

ORDINANCE NO. 2009 - 04

AN ORDINANCE TO PERMIT THE CHARGE BACK OF
COSTS AND EXPENSES INCURRED BY THE TOWN
ARISING OUT OF OR RELATED TO DAMAGE TO
TOWN ROADS

WHEREAS, Section 66.0627 of the Wisconsin Statutes permits the Town Board to impose a special charge in accordance with the terms of such Section against real property for current services rendered by allocating all or part of the cost of the service to the property served; and

WHEREAS, the Town Board has determined that it is appropriate to charge back property owners for costs and expenses incurred by the Town to repair damage to Town roads that arise out of or are related to private construction and demolition projects;

NOW, THEREFORE, The Town Board of the Town of LaGrange, Walworth County, Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1: SPECIAL CHARGE FOR DAMAGE TO TOWN ROADS. If the Town of LaGrange incurs costs or expenses for repairs to any road for which the Town is responsible for its maintenance, and such repairs arise out of or relate to any private construction or demolition project in the Town of LaGrange then, in that event, the Town Clerk shall, charge the costs and expenses incurred by the Town to the property owner of such construction or demolition site regardless of whether or not a building permit is required for such construction or demolition.

SECTION 2: PROPERTY OWNER ALLOWED TIME TO PAY OR APPEAL. The Town Clerk shall give each property owner billed for current services as provided for herein notice that they shall have a specified period of time, of not less than thirty (30) days, to pay. Said notice shall also state that within 15 days of the date of the notice, the property owner may request a hearing before the Town Board regarding the charges against the property. Said notice shall also include an itemized statement of

the costs and expenses to be charged. Thereafter, if the property owner requests a hearing within the proper time period, the matter shall proceed as described in the following section, below entitled "Appeal to Town Board". If a hearing is not requested within the required time period, if that charge remains unpaid, the Town Clerk shall automatically charge the same as a 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 or following a hearing if the Town Board approves all or part of the charge, it 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.

SECTION 3: APPEAL TO TOWN BOARD. Upon receipt of a timely request for hearing, the Town Board shall hold a hearing regarding the property charges at its next scheduled meeting or as soon as feasible. Such hearing shall be preceded by posted public notice and reasonable notice, via first class mail, to the property owner. In the event a hearing is requested, no charges shall be placed on the tax roll unless and until such hearing has been held and a decision has been rendered by the Town Board to approve the charges against the tax roll in whole or in part. If approved only in part, only that part of the charges that are approved may be charged against the tax roll.

SECTION 4: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 5: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 12th day of October, 2009.

Town of LaGrange

Frank Taylor

Frank Taylor, Town Chairman

Attest: *Crystal Hoffmann*

Crystal Hoffmann, Town Clerk

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