

ORDINANCE 2022-03

AN ORDINANCE REPEALING AND REPLACING TITLE 3, CHAPTER 2 SPECIAL ASSESSMENTS

NOW, THEREFORE, the Village Board of the Village of Marshall, Dane County, Wisconsin, does hereby ordain as follows:

Title 3, chapter 2 of the Village of Marshall Code shall be and hereby amended as follows:

CHAPTER 2

Special Assessments

3-2-1 Special Assessments

SEC. 3-2-1 SPECIAL ASSESSMENTS. (Rev. 8/93, Ord. 1993-12)

(a) **Basis for Determining Assessments.**

(1) **Sanitary Sewers and Water Mains.**

- a. **Generally.** The cost of installing sanitary sewer and water mains shall be uniformly spread over each foot of abutting property on both sides of the street as a special assessment against the abutting property so benefited; except for lots and parcels of land located at street intersections, which shall be dealt with in the following manner:
1. Where sanitary sewer or water main is laid in both the intersecting streets, the property owner is assessed the longest side of frontage and one-half (1/2) the other yard footage.
 2. If there is a sanitary sewer or water main already laid in one of the street upon which such corner lot or parcel of land abuts at the time of the installation of the sanitary sewer or water main for which such special assessment is made, the property owner shall pay one-half (1/2) the footage.
- b. **Where Larger Pipes are Installed.** No water mains of less than eight (8) inches in diameter and no sanitary sewer of less than eight (8) inches in diameter shall be installed. The special assessment for installation of water mains shall not exceed the per foot cost of installing each eight (8) inch water main, nor, in the case of sanitary sewers, shall such special assessment exceed the per foot cost of installing an eight (8) inch sewer, unless otherwise determined by the village board.

(2) **Storm Sewers.** Property assessments for storm sewers shall be based on the drainage area served.

(3) **Intersections.** The Village shall pay for intersections on a per foot frontage basis.

(4) **Sidewalks; Curb & Gutters.**

- a. **Original Construction.** The total cost of all work involved in the original construction of curbs and gutters shall be assessed to the

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Commented [TS1]: Note no changes made here for new construction curb and gutter.

property owner. The original construction of sidewalks shall be at the Developer's/Property owner's expense with the exception of (4)(e).

- b. Replacement, not in conjunction with a street reconstruction or rebuilding project. When sidewalks are to be replaced, the costs shall be borne by the Village unless the damage was caused by the property owner, the property owner shall be assessed the full cost. When curb and gutter replacements are necessary, the costs shall be borne by the Village unless the damage was caused by the property owner.
 - c. Petitions for Curb and Gutter Construction. No petition for construction of curb and gutters shall be approved by the Village Board unless curb and gutters will be constructed on both sides of the street for an entire block.
 - d. Petitions for Sidewalk Construction. Where curb and gutter has already been installed by direction of the Board, residents in the area, by petition showing a two-thirds (2/3) majority (66%), may request sidewalk extensions at Village expense.
 - e. Reconstruction or rebuilding a street. Seventy five percent of the total cost of all work involved in the reconstruction of cCurb and gutter shall be assessed to installed at the property owner. The remaining twenty five percent of the cost shall be a Village expense's expense. Sidewalks shall be installed at the Village's expense.
- (5) **Streets/Roadway portion of Improvements.**
- a. Original Construction. The total cost of all work involved in the original construction of a public street shall be assessed to the property owner. Primarily but not limited to; roadway base, asphalt base course, asphalt surface course.
 - b. Reconstruction or rebuilding. The cost shall be bore by the Village.

(6) **Driveways**

- a. Original Construction. The total cost of all work involved in the original construction of driveways shall be assessed to the property owner.
- e. Reconstruction or rebuilding a street. If a Village project for street reconstruction requires the replacement of driveways, then driveway conditions shall be determined by the Director of the Department of Public Works or their designee. Driveway assessments will vary based on the results of the condition determination.
 - 1. Driveways determined to be in good condition. All costs for replacement of driveways in good condition (regardless of existing driveway material) shall be included in the cost of construction for curb and gutter and included in those assessments
 - 2. Driveways missing or determined to be in poor condition. Seventy five percent of all costs for installation of missing or replacement of poor condition driveways (regardless of existing driveway material) shall be assessed to the property owner.

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The remaining twenty five percent of the cost shall be a Village expense.

