VILLAGE OF HOLMEN

STATE OF WISCONSIN, LA CROSSE COUNTY

ORDINANCE NO. 10-2016

An Ordinance to Amend Certain Portions of Chapter 76, Impact Fees of the Village of Holmen Municipal Code of Ordinances.

The Village Board of the Village of Holmen, La Crosse County, Wisconsin, do ordain as follows:

WHEREAS, pursuant to section 66.0617 of the Wisconsin Statutes, the Village of Holmen is authorized to prepare and adopt an Impact Fee ordinance, or an ordinance amendment; and

WHEREAS, the Village of Holmen previously adopted Ordinance No. 4.06 on August 12, 2006 to create Chapter 76 Impact Fees of the Holmen Municipal Code of Ordinances, after completion of a Public Facilities Needs Assessment dated September 13, 2006; and

WHEREAS, due to projected population and land use needs the Village of Holmen has found it necessary to construct, expand or improve certain public facilities to maintain certain service standards; and

WHEREAS, the Village of Holmen has revised the Public Facilities Needs Assessment, dated October 14, 2016 to identify recommended changes to the impact fees the Village collects; and

WHEREAS, prior to enactment of this ordinance a public hearing was held by the Village Board; and

WHEREAS, notice of the public hearing was provided by a class 1 notice under ch. 985; and

WHEREAS, the revised Public Facilities Needs Assessment, dated October 14, 2016, was made available for public inspection and copying in the office of the Village Clerk at least 20 days before a public hearing was held on this ordinance; and

WHEREAS, pursuant to section 66.0617(9) of the Wisconsin Statutes, the Village of Holmen specifies that the length of time to collect impact fee for all categories of public facilities described in Chapter 76-12 shall be 10 years from the effective date of this Ordinance, subject to any extensions approved by the Village Board pursuant to section 66.0617(9)(b) of the Wisconsin Statutes; and

NOW THEREFORE, the Village Board for the Village of Holmen does hereby ordain the following amendments to Chapter 76 of the Village of Holmen Municipal Code of Ordinances:

SECTION 1: SUMMARY OF CHAPTER 76 CODE AMENDMENTS

§ 76-5. Public facilities needs assessment.

The basis for the imposition of impacts fees is the Public Facilities Needs Assessment prepared by ~~**Vierbicher Associates in September of 2006,**~~ **(INSERT) MSA Professional Services, Inc. in October/November of 2016**, which is on file in the office of the Village 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 Village.

§ 76-9. Use of funds.

C. These impact fees shall be collected until the capital costs associated with the projects specified in the Public Facilities Needs Assessment Report, as amended from time to time, have been incurred and satisfied. **(INSERT) Said impact fees shall be used within the time periods specified in § 76-10(c) and § 76-13 of this ordinance.** ~~**unless such time period exceeds seven years beyond projected satisfaction of indebtedness of the specified projects for which these impact fees are imposed.**~~

§ 76-10. Payment and collection of fees.

C. Refund. **(INSERT) Impact fees that are collected by the Village within seven years of the effective date of this ordinance, for any facility described in the needs assessment, but are not expended or encumbered by the end of the calendar quarter immediately following 10 years after the effective date of this ordinance, shall be returned to such landowner along with any interest that has accumulated in accordance with section 66.0617(9)(a) Wisconsin Statutes.** ~~**Any funds not expended or encumbered by the end of the calendar quarter immediately following seven years from the date the impact fee was paid for any facility described in the needs assessment shall be returned to such landowner. The Village Board considers seven years to be a reasonable time period for planning and financing all public facilities identified in the public facilities needs assessment.**~~

§ 76-12. Impact fee schedules. (REPEAL EXISTING THREE TABLES AND REPLACE IN ITS ENTIRETY THE FOLLOWING TABLES)

Category	Residential Dwelling Unit	Commercial/Industrial Develop.
Highways and transportation facilities	$413	$400 (per acre or fraction thereof of impervious land area)
Traffic control devices	$0	$0
Sewage collection and treatment facilities	$1,587	Based on meter size
Storm and surface water collection and treatment facilities	$0	$0
Water pumping, storage and distribution facilities	$877	Based on meter size
Parks and playgrounds	$717	$1,528 (per acre or fraction thereof of impervious land area)

Solid waste and recycling facilities	$0	$0
Fire protection and emergency medical facilities	$0	$0
Law enforcement facilities	$160	$740 (per acre or fraction thereof of impervious land area)
Public library facilities	$295	$0
Total	$4,049	$2,668 (per acre or fraction thereof of impervious land area) + sewage and water based on meter size

Sewage Collection and Treatment Facilities Fee Schedule for Commercial/Industrial Development				
Meter Size (inches)	**Meter Size Factor**	**Water Usage (gpd)**	**Impact Fee Rate**	**Impact Fee**
0.625 and 0.75	1.00	178	$8.915	$1,587
1	1.67	297	$8.915	$2,650
1.5	3.33	593	$8.915	$5,284
2	6.67	1,187	$8.915	$10,584
3	16.00	2,848	$8.915	$25,390
4	28.00	4,984	$8.915	$44,432
6	61.33	10,917	$8.915	$97,323

Water Pumping, Storage and Distribution Facilities Fee Schedule for Commercial/Industrial Development				
Meter Size (inches)	**Meter Size Factor**	**Water Usage (gpd)**	**Impact Fee Rate**	**Impact Fee**
0.625 and 0.75	1.00	178	$4.927	$877
1	1.67	297	$4.927	$1,465
1.5	3.33	593	$4.927	$2,920
2	6.67	1,187	$4.927	$5,850
3	16.00	2,848	$4.927	$14,032
4	28.00	4,984	$4.927	$24,556
6	61.33	10,917	$4.927	$53,787

§ 76-13. Time limit for use.

(INSERT) With regard to an impact fee that is collected more than seven years after the effective date of this ordinance, such impact fees shall be expended or encumbered by the end of the calendar quarter immediately following 10 years after they are collected to pay the capital costs for which they were imposed, or they shall be refunded to the current owner of the property with respect to which the impact fees were imposed, along with any interest that has accumulated in accordance with section 66.0617(9)(d) Wisconsin Statutes. ~~**Impact fees imposed and collected by the Village under this chapter shall be used within seven years of the date of collection by the Village to pay the capital costs of all public facilities for which they were imposed or, in the alternative, refunded to the current owner of the real property with respect to which the impact fees were imposed. Said seven year period of time is found to be reasonable by the Village Board of the Village of Holmen in view of the appropriate planning and financing periods for the particular types of public facilities for which the impact fees are imposed.**~~

SECTION 2: SEVERABILITY

The provisions of this chapter are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience, and they shall be liberally construed to effectively carry out their purposes. If any subsection, phrase, sentence, or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law. This ordinance passed this 8th day December, 2016.

Nancy Proctor

Nancy Proctor, Village President

ATTEST:

Angela Hornberg, Village Clerk/Treasurer

Published:
Posted: