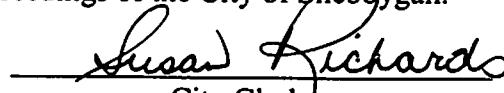


OFFICE OF THE CITY CLERK
Sheboygan, Wisconsin
CITY HALL

I hereby certify that this is a true copy of a
document from the Common Council
proceedings of the City of Sheboygan.


City Clerk

Subs. of Gen. Ord. No. 36 - 16 - 17. By Alderpersons Belanger, Thiel,
Bohren, Bitters and Rabe.
January 16, 2017.

AN ORDINANCE creating Article III of Chapter 74 of the Municipal Code
relating to impact fees.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Article III of Chapter 74 of the Municipal Code is hereby
created to read as follows:

"ARTICLE III. PARK IMPACT FEES

Sec. 74-80. *Purpose and Authority.*

This ordinance imposes impact fees in accordance with §66.0617, Wis.
Stats., to pay for park and recreation facilities required to serve new
development.

Sec. 74-81. *Definitions.*

Words used in this ordinance have the meanings given in §66.0617(1),
Wis. Stats.

Sec. 74-82. *Imposition of Impact Fees.*

a) By this ordinance, the City imposes an impact fee on residential
development. No building permit shall be issued for residential
development without payment of the following impact fees.

b) During the 2017 calendar year, the impact fee imposed by the
City shall be \$547.00 per dwelling unit.

c) The impact fees imposed under this section shall be
automatically adjusted, without further action by the Common Council,
during the first quarter of each year by the percentage equal to that of
the rate of consumer inflation based upon the percent of change of the
yearly Consumer Price Index for the previous year for the Milwaukee
metropolitan area as reported by the U.S. Department of Labor, Bureau of
Labor Statistics. The finance director/treasurer, or his/her designee,
shall determine such adjustment and maintain a copy of the said Consumer
Price Index upon which such adjustment was made in the Finance Department.

Sec. 74-83. *Impact Fee Adjustments.*

a) The City may reduce the impact fee by the value of land dedicated by the developer to the City of Sheboygan and accepted by the City.

b) As allowed by §66.0617(7), Wis. Stats., the Common Council may waive or reduce 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 land development in the municipality.

c) Impact fees shall be reduced as required by §66.0617(6)(d), Wis. Stats., to compensate for other capital costs imposed by the municipality for the public facilities for which the impact fees are imposed.

d) Impact fees shall be reduced as required by §66.0617(6)(e), Wis. Stats., 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.

Sec. 74-84. *Segregated Account.*

As required by §66.0617(8), Wis. Stats., the City shall maintain a segregated, interest-bearing account for revenues collected from impact fees. The City shall account for impact fee funds separately from other City funds. The City shall only expend funds in the segregated account for the specific projects for which the impact fee was imposed and for refunds required under sec. 74-86.

Sec. 74-85. *Time of Use and Refunds.*

a) As required by §66.0617(9)(a), Wis. Stats., impact fees collected within seven years of the effective date of this ordinance, but not used within ten years after the effective date of this ordinance to pay the capital costs for which they were imposed, shall be refunded to the current owner of the property on which the impact fees were imposed, along with any accumulated interest.

b) Impact fees collected more than seven years after the effective date of this ordinance shall be used to pay for the capital costs for which they were imposed or refunded as provided in subsection (a) above within ten years of the date on which they were collected.

Sec. 74-86. *Appeals.*

a) A developer upon whom an impact fee is imposed may appeal the amount, method of collection, or use of the impact fee in writing to the department of planning and development, provided the following conditions are met:

- 1) The developer files the appeal within 15 days of the date on which the impact fee is imposed; and
- 2) The developer specifies in writing the basis for the appeal, including his or her independent calculation of the impact fee and all information supporting the independent calculation; and
- 3) The developer pays the impact fee to the City before filing the appeal.

b) Within 30 days of receiving the appeal request, the department of planning and development shall evaluate the appeal, recommend a resolution, and forward the appeal and recommendation to the law and licensing committee for a hearing. The hearing shall be heard within fifteen days of receipt of the appeal and recommendation by the committee.

c) Any interested party may present evidence directly related to the issues raised in the appeal. At such a hearing, the determination of the department of planning and development shall be termed an initial determination.

d) The owner or custodian may file with the request for hearing written evidence and argument in support of the person's position with respect to the initial determination.

e) If the law and licensing committee finds that the impact fee does not comply with this ordinance and \$66.0617, Wis. Stats., it may negate or modify the impact fee.

f) Provided the developer has paid the impact fee and properly obtained all required permits and approvals, the developer may proceed with construction while the impact fee appeal is under consideration.

Sec. 74-87. *Effect of Impact Fee on Zoning and Subdivision Regulations.*

This ordinance shall not affect any zoning or subdivision regulations or any other regulations of the City of Sheboygan, which shall remain in full force and effect.

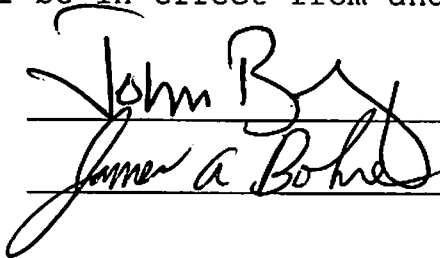
Sec. 74-88. Impact Fee as Additional and Supplemental Requirement.

Except as required by §66.0617(6)(d), Wis. Stats., the impact fee established by this ordinance is an addition and supplement to, not a substitute for, any other requirements imposed on the development of land or the issuance of building permits.

Sec. 74-89. Severability.

If any provision of this ordinance is declared illegal or invalid for any reason, that illegality or invalidity shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.



Subs.
I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 19th day of January, 2017.

Dated January 23 2017. Susan Richards, City Clerk

Approved January 23 2017: Michael Vanderstra, Mayor
Proceedings Published January 26, 2017.
Ordinances Published January 26, 2017.

Certified January 26, 2017 to - Atty.; Ord. Book; Code Book; Municipal Court; City Dev.; Fin. Dir./Treas.; CA; Eng.