

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

**CHAPTER 07 - FEES AND BONDS**

**07.01 SCOPE**

(1) FEES

(a) All fees established throughout the code of ordinances of the Town or by resolution of the Town Board shall be submitted to the Town clerk's office along with a completed application as specified in the appropriate ordinance section. No application will be processed until all fees are received by the treasurer.

(b) The fees established throughout the code of ordinances of the Town are in addition to any fees specified elsewhere, and shall be paid to the Town treasurer in US currency, money order or check payable to: the Town of Cottage Grove. An itemized receipt shall be provided for all currency received.

(c) Any fee established by the Town Board which is in effect at the time of application for a license or permit shall remain in effect for the entire term of the license or permit, provided the application is approved. In the event a re-application is made, the established fee which is in effect at the time of the re-application shall be considered the appropriate fee.

(2) FEE REVIEW

(a) All fee and bond schedules specified by the code of ordinances of the Town shall be reviewed annually by the Town Board during the budget development process. Any changes deemed to be necessary during this process shall be presented in detail at the annual budget hearing specified in s. TCG 03.02(3)(a) and adopted along with the annual budget by resolution of the Town Board.

(b) Any fee or bond schedule specified by the code of ordinances of the Town may be reviewed and amended by resolution of the Town Board at any time outside the annual budget review process.

(c) Any fee specified by the code of ordinances of the Town which is dependent upon a fee established by another authority having jurisdiction may be amended by resolution of the Town Board within 60 days of the Town clerk receiving official notice that the basic fee has been revised.

(3) FEE REFUNDS

The Town Board may refund any fee specified by the code of ordinances of the Town which was received with an application provided the applicant requests the refund in writing prior to the start of processing of the application and the activity applied for is abandoned.

(4) EFFECTIVE DATE

(a) Original ordinance adopted August 6, 2001

(b) Last amended March 15, 2010.

(c) This section shall take effect upon passage and publication as required under s. 60.80, Wis Stats.

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### 07.02 FEE SCHEDULES

All fees described in this section will be adopted by resolution of the Town Board.

#### (1) CIGARETTE AND TOBACCO PRODUCTS RETAILER LICENSE FEE

As permitted by s. 134.65(2), the Town Board shall establish by resolution a fee for cigarette and tobacco product licenses.

#### (2) EQUIPMENT RATES

Unless otherwise specified in the code of ordinances of the Town, fees charged for contracted services rendered to Town residents and other municipalities, and fees charged for remediation of ordinance violations when that remediation is performed by Town employees and/or contracted providers, shall be set by resolution of the Town Board. Each operator's actual hourly wage, including benefits, shall be assessed separately from, and in addition to, the equipment costs in each case.

#### (3) EMERGENCY RESPONSE REIMBURSEMENT FEES

Unless otherwise specified in the code of ordinances of the Town, the fees for emergency services provided in accordance with the provisions of s. TCG 11.02(9)(c), and ss. 60.557 and 166.22, Stats., by the Cottage Grove Volunteer Fire Department, or on their behalf in accordance with a signed mutual aid agreement, shall be set by resolution of the Town Board.

#### (4) HANDLING FEES

The Town may charge a handling fee in addition to any other fee specified by the code of ordinances of the Town to offset any extraordinary administrative costs.

#### (5) TOWN HALL AND FLYNN HALL USE PERMIT FEES

(a) Unless otherwise specified in the code of ordinances of the Town, a "user" fee shall accompany the permit application for use of the Town hall or Flynn hall facilities by other than recognized civic organizations. A higher fee may be charged to users who are not residents of the Town or Village of Cottage Grove.

(b) In addition to the fee specified in (a), a refundable "clean-up" deposit fee shall accompany all permit applications. This deposit may be returned provided the facilities are cleaned to the satisfaction of the Town clerk or designee, following the function, and the Town does not have any expenses related to damage as a result of the function.

#### (c) MAILING LIST AND POLL LIST FEES

Unless otherwise specified in the code of ordinances of the Town, a fee shall be charged for mailing lists requested from Town databases. The fee for poll lists will be the current price for data from the Statewide Voter Registration System (SVRS) as specified by the Government Accountability Board. This fee shall be doubled if gummed labels are requested.

#### (1) BANK SERVICE FEES

A fee in an amount equal to the amount charged to the Town by the bank will be charged on all non-sufficient funds ("NSF") and "Closed Account" checks returned from the bank, and for all stop payment orders resulting from the loss or destruction of any Town-issued check by the recipient.

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### (6) OVERWEIGHT PERMIT FEES

Unless otherwise specified in the code of ordinances of the Town, an overweight permit fee shall be paid to the Town in addition to any fee specified in s. 348.25, Stats., which is paid to the Wisconsin Department of Transportation.

### (7) PHOTOCOPYING FEES

A per page photocopy fee may be charged for any document copies requested. A larger fee may be charged for all sheets sized in excess of the capacity of the Town copy machine.

### (8) STATEMENT OF REAL PROPERTY STATUS (TITLE SEARCH) FEE

A per tax parcel fee may be charged for any request for real property status (title search).

### (9) EFFECTIVE DATE

(a) Original ordinance adopted August 6, 2001

(b) Last amended March 15, 2010

(c) This section shall take effect upon passage and publication as required under s. 60.80, Wis. Stats.

