

## CHAPTER 6

### **SPECIAL ASSESSMENTS AND CHARGES**

#### **6.01 SPECIAL CHARGES**

(1) In addition to all other methods provided by law, special charges for current services rendered may be imposed by the City by allocating all or part of the cost to the property served. Such may include, without limitation because of enumeration:

- (A) Snow and ice removal.
- (B) Weed elimination.
- (C) Lawn and weed care.
- (D) Tree care.
- (E) Restoring streets, alleys or sidewalks (Ref. sec. 62.14 (6)(c) Wis. Stats. (1993-1994)).

(2) **Unpaid Utility Bills.** In addition to other collection methods provided by law, the Common Council adopts the provisions of Section 66.069, Wis. Stats, (1995-1996), with respect to unpaid utility bills.

(3) If the amounts due the City of Cornell for current service are not paid within twenty (20) days of the date of billing, the City Administrator shall send a notice of the delinquent bill to the customer and to the property owner by certified mail. This notice shall contain the following statement:

"You are entitled to a hearing before the Common Council of the City of Cornell to dispute the amount of this charge. You must request this hearing by notifying the City Administrator in writing within ten (10) days of the date that this notice was mailed. Please refer to Section 6.01 on file with the City Administrator when requesting your hearing."

(4) The City Administrator shall set the date and time for the hearing upon receiving a written request. The hearing shall be held before the Common Council of the City of Cornell.

(5) At the time of the hearing, the Common Council shall hear all evidence brought before it concerning the correctness of the amount billed in accordance with this ordinance. At the conclusion of the hearing the Common Council shall decide the

amount due the City of Cornell. All parties in attendance shall be notified of the Council's decision.

(6) If the amount determined to be due the City of Cornell is not paid within five (5) days of the Council's decision, then the delinquent special charge shall become a lien upon the real property as provided in Section 66.60(15), Wisconsin Statutes, as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property. This shall be accomplished pursuant to the power granted the City of Cornell by Section 66.60(16), Wisconsin Statutes.

(7) If a hearing is not requested, following the Administrator's notification of the customer and property owner, the delinquent special charges due the City of Cornell shall become a lien upon the real property upon the expiration of twelve (12) days from the date the notice was mailed. This shall be accomplished pursuant to the power granted the City of Cornell by Section 66.60(16), Wisconsin Statutes.

(8) This ordinance shall not prevent the City of Cornell or its utilities from disconnecting service for the non-payment of bills.

## **6.02 SPECIAL ASSESSMENT POLICY AND PROCEDURES**

(1) The City of Cornell will follow the procedures set forth in Sections 66.60 and 66.62, Wisconsin Statutes, and will declare by individual resolution which section of statutes it is acting under in making any particular special assessment. Special assessment policies including deferment policies and interest rates will be set forth in a resolution adopting guidelines with respect to the manner of assessment, deferment of charges, and interest rate on deferred charges. (See Appendix F)

(2) The provisions of Section 66.60(18), Wisconsin Statutes, permitting levying of special assessment without notice of hearing when special assessment is agreed by all owners of property affected by such assessment are specifically adopted.

(3) When costs of property cannot be reasonably estimated or when circumstances require beginning a project without preliminary resolutions contemplated by Section 66.60, Wis. Stats., the City may special assess after commencement of the project under Section 66.62, Wis. Stats., and all procedures of Section 66.60, Wis. Stats., shall be followed, except any requirements that special assessment procedure be completed before the start of the project.

**(3) SPECIAL ASSESSMENT PROCEDURES UNDER SECTION 66.60, WISCONSIN STATUTES**

**(A) Scope of Special Assessment.** The Common Council of the City of Cornell may levy and collect special assessments and charges (pursuant to Section 66.60, (1993-1994) Wisconsin Statutes) to pay for all or part of the cost of any public work or improvement. Special assessments in the City may serve as a method of payment for public improvements or as a method to pay the bonds which the bond is only issued to pay the costs for public improvements.

