

## CHAPTER 20. SPECIAL ASSESSMENTS

### SECTION 20.01 DEFINITIONS

- (1) Abutting Property  
Property making contact with another object or parcel of land.
- (2) Area Assessment  
Assessments levied upon property in a limited and determinable area as opposed to assessing abutting property on a particular work or improvement.
- (3) Block  
A section of street from an intersection to another or from intersection to the end of a cul-de-sac or Dead End Street.
- (4) Building Set Back  
The minimum horizontal distance between the line of a structure and the nearest specified property line as required by local zoning ordinance.
- (5) City  
Shall refer to the City of Mondovi.
- (6) City Council  
Shall refer to the Common Council of the City of Mondovi.
- (7) Corner Lot  
A lot with adjacent sides fronting on streets with the frontage on the two streets equal to approximately 50% of the perimeter of the lot.
- (8) Dwelling Unit  
A self-contained place of residence, comprising the usual kitchen, bath, and sleeping facilities.
- (9) Frontage  
That portion of a parcel of land which lies immediately adjacent to a public street. On corner lots frontage is considered to be the short side adjacent to the street.
  - (a) Side Frontage  
On corner lots, side frontage is considered to be the long side of the lot adjacent to the street.
  - (b) Rear Frontage  
On lots having frontage on two streets on opposite sides, rear frontage is considered to be the side at the rear of the lot, house or future structure.

- (10) Irregular Shaped Lots  
Any lot which cannot be classified as square or rectangular in shape including lots with more or less than four sides.
- (11) Lot  
A parcel of land occupied or used or intended for occupancy or use for a purpose permitted in the local zoning ordinance which shall abut on a public street and be of sufficient size to provide the area required by the local zoning ordinance.
- (12) Lot Division  
The act of dividing a parcel of land into lots or parcels either of which is for the purpose of sale or building development.
- (13) Public Improvement  
The result of the performance of work or the furnishings of materials or both for which special assessments are authorized to be levied against the property benefitted thereby.
- (14) Sewer Lateral  
Sanitary sewer connecting a single property or building with the sewer main.
- (15) Sewer Main  
Sanitary sewer 8 inches in diameter or larger installed within a public easement or right of way for the purpose of serving an adjacent property.
- (16) Street  
A right of way dedicated, used or held for use for public travel which affords a means of access to abutting property.
- (17) Sub-Division  
Division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or building development, where:
- (a) The act of division creates five or more parcels or building sites of one and one-half acres each or less in area; or
  - (b) Five or more parcels or building sites of one and one-half acres each or less in area are created by successive divisions within a period of five years.
- (18) Water Lateral  
Water line connecting a single property or building to a water main.
- (19) Water Main  
Water line six inches or more in diameter installed within a public easement or right of way for the purpose of serving adjacent property.

#### SECTION 20.02 INITIATION OF PUBLIC IMPROVEMENT PROJECTS

Public improvement projects may be initiated by any of the following methods:

- (1) Petition by not less than 50% of the property owners or by owners of not less than 50% of the frontage abutting the proposed improvement.
  - (a) Such petitions must be filed with the City Clerk not later than September 30 of the year prior to the year in which the project is to be commenced.
  - (b) The Common Council may reject without cause any petition filed pursuant to this section.
  - (c) If a public improvement project is not approved by the council for any reason, the cost of any engineering reports prepared for such project shall be assessed against the property of the petitioners.
- (2) Action by the Common Council in accordance with procedures set forth in section 66.60 Wis. Stats.

### SECTION 20.03 GENERAL POLICIES

- (1) Unless otherwise stated, all special assessment levies shall be enacted pursuant to the police power of the City and shall be levied by dividing the total cost of the public improvement by the platted frontage of the lots abutting such improvement.
- (2) Only areas within the corporate limits of the City shall be considered for public improvements.
- (3) The City Clerk shall prepare a handbook containing a copy of this ordinance and supplementary materials in order to fully and fairly inform property owners and aid city officials in determining special assessment procedures, policies, hearings and notices and payments. Said handbook may be amended from time to time subject to approval by the council.
- (4) Special assessments may be deferred pursuant to section 66.605 Wis. Stats. The terms and manner of deferment shall be determined in each case by the Common Council.
- (5) Repair of streets, driveways, sidewalks, curbs, gutters, sewer, and water mains and equipment shall be assessed at the same relation of cost as that of the original installation of such improvements. The procedure for imposing special assessments for said repairs shall be governed by Section 66.60 (16), Wis. Stats. Any further amendments, revisions or modifications as to that portion of the Wis. Stats are intended to be made a part of this Code.
- (6) Deferred Assessments on Land Development Projects
  - (a) Persons who petition for public improvements to vacant land must first file with the City Clerk an approved subdivision plat approved and recorded in accordance with the provisions of Ch. 236 of the Wis. Stats.

