

2005 Assembly Bill 1077

Date of enactment: **March 27, 2006**

Date of publication*: **April 10, 2006**

2005 WISCONSIN ACT 203

AN ACT *to renumber and amend* 66.0617 (9); and *to create* 66.0617 (9) (b) of the statutes; **relating to:** the time period during which impact fees must be used and the refunding of impact fees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 66.0617 (9) of the statutes is renumbered 66.0617 (9) (a) and amended to read:

66.0617 (9) (a) ~~An~~ Subject to par. (b), an ordinance enacted under this section shall specify that impact fees that are imposed and collected by a political subdivision but are not used within ~~a reasonable period of time~~ 7 years 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, subject to the 7-year limit in this paragraph and the extended time period specified in par. (b). In determining the length of the time periods under the ordinance, a polit-

ical subdivision shall consider what are appropriate planning and financing periods for the particular types of public facilities for which the impact fees are imposed.

SECTION 2. 66.0617 (9) (b) of the statutes is created to read:

66.0617 (9) (b) The 7-year time limit for using impact fees that is specified under par. (a) may be extended for 3 years if the political subdivision adopts a resolution stating that, due to extenuating circumstances or hardship in meeting the 7-year limit, it needs an additional 3 years to use the impact fees that were collected. The resolution shall specify the extenuating circumstances or hardship that led to the need to adopt a resolution under this paragraph.

SECTION 3. Initial applicability.

(1) This act first applies to impact fees that have been imposed under impact fee ordinances that are in effect on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].