

**City of Waukesha, Wisconsin**

**Ordinance No. 2022 – 7**

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**An Ordinance Amending Section 4.10 of the Waukesha Municipal Code,  
Regarding Impact Fees**

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**Whereas**, Municipal Code §4.10(5) requires that the Impact Fee Schedule maintained by the Department of Community Development be reviewed, and a public facilities needs assessment be conducted, every five years to determine whether adjustments to the schedule are required; and

**Whereas** a Public Facilities Needs Assessment and Impact Fee Study Update, referred to herein as the Update, was performed and the report thereof, dated March, 2022, was filed with the City Clerk and made available for public inspection as required by Wis. Stats. §66.0617; and

**Whereas** the Update recommends certain amendments to the Impact Fee Schedule and to Municipal Code §4.10; and

**Whereas** a public hearing was conducted before the Common Council regarding the Update and its recommendations on May 17, 2022, at which no members of the public appeared or commented; and

**Whereas** the Common Council finds that it is in the City's best interest to amend Municipal Code §4.10 according to the recommendations of the Update; and

**Whereas** the Common Council finds that the requirements of Wis. Stats. §66.0617 regarding the amendment of impact fees have been met;

**Now, therefore**, the Common Council of the City of Waukesha do ordain as follows:

**Section 1.** Subsection (1) of section 4.10 of the Waukesha Municipal Code is amended to read in its entirety as follows:

- (1) Purpose and Intent.** When land is developed for residential, commercial, industrial and institutional uses, it creates a need for additional public infrastructure, including law enforcement, library, sanitary sewerage, and park and recreation facilities. This additional public infrastructure directly benefits the newly-developed land, but without some method for allocation, the cost is borne by the taxpayers of the entire city. Wisconsin Statutes §66.0617 enables municipalities to impose fees upon developers to allocate the costs of required public infrastructure improvements to the developments which directly benefit from the improvements, to avoid imposing those costs upon the taxpayers at large. The Common Council finds that it is equitable for the developers of land within the City of

Waukesha to bear a certain amount of the costs of public infrastructure improvements necessitated by their developments in order to maintain the City's Service Standard, defined below, and not to impose those costs upon the taxpayers at large. Therefore, pursuant to Wis. Stats. §66.0617, the Common Council has enacted this ordinance to enable the City to charge impact fees to developers to contribute to the costs of construction of public infrastructure necessitated by land development within the City of Waukesha.

**Section 2.** Subsection (10) of section 4.10 of the Waukesha Municipal Code is amended to read in its entirety as follows:

**(10) Time for Use, Refund of Unused Impact Fees.** All impact fees, with the exception of Sanitary Sewer Impact Fees, shall be used for the payment of Capital Costs for which they were imposed no later than the first day of the 96<sup>th</sup> month after the date on which they were collected, or the Impact Fee shall be refunded to the payer of the fees, along with any interest that has accrued. Sanitary Sewer Impact fees shall be used for the payment of Capital Costs for which they were imposed no later than the first day of the 120<sup>th</sup> month after the date on which they were collected, or the Impact Fee shall be refunded to the payer of the fees, along with any interest that has accrued.

**Section 3.** The amended Impact Fee Schedule, appended hereto, is approved and authorized for immediate use.

**Section 4.** All ordinances, or portions of ordinances, inconsistent with this ordinance are hereby repealed.

**Section 5.** This ordinance shall be effective the day after its publication.

Passed the 7<sup>th</sup> day of June, 2022.

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Shawn N. Reilly, Mayor

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Attest: Gina L. Kozlik, City Clerk