

AN ORDINANCE TO CREATE CHAPTER 40 OF THE CODE OF ORDINANCES  
OF THE VILLAGE OF EAGLE ESTABLISHING IMPACT FEES

The Village Board of the Village of Eagle, Waukesha County, Wisconsin, does ordain as follows:

Section 1: Chapter 40, as it relates to impact fees is hereby created to read as follows:

Chapter 40  
Impact Fees

- 40.01 Authority
- 40.02 Purpose
- 40.03 Definitions
- 40.04 Imposition of Impact Fees
- 40.05 Law Enforcement Facilities Impact Fee
- 40.06 Water Supply Storage Facilities Impact Fee
- 40.07 Library Facilities Impact Fee
- 40.08 Fee Reduction
- 40.09 Exemption From Fees
- 40.10 Elderly Housing
- 40.11 Administration and Review
- 40.12 Appeal
- 40.13 Severability
- 40.14 Effective Date

40.01 AUTHORITY. This ordinance is authorized under §66.0617, Wis. Stats. The provisions of this ordinance shall not be construed to limit the power of the Village to adopt such ordinance pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this ordinance.

40.02 PURPOSE. The purpose of this ordinance is to promote the public health, safety and general welfare of the community and to facilitate the adequate provision of law enforcement facilities, water supply storage facilities, and library facilities by imposing impact fees upon developers to pay for the capital costs of public facilities that are necessary to accommodate land development.

40.03 DEFINITIONS. As used in this section, the following terms shall have the meanings indicated:

1. CAPITAL COST. 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 Village can demonstrate that it's 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 do not include other non-capital costs to construct, expand or improve public facilities.

2. DEVELOPER. A person that constructs or creates a land development
3. IMPACT FEES. Cash fees or contributions of land imposed upon a developer under this chapter.
4. LAND DEVELOPMENT. The construction or modification of improvements to real property that creates additional residential dwelling units within the Village or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Village.
5. RESIDENTIAL EQUIVALENT CONNECTION (REC). A unit of measure for water related impact fees equivalent to the average amount of water capacity needed to supply one single-family residential dwelling unit. For the purpose of the water supply impact fees established under this Ordinance, a REC shall be equal to 200 gallons per day or 73,000 gallons annually.

#### 40.04 IMPOSITION OF IMPACT FEES.

1. Impact fees are hereby imposed on all developments and land divisions within the Village of Eagle and shall be calculated pursuant to this ordinance.
2. For residential and non-residential development, impact fees shall be due at the time of the Final Plat approval. As such, Final Site Plat approval and recording shall be contingent upon payment of said fees and no permit shall be issued for development until payment is received.
3. For all developments not subject to subsection (2), no plumbing or building permit shall be issued for land development unless the impact fees set forth in this chapter are imposed and calculated pursuant to this ordinance. Fee shall be payable at the time plumbing or building permits are issued.

#### 40.05 LAW ENFORCEMENT FACILITIES IMPACT FEE.

1. Any developer creating or constructing development within the Village shall pay a fee to the Village to provide for the capital costs of law enforcement facilities necessary to accommodate land development, except as provided in §40.09 below.
2. The amount of the fee per unit to be constructed or created by the proposed development, subject to adjustment pursuant to §40.10 below, shall be as follows:

- (a) For single-family or two-family residential development, the fee shall be \$275 per dwelling unit.
- (b) For multi-family residential development units of 2 bedrooms or more the fee shall be \$222 per dwelling unit.
- (c) For multi-family residential development of 1 bedroom or less, the fee shall be \$148 per dwelling unit.
- (d) For commercial development, the fee shall be \$0.048 per square foot.
- (e) For industrial development, the fee shall be \$0.030 per square foot of building space.

3. Such fees collected by the Village shall be placed in a special fund, which shall be separate from the general fund of the Village, and the special fund and all interest earned thereon shall be used exclusively for the capital costs of law enforcement facilities within the Village.

4. Such fees shall be expended by the Village for the aforesaid purpose within 7 years of the date of payment, or such fee amount paid shall be refunded by the Village to the current owner of the property with respect to which the impact fees were imposed.

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**40.06 WATER SUPPLY AND STORAGE FACILITIES IMPACT FEE**

- 1. Any developer creating or constructing development within the Village shall pay a fee to the Village to provide for the capital costs of water supply and storage facilities that are necessary to accommodate land development, except as provided in §40.09 below.
- 2. The amount of the fee per unit to be constructed or created by the proposed development, subject to adjustment pursuant to §40.10 below, shall be as follows:
  - (a) The water supply and storage facilities impact fee shall be \$1,553 per REC.
  - (b) For all residential users of the water system, the following table shall be used to determine the number of residential equivalent connections (REC) per dwelling unit or building.

