

CHAPTER 22

IMPACT FEES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

22.01..... Definitions

22.02..... Establishment of Impact Fees

22.03..... Standards for Fees

22.04..... Time Limit for Expenditures

22.05..... Payment of Impact Fees

22.06..... Administration of Impact Fees

22.07..... Installment Payments

22.08..... Appeals

22.09..... Reduction in Impact Fee

22.10..... Periodic Review of Impact Fees

17 **22.01 DEFINITIONS**

18

19 (1) The definitions set forth in Wis. Stat. §66.0617(1) and any amendments
20 thereto, are hereby incorporated and made a part of this ordinance as if
21 fully set forth herein. In addition, in this chapter the following definition
22 shall apply:

23

24 (a) RESIDENTIAL EQUIVALENT UNIT (REU) means a unit of
25 measure for impact fees equivalent to one residential dwelling unit.
26 For residential uses, the REU is the number of residential units
27 created by new land development. Non-residential uses, such as
28 commercial or industrial development, will be converted to REU
29 for the purpose of assessing an impact fee using generally accepted
30 and established standards.

31

32 **22.02 ESTABLISHMENT OF IMPACT FEES.**

33

34 (1) The following impact fees are established by the Town pursuant to Wis. Stat.
35 §66.0617:

36

37 (a) Facilities for other transportation impact fees in the amount of \$1298.70 per
38 REU as set forth in the Public Facilities Needs Assessment.

39

40 (b) These impact fees shall be imposed on any person seeking to construct or
41 create a land development within the Town, including land development on
42 vacant land, and land development on lots created before and after the
43 effective date of this ordinance.

44

45 **22.03 STANDARDS FOR FEES.**

46

47 (1) Impact Fees imposed under this section:

48

49 (a) Shall bear a rational relationship to the need for new, expanded, or
50 improved public facilities that are required to serve land development.

51

52 (b) May not exceed the proportionate share of the capital costs that are required
53 to serve land development as compared to existing land uses of land within
54 the Town of River Falls.

55

56 (c) Shall be based upon actual capital costs or reasonable estimates of capital
57 costs for new, expanded, or improved facilities.

58

59 (d) Shall be reduced to compensate for other capital costs imposed by the
60 Town of River Falls with respect to land development to provide or pay for
61 public facilities, including special assessments, special charges, land

62 dedications, or fees in lieu of land dedication, under Wis. Stat. Chapter 236
63 or any other items of value.

64
65 (e) Shall be reduced to compensate for moneys received from the federal or
66 state government specifically to provide or pay for the public facilities for
67 which the impact fees are imposed.

68
69 (f) May not include amounts necessary to address existing deficiencies in
70 public facilities.

71

72 **22.04 TIME LIMIT FOR EXPENDITURES.**

73

74 (1) In accordance with Wis. Stat. §66.0617(9)(a), the Town of River Falls shall
75 specify that impact fees will be used within 7 years after they are collected to
76 pay for capital costs for which they were imposed. The 10 year time limit for
77 using impact fees may be extended pursuant to Wis. Stat. §66.0617(9)(b) for a
78 period of up to 3 years if the Town Board adopts a resolution stating that due to
79 extenuating circumstances or hardship in meeting the 10 year limit, it needs up
80 to an additional 3 years to use the impact fees that were collected. The
81 resolution shall specify the extenuating circumstances or hardship that led to
82 the need to adopt a resolution under this paragraph.

83

84 (2) Impact fees held by the Town and not used within the time period shall be
85 refunded to the current owner of property with respect to which the impact fees
86 were imposed.

87

88 **22.05 PAYMENT OF IMPACT FEES.**

89

90 (1) In accordance with Wis. Stat. §66.0617(6)(g), all required impact fees shall be
91 payable by the developer or the property owner to the Town of River Falls in
92 full within 14 days of the issuance of a building permit.

