

ORDINANCE 2026-02-01

AN ORDINANCE REPEALING AND RECREATING ORDINANCE 2025-11-01 AND ESTABLISHING REVIEW FEES AND ESCROWS FOR REZONING AND CONDITIONAL USE PERMIT APPLICATIONS.

WHEREAS, the Town is required to review applications for rezoning and 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 rezoning or 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NOW, THEREFORE, THE TOWN BOARD OF RUTLAND, WISCONSIN DOES ORDAIN that Ordinance 2025-11-01 is hereby repealed and replaced with the following:

1. **REZONING AND CONDITIONAL USE PERMIT APPLICATION FEES.** Every applicant for rezoning or a conditional use permit for any land 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 rezoning is in the public interest and any 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.

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.
8. DEFAULT. In the event that the applicant defaults in restoring the escrow account or in paying any balance invoiced to applicant under this section, the Town shall not be 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 14th day of FEBRUARY, 2026.


Kent Knutson, Town Chairperson

Date Enacted: 02/04/2026

Vote: 5-0

Date Published: _____

Attest: 
Dawn George, Clerk