

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.

Susan Richards  
City Clerk

Gen. Ord. No. 3 - 17 - 18. By Alderpersons Wolf, Schneider,  
Bitters, Belanger and Nelson. May 15, 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.

Why Bitters  
to succeed - pass Ord. 3-17-18  
not as the required to amend the  
the 12/13/17 meeting to suspend  
the process.

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.

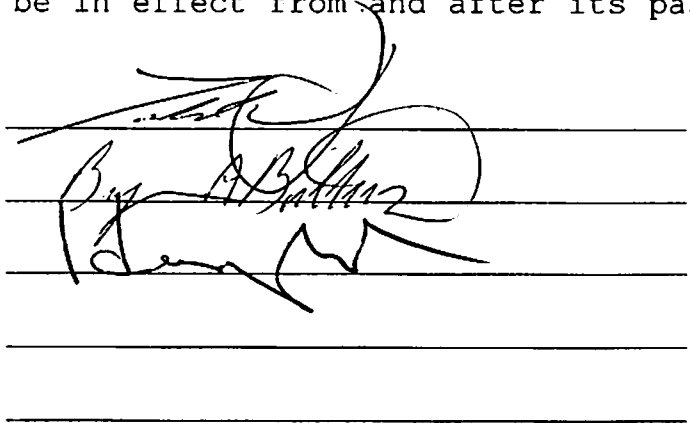
Sec. 74-88. *Impact Fee as Additional and Supplemental Requirement.*

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.



A handwritten signature, likely of Bryan D. Butler, is written over several horizontal lines.

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 15<sup>th</sup> day of May, 2017.

Dated May 18 2017. Susan Richards City Clerk

Approved May 18 2017. Michael J. Koster Mayor

Proceedings Published May 20, 2017.

Ordinances Published May 20, 2017.

Certified May 18, 2017 to - Fin. Dir./Treas.; CA; City Dev.; Bldg. Insp.; Eng.; Municipal Court; Atty