



IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN

**ORDINANCE NO. 2023-2**

**An Ordinance Creating Section 21.16 of the Municipal Code of the Town of Cedarburg, Ozaukee County, Wisconsin, relation to Reimbursement and Charge Back of Engineering, Legal and Other Professional Service Fees**

- WHEREAS,** The Town of Cedarburg is a body corporate and politic; and  
**WHEREAS,** the Town provides professional services as part of various application processes and reviews;  
**WHEREAS,** the ordinance details the reimbursement and charge back of specified professional service fees;  
**WHEREAS,** the Town Board has determined that such a practice is in the best interest to the general public and Town residents, and has directed that the Ordinances of the Town of Cedarburg be amended accordingly;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapter 21 Budget and Finance, of the Town of Cedarburg Code of Ordinances are hereby amended to read as follows:

**21-16 is created to read as follows:**

**§21-16 Reimbursement and charge back of engineering, legal and other professional service fees.**

- A. Fees of Town of Cedarburg Professionals to be Reimbursed and Charged Back.  
Whenever either the Town Board, Town Administrator, Town Clerk or other Town official has authorized an applicant and/or a property owner in the Town of Cedarburg to contact or consult with the Town Attorney, Engineer, Planner, Economic Development Consultant, or any other Town Professional staff or consultant, or whenever the Town Board, Town Administrator, Town of Cedarburg Clerk or other Town of Cedarburg official, in the performance of their official duties and responsibilities, contacts or consults with the Town Attorney, Engineer, Planner, Economic Development Consultant, or any other Town Professional staff or consultant, then the costs, fees and expenses associated with that contact, review and/or consultation shall be charged to the applicant and/or property owner requesting the matter 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 Town of Cedarburg in general as a whole. This Section for reimbursement and charge back of professional services shall apply to all matters sought by an applicant and/or a property owners related to any and all chapters of the Town Code, which are inclusive of Chapters 1 through 320, and each of those Chapters are hereby incorporated by reference herein as if specifically stated.

B. Signed Reimbursement Notice. Any applicant and/or property owner who is subject to the charges for fees or other professional services as provided in this section, shall sign a written notice acknowledging this obligation to reimburse the Town of Cedarburg 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 Town of Cedarburg for professional fees and expenses incurred as provided in this section.

C. Payment and Objections.

(1) The Town of Cedarburg Clerk shall invoice each applicant 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 Board's decision resolving the appeal. As provided below in Town Code Section 21-16C(6), the failure to timely pay said invoice, may result in the Town pursuing a special assessment and/or charge against the subject property pursuant to Chapter 10 of the Town Code.

(2) 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 Town Clerk a written notice objecting to all or a portion of the invoice. Any written objection shall be submitted to the Town 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 Town Administrator shall notify the Town Clerk and a hearing shall be scheduled as provided in subsection (6), below.

(3) If a hearing is conducted as provided in this subsection the determination of the Town Board 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 Town of Cedarburg 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 Town Clerk invoices the individual and/or property owner.

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

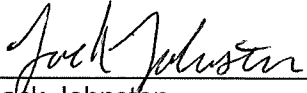
The property owner shall receive notice of the hearing, and shall be afforded an opportunity to appear in person, and/or by counsel. The Town Board shall, after conducting a hearing on the objection, act on the objection. Written notice of the Town

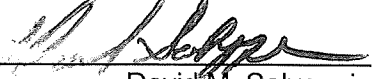
Board's decision as to the objection shall be provided to the property owner.

(6) 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 Town 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.

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

**PASSED AND ADOPTED** by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 4<sup>th</sup> day of January, 2023.

  
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Jack Johnston  
Assistant Administrator/Clerk

  
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David M. Salvaggio  
Town Chairman