

ORDINANCE NUMBER 6.06
AN ORDINANCE OF THE TOWN OF BLOOMING GROVE TO
ESTABLISH DEPOSITS AND EXPENSES CHARGED
FOR THE REVIEW OF MINING ACTIVITIES

Section 1. Purpose/Policy.

The Town of Blooming Grove (“Town”) finds that land use applications, such as for zoning and conditional uses, that pertain to mining present complex issues. As a result it is reasonable that the Town would need to hire experts and/or consultants to help prepare for any decision-making that is required of the Town.

The Town should not be required to depend solely on the opinions or findings of consultants working for the applicant. However, it is not fair for Blooming Grove taxpayers to have to pay the cost of hiring consultants when the benefit of this activity primarily if not solely accrues for the applicant.

Therefore it is the Town’s policy that all expenses incurred by the Town to review land use applications (including but not limited to zoning and conditional use applications) for the purpose of mining shall be paid by and recovered from the applicant.

Section 2. Definitions.

As used in this Ordinance, the following terms have the meaning herein stated:

- a) “Applicant” means the person or legal entity which applies for approval of the Town and/or Dane County for changes to land use or zoning for the purposes of mining. This term includes the owner of the land involved if the application is being presented by a person or entity which does not yet own the land and is pursuing the land use approval as agent of or with permission of the owner.
- b) “Land Use Approval” means a process involving a request for rezoning, a conditional use permit, amendments to conditions or covenants which were part of an earlier approval, a driveway permit, a certified survey map, a plat, a modification of the land use plan or comprehensive plan, and any other regulatory action involving an interest in real estate for which the Town is required or allowed to take action.
- c) “Deposit” means an amount of money paid to the Town Clerk/Treasurer to be used by the Town Clerk/Treasurer to pay expenses incurred by the Town for reviewing requests for land use approvals.
- d) “Expenses” are costs which the Town incurs or is obligated to pay to third parties as a result of the Town’s consideration of a request for land use approval.
- e) “Invoices” are the Town’s transmittal of expenses incurred by the Town.

Section 3. General.

The applicant shall sign an agreement with the Town obligating the applicant to pay the Town's expenses as presented in invoices.

No application shall be considered unless the deposit has been made and all invoices are paid.

If an application is in the process of consideration and invoices are not paid in a timely fashion, the Town may elect to suspend consideration of the land use approval until payment is made.

If the applicant is not the owner of the real estate involved in the application, the applicant shall present evidence that the applicant is authorized by the owner to present the application, and the owner shall also sign all agreements related to payment of fees.

Section 4. Expenses, Estimates and Deposits.

The Town has developed general estimates of expenses it will incur for land use approvals pertaining to mining. These estimates are intended to advise applicants of the approximate expenses applicants may be required to pay. In lieu of the scheduled deposit amounts set forth in this Ordinance (below), the Town Chair or Town Clerk may obtain a more specific estimate from the Town's consultants and require that specific amount, either greater or lesser, than the deposit amounts set forth herein.

Before the Town will consider any land use approval for mining, the applicant shall pay the Town a deposit of \$20,000.00. As expenses are billed to the Town, they will be paid from the deposit money. If the Town determines that expenses may exceed the amount deposited, the Town may require the applicant to deposit additional funds. If the additional deposit is not made within two weeks, consideration of the application shall be suspended.

The applicant is liable for all engineering, inspection, consulting and legal fees the Town incurs as a part of their review of the application. The applicant is further liable for any costs associated with reimbursements or other compensation required of the Town to its elected or appointed officials when in the process of reviewing the application.

The Town Board shall not approve the application, nor shall the Town Clerk sign any plat or certified survey map or otherwise communicate the approval of the application to any party until such time that all fees and expenses have been paid in full.

Upon completion of the review process, any remaining funds shall be promptly refunded to the applicant.

Section 5. Effective Date.

This Ordinance shall take effect June 13, 2012.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Blooming Grove at a regular board meeting held on the 12th day of June, 2012.

Chairman Dwight Johnson

Supervisor Arnold Berg

Supervisor Kathleen Linzmeier

Supervisor Mark McLaughlin

Supervisor David Young

Dated: June 13, 2012

Town Clerk Michael Wolf