

ORDINANCE NO. 2021-18

An Ordinance Repealing and Replacing Section 3-6-2 and 3-6-5 Water Supply Facilities

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

SECTION 1. Section 3-6-2 of the Municipal Code of the City of Cedarburg is hereby repealed as follows and Section 3-6-5 of the Municipal Code of the City of Cedarburg is hereby repealed and recreated as follows:

SEC. 3-6-2 IMPACT FEES; DEFINITIONS

~~(g) Residential Equivalent Connection (REC) means a unit of measure for water related impact fees equivalent to the average amount of water capacity needed to supply one single family residential dwelling unit. For the purpose of the water supply impact fees established under this Ordinance, a REC shall be equal to 53,544 gallons annually.~~

SEC. 3-6-5 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 (8) below.

2021 Water Impact Fee Based on Installed Meter Size

Meter Size	Meter Factor	Fee per Meter
5/8"	1.0	\$1,945
3/4"	1.0	\$1,945
1"	2.5	\$4,863
1.5"	5.0	\$9,725
2"	8.0	\$15,560
2.5"	12.5	\$24,313
3"	15.0	\$29,175
4"	25.0	\$48,625
6"	50.0	\$97,250
8"	80.0	\$155,600
10"	120.0	\$233,400
12"	160.0	\$311,200

(a) The Water Supply Facilities impact fee shall be \$1,945 per equivalent meter.

(b) The fee shall be imposed as a condition of the issuance of the building permit except if the

total amount of impact fees due for a development will be more than \$75,000, a developer may defer payment of the impact fees for a period of 4 years from the date of the issuance of the building permit or until 6 months before the municipality incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this paragraph, the developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality. A developer may not defer payment of impact fees for projects that have been previously approved.

- (c) Such fees collected by the Water Utility shall be placed in a special fund which shall be separate from the general fund of the Water Utility, and the special fund and all interest earned thereon shall be used exclusively for the capital costs of water supply facilities.
- (d) Such fees shall be expended by the Water Utility for the aforesaid purpose within eight (8) years of the date of payment, or such fee amount paid shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated.
- (e) The impact fees imposed under this section shall be increased annually at the percent change of the U.S. Census Bureau Construction Price Index (CPI) for single-family houses under construction, for the twelve-month period preceding October of the prior year, with the adjustment effective January 1 of each year. The City Administrator or designee shall calculate the adjusted fees and maintain a copy of the calculation and the adjusted impact fees in the office of the City Clerk.

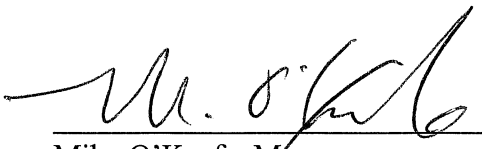
SECTION 2. SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance 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 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

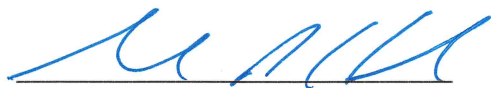
Passed and adopted this 13th day of September 2021.

Attest:


Tracie Sette, City Clerk


Mike O'Keefe, Mayor

Approved as to form:

A handwritten signature in blue ink, appearing to read 'M Herbrand', written over a horizontal line.

Michael Herbrand, City Attorney