

Administrative Cost and Fee Reimbursement Local Law

ARTICLE I

Reimbursement of Administrative Costs and Fees and Appointment of Town Legal Counsel, Engineers and Consultants

§ 1. Title.

This Chapter shall be known as the Administrative Cost and Fee Reimbursement Local Law.

§ 2. Applicability.

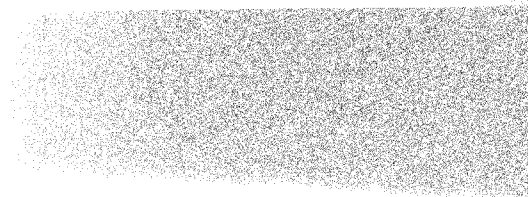
This Chapter shall be applicable to all Fees required to be paid by an Applicant(s) under any provision of the Town Code and shall include any and all Administrative Costs and Fees incurred by the Town in reviewing and processing Municipal Applications.

§ 3. Purpose.

The Town Board is authorized to impose upon Applicant(s) such Administrative Costs and Fees as are Reasonably Necessary to process Municipal Applications, for other Reasonably Necessary services provided by the Town for the proper performance by the Town of its governmental functions. The Town Board is further authorized to appoint all Town Legal Counsel and Consultants to perform expert and/or professional services for the Town or any of its boards as well as the authority to recoup and be reimbursed from any Applicant Administrative Costs and Fees.

§ 4. Definitions.

For the purposes of this Chapter, the following phrases and words shall have the meaning assigned below. Capitalized words and phrases are defined terms as indicated below.



ADMINISTRATIVE COSTS AND FEES — Those Reasonably Necessary charges and fees (“Fees”) incurred by the Town in processing and reviewing Municipal Applications, *including but not limited to:*

- A. Engineering Fees.
- B. Attorney Fees.
- C. Appraisal Fees.
- D. Consultant Fees.
- E. Land survey Fees.
- F. Municipal Finance Fees.
- G. Any and all other Reasonably Necessary fees, costs and expenses incurred by the Town in processing and reviewing a Municipal Application.
- H. The Collection Costs incurred by the Town in the collection of fees not voluntarily paid by an Applicant.

APPLICANT(S) –The property owner of record of the real property that is the subject matter of a Municipal Application or who has otherwise applied for any approval, hearing, certificate, license or permit from the Town, and/or any applicant, agent and/or representative acting in concert with and/or on behalf of such property owner, including but not limited to a prospective purchaser or developer of such real property.

ATTORNEY FEES — Those fees billed to the Town by any of its Legal Counsel regarding a Municipal Application in accordance with the rates established and approved by the Town Board by resolution and as Audited, approved and paid by the Town Board by resolution.

AUDITED — Reviewed and approved by the Town Board for allowance and payment upon a determination that such Administrative Costs and Fees are Reasonably Necessary.

COLLECTION COSTS –All fees incurred by the Town relative to the collection of fees not voluntarily paid by Applicants, including reasonable attorney’s fees, court costs, fees, disbursements, and percentage based commission fees and/or other fees charged to the Town by a Collections Agency.

CONSULTANT – An independent contractor duly appointed by the Town Board by resolution to perform expert and/or professional services for the Town and/or any of its boards pursuant to a written contract of such duration as determined by the Town Board. The Town Board shall appoint all Consultants to the Town.

CONSULTANT FEES – Those fees billed to the Town by any Consultant duly appointed by the Town Board by resolution regarding a Municipal Application and as Audited, approved and paid by the Town Board and adopted by Town Board resolution.

ENGINEERING FEES — Those fees billed to the Town by its Engineer or any engineer regarding a Municipal Application as Audited, approved and paid by the Town Board and adopted by Town Board resolution.

LAND SURVEY FEES – Those fees billed to the Town in connection with the survey of land regarding a Municipal Application as Audited, approved and paid by the Town Board and adopted by Town Board resolution.

MUNICIPAL FINANCE FEES – Those fees billed to the Town in connection with any financial document, instrument or transaction regarding a Municipal Application as Audited, approved and paid by the Town Board and adopted by Town Board resolution.

MUNICIPAL APPLICATION — Municipal Applications, including but not limited to zoning, rezoning, subdivision, site plans, special use permits, variances, building permits, clearing and grading permits, waste management facilities permits, adult entertainment licenses and any other permits, licenses or approvals granted by the Town of Canandaigua.

