

ORDINANCE NO. 01172023-1

AN ORDINANCE TO AMEND CHAPTER 1. LAND DIVISION ORDINANCE, TOWN OF WALWORTH, WALWORTH COUNTY, WISCONSIN

Whereas, Chapter 1, Land Division Ordinance, Town of Walworth, Walworth County, Wisconsin was adopted by the Town of Walworth Town Board on May 1, 1996; and,

Whereas, the Town Board, has from time to time, amended said Land Division Ordinance for the Town; and,

Whereas, the Town Board has proposed to abolish and recreate **Appendix A – FEES** of said Land Division Ordinance. **Appendix A – Fees** shall be abolished and recreated as follows:

APPENDIX A - FEES

1.0 GENERAL

The Subdivider or Developer shall pay all fees and costs associated with the review, inspection and administration of the land division or development equal to the actual cost incurred by the Town, plus a five percent (5%) overhead factor to assist in defraying costs for Town supervision and administration. The Subdivider shall submit all required fees, bonds, and letters of credit to the Town Clerk at the times specified before final approval of a plat, condominium, planned development or certified survey map. Any costs the Town may incur for plan review, inspection and administration which exceed the deposit amounts shall be billed to the Subdivider by the Town. If a fund balance exists in the inspection deposit after acceptance of all improvements and refund of the improvement guarantees, the subdivider may request a refund of the remaining inspection deposit amounts. In addition, the Subdivider's Agreement shall be executed and filed by the Subdivider prior to final approval of any plat or certified survey map.

1.1 CONCEPTUAL PLAN REVIEW FEE

The Subdivider shall deposit a fee for the conceptual plan in accordance with the Town Board's current Fee Schedule to the Town Clerk at the time of application for the review of the conceptual plan.

1.2 CERTIFIED SURVEY MAP REVIEW FEE

The Subdivider shall pay a fee for each certified survey map in accordance with the Town Board's current Fee Schedule to the Town Clerk at the time of the application for approval of any proposed certified survey map.

1.3 PRELIMINARY PLAT AND PRELIMINARY ENGINEERING PLAN REVIEW FEE

The Subdivider shall deposit a fee for the preliminary plat in accordance with the Town Board's current Fee Schedule to the Town Clerk at the time of the application for approval of such preliminary plat.

1.4 CONDOMINIUM AND PLANNED DEVELOPMENT REVIEW FEE

The Developer of a condominium or planned development shall deposit a fee in accordance with the Town Board's current Fee Schedule to the Town Clerk at the time of application for approval of a Condominium Development Plan or Development Plan.

1.5 FINAL PLAT REVIEW FEE

The Subdivider shall deposit a fee for final plat review in accordance with the Town Board's current Fee Schedule to the Town Clerk at the time of the application for approval of such plat.

1.6 ENGINEERING AND INSPECTION FEES

All public improvements proposed to be made under the provisions of this Section shall be inspected during the course of construction by the Town Engineer. All fees and costs connected with the review of the drawings and specifications for the improvements and inspection of the construction of the improvements, including final approvals and project guarantee reductions, shall be paid by the Subdivider. The Subdivider shall deposit a sum in the amount of \$2000 for the initial review of the project drawings and specifications. Prior to approval of the final plat or plan, the Subdivider shall reimburse the Town for all costs associated with the review of the development which have exceeded the deposited amount for review. The Subdivider shall also deposit a sum in the amount of two percent (2%) of their engineer's opinion of probable cost for the project improvements, as submitted to the Town and approved by the Town Engineer, (but not less than \$1000.00) for Town inspection of the project improvements.

1.7 ADMINISTRATIVE FEE

The Subdivider shall pay to the Town Clerk, the cost of any legal, administrative or fiscal services incurred by the Town in connection with its review of any plat or certified survey map. Legal work shall include, without limitation, the drafting of contracts between the Town and the Subdivider. These fees may also include the cost of obtaining professional opinions including, but not limited to those of attorneys, engineers, landscape architects, and land planners, requested by the Town Board in connection with the land division being considered.

1.8 EFFECT ON NONPAYMENT OF FEES

Notwithstanding any other provision of this Ordinance, no final approval of any final plat, condominium or planned development, or certified survey map shall be granted by the Town Board until such time as all fees imposed under this Ordinance have been paid in full, with the exception of construction-related fees. In the case of construction-related fees, the Town reserves the right to withhold building permits until all fees imposed under this Ordinance have been paid in full.

WHEREAS, a copy of said amendment to the Land Division Ordinance, has been placed on file and open for public inspection in the Office of the Town Clerk for not less than two (2) weeks, and notice thereof having been given publication as required by law;

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF WALWORTH, WALWORTH COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

1. The Town of Walworth Land Division Ordinance, Appendix A – Fees be abolished and recreated, and is here by adopted.

2. That this ordinance shall be effective upon adoption and publication as provided by law.

This ordinance adopted and approved this 17th day of Jan, 2023.

Town Chair: ES
David J. Rowbotham

Attested: ES
Town Clerk: Marie Baker