.

Request #

replace section 66.0617(6)(g) to read as follows: Shall be payable by the developer to the political subdivision, either in full or in installment payments that are approved by the political subdivision, no earlier than the building permit has been issued to the developer.)

Subject special charges to due process procedures of Section 66.0617. (specifically it would replace section 66.0627(3)(a) to read as follows: Before enacting an ordinance that imposes special charges, and except as provided in par (b), the governing body of the city, village or town shall hold 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 may be obtained.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1542/1
MES: hmb

RMK

ARC:.....Smith - AM62, Changes to the impact fee statute; no counties, limit uses, uniform time to charge the fees

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

FNS
1-1

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2
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At the locations indicated, amend the ~~bill~~ as follows:

→ go to p. 2 of 99 60319/2

Page line: after that line insert:

2023 ke

SECTION 66.0627 (3) (a) of the statutes is amended to read:

66.0627 (3) (a) Except as provided in par. (b), before a special charge may be imposed a public hearing shall be held on the imposition of the proposed special charge by the governing body of the city, village, or town may determine the manner of providing notice of a special charge. Notice of the hearing shall be by class 1 notice under ch. 985, and the notice shall specify where a copy of the proposed ordinance relating to the special charge may be obtained.

History: 1999 a. 150.

→ go to p. 1 of 99 60319/2

(END)

FNS
1-9

substitute amendment



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

FNS
1-9 through p 2

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

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

3 ^{2023K5} "SECTION ~~1608g~~, ~~66.076 (5) (a)~~ ^{66.0821(4)(b)} of the statutes is amended to read:

4 ~~66.076 (5) (a)~~ ^{66.0821(4)(b)} 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. ⁽⁸⁾ (13), the charges

10 may also include standby charges to property not connected but for which such

11 facilities have been made available.



2023K56

66.0821(4)(C)

SECTION ~~1608h~~ ^{66.076(5)(b)} of the statutes is amended to read:

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

2023K52

66.0821(8) ✓

SECTION ~~1608j~~ ^{66.076(13)} of the statutes is created to read:

66.076(13) No municipality may impose any charges under this section ~~which~~ ^{that} are not uniformly assessed against all users of the system, unless the charges that are imposed meet the standards under s. ~~66.076~~ ^{66.0617} (6).

and of
16
was 1-9

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I 1-1

18
through
p. 8

2. Page ~~822~~ ⁶⁸⁰, line ~~6~~ ⁵: after that line insert:

"SECTION ~~1628e~~ ^{66.0617} ~~1628e~~ (1) (a) of the statutes is amended to read:

~~66.076~~ (1) (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~~ municipality can demonstrate that its legal,

1 engineering₂ and design costs which^{that} 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, expand₂ or improve public facilities
4 or the costs of equipment to construct, expand or improve public facilities.

5 SECTION ~~1038 Sec.~~ ^{2023jb} ~~66.55~~ ^{66.0617} (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 land₂ or any other items of value that are imposed on a developer by a
8 political subdivision municipality under this section.

9 SECTION ~~1038 Sec.~~ ^{2023jc} ~~66.55~~ ^X (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, expanded₂ or improved public facilities within a political
14 subdivision municipality.

15 SECTION ~~1038 Sec.~~ ^{2023jd} ~~66.55~~ (1) (e) of the statutes is amended to read:

16 ~~66.55~~ (1) (e) "Political subdivision Municipality" means a city, village₃ or town
17 or county.

18 SECTION ~~1038 Sec.~~ ^{2023je} ~~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 facilities₅ plain
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 ^{2023j} ~~1638~~ ^{66.55} (1) (fs) of the statutes is created to read:

5 ^{66.0617} ~~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 ^{2023jg} ~~1638~~ ^{66.55} (1) (g) of the statutes is amended to read:

10 ^{66.0617} ~~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 ^{2023jh} ~~1638~~ ^{66.55} (1) (h) of the statutes is amended to read:

13 ^{66.0617} ~~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 ^{2023ji} ~~1638~~ ^{66.55} (2) (a) of the statutes is amended to read:

17 ^{66.0617} ~~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 ^{2023jj} ~~1638~~ ^{66.55} (2) (am) of the statutes is repealed.

