

## Article H: Fees

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### **Sec. 14-1-90 Administrative and Other Fees.**

(a) **General.**

- (1) The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village of Elmwood in connection with the plat or certified survey map. Legal work shall include the drafting of contracts between the Village of Elmwood and the subdivider. These fees may also include the cost of obtaining professional opinions including, but not limited to attorneys, engineers, landscape architects, and land planners, requested by the Village Board, Plan Commission, or Village staff in connection with the land division being considered.
- (2) The Village may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Village's review of a proposal coming before the Village Board. The submittal of a development proposal application or petition by a subdivider, shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Village may charge the costs for these services to the subdivider. The Village may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the subdivider. Review fees which are charged to a subdivider, but which are not paid, may be levied by the Village as a special assessment against the subject property. The subdivider shall be required to provide the Village with an executed copy of an Agreement as to Costs, as set forth in the Appendix, to pay for said consulting services as a prerequisite to the processing of the development application.
- (3) At the time of submission of a plat or certified survey, the Plan Commission or Village Board, at their sole discretion, may require the subdivider to make a good faith deposit with the Clerk-Treasurer to cover, in all or part, the expenses anticipated to be incurred by the Village because of the land division. Unused portions of such fund may be refunded to the subdivider.

- (b) **Engineering Fee.** The subdivider shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat or certified survey map, including inspections required by the Village pursuant to Section 14-1-52(d). The subdivider shall pay a fee equal to the actual cost to the Village for such engineering work and inspection as the Village Board and/or Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.
- (c) **Administrative Fee.** The subdivider shall pay a fee to the Village equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat or certified survey map.

- (d) **Concept Plan.** There shall be no fee for the Village's review of a concept or sketch plan of a proposed land division. However, such reviews shall be conducted only as staff time permits.
- (e) **Preliminary Plat.**
  - (1) A subdivider who submits a Preliminary Plat for the Village Plan Commission and the Village Board shall file said Preliminary Plat with the Village Clerk-Treasurer and shall deposit with the Village Clerk-Treasurer a fee to cover the costs of reviewing said application. The fee for a Preliminary Plat shall be Fifty Dollars (\$50.00) for up to and including six (6) lots plus Five Dollars (\$5.00) per each additional lot over six (6). If the plat is rejected, no part of the fee shall be returned to the petitioner.
  - (2) A reapplication fee of Twenty-five Dollars (\$25.00) shall be paid to the Village Clerk-Treasurer at the time of reapplication for approval or amendment of any Preliminary Plat which has previously been reviewed.
- (f) **Final Plat Review Fee.**
  - (1) The subdivider shall pay a fee of Ten Dollars (\$10.00) per lot within the Final Plat to the Village Clerk-Treasurer at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review.
  - (2) A reapplication fee of Ten Dollars (\$10.00) shall be paid to the Village Clerk-Treasurer at the time of a reapplication for approval or amendment of any Final Plat which has previously been reviewed.
- (g) **Certified Survey.**
  - (1) The subdivider shall pay an application fee of Fifty Dollars (\$50.00) for each certified survey.
  - (2) Should the subdivider submit an amended or revised Certified Survey, the resubmittal fee shall be Fifty Dollars (\$50.00) for each amended or revised Certified Survey.
- (h) **Objecting Agency Review Fees.** The subdivider shall transmit all fees required for state agency review to the Village Clerk-Treasurer at the time of application. Said review fees shall be retransmitted to the proper state review agency by the Village Clerk-Treasurer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Development, Wisconsin Department of Transportation, Wisconsin Department of Commerce and the Wisconsin Department of Natural Resources.
- (i) **Public Site Fee.** If the subdivision does not contain lands to be dedicated as required in this Chapter, the Village Clerk-Treasurer shall require a fee pursuant to Section 14-1-84 for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.
- (j) **Improvement Review Fee.** The subdivider shall pay a fee or present a bond, certified check, or irrevocable letter of credit equal to five percent (5%) of the cost of the required public improvements as estimated by the Village Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Village of checking and reviewing such plans and specifications. Fee may be recomputed, upon demand of the subdivider or Village Engineer, after completion of improvement construction in accordance

with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. At the Village Board's option, this procedure may be used as an alternative to the escrow account in Subsection (l) below. Evidence of cost shall be in such detail and form as required by the Village Engineer.

(k) **Assessments.** All outstanding assessments due to the Village shall be due prior to the signing of the Final Plat or Certified Survey by the Village.

(l) **Administrative Costs.**

(1) **Cost Determination.** The subdivider of land divisions within the Village shall reimburse the Village for its actual cost of design, inspection, testing, construction and associated legal, real estate and other fees incurred by the Village in connection with the preliminary plat, final plat, replat or certified survey. The Village's costs shall be determined as follows:

- a. The cost of Village employees' time engaged in any way with the land division based on the hourly rate paid to the employee multiplied by a factor determined by the Village Clerk-Treasurer to represent the Village's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
- b. The cost of Village equipment employed.
- c. The cost of mileage reimbursed to Village employees which is attributed to the land division.
- d. The actual costs of Village materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
- e. All consultant fees, including but not limited to legal and engineering fees, at the invoiced amount plus administrative costs. Unless the amount totals less than Fifty Dollars (\$50.00), the Village shall draw against the escrow account or bill the subdivider monthly for expenses incurred by the Village. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the subdivider's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the Village until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.

(2) **Escrow for Fees.**

- a. At such time as the subdivider submits a Preliminary Plat or Certified Survey Map for review by the Village, it shall deposit with the Clerk-Treasurer, in escrow, the sum required by the following schedule to guarantee the timely payment of the Village's administrative costs:
  1. Minor Subdivision (Certified Survey Map): Three Hundred Dollars (\$300.00).
  2. Subdivisions: One Thousand Dollars (\$1,000.00) for each five (5) lots or units, up to a maximum of Five Thousand Dollars (\$5,000.00).

- b. In the event the amount deposited with the Clerk-Treasurer falls below twenty-five percent (25%) of the amount required to be deposited, the Village Board shall have the option of requiring the subdivider to replenish the escrow to the original amount required hereunder. In the event the subdivider withdraws his/her plat or minor subdivision, or the same is approved, and money remains in escrow over and above the Village's fees, the excess shall be refunded to the subdivider. The escrow account shall not draw interest for the benefit of the subdivider. The Clerk-Treasurer, with the approval of the Village Board, shall have the right to draw upon the escrow to reimburse the Village for the fees it has incurred in reviewing the minor subdivision or subdivision on a periodic basis. An accounting of all fees incurred by the Village and the status of the escrow shall also be provided to the subdivider periodically. In the event the subdivider defaults in establishing or replenishing the escrow, the Village shall not be required to act further upon the subdivider's request. Failure to replenish the escrow shall be sufficient cause to reject the minor subdivision or subdivision.

**Sec. 14-1-91 through Sec. 14-1-99      Reserved for Future Use.**

**APPENDIX**

**Sample Agreement as to Costs  
With the Village of Elmwood**

\_\_\_\_\_ The applicant/petitioner

for \_\_\_\_\_ dated \_\_\_\_\_,  
(nature of application/petition)

agrees, in addition to those normal costs payable by an applicant/petitioner (e.g. filing, or permit fees, publication expenses, recording fee, etc.), that in the event the action applied or petitioned for requires the Village of Elmwood, in the judgment of its staff, to obtain additional professional services(s) (e.g. engineering, surveying, planning, environmental, recreational, legal) than normally would be routinely available "in house" to enable the Village to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the Village for the costs thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
(Signature of Applicant/Petitioner)