Chapter 3

Title 3

REVENUE AND FINANCE

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Chapter 3.04

TREASURER'S BOND*

Sections:

3.04.010 Statutory bond eliminated.
3.04.020 Village liable for default of treasurer.

3.04.010 Statutory bond eliminated. The village elects not to give the bond on the village treasurer provided for by Section 70.67(1) of the Wisconsin Statutes. (Prior code SS4.02(l)).

3.04.020 Village liable for default of treasurer. Pursuant to Section 70.67(2) of Wisconsin Statutes, the village shall be obligated to pay, in case the village treasurer fails to do so, all state and county taxes required by law to be paid by the treasurer to the county treasurer. (Prior code SS4.02(2)).

* For statutory provisions on treasurer's bonds and substitutes therefore, see Wis.Stat. 1975 SS70.67.

Chapter 3.08

DESTRUCTION OF PUBLIC RECORDS*

Sections:

3.08.010 Purpose.
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3.08.010 Purpose. The purpose of this Chapter is to specify retention periods for certain Village records in the same manner, as allowed by state law.

3.08.020 Definitions. As used in this Chapter:

A. "Retention Period" is the minimum required period of time that a document will be maintained as described in the Village of Grafton Record Retention Schedule.

B. "Custodian" means that officer, department head, division head, or employee of the village designated under Section 3.32.030 of the Grafton Municipal Code or otherwise responsible by law to keep and preserve any village records on file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.

C. "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. E-mail relating to official business and maintained or kept on a computer, or in the possession of a "custodian", as defined in subsection (B), is considered a record. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

3.08.030 Retention Period. A. The Village Board of the Village of Grafton shall, by separate Resolution, adopt a schedule which describes the minimum time periods for which Records shall be maintained by any Legal Custodian of the Village of Grafton. Said schedule may be amended from time to time, and the Resolution and any amendments thereto are incorporated herein by reference.

B. The initial Retention Schedule Resolution that is adopted with this ordinance has been reviewed and approved along with this ordinance by the State of Wisconsin Public Records and Forms Board. The Retention Schedule Resolution shall not be modified in a manner that reduces the retention periods described in the initial Retention Schedule Resolution, or which adds additional documents to the schedule, unless those reductions or retention periods for additional documents are first reviewed and approved by the Wisconsin Public Records and Forms Board.

C. Any Record that is not described in the Retention Schedule shall be maintained for a minimum of seven (7) years, and may be destroyed thereafter unless a longer retention period is required by Section 3.08.050, or by state statute, rule, or other applicable law.

3.08.040 Duty to maintain records. All Custodians shall maintain all records for the required retention period, as outlined in the Village of Grafton Records Retention Schedule, and for any additional time period as may be required and outlined in Section 3.08.035 of this Chapter. Thereafter, after the State Historical Society has waived receipt of the Records, if required, the Custodian may destroy the Records.

3.08.050 Additional retention periods.

A. In addition to the retention period described in the Village of Grafton Records Retention Schedule, records shall be maintained for the following additional time periods:

1. A Record that is existing at the time of a request shall not be destroyed until after the request is granted, or in the event the request is denied until at least the time period described in §19.35(5), Wisconsin Statutes has passed from the date of the denial.

2. A Record that is existing at the time that the Legal Custodian receives written notice that a mandamus action relating to the record has been commenced pursuant to §19.37, shall not be destroyed until the final court order is issued in the action and the appeals are exhausted, as further described in §19.35(5), Wisconsin Statutes.

3. A Record that is known by the Custodian to be relevant to litigation or audit that is pending at the time that the Record would otherwise be destroyed, shall not be destroyed until the litigation or audit is resolved.

3.08.060 Notice required. A. The Wisconsin State Historical Society has waived the notice that would otherwise be required prior to destruction of certain Records as described in the Retention Schedule. The Retention Schedule Resolution shall not be modified in a manner that waives notice to the Wisconsin State Historical Society, or which adds additional documents to the schedule and waives notice of their destruction, unless those waivers are first reviewed and approved by the Wisconsin Public Records and Forms Board and the Wisconsin State Historical Society.

In the event that the Retention Schedule does not specifically note the Wisconsin State Historical Society's waiver regarding any particular Record, then the Wisconsin State Historical Society must be given sixty (60) days written notice prior to destruction of the Record, as described in §19.21(4) (a), Wisconsin Statutes

3.08.070 Statutes incorporated by reference. All state statutes incorporated or referenced herein shall be deemed to include all subsequent amendments, repeals, and re-numbering that may be enacted regarding the same, in order to ensure uniform statewide regulation of public records

3.08.080 Limitation. This chapter shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative regulations. (Prior code SS4.05(5)).

(Ord. 020, Series 2005)

* For statutory provisions authorizing village boards to provide for the destruction of obsolete public records, see Wis.Stat. 1975 SS19.21.

Chapter 3.12

BUDGET PROCEDURE*

Sections:

3.12.010 Departmental estimates.
3.12.020 Village president and administrator to consider estimates.
3.12.030 Contents of the budget.
3.12.040 Public hearing and appropriation ordinance.
3.12.050 Changes in final budget.
3.12.060 Expenditure limited to annual appropriation.

3.12.010 Departmental estimates. On or before October 15th of each year, each officer, department or board shall file with the clerk-treasurer an itemized statement detailing estimates of anticipated disbursements for the ensuing fiscal year that are necessary to carry out the powers and duties of such officer, department or board. Such statement shall be presented in the form prescribed by the clerk-treasurer and shall be designated as "departmental estimates," and shall be as near uniform as possible for the main divisions of all departments. (Ord. A-236 Part 2 (part), 1972: prior code SS4.04(l)).

3.12.020 Village president and administrator to consider estimates. The village president and administrator shall consider such departmental estimates in consultation with the department head and shall then determine the total amount to be recommended in the budget for each department or activity. (Ord. A-236 Part 2 (part), 1972: prior code SS4.04(2)).

3.12.030 Contents of the budget. On or before the first of November of each year, the village administrator shall prepare and submit to the village board a proposed budget presenting a financial plan for conducting the affairs of the village for the ensuing calendar year, which will include the following information:

A. The actual expenditures of each department and activity for the expired portion of the current year and last preceding fiscal year and the estimated expense of conducting each department and activity of the village for the remainder of the current year and ensuing fiscal year, with reasons for and proposed increase or decreases as compared with actual and estimated expenditures for the current year;

B. An itemization of all anticipated income of the village from sources other than general property tax and bond issues, with a comparative statement of the amounts received by the village for each of the same or similar sources for the last preceding and current fiscal year;

C. All existing indebtedness of the village, including the amount of interest payable and principal to be redeemed on any outstanding general

obligation bonds or notes of the village and any estimated deficiency in the sinking fund of any such bonds or notes during the ensuing fiscal year;

D. An estimate of the amount of money to be raised from general property tax which with income from other sources, will be necessary to meet the proposed expenditures;

E. Such other information as may be required by the village board and by the state law; The village board shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens. (Ord. A-236 Part 2 (part), 1972: prior code SS4.04(3)).

3.12.040 Public hearing and appropriation ordinance. The village administrator shall submit to the village board at the time the annual budget is submitted, the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the village board, it shall be deemed to have been regularly introduced therein.
The village board shall hold the public hearing on the budget and the proposed appropriation ordinance as required by law. (Ord. A-236 Part 2 (part), 1972: prior code 54.04(4)).

3.12.050 Changes in final budget. Upon written recommendation of the village president or administrator, the village board may, at any time by two-thirds' vote of the entire membership, transfer any portion of an unencumbered balance of an appropriation to any other purpose or object. Notice of such transfer shall be given as required by law. (Ord. A-236 Part 2 (part), 1972: prior code SS4.04(5)).

3.12.060 Expenditure limited to annual appropriation. No money shall be drawn from the treasury of the village nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance and changes therein authorized in accordance with Section 3.12.040. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to appropriation, but appropriations may be made by the village board to be paid out of the income of the current year in furtherance of improvements or other objects or works which shall not be completed within such year, and any such appropriation shall continue in force until the purpose for which it is made has been accomplished or abandoned. (Ord. A-236 Part 2 (part), 1972: prior code SS4.04(6)).

* For statutory provisions on municipal budgets, see Wis. Stat. 1975 SS65.90.

Chapter 3.16

PURCHASING RULES AND REGULATIONS*

Sections:

3.16.010 Scope of purchasing authority.
3.16.020 Rules and regulations.

3.16.010 Scope of purchasing authority. As provided by Section 2.18.040 D5 of this code, the village administrator shall supervise all purchasing and contracting for supplies and services, subject to any purchasing procedures established by the village board and any limitations contained in the Wisconsin State Statutes. (Ord. A-021-92 Part 1 (part), 1992).

3.16.020 Rules and regulations. The village administrator shall establish, and from time to time amend, all rules and regulations authorized by this chapter and any others necessary to its operations in the form of a purchasing manual; such rules and regulations and amendments shall be subject to the approval of the village board. (Ord. A-021-92 Part 1 (part), 1992).

* For statutory provisions on village acquisition of property for public purposes, see Wis. Stat. 1975 SS61.34(3).

Chapter 3.20

BIDDING STATUTE ADOPTED*

Sections:

3.20.010 Statute adopted.

3.20.010 Statute adopted. By virtue of Section 61.56 of the Wisconsin Statutes, the village board does provide that as a complete alternative to the requirements established by Sections 61.54 and 61.55 of the Wisconsin Statutes the provisions of Section 62.15 of the Wisconsin Statutes shall be applicable to village contracts. The authority vested in the board of public works under Section 62.15 of the Wisconsin Statutes shall be exercised by the village board (Charter ordinance adopted January 6, 1958). (Prior code SS5.01).