## **07.03 FIRE PROTECTION CHARGES**

### (1) PURPOSE.

The purpose of this ordinance is to authorize the Town of Cottage Grove to recover the cost of Third-Party Fees, Third-Party Fire Department Fees, Extraordinary Costs, and Collection Costs associated with fire protection within the Town of Cottage Grove, Dane County, Wisconsin.

### (2) AUTHORITY.

The Town Board of the Town of Cottage Grove has specific authority under Wis. Stats. s. 60.55 (2)(b) to adopt this ordinance for the payment of Third-Party Fees, Third-Party Fire Department Fees, Extraordinary Costs, and Collection Costs incurred by the Town of Cottage Grove.

### (3) LIABILITY FOR COSTS OF FIRE CALLS FROM FIRE DEPARTMENTS OTHER THAN AUTHORIZED FIRE DEPARTMENT (“Third-Party Fire Department Fees”).

It is the policy of the Town of Cottage Grove to provide fire protection within the Town pursuant to its agreement with the Cottage Grove Fire Department, Inc. (“Authorized Fire Department”). Any person requesting fire protection directly from any other fire department shall be responsible for the full costs billed to the Town resulting from the fire call (“Third-Party Fire Department Fee”), plus reasonable administrative costs and actual costs of collection (including filing fees and legal fees incurred) (collectively, “Collection Costs”), in the same manner as other Third-Party Fees. (See Section 4 below.). This section shall not apply to the costs of any other department responding at the request of the Authorized Fire Department under a mutual aid agreement.

### (4) LIABILITY FOR COSTS FROM THIRD-PARTY CONTRACTORS (“Third-Party Fees”).

The Town is not responsible for costs charged by third-party contractors who needed to effectively fight a fire. For example, if during the course of fighting a fire, the Authorized Fire Department determines that it is necessary to obtain the services of a third-party excavator to

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remove the debris of a building, that third-party contractor would bill for the services provided and the Town would then need to charge the property owner in order to recoup the third-party contractor fees. To that end:

(a) The Town hereby imposes a charge for each fire call made within the limits of the Town that results in a charge to the Town by a third-party (“Third-Party Fee”). The costs for said third-party services are typically billed to the Town or the Authorized Fire Department. Any such Third-Party Fee, plus reasonable administrative costs and actual costs of collection (including filing fees and legal fees incurred) (collectively, “Collection Costs”), shall be imposed on the owner as set forth in this ordinance.

(b) The Third-Party Fee and Collection Costs shall not exceed the actual cost to the Town or 25,000.00, whichever is less.

(c) If the fire call is to real property located within the Town, the charges shall be imposed on all owners of the real estate to which the particular fire call is made and liability for payment of same shall be joint and several. In the event that a fire call is not made to real property located within the Town, but is instead made to a vehicle located on a public road within the Town or other personal property located within the Town, the charges provided for under this ordinance shall be imposed on all owners of the personal property.

(5) LIABILITY FOR EXTRAORDINARY FIRE PROTECTION COSTS (“Extraordinary Costs”).

The Town is not responsible for excessive costs incurred for fighting an exceptional fire (“Extraordinary Costs”). For example, if a fire occurs at a property where chemicals are stored and the Authorized Fire Department incurs excessive costs, the Authorized Fire Department would bill for the services provided and the Town would then need to charge the property owner in order to recoup the third-party contractor fees. To that end:

(a) The Town hereby imposes a charge for each fire call made within the limits of the Town that results in a charge to the Town for Extraordinary Costs. Extraordinary Costs are typically billed to the Town or the Authorized Fire Department. Any such Extraordinary Costs, plus reasonable administrative costs and actual costs of collection (including filing fees and legal fees incurred) (collectively, “Collection Costs”), shall be imposed on the owner as set forth in this ordinance.

(b) The Extraordinary Costs and Collection Costs shall not exceed the actual cost to the Town or \$25,000.00, whichever is less.

(c) If the fire call is to real property located within the Town, the charges shall be imposed on all owners of the real estate to which the particular fire call is made and liability for payment of same shall be joint and several. In the event that a fire call is not made to real property located within the Town, but is instead made to a vehicle located on a public road within the Town or other personal property located within the Town, the charges provided for under this ordinance shall be imposed on all owners of the personal property.

(6) BILLING AND PAYMENT PROCEDURE.

The costs of fire calls as outlined in this ordinance shall be billed by the Town Clerk to the property owner and paid in full to the Town Treasurer no later than 60 days after the date of the bill. The failure to pay the bill within 60 days will result in the bill being deemed delinquent unless otherwise approved by the Town Board. The Town shall charge interest at the rate of one

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percent (1%) per month, or any part thereof, from the date that the bill is deemed delinquent until paid in full. Those bills for Third-Party Fees, Third-Party Fire Department Fees, Extraordinary Costs, Collection Costs and accrued interest that relate to real property and that have been outstanding for more than 60 days as of November 1 of any year shall become a lien against the real estate and shall be placed on the tax roll as a delinquent special charge under Wis. Stats. §66.0627.

### (7) SEVERABILITY.

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

### (8) EFFECTIVE DATE

(a) This ordinance was adopted on September 6, 2013, and last amended on September 19, 2016.

(b) This ordinance shall take effect upon passage and publication as required Wis. Stats. § 60.80.