

ORDINANCE No. 2015-6

**AN ORDINANCE REGARDING PAYMENT OF ENGINEERING,  
LEGAL AND OTHER FEES BY BENEFITTED PARTIES**

The Town Board of the Town of Cady, St. Croix County, Wisconsin, do ordain as follows:

**SECTION I. ADOPTION OF PROVISIONS.**

Section 3-1-23 of the Town of Cady Code of Ordinances is amended to read as follows:

**Sec. 3-1-23 Payment of Engineering, Attorney and Other Fees by Benefitted Parties.**

- (a) **Purpose.** The Town Board of the Town of Cady may authorize at various times the using of the Town's professional staff or consultants to help various private parties resolve issues involving street and highway access questions, property line disputes, non-zoning or non-land division matters concerning property and other matters of concern to property owners and residents in the Town of Cady. While it may be in the public interest to assist property owners and residents with such matters, it is not equitable for the other taxpayers in the Town to have to absorb these professional fees where the fees were incurred to benefit specific land owners or private parties.
- (b) **Fees of Town Professionals Charged Back.** Whenever either the Town Board, Town Clerk, Town Treasurer or other Town official has authorized a property owner in the Town of Cady or private party to contact the Town Attorney, Town Engineer or any other of the Town's professional staff or the Town Board, Town Clerk, Town Treasurer, or other Town official contacts said Town Attorney, Town Engineer or any of the Town's professional staff or a property owner contacts the Town Attorney, Town Engineer or any other of the Town's professional staff, if said contact results in a charge to the Town of Cady for that professional's time and services and said service is not a service supplied to the Town of Cady as a whole, then and in that event the Town Clerk or Treasurer shall, pursuant to the provisions of Sec.

66.0627, Wis. Stats., charge that service to said property owner for the fees incurred by the Town.

(c) **Property Owner Allowed Time to Pay.**

- (1) The Town Clerk or Treasurer shall give each property owner or private party billed for professional or current services as provided for herein a period of time not to exceed thirty (30) days to pay and thereafter if that charge remains unpaid, the Town Clerk shall charge that delinquent bill against the current or next tax roll as a special charge or delinquent tax against the property as provided by law. In the event the statement rendered to the property owner or the time given for the property owner to pay is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll.
- (2) In the alternative, the Town may require pre-payment for such professional assistance.
- (3) Applicants for a land division under Title 14 of this Code of Ordinances shall comply with the escrow account requirements therein regarding the cost of the Town's professionals and consultants involved in reviews and inspections associated with the land division.

- (d) **Fees Charged for Permits Issued to Local Governments, Agencies or Other Governmental Organizations.** Whenever it is requested that the Town of Cady grant approvals to any other local government, agency or other governmental body and that permit process requires the assistance of the professional staff of the Town, those fees shall be charged back to the municipality, agency or governmental body seeking the permit.

**SECTION II. SEVERABILITY.**

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

**SECTION III. EFFECTIVE DATE.**

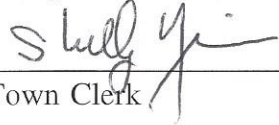
This Ordinance shall take effect upon passage and publication/legal posting as provided by law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

TOWN OF CADY, WISCONSIN

  
\_\_\_\_\_

Chairperson

  
\_\_\_\_\_

Town Clerk

INTRODUCED: ~~02/09/15~~ 11/2/15

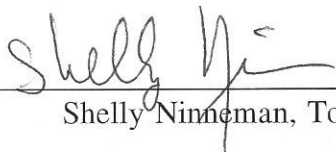
PASSED: 12/7/15

PUBLISHED: 12/17/15  
(POSTED)

State of Wisconsin:  
County of St. Croix:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the Town Board of the Town of Cady on the 7 day of Dec, 2015, and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated the 7 day of Dec, 2015

  
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Shelly Nimmeman, Town Clerk