

ORDINANCE NO. 20-02

AN ORDINANCE TO AMEND SECTION 7(3) OF ORDINANCE 07-03, AN ORDINANCE
TO ESTABLISH IMPACT FEES

WHEREAS, on or about April 18, 2007, the Town of Eagle Town Board adopted Ordinance 07-03, an “Ordinance To Establish Impact Fees”; and

WHEREAS, Ordinance 07-03 reflects that its adoption was based upon a 15-year planning period to, in light of projected increases in the Town’s population, provide funding to increase the size of the park pavilion, expanded municipal garage facilities, a new library, and an additional fire station; and

WHEREAS, the Town Board desires to amend the provisions of Section 7 of Ordinance 07-03 to clarify the period during which impact fees will be collected under its terms and to correspond with current provisions of Wis. Stat. § 66.0617(9) concerning refunds of uncollected impact fees; and

WHEREAS, a public hearing was conducted by the Town Board on November 20, 2019 following publication of a Class 1 notice under Wis. Stat. § 66.0617(3) that provided notice to the public as to where a copy of this proposed amendment and the original needs study may be obtained; and

WHEREAS, the Town Board finds that the amendment to Section 7 does not include any revision of the amount of the impact fee, or any alteration of the public facilities for which impact fees are imposed, for which a new needs study would be required under Wis. Stat. § 66.0617(4);

WHEREAS, the Town Board finds the proposed amendment to Section 7 of Ordinance 07-03 will promote the original intent of that Ordinance and promote the health, safety, and welfare of the public;

NOW, THEREFORE, the Town Board of the Town of Eagle, Waukesha County, Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1: Section 7, entitled “Administration of Impact Fees,” of Ordinance 07-03 of the Town of Eagle, entitled “An Ordinance to Establish Impact Fees” is hereby amended to read as follows:

SECTION 7 ADMINISTRATION OF IMPACT FEES

A. Collection of Fees. Impact fees due pursuant to this Ordinance shall be collected by the Town prior to the issuance of a building permit affected by this Ordinance. For purposes of this Ordinance, impact fees shall be deemed to be “due

pursuant to this Ordinance” for those building permits affected by this Ordinance that are issued during the period commencing April 19, 2007 and ending April 18, 2022.

B. Transfer to Separate Account. Upon receipt of impact fees, the Town Clerk shall place such funds into a separate, interest bearing account in a bank authorized to do business in Wisconsin. Such funds shall not be commingled with other Town funds. Interest earned by such account shall be credited to such account and used solely for the purposes specified for such account.

C. Records Maintenance. The Town shall maintain adequate financial records for such account showing the sources of revenue and disbursements. Records shall account for all monies received and ensure that disbursement of funds are used solely and exclusively for the capital improvements specified.

D. Refund of Impact Fees. Pursuant to Wis. Stat. § 66.0617(9), impact fees collected under this Ordinance that are not used within 8 years after they are collected pursuant to this Ordinance 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 10 years after they are collected 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, as described in sub. (8). In accordance with Wis. Stat. § 66.0617(9), for purposes of the time limits in this subsection, an impact fee is paid on the date a developer obtains a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality under Wis. Stat. § 66.0617(6)(g).

SECTION 2: SEVERABILITY.

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 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 20th day of November 2019.

TOWN OF EAGLE

Don Malek, Town Chair

ATTEST:

Lynn M. Pepper, Town Clerk