

ORDINANCE NO. 2004- 1790

AN ORDINANCE TO AMEND THE MUNICIPAL CODE AS IT
PERTAINS TO IMPACT FEES FOR LAW ENFORCEMENT FACILITIES AND FIRE
PROTECTION AND EMERGENCY MEDICAL SERVICE FACILITIES

WHEREAS, the Municipal Code provides for law enforcement facilities and fire protection and emergency medical service facilities impact fees to be paid as a condition of approval of a building permit for land development, and

WHEREAS, such fees having been enacted and amended, respectively, pursuant to Ordinance No. 2002-1712, such Ordinance having been adopted pursuant to an Impact Fee Study dated April/2002, such study being a public facility needs assessment, as contemplated by §66.0617(4), Stats.; and

WHEREAS, the City having realized that the recent pace of non-residential development is slower than that projected in the Impact Fee Study dated April/2002, recognizes the need to review and revise the assumptions made in the April 2002 Study as they relate to the computation of law enforcement facilities and fire protection and emergency medical service facilities impact fees; and

WHEREAS, the Common Council having retained the firm of Ruekert & Mielke, Inc. to review the law enforcement facilities and fire protection and emergency medical service facilities impact fee provisions of the Municipal Code, as well as the factual information and criteria required by law for the review of the amount of such fees and such consultant having prepared an Amendment to the 2002 Impact Fee Study, City of Franklin, Milwaukee County, Wisconsin, dated April 2004, as it pertains to law enforcement facilities and fire protection and emergency medical service facilities and having recommended revisions to the amount of such fees for both residential and nonresidential development by way of amendments to the Municipal Code; and

WHEREAS, a public hearing was held before the Common Council on May 3, 2004, to receive public input upon the proposed changes to the law enforcement facilities impact fees and fire protection and emergency medical service facilities impact fees as set forth in the aforesaid Amendment to the 2002 Impact Fee Study; and

WHEREAS, notice of the aforesaid public hearing was published as a Class I Notice under Ch. 985, Stats., which notice specified that the Amendment to the public facilities needs assessment was available for public viewing in the office of the City Clerk; said Amendment to the needs assessment having been so available in such office for at least 20 days prior to the public hearing; and

WHEREAS, the Common Council having found and determined that the proposed amendments to impact fees for law enforcement facilities and fire protection and emergency medical service facilities impact fees bear a rational relationship to the need for new, expanded and improved law enforcement facilities and fire protection and emergency medical service facilities required to serve land development; that such fees 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 City; that a twenty year planning and financing period is a reasonable period of time under all of the circumstances presented upon which to base, calculate, impose and expend the proposed law enforcement facilities and fire protection and emergency medical service facilities impact fees; that the proposed law enforcement facilities and fire protection and emergency medical service facilities fees are based upon reasonable estimates of the capital costs for new, expanded or improved law enforcement facilities and fire protection and emergency medical service facilities and do not include amounts necessary to address existing deficiencies in such facilities; and that the proposed amendments are reasonable and necessary to fairly, equitably and proportionately support the City facilities.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

- SECTION 1: §92-9.D.(1) of the Municipal Code of Franklin, Wisconsin, pertaining to fire protection and emergency medical service facilities impact fees, be and the same is hereby repealed and recreated to read as follows:
- (1) The amount of the fee, subject to adjustment pursuant to Subsection K. below, shall be as follows:
 - a. For single-family residential development, the fee shall be \$251 per dwelling unit.
 - b. For two-family residential development, the fee shall be \$251 per dwelling unit.
 - c. For multi-family residential development, the fee shall be \$174 per dwelling unit.
 - d. For commercial development, the fee shall be \$0.065 per square foot of building space.
 - e. For industrial development, the fee shall be \$0.017 per square foot of building space.
 - f. For institutional development, the fee shall be \$0.092 per square foot of building space.

- SECTION 2: §92-9.E. of the Municipal Code of Franklin, Wisconsin, pertaining to law enforcement facilities impact fees, be and the same is hereby amended to provide the title: "Law enforcement facilities." immediately prior to the existing introductory language of such Subsection §92-9.E.(1) of the Municipal Code of Franklin, Wisconsin,

pertaining to law enforcement facilities impact fees, be and the same is hereby repealed and recreated to read as follows:

(1) The amount of the fee, subject to adjustment pursuant to Subsection K. below, shall be as follows:

- a. For single-family residential development, the fee shall be \$467 per dwelling unit.
- b. For two-family residential development, the fee shall be \$467 per dwelling unit.
- c. For multi-family residential development, the fee shall be \$324 per dwelling unit.
- d. For commercial development, the fee shall be \$0.119 per square foot of building space.
- e. For industrial development, the fee shall be \$0.031 per square foot of building space.
- f. For institutional development, the fee shall be \$0.169 per square foot of building space.

SECTION 3: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this 4th day of May, 2004, by Alderman Solomon.

PASSED AND ADOPTED at a regular meeting of the Common Council of the City of Franklin this 4th day of May, 2004.

APPROVED:

Frederick F. Klimetz
Frederick F. Klimetz, Mayor

ATTEST:

Sandra L. Wesolowski
Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0