

## Chapter 125

### FEES

**[HISTORY: Adopted by the Town Board of the Town of Summit as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Fees for records — See Ch. 45, Art. II.

#### ARTICLE I

##### Professional Fees

**[Adopted 12-2-2004 by Ord. No. 04-248]**

##### **§ 125-1. Charge back.**

The Town Clerk/Treasurer shall charge property owners for services, pursuant to § 66.0627, Wis. Stats., in the following circumstances:

- A. Whenever a property owner contacts the Town Attorney, Town Engineer or other of the Town's professional staff, whether such professional staff is employed by the Town or independently contracted, if said contact and subsequent service results in a charge to the Town of Summit for that professional's time and services and said service is not a service supplied to the Town of Summit as a whole; or
- B. Whenever the Town Board, Town Manager, Town Clerk/Treasurer or other Town official contacts the Town Attorney, Town Engineer or any of the Town's professional staff, whether such professional staff is employed by the Town or independently contracted, regarding an application received from a property owner, if said contact and subsequent service results in a charge to the Town of Summit for that professional's time and services and said service is not a service supplied to the Town of Summit as a whole; or
- C. Whenever the Town incurs professional fees in considering certified survey maps, subdivision plats, rezoning petitions, conditional use permit petitions, site development applications, and other petitions related to the development of land in the Town. For purposes of this subsection, "professional fees" shall include any charges incurred by the Town in relation to such application from the Town Engineer, Town Attorney, or any other of the Town's professional staff, whether such professional staff is employed by the Town or independently contracted; and in addition shall include a charge per hour for the Town Manager/Planner's actual time spent on the project, said charge equal to the hourly compensation and benefits paid by the Town to the Manager/Planner which hourly charge shall be determined by the Town Board by separate motion from time to time.

##### **§ 125-2. Costs from Utility Districts.**

The Town Clerk/Treasurer shall charge property owners whenever a Utility District within the Town of Summit submits an accounting of charges for which the Utility District has charged a landowner but has remained unpaid for 30 days. The Town shall charge the property owner for the amount indicated by the Utility District on the accounting statement and which the Town must pay back to the Utility District upon receipt of payment from the landowner pursuant to the pertinent intergovernmental agreement.

**§ 125-3. Property owner allowed time to pay or appeal.**

The Town Clerk/Treasurer shall give each property owner billed for current services, including charges submitted from a Utility District, as provided herein, notice that they shall have a specified period of time not less than 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 professional services fees or other service costs to be charged. Thereafter, if the property owner requests a hearing within the proper time period, the matter shall proceed as described in § 124-4 below, entitled "Appeals." If a hearing is not requested within the required time period and if that charge remains unpaid, the Town Clerk/Treasurer shall automatically charge that delinquent bill against the property on the tax roll as provided by law. In the event the statement rendered to the property owner becomes delinquent too late in the year to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll.

**§ 125-4. Appeals.**

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 a 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 a hearing has been held and a decision has been rendered by the Town Board, and the Town Board approves 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.

**§ 125-5. Permits for government organizations.**

Whenever it is requested that the Town of Summit grant approvals to any other municipality, agency or other governmental body and that permit process requires assistance of the professional staff of the Town, those fees shall also be charged back to the municipality, agency or governmental body seeking the permit in the manner described in this article.

ARTICLE II

**Warrant Service Fee**

**[Adopted 12-2-2004 by Ord. No. 04-249]**

**§ 125-6. Police Department charge.**

Pursuant to the provisions of §§ 814.70, 814.705 and 814.71, Wis. Stats., the Town of Summit Police Department shall charge a warrant service fee of \$20 whenever the Department serves a warrant or a commitment order upon an individual, except that the statutory fee imposed by § 814.70, Wis. Stats., shall apply if larger than \$20.

**§ 125-7. Deposit into general fund.**

Warrant service fees shall be deposited in the Town general fund.

**§ 125-8. Multiple parties or warrants.**

If there is more than one defendant or person served at a given address, the \$20 warrant service fee shall apply to each person served. If the person has warrants from multiple jurisdictions, the warrant service fee shall be assessed with regard to each such jurisdiction.

ARTICLE III

**Ambulance and Rescue Services**

[Adopted 6-20-2005 by Ord. No. 05-256]

**§ 125-9. Fee authorized.**

The Town Board hereby establishes a fee for the provision of ambulance and rescue services provided by the Dousman Fire District and/or the Summit Fire District and by agents and contractors of the Dousman Fire District and/or the Summit Fire District.

**§ 125-10. Assessment.**

The fee will be assessed to the responsible individual, corporation, utility, company and/or property owner for whom this service was provided, as determined by the Fire Chief having jurisdiction.