21 SECTION ^{2023jk} ~~1638~~ ^{66.55} (2) (b) of the statutes is amended to read:

22 ^{66.0617} ~~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

check space

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 ^{2023jl} ~~1638~~ ^{66.0617} ~~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 ^{2023jm} ~~1638~~ ^{66.0617} ~~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 ^{2023jn} ~~1638~~ ^{66.0617} ~~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 ^{2023jo} ~~1638~~ ^{66.0617} ~~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.

2023jP

66.0617 X

SECTION ~~1638m~~ ~~66.55~~ (4) (b) of the statutes is amended to read:

~~66.55~~ (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~~ municipality at least 20 days before the hearing under sub. (3).

2023jP

66.0617 X

SECTION ~~1638m~~ ~~66.55~~ (5) (b) of the statutes is amended to read:

~~66.55~~ (5) (b) An ordinance enacted under this section may delineate geographically defined zones within the ~~political subdivision~~ municipality 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~~ municipality. 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.

2023jP

66.0617 X

SECTION ~~1638m~~ ~~66.55~~ (6) (b) of the statutes is amended to read:

~~66.55~~ (6) (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~~ municipality.

2023jS

66.0617 X

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

~~66.55~~ (6) (d) Shall be reduced to compensate for other capital costs imposed by the ~~political subdivision~~ municipality 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.

2023jT

66.0617

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

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 ~~20380a~~ ^{2023jx} ~~66.54~~ ^{66.0617} (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.

end of ind 1-1

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:



RMP

ARC:.....Smith – AM62, Changes to the impact fee statute; no counties, limit
uses, uniform time to charge the fees

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

only changes:
pp. 2 & 3

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 680, line 5: after that line insert:
- 3 **"SECTION 2023j.** 66.0617 (1) (a) of the statutes is amended to read:
- 4 66.0617 (1) (a) "Capital costs" means the capital costs to construct, expand, or
- 5 improve public facilities, including the cost of land, and including legal, engineering,
- 6 and design costs to construct, expand, or improve public facilities, except that not
- 7 more than 10% of capital costs may consist of legal, engineering, and design costs
- 8 unless the ~~political subdivision~~ municipality can demonstrate that its legal,
- 9 engineering, and design costs ~~which~~ that relate directly to the public improvement
- 10 for which the impact fees were imposed exceed 10% of capital costs. "Capital costs"

1 does not include other noncapital costs to construct, expand, or improve public
2 facilities or the costs of equipment to construct, expand, or improve public facilities.

3 **SECTION 2023jb.** 66.0617 (1) (c) of the statutes is amended to read:

4 66.0617 (1) (c) "Impact fees" means cash contributions, contributions of land
5 or interests in land, or any other items of value that are imposed on a developer by
6 a ~~political subdivision~~ municipality under this section.

7 **SECTION 2023jc.** 66.0617 (1) (d) of the statutes is amended to read:

8 66.0617 (1) (d) "Land development" means the construction or modification of
9 improvements to real property that creates additional residential dwelling units
10 within a ~~political subdivision~~ municipality or that results in nonresidential uses that
11 create a need for new, expanded, or improved public facilities within a ~~political~~
12 ~~subdivision~~ municipality.

13 **SECTION 2023jd.** 66.0617 (1) (e) of the statutes is amended to read:

14 66.0617 (1) (e) "~~Political subdivision~~ Municipality" means a city, village, or
15 town or county.

