

ORDINANCE NO. 113-102505

AN ORDINANCE AMENDING ORDINANCE NO. 109-050405 ESTABLISHING AN IMPACT FEE FOR A WATER TOWER AND RELATED SYSTEM IMPROVEMENTS

SECTION 1 INTRODUCTION

WHEREAS, the Board of Trustees of the Village of Sister Bay, upon recommendation of the Utilities committee conducted a public hearing on October 20, 2005 on the need for a water tower and system improvements impact fees.

NOW, THEREFORE, the Board of Trustees of the Village of Sister Bay, Door County, Wisconsin, do ordain as follows:

SECTION 2.00 INTENT

This Ordinance is enacted to establish the mechanism for the imposition of impact fees upon development to finance the capital costs of acquiring, establishing, upgrading, expanding, and constructing public facilities which are necessary to accommodate such development. This Ordinance is intended to assure that development bears an appropriate share of the cost of capital expenditures necessary to provide such public facilities within the Village of Sister Bay and its service areas as are required to serve the needs arising out of development, as well as to comply with Sec. 66.0617 Wis. Stats. As provided in Sec. 66.0617(2)(b), Wis. Stats., the Village of Sister Bay, by adopting this Ordinance, is not intending to limit its authority to finance public facilities by any other means authorized by law.

SECTION 3.00 AUTHORITY

This Ordinance is enacted under the authority granted by Section 66.0617(2)(a), of the Wisconsin Statutes.

SECTION 4.00 JURISDICTION

The jurisdictional area of this Ordinance shall include all lands within the corporate limits of the Village of Sister Bay.

SECTION 5.00 CREATION OF MUNICIPAL CODE PROVISIONS

The following provisions are hereby created and incorporated into the Municipal Code of the Village of Sister Bay:

SECTION 62.22 DOCUMENTATION is amended to read.

The following Village documents contain the needs assessments for the impact fees identified under Section 3 above, demonstrate Village compliance with the requirements of Sec. 66.0617(4), Wis. Stats., and shall be kept on file and available for public inspection in the Office of the Village Clerk:

Public Facilities Needs Assessment for Wastewater Impact dated March 2005
Public Facilities Needs Assessment for Water Tower and System Improvement Impact dated September 2005

SECTION 62.24 TIME LIMIT FOR EXPENDITURES is amended to read.

(a) The Village determines the following lengths of time appropriate for the planning, financing, acquisition and construction of the public facilities listed below:

1. Wastewater Treatment Plant Expansion
From January 2003 through December 31, 2005.
2. Water Tower and System Improvements

From January 1, 2006 through December 31, 2021

(b) Maximum Time to Use Impact Fees Collected From the Time of Fee Collection:

1. Type of Facility: Wastewater Treatment Plant expansion May 2025
2. Type of Facility: Water Tower and system improvements December 2026

(c) Fees held by the Village under Section 62.23 above, and not used within the time period specified herein, shall be refunded to the persons who are the owners of record, at the expiration of such time period, of the property with respect to which the impact fees were imposed.

SECTION 62.28 IMPACT FEE is amended to read

- (a) The Wastewater Treatment Plant expansion impact fee for every residential meter equivalent is \$653.00.
- (b) The Water Tower and System improvements impact fee for every residential meter equivalent is \$1,478.00.

SECTION 6.00 SEVERABILITY

If any section or part of this Ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. All other ordinances or parts of ordinances of the Village inconsistent with this Ordinance to the extent of the inconsistency only are hereby repealed.

SECTION 7.00 EFFECTIVE DATE

This Ordinance shall be effective after adoption by the Board of Trustees and publication or posting as provided by law.

Dated this ____ day of _____. 2005

Village of Sister Bay

By: _____
Denise L. Bhirdo, President

Attest:

Christine M. Sully, Clerk/Treasurer