Chapter 3.24

CLAIMS AGAINST THE VILLAGE**

Sections:

3.24.010 Certification.
3.24.020 Auditing accounts.
3.24.030 Payment of regular wages and salaries.
3.24.040 Appropriations by village board.

3.24.010 Certification. Prior to submission of any account, demand or claim to the village board for approval of payment, the village clerk-treasurer shall certify, or cause to be endorsed thereon or on attached papers, that the following conditions have been complied with:

A. That funds are available therefore pursuant to the budget;

B. That the item or service was duly authorized by the proper official or agency and has been received or rendered in accordance with the purchasing agreement;

C. That the claim is accurate in amount and a proper charge against the treasury. (Prior code SS4.03(1)).

3.24.020 Auditing accounts. No account or demand against the village, except as provided in Section 3.24.030, shall be paid until it has been audited by the village board and an order drawn on the village treasurer therefore. Every such account shall be itemized and certified as provided in Section 3.24.010.

After auditing, the village board shall cause to be endorsed by the clerk, on each account, the words "allowed" or "disallowed," as the fact is, adding the amount allowed or specifying the items or parts of items disallowed. The minutes of the proceedings of the board or a statement attached thereto shall show to whom and for what purpose every such account was allowed and the amount. (Prior code SS4.03 (2)).

3.24.030 Payment of regular wages and salaries. Regular wages or salaries of village officers and employees shall be paid by payroll, verified by the proper village official, department head, board or commission and filed with the village clerk in time for payment on the regular payday. (Prior code SS4.03(3)).

3.24.040 Appropriations by village board. All actions of the village board appropriating money or creating a charge against the village, other than claims for purchases or work previously authorized by the board, shall only be acted upon at the next regular meeting after introduction; provided, that this rule may be suspended by affirmative vote of three-fourths of all members of the board. A roll call vote shall be taken and recorded on all appropriations. (Prior code SS4.03(4)).

* For statutory provisions on alternatives for letting of village contracts, see Wis.Stat. 1975 SS61.56; for provisions on public works bidding for cities applicable to villages, see Wis.Stat. 1975 SS62.15.

** For statutory provisions on local government disbursements, see Wis.Stat. 1975 SS66.042.

Chapter 3.28

TAX ROLL AND TAX RECEIPTS*

Sections:

3.28.010 Aggregate tax stated on roll.
3.28.020 Rates stamped on receipts.

3.28.010 Aggregate tax stated on roll. Pursuant to Section 70.65 (2) of the Wisconsin Statutes, the village clerk-treasurer shall, in computing the tax roll, insert only the aggregate amount of state, county, school and local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person, firm or corporation against whom the tax is levied. (Prior code SS4.01(l)).

3.28.020 Rates stamped on receipts. Pursuant to Section 74.08 (1) of the Wisconsin Statutes, in lieu of entering on each tax receipt the several amounts paid respectively for state, county, school, local and other taxes, the aggregate amount of such taxes shall be combined in a single column on the tax receipt issued by the village treasurer. The treasurer shall cause to be printed or stamped on the tax receipt the separate proportion or rate of taxes levied for state, county, school, local or other purposes. (Prior code SS4.01(2).

* For statutory provisions on tax rolls, see Wis. Stat 1975 SS70.65; for provisions on tax receipts, see Wis.Stat 1975 SS74.08

Chapter 3.29

PAYMENT OF REAL PROPERTY TAXES IN INSTALLMENTS

Sections:

3.29.010 Three installments permitted.
3.29.020 Time for payment.
3.29.030 Balance may be paid prior to due date.
3.29.040 Special charges and special taxes.
3.29.045 Personal property taxes.
3.29.050 Delinquent first installment.
3.29.060 Delinquent subsequent installments.
3.29.070 Delinquent payment--Collection and interest.
3.29.080 Duties of village clerk-treasurer.
3.29.090 Payment priority.

3.29.010 Three installments permitted. The payment of real property taxes may be made in three installments as provided in this chapter. If the total real property tax is less than one hundred dollars, it shall be paid in full on or before January 31st. (Ord. A-533-89 Part 1, 1989: Ord. A-531-89 Part 1 (part), 1989).

3.29.020 Time for payment. Real property taxes may be paid in three installments due as follows:

A. Fifty percent of real property taxes shall be paid on or before January 31st.

B. Twenty-five percent of real property taxes shall be paid on or before March 31st.

C. Twenty-five percent of real property taxes shall be paid on or before May 31st. (Ord. A-533-89 Part 2, 1989:
Ord. 531-89 Part 1 (part), 1989).

3.29.030 Balance may be paid prior to due date. On any installment date or any prior date, a taxpayer may pay the balance of the taxes due. (Ord. A-531-89 Part 1 (part), 1989).

3.29.040 Special charges and special taxes. A. All special taxes, special charges and special assessments that are placed on the tax roll shall be paid in full on or before January 31st and any amounts unpaid as of that date are delinquent as of February 1st.

B. If any special assessments, special charges or special taxes are entered on the tax roll as charges against a parcel of real property and are delinquent under subsection A of this section, the entire annual amount of real property taxes on that parcel which is unpaid is delinquent as of February 1st. (Ord. A-531-89 Part 1 (part), 1989).

3.29.045 Personal property taxes. A. All personal property taxes shall be paid in full on or before January 31st.(Ord. A-533-89 Part 3, 1989).

B. All personal property taxes that become delinquent shall be paid together with interest and penalties charged from the preceding February 1. (Ord. 026, Series 2003, Part 1)

3.29.050 Delinquent first installment. If the first installment of real property taxes is not paid on or before January 31st, the entire amount of the remaining unpaid taxes on that parcel is delinquent as of February 1st. (Ord. A-531-89 Part 1 (part), 1989).

3.29.060 Delinquent subsequent installments. If the second or any subsequent installment payment of real property taxes is not paid by the due date specified in Section 3.29.020, the entire amount of the taxes that remain unpaid on that parcel are delinquent as of the first day of the month after the payment is due. (Ord. A-531-89 Part 1 (part), 1989).

3.29.070 Delinquent payment--Collection and interest.

A. All general property taxes, special assessments, special charges and special taxes that become delinquent and are paid on or before July 31st shall be paid, together with interest and penalties charged from the preceding February 1st, to the village clerk-treasurer.

B. All general property taxes, special assessments, special charges and special taxes that become delinquent and are not paid under subsection A of this section shall be payable, together with interest and penalties charged from the preceding February 1st, to the county treasurer. (Ord. A-531-89 Part 1 (part), 1989).

C. The interest rate on delinquent real property and personal property taxes, special charges, special assessments and special taxes included in the tax roll for collection is 1 percent per month or fraction of a month, pursuant to Section 74.47(1), Wisconsin Statutes. (Ord. 026, Series 2003, Part 2)

D In addition to the interest rate outlined in Section 3.29.070(C) there is imposed an additional 0.5 percent penalty on any delinquent real estate and personal property taxes, special charges, special assessments and special taxes that are included in the tax roll for collection, pursuant to Section 74.47(2), Wisconsin Statutes. (Ord. 026, Series 2003, part 2)

3.29.080 Duties of village clerk-treasurer. The village clerk-treasurer shall retain the tax roll and make collections through July 31st. On or before August 15th, the village clerk-treasurer shall return the tax roll to the county treasurer. The county treasurer shall collect all returned delinquent real property taxes, together with interest and penalty assessed from the previous February 1st, as provided under Section 74.47 Wis. Stats. (Ord. A-531-89 Part 1 (part), 1989).

3.29.090 Payment priority. A. If the village clerk treasurer receives a payment from a taxpayer which is not sufficient to pay all general property taxes, special charges, special assessments and special taxes due, the village clerk-treasurer shall apply the payment to the amounts due, including interest and penalties, in the following order:

1. Special charges;
2. Special assessments;

3. Special taxes;
4. General property taxes.

B. The allocation under subsection A (1 to 4) is conclusive for purposes of settlement under Section 74.25 to 74.305, Wis. Stats., and for determining delinquencies under this chapter. (Ord. A-531-89 Part 1 (part), 1989).

Chapter 3.32

MAINTENANCE AND ACCESS TO GRAFTON RECORDS*

Sections:

3.32.010 Definitions.
3.32.020 Duty to maintain records.
3.32.030 Legal custodian(s).
3.32.040 Public access to records.
3.32.050 Access procedures.
3.32.055 Employee Records.
3.32.060 Limitations on right to access.
3.32.070 Preservation through microfilm.

3.32.010 Definitions. As used in this chapter:

A. "Authority" means any of the following village entities having custody of a village record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted sub unit of the foregoing.

B. "Custodian" means that officer, department head, division head, or employee of the village designated under Section 3.32.030 or otherwise responsible by law to keep and preserve any village records on file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.

C. "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. E-mail relating to official business and maintained or kept on a computer, ot in the possession of a “custodian”, as defined in subsection (B), is

considered a record. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library. (Ord. 006, Series 2004, part 1; Ord. A-435-83 Part l(part), 1983).

3.32.020 Duty to maintain records. A. Except as provided under Section 3.32.070, each officer and employee of the village shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.

B. Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall provide to his or her successor all records then in his or her custody. If a vacancy occurs before a successor is selected or qualifies, such records shall be maintained in their current location for conveyance to the appropriate person. (Ord. 006, Series 2004, Part 1; Ord. A-435-83 Part l(part), 1983).

3.32.030 Legal custodian(s). A. The Village Clerk, or in his or her absence or disability or in case of vacancy, the Deputy Clerk, as well as the Department Head of each Village department, is hereby designated the official legal custodians of all village records. (Ord. 006, Series 2004, Part 1)

B. Unless otherwise prohibited by law, the village clerk or the clerk's designee shall act as legal custodian for the village board and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the village board.

C. For every authority not specified in subsections A or B of this section, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.

