

All previous versions of Title 3, Chapter 2, Sections 14, 15, and 16 are hereby rescinded and the ordinance below is hereby adopted in its entirety.

**Sec. 3-2-14. Uniform special assessment levies on Village streets.**

(a) Assessment share. The method to be followed in determining the amount or share of assessments for installation, major repairs or reconstruction of the streets within the Village, including street paving, curb and gutter installation or reconstruction, shall be as follows (this section does not apply to initial street construction or reconstruction in previously annexed areas, which are addressed below):

(1). Two-thirds of the total costs incurred by the Village to perform the work shall be charged to the property owners in the proportion that each front foot of their property adjoining the street(s) on which such work is to be done bears to the entire frontage of the work, and the remaining 1/3 of the cost shall be paid from the general funds of the Village.

(2). Corner lots shall be calculated as above, except that a credit of 1/2 of the long side, with a maximum of 60 feet shall be given.

(3). All existing driveway entrances (aprons) shall be paved/repaved if necessary due to adjoining street construction/reconstruction. The property owner will be assessed for this cost, on a per square foot, pro-rata basis of the total cost incurred by the Village established by the Engineer's report for the street project.

(b) Payment of special assessments in installments. All special assessment taxes levied by the Village pursuant to this section may be paid by the taxpayers in installments on the following terms:

(1). In equal annual installments, provided that no installment payment is less than \$50, except for the final payment. The number of installment payments shall be as established by resolution of the Village Board.

(2). Interest shall run on all unpaid installment payments from and after the date the total tax would have otherwise been payable, which is presently January 31<sup>st</sup> of each year. The interest rate that will be charged shall be the rate

charged by Premier Community Bank, or its successor, on home equity variable loans.

(3). If the total assessment is not paid in full before the last day on which the entire assessment would be payable, the installment payment method will automatically be applicable. There shall be no penalty for prepayment of any amounts due on an installment payment.

**Sec. 3-2-15. Costs of Initial Street Work and Initial Utility Work in previously annexed areas.**

(a) Previously annexed areas. The cost to construct a new street or to perform the initial reconstruction of an existing street (including installation and/or repair to curb and gutter, graveling and pavement) necessary to bring such existing street into compliance with Village standards, in an area previously annexed to the Village (the "Initial Street Work") shall be completely assessed against the adjoining property owners on a front-foot basis in an amount equal to the Village's actual costs for the Initial Street Work.

Except as may be modified by Subsection **b** below, the cost for the initial installation or the initial reconstruction/upgrading of existing sanitary sewer and storm sewer, water systems and taps necessary to bring such utilities into compliance with Village standards (the "Initial Utility Work") in an area previously annexed to the Village, shall also be completely assessed against the adjoining property owners on a front-foot basis in an amount equal to the Village's actual costs for the Initial Utility Work., except.

Any costs incurred by property owners pursuant to this section shall be paid to the Village promptly when invoiced in full, unless the Village by appropriate assessment resolution under this section authorizes installment payments. If the costs are not promptly paid by the property owner, costs shall be charged to the property pursuant to §§ 66.0701 and 66.0703, Wis. Stats.

(b) Policy for utility charges. The Initial Utility Work (excluding curb and gutter, graveling and pavement) may be charged to adjoining property owners based upon policy established by the Winneconne Village Board and the Winneconne Public Works Committee (and approved by the Winneconne Village Board) from time to time, setting rates for such improvement projects which will not exceed the actual costs of such projects.

(c) Alternative procedure. As an alternative to Subsections a and b above, the owners of property adjoining proposed Initial Street Work or Initial Utility Work in previously annexed areas may perform such work by private contract, if the Village Board approves such contract and the specifications therein in its sole discretion.

(d) Sidewalks. Initial installation and repair of all sidewalks shall be the full responsibility of the adjoining property owner, except for corner lots, where a credit of 1/2 of the long side, with a maximum credit of 60 feet, will be given.

(e) Not applicable to new Subdivisions. Note that regulations regarding the installation of streets and services in new subdivisions, regardless of whether they are in an annexed area or not, will be regulated by the Village's subdivision and platting ordinance, and any such regulations shall take precedence over this section.

**Sec. 3-2-16. Use of outside funds for street reconstruction projects.**

(a) Statement of purpose.

(1). The Village of Winneconne has historically, consistent with Ch. 60, Wis. Stats., provided for direct assessment to adjoining property owners when constructing and improving streets within the municipal boundaries of the Village of Winneconne;

(2). The Village of Winneconne is now aware of, and has received, funding for street projects from either state or federal governmental sources; and

(3). The current street assessment policy, as codified in the Code, does not acknowledge the receipt of such governmental funding, which is received on account of and should benefit all residents of the Village of Winneconne.

(b) Street reconstruction trust fund.

(1). By and through this section, the existing street assessment policy is modified to provide for the receipt of state, federal and county funding.

(2). In the event that the Village of Winneconne received state, federal or county funding for any street project, the funds shall first be applied to the Village of Winneconne portion of the project costs, including the general

fund's 1/3 of the project cost as prescribed by ordinance, as well as any other costs which may fall under the jurisdiction of the Village of Winneconne general fund.

(3). In the event that the Village of Winneconne received state or federal funding for any street project specifically as a contribution to the portion of the reconstruction cost assumed by the Village of Winneconne, any excess funds received shall be placed into a street reconstruction trust fund to be established and administered by the Village Administrator, unless not allowed by the funding source. By doing so, all residents of the Village of Winneconne and all property owners of the Village of Winneconne shall be benefited, as opposed to only certain individuals who receive the benefit of these funds for a specific project.

(4). The Village Board has the sole and exclusive discretion as to the allocation of such funds, which shall be guided by the facts and circumstances unique to each funding grant.

This Ordinance shall take effect from and after its passage and publication as provided by law.

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