

ORDINANCE NO. 20-05

AN ORDINANCE TO AMEND SECTION 2 AND REPEAL SECTION 3 OF ORDINANCE 07-04,
AN ORDINANCE FOR PREPAYMENT OF TOWN COSTS,
CHAPTER 3 OF THE TOWN OF EAGLE CODE OF ORDINANCES

WHEREAS, on or about April 18, 2007, the Town of Eagle Town Board adopted Ordinance 07-04, an “Ordinance for Prepayment of Town Costs”; and

WHEREAS, the Town desires to amend said Ordinance to provide for the collection of town services to be placed on the tax bill per Wis. Stats. § 66.0627(2); and

WHEREAS, the Town Board finds the proposed amendment will promote the original intent of that Ordinance and promote the health, safety, and welfare of the public;

NOW, THEREFORE, the Town Board of the Town of Eagle, Waukesha County, Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1: Section 2, entitled “Payment of Fees,” of Ordinance 07-04 of the Town of Eagle, entitled “An Ordinance for Prepayment of Town Costs” is hereby amended to read as follows:

“SECTION 2. Payment of Fees. Agreement

- A. Application Fees. Application fees for the procedures set forth in Chapter 3 “Development” and other procedures and applications associated with this ordinance shall be established by resolution by the Town Board and adjusted from time to time by the Town Board, as needed.
- B. Additional Review Fees. In addition, the town may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the town's review of a proposal coming before the Planning and Zoning Commission and/or the Zoning Board of Appeals. The town may apply the charges for these services to the applicant. The town will require the applicant to sign a Professional Services Reimbursement Form. The town may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the applicant. The submittal of a development proposal application or petition by an applicant shall be construed as an agreement to pay for such professional review services applicable to the proposal. Review fees which are applied to an applicant, but which are not paid may be assigned by the town as a special assessment or special charge to the subject property.
- C. Refundable Deposit. The Town treasurer shall hold the deposit fee(s) in an account and the Town Clerk shall disburse the fees upon approval of the claims of the Town’s professional

staff. When the Town has concluded its consideration of the application the Town Clerk shall provide a list of the amounts paid out and submit the list to the applicant and the Town Board. Any amounts not paid out to professional ~~staff~~ consultants shall be submitted to the Town Board as a claim and refunded to the applicant within 30 days.

- D. Replenish Deposit. At any time if the fees for the Town’s professional services exceed the amount prepaid the Town Clerk shall send the applicant a statement and the applicant shall pay the invoice within 30 days.

- E. Unpaid balances for Service. The Town may impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served. The authority under this section is in addition to any other method provided by law. Wis. Stats. § 66.0627(2)”

SECTION 2: Section 3, entitled “Agreement,” of Ordinance 07-04 of the Town of Eagle, entitled “An Ordinance for Prepayment of Town Costs” is hereby repealed.

SECTION 3: 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 ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 19th day of February 2020.

TOWN OF EAGLE

Don Malek, Town Chair

ATTEST:

Lynn M. Pepper, Town Clerk