<b>Residential Users</b>	<b>RECs</b>
Condominium	1.00
Single-family home	1.00
Duplex	2.00
Multiple-family (2 bedrooms or more)	1.00/unit
Multiple-family (1 bedroom or less)	0.75/unit

(c) For all nonresidential users of the water system, anticipated water consumption shall be estimated from the following table for purposes of computing water impact fees unless the Department of Public Works/Water Superintendent determines that the information in the table does not accurately reflect the user's anticipated water consumption in which case the Department of Public Works/Water Superintendent will estimate water consumption. The RECs will be determined by dividing the estimated water consumption by the water consumption for 1.00 REC. The minimum REC for any property shall not be less than 1.00 REC. Upon completion of the REC computations, all RECs will be rounded up to the nearest 0.5 REC and an impact fee of \$1,553 per REC will be calculated.

Standard Industrial Classification Code	Description	Gallons per Employee Hour
0742	Veterinary services for animal specialties	20.0
0752	Animal specialty services	16.0
0782	Lawn and garden services	10.0
1446	Industrial sand	5.0
1521	General contractors - Residential	2.3
1541	General contractors - Industrial buildings and warehouses	2.3
1611	General contractors-Public Works	2.3
1711	Plumbing, heating and air conditioning	2.3
1731	Electrical work	2.3
1761	Roofing and sheet metal work	2.3
1799	Special trade contractors (not elsewhere classified)	2.3
2013	Sausage and other prepared meats	110.0
2065	Candy and other confectionery products	50.0
2087	Flavoring extracts and syrups (not elsewhere classified)	75.0
2394	Canvas and related products	2.3
2431	Millwork	5.0
2434	Wood kitchen cabinets	5.0
2522	Metal office furniture	2.3
7721	Periodicals: Publishing and printing	10.0
2731	Books: Publishing and printing	10.0
2751	Commercial printing, letterpress and screen	10.0
2752	Commercial printing, lithographic	10.0
2789	Book binding and related work	10.0
2795	Lithographic plate making and related services	25.0
2819	Industrial inorganic chemicals (not elsewhere classified)	10.0
2834	Pharmaceutical preparation	10.0
2841	Soap and other detergents	15.0
2893	Manufacturing of printing ink	30.0

2899	Chemicals and chemical preparations (not elsewhere classified)	10.0
3079	Miscellaneous plastic products	85.0
3111	Leather tanning and finishing	345.0
3272	Concrete products, except block and brick	25.0
3444	Sheet metal work	40.0
3451	Screw machine products	10.0
3462	Iron and steel forging	5.0
3469	Metal stampings (not elsewhere classified)	5.0
3471	Electroplating, plating, polishing, anodizing, etc.	50.0
3479	Coating, engraving and allied services (not elsewhere classified)	100.0
3495	Wire springs	203.0
3498	Fabricated pipe and fittings	203.0
3499	Fabricated metal products (not elsewhere classified)	25.0
3531	Construction machinery and equipment	5.0
3544	Spec. dies and tools, die sets, jigs and fixtures, molds	10.0
3562	Ball and roller bearings	5.0
3565	Industrial patterns	5.0
3569	General industrial machinery & equipment (not elsewhere classified)	4.0
3576	Scales and balances, except laboratory	2.3
3599	Machinery, except electrical (not elsewhere classified)	10.0
3613	Switchgear and switchboard apparatus	5.0
3632	Household refrigerators and home and farm freezers	2.3
3694	Electrical equipment for internal combustion engines	2.3
2714	Motor vehicle parts and accessories	75.0
3999	Manufacturing industries (not elsewhere classified)	2.3
4141	Local passenger transportation charter service	2.3
4151	School busses	2.3
4212	Local trucking without storage	10.0
4213	Trucking, except local	2.3
4225	General warehousing and storage	2.3
4311	U.S. Postal Service	2.3
4722	Travel agency	2.3
4811	Telephone communication	2.3
4832	Radio broadcasting	2.3
5042	Toys and hobby goods and supplies	2.3
5063	Electrical apparatus and equipment	2.3
5054	Electrical appliances	2.3
5072	Hardware - Wholesale distribution	2.3
5082	Construction and mining machinery and equipment	2.3
5084	Industrial machinery and equipment	2.3
5142	Frozen foods.	10.0
5149	Wholesale groceries and related products (not elsewhere classified)	10.0
5199	Wholesale nondurable goods (not elsewhere classified)	10.0
5211	Lumber and other building materials	2.3