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- (b) **Cost Schedule.** The following schedule is adopted as the schedule of special assessments to be charged by the Village for all special improvements accruing to real estate located in the Village and made after adoption of this Section:
- (1) **Sanitary Sewer.** Actual cost of construction, including engineering and administration, per lineal foot of frontage affected, with a credit allowance for corner lots as set forth in Subsection (a) (1), and excluding the cost of public right-of-way frontage and sewage pumping stations.
 - (2) **Water Main.** Actual cost of construction, including engineering and administration, per lineal foot of frontage affected, with a credit allowance for corner lots as set forth in Subsection (a) (1), and excluding the public right-of-way frontage.
 - (3) **Water and Sewer Laterals.** At cost, as herein provided.
 - (4) **Water and Sewer Taps.** As determined by resolution of the Village Board.
 - (5) **Curb and Gutters.** (Rev. 4/94', Ord. 1994-8) Actual cost of construction, including engineering and administration, based on a proportional lineal foot of frontage affected.
 - (6) **Curb radiuses:** Actual cost of construction, including engineering and administration may be divided equally among all affected property owners being assessed for a given project.
 - (7) **Sidewalks.** Actual cost of construction, including engineering and administration, per lineal foot of frontage affected., excluding those sidewalks which shall be at Village expense.
 - (8) **Streets/Roadway area:** Actual cost of construction, including engineering and administration, per foot basis of frontage affected, excluding roads that are reconstructed or rebuilt.
 - (9) **Storm Sewers.** Actual cost of construction, including engineering and administration, per square foot of area served.
 - (10) Driveways. Actual cost of construction, including engineering and administration, per square foot of driveway area constructed.
- (c) **Front Foot Basis for Assessments: Modification.** The total cost of all improvements constructed in the Village shall be assessed equally on a front foot basis unless otherwise specified or for unusual projects. If the costs of installing a particular improvement in some sections of the village would involve expenditures which would be inordinate or in excess of what could be normally expected, the Village may review the petition or project separately to decide what procedure should be followed and may, in unusual or exceptional cases, modify the assessments as facts and conditions may warrant.
- (d) **Installation Schedule.** It is the general policy of the Village to install water and sewer, curb, gutter and street improvements in one year and the final coat of asphalt pavement the following year.
- (e) **Levying and Collection Special Assessments.** In levying and collection special assessments for the construction of sanitary sewers, water mains, storm sewers, curb and gutters, and new streets in the Village as provided in Wisconsin Statutes or, in the alternative, may follow the following procedure:
- (1) **Resolution of Intent to Construct Improvements.** Whenever the Village Board deems it necessary or in the best interest of the Village to construct and lay sanitary sewers or water mains or to construct curb and gutters, it shall by resolution passed by a majority vote of the entire

- Board so declare, designating the particular improvements to be made and the real estate to be benefited thereby, and directing that a public hearing be held in relation to such improvements, and further directing that notice of such public hearing be posted in the three (3) official public posting places of the Village ten (10) days before such hearing.
- (2) **Public hearing.** All persons who appear at such hearing shall be heard for or against the contemplated improvements and assessments.
 - (3) **Resolution to Proceed.** After such hearing, the Village Board may by resolution direct the Superintendent of Public Works to proceed with the work and the Village Clerk-Treasurer to make proper assessments against the property so improved.
 - (4) **Levy and Collection Special Assessments – Payment.** The special assessments enumerated in this Section shall be paid by the respective property owner within sixty (60) days of completion of the project or November 1st of the current year, whichever is first, after which time the cost of such improvement shall become a lien against the property affected and placed upon the tax roll. Payment may then be made in one (1) installment at the time of paying the general property taxes for the current year, or the property owner may file a written option with the Village Clerk -Treasurer to pay the same in or up to five (5) equal annual installments. Interest will be calculated on the unpaid balance at the current rate per annum as determined in the final resolution. Interest on installments will be calculated for a full year given no payments are made by the due dates.

Adopted and approved this 10th day of May 2022 by the Village Board of the Village of Marshall, Dane County, Wisconsin.

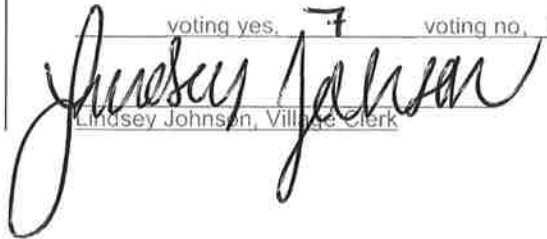
VILLAGE OF MARSHALL by:


Chris Campbell, Village President

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ATTEST: I, Lindsey Johnson, Village Clerk, do hereby certify that the amendment to Title 3, Chapter 2 of the Village of Marshall Municipal Code has been approved by the Village Board of the Village of Marshall, Dane County, Wisconsin, at a meeting held on May 10, 2022

voting yes, voting no, abstaining, absent


Lindsey Johnson, Village Clerk