REASONABLY NECESSARY — Such Administrative Costs and Fees and all other costs and expenses that are reasonably related to the processing and reviewing of the Municipal Application in the proper exercise by the Town of its governmental functions.

TOWN LEGAL COUNSEL – An attorney duly appointed by the Town Board, or other board, to represent the Town. The Town Board shall in all respects appoint by resolution any Town Attorney, Attorney for the Town, any Attorney for the Zoning Board of Appeals and any Special Counsel. The Planning Board may select the Attorney for the Planning Board subject however to approval by the Town Board by resolution.

TOWN ENGINEER – The professional engineering firm duly appointed each year as an independent contractor by resolution of the Town Board to provide professional engineering services to the Town and/or any of its boards pursuant to a written contract for a period of one year and in accordance with the engineering fee schedule set forth in such contract.

§ 5. Reimbursement by Applicant(s) of Administrative Costs and Fees; Right to Review Invoices.

All Administrative Costs and Fees incurred by the Town and Audited by the Town Board that are Reasonably Necessary for the review and processing of Municipal Applications shall after Audit by the Town Board be charged back to Applicant(s) as an Administrative Cost and Fee.

§ 6. Collections

As a condition to the processing of any Municipal Application, the Applicant(s) shall pay to the Town any and all Administrative Cost and Fees incurred in connection with the Municipal Application. As a condition to any Municipal Application, the Applicant(s) shall acknowledge in writing the obligation to reimburse the Town for all Administrative Costs and Fees incurred in connection with any such Municipal Application or as otherwise required pursuant to the Town Code.

§ 7. Enforcement; Penalties.

A. In the event that the Town is required to take any collection action to collect any Administrative Cost or Fee Audited by the Town Board and assessed against the Applicant(s), the Applicant(s) shall be jointly and severally obligated to reimburse to the Town attorney's fees, costs, disbursements, and Collection Fees incurred by the Town.

B. The Applicant(s) shall be deemed to be in default of the obligation to reimburse the Town for the Administrative Costs and Fees upon the failure to remit payment in full within 30 days of receipt from the Town a written notice requesting such payment. Such written notice will be deemed to be received by the Applicant(s) within five (5) business days of the date of mailing as indicated on such written notice.

C. The Town may also assess penalties against any Applicant(s) in default at the rate of 1% per month for delinquent reimbursement to the Town of Administrative Costs and Fees.

ARTICLE II

Fee Schedule

§ 8. Declaration of Intent: Fees enumerated.

In addition to the Administrative Costs and Fees above, it is the intent of this Chapter, to establish "Fees" for the Town related to the Town Clerk, the Town Highway Department, the Town Board and their employees and/or agents for each permit, certificate, license, hearing, public notice, site inspection, fire safety inspection, building inspection, plan reviews and approvals, subdivision review and approvals and any other inspection, approval, document, instrument, action or proceeding as required under the Town Code.

§ 9. Declaration of Fee Schedule.

All Fees in the Town shall be established by Town Board resolution upon a proper determination by the Town Board that such fees are Reasonably Necessary to the proper performance by the Town of its governmental functions. All such Fees shall be made a part of the "Town of Barrington Annual Fee Schedule" that shall be adopted annually by the Town Board at its Organizational Meeting and maintained in the Office of the Town Clerk where it shall be available upon request for public review and copying.

§ 10. Declaration of Fee Administration and Payment.

All Fees are to be administered and collected by the Town Clerk. All Fees required to be paid pursuant to the Town Code in connection with the issuance of any permit, certificate and/or license by the Town are to be paid to and recorded by the Town Clerk prior to the issuance of any such permit, license or certificate as set forth in the Town Code.

§ 11. Town Board Authority to Waive or Reduce Fees.

The Town Board shall have the authority to waive in its entirety and/or to reduce fees charged to Applicant(s) pursuant to this Article on a case-by-case basis upon a showing by the Applicant(s)

by clear and convincing evidence of undue hardship or inappropriateness. Said Applicant(s) shall file an application for fee waiver or reduction with the office of the Town Clerk within 30 days of the assessment of the fee. Failure to apply for a waiver or reduction of fees on a timely basis pursuant to this Article shall bar the applicant from receiving any such waiver or reduction and from commencing an action in a court of competent jurisdiction to challenge the imposition of said fees.