D. The legal custodian maintains public records and has the duty to make decisions regarding access to the records. Each departmental legal custodian shall name a person to act as legal custodian in his or her absence. (Ord. 006, Series 2004, Part 1)

E. The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under subchapter 11 of Chapter 19 of the Wisconsin Statutes and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section. (Ord. A-435-83 Part l(part), 1983).

3.32.040 Public access to records. A. Except as provided in Section 3.32.060, any person has a right to inspect a record and to make or receive a copy of any record as provided in Section 19.35(1) of the Wisconsin Statutes.

B. Records will be available for inspection and copying during all regular office hours, as outlined in Section 3.32.050. (Ord. 006, Series 2004, Part 1)

C. If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least forty-eight hours' advance notice of intent to inspect or copy.

D. A requester shall be permitted to use facilities comparable to those available to village employees to inspect, copy or abstract a record.

E. The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

F. A requester shall be charged a fee to defray the cost of locating and copying records as follows:

1. The cost of photocopying shall be twenty-five cents per page. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.

2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

3. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.

4. If mailing or shipping is necessary, the actual cost thereof shall also be charged.

5. There shall be no charge for locating a record unless the actual cost therefore exceeds fifty dollars, in which case the actual cost shall be determined by the legal custodian and billed to the requester.

6. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds five dollars.

7. Elected and appointed officials of the village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

8. The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.

9. No copies associated with a request for records shall be mailed to any applicant unless prior arrangements are made with the Village Clerk for the payment postage. (Ord. 006, Series 2004, Part 1)

10. The Finance Director is authorized and directed to prepare a statement of "real property status" form which shall include such information as is normally sought by interested parties when ownership of real property is transferred. The form may include, but is not necessarily limited to, the amount of outstanding special assessments, deferred assessments, changes in assessments, outstanding water bills, latest water bill, contemplated improvements, floodplain status and violation of the building and health codes. The Finance Director is authorized and directed to charge thirty-five dollars ($35.00) for each statement of real property status form requested. No copies of any nature shall be mailed to any applicant unless prior arrangements are made with the Finance Director for payment of postage. (Ord. 006, Series 2004, Part 1)

G. Pursuant to Section 19.34 of the Wisconsin Statutes, and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian for whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall, upon request, provide a copy of Sections 19.31 to 19.39 of the Wisconsin Statutes, , for the guidance of the public. This subsection does not apply to members of the village board. (Ord. 006, Series 2004, Part 1; Ord. A-542-89 Part 1, 1989; Ord. A-435-83 Part 1 (part) , 1983).

3.32.050 Access procedures. A. A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Section 19.37 of the Wisconsin Statutes. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under subdivision 6 of subsection F of Section 3.32.040. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

B. Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. If the legal custodian, after conferring with the village attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.

C. A request for a record may be denied as provided in Section 3.32.060. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Section 19.37(1) of the Wisconsin Statutes, or upon application to the attorney general or a district attorney.

D. Except as otherwise indicated, information, access to records, requests for records, and copies of records may be made to or obtained from the designated legal custodian as follows:

1. Village Hall (Administration, Clerk, Finance, Planning and Development, Inspection, and Assessing)
Upper and Lower Level Offices
1971 Washington Street, Grafton, WI 53024
8:00 a.m. to 4:30 p.m. Monday-Friday, excluding holidays

2. Grafton Police Department
1981 Washington Street Grafton, WI 53024
8:00 a.m. to 4:30 p.m. Monday-Sunday

3. Public Works Department
1300 Hickory Street, Grafton, WI 53024
8:00 a.m. to 12:00 Noon / 1:00 p.m. to 3:30 p.m.
Monday-Friday, excluding holidays

4. Community Activities Department
1665 Seventh Avenue, Grafton, WI 53024
8:00 a.m. to 4:30 p.m. Monday-Friday, excluding holidays

5. Water and Wastewater Utility
1900 Ninth Avenue, Grafton, WI 53024
7:30 a.m. to 4:30 p.m. Monday-Friday, excluding holidays

6. U. S. S. Liberty Memorial Public Library
1620 Eleventh Avenue, Grafton, WI 53024
10:00 a.m. to 8:00 p.m. Monday-Thursday and 10:00 a.m. to 5:00 p.m. Friday

(Ord. 006, Series 2004, Part 1)

3.32.055 Employee records. A. As defined in Wisconsin Act 47, there are hereby established three categories of records relating to employees:

1. Employee related records that are absolutely closed to public access under the open records law.

2 Employee related records that may be released under the balancing test only after a notice of impending release and the right of judicial review have been provided to the employee that is subject to the record request.

3. Employee related records that may be released under the general balancing test without providing a right of notice or judicial review to the employee that is subject to the record request.

B. A public records authority may not provide access to records containing the following information, except to an employee or the employee's representative, to the extent required by Sec 103.13 Wisconsin Stats.:

1. The home address, home e-mail address, home telephone number or social security number of an employee unless the employee authorizes the authority to provide access to the information.

2. Information relating to the current investigation of a possible criminal offense or possible employment-related misconduct.

3. Information pertaining to an employee's employment examination, except an examination score if access to that score is not otherwise prohibited.

4. Information relating to one or more specific employees that is used by an authority or the employer for staff management planning, including performance evaluations, judgments or recommendations concerning future salary adjustments or other wage treatments, management bonus plans, promotions, job assignments, letters of reference or other comments or ratings related to employees.

C. A notice of impending release of employee records and the right to judicial review of employee records shall apply only to the following types of records:

1. Any records containing information that is the result of an investigation into a disciplinary matter or possible employment-related violation.

2. Any record obtained by the authority through a subpoena or search warrant.

3. Any record prepared by an employer other than the authority if it contains information relating to an employee of that employer, unless the employee authorizes the authority to provide access to that information.

D. No notice is required when access is provided to the employee who is the subject of the record, or to his or her representative or bargaining representative. Notice is not required when an authority releases a record produced for equal rights, discrimination, or fair employment law compliance purposes.

E. Within 3-days of deciding to release a record outlined in sub-section C, and before allowing access to the record, a custodian must notify the subject of the record request by certified mail, or personal service upon the record subject, of his or her decision to release the record. The notice must briefly describe the requested record and explain the record subjects rights to file a notice of intent to appeal and also to seek a court order restraining the custodian from providing access.

F. Within 5-days after receiving notice of the custodians decision to release the record, the record subject may notify the authority in writing that he or she intends to seek a court order restraining the authority from providing access to the requested record.

G. Within 10-days after receiving the notice from the custodian, the record subject may commence an action seeking to restrain the custodian from releasing the record. If the record subject commences an action, the authority may not provide access to the record within the 12-days of sending the record subject notice of an intent to release the record. No record can be released until the matter has proceeded through the various courts and all the appeal periods have expired.

(Ord. 006, Series 2004, Part 1; Ord. A-435-83 Part l(part), 1983).

<u>3.32.060 Limitations on right to access.</u> A. As provided by Section 19.36 of the Wisconsin Statutes, the following records are exempt from inspection under this section:

1. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;

2. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;

3. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and

4. A record or any portion of a record containing information qualifying as a common law trade secret.

B. As provided by Section 43.30 of the Wisconsin Statutes, public library circulation records are exempt from inspection under this section.

C. In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the village attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matter, for which disclosures may be refused include, but are not limited to, the following:

1. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them;

2. Records of current deliberations after a quasi-judicial hearing;

3. Records concerning current strategy for crime detection or prevention, among, but not limited to, the reasons for denying all or parts of police records as the following:

a. This portion identifies a juvenile.

b. This portion names law enforcement personnel. Disclosure will impair their effectiveness in their duties and subject them to harassment and physical injury.

c. This portion identifies a person. Disclosure of such person in this context would be likely to have a substantial adverse effect on their reputation.

d. This portion if released would result in harm to the public interest which outweighs the legislative policy of allowing inspection of public records.

e. This portion contains investigative information.

f. This portion contains confidential information furnished only by a confidential source who has requested anonymity as a condition of supplying this information.

g. This portion would identify a confidential source and would endanger the life or physical safety of this source.

h. This portion would identify a confidential source and this would jeopardize a criminal investigation.

i. This portion will jeopardize an ongoing criminal investigation in that it will disclose evidence.

j. This portion would disclose the contents of a communication between administrative or executive personnel on matters of policy, the disclosure of which would inhibit the frank and full discussion of matters necessary to set policy.

k. This portion contains employee performance evaluation data.

l. This information is unsubstantiated; if released it would unduly damage the reputation of the individual(s) involved.

m. Other information specifically exempted by law.

4. Records of current deliberations or negotiations on the purchase of village property, investing of village funds, or other village business whenever competitive or bargaining reasons require nondisclosure;

5. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data;

6. Communications between legal counsel for the village and any officer, agent or employee of the village, when advice is being rendered concerning strategy with respect to current litigation in which the village or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Section 905.03 of the Wisconsin Statutes.

D. If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the village attorney prior to releasing any such record and shall follow the guidance of the village attorney when separating out the exempt material. If, in the judgment of the custodian and the village attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure. (Ord. 006 Series 2004, Part 1; Ord. A-435-83 Part l(part), 1983).

3.32.070 Preservation through microfilm. Any village clerk, or the director of any department or division of village government may, subject to the approval of the village board, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Section 16.61(7) (a)(b) of the Wisconsin Statutes, and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Sections 3.32.040 through 3.32.060. (Ord. A-435-83 Part l(part), 1983).

