

## CHAPTER 80. IMPACT FEES

[HISTORY: Adopted by the Town Board of the Town of New Glarus 5-6-2008. Amendments noted where applicable.]

### GENERAL REFERENCES

Building construction — See Ch. [15](#).

Extraterritorial zoning — See Ch. [50](#).

Land division and subdivision — See Ch. [110](#).

#### § 80-1. Purpose and intent.

A. Whenever a tract of land is created by a subdivision or recording of a certified survey map, there is imposed an impact fee for the purpose of defraying the cost of identified capital costs that are necessary to accommodate the new land development. Each such impact fee shall be adopted using the procedures of this chapter. Impact fees shall be due and payable in full upon the issuance of a building permit by the Town or, if applicable to commercial property, by the state. The Town shall require the land developer to include provisions securing payment of impact fees in the developer's agreement between the Town and the developer.

B. This chapter is intended to impose impact fees in order to finance public utilities and facilities, the demand for which is generated by new development. The Town is responsible for and will meet, through the use of general Town revenues, all capital improvement needs associated with existing development. Only needs created by new development will be met by impact fees. Impact fees shall be spent on new or enlarged capital facilities improvements required by new developments that pay the fees.

#### § 80-2. Authority.

Authority for this chapter is provided by Wis. Stat § 66.0617. The provisions of this chapter shall not be construed to limit the power of the Town to adopt any ordinance, other impact fee or other fee pursuant to any other source of local authority or to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in lieu of or in conjunction with this chapter.

#### § 80-3. Applicability.

This section shall be uniformly applicable to all new development that occurs within the Town of New Glarus.

#### § 80-4. Definitions.

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

#### ABANDONED

~~A residential structure shall be determined abandoned if, at the time of the Impact Fee Ordinance adoption (May 6, 2008), three of the following pertains as determined by the Town Building Inspector, Plan Commission or Village Town Board:~~

- ~~1. There is no evidence of human activity at the structure around the house.~~
- ~~2. If the structure has not been properly maintained and fallen into disrepair. No upkeep (i.e. e.g. the roof has collapsed or attachments are falling down, windows are broken, or doors are falling off and unattached).~~
- ~~3. Unlicensed wild animal activity is present within the house.~~
- ~~4. The structure does not have an address or Fire Number. No address or Fire Number.~~
- ~~5. The yard landscape is unkempt (not mowed or no evidence of human travels).~~

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#### BUILDING PERMIT

The permit required for new construction and additions pursuant to Town of New Glarus Code. The term "building permit," as used herein, shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no increase in the number of dwelling units resulting therefrom.

#### CAPITAL COSTS

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

#### CAPITAL IMPROVEMENTS

Public facilities that are treated as capitalized expenses according to generally accepted accounting principles and does not include costs associated with the operation, administration, maintenance or replacement of capital improvements, nor does it include administrative facilities.

#### DEVELOPER

A person, party, firm, corporation or other legal entity that constructs or creates a land development.

#### DEVELOPMENT

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Any man-made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires issuance of a building permit.

**DWELLING UNIT**

Each separate living unit authorized to be constructed on the parcel of land. For example, a single-family residence shall be considered one dwelling unit; a duplex shall be considered two dwelling units; a four-family apartment building shall be considered four dwelling units, etc.

**HABITABLE**

~~A residential structure shall be determined habitable if, at the time of the Impact Fee Ordinance adoption (May 6, 2008), three of the following pertains as determined by the Town Building Inspector, Plan Commission or Village Town Board:~~

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- ~~1. Mechanical and electrical services are connected and usable.~~
- ~~2. The structure has an assigned Fire Number/ or mailing address exists.~~
- ~~3. There is a legal driveway access for emergency vehicles access, consistent with the requirements of Town Ordinance Chapters 36 and 75-Ne.(-).~~
- ~~4. The aAsset value (of the structure, or entire parcel?) exceeds \$10,000.~~
- ~~5. If under construction, the rRoofs, doors, windows and walls are substantially complete as determined by the Building Inspector.~~
- ~~6. An Occupancy Permit was issued by the Town prior to Impact Fee Ordinance date May 6, 2008.~~

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**IMPACT FEE**

Any charge, fee, or assessment levied pursuant to this chapter when any portion of the revenues collected is intended to fund any portion of the capital costs of public facilities or capital improvements identified in this chapter and/or the Public Facilities Needs Assessment.

**LAND DEVELOPMENT**

The construction or modification of improvements to real property that creates additional residential dwelling units within the Town or that result in nonresidential uses that create a need for new, expanded or improved public facilities within the Town.

**MOBILE HOME**

~~A living space that is transportable in one section, is built on a mobile, permanent chassis, and is designed to be used without a foundation. It may be temporarily connected to utilities.~~

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**MANUFACTURED HOME**

~~A living space that is transportable in one or more sections and is designed to be used with a permanent foundation and connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle" which is subject to Impact Fees when connected.~~

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**NEEDS ASSESSMENT**

The assessment of needs required to identify public facility costs for the purpose of calculating impact fees as defined by Wis. Stat. § 66.0617.

