

**ORDINANCE #23-15**

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**ORDINANCE TO AMEND SEVERAL SECTIONS OF THE VILLAGE CODE  
PERTAINING TO IMPACT FEES**

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**WHEREAS**, the Village of Jackson imposes impact fees for fire, police, and water system facilities pursuant to the authority of Wis. Stats. §66.0617, sewer service fees pursuant to the authority of Wis. Stats. §66.0821, and park facilities fees pursuant to the authority of Wis. Stats. §236.45 on new development to pay for the capital costs of acquiring, upgrading, expanding, and constructing public facilities which are necessary to accommodate land development; and

**WHEREAS**, 2017 Wisconsin Act 243 made certain changes to Wis. Stats. §66.0617 and Wis. Stats. §236.45, including a new standard for impact fees, new limitations on the expenditure of impact fee revenues including time limits for spending impact fee revenues, and requirements that park facility fees imposed under the authority of Wis. Stats. §236.45 comply with the provisions of Wis. Stats. §66.0617; and

**WHEREAS**, the Village of Jackson recently completed the construction of new fire and police facilities, updated the Parks, Recreation, and Open Space Plan, and completed new plans for future water and sewerage system facilities needed to accommodate new development; and

**WHEREAS**, the Village retained Trilogy Consulting to prepare an updated public facilities needs assessment and impact fee study that incorporates actual costs for recently completed facilities and updated plans for future facilities; and

**WHEREAS**, the Public Facilities Needs Assessment and Impact Fee Study prepared for the Village of Jackson by Trilogy Consulting, dated August 2023 (Impact Fee Study), recommended changes in the amounts of the Village's impact fees and review and amendment of the impact fee ordinance; and

**WHEREAS**, the Impact Fee Study was approved by the Village Board on September 12, 2023, and has been available for review by the public in the office of the Village Clerk for more than 20 days; and

**WHEREAS**, the Village Board held a public hearing on this ordinance and the Impact Fee Study as required by Wis. Stats. §66.0617 on October 10, 2023.

**NOW THEREFORE BE IT RESOLVED**, the Village of Jackson Village Board, Washington County, Wisconsin, **ORDAINS AS FOLLOWS**:

**Section 1.** Sec. 2-208 is amended to read as follows:

Sec. 2-308. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*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 ten percent of capital costs may consist of legal, engineering and design costs unless such costs which relate directly to the public improvement for which the impact fees were imposed actually exceed ten percent of capital costs. Capital costs do not include the non-capital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct, expand or improve public facilities.

*Impact fees* means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer under this division.

*Land development* means the construction or modification of improvements to real property that creates additional residential dwelling units within the village or its service areas or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the village or its service areas.

*Public facilities* means highways as defined in Wis. Stats. § 340.01(22) and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating stormwater and surface water, facilities for pumping, storing and distributing water, parks, playgrounds and land for athletic fields, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. Public facilities do not include facilities owned by a school district.

*Residential Equivalent Unit (REU)* means a unit of measure for water impact fees or sewer service fees equivalent to the amount of sewer or water capacity needed to supply a single-family residential dwelling unit.

*Service area* means a geographic area delineated by the village board within which the village provides public facilities.

*Service standard* means a certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure, as specified by the village board.

**Section 2.** Sec. 2-310 is amended to read as follows:

Sec. 2-310. Impact fee revenue administration.

- (a) Revenues from each impact fee that is imposed shall be placed in a segregated, interest-bearing account and shall be accounted for separately from other village general and utility funds. Impact fee revenues and interest earned

thereon may be expended only for capital costs for which the impact fees were imposed.

- (b) Impact fee revenues imposed and collected but not used within eight years after collection to pay the capital costs for which they were imposed shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated. Impact fees that are collected for capital costs related to lift stations or collecting and treating sewage that are not used within ten years after collection to pay the capital costs for which they were imposed shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated.

**Section 3.** Sec. 2-312 is amended to read as follows:

Sec. 2-312. Payment of impact fees.

- (a) All required impact fees, unless expressly excepted in subparagraph (b) of this section, shall be paid to the Village by the developer prior to being issued a building or plumbing permit, or both, whichever permits are applicable. Impact fee payments shall be assumed to be the responsibility of the owner of the record at the time the fee is imposed on a particular parcel.
- (b) If the total amount of impact fees due for a development will be more than \$75,000, a developer may defer payment of the impact fees for a period of four years from the date of the issuance of the building permit or until six months before the municipality incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this paragraph, the developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality. A developer may not defer payment of impact fees for projects that have been previously approved.

**Section 4.** Sec 2-314 is amended to read as follows:

Sec. 2-314. Sewer connection fees.

Sewer connection fees are hereby imposed as part of the Village's sewerage service charges under the authority of Wis. Stats. §66.0821(4). The basis for the imposition of sewer service fees is the facilities needs assessment report and its attachments and public facilities needs assessment, which is on file in the office of the village clerk. The sewer service fees to be paid prior to the issuance of applicable building or plumbing permits, except as exempted in this division, are as follows:

- (1) Fees shall be as provided in the village ordinance and village fee schedule.
- (2) These fees do not apply in cases where an existing building is being hooked up

to an existing sewer lateral or to a sewer lateral that has been replaced or repaired, unless the discharge has increased to more than the discharge provided by the service fee previously paid. In cases where an increase in the discharge can be demonstrated, the differential between the existing sewer service and the expanded sewer service shall be the basis for determining the applicable connection fee, and the village board shall make such determination.

