

## **Chapter 9**

### **ASSESSMENTS**

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**[HISTORY: Adopted by the Village Board of the Village of Genoa City as indicated in article histories. Amendments noted where applicable. Amended as of 3-13-2014]**

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#### **ARTICLE I**

##### **Special Assessments**

##### **§ 9-1. Authority to levy; determination of amount.**

- A.** The Village of Genoa City by resolution of its Village Board may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of the special assessments. The Village Board shall follow State Statute regarding special assessment procedure and requirements.

##### **§ 9-2. Special charges for current services.**

- A.** In addition to all other methods provided by law, special charges for current services may be imposed by the Village Board by allocating all or part of the cost of the service to the property served. Such service may include snow and ice removal, weed elimination, street sprinkling, oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, recycling, storm water management, including construction of storm water management facilities, tree care, removal and disposition of dead animals and soil conservation work. The provision for notice of such charges shall be optional with the Village Board, except that in the case of sidewalk, curb or gutter repair, 20 days notice shall be given by publication in the Village newspaper or by posting such notice in three

places in the Village, and a copy of such notice shall be mailed to every interested person whose post office address is known or can be ascertained with reasonable diligence at least 10 days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the Village Board as to whether the service in question shall be performed.

- B. Such special charges shall not be payable in installments. If not paid within the period fixed by the Village Board, such delinquent charge shall become a lien as provided in State Statute.

### **§ 9-3. General provisions.**

- A. If any assessment or charge levied under this article is invalid because such statutes are found to be unconstitutional, the Village Board may thereafter reassess such assessment or charge pursuant to the provisions of any applicable law.
- B. The Village Board may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing are waived in writing by property owner.
- C. Notwithstanding any other provision of law, or this article or other ordinance or resolution, it is specifically intended and provided by this article that the Village of Genoa City may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

## **ARTICLE II Public Improvements**

### **§ 9-4. Developer to finance facility extensions Public Improvements.**

Whenever a landowner/developer within the Village of Genoa City proposes a development requiring public services, such as sewer mains, lift stations, water mains, meters, over sizing of existing facilities, storm drainage facilities, street extensions or reconstruction, ditches, etc., together with any easements therefore, and it appears that all or any of those public facilities are not in place and ready for connection to the proposed development or user, the developer/landowner will enter into a sub divider's or developer's agreement with the Village and will, prior to any approvals for subdivision or development, escrow with the Village sufficient moneys to finance completely all expenses incurred by the Village to make those facilities available to said developer/landowner. Said escrow funds shall be in cash, bank draft, irrevocable letter of credit or other negotiable instrument in sufficient amount to cover all expenses of the Village, including but not limited to administration, contingencies, engineering, legal, planning, etc. The amount of said financing shall be approved by the Village Board on the recommendation of the Village Engineer.

#### **§ 9-5. Assessment for benefits; deferments.**

The Village will, upon receipt of the escrow funds as provided in § 9-4, pass a preliminary resolution or resolutions commencing procedures to special assess property owners benefiting from the public facilities being installed.

- A.** Village to perform all planning, engineering and construction. All construction for the public facilities governed by this article shall be planned, engineered, bided and performed by the Village/and all expenses incurred shall be paid from said escrowed funds.
- B.** Properties benefiting to be special assessed benefits. All real estate benefiting from said extension of public services shall be special assessed for those benefits in an amount as determined by the Village Board, but not to exceed the total cost of the project.
- C.** Special assessment deferments. Those parcels not realizing an immediate benefit will be granted a deferment of the special assessment for so long as legally permitted by the Village Board, but in any case deferment shall immediately end and the assessment shall be levied in such terms as ordered upon the happening of any of the following events which shall thereupon vest the benefit:
  - (1)** Sale, gift, devise or other transfer of the property to any person, corporation or association other than a spouse;
  - (2)** Connection of the property to the facility either voluntarily or by order of any governmental body or agency; or
  - (3)** The passage of all legal time for deferments of special assessments.
- D.** Developer/landowner to add to escrow fund if shortages arise. At any stage of the project, if the moneys in escrow are deemed to be insufficient by the Village Board, the developer/landowner shall replenish said escrow with sufficient funds to complete the project.

#### **§ 9-6. Reimbursements.**

If the Village is legally permitted to return to the developer/landowner his moneys advanced as provided above by the collection of said special assessments, then the Village may refund that portion of the special assessment representing the amount expended by the developer/landowner as collected. In the event that a court determines that the developer/landowner is not entitled to reimbursement, then the special assessment will thereupon be voided and the developer/landowner will be deemed to have lost any legal right to reimbursement of development advances.

**§ 9-7. Effect on other requirements.**

Nothing herein shall affect the requirement that the developer/landowner shall be legally and financially responsible to the Village for the cost, design, construction and dedication of all public facilities within said development.