

CHAPTER 156: ESCROW ACCOUNTS

Section

- 156.01 Escrow account required; reimbursable expenses
- 156.02 Applications subject to requirement
- 156.03 Required deposits; excess funds; minimum balances
- 156.04 Application grant conditioned on reimbursement of city
- 156.05 Records required; separate account
- 156.06 Obligations of city regarding funds
- 156.07 Objections by applicant; procedure
- 156.08 Reserved powers regarding non-zoning fee schedules

§ 156.01 ESCROW ACCOUNT REQUIRED; REIMBURSABLE EXPENSES.

In addition to the fixed zoning fees, all other expenses and costs incurred by the city which are associated with reviewing and processing a zoning application for uses specified in § 156.02 shall be paid (or reimbursed to the city) from the funds in an Escrow Account established by the applicant as provided in this chapter. The city may draw funds from an applicant's Escrow Account to reimburse the city for out-of-pocket expenses incurred by the city relating to the application. Such reimbursable expenses include, but are not limited to, expenses related to the following:

- (A) Mailing legal notices, as required for Planning Commission meetings.
- (B) Mailing legal notices, as required for Zoning Board of Appeals meetings.
- (C) Mailing legal notices, as required for City Council meetings.
- (D) Services of the City Attorney related to the application.
- (E) Services of the City Engineer related to the application.
- (F) Services of the City Planner related to the application.
- (G) Services of other professionals working for the city related to the application.

(H) Any additional public hearings, required mailings and legal notice requirements necessitated by the application.

(Ord. 208, passed 1-5-04)

§ 156.02 APPLICATIONS SUBJECT TO REQUIREMENT.

Applications involving the following shall be subject to the Escrow Fund requirement:

- (A) Site Plan Reviews.
- (B) Planned Unit Developments (PUD).
- (C) Special Use Permits.
- (D) Any rezoning.
- (E) Preliminary and final Plat Approvals.
- (F) Site condominiums.
- (G) Private Road Approvals/Permits.
- (H) Variance or interpretation proceedings before the Zoning Board of Appeals where the Zoning Administrator determines that the scope of the project or application will probably require the assistance of a city professional or involve additional costs referenced in § 156.01.

(Ord. 208, passed 1-5-04)

§ 156.03 REQUIRED DEPOSITS; EXCESS FUNDS; MINIMUM BALANCES.

The escrow fees for each application for matters specified in § 156.02 are established at \$500 increments commencing with an initial \$1,000 deposit by the applicant with the City Clerk. The initial \$1,000 escrow fee shall be provided by the applicant to the City Clerk at the time of application. No application shall be processed prior to the required escrow fee having been deposited with the City Clerk. Any excess funds remaining in the Escrow Account after the application has been fully processed, reviewed and the final city decision has been rendered regarding the project will be refunded to the applicant with no interest to be paid on those funds. At no time prior to the city's final decision on an application shall the balance in the Escrow Account fall below \$500. If the funds in the Escrow Account drop below \$500, an additional deposit of \$500 by the applicant into the Escrow Account shall occur before the applications review process will be continued. Additional amounts above \$1,000 may be required to be placed in the Escrow Account by the applicant at the discretion of the city by the Zoning Administrator. Notwithstanding the preceding:

(A) The escrow fee deposit for private roads involving only one or two parcels shall be established at an initial \$500 deposit with funds in the Escrow Account being replenished back up to \$500 when the funds in the account for such private roads serving one or two parcels drop below \$100; and

(B) The escrow fee deposit for a commercial or industrial Wind Energy Conversion System shall be \$100 and need not be replenished. There is no escrow fee required for residential Wind Energy Conversion System applications.

(Ord. 208, passed 1-5-04; Am. Ord. 251, passed 5-18-09)

§ 156.04 APPLICATION GRANT CONDITIONED ON REIMBURSEMENT OF CITY.

No building permit, final city approval, or permit shall be granted for an application until all outstanding out-of-pocket costs and expenses incurred by the city as specified have been reimbursed to the city from the Escrow Account.

(Ord. 208, passed 1-5-04)

§ 156.05 RECORDS REQUIRED; SEPARATE ACCOUNT.

The City Clerk shall maintain records regarding the Escrow Account and shall authorize the disbursement of escrow funds in writing. Such escrow funds (from one or more applicants) shall be kept in a separate city bank account.

(Ord. 208, passed 1-5-04)

§ 156.06 OBLIGATIONS OF CITY REGARDING FUNDS.

The city shall collect and apply escrow funds in a reasonable fashion. All funds received in escrow may be deposited with other escrow funds in one or more escrow accounts. The city shall have no obligation to account for the value of any benefit received by the city, directly or indirectly, by reason of the deposit of such escrow funds.

(Ord. 208, passed 1-5-04)

§ 156.07 OBJECTIONS BY APPLICANT; PROCEDURE.

If an applicant objects to the reasonableness or amount of escrow funds it must deposit with the city or how the escrow funds have been applied, it can appeal the city's determination regarding these matters to the City Council. All such appeals shall be in writing and shall be made not later than 30 days after final city action regarding the application.

(Ord. 208, passed 1-5-04)

§ 156.08 RESERVED POWERS REGARDING NON-ZONING FEE SCHEDULES.

Nothing in this chapter shall be construed or interpreted as limiting the authority of the city to adopt separate fee schedules as limiting the authority of the city to adopt separate fee schedules relative to non-zoning matters involving the design, engineering, and construction of buildings, improvements and developments within the city.

(Ord. 208, passed 1-5-04)