* Prior history: prior code SS4.05(6); Ord A-360-78

Chapter 3.36

SPECIAL ASSESSMENTS*

Sections:

3.36.010 General procedure.
3.36.020 Sidewalk and curbing assessments.
3.36.030 Pro-ration of construction costs for storm sewers.
3.36.040 Sanitary Sewer Assessment policy.
3.36.045 Water Main Assessment Policy
3.36.050 Street, curb and gutter, driveway and street lighting assessment.
3.36.060 Regional Stormwater Facilities
3.36.070 Special Assessments for Regional Watershed Improvements

3.36.010 General procedures. Where special assessments for public improvements or services are to be made against abutting or benefited property, the village board shall levy such assessments in accordance with the provisions of Section 66.60 of the Wisconsin Statutes, except as otherwise provided in this chapter. (Prior code SS5.03(1)).

3.36.020 Sidewalk and curbing assessments. Assessments for sidewalk improvement, construction and repair and curbing may be levied by the board in accordance with the provisions of Section 66.60 of the Wisconsin Statutes. (Prior code SS5.03(2)).

3.36.030 Pro-ration of construction costs for storm sewers. Except as modified by the regulations for the division and platting of land in Title 18 of this code, the construction costs of storm sewers is to be prorated on the following basis:

For the purpose of having the cost of storm sewers equitably proportioned between the village and the property owners the cost of the same shall be prorated as follows:

A. The amount which the owner shall pay shall be based upon the ratio of the area of each owner's "contributing parcel" fronting on or within five hundred feet of said improvement to entire "contribution area" tributary to said improvement.

B. A "contributing parcel" shall be defined as:

1. A lot within a platted subdivision, the majority of whose area contributes to an abutting street which contains or drains to said improvement; or

2. An unplatted parcel of land which fronts on or contributes to a street containing or draining to the said improvement where:

a. The depth shall be defined as one hundred thirty-five feet as measured at right angles to the street line where the drainage area falls away from the street or improvement, or,

b. The depth shall be defined as the depth of the parcel from the street line, or from the improvement where no street exists, to the

rear limits of the contributing drainage area where the drainage area contributes to the said improvement and where no future storm sewer extensions will be made in the parcel's drainage area;

c. In subdivision 2 of this subsection, where future storm sewer extensions will be made into the drainage area, the depth shall be considered as one hundred thirty-five feet as measured at right angles to the said future improvement.

d. The width shall be defined as the width of the contributing parcel which falls within the tributary drainage area of said improvement.

C. The "contribution area" shall be defined as the sum of all "contributing parcels" defined above to be assessed, and shall not include street area.

D. The cost of said improvement shall be considered to include the storm sewer, and all connections and appurtenances thereto.

E. The cost of said improvements shall be considered to include an engineering and administration fee of fifteen percent.

F. The cost for the services for obtaining assessment bonds for the purpose of paying for this improvement program shall be a part of the cost of this said improvement.

G. The cost per square foot to be assessed to the contributing and/or abutting property shall be the ratio of the total cost of the improvement to the total number of square feet in the "contribution area." (Ord. A-356-78 Part 1 (part), 1978; prior code SS5.03(5)).

3.36.040 Sanitary Sewer Assessment policy. A. Intent. The intent of this policy is to equitably assess the costs of new major sanitary sewer installations and related appurtenances to abutting and/or benefited property. (Ord. 014, Series 2003, Part 1)

B. Definitions.

1. "Appurtenances" means public installation of facilities necessary to operate a complete sanitary sewer conveyance system, such as (but not limited to), gravity sewer piping, manholes, service laterals extended to the property line, municipal pump stations and force mains.

2. "Costs" means the amount of money expended by the water and wastewater commission and/or the village to design and construct the sanitary sewer and appurtenances.

3. "ENR Index" means the "20 cities" construction cost index published by Engineering News Record magazine,, a national publication of the construction industry.

a. "Index at bid" means the value of the ENR Index at the time of the bid opening for the facilities.

b. "Index at payment" means the value of the ENR Index at the time the facilities are paid for by the property owners.

4. "Interceptor sewer" means a gravity sanitary sewer twelve inches or larger in diameter.

5. "Primary service area" means the limits of an area that can be served or developed as a direct result of the oversized sewer installation, and as delineated by the village engineer.

C. Policy. Unless otherwise agreed between the landowner(s) and the Village, the costs for all sanitary sewers and interceptor sewers and the related appurtenances shall be assessed as follows:

1. It being understood that owners of single-family residential properties benefit similarly from the availability of sanitary sewers regardless of the length of front footage of the owners' properties, the single-family residential properties abutting an eight-inch sanitary sewer shall be assessed a fixed cost as calculated by the Village Engineer and approved by the Village Board. Said calculation shall be based upon the ENR Index eight inch sanitary sewer, constructed at a normal depth, and at a standard length. All other properties abutting an eight-inch sanitary sewer shall be assessed at cost not to exceed the ENR index eight-inch sanitary sewer, constructed at a normal depth. In the event of a mixed-use assessment, involving a combination of single-family residential and other uses, the Village Engineer shall attempt to apportion the sanitary sewer costs in a uniform manner, always considering the policy set forth herein. (Ord.012, Series 2005, Part 1)

2. It being understood that owners of single-family residential properties benefit similarly from the availability of sanitary sewers regardless of the length of front footage of the owners' properties, the single-family residential properties abutting the oversized sewer shall be assessed a fixed cost as calculated by the Village Engineer and approved by the Village Board. Said calculation shall be based upon an equivalent eight-inch sewer, at a normal depth, and a standard length, if the oversized is, or can reasonably be expected to be, used by the abutting properties in lieu of an eight-inch collector sewer. All other properties abutting the oversized sewer shall be assessed for the cost of an equivalent eight-inch sewer, at a normal depth, if the oversized is, or can reasonably be expected to be, used by the abutting properties in lieu of an eight-inch collector sewer. In the event of a mixed-use assessment, involving single-family residential uses and other uses, the Village Engineer shall attempt to apportion the sanitary sewer costs in a uniform manner, always considering the policy set forth herein. (Ord. 012, Series 2005, Part 1; Ord. 014, Series 2003, Part 1)

3. The costs of an oversized sanitary sewer not assessed as an equivalent eight-inch sewer shall be prorated among the properties in the service area, based upon gross acres in the service area. In no case shall the prorated costs (not otherwise assessed as an equivalent eight-inch sewer) exceed the "cap" figure per acre as established annually;

4. In some instances, ten-inch sanitary sewer may be required at the discretion of the water and wastewater commission. In these cases, the developer shall be reimbursed the over-sizing "cost of materials" by the commission;

5. Interceptor special assessments will not apply, per se, to areas outside the village limits. Interceptor costs will, however, be recovered by the village per existing code language which includes provision for collection of a "connection fee" prior to annexation. The "connection fee" or "right to connect" fee will be determined per interceptor special assessment methods outlined herein;

6. Project service areas shall be as delineated by the village engineer and approved by the village board. In general, delineation of service area will be serviceability rather than land use, either ultimate or proposed.

7. The assessment cost of an eight-inch sanitary sewer shall be established annually by the Village Engineer; (Ord. 014, Series 2003, Part 1)

8. The limitations on length of sewer to be assessed, set forth in Sections 3.36.040(C)(1) and (2) above shall only apply to single-family residential lots within the Village or to be annexed to the Village, that were created prior to January, 2004. (Ord. 012, Series 2005, Part 1)

D. Timing of Fee Collection.

1. Any area or parcels already within the village limits that are benefited from the installation of the interceptor sewer and appurtenances will be required to pay the applicable special assessment at the time of final plat approval.

2. Connection fees are normally collected prior to or at the time of annexation to the village. At village board discretion, collection of these fees may be commuted to the time of official zoning adoption by the village board for the annexed land.

E. Fee Updating.

1. The area-wide interceptor assessment figure per acre shall be adjusted annually by adding interest at one point above the average rate at which money was borrowed or otherwise applied at the time of projects payment. In no case shall the assessment cost per acre, in any year, be less than the original per acre assessment.

2. The assessment cost of an equivalent eight-inch sewer shall be updated annually in accordance with current costs for normal eight-inch sewer construction as determined by the village engineer, utilizing the ENR Index. (Ord. 014, Series 2003)

3. The 1989 assessment "cap" shall be established at one thousand five hundred dollars per acre. This cap figure will also be updated annually in accordance with ENR indexing methods and as adopted by the village board. (Ord. A-525-89 Part 1, 1989).

3.36.045 Water Main Assessment Policy. A. Intent. The intent of this policy is to equitably assess the costs of new major water main installations and related appurtenances to abutting and/or benefited property.

B. Definitions.

1. "Appurtenances" means public installation of facilities necessary to operate a complete water main conveyance system, such as (but not limited to), main piping, manholes, hydrants, and service laterals extended to the property line.

2. "Costs" means the amount of money expended by the Board of Public Works and/or the Village to design and construct the water main and appurtenances.

3. "ENR Index" means the "20 cities" construction cost index published by Engineering News Record magazine, a national publication of the construction industry.

a. "Index at bid" means the value of the ENR Index at the time of the bid opening for the facilities.

b. "Index at payment" means the value of the ENR Index at the time the facilities are paid for by the property owners.

C. Policy. Unless otherwise agreed between landowner(s) and the Village, the costs for all water mains and the related appurtenances shall be assessed as follows:

1. The properties abutting an eight-inch water main shall be assessed for the cost not to exceed the ENR Index eight-inch water main, constructed at a normal depth. (Ord. 018, Series 2008, Part 1; Ord. 012, Series 2005, Part 2)

2. The properties abutting a larger than eight-inch water main shall be assessed for the cost not to exceed the equivalent eight-inch water main, at a normal depth, utilizing the ENR Index. The cost of an equivalent eight-inch water main shall be established annually by the Village Engineer. (Ord. 018, Series 2008, Part 1;Ord. 012, Series 2005, Part 2)

3. In some instances, a greater than eight-inch water main may be required at the discretion of the Utility Director. In these cases, the developer shall be responsible for all water main costs up to and including typical twelve-inch sizing. Where water main above twelve-inch sizing is required by the Utility Director, the developer shall be reimbursed the over-sizing "cost of materials" by the Utility and as determined by the Village Engineer. (Ord. 018, Series 2008, Part 1; Ord.007, Series 2005, Part 1).