16 **SECTION 2023je.** 66.0617 (1) (f) of the statutes is amended to read:

17 66.0617 (1) (f) "Public facilities" means highways, as defined in s. 340.01 (22),
18 ~~and other transportation facilities,~~ traffic control devices, facilities for collecting and
19 treating sewage, facilities for collecting and treating storm and surface waters,
20 facilities for pumping, storing, and distributing water, ~~parks, playgrounds and other~~
21 ~~recreational facilities, solid waste and recycling facilities, lands for parks and real~~
22 ~~property improvements to parks,~~ fire protection facilities, law enforcement facilities,
23 ~~and emergency medical facilities and libraries except that, with regard to counties,~~
24 "public facilities" does not include highways, as defined in s. 340.01 (22), other

1 ~~transportation facilities or traffic control devices.~~ “Public facilities” does not include
2 facilities owned by a school district.

3 ~~SECTION 2023jf. 66.0617 (1) (fs) of the statutes is created to read:~~

4 ~~66.0617 (1) (fs) “Real property improvements to parks” means basic facilities~~
5 ~~and improvements that include shelters, playground equipment, parking lots, and~~
6 ~~restroom facilities, but does not include swimming pools, multiple baseball~~
7 ~~diamonds, or scoreboards.~~

8 SECTION 2023jg. 66.0617 (1) (g) of the statutes is amended to read:

9 66.0617 (1) (g) “Service area” means a geographic area delineated by a political
10 subdivision municipality within which there are public facilities.

11 SECTION 2023jh. 66.0617 (1) (h) of the statutes is amended to read:

12 66.0617 (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 2023ji. 66.0617 (2) (a) of the statutes is amended to read:

16 66.0617 (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 2023jj. 66.0617 (2) (am) of the statutes is repealed.

20 SECTION 2023jk. 66.0617 (2) (b) of the statutes is amended to read:

21 66.0617 (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 2023jL.** 66.0617 (2) (c) of the statutes is amended to read:

4 66.0617 (2) (c) Beginning on May 1, 1995, a ~~political subdivision~~ municipality
5 may impose and collect impact fees only under this section.

6 **SECTION 2023jm.** 66.0617 (3) of the statutes is amended to read:

7 66.0617 (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 2023jn.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

14 66.0617 (4) (a) (intro.) Before enacting an ordinance that imposes impact fees
15 or 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 2023jo.** 66.0617 (4) (a) 3. of the statutes is amended to read:

21 66.0617 (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 2023jp.** 66.0617 (4) (b) of the statutes is amended to read:

2 66.0617 (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 2023jq.** 66.0617 (5) (b) of the statutes is amended to read:

7 66.0617 (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 2023jr.** 66.0617 (6) (b) of the statutes is amended to read:

16 66.0617 (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 2023js.** 66.0617 (6) (d) of the statutes is amended to read:

20 66.0617 (6) (d) Shall be reduced to compensate for other capital costs imposed
21 by the ~~political subdivision~~ municipality with respect to land development to provide
22 or 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 2023jt.** 66.0617 (6) (g) of the statutes is amended to read:

1 66.0617 (6) (g) Shall be payable by the developer to the ~~political subdivision~~
2 municipality, either in full or in ~~instalment~~ installment payments that are approved
3 by the ~~political subdivision~~, before municipality, and may not be due on a date that
4 is earlier than the date on which a building permit ~~may be~~ for the construction of a
5 dwelling or other structure within the land development is issued or other required
6 ~~approval may be given by the political subdivision.~~

7 **SECTION 2023ju.** 66.0617 (7) of the statutes is amended to read:

8 66.0617 (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 2023jv.** 66.0617 (8) of the statutes is amended to read:

15 66.0617 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from impact
16 fees shall be placed in a segregated, interest-bearing account and shall be accounted
17 for separately from the other funds of the ~~political subdivision~~ municipality. Impact
18 fee 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 2023jw.** 66.0617 (9) of the statutes is amended to read:

21 66.0617 (9) REFUND OF IMPACT FEES. An ordinance enacted under this section
22 shall 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 2023jx.** 66.0617 (10) of the statutes is amended to read:

8 66.0617 (10) APPEAL. A ~~political subdivision~~ municipality that enacts an
9 impact fee ordinance under this section shall, by ordinance, specify a procedure
10 under which a developer upon whom an impact fee is imposed has the right to contest
11 the amount, collection, or use of the impact fee to the governing body of the ~~political~~
12 ~~subdivision~~ municipality.

