

ORDINANCE NO. 01182022-1

AN ORDINANCE TO AMEND THE TOWN OF WALWORTH, WALWORTH COUNTY, WISCONSIN ROAD BOND POLICY ORDINANCE

The Town Board of the Town of Walworth, Walworth County, Wisconsin, does amend Town of Walworth Ordinance No. 12142021-2 as follows:

1.0 PURPOSE

The purpose of this policy is to provide guidelines and procedures for processing road bonds for new developments and construction projects using Town roads to access property in the Town of Walworth. The Town of Walworth shall have this procedure processed by three Town Staff members: Building Inspector, Highway Superintendent, and Clerk-Treasurer. The purpose of issuing road bonds is to ensure the vitality of our roads when new residential and commercial construction occurs. Road bonds are utilized by those aforementioned departments as an escrow-type account with any excess funds being refunded back to the property owner upon completion of new construction. The costs associated with the road bond are to cover any damage that may or may not occur.

2.0 ORGANIZATIONS AFFECTED

The Highway, Building Inspections and Clerk-Treasurers Departments and all new property owners planning for new construction or construction projects are to adhere to the guidelines set forth in this policy.

3.0 POLICY

This policy shall cover construction of all new residential single family, multi-family, accessory structures over 1,200 square feet, commercial, or industrial buildings or developments. The Town of Walworth shall use its discretion to determine whether to draw from the road bond or refund it in whole or-in-part. If more damage is done to the road than held in the road bond, additional funds may be necessary to cover the costs of repair. The sum required for a road bond is five thousand dollars (\$5,000.00).

4.0 DEFINITIONS

Road Bond: A collected sum of money used by a municipality to safeguard against any defects to a road that may occur during new construction or construction project.

Escrow: A fee deposited into a temporary segregated account that may be drawn upon, added to monetarily or reimbursed in full or in part.

5.0 PROCEDURE

5.1 Upon receipt of a new residential single family, multi-family, accessory structures over 1,200 square feet, commercial, or industrial building permit application or applicable construction project permit, if the new construction or project location is fronting a Town road, the road bond is collected by the Building Inspector and/or Highway Superintendent and turned over to the Town Clerk-Treasurer for processing.

5.2 Upon written notification that final grading has been completed by the property owner or his/her designee or project completion, the Town Building Inspector in conjunction with the Highway Superintendent and/or his/her designee shall inspect the road/right-of-way to ensure that no damage is present. The Town Building Inspector and/or Highway Superintendent will inspect the road/right of way and submit approval to the Town Clerk-Treasurer to release the funds to the original payer if no damage has occurred. The Building Inspector or Highway Superintendent may also partially refund the Road Bond or request additional monies be collected due to damage that has occurred above and beyond the \$5,000.00 deposit.

5.3 The road bond will be released to the original payer (homebuilder, contractor, homeowner, etc.). If the bond was issued by someone other than the property owner, a carbon copy of the check will be sent to the property address so that the property owner/resident is aware of the road bond refund. It shall be the Town policy to refund the original road bond to the original payer in all cases unless the payer submits otherwise in writing to the Town Clerk-Treasurer prior to the release of the refund. In the instance where the original payer is not available or cannot be found (deceased, bankrupt, or other unknown reasons) and all reasonable efforts have been made to refund the road bond, the funds will be treated as unclaimed monies under the Uniformed Unclaimed Property Act. Pursuant to Chapter 177 of the Wisconsin State Statutes, unclaimed intangible personal property that remains unclaimed by the owner for more than one year after it became payable or distributed is presumed abandoned and will be paid to the State Treasurer.

5.4 There are times when the homebuilder or original payer does not request release of the road bond for unknown reasons. Twice a year the Town Clerk-Treasurer and Building Inspector shall review all of the road bonds and refund those bonds where the work has been satisfactorily completed without harm to the Town road/right of way.

5.5 A copy of this policy will be distributed by the Building Inspector.

6.0 OTHER

6.1 This policy applies to Town roads only. County and State highways are not under the jurisdiction of the Town of Walworth and, as such, may require separate permits from Walworth County and the State of Wisconsin.

Adopted this 18th day of January, 2022.

TOWN OF WALWORTH

_____/s/_____
David J. Rowbotham, Chairman

(SEAL)

ATTEST:

_____/s/_____
Marie Baker, Clerk-Treasurer