

ORDINANCE NO. 2019-01

AN ORDINANCE TO CREATE SECTION 3.11 OF THE TOWN OF DELAFIELD MUNICIPAL CODE NOTIFYING THE STATE OF WISCONSIN TO DISTRIBUTE PAYMENTS FOR STATE PROPERTY TAX CREDITS DIRECTLY TO THE TOWN

WHEREAS, State laws empower the Town to notify the State Department of Administration to disburse lottery tax credits, school tax credits, and other such credits directly to the Town for each year the Town reaches the monetary credit payment threshold of \$3,000,000 (three million); and

WHEREAS, 2017 Wisconsin Act 59 adjusted a municipality's requirements for requesting direct distribution for property tax credits, requiring the enactment of an ordinance.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 3 of the Town of Delafield Municipal Code entitled "Finance and Taxation," Section 3.11 entitled, "Tax Credits to be Paid Directly to the Town," is hereby created as follows:

3.11 Tax Credits to be Paid Directly to the Town.

- (a) The Town receives more than \$3,000,000 in payments from the State of Wisconsin for the state school levy, lottery and gaming, and first dollar property tax credits.
- (b) Pursuant to 2017 Wisconsin Act 59, and Wisconsin Statutes Section 79.10(7m)(cm)1.a. municipalities receiving greater than \$3,000,000 in state property tax credits may notify the state departments of administration and revenue that the municipality approves the direct distribution of the property tax credits to the municipality until or unless the ordinance is repealed, or the property tax credits to be distributed no longer exceed \$3,000,000 annually.

- (c) By passage of this ordinance, the Town hereby notifies the State of Wisconsin Departments of Administration and Revenue to make such direct payments in 2019 and for all subsequent years. Further, the Clerk shall send a copy of this ordinance to the Wisconsin Departments of Administration and Revenue by February 22, 2019.

SECTION 2: SEVERABILITY.

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


SECTION 3: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law.

[signatures on page 3]


Dated this 12th day of February, 2019.

TOWN OF DELAFIELD



Lawrence G. Krause, Town Chair

ATTEST:



Mary Elsner, Town Clerk

This ordinance posted or published 2/20/19.