

Town of Troy

Walworth County
N8870 Briggs Street
East Troy, Wisconsin 53120

Chapter 6 Ordinance 2006-7

AN ORDINANCE TO UTILIZE WIS. STAT. S 66.0627 TO CHARGE BACK ENGINEERING, ATTORNEY, PLANNER AND OTHER FEES TO BENEFITTED LANDOWNERS AND TO PROVIDE AN APPEAL PROCEDURE

WHEREAS, development, improvements, and/or other special matters pertaining to individual properties within the Town may result in the need for the Town to obtain professional engineering, legal, planning, and /or other specialized assistance that does not benefit the Town as a whole: and

WHEREAS, the Town Board finds that it is equitable that the owner(s) of property that have resulted in the need for such professional fees and costs be responsible for their ultimate payment: and

WHEREAS, the Town Board desires to utilize the provisions of Wis. Stat. S 66.0627 to charge such professional service fees and costs back to the benefitted property owner:

NOW, THEREFORE, the Town Board of the Town of Troy, Walworth County, Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1. An Ordinance entitled "Charge to Benefiting Owners for Professional Fees" is hereby created to read as follows:

Charge to Benefitting Owners for Professional Fees.

(A) Professional Fees Charge Back.

The Town Treasurer shall charge property owners fees for services pursuant to Wisconsin Statutes Section 66.0627, in the following circumstances:

1. Whenever a property owner contacts the Town Attorney, Town Engineer, Town Planner and/or other Town's Professional staff, whether such professional staff is employed by the Town or independently contracted, if said contact and subsequent service results in any charge to the Town of Troy for professional time and services and said services are not a service supplied to the Town of Troy as a whole the Town Treasurer shall charge all such professional charges incurred by the Town to such property owner(s) pursuant to WIS. STAT. S 66.0627; or

2. Whenever the Town Chairman, Town Board, Town Clerk, or other Town officials contacts the Town Attorney, Town Engineer, Town Planner, or any other professional on the Town's behalf, whether such professional(s) is /are employed by the Town or independently contracted, regarding and application received from a property owner, if said contract and subsequent service results in any charges(s) to the Town of Troy for professional time and services and said service(s) are not supplies to the Town of Troy as a whole the Town Treasurer shall charge the professional charges incurred by the Town to such property owner(s) pursuant to Wis. Stat. s 66.0627; or
3. Whenever the Town incurs professional fees in considering and certified survey map(s), subdivision plat(s), re-zoning petition(s), conditional use permit petition(s), site development application(s), and/or other petition(s) related to the development of land in the Town, the Town Treasurer shall charge the professional charges incurred by the Town to such property owner(s) pursuant to Wis. Stat. s 66.0627. For purposes of this subsection, "professional fees" shall include and charge(s) incurred by the Town from the Town Engineer, the Town Attorney, Town Planner or any other professional, whether such professional is employed by the Town or independently contracted.

(B) Property Owner Allowed Time to Pay or Appeal.

The Town Treasurer shall give the property owner(s) billed for current services as provided for herein notice that they shall have a specified period of time not more than thirty (30) days to pay. Said notice shall include an itemized statement of the professional services fees being charged to the property owner(s), and shall also state the property owner has 15 days from the date of the notice to request a hearing before the Town Board regarding such itemized professional service fees. Thereafter, if the property owner requests a hearing within the proper time period, the matter shall proceed as described in subsection (C) below, entitled "Appeal to Town Board". If no hearing is requested within the required time period and any charge remains unpaid after 30 days, the Town Treasurer shall automatically charge all delinquent amounts, together with any interest and penalties, against the property on the tax roll as provided by law. In the event the statement rendered to the property owner becomes delinquent too late in the year to be extended on that year's tax roll, then the delinquent charges shall be extended to the following year's tax roll together with any interest and penalties.

(C) Appeal to Town Board.

Upon receipt of a timely request for hearing, the Town Board shall hold a Hearing regarding the property charges at its next scheduled meeting or as soon thereafter as is feasible. Such hearing shall be preceded by posted public notice and reasonable notice, via first class mail, to the property owner. In the event a hearing is requested, no charges shall be placed on the tax roll unless and until such hearing has been held and a decision has been rendered by the Town Board approving the itemized professional service charge in whole or in part. Only that part of the itemized charges for special services approved by the Town Board may be placed on the tax roll after the property owner has been given 30 days to pay from the date of the Town Board hearing.

(D) Collection Options.

The Town, in addition or instead of the above, may follow any other legal means to collect amounts due and owing under this Ordinance.

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 a competent jurisdiction it 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 ordinances whose terms are in conflict with the provisions in this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect immediately upon passage or posting or publication as provided by law.

Dated this 14th day of June, 2006.

TOWN OF TROY



Al Curler, Town Chair

ATTEST:



Ruth Polinski, Town Clerk

Published and/ or posted this 19th day of June, 2006.