

**ORDINANCE NO. 887****ORDINANCE TO REPEAL AND RECREATE SUBSECTIONS 18.10065(B) "FEE AMOUNTS" and 18.10065(D) "REFUND OF IMPACT FEES" OF CHAPTER 18, THE "LAND DIVISION AND DEVELOPMENT ORDINANCE" OF THE VILLAGE OF SUSSEX, TO UPDATE THE IMPACT FEES ON DEVELOPERS TO PAY FOR THE CAPITAL COSTS THAT ARE NECESSARY TO ACCOMMODATE LAND DEVELOPMENT FOR PARKS, PLAYGROUNDS AND LAND FOR ATHLETIC FIELDS AND LIBRARIES**

**WHEREAS**, Wis. Stats. 66.0617 authorizes Sussex, to enact and update impact fees to pay for the capital costs that are necessary to accommodate land development including for libraries; and

**WHEREAS**, in order to reasonably determine the existing public facilities needs and future facilities needs related to Libraries the Village of Sussex authorized the firm of Trilogy Consulting, LLC., to prepare an updated public facility needs assessment from 2015 assessment; and

**WHEREAS**, the Village has previously established an Impact Fee for Parks under Ordinance No. 705, whose findings and study are incorporated herein as the basis for the Parks Impact Fee; and

**WHEREAS**, the public facilities needs assessment was prepared per Wis. Stats. 66.0617(4); and

**WHEREAS**, said public facilities needs assessment was made available for public inspection and copying in the Office of the Village of Sussex Village Clerk and Notice of Public Hearing regarding this matter was provided as allowed by law as a Class 1 Notice, including specifying where a copy of the proposed Ordinance and the Public Facilities Needs Assessment could be obtained; and

**WHEREAS**, the Sussex Village Board held a public hearing on the proposed Ordinance at the Village of Sussex Civic Center on February 14, 2023 pursuant to Wis. Stats. 66.0617(3); and

**WHEREAS**, the Village Board finds that the conclusions of the Public Facilities Needs Assessment and Impact Fee Study are reasonable and appropriate, with regard to the impact fees relevant to libraries, and in particular the Village Board finds that the same

- a. bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development;
- b. do not exceed the proportionate share of the capital costs that are required to serve land development, as compared to existing uses of land within the Village of Sussex;
- c. are based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities;
- d. compensate, as necessary, for other capital costs proposed by Sussex with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of landing dedications under Chapter 236 or any other items of value;
- e. compensate, as necessary, for monies received from the Federal and State Government specifically to provide or pay for public facilities for which the impact fees are imposed;
- f. do not include amounts necessary to address existing deficiencies in public facilities;
- g. shall be payable by the Developer to Sussex, prior to the issuance of a building permit; and

**WHEREAS**, the Village Board shall refund such fees as may be collected but which are not used within the timeframe set forth by the Statute as required by law, unless such time is extended pursuant to applicable laws; and,

**WHEREAS**, the Village Board had previously created and updated the Park Impact Fee and is now updating the Library Impact Fee, which necessitates the updating of existing Ordinance language.

**NOW THEREFORE,** The Village Board of the Village of Sussex, Waukesha County, Wisconsin, does hereby ordain as follows:

SECTION 1: Chapter 18, "Land Division and Development Ordinance," SubSection 18.10065(B), "FEE AMOUNTS", of the Village Ordinances of the Village of Sussex is hereby repealed and recreated as follows:

(B) FEE AMOUNTS.

(1) Park Impact Fee.

1. The amount of the impact fee established in 2008 was \$1,479.28 per residential dwelling unit with annual increases of 8% until \$2,383.61 was reached.
2. In order to account for future increases in construction costs and interest costs, and in order to ensure that the fees are equitably distributed between current and future Developers, the base impact fees described herein shall automatically adjust on an annual basis on January 1 of each year by the percentage increase or decrease in the United States Bureau of Labor Statistics Midwest Region All Items Consumer Price Index for All Urban Consumers from January 1 of the preceding year.
3. The Fee Amount may be changed at any time by the Village Board in accordance with the law.

(2) Library Impact Fee.

1. The amount of the impact fee established in 2015 was \$800.00 per residential dwelling unit with annual increases of 4% until \$1,966 was reached. A new study was completed in 2023 establishing the rate at \$2,707.03 per residential dwelling unit .
2. In order to ensure that the fees are equitably distributed between current and future Developers, the base impact fees described herein shall automatically adjust on an annual basis on January 1 of each year by the percentage increase or decrease in the United States Bureau of Labor Statistics Midwest Region All Items Consumer Price Index for All Urban Consumers from January 1 of the preceding year.
3. The Fee Amount may be changed at any time by the Village Board in accordance with the law.

SECTION 2: Chapter 18, "Land Division and Development Ordinance," SubSection 18.10065(D), "REFUND OF IMPACT FEES", of the Village Ordinances of the Village of Sussex is hereby repealed and recreated as follows:

(D) REFUND OF IMPACT FEES.

Impact fees that are imposed and collected by the Village of Sussex must be spent or refunded pursuant to Wisconsin Statute Section 66.0617. The Village of Sussex may collect and utilize impact fees in any manner and timeframe as otherwise allowed by law.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance, which shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: ADMINISTRATIVE IMPLEMENTATION AND EFFECTIVE DATE.

The Village Clerk is hereby directed to take any administrative action necessary to enable this Ordinance to go into effect including clerical corrections to code numbers, cross references, etc. This ordinance shall take effect immediately upon passage and posting or publication as provided bylaw.

Passed this 14<sup>th</sup> day of February,2023 by the Sussex Village Board.

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Anthony J. LeDonne, Village President

ATTEST:

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Jennifer Moore, Village Clerk

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