

ORDINANCE #46

ADMINISTRATIVE FEES AND APPLICATION EXPENSES

**AN ORDINANCE TO PROVIDE FOR THE IMPOSITION AND COLLECTION OF
ADMINISTRATIVE FEES AND APPLICATION EXPENSES**

ADOPTED: NOVEMBER 4, 2009
PUBLISHED: NOVEMBER 8, 2009
EFFECTIVE: NOVEMBER 18, 2009

BE IT ENACTED and ordained by the Town of Bolton, Warren County, State of New York, as follows:

SECTION 1

A uniform procedure shall be established by authority of Town Law, General Municipal Law and Municipal Home Rule for the application of administrative fees and reimbursement and collection of applicant's expenses incurred as provided by law.

SECTION 2

The Town Board of the Town of Bolton shall from time to time by approval of a Town Board resolution impose reasonable and necessary application fees for matters presented for municipal board review before the Town Board, Zoning Board of Appeals, Planning Board or local board of health, and such fees shall be collected and be considered in full effect until amended or terminated by subsequent resolution of the Town Board.

SECTION 3

Wherever any application presented for municipal board approval shall require professional expert review and recommendation for the town to properly evaluate the project under consideration, the applicant shall be required to promptly reimburse the municipality for

expert, engineering, legal or technical expenses as may be billed to the town, upon the following requirements:

a) Upon presenting of the town's request for reimbursement, the applicant shall pay the full amount within thirty (30) days. The town shall not be required to provide any signature or evidence of "final approval" to the applicant/developer until such time as the applicant/developer shall have reimbursed the town in full.

b) In the event that the applicant shall fail or refuse to reimburse the town, the town may apply or seek the following remedies until payment is received:

1) Board project approval may be suspended pending receipt of payment.

2) Interest shall be applied and computed on any balance due in accordance with the provisions of the New York State Civil Practice Laws and Rules.

3) In the event the town is compelled to commence any collection action, including litigation to collect on the amount due, the town shall be entitled to also receive costs and disbursements of such action and actual attorney's fees incurred.

4) In the event the town is compelled to seek security for the collection of sums due, by resolution of the Town Board upon ten (10) days' notice to the applicant, and only in instances where the applicant was and remains the owner of the premises, the town shall be entitled to consider the unpaid or uncollected sums chargeable as a special assessment to be included on the premises' next available town tax billing with interest and collected as a tax.

5) The town shall not be required to accept for processing any further or subsequent administrative application under any code, regulation or ordinance from any person who shall have unpaid reimbursement sums past due to the town. The town shall

give consideration to any facts in which an applicant/developer who has unpaid reimbursement sums due to the town and such applicant/developer acts in other capacities as an individual applicant, developer, agent or principal in any business entity making application to the Town of Bolton while reimbursed sums remain unpaid to the Town of Bolton on any project application.

SECTION 4.

In the event that a court of law shall determine any section of this ordinance to be invalid, such court determination shall be limited to the specific section and shall not effect the enforceability of this entire ordinance.

This ordinance shall become immediately effective after enactment in accordance with the provisions of law.