

CHAPTER 44
FEES AND REIMBURSEMENT

44.01 FEES. Fees for the zoning, subdividing and annexing of property in the Village are established in Appendix A:

44.02 REIMBURSEMENT OF FEES.

- A. Deposit. In the event that it is necessary for the Village to obtain professional services, including but not limited to, attorneys, engineers, planners, architects, surveyors, traffic or drainage experts, or other consultants, in connection with any Petitioner's request for the Village to consider or otherwise take action upon any annexation, zoning change, subdivision development, PUD or other improvement or development upon real property, then the Petitioner and Owner of the property shall be jointly and severally liable for the payment of such professional fees plus five percent (5%) to cover the Village's administrative expenses. At the time the Petitioner requests action from the Village he will be required to deposit a sum equal to the following "initial escrow" formula with the Village as an initial deposit to be credited against fees and costs incurred for the above described services.

Initial Escrow Formula:

1. The sum of \$2,000.00 plus \$100.00 for each acre or residential unit proposed, whichever is greater.
 2. For Commercial Development, the Initial Escrow Deposit will be determined by the Village Engineers and Village Board dependent upon the scope of the project.
- B. Invoices. The Village shall send a Petitioner regular invoice for the fees and costs and the Petitioner shall reimburse the Village within 30 days of said invoice. At all times the Petitioner shall maintain a balance not less than the initial escrow with the Village.
- C. Exceptions. For good cause shown by the Petitioner, the Village, in its discretion, may reduce the amount of the initial escrow from that amount as determined by the formula contained in Section 44.02-A above.
- D. Professional Fees. Any professional fees incurred as a direct or indirect result of the petitioner, owner or their agent requesting a professional opinion or otherwise requesting relief or assistance from the Village, whether or not related to real property, shall be reimbursed in accordance with this Ordinance if, in the discretion of the Village, a professional opinion is desired.
- E. Default. Upon the failure of the owner or petitioner to reimburse the Village in accordance with this subsection no action on any request made by the owner or petitioner will be

undertaken by the Board of Trustees, or by any other official, quasi-official or deliberative individual or body thereunder; and such request shall remain in abeyance until all outstanding fees are paid in full. Upon any failure to reimburse the Village in accordance with this Ordinance the Village may, in its discretion, elect to place a lien against any real property associated with the petitioner's request. Interest in the amount of 1 1/2% per month shall accrue on all sums outstanding for 30 days or more. Such lien shall be in an amount equal to the outstanding amount owed to the Village.

- F. Assigning Authority. The President and Board of Trustees and the designated Village staff member are hereby authorized to assign requests for professional services to the Village staff or to consultants as the President deems appropriate.
- G. In House Staff. When any professional services contemplated by the Ordinance are rendered by the Village staff, then in such case the party making the request shall reimburse the Village for its cost incurred in providing said professional services. Said reimbursement shall be at the rate of \$100.00 per hour.
- H. Remedies. The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be construed to limit or waive the Village's right to proceed against any and all parties in a court of law of competent jurisdiction.
- I. Agreement. At the time the petitioner requests action from the Village he/she will be required to enter into an agreement, which is Exhibit A of this Ordinance, with the Village.
- J. Refund. Any surplus funds in the account of the petitioner or owner shall be returned 30 days after approval by the Village Attorney and Village Engineer, upon written request by the petitioner or owner.

EXHIBIT A

VILLAGE OF JOHNSBURG
REIMBURSEMENT OF FEES AGREEMENT

OWNER:

Name of Property Owner _____

Owner's Address _____

Telephone Number _____ Days _____ Evenings _____

PETITIONER:

Name of Petitioner _____

Petitioner's Address _____

Telephone Number _____ Days _____ Evenings _____

LOCATION OF PROPERTY

General Location _____

Legal Description (attach as Exhibit A)

1. Deposit. In the event that it is necessary for the Village to obtain professional services, including but not limited to, attorneys, engineers, planners, architects, surveyors, traffic or drainage experts, or other consultants, in connection with any Petitioner's request for the Village to consider or otherwise take action upon any annexation, zoning change, subdivision development, PUD or other improvement or development upon real property, then the Petitioner and Owner of the property shall be jointly and severally liable for the payment of such professional fees plus five percent (5%) to cover the Village's administrative expenses. At the time the Petitioner requests action from the Village he will be required to deposit a sum equal to the following "initial escrow" formula with the Village as an initial deposit to be credited against fees and costs incurred for the above described services.