**(B) Special assessment Projects.** The Common Council may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred by a City project on the property and may provide for payments of all or part of the cost of the City project out of the proceeds of such special assessments. The following projects are subject to special assessment:

- (1) Sanitary Sewers
- (2) Water Mains
- (3) Storm Sewers
- (4) Curb and Gutters
- (5) Other public improvements including roadwork when approved by the Common Council.
- (6) Sidewalks
- (7)

**(C) Procedure.** The City of Cornell shall follow the following special assessment procedure established in Section 66.60, (1993-1994), Wisconsin Statutes and this ordinance; namely:

**(1)** The Common Council shall adopt a preliminary resolution declaring its intention to exercise special assessment powers for a stated City purpose. The resolution shall describe the contemplated purpose, the limits of the project assessment district, the number of installments in which special assessments will be paid or that the number of installments will be determined by the Common Council at a hearing. The resolution will also direct the proper municipal officer or employee to make a report to the Common Council. Finally, the resolution may limit the proportion of the cost to be assessed.

**(2)** The Common Council shall receive a written report pursuant to Section 66.60, (1993.1994) Wisconsin Statutes. This report shall be completed and filed with the City Administrator sixty (60) days after adoption of the

preliminary resolution by the Common Council unless waived to a later date by the Common Council. The City Administrator shall provide the report for public inspection. If the State of Wisconsin may be subject to special assessment, then the City Administrator shall file the report with the appropriate state agency or with the State Building Commission if the assessment is established at Fifty Thousand Dollars (\$50,000.00) or more.

(3) The City Administrator shall provide the proper notice for a public hearing pursuant to Section 66.60, Wisconsin Statutes. This notice shall contain the nature of the project, the general boundary lines, the time and place the report may be inspected and the time and place for the hearing

### **6.03 IN LIEU OF ASSESSMENT CHARGES**

(1) **PREAMBLE.** WHEREAS, a substantial portion of the City's sanitary sewer mains and water mains were constructed without special assessments being levied against the benefited property; and, WHEREAS, to facilitate its program of orderly development of sanitary sewer and water mains in the City of Cornell, the Common Council may from time to time deem it necessary to construct water or sewer mains to reach property which is being developed (when said water or sewer mains would pass by property which is not developed and which is not likely to be developed in the future) such that it may be unfair, inequitable to levy a special assessment against the property which would not be benefited at the time of the improvement, or in the immediate future; NOW, THEREFORE, the Council of the City of Cornell does hereby ordain as follows:

(A) If at any time after the installation of sewer and water mains (for which no special assessment charge has been made for the pertinent improvement) an owner of a parcel of land adjacent to or near such main desires to connect to the main, he/she will first be required to pay an "in lieu of assessment charge". The amount of the "in lieu of assessment charge" may be established in advance by the City Council at the time of the construction of the improvement. For property where the "in lieu of assessment charge" is not established in advance by the Council, the charge shall be at the then-current rate for similar services in the City of Cornell.

(B) In determining the "in lieu of assessment charge", whether the same be determined at the time of construction of the improvement or after the improvement has already been established, the City Council shall consider the amount of benefit that adheres to the property owner and the "in lieu of assessment charge" shall not be greater than benefits to the property owner.

**(2) PROCEDURE**

**(A)** When "in lieu of assessment charges" are determined at the time of construction of the improvement, the procedure set forth in Section 66.60, Wisconsin Statutes, shall apply. When "in lieu of assessment charges" are determined after construction of the improvement, at the request of the property owner, the Common Council or its duly designated committee, shall give the property owner written notice of the "in lieu of assessment charges" to be made. If the property owner wishes to object to the charge he/she may, within ten (10) days of the receipt of such notice to charge, petition the Common Council or its duly designated committee for a hearing thereon. The petition is to be filed with the City Administrator.

**(B)** At the hearing, which shall commence not less than ten (10) days nor more than forty (40) days after such petition is filed, the Council or its duly designated committee shall determine the amount of "in lieu of assessment charge".

**(C)** Appeal rights thereafter shall be in accordance with Section 66.60(12), Wisconsin Statutes.

**(D)** This ordinance shall be effective only as to sanitary sewer and water mains constructed after date of initial adoption of the ordinance, February 2, 1977. For sanitary sewer and water mains constructed prior to February 2, 1977, no charge will be made "in lieu of assessment".

**Reserved for Future Use.**

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