

TOWN OF SOMERSET

Ordinance No. 2008-02

Ordinance Establishing Park Fees *(Fees in lieu of land dedication)*

Pursuant to its authority under Wisconsin law, including, Sec. 236.45 Wis. Stat., the Town Board of the Town of Somerset hereby ordains as follows:

Section - 1.0 Purpose and Intent.

Pursuant to Sec. 236.45 (6) (am) Wis. Stat., this Ordinance is enacted to establish the mechanism for imposing a fee upon land development to fund the acquisition or initial improvement of land for public parks. This Ordinance is intended to assure that new land development bears an appropriate share of the cost of capital expenditures necessary to provide such public park facilities within the Town of Somerset and its service areas as are required to serve the needs arising out of land development. The Town of Somerset, by adopting this Ordinance, is not intending to limit its authority to finance public facilities by any other means authorized by law, including, without limitation, the means authorized by Sec. 236.13, subsections (2) and (2m), Wis. Stats., and the Subdivision Ordinance of the Town of Somerset, and any other statutes or ordinances.

Section - 2.0 Standards.

In accordance with Sec. 236.45 (6) (b) Wis. Stats., any fee for the acquisition or initial improvement of land for a public park that is required as a condition of approval must bear a rational relationship to a need for the fee resulting from the subdivision or the other division of land and must be proportional to the need.

The Town of Somerset has prepared a Public Facilities Needs Assessment which includes public park facilities. A copy of the Public Facilities Needs Assessment, Town of Somerset, Wisconsin dated June 2007 is on file and available for public inspection and copying at the office of the Town Clerk.

The Town of Somerset has also prepared a comprehensive park plan. The document is on file and available for public inspection and copying at the office of the Town Clerk.

Section - 3.0 Definitions.

The definitions set forth in Sec. 236.45 (6)(ac) Wis. Stats., and any amendments thereto, are hereby incorporated and made a part of this Ordinance as if fully set forth herein. In addition, in this chapter the following definition shall apply:

- (a) "Improvement of land for public parks" means grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities on land intended for public park purposes.

Section - 4.0 Establishment of Park Fees.

The following Park Fee for subdivided land is established by the Town pursuant to Sec. 236.45, subsection (6) (am) Wis. Stats.:

- (a) A Park Fee in the amount of \$400.00 per lot.

These park fees shall be imposed on any person seeking to construct or create a land development within the Town, including land development on vacant land, and land development on lots created before and after the effective date of this Ordinance.

Section - 5.0 Payment of Park Fees.

The park fee shall be paid to the Town at the time of final plat or certified survey approval.

Section - 6.0 Installment Payments.

The Town Board may, in its sole discretion, authorize by resolution the payment of park fees in installment payments. If installment payments are authorized, interest shall be paid on the installment payments at the same rate then charged by the Town on installment payments for special assessments.

Section - 7.0 Periodic Review of Park Fee.

The Town Board may periodically review the park fee established herein and modify them, if necessary, to account for changing facility needs, inflation, revised estimated capital improvements, changes in other funding sources applicable to park projects and other relevant factors.

Section - 8.0 Severability.

If any section, phrase, sentence, or portion of the ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion(s) shall be deemed separate, distinct, and independent provisions. Any such holding shall not affect the validity of the remaining portions of this ordinance.

Section - 9.0 Codification.

It is the intention of the Town Board and it is hereby provided that the provisions of this ordinance shall be made part of the Municipal Code, and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the work "ordinance" may be changed to "section", "article", or other appropriate designation.

Section - 10.0 Effective Date.

This ordinance shall take effect after public hearing thereon, approval by the Town Board, and publication as provided by law.

Effective this 6th day of August, 2008.

Ed Schachtner, Town Chairperson

Jeri Koester, Town Clerk / Treasurer