

701. FEES

701.005. The City of Birchwood Village is authorized to impose fees, rates, or charges.

701.010. **Fee Schedule.** A schedule of fees shall be established by resolution of the City Council, and may be amended from time to time by the City Council.

701.020. **Fee Required.** Every person or organization applying for a permit or license or other action from the City shall pay a fee as indicated in the fee schedule.

“Amended by Ordinance 2018-02-02; March 13, 2018”

701.030. **Payment of Fee.** The fee shall be paid at the time of application of the permit or license. The City will not process the permit or license application until the appropriate fee has been paid, nor will the City issue the permit or license until the fee has been paid.

701.035. **Payment of Outstanding Fees Required.** The City will not process, approve, or issue any building permit, variance, or conditional use permit if the applicant has not paid outstanding balances for previous permit applications, variance applications, or conditional use permit applications regardless of whether said application matured into a permit or variance or was abandoned by the applicant.

701.040. **Refunds.** Upon a request from an applicant rescinding their request for a permit or license, the City will refund one-half (½) of the fee for the permit or license if the applicant requests a refund within fifteen (15) days after the fee is paid and no action has been taken by the City on the request for the permit or license. The permit or license shall then be voided by the City Administrator or Clerk.

“Amended by Ordinance 2018-02-02; March 13, 2018”

701.050. **Other Requirements.** Payment of the appropriate fee does not guarantee that a permit or license will be

issued. An applicant for a permit or license must also comply with all other requirements of the City Code.

701.60. **Additional Fees.** The following fees shall be paid in addition to the original fee, if the situation is applicable.

701.61. **Investigation Fee.** If work or activity for which a license or permit is required by the code has been commenced without first obtaining the permit or license, a special investigation shall be made by the City Administrator or their designee to determine the appropriate permits to be applied, and a report issued to the property owner before permits may be issued for the work. An investigation fee equal to and in addition to the required license or permit fees established by the City and listed in the fee schedule shall be collected at the time of application in addition to any required escrows.

701.62. **Additional Fee.** An additional fee, not to exceed actual expenses or the original amount of the fee, whichever is less, shall be paid if the City Council determines that the applicant has changed the project after submission of the initial application, or if it is necessary to conduct an excessive number of re-inspections of the project in order to ensure compliance with the City Code or the terms of the permit or license.

701.63. **Late Charge.** Any amounts due to the City, if not paid within sixty (60) days of the mailing date of the invoice by the City, will be assessed a one-time five percent (5%) late charge. Payment of any late fee or additional fees shall be in addition to any fines that may be imposed for violation of the City Code.

701.70. Certification to Property Taxes. On October 15th of every year, any outstanding amounts due for City provided services where at least ninety (90) days has elapsed since the mailing date of the invoice by the City, shall be applied as a special assessment against any property owned by the person owing the fee and shall be certified the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected in accordance with Minnesota Statutes 366.012 and 415.01. The assessed fees shall include any late charges already accrued.

701.71 **Notice Required.** A charge may be certified to the auditor only if, on or before September 15, the City has given written notice to the property owner of its intention to certify the charge to the auditor.

701.80 **Appeal to the City Council.** A person or entity owing a fee for city services who disputes the charges, or the amount of the charges, may by written notice, appeal the charges or amount of charges to the City Council. Such appeal will be heard by the City Council.

701.081 **Timeframe for Filing Appeal.** Appeals must be filed within 30 days of the mailing date of the invoice for such

charges, or within 60 days of enactment of this ordinance for existing charges outstanding at the time of enactment of this ordinance.

701.082 **Late Charges and Certification Efforts While Appeal is Pending.**

When determining whether to apply late fees or whether to certify the amounts to the County Auditor, the time between when the appeal is received by the City and the time when a decision is mailed is not counted.

701.083 **Hearing.** The hearing will be noticed to the person or entity and the hearing will provide the person or entity an opportunity to address the City Council.

701.084 **Council Decision.** Once a decision has been made, a letter explaining the decision will be mailed to the person or entity by the City. The decision by the City Council will be deemed final and non-appeal-able except to a court of law of competent jurisdiction.

701.90 **Notice on Invoices.** Invoices from the City should contain a notice of the late penalties provided under this section, the certification requirements under this section, as well as the right to appeal under this section. The failure of the City to provide such notice shall not affect the rights of the City to collect late penalties or certify the fees to taxes of a property owner.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

“AMENDED BY ORDINANCE 2018-02-02; March 13, 2018”

“AMENDED BY ORDINANCE 2022-10-5; March 1, 2023”

“AMENDED BY ORDINANCE 2024-01-01; February 13, 2024”