13 **SECTION 2023ke.** 66.0627 (3) (a) of the statutes is amended to read:

14 66.0627 (3) (a) Except as provided in par. (b), before a special charge may be
15 imposed a public hearing shall be held on the imposition of the proposed special
16 charge by the governing body of the city, village, or town may determine the manner
17 of providing notice of a special charge. Notice of the hearing shall be by class 1 notice
18 under ch. 985, and the notice shall specify where a copy of the proposed ordinance
19 relating to the special charge may be obtained.

20 **SECTION 2023ks.** 66.0821 (4) (b) of the statutes is amended to read:

21 66.0821 (4) (b) For the purpose of making equitable charges for all services
22 rendered by the sanitary sewerage system to the municipality or to citizens,
23 corporations, and other users, the property benefited thereby may be classified,
24 taking into consideration the volume of water, including surface or drain waters, the
25 character of the sewage or waste and the nature of the use made of the sewerage

1 system, including the sewage disposal plant. The Subject to sub. (8), the charges may
2 also include standby charges to property not connected but for which such facilities
3 have been made available.

4 **SECTION 2023ksb.** 66.0821 (4) (c) of the statutes is amended to read:

5 66.0821 (4) (c) For the purpose of making equitable charges for all services
6 rendered by a storm water and surface water sewerage system to users, the property
7 served may be classified, taking into consideration the volume or peaking of storm
8 water or surface water discharge that is caused by the area of impervious surfaces,
9 topography, impervious surfaces and other surface characteristics, extent and
10 reliability of mitigation or treatment measures available to service the property,
11 apart from measures provided by the storm water and surface water sewerage
12 system, and any other considerations that are reasonably relevant to a use made of
13 the storm water and surface water sewerage system. The Subject to sub. (8), the
14 charges may also include standby charges to property not yet developed with
15 significant impervious surfaces for which capacity has been made available in the
16 storm water and surface water sewerage system.

17 **SECTION 2023kse.** 66.0821 (8) of the statutes is created to read:

18 66.0821 (8) No municipality may impose any charges under this section that
19 are not uniformly assessed against all users of the system, unless the charges that
20 are imposed meet the standards under s. 66.0617 (6).”

21 (END)



ARC:.....Smith – AM62, Changes to the impact fee statute; no counties, limit
uses, uniform time to charge the fees

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 **1.** Page 680, line 5: after that line insert:

3 **“SECTION 2023j.** 66.0617 (1) (a) of the statutes is amended to read:

4 66.0617 (1) (a) “Capital costs” means the capital costs to construct, expand, or
5 improve public facilities, including the cost of land, and including legal, engineering,
6 and design costs to construct, expand, or improve public facilities, except that not
7 more than 10% of capital costs may consist of legal, engineering, and design costs
8 unless the ~~political subdivision~~ municipality can demonstrate that its legal,
9 engineering, and design costs ~~which~~ that relate directly to the public improvement
10 for which the impact fees were imposed exceed 10% of capital costs. “Capital costs”

1 does not include other noncapital costs to construct, expand, or improve public
2 facilities or the costs of equipment to construct, expand, or improve public facilities.

3 **SECTION 2023jb.** 66.0617 (1) (c) of the statutes is amended to read:

4 66.0617 (1) (c) "Impact fees" means cash contributions, contributions of land
5 or interests in land, or any other items of value that are imposed on a developer by
6 a ~~political subdivision~~ municipality under this section.