5231	Paint, glass, wallpaper	2.3
5251	Hardware - Retail sales	2.3
5261	Retail nurseries, lawn and garden supply stores	10.0
5271	Mobile home dealers	2.3
5311	Department stores	2.3
5331	Variety stores	2.3
5411	Grocery stores with meat and produce departments	16.0
5412	Grocery stores without meat and produce departments	6.0
5441	Candy, nut, and confectionery stores	10.0
5499	Miscellaneous food stores	2.3
5511	Motor vehicle dealers	5.0
5531	Auto and home supply stores	2.3
5541	Gasoline service stations	15.0
5551	Boat dealers	5.0
5611	Clothing stores	2.3
5651	Shoe stores	2.3
5681	Furriers and fur shops	5.0
5711	Furniture, floor coverings, appliances	2.3
5812	Eating places (restaurants)	20.0
5813	Drinking places (taverns)	45.0
5912	Drugstores and proprietary stores	2.3
5921	Liquor stores	2.3
5931	Used merchandise stores	2.3
5941	Sporting goods stores and bicycle shops	2.3
5942-9	Miscellaneous stores	2.3
5992	Florists	10.0
5999	All other retail stores	2.3
6022-9	Banks	2.3
6122-63	Savings and loans	2.3
6311	Insurance companies	2.3
6411	Insurance agents	2.3
6512	Operators of nonresidential buildings	2.3
6515	Operators of residential mobile home sites	2.3
6531	Real estate agents and managers	2.3
6553	Cemetery sub-dividers and developers	2.3
6722	Management investment offices	2.3
7011	Hotels, motels, tourist courts	0.5
7211	Power laundries, family and commercial	105.0
7212	Cleaning and laundry pickup stations	2.3
7215	Fac. Coin-op laundries and dry cleaning	910.0
7221	Photographic studios	2.3
7231	Beauty shops	16.0
7241	Barber shops	10.0
7161	Funeral service and crematories	15.0

7299	Miscellaneous services (not elsewhere classified)	2.3
7311	Advertising agencies, employment services	2.3
7332	Blueprinting and photocopying services	2.3
7351	Employment agencies	2.3
7391	Research and development laboratories	10.0
7395	Photofinishing labs	10.0
7512	Passenger car rental and leasing, w/o drivers	10.0
7531	Top and body repair shop	5.0
7534	Tire re-treading and repair shops	20.0
7538	General automotive repair shops	5.0
7542	Car washes	115.0
7622	Radio and television repair	1.3
7699	Repair shops and related services (not elsewhere classified)	20.0
7832	Motion picture theaters, not drive-ins	20.0
7922	Theatrical producers	20.0
7933	Bowling alleys	50.0
7992	Public golf courses	45.0
7997	Membership sports and recreation clubs	75.0
7999	Roller rinks gymnasiums, museums	20.0
8011	Offices of physicians	10.0
8021	Offices of dentists	10.0
8031	Offices of osteopaths	10.0
8041	Offices of chiropractors	10.0
8051	Skilled nursing care facilities	20.0
8091	Health and allied services (not elsewhere classified)	10.0
8111	Attorneys	2.3
8211	Elementary and secondary schools	20.0
8221	Colleges, universities and professional schools	25.0
8231	Libraries and information centers	20.0
8249	Vocational schools (not elsewhere classified)	20.0
8421	Arboreta, botanical and zoological gardens	45.0
8621	Professional membership organizations	2.3
8641	Civic, social and fraternal associations	15.0
8661	Religious organizations (hours occupied only)	20.0
8699	Membership organizations (not elsewhere classified)	2.3
8911	Engineering, architectural and surveying services	2.3
8931	Accountants	2.3
9199	General government (not elsewhere classified)	2.3
9221	Police protection	2.3
9224	Fire protection	2.3
9451	Administration of veteran's affairs	2.3
9999	All offices (not elsewhere classified)	2.3

SIC Code Source: Office of Management and Budget, Executive Office of the President

- (d) Since the impact fee determined under subsections (a) or (c) above is based upon the estimated intended usage, the Village shall have the right to recalculate the charge based upon actual usage for a 12-month period. At any time between the first and third anniversary dates of establishment of the nonresidential water service account, the Village may review the account history to determine the highest actual recorded usage in a 12-month period.
- (e) Based upon the information obtained under subsection (c), the Village may recalculate the impact fee pursuant to subsection 2. (d) above. If the recalculated charge exceeds that of the amount paid for the original charge, the additional amount shall become due and payable at the time the adjustment is made.
- (f) Such fees collected by the Village shall be placed in a special fund which shall be separate from the general fund of the Village, and the special fund and all interest earned thereon shall be used exclusively for the capital costs for water supply and storage facilities within the Village.
- (g) Such fees shall be expended by the Village for the aforesaid purpose within 7 years of the date of payment, or such fee amount paid shall be refunded by the Village to the current owner of the property with respect to which the impact fees were imposed.