- (3) These connection fees shall be collected until all capital costs associated with specified projects in the public facilities needs assessment report have been satisfied.
- (4) Connection fees shall be applicable to those persons, properties, and premises that are located in the village sewer service area.

**Section 5.** Sec. 2-315 is amended to read as follows:

Sec. 2-315. Water impact fees.

The basis for the imposition of water impact fees is the facilities needs assessment report and its attachments, which is on file in the office of the village clerk. The water impact fees to be paid prior to the issuance of applicable building or plumbing permits, except as exempted in this division, are as follows:

- (1) Water impact fee in the village is set at \$946.00 per Residential Equivalent Unit as of January 1, 2024.
- (2) Each dwelling unit in a multifamily structure shall be treated as an individual connection.
- (3) Fees do not apply in cases where an existing building is being hooked up to an existing water lateral or to a water lateral that has been replaced or repaired, unless the size of the meter is increased. In cases where an increase in the meter occurs, the differential between the existing water service and the expanded water service shall be the basis for determining the applicable impact fee and such determination shall be made by the village board.
- (4) Fees shall be collected until all capital costs associated with specified projects in the report have been satisfied.

**Section 6.** Sec. 2-316 is amended to read as follows:

Sec. 2-316. Park impact fees.

- (1) The basis for the imposition of park impact fees is the facilities needs assessment report and its attachments, which is on file in the office of the village clerk. The park impact fees to be paid prior to the issuance of applicable building or plumbing permits, except as exempted in this division, are as follows: The park impact fee per single-family residential dwelling unit in the Village is set at

\$1,247.00 as of January 1, 2024.

- (2) The park impact fee per multi-family residential dwelling unit in the Village is set at \$970.00 as of January 1, 2024.
- (3) Fees do not apply to improvements to existing buildings or existing developed properties unless additional residential dwelling units are created. In such cases, the difference between the existing number of dwelling units and the expanded number of dwelling units shall be used as the basis for determining the applicable impact fees.
- (4) The fees shall be increased as of January 1 of each year by a percentage equal to the increase in the consumer price index from the previous calendar year, unless the village board, by resolution, limits the increase to a lesser amount.
- (5) Fees shall be collected until all capital costs associated with the projects identified in the public facilities needs assessment report have been satisfied.

**Section 7.** Sec. 2-317 is amended to read as follows:

Sec. 2-317. Police impact fees.

- (a) The basis for the imposition of police impact fees is the facilities needs assessment report and its attachments, which are on file in the office of the village clerk. The police impact fee is to be paid prior to the issuance of applicable building permits, except as exempted in this division.
- (b) Police impact fee is set at \$682.00 per single-family residential unit, multifamily is \$530.00 per unit, and at \$2.12 per \$1,000.00 of improvements of nonresidential property as of January 1, 2024.
- (c) The fees shall be increased as of January 1 of each year by a percentage equal to the increase in the consumer price index from the previous calendar year, unless the village board, by resolution, limits the increase to a lesser amount.
- (d) Fees shall be collected until all capital costs associated with the projects identified in the public facilities needs assessment report have been satisfied.

**Section 8.** Sec. 2-318 is created to read as follows:

Sec. 2-318. Fire facilities impact fees.

- (a) The basis for the imposition of fire facilities impact fees is the facilities needs assessment report and its attachments, which are on file in the office of the village clerk. The fire facilities impact fee is to be paid prior to the issuance of applicable building permits, except as exempted in this division.
- (b) Fire facilities impact fee is set at \$1,022.00 per single-family residential unit,

multifamily is \$795.00 per unit, and at \$3.18 per \$1,000.00 of improvements of nonresidential property.

- (c) The fees shall be increased as of January 1 of each year by a percentage equal to the increase in the consumer price index from the previous calendar year, unless the village board, by resolution, limits the increase to a lesser amount.
- (d) Fees shall be collected until all capital costs associated with the projects identified in the public facilities needs assessment report have been satisfied.

**Section 9.** This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law.

**Section 10.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**Section 11.** The Village Clerk and Village Administrator are authorized and directed to make all changes within the Village of Jackson Code of Ordinances necessary to reflect this ordinance.

Introduced by: Tr. Wells

Seconded by: Tr. Olson

Vote: 7 ayes 0 nays

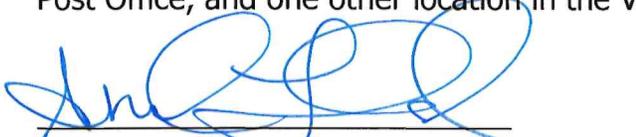
Passed and Approved: 10/10/2023

  
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Brian J. Heckendorf – Village President

Attest:   
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Anastasia Gonstead – Village Clerk

Proof of Posting:

I the undersigned, certify that I posted this Resolution on bulletin boards at the Village Hall, Post Office, and one other location in the Village.

  
\_\_\_\_\_  
Village Official

10/12/2023  
\_\_\_\_\_  
Date