

NO. 2022-1

AN ORDINANCE TO CREATE SECTION 5.02 OF THE VILLAGE OF NORTH BAY VILLAGE CODE TO UTILIZE SECTION 66.0627 OF WIS. STATS., TO CHARGE BACK PROFESSIONAL FEES TO BENEFITING PROPERTY OWNERS AND TO PROVIDE THEM AN APPEAL PROCEDURE

The Village Board of the Village of North Bay, Racine County, Wisconsin DO ORDAIN AS FOLLOWS:

Chapter 5 of the Village of North Bay Village Code entitled "Finance", Section 5.02 entitled "Charge to Benefiting Owners for Professional Fees" is hereby created as follows:

5.02 Charge to Benefiting Owners for Professional Fees.

(A) Professional Fees Charged Back. The Village 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 Village Attorney, Village Engineer and/or other of the Village's professional staff, whether such professional staff is employed by the Village or independently contracted, if said contact and subsequent service results in a charge to the Village of North Bay for that professional's time and services and said service is not a service supplied to the Village of North Bay as a whole the Village Treasurer shall charge all such professional fees incurred by the Village to such property owners(s), only to the extent that the total charge to the Village of North Bay exceeds \$150.00; or
2. Whenever the Village Board, Village Manager, Village Clerk, or other Village official contacts the Village Attorney, Village Engineer, or any of the Village's professional staff, whether such professional staff is employed by the Village or independently contracted, regarding an application received from a property owner, if said contact and subsequent service results in a charge to the Village of North Bay for that professional's time and services and said service is not a service supplied to the Village of North Bay as a whole, the Village Treasurer shall charge all such professional fees incurred by the Village to such property owners(s), only to the extent that the total charge to the Village of North Bay exceeds \$150.00; or
3. Whenever the Village incurs professional fees in considering certified survey maps, subdivision plats, re-zoning petitions, conditional use permit petitions, site development applications, and other petitions related to the development of land in the Village, the Village Treasurer shall charge all such professional fees incurred by the Village to such property owners(s), only to the extent that the total charge to the Village of North Bay exceeds \$150.00. For purposes of this subsection, "professional fees" shall include any charges incurred by the Village in relation to such application from the Village Engineer, the Village Attorney, or any other of the Village's professional staff, whether such professional staff is employed by the Village or independently contracted.
4. The applicant may be required to pay a deposit before any review of plans, permits, etc. anticipated to exceed \$150.00.

(B) Property Owner Allowed Time to Pay or Appeal. The Village Treasurer shall give each property owner billed for current services, as provided for herein, notice that they shall have

not less than thirty (30) days to pay. Said notice shall also state that within 15 days of the date of the notice, the property owner may request a hearing before the Village Board regarding the charge against the property. Said notice shall also include an itemized statement of the professional services fees to be charged. 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 Village Board". If a hearing is not requested within the required time period, if that charge remains unpaid, the Village Treasurer shall automatically charge that delinquent bill against the next applicable tax bill of the parcel as a special charge as provided by statute.

- (C) Appeal to Village Board. Upon receipt of a timely request for hearing, the Village Board shall hold a hearing regarding the property charges at its next scheduled meeting or as soon as 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 Village Board approving the itemized professional service charges in whole or in part. Only that part of the itemized charges for special services approved by the Village Board may be placed on the tax roll after the property owner has been given 30 days to pay from the date of the Village Board hearing.
- (D) Permits for Government Organization. Whenever it is requested that the Village of North Bay grant approvals to any other municipality, agency or other governmental body and that permit process requires the assistance of contracted professional staff of the Village, those fees shall also be charged back to the municipality, agency or governmental body seeking the permit in the manner described in this Section 5.02.
- (E) Collection Options. The Village, in addition or instead of the above, may follow any other legal means to collect amounts due and owing under this section.

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 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 3. EFFECTIVE DATE.

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

Dated this _____ day of April, 2022.

VILLAGE OF NORTH BAY:

Mark J. Schall, Village President

ATTEST:

Dori A. Panthofer, Village Clerk