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#### 40.07 LIBRARY FACILITIES IMPACT FEE

1. Any developer creating for constructing additional residential dwelling units within the Village shall pay a fee to the Village to provide for the capital costs necessary to accommodate the library facilities needs of land development, except as provided in §40.09 below.
2. The amount of the fee per residential dwelling unit to be constructed or created by the proposed development, subject to adjustment pursuant to §40.10 below, shall be as follows:
  - (a) For single-family or two-family residential development, the fee shall be \$898 per dwelling unit.
  - (b) For multi-family residential development units of 2 bedrooms or more, the fee shall be \$725 per dwelling unit.
  - (c) For multi-family residential development units of 1 bedroom or less, the fee shall be \$483 per dwelling unit.
3. Such fees collected by the Village shall be placed in a special fund which shall be separate from the general fund of the Village, and the special fund and all interest earned thereon shall be used exclusively for the capital costs for library facilities within the Village.

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4. Such fees shall be expended by the Village for the aforesaid purpose within 7 years of the date of payment, or such fee amount paid shall be refunded by the Village to the current owner of the property with respect to which the impact fees were imposed.

#### 40.08 FEE REDUCTION

1. Any impact fee imposed under this section shall be reduced to compensate for capital costs otherwise imposed by the Village upon land development, for the same public facilities for which an impact fee is imposed under this section, including special assessments, special charges, land dedications or fees in lieu of land dedications under Ch. 236, Wis. Stats., or any other ordinance adopted thereunder or any other items of value. Impact fees imposed under this section shall also 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 under this section are imposed.

#### 40.09 EXEMPTION FROM FEES

1. The lawful new construction of a single-family dwelling structure razed or to be razed within one year of the date of the issuance of a building permit for the new construction as part of the new construction project shall be exempt from the fees imposed under this section. Any new construction of a single-family dwelling structure upon a single parcel of land involving the demolition of a preexisting residential structure upon such single parcel of land, which projects is similar to but not exactly as described above, may be found to be exempt upon application to the Village Board and finding by the Village Board that such project does not bear a rational relationship to the need for new, expanded or improved public facilities required to serve such development. Such application shall be made to the Village Board prior to the payment of any fees under this section.

#### 40.10 ELDERLY HOUSING

1. The Village Board may, in its discretion, negotiate a lesser impact fee to assist in the establishment of subsidized housing for the elderly.

#### 40.11 ADMINISTRATION AND REVIEW

1. All fees collected and special accounts maintained under this section shall be subject to administration by the Village Treasurer. The Treasurer shall report annually to the Village Board with regard to all deposits, withdrawals and fund balances in these accounts. The purpose of the annual report is to provide the Village Board with information necessary to determine that all funds collected are spent within the time required for the purpose intended and that the amount of fees imposed continues to represent an equitable and reasonable apportionment of

the cost of public improvements and requirements generated by land development. Upon such considerations and for such purposes, the Village Board may determine whether there exists any reasonable need for refund of fees previously collected. The impact fees imposed under this ordinance shall be increased by 4% annually. The Village Treasurer or designee shall calculate the adjusted fees and maintain a copy of the calculations and the adjusted impact fees in the office of the Village Clerk.

#### 40.12 APPEAL

1. Any developer upon whom an impact fee is imposed under this section shall have the right to contest the amount, collection or use of the impact fee to the Village Board, provided that the developer files a written notice of appeal in the Village Clerk's office within 15 days of the final plat approval upon which the impact fee is imposed. Such notice of appeal shall be entitled "Notice of Appeal of Impact Fee" and shall state the developer's name, address, telephone number, address (if available) and legal description or tax parcel identification number of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. The Village Clerk shall schedule the appeal for consideration by the Village Board at a regular meeting as soon as reasonably practicable under the circumstances and shall mail, deposited in the mail no later than at least ten days before the date of such meeting. Upon review of such appeal, the Village Board may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.

#### 40.13 SEVERABILITY

1. If any provision of this Ordinance is found to be illegal, the remaining provisions shall remain in effect.

40.14 EFFECTIVE DATE This Ordinance shall take effect on May 11<sup>th</sup>, 2006

Adopted this 11th day of May, 2006

  
Richard Spurtell, Village President

Attest:   
Shirley Mealy, Village Clerk