4. The assessment cost of an eight-inch water main shall be established annually by the Village Engineer.

D. Timing of Fee Collection.

1. Any area or parcels already within the village limits that are benefited from the new installation of the water main and appurtenances will be required to pay the applicable special assessment upon completion of the installation.

2. Connection fees are normally collected prior to or at the time of annexation to the village. At Village Board discretion, collection of these fees may be commuted to the time of official zoning adoption by the Village Board for the annexed land.

E. Fee Updating.

1. The assessment cost of an equivalent eight-inch water main shall be updated annually in accordance with current costs for normal eight-inch water main construction as determined by the Village Engineer utilizing the ENR Index.

(Ord. 014, Series 2003, Part 2)

<u>3.36.050 Street, curb and gutter, driveway, and street lighting assessment</u>. A. New Construction. The entire cost of new street, curb and gutter, and sidewalk construction shall be assessed to the abutting property owners on a front foot basis as follows:

1. The assessable front footage shall be the actual lot width at the minimum building set back line. In districts with no minimum required set back line, the assessable front footage shall be the actual lot width measured at a depth equal to one-quarter of the actual average lot depth.

2. In the case of corner lots, the front footage shall be calculated as in section (1) above for improvements on the front yard side of the lot. The side yard shall be assessed at 50% of the side yard frontage, provided the side yard frontage does not exceed 150 feet. If the side yard exceeds 150 feet, that portion in excess of 150 feet shall be assessed in the same manner as front yard frontage. On properties in commercial, industrial, or PID zoned districts, the side yard frontage shall be assessed at 100%, irrespective of length.

3. For un-platted parcels, the assessable front footage shall be the actual frontage of the parcel along the street being improved.

4. The quantity of new pavement which shall be assessed shall be limited to an area of 16 square feet per front foot. The intent of this provision is that the amount of new street assessed shall be limited to a width of 36 feet, measured at the face of curb.

5. New concrete driveway construction shall be assessed 100% to the benefiting property.

6. New street lighting shall be assessed at 100% by dividing the entire cost of street light installation by the total assessable front footage of the street being constructed.

7. Clearing, grubbing, grading, cut, fill, milling, grinding, base course, landscaping, and other items incidental to the construction of streets, shall be included in the cost of street construction.

8. Policy. The costs for all street, curb and gutter, and street lighting assessments shall be assessed as follows:

a. The properties abutting the improvements shall be assessed for the cost not to exceed the ENR Index for improvement constructed consistent with 3.36.050.(A)(4).

b. The assessment cost shall be established annually by the Village Engineer.

(Ord. 016, Series 2003; Ord. 014, Series 2003, Part 3)

B. For the purposes of this section, the upgrading of existing rural type roadways shall be assessed in the same manner as new street construction. Rural type roadways are defined as those which do not have curb and gutter, or are less than the minimum width specified in Section 18.20.070.

C. When calculating improvement costs, the actual costs of legal, engineering, inspection, and construction management shall be included.

3.36.060 Regional Stormwater Facilities. A. The Village Board may establish drainage districts for the purpose of assessing the cost of regional stormwater facilities, including retention ponds, channels, or structures which have the purpose of controlling the quantity or quality of stormwater discharge from more than one parcel of land. The drainage district shall encompass the entire land area which will, when developed, drain into the improvement being constructed.

B. When drainage districts are established, the Village Engineer shall determine the area of each parcel in the district, and any assessment for improvements shall be made on the basis of proportional area. In the event that there are significant differences in the impervious areas of properties in the district, the Board may make assessments on the basis of proportional impervious area. In such cases, the impervious area of undeveloped parcels shall be calculated based on the estimated area under fully developed conditions. The impervious area of all single family residential lots shall be assumed to be 3,400 square feet.

C. No parcel shall be assessed for regional drainage improvements more than once, however, multiple improvements may be included in one assessment.(Ord. 036, Series 1994, Part I, 1994).

3.36.070 Special Assessments for Regional Watershed Improvements. A. Intent: The intent of this ordinance is to equitably assess the costs of regional watershed improvements by specially assessing the costs of

those improvements benefiting property owners in accordance with this ordinance.

1. When the Village Board determines that a proposed watershed improvement confers a special benefit upon a limited and determinable area and is, therefore, subject to a special assessment levied in accordance with the provisions of Section 66.60 Wis. Stats. and Section 3.36.010 of the Grafton Municipal Code, including assessment of all costs and expenses outlined therein, the Village shall determine the amount of the applicable special assessment for each parcel in the area benefited by the improvement utilizing the proportional area method as required by Section 3.36.060 of the Grafton Municipal Code.

2. Except as otherwise provided herein, the owner of any property benefiting from the watershed improvement project and which property is located within the corporate limits of the Village of Grafton shall pay fifty percent of the special assessment calculated under Subsection (1) of this policy and which is attributable to the owners property. No assessment shall be levied against parcels which were in the Village and fully developed on May 18, 1998, unless said parcels were subject to compliance with the provisions of an approved stormwater management plan. (Ord. 003, Series 2001)

3. That the Village in calculating the special assessments under Subsection (1) shall calculate any special assessable amounts that are attributable to parcels of land which are benefited by the watershed improvement but which lie outside of the corporate limits of the Village of Grafton and which are, therefore, beyond the Village's special assessment powers. The Village shall place any special assessable amounts which are attributable to properties lying outside the Village and which assessments remain after application of any funding grants as provided for herein on the Village's general property tax levy. In the event said property owner seeks to annex the parcel of property into the Village, the Village shall receive as an annexation fee, prior to annexation, an amount equal to the special assessment as calculated plus interest thereon at the annual rate of 8 percent per annum.

4. That in the event that the watershed improvement project qualifies for any funding through a state or federal grant or similar funding source and the Village actually receives said funds, the Village shall apply those funds on a pro-rata basis to the fifty percent portion of the special assessment that is the property owner's responsibility under this policy. The pro-rata reduction shall apply to special assessments actually levied against properties located in the Village and the amount that would have been specially assessed against properties benefited by the improvement but which are located outside the Village's corporate limits and therefore, not subject to special assessment by the Village.

5. The Village shall exercise its best efforts to coordinate work to be performed in connection with the watershed improvement project and the levy of any special assessment with any other municipality having jurisdiction over properties located in the contributing watershed which are benefited by the watershed improvement. (Ord. #004, Series 1995, Part I, 1995)

* For statutory provisions on special assessments and charges, see Wis.Stat. 1975 SS66.60 and 66.62.

Chapter 3.40

FEES FOR ANNEXATION REQUESTS

Sections:

3.40.010 Fees for annexation requests.

3.40.010 Fees for annexation requests. To defray the cost of administrative burden resulting from the act of submitting a petition for annexation, the following annexation fee shall be paid by each applicant submitting a petition for annexation at the time of filing such petition: Two hundred fifty dollars plus five dollars per acre or fraction thereof involved in such annexation. (Ord. A-020-92 Part III, 1992: Ord. A-555-90 Part 5, 1990).

Chapter 3.44

Impact Fees

Sections

3.44.010 Purpose
3.44.020 Applicability
3.44.030 Definitions
3.44.040 Amount of Impact Fees
3.44.050 Payment of Fees
3.44.060 Segregation of Impact Fees
3.44.070 Time Limitations on the Use of Impact Fees Collected
3.44.072 Time Limitations on Imposition of Impact Fees
3.44.080 Parks and Recreational Facilities Needs Assessment
3.44.082 Fire Station Facilities Needs Assessment
3.44.084 Library Facilities Needs Assessment
3.44.086 Police Station Facility Needs Assessment
3.44.088 Public Works Facilities Needs Assessment

3.44.089 Establishment of park and Recreational Facilities Impact Fee Service Districts/Zones
3.44.090 Impact Fees - Parks, Playgrounds, and Other Recreational Facilities
3.44.092 Impact Fees – Library Facilities
3.44.094 Impact Fees – Fire Station Facilities
3.44.096 Impact Fees – Police Station Facilities
3.44.098 Impact Fees – Public Works Facilities
3.44.100 Exemptions
3.44.105 Low Cost Housing
3.44.110 Fee Increases
3.44.120 Administration
3.44.130 Appeals

3.44.010. Purpose. In order to provide for the capital costs for the construction, expansion, and improvement of public facilities, including the cost of land, legal, engineering, and design costs to serve growth in the Village of Grafton's population, there are hereby imposed the following impact fees upon developers to pay for the capital costs that are necessary to accommodate land development in compliance with the requirements of Section 66.0617 of the Wisconsin State Statutes. (Ord. 017, Series 2001, Part 1)

3.44.020 Applicability. The provisions of this Chapter shall be applicable as follows:

A. Applicability to All Land Development for Which an Impact Fee Has Not Been Collected. The provisions of this Chapter shall be applicable to all land development for which an impact fee has not been collected by the Village prior to July 5, 1995.

B. Effects Upon All Building Permits Issued Prior to Chapter Effective Date. All Building Permits issued prior to the effective date of this Chapter shall not be affected by this Chapter except as follows:

1. Nothing in this Chapter, or any amendment thereto, shall be deemed to require any change in the plans, construction, or designated use of any building or structure if a Building Permit (also see Paragraph B2. of this Section) for such building or structure was lawfully and properly issued prior to the effective date of this Chapter, or any such amendment thereto, and such Building Permit and/or Certificate of Occupancy had not by its own terms expired prior to such effective date of this Ordinance, and construction pursuant to such Building Permit is commenced prior to the expiration date of such Building Permit.

