

**CHAPTER**  
(created Ordinance 2012-01)  
Recovery of Town Costs and Expenses

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**GENERAL PROVISIONS:**

In addition to any other fees required to be paid in conjunction with the filing of an application requesting any consideration on the part of the Town Board, the Town Planning Commission (hereinafter "Plan Commission") the Town Building Inspector to establish or modify any use of land within the Town involving annexations; subdivision, including plat approval; developer agreements; utility cost agreements; and all contracts or agreements related to any of the foregoing, the person, partnership or entity requesting such consideration (hereinafter "Applicant") shall compensate the Town for all costs and expenses the Town incurs in the consideration of any such application or request. The obligation to compensate the Town for its costs and expenses shall also extend to pre-submission discussions with the Town or its representatives which precede an application to the Town, if any.

**APPLICANT CERTIFICATE.** Before the Town shall incur any costs or expense in consideration of any application as described in this ordinance, the Applicant shall sign an acknowledgment and certificate on a form to be made available by the Town Clerk stating the Applicant's responsibility for all Town costs and expenses directly or indirectly related to the Applicant's request. The original of said acknowledgment and certificate shall be kept on file with the Town Clerk. A copy shall be given to the Applicant at the time of signing.

**COSTS RECOVERABLE.**

All costs incurred by the Town in the consideration of any request by an Applicant to establish or modify any use of land within the Town as described above shall be recoverable, including, without limitation by enumeration, the following: 1) All professional and technical consultant services and fees retained by the Town and rendered in review of any application, including, but not limited to, the Town Engineer, Planner, Town Attorney or any other professional or expert hired by the Town for purposes of review of the application or presubmission request.

- 2) Legal publication costs.
- 3) Court reporter costs, as deemed necessary by the Town.
- 4) Copy reproduction.
- 5) Postage.
- 6) Telephone charges.
- 7) Fees and costs incurred by the Town Building Inspector.

Recovery of Town Costs and Expenses

- 8) Document Recordation (if required).
- 9) Any other cost or expense incurred by the Town.

**BILLING OF COSTS.**

The Town Treasurer shall, on a monthly basis, bill all costs recoverable pursuant to this ordinance to the Applicant, which said costs shall be paid by Applicant within 30 days of receipt of the Town's billing. The Town Clerk may at any time require an Applicant to submit an advance deposit or continuing advance deposits against future billings by the Town for the recovery of costs provided by this ordinance. Surplus deposits shall be returned to the Applicant at the conclusion of the project if such deposits exceed the amount of billings for recoverable costs. Any billed costs from the Town unpaid at the expiration of said 30 day period shall bear interest at the rate of 18% per annum.

**CONDITION OF ALL APPLICATIONS.**

Notwithstanding anything in the Town Ordinances to the contrary, payment in full of all recoverable costs pursuant to this ordinance shall be a precondition to the final approval of any application as well as the issuance of any building, construction permits related to such application. This precondition shall extend to any Town Board request for an advance deposit against future billings for recoverable costs as called for herein.

**ENFORCEMENT.**

In addition to any provision for enforcement contained in the Town Ordinances, in the event the Town is not paid billed recoverable costs as called for herein, the Town shall be entitled to recover all actual attorney fees, litigation expenses, witness fees, filing fees, expert witness fees and all other costs or expenses incurred by the Town in the prosecution of a violation of this ordinance, regardless of whether the Town prevails in such prosecution or not, or whether an action is filed or not.

**FEES.**

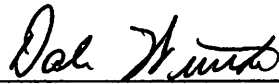
In addition to any fees called for herein, a subdivider shall, in the course of submitting any land division for presubmission consideration or for review and action by the Town, at all times comply with the provisions of the Town Ordinances related to recovery of Town costs and expenses.

**SEVERABILITY.**

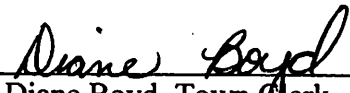
In the event any section, clause, paragraph, or phrase of this ordinance is deemed to be wholly or partially unenforceable by a court of law in a competent jurisdiction, the remaining sections of the ordinance shall remain in full force and effect.

Adopted this 20<sup>th</sup> day of February, 2012

Absent  
David Duwe, Town Chairman

  
\_\_\_\_\_  
Dale Wuttke, Supervisor I

  
\_\_\_\_\_  
David Robers, Supervisor II

Attest:   
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Diane Boyd, Town Clerk