

ORDINANCE NO. 2014-2128

AN ORDINANCE TO AMEND §92-9 OF THE MUNICIPAL CODE
PERTAINING TO IMPACT FEES TO SUSPEND FOR 2014 AUTOMATIC ANNUAL RATE
INCREASES FOR EACH OF THE VARIOUS IMPACT FEE RATES

WHEREAS, the Common Council adopted Ordinance No. 95-1341, An Ordinance Establishing Impact Fees Upon Land Development, on April 25, 1995 and the Franklin Impact Fee Task Force Impact Fees Needs Assessment – 1995 Report to the Mayor and Common Council dated March 21, 1995 recommended the periodic review by the City of impact fees established, especially if the factors affecting the volume and impact of growth change significantly; and

WHEREAS, such fees having been enacted and amended, respectively, pursuant to Ordinance No. 2002-1712, An Ordinance To Amend §92-9 of the Municipal Code Pertaining to Impact Fees, such Ordinance having been adopted pursuant to a public facility needs assessment, as contemplated by §66.0617(4), Stats., as entitled “Impact Fee Study” and as prepared by Ruekert/Mielke and dated April/2002; and

WHEREAS, such Ordinance and fees having been additionally amended in accordance with the Wisconsin Statutes and the actions of the Common Council of the City of Franklin; and

WHEREAS, a public hearing was held before the Common Council on January 7, 2014, to receive public input upon the proposed changes to the impact fee ordinance as set forth in the study amendment entitled “Amendment to the 2002 Impact Fee Study & The 2004 Impact Fee Update - December 2013;” 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 facility needs assessment was available for public viewing in the office of the City Clerk; said needs assessment having been so available in such office for at least 20 days prior to the public hearing; and

WHEREAS, adoption of this amendment to §92-9 of the Municipal Code pertaining to Impact Fees will have the effect of suspending the annual increase in impact fee rates, as currently provided for in the ordinance to ensure such rates maintain pace with economic and inflationary influences over time, pending completion of review of each such fee in a revised facility needs study amendment, as was recently completed and adopted in 2013 for the park, playground and other recreational facilities, which study suggests that the facility needs assessment update underway for the remaining impact fees may conclude that such fees warrant adjustment downward and which, thereby, justifies a suspension of the automatic annual rate increase for 2014, retroactive to January 1, 2014, pending such results; and

WHEREAS, the Common Council having found and determined that the proposed impact fees it considered for adoption by way of amendment to §92-9 of the Municipal Code bear a rational relationship to the need for new, expanded and improved public facilities required to serve land development; that such fees, on the basis of the prior completed facility needs analysis and as addressed by the proposed amendment, 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 the length of the planning period and update period are reasonable periods of time under all of the circumstances presented upon which to base, calculate, impose, and expend the proposed impact fees; and that the proposed impact fees are based upon reasonable estimates of the capital costs for new, expanded or improved public facilities and do not include amounts necessary to address existing deficiencies in public facilities.

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

SECTION 1: §92-9 L. of the Municipal Code of Franklin, Wisconsin, be amended to retroactively suspend the annual increase in impact fee rates by appending “, except 2014” to the end of the fifth sentence of said section resulting in a sentence as follows:

“The impact fees imposed under this section shall be increased annually at the rate of 5%, with the adjustment effective January 1 of each year, except 2014.”

SECTION 2: It is the intent of the retroactive effective date herein that any such impact fee paid in excess of the required amount, after consideration of the applicable effective date herein, shall cause reimbursement of any excess portion of such payments made.

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 7th day of January, 2014, by Alderman Taylor.

PASSED AND ADOPTED at a regular meeting of the Common Council of the City of Franklin this 7th day of January, 2014.

APPROVED:


Thomas M. Taylor, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0