2. Where a Building Permit for a building or structure has been issued in accordance with law prior to the effective date of this Chapter, and provided that construction is begun within ninety (90) days of such effective date and the exterior of the building or structure is completed within six (6) months of such effective date, said building or structure may be completed in accordance with the approved plans on the basis of which the Building Permit has been issued; and further, may, upon

completion, be occupied under a Certificate of Occupancy by the use for which originally designated, subject thereafter to the provisions of the Village of Grafton Municipal Code.

C. Pending Applications. This Chapter, and any amendment thereto, shall apply to all applications for land development pending and not finally decided on the effective date thereof to which it would apply if such applications were filed on or after such effective date.

3.44.030 Definitions. In this Chapter:

A. Capital Costs. "Capital costs" means the capital costs to construct, expand, or improve public facilities, including the cost of land, and including legal, engineering, and design costs to construct, expand, or improve public facilities, except that not more than ten (10) percent of capital costs may consist of legal, engineering, and design costs unless the political subdivision can demonstrate that its legal, engineering, and design costs which relate directly to the public improvement for which the impact fees were imposed exceed ten (10) percent of capital costs. "Capital costs" does not include other non-capital costs to construct, expand, or improve public facilities or the costs of equipment to construct, expand, or improve public facilities.

B. Developer. "Developer" means a person that constructs or creates a land development.

C. Impact Fees. "Impact fees" means cash contributions, contributions of land or interests in land, or any other items of value that are imposed on a developer by a political subdivision under this section.

D. Land Development. "Land development" means the construction or modification of improvements to real property that creates additional residential dwelling units within a political subdivision or that results in nonresidential uses that create a need for new, expanded, or improved public facilities within a political subdivision.

E. Political Subdivision. "Political subdivision" means a city, village, town, or county.

F. Public Facilities. "Public facilities" means highways, as defined in Section 340.01 (22) of the Wisconsin Statutes, and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds and other recreational facilities within a park or playground or included as a small portion of a larger park, land for athletic fields, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities, and libraries. "Public facilities" does not include facilities owned by a school district. (Ord. 022, Series 2006, Part 1).

G. Service Area. "Service area" means a geographic area delineated by a political subdivision within which there are public facilities.

H. "Service standard" means a certain quantity or quality of public facilities relative to a certain number of persons, parcels of land, or other appropriate measure, as specified by the political subdivision.

3.44.040 Amount of Impact Fees. The amount of impact fees to be collected for each residential dwelling unit created after the effective date of this Ordinance shall be in an amount as specified under Section 3.44.090, Section 3.44.092, Section 3.44.094, Section 3.44.096 and Section 3.44.098 of this Chapter. The amount of impact fees to be collected for commercial, industrial and institutional development shall be in accordance with the amount specified under Section 3.44.094, Section 3.44.096 and Section 3.44.098 of this Chapter. (Ord. 027, Series 2005; Part 1; Ord. 017, Series 2001, Part 1)

A. Determination. Impact fee amounts shall be determined from time to time and shall be based upon a detailed estimates of the capital costs of providing new public facilities or the improvement or expansion of existing public facilities which will be required because of land development, in accordance with Section 66.0617 of the Wisconsin Statutes. Such determination shall include an estimate of the effect of the impact fees on the availability of affordable housing within the Village. The full amount of the impact fee shall be determined based upon the number of residential dwelling units created. (Ord. 017, Series 2001, Part 1)

B. Guidelines and Criteria for the Impact Fees Imposed by This Chapter. The impact fees imposed by this Chapter:

1. Shall bear a rational relationship to the need for new, expanded, or improved public facilities that are required to serve land development.

2. May 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 political subdivision.

3. Shall be based upon actual capital costs for new, expanded, or improved public facilities.

4. Shall be reduced to compensate for other capital costs imposed by the Village with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedication under Chapter 236 of the Wisconsin Statutes, or any other items of value.

5. Shall be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.

6. May not include amounts necessary to address existing deficiencies in public facilities.

3.44.050 Payment of Fees. The payment of all fees imposed by this Chapter shall be at the time of Building Permit issuance. The Village Clerk shall be notified in writing by the Building

Inspection Department when a Building Permit is issued that will require the collection of an impact fee. The required fee shall be paid to the Village Finance Department who shall notify the Village Clerk of said payment.

The payment of impact fees imposed by this Chapter shall apply to the following types of development:

- Single Family dwelling units
- Two Family dwelling units
- Multi-family dwelling units
- Commercial developments (excluding condominiums which are classified as residential units for the purposes of this Chapter.
- Industrial developments
- Institutional developments

(Ord. 012, Series 2008, Part 1; Ord. 022, Series 2006, Part 2; Ord. 026, Series 2004, Part 1; Ord. 017, Series 2001, Part 1)

3.44.060 Segregation of Impact Fees. Impact fees shall be placed in segregated, interest-bearing accounts as follows:

A. Revenues From Impact Fees Collected to be Placed in Segregated, Interest-Bearing Accounts. Revenues from impact fees collected pursuant to this Chapter shall be placed in an interest-bearing account~~s~~ and each service area district or zone as established in this Chapter shall be individually accounted for..

B. Expenditure of Impact Fee Funds. All funds collected from land development activities within a given service area district or zone, and interest thereon, shall be expended only within that service area district or zone and only for capital costs for which they were imposed.

3.44.070 Time Limitations on the Use of Impact Fees Collected. The impact fees imposed by this chapter shall be used or refunded based upon the provisions of Wisconsin Act 44 which became effective on January 19, 2008. The Act established the following timeline for the use or refund of the impact fees imposed by this chapter:

1. Fire facility impact fees and Library facility impact fees – approved July 2, 2001.

a. Fees collected before January 1, 2003 must be used not later than December 31, 2012.

b. Fees collected after December 31, 2002 and before April 11, 2006, must be used not later than the first day of the 120th month beginning after the date on which the fee was collected.

c.. Fees collected after April 10, 2006, and collected within seven (7) years of the effective date of the ordinance imposing the fee, must be used within 10 years after the effective date of the ordinance.

d. Fees collected after April 10, 2006 and collected more than seven (7) years after the effective date of the ordinance imposing the fees must be used within a reasonable period of time after collected.

2. Police facility Impact fees – approved December 20, 2004

a. Fees collected before April 11, 2006, must be used not later than the first day of the 120th month beginning after the date on which the fee was collected.

b. Fees collected after April 10, 2006 and collected within seven (7) years of the effective date of the ordinance imposing the fee must be used within 10 years after the effective date of the ordinance.

c. Fees collected after April 10, 2006 and collected more than seven (7) years after the effective date of the ordinance imposing the fees must be used within a reasonable period of time after collected.

3. Department of Public Works facility impact fees – approved December 5, 2005.

a. Fees collected before April 11, 2006, must be used not later than the first day of the 120th month beginning after the date on which the fee was collected.

b.. Fees collected after April 10, 2006, and collected within seven (7) years of the effective date of the ordinance imposing the fee, must be used within 10 years after the effective date of the ordinance..

c. Fees collected after April 10, 2006 and collected more than seven (7) years after the effective date of the ordinance imposing the fees must be used within a reasonable period of time after collected.

. (Ord. 012, Series 2008, Part 2; Ord. 022, Series 2006, Part 3;Ord. 009, Series 2003)

3.44.072 Time Limitations on Imposition of Impact Fees. Impact fees imposed under this Chapter for the Library and Fire Station Facilities shall cease to be collected at the end of the calendar year 2015. (Ord. 017, Series 2001, Part 1)

3.44.080 Parks and Recreational Facilities Needs Assessment. The Village of Grafton has caused to be prepared a 2009 Needs Assessment Study – Parks and Recreational Facilities Impact Fees based upon the 2002 "Park and Open Space Plan, and the 2008 "Park and Open Space Plan Update.

The study evaluated the current park and recreational facilities and new facilities needed to support anticipated growth within the community. Park and recreational facilities needs within the Village of Grafton are based on per capita standards, as established in the 2008 Park and Open Space Plan Update. Park and recreational facilities needs within the Village of Grafton are based on per capita standards established by the Village of Grafton. It has been determined that each REU is entitled to a certain amount of park acreage and/or recreational facilities based upon a calculation outlined in the 2009 Needs Assessment Study.

Each single family residential unit constitutes one residential equivalent unit (REU), whether located within a one-family, multi-family, condominium, cooperative, rental or owner-occupied unit. Impact fees for park and recreational facilities will be assessed only to residential uses since the demand for these public facilities is generally utilized by the residential portion of the community. (Ord. 020, Series 2009, Part 1; Ord. 022, Series 2006, Part 4; Ord. 003, Series 2003, Part 1)

A. Community and Regional Park Service Zone. One (1) "Community and Regional Park Service Zone" shall encompass and address the regional and community level park, playground, and other recreational facility needs of the entire Village and its planned growth areas. To determine the total fee within each unique impact fee district, the impact fee specified for the "Community and Regional Park Service Zone" was added to the impact fees specified for any overlapping "Neighborhood Park Service Zone" and/or "Vest Pocket Park Service Zone."" (Ord. 003, Series 2003, Part 1)

B. Neighborhood Park Service Zones. Nine (9) "Neighborhood Park Service Zones" shall encompass and address the neighborhood level park, playground, and other recreational facility needs of various neighborhoods within the Village and its planned growth areas. To determine the total fee within each unique impact fee district, the impact fee specified for each particular "Neighborhood Park Service Zone" was added to the impact fees specified for the "Community and Regional Park Service Zone" and any overlapping "Vest Pocket Park Service Zone." (Ord. 003, Series 2003, Part 1)

C. Vest Pocket Park Service Zones. Thirteen (13) "Vest Pocket Park Service Zones" shall encompass and address the sub-neighborhood level park, playground, and other recreational facility needs of various parts of the Village and its planned growth areas. To determine the total fee within each unique impact fee district, the impact fee specified for each particular "Vest Pocket Park Service Zone" was added to the impact fees specified for the "Community and Regional Park Service Zone" and any overlapping "Neighborhood Park Service Zone." (Ord. 003, Series 2003, Part 1)