**§ 125-11. Included services.**

This fee for ambulance and rescue services shall include but not be limited to technical rescue services, such as trench rescue, confined space rescue, emergency building shoring, and helicopter rescue, along with ordinary ambulance and rescue services.

**§ 125-12. Fees to cover actual costs.**

The fees shall be established from time to time by the resolution of the Town Board in an amount designed to recover the actual cost of the service performed, which shall include the actual amounts billed to the Town of Summit and/or the Dousman Fire District and/or the Summit Fire District for incidents occurring in the Town of Summit, by contractors and agents called to the incident.

ARTICLE IV

**Impact Fees**

[Adopted 11-9-2005 by Ord. No. 05-264]

**§ 125-13. Fire facilities.**

- A. The Town Board of the Town of Summit hereby imposes impact fees on developers to pay for the capital costs that are necessary to accommodate land development with regard to fire facilities in the Town of Summit in accordance with the following schedule:

<b>Type of Development</b>	<b>Impact Fee</b>
Single-family residential, per dwelling unit	\$381
Multiple-family residential, per dwelling unit	\$286
Commercial/industrial, per square foot	\$0.066
Industrial/business park, per square foot	\$0.053

- B. In order to account for future increases in construction costs and interest costs, and in order to ensure that the fees are equitably distributed between current and future developers, the impact fees described herein shall automatically adjust on an annual basis on January 1 of each year by the percentage increase or decrease in the United States Bureau of Labor Statistics Midwest Region All Items Consumer Price Index for All Urban Consumers from January 1 of the preceding year.

**§ 125-14. Police facilities.**

- A. The Town of Summit Town Board hereby imposes impact fees on developers to pay for the capital costs that are necessary to accommodate land development with regard to police facilities in the Town of Summit, in accordance with the following schedule:

<b>Type of Development</b>	<b>Impact Fee</b>
Single-family residential, per dwelling unit	\$344
Multiple-family residential, per dwelling unit	\$258
Commercial/industrial, per square foot	\$0.082
Industrial/business park, per square foot	\$0.066

- B. In order to account for future increases in construction costs and interest costs, and in order to ensure that the fees are equitably distributed between current and future developers, the impact fees described herein shall automatically adjust on an annual basis on January 1 of each year by the percentage increase or decrease in the United States Bureau of Labor Statistics Midwest Region All Items Consumer Price Index for All Urban Consumers from January 1 of the preceding year.

**§ 125-15. Accounting.**

Revenues from impact fees shall be placed in a segregated, interest-bearing account and shall be accounted for separately from the other funds of the Town of Summit. Impact fee revenues and interest earned on impact fee revenues may be expended only for capital costs for which the impact fees were imposed.

**§ 125-16. Refund of impact fees.**

Impact fees that are imposed and collected by the Town of Summit pursuant to this article, but which are not used prior to the year 2025 to pay the capital costs for which they were imposed shall be refunded to the then-current owner of the property with respect to which the impact fees were imposed. This section applies to impact fees imposed for police facilities and impact fees that are imposed for fire facilities pursuant to this article.

**§ 125-17. Payment.**

- A. Developers shall pay said impact fees to the Town of Summit in full unless installment payments are specifically approved by the Town of Summit Town Board. Unless the Town of Summit Town Board agrees otherwise in writing, payment must be made in full prior to the first to occur of the following events:
  - (1) Recording a plat or certified survey map which would divide any land which is zoned to permit a residential use by right;
  - (2) Issuing a building permit for any land development;
  - (3) Granting any other approval by the Town of Summit for any land development (e.g., rezoning, conditional use, or other approval).
- B. The foregoing payment obligation applies only to such land development events that occur within the Town of Summit from the effective date of this article until the year 2025. If for any reason, intentional or unintentional, payment is not made when it first becomes due, the Town of Summit, at its option, may enforce the obligation at the time of any succeeding land development event until payment is fully received. If more than one developer participates in a land development project, or if different developers participate at different times, the developers shall be deemed to have independently apportioned their payment obligation among themselves. The Town of Summit shall be entitled to refuse to approve a land development event until payment is made, and shall have no obligation to determine which developer is required to pay, even if payment from the current developer would not have been required but for the fact that a prior developer did not pay.

**§ 125-18. Appeals.**<sup>1</sup>

Pursuant to § 66.0617(10), Wis. Stats., a developer upon whom an impact fee is imposed has the right to contest the amount, collection or use of the impact fee to the Town of

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Summit Town Board. The procedure for the appeal shall be the same appeal procedures that apply pursuant to Article XII of Chapter 235, Zoning, of the Code of the Town of Summit, including any amendments that may be made thereto in the future.

**§ 125-19. Interpretation.**

The Town of Summit exercises this authority pursuant to § 66.0617, Wis. Stats., and this article shall be interpreted in conjunction with said statute, including any future revisions thereto, including, but not limited to, the statutory definition of the term "developer."