

ORDINANCE NO. 604

AN ORDINANCE REPEALING SECTION 2.12, AND CREATING SECTION 3.15 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN RELATING TO CHARGE BACK OF ENGINEERING, LEGAL AND OTHER FEES TO PROPERTY OWNERS

THE COMMON COUNCIL OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 2.12 of the Municipal Code is repealed.

SECTION 2: 3.15 is created to read as follows:

3.15 CHARGE BACK OF ENGINEERING, LEGAL AND OTHER FEES TO PROPERTY OWNERS.

- (1) **FEES OF CITY PROFESSIONALS CHARGED BACK.** Whenever either the City Council, City Administrator, City Clerk or other City official has authorized an individual and/or a property owner in the City to contact or consult with the City Attorney, Engineer, Planner, Economic Development Consultant, or whenever the City Council, City Administrator, City Clerk or other City official, in the performance of their official duties and responsibilities, contacts or consults with the City Attorney, Engineer, Planner, Economic Development Consultant, or any other of City's Professional Staff, then the costs, fees and expenses associated with that contact or consultation shall be charged to the individual and/or property owner requesting or receiving the benefit of that contact or consultation, provided that the costs, fees and expenses do not result from a service provided to the residents of the City as a whole.
- (2) **SIGNED REIMBURSEMENT NOTICE.** Any individual and/or property owner who is subject to charges for fees or other professional services as provided in this section, shall be required to sign a written notice acknowledging the obligation to reimburse the City for professional fees and charges as provided herein. The failure of the applicant and/or property owner to sign the reimbursement notice shall not relieve the individual or property owner of their responsibility for reimbursement to the City for professional fees and expenses incurred as provided in this section.
- (3) **PAYMENT AND OBJECTIONS.** The City Clerk shall invoice each individual and/or property owner for professional charges as provided for herein, and the individual and/or property owner shall be responsible for payment of the invoice within thirty (30) days of the date of the invoice, or, in the event of an appeal as provided in this section, within thirty (30) days of the date of the Council's decision resolving the appeal.

Any property owner receiving an invoice as provided in this section, may, during the thirty (30) day period of time provided for payment, file with the City Clerk a written notice objecting to all or a portion of the invoice. Any written objection shall be submitted to the City Administrator, who shall attempt to resolve the objection with the individual and/or property owner. If the objection cannot be resolved within a reasonable period of time, the City Administrator shall notify the City Council and a hearing shall be scheduled as provided in subsection (6), below.

If a hearing is conducted as provided in subsection (6) below, the determination of the City Council as to the objection shall be final. The individual and/or property owner may, within thirty (30) days following issuance of the written decision, seek a judicial review of that decision. If a judicial review is not initiated within the thirty (30) day period of time allowed in this section, all further judicial reviews shall be barred. It is a condition to the maintenance of an appeal seeking a judicial review that any invoice issued under this section shall be paid when the invoice

becomes due. If there is a default in the making of any payment, the appeal seeking judicial review shall be dismissed.

(4) **INTEREST ON SPECIAL ASSESSMENTS OR SPECIAL CHARGES.** In order to recover the entire cost of any work or improvement to be paid pursuant to this section the City shall charge interest at the rate of 1.5% per month for any amounts not paid within thirty (30) days of the date that the City Clerk invoices the individual and/or property owner.

(5) **APPEAL TO CITY COUNCIL.** Upon receipt of an objection to any invoice issued to an individual or property owner for professional charges as provided in this section, and upon notice to the City Council that the objection has not been resolved administratively, the City Council shall hold a hearing regarding the objection at its next scheduled meeting or as soon as possible thereafter.

The property owner shall receive notice of the hearing, and shall be afforded an opportunity to appear in person, and/or by counsel. The City Council shall, after conducting a hearing on the objection, act on the objection. Written notice of the City Council's decision as to the objection shall be provided to the property owner.

(7) **PLACEMENT ON TAX ROLL.** In the event payment of any invoice which is due, remains unpaid as of October 30 of each year, the amount of the invoice together with any accrued interest thereon shall be placed by the City Clerk on the tax roll of the benefitted property, as a charge for current services provided the property owner in accordance with the provisions of Wis. Stat. § 66.0627.

SECTION 3: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

SECTION 4: This Ordinance shall become effective upon passage and publication as required by law.

Dated this 6th day of July, 2010.

CITY OF DELAFIELD

Ed McAleer, Mayor

ATTEST:

Gina C. Gresch, MMC/ WCPC
City of Delafield Clerk-Treasurer
Waukesha County

Date Adopted: July 6, 2010
Date Published: July 13, 2010
Effective Date: July 14, 2010