7 **SECTION 2023jc.** 66.0617 (1) (d) of the statutes is amended to read:

8 66.0617 (1) (d) "Land development" means the construction or modification of
9 improvements to real property that creates additional residential dwelling units
10 within a ~~political subdivision~~ municipality or that results in nonresidential uses that
11 create a need for new, expanded, or improved public facilities within a ~~political~~
12 ~~subdivision~~ municipality.

13 **SECTION 2023jd.** 66.0617 (1) (e) of the statutes is amended to read:

14 66.0617 (1) (e) "~~Political subdivision~~ Municipality" means a city, village, or
15 town or county.

16 **SECTION 2023je.** 66.0617 (1) (f) of the statutes is amended to read:

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

1 **SECTION 2023jg.** 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~~ municipality within which there are public facilities.

4 **SECTION 2023jh.** 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~~ municipality.

8 **SECTION 2023ji.** 66.0617 (2) (a) of the statutes is amended to read:

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

12 **SECTION 2023jj.** 66.0617 (2) (am) of the statutes is repealed.

13 **SECTION 2023jk.** 66.0617 (2) (b) of the statutes is amended to read:

14 66.0617 (2) (b) Subject to par. (c), this section does not prohibit or limit the
15 authority of a ~~political subdivision~~ municipality to finance public facilities by any
16 other means authorized by law, except that the amount of an impact fee imposed by
17 a ~~political subdivision~~ municipality shall be reduced, under sub. (6) (d), to
18 compensate for any other costs of public facilities imposed by the ~~political subdivision~~
19 municipality on developers to provide or pay for capital costs.

20 **SECTION 2023jL.** 66.0617 (2) (c) of the statutes is amended to read:

21 66.0617 (2) (c) Beginning on May 1, 1995, a ~~political subdivision~~ municipality
22 may impose and collect impact fees only under this section.

23 **SECTION 2023jm.** 66.0617 (3) of the statutes is amended to read:

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

1 ~~subdivision~~ municipality shall hold a public hearing on the proposed ordinance or
2 amendment. Notice of the public hearing shall be published as a class 1 notice under
3 ch. 985, and shall specify where a copy of the proposed ordinance or amendment and
4 the public facilities needs assessment may be obtained.

5 **SECTION 2023jn.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

6 66.0617 (4) (a) (intro.) Before enacting an ordinance that imposes impact fees
7 or amending an ordinance that imposes impact fees by revising the amount of the fee
8 or altering the public facilities for which impact fees may be imposed, a ~~political~~
9 ~~subdivision~~ municipality shall prepare a needs assessment for the public facilities
10 for which it is anticipated that impact fees may be imposed. The public facilities
11 needs assessment shall include, but not be limited to, the following:

12 **SECTION 2023jo.** 66.0617 (4) (a) 3. of the statutes is amended to read:

13 66.0617 (4) (a) 3. A detailed estimate of the capital costs of providing the new
14 public facilities or the improvements or expansions in existing public facilities
15 identified in subd. 2., including an estimate of the effect of recovering these capital
16 costs through impact fees on the availability of affordable housing within the
17 ~~political subdivision~~ municipality.

18 **SECTION 2023jp.** 66.0617 (4) (b) of the statutes is amended to read:

19 66.0617 (4) (b) A public facilities needs assessment or revised public facilities
20 needs assessment that is prepared under this subsection shall be available for public
21 inspection and copying in the office of the clerk of the ~~political subdivision~~
22 municipality at least 20 days before the hearing under sub. (3).

23 **SECTION 2023jq.** 66.0617 (5) (b) of the statutes is amended to read:

24 66.0617 (5) (b) An ordinance enacted under this section may delineate
25 geographically defined zones within the ~~political subdivision~~ municipality and may

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

7 **SECTION 2023jr.** 66.0617 (6) (b) of the statutes is amended to read:

8 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that
9 are required to serve land development, as compared to existing uses of land within
10 the ~~political subdivision~~ municipality.

