

ORDINANCE NO. 2009-20

An Ordinance Updating Impact Fees

The Common Council of the City of Cedarburg, Wisconsin, does hereby ordain as follows:

SECTION 1. Section 3-6-3 of the Code of Ordinances of the City of Cedarburg is hereby amended as follows:

“SEC. 3-6-3 SWIMMING POOL FACILITIES.

Any developer creating or constructing additional residential dwelling units within the City shall pay a fee to the City to provide for the capital costs necessary to accommodate the swimming pool expansion needs of land development except as provided in subsection (10) below.

- (a) The amount of the fee shall be ~~\$654.56~~ \$661.43 single-family residential dwelling unit to be constructed or created by the proposed development.
- (b) The amount of the fee shall be ~~\$467.22~~ \$472.13 per residential unit for a two- to four-family residential dwelling unit to be constructed or created by the proposed development.
- (c) The amount of the fee shall be ~~\$383.71~~ \$387.74 per residential unit for a multi-family residential dwelling unit to be constructed or created by the proposed development.
- (d) The fee shall be imposed at the time of the final platting and prior to the approval of the development agreement. For lots not subject to land division or plat approval, the fee shall be imposed as a condition of the issuance of the building permit.
- (e) Such fees collected by the City shall be placed in a special fund which shall be separate from the General Fund of the City, and the special fund and all interest earned thereon shall be used exclusively for the capital costs of the swimming pool and recreational facilities within the City.
- (f) Such fees shall be expended by the City for the aforesaid purpose within fifteen (15) years of the date of payment, or such fee amount paid shall be refunded to the then owner(s) of the property upon which such fee was collected.”

SECTION 2. Section 3-6-4 of the Code of Ordinances of the City of Cedarburg is hereby amended as follows:

“SEC. 3-6-4 RESERVE CAPACITY AT THE WASTEWATER TREATMENT PLANT.

Any developer creating or constructing additional residential dwelling units, or any commercial, industrial or institutional land development within the City shall pay a fee to the City to provide for the capital costs necessary to accommodate the reserve capacity at the Wastewater Treatment Plant except as provided in subsection (10) below.

- (a) The amount of the fee shall be ~~\$465.63~~ \$470.52 per single-family residential dwelling unit to be constructed or created by the proposed development.
- (b) The amount of the fee shall be ~~\$332.36~~ \$335.85 per two- to four-family residential dwelling unit to be constructed or created by the proposed development.
- (c) The amount of the fee shall be ~~\$272.96~~ \$275.83 per multi-family residential dwelling unit to be constructed or created by the proposed development.

- (d) The amount of the fee shall be ~~\$465.63~~ \$470.52 per the number of residential equivalent flow of each industrial, commercial and institutional unit to be constructed or created by the proposed development.
- (e) The fee shall be imposed at the time of the final platting and prior to the approval of the development agreement. For lots not subject to land division or plat approval, the fee shall be imposed as a condition of the issuance of the building permit.
- (f) Such fees collected by the City shall be placed in a special fund which shall be separate from the general fund of the City, and the special fund and all interest earned thereon shall be used exclusively for the capital costs of the reserve capacity of the Wastewater Treatment Plant.
- (g) Such fees shall be expended by the City for the aforesaid purpose within ten (10) years of the date of payment, or such fee amount paid shall be refunded to the then owner(s) of the property upon which such fee was collected. ”

SECTION 3. Section 3-6-5 of the Code of Ordinances of the City of Cedarburg is hereby amended as follows:

“SEC. 3-6-5 BIOSOLIDS MANAGEMENT FACILITY.

Any developer creating or constructing additional residential dwelling units or any commercial, industrial, or institutional land development within the City shall pay a fee to the City to provide for the capital costs necessary for expansion of the proposed biosolids management facility except as provided in subsection (10) below.

- (a) The amount of the fee shall be ~~\$115.28~~ \$116.49 per single family residential dwelling unit to be constructed or created by the proposed development.
- (b) The amount of the fee shall be ~~\$82.29~~ \$83.15 per residential unit for a two-to four-family residential dwelling unit to be constructed or created by the proposed development.
- (c) The amount of the fee shall be ~~\$67.58~~ \$68.29 per residential unit for a multi-family residential dwelling unit to be constructed or created by the proposed development.
- (d) The amount of the fee shall be ~~\$115.28~~ \$116.49 per the number of residential equivalent flow of each industrial, commercial and institutional unit to be constructed or created by the proposed development.
- (e) The fee shall be imposed at the time of final platting and prior to the approval of the development agreement. For lots not subject to land division or plat approval, the fee shall be imposed as a condition of the issuance of the building permit.
- (f) Such fees collected by the City shall be placed in a special fund which shall be separate from the general fund of the City, and the special fund and all interest earned thereon shall be used exclusively for the capital costs of the biosolids management facility.
- (g) Such fees shall be expended by the City for the aforesaid purpose within twenty (20) years of the date of payment, or such fee amount paid shall be refunded to the then owner(s) of the property upon which such fee was collected.”

SECTION 4. Section 3-6-6 of the Code of Ordinances of the City of Cedarburg is hereby amended as follows:

“SECTION 3-6-6 LIBRARY FACILITY

Any developer creating or constructing additional residential units within the City shall pay a fee to the city to provide for the capital costs necessary to accommodate the Library expansion needs of land development except as provided in subsection (10) below.