1. The sum of \$2,000.00 plus \$100.00 for each acre or residential unit proposed, whichever is greater.

2. For Commercial Development, the Initial Escrow Deposit will be determined by the Village Engineers and Village Board dependent upon the scope of the project.
2. Invoices. The Village shall send a petitioner regular invoices for the fees and costs and the petitioner shall reimburse the Village within 30 days of said invoice. At all times the petitioner shall maintain a balance not less than the initial escrow with the Village.
3. Exceptions. For good cause shown by the Petitioner, the Village, in its discretion, may reduce the amount of the initial escrow from that amount as determined by the formula contained in Section 44.02-A of the Johnsburg Municipal Code.
4. Withdrawal of Petition. A petitioner who withdraws a petition for annexation into the Village may apply in writing to the Village Clerk for a refund of his/her initial deposit. The Board of Trustees may, in its discretion, approve the refund application less any actual fees and costs which the Village has already incurred relative to the petition for annexation.
5. Professional Fees. Any professional fees incurred as a direct or indirect result of the petitioner, owner or their agent requesting a professional opinion or otherwise requesting relief or assistance from the Village, whether or not related to real property, shall be reimbursed in accordance with this Ordinance if, in the discretion of the Village, a professional opinion is desired.
6. Default. Upon the failure of the owner or petitioner to reimburse the Village in accordance with this subsection no action on any request made by the owner or petitioner will be undertaken by the Board of Trustees, or by any other official, quasi-official or deliberative individual or body thereunder; and such request shall remain in abeyance until all outstanding fees are paid in full. Upon any failure to reimburse the Village in accordance with this Ordinance the Village may, in its discretion, elect to place a lien against any real property associated with the petitioner's request. Interest in the amount of 1 1/2% per month shall accrue on all sums outstanding for 30 days or more. Such lien shall be in an amount equal to the outstanding amount owed to the Village.
7. Assigning Authority. The President and Board of Trustees and the designated Village staff member are hereby authorized to assign requests for professional services to the Village staff or to consultants as the President deems appropriate.
8. In House Staff. When any professional services contemplated by the Ordinance are rendered by the Village staff, then in such case the party making the request shall reimburse the Village for its cost incurred in providing said professional services. Said reimbursement shall be at the rate of \$100.00 per hour.
9. Remedies. The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be construed to limit or waive the Village's right to proceed against any and all parties in a court of law of competent jurisdiction.

Appendix A

- A. A fee of \$200.00 shall be paid at the time a petition is filed for zoning variation, appeal, amendment and/or conditional use permit.
 - B. A fee of \$300.00 shall be paid at the time a petition for a zoning variation, appeal, amendment and/or conditional use permit is filed and a special meeting of the Zoning Board of Appeals and/or Planning Commission is requested.
 - C. The owners of land being annexed to the Village or subdivided within the Village shall, prior to any action being taken thereon by the Village or any commission or board thereof, deposit with the Village a sum to be applied to the reimbursement provided for in Section 44.02-A below and supply a fully completed and executed IRS form W-9.
 - D. At the time of the approval and before the recording and filing of the approved Plat of Subdivision, a platting fee of \$300.00 per acre or portion thereof shall be made by the subdivider to the Village to cover the costs to the Village for improvements within the approved subdivision. The President and Board of Trustees may determine the method of payment and grant extension on the time of payment at their discretion.
 - E. Professional Fees. Any professional fees incurred as a direct or indirect result of the petitioner, owner or their agent requesting a professional opinion or otherwise requesting relief or assistance from the Village, whether or not related to real property, shall be reimbursed in accordance with this Ordinance if, in the discretion of the Village, a professional opinion is desired.
 - F. In House Staff. When any professional services contemplated by the Ordinance are rendered by the Village staff, then in such case the party making the request shall reimburse the Village for its cost incurred in providing said professional services. Said reimbursement shall be at the rate of \$100.00 per hour.
10. Agreement. At the time the petitioner requests action from the Village he/she will be required to enter into an agreement, which is Exhibit A of this Ordinance, with the Village.
11. Refund. Any surplus funds in the account of the petitioner or owner shall be returned 30 days after approval by the Village Attorney and Village Engineer, upon written request by the petitioner or owner.

By signing this Agreement the petitioner and/or owner acknowledges that each of them has read the foregoing paragraphs and each of them fully understands and agrees to comply with the terms set forth herein. Further, by signing below, each signatory warrants that he/she/it possesses full authority to sign.

The owner and/or petitioner agree that owner and petitioner shall be jointly and severally liable for payment of fees referred to in applicable sections of the Ordinances of the Village of Johnsbury, and as referred to hereinabove.

VILLAGE OF JOHNSBURG

Petitioner

President

ATTEST: _____
Village Clerk

Date: _____