3.44.082 Fire Station Facilities Needs Assessment. The Village of Grafton, in response to the 1999 Fire Station replacement and addition project has prepared a Fire Station Facilities Needs Assessment, which is on file in the Village Clerk's Office. In accordance with Section 66.0617, of the Wisconsin State Statutes, the fire facility needs assessment evaluates the physical adequacy of the original fire facilities as well as a projection of current and future needs based on forecasted growth. The fire facility needs assessment considers any deficiencies that may have existed in the original fire station as well as the recommended fire station expansion in order to compensate for new development. The fire facility needs assessment also determines what costs shall be recovered from new growth in the form of a fire facility impact fee. (Ord. 017, Series 2001, Part 1)

3.44.084 Library Facilities Needs Assessment. The Village of Grafton, in response to the 2000 Library addition project has prepared a Library Facilities Needs Assessment, which is on file in the Village Clerk's Office. In accordance with Section 66.0617, of the Wisconsin State Statutes, the library needs assessment evaluates the physical adequacy of the original facility as well as a projection of the future needs based on forecasted growth. The library needs assessment considers any deficiencies that may have existed in the original library facility as well as the recommended library expansion in order to compensate for new development. The library facility needs assessment also determines what costs shall be recovered from new growth in the form of an impact fee. (Ord. 017, Series 2001, Part 1)

3.44.086 Police Station Facility Needs Assessment. The Village of Grafton, in response to the 2001 Village of Grafton Police Department Space Needs Study, has prepared a Police Facility Needs Assessment which is on file in the Village Clerk's Office. In accordance with Section 66.0617, of the Wisconsin State Statutes, the

Police Station needs assessment evaluates the physical adequacy of the original facility as well as a projection of the future needs based on forecasted growth. The Police Station needs assessment considers any deficiencies that may have existed in the original Police Station facility as well as the recommended Police Station expansion in order to compensate for new development. The Police Station facility needs assessment was utilized as a primary source for forecasting the future demands for public services from projected residential and non-residential development and to determine the costs that shall be recovered from this new growth in the form of an impact fee. (Ord. 026, Series 2004, Part 2)

3.44.088 Public Works Facilities Needs Assessment. The Village of Grafton, in response to the 2003 Village of Grafton Public Works Department Space Needs Study, has prepared a Public Works Transportation Facility Needs Assessment and Impact Study which is on file in the Village Clerk's Office. In accordance with Section 66.0617, of the Wisconsin State Statutes, the Public Works Department needs assessment evaluates the physical adequacy of the original facility as well as a projection of the future needs based on forecasted growth. The Public Works Department needs assessment considers any deficiencies that may have existed in the original Public Works facility as well as the recommended Public Works facility expansion in order to compensate for new development. The Public Works Transportation Facility needs assessment was utilized as a primary source for forecasting the future demands for public services from projected residential and non-residential development and to determine the costs that shall be recovered from this new growth in the form of an impact fee. (Ord. 027, Series 2005, Part 2)

3.44.089 Establishment of Park and Recreational Facilities Impact Fee Service Districts/Zones. Based on the results of the 2009 Needs Assessment Study, the Village has established forty-two (42) unique impact fee service districts within which developers of new residential subdivisions and dwellings shall pay park impact fees, as delineated on Map 1, dated August, 2009, and incorporated herein by reference. The total fee within each impact fee district is based on the particular combination of the following types of park and recreational facilities serving that district, and the projected acquisition costs and/or level of improvements anticipated within each park and recreational facility within that district. (Ord. 020, Series 2009, Part 1)

A. Community and Regional Park Service Zone. One (1) "Community and Regional Park Service Zone" shall encompass and address the regional and community level park, playground, and other recreational facility needs of the entire Village and its planned growth areas. To determine the total fee within each unique impact fee district, the impact fee specified for the "Community and Regional Park Service Zone" was added to the impact fees specified for any overlapping "Neighborhood Park Service Zone" and/or "Vest Pocket Park Service Zone." All new residential equivalent units (REU)shall pay the community and

regional park service zone impact fee because there facilities serve the entire community. (Ord. 020, Series 2009, Part 1)

B. Neighborhood Park Service Zones. Twelve (12) "Neighborhood Park Service Zones" are hereby established and shall encompass and address the neighborhood level park, playground, and other recreational facility needs of various neighborhoods within the Village and its planned growth areas. To determine the total fee within each unique impact fee district, the impact fee specified for each particular "Neighborhood Park Service Zone" was added to the impact fees specified for the "Community and Regional Park Service Zone" and any overlapping "Vest Pocket Park Service Zone." (Ord. 020, Series 2009, Part 1)

C. Vest Pocket Park Service Zones. Five (5) "Vest Pocket Park Service Zones" are hereby established and shall encompass and address the sub-neighborhood level park, playground, and other recreational facility needs of various parts of the Village and its planned growth areas. To determine the total fee within each unique impact fee district, the impact fee specified for each particular "Vest Pocket Park Service Zone" was added to the impact fees specified for the "Community and Regional Park Service Zone" and any overlapping "Neighborhood Park Service Zone." Based upon the 2009 Needs Assessment Study, it has been determined that no new vest-pocket parks shall be developed. Impact fees will no longer be collected for these types of parks located in new developments. (Ord. 020, Series 2009, Part 1))

3.44.090 Impact Fees - Park, Playgrounds and Other Recreational Facilities. The developer or the owner shall pay to the Village a park, playground and other recreational facility impact fee for each dwelling unit that has been issued a Building Permit. The amount of the impact fee shall be as indicated herein for each of the impact fee districts depicted on Map 1, dated August, 2009 and incorporated herein by reference. If the land is suitable for the dedication and development of a public park, playground or other recreational facility, as determined by the Village Board, the above impact fee shall be reduced by an amount as determined by the Village Administrator by subtracting the value of any lands dedicated within the land development for public park, playground or other recreational facility purposes. (Ord. 020, Series 2009, Part 1; Ord. 022, Series 2006, Part 5; Ord. 003, Series 2003, Part 2)

A. Impact Fee District 1. For each dwelling unit created by the land development within "Impact Fee District 1" on Map 1, the sum of $2,699.75 shall be paid. (3-1-12-CPI; 3-10-2011 - CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006, Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1;Ord. 003, Series 2003, Part 2)

B. Impact Fee District 2. For each dwelling unit created by the land development within "Impact Fee District 2" on Map 1, the sum of $4,745.27 shall be paid. (3-1-12-CPI; 3-10-2011 - CPI; Ord. 010, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

C. Impact Fee District 3. For each dwelling unit created by the land development within "Impact Fee District 3" on Map 1, the sum of $4,866.75 shall be paid. (3-1-12-CPI; 3-10-20111 - CPI: Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1;Ord. 003, Series 2003, Part 2)

D. Impact Fee District 4. For each dwelling unit created by the land development within "Impact Fee District 4" on Map 1, the sum of $2,747.33 shall be paid. (3-1-12-CPI; 3-10-2011 - CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

E. Impact Fee District 5. For each dwelling unit created by the land development within "Impact Fee District 5" on Map 1, the sum of $2,699.75 shall be paid. (3-1-12-CPI; 3-10-2011 - CPI Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

F. Impact Fee District 6. For each dwelling unit created by the land development within "Impact Fee District 6" on Map 1, the sum of $2,699.75 shall be paid. (3-1-12-CPI; 3-10-2011-CPI: Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

G. Impact Fee District 7. Former Fee District 7 has been dissolved, and the lands within that former district have been incorporated in Fee District 1. (Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

H. Impact Fee District 8. For each dwelling unit created by the land development within "Impact Fee District 8" on Map 1, the sum of $2,699.75 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

I. Impact Fee District 9. For each dwelling unit created by the land development within "Impact Fee District 9" on Map 1, the sum of $2,699.75 shall be paid. (3-1-12-CPI; 3-10-2011-CPI: Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

J. Impact Fee District 10. For each dwelling unit created by the land development within "Impact Fee District 10" on Map 1, the sum of $2,699.75 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

K. Impact Fee District 11. For each dwelling unit created by the land development within "Impact Fee District 11" on Map 1, the sum of $2,699.75 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

L. Impact Fee District 12. For each dwelling unit created by the land development within "Impact Fee District 12" on Map 1, the sum of $2,722.54 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

M. Impact Fee District 13. For each dwelling unit created by the land development within "Impact Fee District 13" on Map 1, the sum of $4,841.96 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

N. Impact Fee District 14. For each dwelling unit created by the land development within "Impact Fee District 14" on Map 1, the sum of $4,841.96 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

O. Impact Fee District 15. For each dwelling unit created by the land development within "Impact Fee District 15" on Map 1, the sum of $4,819.17 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

P. Impact Fee District 16. For each dwelling unit created by the land development within "Impact Fee District 16" on Map 1, the sum of $3,795.35 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

Q. Impact Fee District 17. For each dwelling unit created by the land development within "Impact Fee District 17" on Map 1, the sum of $3,753.10 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

R. Impact Fee District 19. For each dwelling unit created by the land development within "Impact Fee District 19" on Map 1, the sum of $3,784.24 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

S. Impact Fee District 20. For each dwelling unit created by the land development within "Impact Fee District 20" on Map 1, the sum of $2,736.22 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1;

Ord. 003, Series 2003, Part 2)

T. Impact Fee District 21. For each dwelling unit created by the land development within "Impact Fee District 21" on Map 1, the sum of $2,699.75 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

U. Impact Fee District 22. For each dwelling unit created by the land development within "Impact Fee District 22" on Map 1, the sum of $3,747.77 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