- (a) The amount of the fee shall be ~~\$722.97~~ \$730.56 per single-family residential dwelling unit to be constructed or created by the proposed development.
- (b) The amount of the fee shall be ~~\$423.84~~ \$428.26 per residential unit for a two- to four-family residential dwelling unit to be constructed or created by the proposed development.
- (c) The amount of the fee shall be ~~\$423.84~~ \$428.26 per residential unit for a multi-family residential dwelling unit to be constructed or created by the proposed development. Multi-family includes Community Based Residential Treatment facilities.
- (d) The fee shall be imposed at the time of final platting and prior to the approval of the development agreement. For lots not subject to land division or plat approval, the fee shall be imposed as a condition of the issuance of the building permit.
- (e) Such fees collected by the City shall be placed in a special fund which shall be separate from the General Fund of the City, and the special fund and all interest earned thereon shall be used exclusively for the capital costs of the library facilities within the City.
- (f) Such fees shall be expended by the City for the aforesaid purpose within fifteen (15) years of the date of payment, or such fee amount paid shall be refunded to the then owner(s) of the property upon which such fee was collected.”

SECTION 5. Section 3-6-7 of the Code of Ordinances of the City of Cedarburg is hereby amended as follows:

“SECTION 3-6-7 POLICE DEPARTMENT FACILITY

Any developer creating or constructing additional residential dwelling units or any commercial, industrial or institutional land development within the City shall pay a fee to the City to provide for the capital costs necessary to accommodate the Police Department Facility expansion needs of land development except as provided in subsection (10) below.

- (a) The amount of the fee shall be ~~\$862.40~~ \$871.46 for single-family residential, ~~\$615.57~~ \$622.03 for two- to four-family residential; ~~\$505.54~~ \$510.85 for multifamily residential and CBRF and ~~\$2.19~~ \$2.21 per \$1,000 valuation for commercial, industrial or institutional development.
- (b) The fee shall be imposed at the time of final platting and prior to approval of the Developers Agreement. For lots not subject to land division or plat approval, the fee shall be imposed as a condition of issuance of the building permit.
- (c) Such fees collected by the City shall be placed in a special fund which shall be separate from the General Fund of the City, and the special fund and all interest earned thereon shall be used exclusively for the capital costs of the police facilities within the City.
- (d) Such fees shall be expended by the City for the aforesaid purpose within fifteen (15) years of the date of payment, or such fee amount paid shall be refunded to the then owner(s) of the property upon which such fee was collected.”

SECTION 6. Section 3-6-8 of the Code of Ordinances of the City of Cedarburg is hereby amended as follows:

“SECTION 3-6-8 PARK FACILITIES

Any developer creating or constructing additional residential units within the City shall pay a fee to the city to provide for the capital costs necessary to accommodate the Park facility expansion needs of land development except as provided in subsection (10) below.

- (a) The amount of the fee shall be ~~\$1,746.98~~ \$1,765.32 per single-family residential dwelling unit to be constructed or created by the proposed development.
- (b) The amount of the fee shall be ~~\$1,024.09~~ \$1,034.84 per residential unit for a two- to four-family residential dwelling unit to be constructed or created by the proposed development.
- (c) The amount of the fee shall be ~~\$1,024.09~~ \$1,034.84 per residential unit for a multi-family residential dwelling unit to be constructed or created by the proposed development. Multi-family includes Community Based Residential Treatment facilities.
- (d) The fee shall be imposed at the time of final platting and prior to the approval of the development agreement. For lots not subject to land division or plat approval, the fee shall be imposed as a condition of the issuance of the building permit.
- (e) Such fees collected by the City shall be placed in a special fund which shall be separate from the General Fund of the City, and the special fund and all interest earned thereon shall be used exclusively for the capital costs of the library facilities within the City.
- (f) Such fees shall be expended by the City for the aforesaid purpose within fifteen (15) years of the date of payment, or such fee amount paid shall be refunded to the then owner(s) of the property upon which such fee was collected.”

SECTION 7. Section 3-6-9 of the Code of Ordinances of the City of Cedarburg is hereby amended as follows:

“SEC 3-6-9 WATER SUPPLY FACILITIES

Any developer creating or constructing additional residential dwelling units or commercial, industrial, or institutional land development within the City or any owner of property in the City that has a change in use that results in the use of additional water capacity shall pay a fee to the City to provide for the capital costs necessary to accommodate water supply expansion needs of land development except as provided in subsection (10) below.

- (a) The water supply facilities impact fee shall be ~~One Thousand Four Hundred Eight Dollars and Forty Eight Cents (\$1,408.48)~~ One Thousand Four Hundred Twenty Three Dollars and Twenty Seven cents (\$1,423.27) per residential equivalent connection (REC).
- (b) For all residential users of the water system, the following table shall be used to determine the number of residential equivalent connections (REC) per dwelling unit or building.

Residential Users	REC
Condominium	1.00
Single-family home	1.00
Duplex	2.00
Multiple-family (2 bedrooms or more)	1.00/unit
Multiple-family (1 bedroom or less)	0.75/unit

- (c) For all nonresidential users of the water system, anticipated water consumption shall be estimated from the following table for purposes of computing the water impact fee unless the General Manager of the Cedarburg Light and Water Utility determines that the information in the table does not accurately reflect the user's anticipated water consumption, in which case the General Manager will estimate water consumption. The RECs will be determined by dividing the estimated water consumption by the water consumption for 1.00 REC. The minimum REC for any property shall not be less than 1.00 REC. Upon completion of the REC computations, all RECs will be rounded up to the nearest 0.5 REC and an impact fee of ~~One Thousand Four Hundred Eight Dollars and Forty Eight Cents (\$1,408.48)~~ One Thousand Four Hundred Twenty Three Dollars and Twenty Seven cents (\$1,423.27) per REC will be calculated."

SECTION 8. This ordinance shall take effect on January 1, 2010, upon publication as provided by law.

Passed and adopted this 14th day of December 2009.

Gregory P. Myers, Mayor

Attest:

Constance K. McHugh, City Clerk

Approved as to form:

Kaye K. Vance, City Attorney