

ORDINANCE 2025-11-01

AN ORDINANCE ESTABLISHING REVIEW FEES AND ESCROWS FOR CONDITIONAL USE PERMIT APPLICATIONS.

WHEREAS, the Town is required to review applications for conditional use permits for lands within the Town pursuant to the Dane County Zoning Code, or successor regulation, and

WHEREAS, the proper review and analysis of such applications may require assistance from engineering, legal and other professional service providers; and

WHEREAS, the Town Board has determined that such costs should be imposed upon the applicant for the conditional use permit rather than being borne by the general taxpayer; and

WHEREAS, the Town Board has been granted Village powers by a town meeting pursuant to §60.10(2)(c), Wis. Stats.;

NOW, THEREFORE, THE TOWN BOARD OF RUTLAND, WISCONSIN DOES ORDAIN AS FOLLOWS:

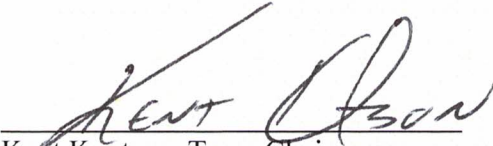
1. **CONDITIONAL USE PERMIT APPLICATION FEES.** Every applicant for a conditional use permit for any land use within the Town shall pay the following fees:
 - (a) Application Fee. A non-refundable application fee established by the Town Board by resolution from time to time. No application shall be deemed complete until such fee and the escrow deposit required by Section 2 are paid.
 - (b) Engineering Fee. A fee equal to the actual cost to the Town for all engineering services obtained by the Town in connection with the review of the application, including any required inspections. The fee shall be equal to the actual cost to the Town of engineering services deemed necessary by the Town to ensure that the proposed conditional use will meet the applicable standards for approval and to determine appropriate conditions in order to meet those standards.
 - (c) Legal Fee. A fee equal to the actual cost to the Town for all legal services obtained by the Town in connection with the application. The fee shall be equal to the actual cost to the Town of legal services deemed necessary by the Town under the agreement the Town has with the attorney retained.
 - (d) Other Professional Service Fee. A fee equal to the actual cost to the Town of any other professional consultant retained or consulted to provide expertise relating to the application.
 - (e) Administrative Review Fee. The Applicant shall pay a fee equal to the cost of any Town administrative or financial work that is undertaken by the Town in connection with the application. Administrative costs shall include the cost of Town employees'

time while engaged in activities related to the application based on the hourly rate paid to the employee multiplied by a factor not to exceed 2.0 as determined by the Town Clerk. This fee represents the Town's total cost for wages, statutory expense benefits, insurance, sick leave, holidays, vacation and similar benefits as applicable.

2. **ESCROW DEPOSIT.** The applicant shall deposit at the time of application an escrow deposit to assure timely payment of the fees established by this ordinance. The required escrow deposit shall be \$500, except that the following proposed conditional uses such as shall require a deposit of \$7,000:
 - (a) Airports, landing strips or heliports;
 - (b) Communication towers;
 - (c) Mineral extraction;
 - (d) Solid waste disposal facilities;
 - (e) Electric generating facilities;
 - (f) Asphalt or concrete plants;
 - (g) Automobile or other motorized vehicle racetracks;
 - (h) CAFO
 - (i) Data Center
3. **ESCROW REPLACEMENT.** If an escrow deposit falls below fifty percent (50%) of the original amount, the applicant shall be required to restore the escrow balance to the original amount required hereunder.
4. **ESCROW REFUNDS.** If funds remain in escrow over and above the Town's expenses after withdrawal, approval or final denial of the application, the remaining balance shall be refunded to the applicant. Any amounts due from the applicant beyond the balance in the escrow fund shall be invoiced to the applicant by the Town and shall be due 30 days after the date of the invoice. Any amounts not paid within 30 days shall bear interest at the rate of 12% per annum.
5. **ESCROW INTEREST.** The escrow account shall not bear interest for the benefit of the applicant.
6. **WITHDRAWALS FROM ESCROW.** The Town Clerk shall draw upon the escrowed funds to reimburse the Town for the fees it has incurred in reviewing the application on a monthly basis or as necessary.
7. **ACCOUNTING.** An accounting of all fees incurred by the Town and the status of the escrow shall also be provided to the applicant within thirty (30) days after the month the withdrawals occurred. Any dispute with respect to the propriety or amount of any withdrawal shall be subject to appeal to the Town Board within thirty (30) days after the date of the accounting showing the withdrawal.

required to take further action on the application and such default shall be grounds for denial of the application.

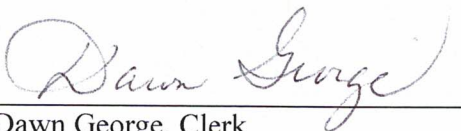
Adopted at a regular Town Board meeting this 5th day of November, 2025.


Kent Knutson, Town Chairperson

Date Enacted: 11/05/2025

Vote: 5-0

Date Published: 11/06/2025

Attest: 
Dawn George, Clerk