**PUBLIC FACILITIES**

Parks and playgrounds, as defined in § 340.01(22), Wisconsin Statutes. "Public facilities" does not include facilities owned by a school district.

**SERVICE STANDARD**

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 Town Board.

**SITE**

The land on which development takes place.

**SUBDIVISION**

A plat, certified survey map, or other method used to divide a parcel of property into two or more separate parcels or lots.

**TOWN**

The Town of New Glarus, Wisconsin.

**TRAILER or OTHER TEMPORARY STRUCTURES**

Places of abode that are designed to be portable (on wheels).

~~**DO YOU WANT THIS TO INCLUDE MOBILE HOMES? IF SO, HERE IS A PROPOSED DEFINITION:**~~

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~~A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."~~

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**§ 80-5. Public facilities need assessment.**

The basis for the imposition of impacts fees is the public facilities needs assessment prepared by Vierbicher Associates in April of 2008, which is on file in the office of the Town Clerk and available for inspection and/or copying in accordance with the State Public Records and Property Law, Subchapter II of Chapter 19, Wisconsin Statutes. The public facilities need assessment includes:

- A. An inventory of existing public facilities, including an identification of any existing deficiencies in the quantity or quality of those public facilities for which an impact fee is imposed.
- B. An identification of the new public facilities, or improvements or expansions of existing public facilities that will be required because of land development for which an impact fee is imposed.
- C. A detailed estimate of the capital costs of providing the new public facilities or the improvements or expansions in existing public facilities, including an estimate of the effect of recovering these capital costs through impact fees on the availability of affordable housing within the Town.
- D. A public facilities needs assessment or revised public facilities needs that are prepared under this section shall be available for public inspection and copying in the office of the Town Clerk at least 20 days before the hearing under [§ 80-6](#).

**§ 80-6. Public hearing; notice.**

Before enacting an ordinance that imposes impact fees, or amending an existing ordinance that imposes impact fees, the Town shall hold a 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 and the public facilities needs assessment may be obtained.

**§ 80-7. Finding of reasonableness and statutory compliance.**

Impact fees imposed by this chapter are found by the Town Board to be reasonable and in compliance with § 66.0617, Wisconsin Statutes, in that they:

- A. Bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development.
- B. Do 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 Town.
- C. Are based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities.
- D. Are to be reduced to compensate for other capital costs imposed by the Town 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, Wisconsin Statutes, or any other items of value.
- E. Are to be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.
- F. Do not include amounts necessary to address existing deficiencies in public facilities.
- G. Shall be payable by the developer or the property owner to the Town in full at the time of the issuance of a building permit by the Town or, if applicable, by the state.
- H. An impact fee adopted by the Town under this chapter may provide for an exemption from, or a reduction in the amount of, impact fees on land development that provides low-cost housing, except that no amount of an impact fee for which an exemption or reduction is provided under this subsection may be shifted to any other development in the land development in which the low-cost housing is located or to any other land development in the Town.
- I. Do not prohibit or deter the construction of affordable housing within the Town.

**§ 80-8. Imposition of impact fees.**

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Impact fees shall be imposed by the Town Board on any land division, planned development, conditional use permit, site plan review or building permit for new construction on vacant land, the construction of additional residential buildings on developed land, and the expansion of existing buildings, at the time any approval or permit is granted that results in an increase in the number of dwelling units which are located in an area on which an impact fee has been imposed. Notwithstanding the above, nothing herein required shall provide for the payment of duplicate impact fees under circumstances where a land development is the subject of more than one approval or permit.

A. When replacement of existing structure(s) is (are) proposed, Impact Fees shall be imposed as follows:

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~~A. (1) When a permanent structure is being replaced or improved;~~

~~(4) i. Impact Fees will be collected if an existing permanent structure was, at the date of the adoption of the Impact Fee Ordinance, abandoned or not habitable as defined by this Ordinance.~~

~~(2) ii. Impact Fees will be not collected if an existing structure, at the date of the adoption of the Impact Fee Ordinance, was not abandoned and/or is habitable.~~

~~—(2) When a temporary residence is being replaced or improved;~~

~~B. an Impact Fee will be not be collected if an existing trailer or temporary residential structure, which has been connected to sewer, water, and electrical and was occupied and legal, is being replaced by a permanent home.~~

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B. When "temporary" structures are proposed, Impact Fees shall be imposed as follows:

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~~A. (1) Impact Fees will be not be collected for trailers or temporary habitable structures to be occupied for less than six months of each calendar year if the structure it has no foundation and no permanent connection to electrical, sewer and water services.~~

~~B. (2) Impact Fees will be collected for a if a new mobile home (not a replacement of a previous dwelling); if it sits on a concrete foundation and has, with connections to electrical, water, and septic-sewer services with a building permit.~~

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**§ 80-9. Use of funds.**

A. Funds collected from impact fees shall be used solely for the purpose of paying the proportionate costs of providing public facilities that may become necessary due to land development. These costs may include the costs of debt service on bonds or similar debt instruments when the debt has been incurred for the purpose of proceeding with designated public facilities projects prior to the collection of all anticipated impact fees for the projects, to reimburse the Town for