- (i) Prior to approval of the petition, the plat shall be presented to the City Engineer for preparation of a cost estimate for installation of public improvements.
  - (ii) No such petition may be approved unless the petitioner then places on deposit with the City of sum equal to 10% of the engineer's estimated cost of the petitioner's portion of the public improvements. Also, the petitioner must execute a contract with the city, in the form prescribed by the Common Council, which sets forth rights and responsibilities for determination of design, specifications and installation of the proposed improvements.
- (b) Special assessments approved against such lands shall then be deferred as to the remaining cost.
  - (c) Deferred assessments shall be without interest during the deferral period.
  - (d) Deferred assessments shall be payable pursuant to Sec. 20.07 of the Municipal Code at the time the property is sold by its original owner, at the time any permanent structures are placed upon the land or commencing in the eleventh year after this special assessment has been deferred.
  - (e) This section shall not apply to development of vacant land for one and two family residential structures until June 1, 1998, except for public improvement projects already approved prior to the effective date of this ordinance.

#### SECTION 20.04 STREET CONSTRUCTION

##### (1) Right of Way

No Street shall be improved unless a minimum 66 foot right of way has been established on any street platted after the enactment of this ordinance. Street rights of way existing prior the enactment of this ordinance may be approved with less than 66 foot right of way.

##### (2) Grading and Gravel

- (a) When requested, the City will grade and gravel streets and in units of one block or more.
- (b) Assessments shall be levied for 50% of the cost incurred by the City in the construction of a standards residential street to a maximum width of 36 feet face to face of curb. If a street less than 36 feet wide is constructed, the actual construction cost shall be used in determining the assessment. If a street greater than 36 feet wide is constructed, the City shall assume the additional cost for the extra width. Street grades shall be established by the city engineer prior to any improvement with 10% being the maximum slope for streets and 15% the maximum slope for driveways.
- (c) Assessable items include cleaning and grubbing, preservation of trees and monuments, removal, excavation and disposal, stabilization of base materials, fill material required, base course, required restoration and all items necessary to complete the work including related engineering, legal and administrative costs.

##### (3) Curb and Gutter

- (a) Curb and gutter shall be installed in units of one block or more on both sides of the street. Adequate storm sewers and surface water drainage shall be provided prior to installation of curb and gutter. Driveway entrances shall not be provided unless the location of the driveway has been definitely established by the property owners.
- (b) Assessments shall be levied for 60% of the cost incurred by the city for construction of standard 30 inch concrete curb and gutter.
- (c) Assessable items shall include all excavation, base material, concrete, steel reinforcement, back fill material, restoration work and all other items necessary to complete construction including related engineering, legal and administrative costs.

(4) Driveway and Sidewalks

- (a) Driveways and sidewalks installed as part of a public improvement project shall be assessed as part of that project. Sidewalks shall be assessed for the cost incurred by the City for a 5 foot width.
- (b) Property owners wishing to install driveways or sidewalks in areas not involved in a public improvement project or planned for such public improvement project may file a request for such installation with the City Clerk. All construction completed by this method shall be accomplished in accordance with approved City standards after grades and alignments have been set by the City Engineer.

SECTION 20.05 UTILITY IMPROVEMENT

(1) Sanitary Sewers

- (a) Extensions of sanitary sewer shall be in units of one block or more.
- (b) Assessments shall be levied for 100% of the cost incurred by the City for the installation of an 8 inch sanitary sewer. If a sewer larger than 8 inches is installed, the City shall assume the additional cost.
- (c) The cost of construction of a sewage pumping station and force main shall be borne by the developer or by the assessment district which it serves. In cases where pumping station with additional capacity is installed to provide service for future developable areas, the City will defer that percentage of the cost of the pumping station designed for future service areas. At the time additional areas are developed and are provided service by the pumping station, the developer shall deposit with the City 50% of his share of the cost based on acreage, with the unpaid balance subject to the same conditions that are determined by the City Council under the rules which apply to subdivision development.
- (d) Assessable items shall include the sewer main, manholes, trenching, back fill, compaction, restoration and all other items necessary to complete construction including relating engineering, legal and administrative costs.

(2) Water Mains

- (a) Extensions of water mains shall be in units of one block or more and construction of such extension shall be in accordance with the rules for the water utility.