93

94 **22.06 ADMINISTRATION OF IMPACT FEES.**

95

96 (1) Revenues collected by the Town as impact fees shall be placed by the Town
97 Treasurer in a separate segregated, interest-bearing account and shall be
98 accounted for separately from the other funds of the Town of River Falls.
99 Impact fee revenues and interest earned on impact fee revenues may be
100 expended by the Town only for capital costs for which the impact fees were
101 imposed. These costs may include the cost of debt service on bonds or similar
102 instruments when the debt has been incurred for the purpose of proceeding
103 with designated public facilities projects prior to the collection of all
104 anticipated impact fees for that project, to reimburse the Town for advances
105 of other funds or reserves, and such other uses consistent with Wis. Stat.
106 §66.0617, which are recorded by the Town Board.

107

108 **22.07 INSTALLMENT PAYMENTS.**

109

110 (1) The Town Board may, in its sole discretion, authorize by resolution the
111 payment of impact fees in installment payments. If installment payments are
112 authorized, interest shall be paid on the installment payments at the same rate
113 then charged by the Town on installment payments for special assessments.

114

115 **22.08 APPEALS.**

116

117 (1) No appeal may be commenced pursuant to this section if any applicable impact
118 fee or installment payment is delinquent. No impact fee payment obligation
119 shall be suspended during pendency of any appeal filed pursuant to this section.

120

121 (2) Pursuant to Wis. Stat. §66.0617(10), the only issues which can be raised upon
122 an impact fee appeal are the following:

123

124 (a) The amount of the impact fee imposed by the Town and paid by the
125 developer or property owner;

126

127 (b) The method of collection of the impact fee;

128

129 (c) The purpose for which the Town expends the impact fee funds.

130

131 (3) Appeals must be brought within 30 days or the earlier of:

132

133 (a) The due date for payment of the applicable impact fee; or

134

135 (b) The due date of the first installment payment.

136

137 (4) The Town Board shall from time to time establish by resolution the filing fee
138 required to be paid at the time of filing of the appeal. A copy of the current
139 filing fees can be obtained from the Town Clerk. The notice of appeal shall be
140 filed with the Town Clerk.

141

142 (5) Following the filing of the notice of appeal, the Town Clerk shall compile a
143 record of the ordinance imposing the contested impact fee and a record of the
144 management and expenditures of the impact fees. The Town Clerk shall
145 transmit these documents to the Town Board. The Town Clerk shall also
146 compile a report for each appeal in which the appellant is seeking a total or
147 partial refund of the impact fee paid. This report shall specify the fiscal impact
148 of a successful appeal on the Town of River Falls. The fiscal impact report
149 shall estimate whether it will be necessary for the Town to adjust impact fees
150 or amend existing ordinances if there is a successful appeal.

151

152 (6) The Town Board shall hold a public hearing on the appeal, preceded by a Class
153 1 notice, providing fair opportunity for the appellant to be heard. The burden

154 shall be on the appellant to establish illegality or impropriety of the impact fee
155 at issue. Following the close of the public hearing, the Town Board shall
156 deliberate upon the matter and shall conduct any studies and inquiries it deems
157 appropriate to decide the appeal.

158
159 (7) If the Town Board determines that the appeal has merit, it shall determine
160 appropriate remedies. These may include reallocation of the proceeds of the
161 challenged impact fee to accomplish the purposes for which the fee was
162 collected; refunding the impact fee in full or in part, along with interest
163 collected by the Town thereon; granting the appellant the opportunity to make
164 the impact fee payment in installments; or such other remedies as it deems
165 appropriate in a particular case.

166
167 **22.09 REDUCTION IN IMPACT FEE.**

168
169 (1) The Town Board may, at its sole discretion, agree to reduce the amount of the
170 impact fee imposed on a specific land development that provides state or
171 federal funded low or moderate income housing within the Town. Pursuant to
172 Wis. Stat. §66.0617(6), no amount of an impact fee for which a reduction is
173 provided under the subsection may be shifted to any other development in the
174 land development in which the low-cost housing is located or to any other land
175 development in the Town of River Falls.

176
177 **22.10 PERIODIC REVIEW OF IMPACT FEES.**

178
179 (1) The Town Board may periodically review the impact fees established herein
180 and modify them, if necessary, to account for changing facility needs, inflation,
181 revised cost estimated capital improvements, changes in other funding sources
182 applicable to public facility projects and other relevant factors and in
183 accordance with the standards for impact fees set forth in Wis. Stat. §66.0617.