

TOWN OF WALWORTH ORDINANCE NO. 11142022-1

AN ORDINANCE RELATING TO REFUND OF CERTAIN OVERPAYMENTS TO THE TOWN

WHEREAS, in the process of collecting payments of property taxes, permit fees and other monies on behalf of the Town, the Clerk-Treasurer and other Town staff occasionally receive payment in excess of the amount owed to the Town through error, inadvertence or oversight; and

WHEREAS, the past policy of the Town has been to refund any such overpayments over \$5.00, to the payor; and

WHEREAS, the Town Board recognizes that the cost to taxpayers to process such refunds often exceeds the amount of the refund; and

WHEREAS, the Town Board has determined that it is not cost effective to process refund of nominal overpayments in the absence of a demand for refund; and

WHEREAS, the Town Board determined that is in the interest of the Town to establish a policy to retain nominal overpayments absent demand by the payor for refund.

NOW THEREFORE, the Town Board of the Town of Walworth, Walworth County, Wisconsin, does hereby ordain as follows:

SECTION 1. This Ordinance is hereby created to provide as follows:

Retention of Nominal Overpayments Absent Demand.

- (a) For purposes of this section a "Nominal Overpayment" shall be the overpayment of any tax, fee, or other obligation to the Town in an amount which does not exceed \$5.
- (b) As an administrative convenience the Town shall retain any Nominal Overpayment and shall not process a refund of the same absent appropriate demand for refund by the payer of the overpayment.
- (c) A Nominal Overpayment retained by the Town pursuant to the provisions of this section shall be credited to the general fund.

SECTION 2. Severability. Each section, subsection, paragraph, sentence, clause, phrase, and provision of the foregoing Ordinance is and the same as hereby declared to be severable and if any portion of provision thereof is duly determined to be invalid for any reason, such determination shall not invalidate any other portion of provision thereof.

SECTION 3. The Town hereby creates an administrative fee of \$5.00 for refunding any overpayment made to the Town by any payor, not due to error, inadvertence, or oversight of the Town administration officials, which fee is deemed waived in the event the Town retains the overpayment of less than \$5.00 without making the refund. And said \$5.00 administrative fee shall be adjusted according to the most current written fee schedule established by the Town Board.

SECTION 4. Effective Date. This Ordinance shall take effect and be enforced from and after its passage and posting as required by law.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis.Stats.

APPROVED AND ADOPTED by the Town Board of the Town of Walworth, Walworth County, Wisconsin this 11th day of November, 2022.

TOWN OF WALWORTH

_____/s/_____
Town Chair David J. Rowbotham

(SEAL)

_____/s/_____
Supervisor #1 Steve Santeler

_____/s/_____
Supervisor #2 William Pearce

ATTEST:

_____/s/_____
Town Clerk-Treasurer Marie Baker