- (b) Assessments shall be levied for 50% of the cost incurred by the City for the installation of a 6 inch diameter water main. If a water main larger than 6 inches is installed, the City shall assume the additional cost. If a water main less than 6 inches in diameter is installed, the actual cost shall be used to determine the assessment.

(3) Sewer and Water Lateral

- (a) Sewer and water lateral shall be extended to the property line in platted areas and all improved properties:

- (i) When new sewer or water extensions are completed.
- (ii) Before curb and gutter is installed in the street.
- (iii) Before any street is paved or reconstructed.
- (iv) When laterals shall be extended for each lot or building to be served except that in the case of two or more dwelling units on one lot, the number of laterals shall be in accordance with the estate building code.
- (v) On newly developed areas with no structure, the laterals shall be extended to the center of the lot and terminate at the property line.

- (b) Laterals shall not be required on the following unimproved property:

- (i) Vacant lots or portions of lots which are too small for a building lot under the City building code and zoning ordinance or where a present dwelling is located on a portion of two or more lots in such a way as to preclude the possibility of another dwelling being placed thereon.
- (ii) Lots located in Industrial districts.
- (iii) Lots used primarily for recreational, educational, or religious functions.
- (iv) Properties which, in the judgement of the City Council, will not likely develop in the foreseeable future or where the pattern for the development cannot be determined.

- (c) Assessments shall be levied for 100% of the costs occurred by the City for installation or replacement of a sanitary sewer lateral and for original installation only of a copper water lateral.
- (d) Assessable items from sanitary sewer laterals include sewer pipe, fittings, trenching, back fill, compaction, restoration work and any other items required to complete the work including related engineering, legal and administrative costs.
- (e) Assessable items for water laterals shall include copper tubing, corporation stops, curb stops, trenching, back fill, compaction, restoration and any other items required to complete the work including related engineering, legal and administrative costs.
- (f) Water laterals to and through the curb stop will be maintained and kept in repair and, when worn out, replaced at the expense of the utility. The property owner shall maintain the water lateral from the curb stop to the point of use.

(4) Assessment Determination

Assessments shall be levied on a per unit basis with a total construction and material cost being divided by the number of laterals installed under any one construction contract or improvement. The City shall connect existing laterals to new sewer and water mains during replacement of private lines and inadequate mains without assessing the same to adjacent property.

#### SECTION 20.06 NON-ASSESSED IMPROVEMENTS

(1) Streets

- (a) The City shall approve the paving of streets as requested provided that all underground improvements and curb and gutter have been installed and the improvement is installed in units of one block or more.
- (b) The City shall bear the entire cost of paving and maintenance of streets including but not limited to seal coating of such streets.

(2) Storm Sewers

- (a) Storm sewers shall be installed prior to permanent street improvements and as needed to alleviate drainage problems. The City shall not be responsible for draining private property. In general, the City shall install inlets in the street and ditches to receive storm water.
- (b) The City shall bear the entire cost of the installation and maintenance of storm sewers.

(3) Trees and Plantings

- (a) Trees planted by private property owners between the sidewalk and curb shall be of a variety approved by the City. The City Clerk shall maintain a file of acceptable varieties.
- (b) The City shall bear the entire cost of removal of trees within the street right of way.

(4) Street Lights

- (a) The City Council may order the installation of street lights either upon petition of any property owner or resident or group of property owners or on its own motion.
- (b) The City shall bear the entire cost of installation and maintenance of such street lights.

#### SECTION 20.07 COLLECTION OF SPECIAL ASSESSMENTS

- (1) Special Assessments levied under any Statute or for any purpose become a lien upon the property from the date of final resolution by the City Council in favor of the City or the owner of any assessment certificate, bond or other document issued by the City. Delinquent special assessments shall be returned to the County Treasurer in trust for collection.

- (2) The City shall accept payment of special assessment in one lump sum within 30 days after notice of enactment of the final resolution has been mailed to affected property owners.
- (3) The Common Council may provide for payment of any special assessment in annual installments with interest at bond issue interest or other current City interest rates plus 1% per annum on the unpaid balance. The following schedule of payment of principal and interest shall apply to all special assessments:
  - (a) Assessments less than \$300.00 shall be paid within 3 years.
  - (b) Assessments of \$300.00 to \$499.99 shall be paid within 4 years.
  - (c) Assessments of \$500.00 to \$799.99 shall be paid within 7 years.
  - (d) Assessments of \$800.00 or more shall be paid within 10 years.