V. Impact Fee District 23. For each dwelling unit created by the land development within "Impact Fee District 23" on Map 1, the sum of $3,747.77 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

W. Impact Fee District 24. For each dwelling unit created by the land development within "Impact Fee District 24" on Map 1, the sum of $3,747.77 shall be paid. (3-1-12-CPI; 3-11-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

X. Impact Fee District 25. For each dwelling unit created by the land development within "Impact Fee District 25" on Map 1, the sum of $2,699.75 shall be paid. (3-1-12-CPI; 3-11-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

Y. Impact Fee District 26. For each dwelling unit created by the land development within "Impact Fee District 26" on Map 1, the sum of $2,699.75 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

AA. Impact Fee District 27. For each dwelling unit created by the land development within "Impact Fee District 27" on Map 1, the sum of $3,299.07 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

BB. Impact Fee District 28. For each dwelling unit created by the land development within "Impact Fee District 28" on Map 1, the sum of $2,699.75 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

CC. Impact Fee District 29. For each dwelling unit created by the land development within "Impact Fee District 29" on Map 1, the sum of $3,707.20 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007,

Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

DD. Impact Fee District 30. For each dwelling unit created by the land development within "Impact Fee District 30" on Map 1, the sum of $3,707.20 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

EE. Impact Fee District 31. For each dwelling unit created by the land development within "Impact Fee District 31" on Map 1, the sum of $3,299.07 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

FF. Impact Fee District 32. For each dwelling unit created by the land development within "Impact Fee District 32" on Map 1, the sum of $3,299.07 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

GG. Impact Fee District 33. For each dwelling unit created by the land development within "Impact Fee District 33" on Map 1, the sum of $4,964.93 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

HH. Impact Fee District 34. For each dwelling unit created by the land development within "Impact Fee District 34" on Map 1, the sum of $4,964.93 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

II. Impact Fee District 35. For each dwelling unit created by the land development within "Impact Fee District 35" on Map 1, the sum of $3,707.20 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

JJ. Impact Fee District 36. Former Fee District 36 has been dissolved, and the lands within that former district have been incorporated in Fee District 1. (Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

KK. Impact Fee District 37. For each dwelling unit created by the land development within "Impact Fee District 37" on Map 1, the sum of $4,745.27 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)

LL. Impact Fee District 38. For each dwelling unit created by the land development within "Impact Fee District 38" on Map 1, the sum of $3,485.00 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1;

Ord. 003, Series 2003, Part 2)

MM. Impact Fee District 39. For each dwelling unit created by the land development within "Impact Fee District 39" on Map 1, the sum of $4,819.17 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006; Ord. 009, Series 2005; Ord. 008, Series 2004, Part 1; Ord. 003, Series 2003, Part 2)'

NN. Impact Fee District 40. For each dwelling unit created by the land development within "Impact Fee District 40" on Map 1, the sum of $4,964.93 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006)

OO. Impact Fee District 41. For each dwelling unit created by the land development within "Impact Fee District 41" on Map 1, the sum of 4,964.93 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 007, Series 2006)

PP. Impact Fee District 42. For each dwelling unit created by the land development within "Impact Fee District 42" on Map 1, the sum of $3,943.18 shall be paid. (3-1-12-CPI; 3-10-2011-CPI; Ord. 020, Series 2009)

3.44.092 Impact Fees - Library Facilities. For land development that occurs, following the effective date of this ordinance, the Library Facilities Impact Fee shall be $585 per dwelling unit. This fee shall only apply to residential development. (Ord. 017, Series 2001, Part 1)

3.44.094 Impact Fees - Fire Station Facilities. For land development that occurs, following the effective date of this ordinance, the following schedule shall be utilized for the imposition of Fire Station Facilities Impact Fees:

A. Residential Development: $ 1,192 per dwelling unit
B. Commercial Development: $ 0.088 per square foot
C. Industrial Development: $ 0.060 per square foot
D. Institutional Development: $ 0.166 per square foot

(Ord. 017, Series 2001, Part 1)

3.44.096 Impact Fees - Police Station Facilities. A. The following fees schedule shall be utilized for the imposition of Police Station Facilities Impact Fees:

1. Residential Development $ 739.49 per dwelling unit
2. Commercial Development $0.48 per square foot
3. Industrial Development $0.48 per square foot
4. Institutional Development $0.48 per square foot

B. The fees imposed by this Section shall apply to any and all land development projects that occur following the effective date of this ordinance. In addition, the fees imposed by this Section shall apply to land development projects that were approved prior to the effective date of this ordinance but that have not been signed and/or recorded as of the date of the adoption of this ordinance. The fees imposed herein shall be paid according to the schedule outlined in

Section 3.44.050 of this Chapter. (3-1-12-CPI; 3-10-2011-CPI; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord. 026, Series 2004, Part 3)

3.44.098 Impact Fees - Public Works Facilities. The following fees schedule shall be utilized for the imposition of Public Works Transportation Facilities Impact Fees:

1.	Residential Development	$1,074.37 per dwelling unit
2.	Commercial Development	$0.24 per square foot
3.	Industrial Development	$0.21 per square foot
4.	Institutional Development	$0.24 per square foot

B. The fees imposed by this Section shall apply to any and all land development projects that occur following the effective date of this ordinance. In addition, the fees imposed by this Section shall apply to land development projects that were approved prior to the effective date of this ordinance but that have not been signed and/or recorded as of the date of the adoption of this ordinance. The fees imposed herein shall be paid according to the schedule outlined in Section 3.44.050 of this Chapter. (3-1-12-CPI; 3-10-2011-CPI; 3-1-2009- CPI; 3-1-2008-CPI; 3-1-2007-CPI; Ord.027, Series 2005, Part 3).

3.44.100 Exemptions. Any single family land development for which fees for parks, playgrounds, or other recreational facilities have been paid prior to May 1, 1995 pursuant to the provisions and requirements of the Village of Grafton Municipal Code as said Municipal Code existed prior to May 1, 1995, shall be exempt from the impact fees imposed under this Chapter. (Ord. 017, Series 2001, Part 1)

3.44.105 Low Cost Housing. The Village Board may consider a written request from a developer of low-cost housing to exempt or reduce the amount of the impact fee on a land development that provides low-cost housing. Low-cost housing is defined as any housing in which the resident's income is restricted by law to not more than 80 percent of Ozaukee County's median income. The Village Board shall prepare written findings justifying its decision on any such request. Should a request be approved, by resolution of the Village Board, the Village shall not shift the reduced impact fee to any other development in the land development in which the low-cost housing is located or any other land development in the Village. (Ord. 011, Series 2001)

3.44.110 Fee Increases. The impact fees imposed in this Chapter for Parks, Playgrounds and Other Recreational Facilities, Police Station Facilities and Public Works Facilities shall be automatically adjusted, without further Village Board action, during the first quarter of each year by the percentage equal to that of the rate of consumer inflation based upon the percent of change of the yearly Consumer Price Index for the previous year for the Milwaukee metropolitan area as reported by the U.S. Department of Labor, Bureau of Labor Statistics. The Village Treasurer, or the Village Treasurer's designee, shall determine such adjustment and maintain a copy of the said Consumer Price

Index upon which such adjustment was made in the Village Department of Finance. (Ord. 022, Series 2006, Part 6)

3.44.120 Administration. All fees collected and special accounts maintained under this Chapter shall be subject to administration by the Village Treasurer.

A. Report Required. Commencing with the calendar year subsequent to the effective date of this Chapter, the Village Treasurer shall report annually to the Village Board with regard to all deposits, withdrawals, and fund balances in regard to impact fees. The purpose of the annual report is to provide the Village Board with information necessary to determine that all funds collected are spent within a reasonable amount of time pursuant to this Chapter, for the purposes intended, and that the amount of the fees imposed continues to represent an equitable and reasonable apportionment of the cost of public facilities for land development.

B. Refunds. Should the Village Board determine that any refunds be made, such refund shall be made by the Village Treasurer proportionally to the current owner(s) of the lot(s), parcels(s), or dwelling unit(s), as applicable and taking into account the time and amount of fees paid for such lot(s), parcels(s), or dwelling unit(s), as applicable.

3.44.130 Appeals. Any developer who disputes the amount, collection, or use of the impact fees provided for herein shall have the right to appeal to the Village Board and the procedure for such appeal shall be as follows:

A. Appeal Initiation and "Appeal Application Fee". An appeal shall be initiated by filing a written notice of appeal with the Village Clerk accompanied by an "Appeal Application Fee" in the amount of $125 plus postage.

B. Content of the Written Notice of Appeal. The written notice of appeal shall include the name, address, and telephone number of the developer; the legal description of the land development for which the impact fee is imposed an the appeal is requested, the number of residential dwelling units being created, the amount and nature of the impact fee imposed, and the specific objections to the amount of the impact fee, collection of the impact fee, or the use of the impact fee.

C. Hearing the Appeal. Upon receipt of the written notice of appeal and "Appeal Application Fee," the Village Clerk shall schedule a special meeting of the Village Board for the special purpose of hearing the appeal. Such special meeting shall be scheduled not more than thirty (30) days from the date of the receipt of the written notice of appeal unless a later date for the hearing is agreed to by the developer in writing.

D. Conduct of the Appeal Proceedings. The developer may present such oral and documentary evidence as the developer may desire upon the hearing and the Village Plan Commission may similarly submit evidence in support of the impact fee(s). All proceedings shall be electronically recorded or taken by a court

reporter, at the option of the developer. If a court reporter is requested, the developer shall pay the costs thereof.

E. Village Board Determination. The Village Board shall make its determination based upon the evidence presented and shall issue its decision in writing within twenty (20) days of the hearing.

F. Certification to the Ozaukee County Circuit Court. The decision of the Village Board may be certified to the Ozaukee Circuit Court as a special writ for judicial review.