11 **SECTION 2023js.** 66.0617 (6) (d) of the statutes is amended to read:

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

17 **SECTION 2023jt.** 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~~
19 municipality, either in full or in ~~instalment~~ installment payments that are approved
20 by the ~~political subdivision~~, before municipality, and may not be due on a date that
21 is earlier than the date on which a building permit may be for the construction of a
22 dwelling or other structure within the land development is issued or other required
23 approval may be given by the political subdivision.

24 **SECTION 2023ju.** 66.0617 (7) of the statutes is amended to read:

1 66.0617 (7) LOW-COST HOUSING. An ordinance enacted under this section may
2 provide for an exemption from, or a reduction in the amount of, impact fees on land
3 development that provides low-cost housing, except that no amount of an impact fee
4 for which an exemption or reduction is provided under this subsection may be shifted
5 to any other development in the land development in which the low-cost housing is
6 located or to any other land development in the ~~political subdivision~~ municipality.

7 **SECTION 2023jv.** 66.0617 (8) of the statutes is amended to read:

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

13 **SECTION 2023jw.** 66.0617 (9) of the statutes is amended to read:

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

25 **SECTION 2023jx.** 66.0617 (10) of the statutes is amended to read:

1 66.0617 (10) APPEAL. A ~~political subdivision~~ municipality that enacts an
2 impact fee ordinance under this section shall, by ordinance, specify a procedure
3 under which a developer upon whom an impact fee is imposed has the right to contest
4 the amount, collection, or use of the impact fee to the governing body of the ~~political~~
5 ~~subdivision~~ municipality.

6 **SECTION 2023ke.** 66.0627 (3) (a) of the statutes is amended to read:

7 66.0627 (3) (a) Except as provided in par. (b), before a special charge may be
8 imposed a public hearing shall be held on the imposition of the proposed special
9 charge by the governing body of the city, village, or town may determine the manner
10 of providing notice of a special charge. Notice of the hearing shall be by class 1 notice
11 under ch. 985, and the notice shall specify where a copy of the proposed ordinance
12 relating to the special charge may be obtained.

13 **SECTION 2023ks.** 66.0821 (4) (b) of the statutes is amended to read:

14 66.0821 (4) (b) For the purpose of making equitable charges for all services
15 rendered by the sanitary sewerage system to the municipality or to citizens,
16 corporations, and other users, the property benefited thereby may be classified,
17 taking into consideration the volume of water, including surface or drain waters, the
18 character of the sewage or waste and the nature of the use made of the sewerage
19 system, including the sewage disposal plant. ~~The~~ Subject to sub. (8), the charges may
20 also include standby charges to property not connected but for which such facilities
21 have been made available.

22 **SECTION 2023ksb.** 66.0821 (4) (c) of the statutes is amended to read:

23 66.0821 (4) (c) For the purpose of making equitable charges for all services
24 rendered by a storm water and surface water sewerage system to users, the property
25 served may be classified, taking into consideration the volume or peaking of storm

1 water or surface water discharge that is caused by the area of impervious surfaces,
2 topography, impervious surfaces and other surface characteristics, extent and
3 reliability of mitigation or treatment measures available to service the property,
4 apart from measures provided by the storm water and surface water sewerage
5 system, and any other considerations that are reasonably relevant to a use made of
6 the storm water and surface water sewerage system. The Subject to sub. (8), the
7 charges may also include standby charges to property not yet developed with
8 significant impervious surfaces for which capacity has been made available in the
9 storm water and surface water sewerage system.

10 **SECTION 2023kse.** 66.0821 (8) of the statutes is created to read:

11 66.0821 (8) No municipality may impose any charges under this section that
12 are not uniformly assessed against all users of the system, unless the charges that
13 are imposed meet the standards under s. 66.0617 (6).”

14 (END)