STATE OF WISCONSIN VILLAGE OF SUMMIT WAUKESHA COUNTY

ORDINANCE NO. 150-2026

AN ORDINANCE TO CREATE AN IMPACT FEE FOR FIRE FACILITIES IN THE VILLAGE OF SUMMIT

WHEREAS, the Village of Summit is currently provided with fire protection services and emergency medical services by the Western Lakes Fire District, and Western Lakes Fire District provides similar services to other local municipalities; and

WHEREAS, Wis. Stat. §66.0617 authorizes a political subdivision, including the Village of Summit to enact an ordinance that imposes impact fees on developers to pay for the capital costs that are necessary to accommodate land development; and

WHEREAS, some of the public facilities for which impact fees may be imposed include facilities for parks, administrative facilities, Department of Public Works facilities, library facilities, fire protection facilities, emergency medical facilities, law enforcement facilities and sanitary sewer facilities, pursuant to Wisconsin Statute Section 66.0617(1)(f); and

WHEREAS, after carefully considering the matter, and in order to reasonably determine the existing public facilities needs and future facilities needs related to fire protection facilities in the Village of Summit, the Village of Summit authorized the firm of McMahon Associates, Inc. to prepare a public facilities' needs assessment in this regard; and

WHEREAS, the public facilities' needs assessment and related impact fee study was completed on March 30, 2026 in accordance with the requirements of Wis. Stat. §66.0617(4); and

WHEREAS, said public facilities needs assessment was made available for public inspection and copying in the office of the Village of Summit Clerk at least twenty (20) days before a public hearing was held in this matter; and

WHEREAS, Notice of Public Hearing regarding this matter was published as a Class 1 Notice under Chapter 985 Wisconsin Statutes, including specifying where a copy of the proposed Ordinance and the public facilities' needs assessment could be obtained; and

WHEREAS, the Village Board of the Village of Summit held a public hearing on the proposed Ordinance at the Summit Village Hall on June 11, 2026 pursuant to Wis. Stat. §66.0617(3); and

WHEREAS, the Village Board finds that the conclusions of the Public Facilities Needs Assessment and Impact Fee Study, dated March 30, 2026, are reasonable and appropriate, with regard to the impact fees relevant to facilities needed for fire protection facilities, and in particular the Village Board finds that the same:

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

b. do not include amounts for an increase in service capacity greater than the capacity necessary to serve the development for which the fee is imposed;

c. do not exceed the proportionate share of the capital costs that are required to serve land development, as compared to existing uses of land within the Village of Summit;

d. are based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities;

e. compensate, as necessary, for other capital costs proposed by the Village of Summit 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 dedications under Chapter 236 or any other items of value;

f. compensate, as necessary, for monies received from the federal or State government specifically to provide or pay for public facilities for which the impact fees are imposed;

g. do not include expenses for operation or maintenance of a public facility;

h. do not include amounts necessary to address existing deficiencies in public facilities; and

i. shall be payable by the developer or property owner to the Village of Summit within the time required by applicable State laws, and as required by the Village of Summit in accordance with such laws.

WHEREAS, the Village Board finds that the appropriate planning period is through 2035, subject to statutory limitations regarding use of collected funds as noted above; and

WHEREAS, the Village Board finds it to be reasonable that an appeal may be made by a developer, as required by Wisconsin Statute Section 66.0617(10), in the manner described herein; and

NOW THEREFORE, the Village Board of the Village of Summit, Waukesha County, Wisconsin, DOES ORDAIN AS FOLLOWS:

SECTION 1: Imposition and Authority. This Ordinance imposes an impact fee on Developers to pay for the capital costs associated with and that are necessary to accommodate land development, specifically related to the need for fire protection facilities and their associated costs. Wis. Stat. §66.0617 authorizes municipalities to

impose these fees. This Ordinance ensures that new development bears a proportionate share of such capital costs. The fire protection facilities imposed by and through this Ordinance are based on the Public Facilities Needs Assessment and Impact Fee Study dated March 30, 2026.

SECTION 2: All terms have the meaning given in Wis. Stat. §66.0617(1).

SECTION 3: Applicability of Impact Fee. This Ordinance will be uniformly applicable to development which occurs within the Village of Summit.

SECTION 4: Fire Facilities Impact Fee. Any person who, after the effective date of this ordinance, seeks to create, subdivide, and/or otherwise develop a residential, non-residential or industrial unit, the developer or the property owner, is hereby required to pay an impact fee for fire protection facilities in accordance with the following schedule.

	Option A
Residential Housing Units (single family unit or two-family duplex unit)	$1,793.29
Residential Housing Units (multi-family structure of three or more housing units per structure)	$896.95 multiplied by number of units in the structure
Non-Residential Structures	$0.1208 per square foot

In order to account for future increases in construction costs and interest costs, and in order to ensure that the fees are equitably distributed between current and future developers, the base impact fees described herein shall automatically adjust on an annual basis on January 1 of each year by the percentage increase or decrease in the United States Bureau of Labor Statistics Midwest Region All Items Consumer Price Index for All Urban Consumers from January 1 of the preceding year.

SECTION 5: Payment of Fees. The impact fees will be assessed and become due at issuance of the building permit by the municipality, subject to the following. Except as provided in this paragraph and in accordance with Wis. Stat. §66.0617(6)(g), if the total amount of impact fees due for a development will be more than $75,000, a developer may defer payment of the impact fees for a period of 4 years from the date of the issuance of the building permit or until 6 months before the municipality incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this paragraph, the developer shall maintain in force a bond or irrevocable letter of credit in

the amount of the unpaid fees executed in the name of the municipality. A developer may not defer payment of impact fees for projects that have been previously approved.

SECTION 6: Accounting. Revenues from impact fees shall be placed in a segregated, interest-bearing account and shall be accounted for separately from the other funds of the Village of Summit Impact fee revenues and interest earned on impact fee revenues may be expended only for capital costs for which the impact fees were imposed, unless the fee is refunded.

SECTION 7: Refunds of Fees Paid. Pursuant to Wis. Stat. §66.0617(10) any impact fee that is not spent within eight years of receiving the fee must be refunded. The refund must be issued, with accumulated interest to the property owner or the payor of fees.

SECTION 8: Appeal. Pursuant to Wis. Stat. §66.0617(10), any property owner upon whom an impact fee is imposed may appeal the amount, collection, or use of the impact fee to the Village Board provided that the property owner files a written notice of appeal in the Village of Summit Clerk's office within 90 days of the day the fee is due and payable. Such notice of appeal shall be entitled "Notice of Appeal of Impact Fee" and shall state the property owner's name, address, telephone number, address and legal description of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. The Village of Summit Clerk shall schedule the appeal for consideration by the Village Board at a regular meeting as soon as reasonably practicable under the circumstances and shall notify the property owner of the time, date and place of such meeting, in writing, by regular mail, deposited in the mail no later than at least three days before the date of such meeting. Upon review of such appeal, the Village Board may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.

SECTION 9: SEVERABILITY.

The several sections of this Ordinance are declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration, and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 10: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This Ordinance passed this 11th day of June, 2026.

VILLAGE OF SUMMIT

By: _____
Jack Riley, Village President

Attest: _____
Debra J. Michael, Village Administrator-
Clerk/Treasurer

Published/Posted the 27 day of July 2026.