

VILLAGE OF MATTAWAN

ORDINANCE REGARDING COSTS ASSOCIATED WITH
APPLICATIONS SUBMITTED TO THE VILLAGE

Ordinance No. 195

AN ORDINANCE TO ALLOW THE VILLAGE TO RECOVER THE REASONABLE COSTS WHICH THE VILLAGE INCURS ASSOCIATED WITH APPLICATIONS FOR PERMISSION TO TAKE ACTION CONTROLLED BY VILLAGE ORDINANCES, AND TO REPEAL ANY ORDINANCES OR PARTS OF ORDINANCES WHICH CONFLICT WITH THIS ORDINANCE.

THE VILLAGE OF MATTAWAN ORDAINS:

SECTION 1 INTENT

The intent of this Ordinance is to allow the Village to recover the costs which it incurs in evaluating and acting upon requests for permission to take action controlled by Village Ordinances, and to provide applicants with due process rights in challenging the amounts charged to them.

SECTION 2 PROCEDURE

- A. The Village Manager is authorized to retain the services of qualified professionals in order to assist the Village in evaluating any application submitted to the Village requesting permission to take any action which is controlled by Village Ordinances. The Village Manager shall have the sole discretion to determine when such services are necessary.
- B. The Village is entitled to require the applicant to deposit with the Village an amount which the village determines to be a reasonable estimate of the cost to be incurred by the Village in considering the application. If the Village determines that a deposit is required, it must be paid to the Village before the application is considered. At the request of the applicant, the Village will notify the applicant in writing of the amount of the deposit required.
- C. Regardless of whether a deposit is required, all cost incurred by the Village in connection with review of an application as identified above shall be paid by the applicant.
- D. At times which the Village determines to be appropriate, the Village shall provide the applicant with a statement showing in reasonable detail the costs incurred by the Village in connection with the application. This statement shall be paid within twenty-one (21) days of the date on which it is mailed to the applicant. The statement shall be sent by first class mail or shall be personally delivered.
- E. The applicant shall have the right to appeal the deposit amount required or the amount charged by delivering to the Village a written statement of the reasons why the applicant believes that the amount charged is not reasonable.
- F. An appeal must be signed by the applicant and delivered to the Village Offices within twenty-one (21) days of the date on which the deposit amount is set by the Village of the statement for services is mailed to the applicant by the Village.
- G. If an appeal of charges is submitted to the Village in a timely manner, the Village Council shall consider the appeal at a time which it determines to be appropriate. No collection action shall occur until the Village Council has considered an appeal which is timely.
- H. A public hearing shall be conducted on the appeal. The applicant has the right to be represented by an attorney at the hearing.
- I. The Village Council is authorized to have the public hearing conducted by one of its committees. Should this occur, the committee shall submit a report and recommendation to the Village Council regarding the facts presented and the appropriate resolution of the matter.
- J. The Village Council shall consider the appeal and determine whether to grant the relief requested by the applicant.
- K. Once the Village Council has decided the appeal, the Village shall be free to take collection action.

- L. If amounts remain due after an appeal, or if the applicant fails to appeal the amount charged within twenty-one (21) days of the date of any letter imposing the costs, the village shall be entitled to a lien on any real property which is the subject of an application and the Village shall be allowed to enforce the lien in the manner prescribed by the general laws of the State of Michigan, including the laws which relate to the enforcement of tax liens.
- M. Any challenge to the process must be filed in the Circuit Court of Van Buren County.

SECTION 3 REPEAL CLAUSE

Any Ordinance or parts of any Ordinance of the Village of Mattawan which is in conflict with this Ordinance is repealed.

SECTION 4 SEVERABILITY

The provisions of this Ordinance are severable, and if any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason, it shall not affect any other part or portion of the Ordinance.

SECTION 5 EFFECTIVE DATE

This Ordinance shall be effective upon publication.