

ORDINANCE NO. 246

**AN ORDINANCE TO REPEAL AND RECREATE ORDINANCE NO. 143 ENTITLED
"AN ORDINANCE TO UTILIZE SECTION 66.60(16), WIS. STATS.,
TO CHARGE BACK ENGINEERING, ATTORNEY AND OTHER FEES
TO LANDOWNERS BENEFITTING" AND ORDINANCE NO. 185,
ENTITLED "AN ORDINANCE TO AMEND ORDINANCE NO. 143 ENTITLED
"AN ORDINANCE TO UTILIZE SECTION 66.60(16), WIS. STATS.,
TO CHARGE BACK ENGINEERING, ATTORNEY AND OTHER FEES
TO LANDOWNERS BENEFITTING TO PROVIDE AN APPEAL PROCEDURE IN THE
VILLAGE OF OCONOMOWOC LAKE"
TO PROVIDE FOR ASSESSMENT OF COSTS AND FEES
FOR FIRE, RESCUE, AND AMBULANCE FEES PROVIDED
IN THE VILLAGE OF OCONOMOWOC LAKE**

The Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin

DO ORDAIN AS FOLLOWS:

SECTION 1. Village of Oconomowoc Lake Ordinance No. 143 entitled "An ordinance to Utilize Section 66.60(16), Wisconsin Statutes to Charge Back Engineering, Attorney and Other Fees to Landowners Benefitting", is hereby repealed and recreated as follows:

1. **FEES OF PROFESSIONALS CHARGED BACK.** Whenever either the Village Board, Village Clerk or other Village Official has authorized a property owner in the Village of Oconomowoc Lake to contact the Village Attorney, Engineer or any other of the Village's professional staff, or the Village Board, Village Manager, Village Clerk or other Village official contacts the Village Attorney, Engineer or any of the Village's professional staff, if said contact results in a charge to the Village of Oconomowoc Lake for that professional's time and services and said service is not a service supplied to the Village of Oconomowoc Lake as a whole, then and in that event the Village Clerk shall, pursuant to the provisions of Section 66.0627 Wis. Statutes, charge that service to said property owner for the fees incurred by the Village.

2. FEES FOR AMBULANCE, FIRE, AND RESCUE SERVICES CHARGED BACK. Whenever any fire or ambulance/rescue service provided to any person in the Village of Oconomowoc Lake results in a charge to the Village of Oconomowoc Lake for that service and said service is not a service supplied to the Village of Oconomowoc Lake as a whole, then in that event the Village Clerk shall, pursuant to the provisions of Sections 61.64 and 66.0627 Wis. Statutes, charge the cost of that service to the property where the service was provided for the fees incurred by the Village. The cost assessed shall be the actual amounts billed to the Village of Oconomowoc Lake by any contractors or agents called to incident(s) having occurred in the Village of Oconomowoc Lake. For purposes of this ordinance, the term "ambulance/rescue services" shall include, but not be limited to, technical rescue services, such as for example, trench rescue, confined space rescue, emergency building shoring, and helicopter rescue, along with ordinary ambulance and/or rescue services.
3. PROPERTY OWNER ALLOWED TIME TO PAY OR APPEAL. The Village Clerk shall give each property owner billed for current services as provided for herein notice that they shall have a specified period of time not less than thirty (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 Village Board regarding the charges against the property. Said notice shall also include an itemized statement of the professional service fees to be charged. Thereafter, if the property owner requests a hearing within the proper time period, the matter shall proceed as described in the following section, below entitled "Appeal to Village Board". If a hearing is not requested within the required time period, if that charge remains unpaid, the Village Clerk shall automatically charge the same as a delinquent tax against the property as provided by law. In the event the statement rendered to the property owner or the time given for the property owner to pay or following a hearing if the Village Board approves all or part of the charge, it is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll.
4. APPEAL TO VILLAGE BOARD. Upon receipt of a timely request for hearing, the Village 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 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 such hearing has been held and a decision has been rendered by the Village Board to approve 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.

SECTION 2: SEVERABILITY.

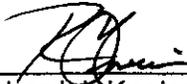
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

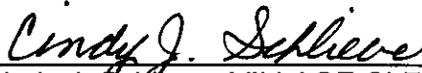
Dated this 25th day of September, 2009.

VILLAGE OF OCONOMOWOC LAKE:



Richard J. Kneiser,
VILLAGE PRESIDENT

ATTEST:



Cindy J. Schlieve, VILLAGE CLERK

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

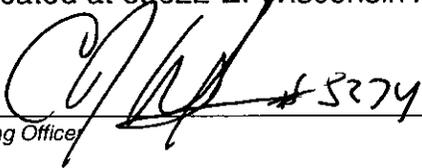
AFFIDAVIT OF POSTING

Ordinance No. 246 Re: Fees to be
Charged back to Property Owners
Approved on 09/21/09

The undersigned, being first duly sworn, on oath deposes and states that on Sept. 28, 2009, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:

to-wit:

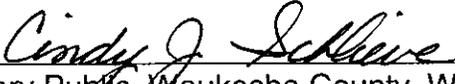
- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.



Posting Officer

Subscribed and sworn to before me

This 28th day of Sept., 2009



Notary Public, Waukesha County, Wisconsin
My Commission expires: 07/03/2011