

STATE OF WISCONSIN:

TOWN OF OAKLAND:

JEFFERSON COUNTY:

**AN ORDINANCE CREATING ORDINANCE NO. 2025-71 OF THE MUNICIPAL CODE
OF THE TOWN OF OAKLAND**

NOW, THEREFORE, the Board of Supervisors of the Town of Oakland, Jefferson County, Wisconsin, does hereby ordain as follows:

SECTION 1: Ordinance No. 71 entitled “Charge back of engineering, legal, and other fees to property owners” is hereby created to read as follows:

1. **Fees of Town professional services charged back.** Whenever either the Town Board, Town Plan Commission, Town Clerk, or other Town official has authorized an individual and/or a property owner in the Town to contact or consult with the Town Attorney, Engineer, or other professional staff contracted or employed by the Town, or whenever the Town Board, Town Plan Commission, Town Clerk, or other Town official, in the performance of their official duties and responsibilities, contacts or consults with the Town Attorney, Engineer, or other professional staff contracted or employed by the Town, then the costs, fees, and expenses associated with that contact or consultation shall be charged to the individual and/or property owner requesting or receiving the benefit of that contact or consultation, provided that costs, fees, and expenses do not result from a service provided to the residents of the Town as a whole.
2. **Signed reimbursement agreement.** Any individual and/or property owner who is subject to charges for fees or other professional services as provided in this Ordinance shall sign a written agreement acknowledging the obligation to reimburse the Town for professional fees and charges as provided herein. The written agreement shall be on a form approved by the Town Board. The failure of the applicant and/or property owner to sign the reimbursement agreement shall not relieve the individual or property owner of their responsibility to reimburse the Town for professional fees and expenses incurred as provided in this Ordinance. In order to recover the entire cost of any work or improvement to be paid pursuant to this Ordinance, the Town shall charge interest at the rate of 1% per month for any amounts not paid within 30 days of the date that the Town Clerk invoices the individual and/or property owner.
3. **Payment and objections.** The Town Clerk shall invoice each individual and/or property owner for professional charges, and the individual and/or property owner shall be responsible for payment of the invoice within 30 days of the date of the invoice, or, in the event of an appeal as provided in this Ordinance, within 30 days of the date of the Town Board’s decision resolving the appeal. Any property owner receiving an invoice as provided in this Ordinance may, during the 30-day period provided for payment, file with the Town Clerk a written notice objecting to all or a portion of the invoice. The Town Clerk

shall attempt to resolve the objection with the individual and/or property owner. If the objection cannot be resolved within a reasonable period of time, the Town Clerk shall notify the Town Board, and a hearing shall be scheduled as provided in this Ordinance. If a hearing is conducted as provided in this Ordinance, the determination of the Town Board as to the objection shall be final. The individual and/or property owner may within 30 days following issuance of the decision, seek a judicial review of that decision. If a judicial review is not initiated within the 30-day period, all further judicial reviews shall be barred. It is a condition to the maintenance of an appeal seeking a judicial review that any invoice issued under this Ordinance shall be paid when the invoice becomes due. If there is a default in the making of any payment, the appeal seeking judicial review shall be dismissed.

4. **Appeal to Town Board.** Upon receipt of an objection to any invoice issued to an individual or property owner for professional charges as provided in this Ordinance, and upon notice to the Town Board that the objection has not been resolved administratively, the Town Board shall hold a hearing regarding the objection at its next scheduled meeting or as soon as possible thereafter. The property owner shall receive notice of the hearing and shall be afforded an opportunity to appear in person, and/or by counsel. The Town Board shall, after conducting a hearing on the objection, act on the objection. Written notice of the Town Board's decision as to the objection shall be provided to the property owner.
5. **Placement on tax roll.** If payment of any invoice which is due remains unpaid as of October 1 of each year, the amount of the invoice together with any accrued interest thereon shall be placed by the Town Clerk on the tax roll of the benefitted property as a charge for current services provided to the property owner in accordance with Wis. Stat. § 66.0627.

SECTION 2: This Ordinance is adopted pursuant to Wis. Stat. §§ 66.0627 and 66.0628.

The terms and provisions of this Ordinance are severable. If any provision of this Ordinance is held to be invalid or unenforceable, or if the application of any provision to any person or circumstance is held to be invalid or unenforceable, such holding shall not affect the other provisions or application of this Ordinance, which shall be given lawful effect without the invalid or unenforceable provisions or application. All ordinances or parts of ordinances conflicting with or contravening the provisions of this Ordinance are hereby repealed.

SECTION 3: This Ordinance shall take effect upon passage and posting as provided by law.

Adopted this 21st of January 2025.


Laura Payne, Town Chairperson

ATTEST:


Susan Dascenzo, Clerk/Treasurer

