



## **ORDINANCE NO. 1**

### **An Ordinance to Establish Fee and Service Charge Regulations**

The City Council of the City of Willernie, Washington County, Minnesota, intends to formalize the administrative, license, and permit fee levying processes by adopting two new chapters into the City Code.

**Section 1.** This ordinance shall be incorporated into the City Code under “Title 100 GENERAL PROVISIONS” as:

- “Chapter 105. FEE AND SERVICE CHARGES” and
- “Chapter 106. FEE SCHEDULE”.

The new chapters are described below:

#### **Chapter 105. FEE AND SERVICE CHARGES**

##### **105.010. Purpose**

The purpose of this chapter is to establish regulations that provide for levying fees, service charges, and penalties, including expenses incurred by the City on behalf of permit applicants, license renewals, and other City services.

##### **105.020. Fees and Charges**

- A. General Provisions. There are specific fees and penalties and other charges that may be incurred when the City processes an application or provides a service. These costs shall include, but are not limited to: parcel searches, publication and mailing of notices, engineering review, inspection, planning, legal costs, recording fees, and other services related to the processing of applications. The Council may also establish charges for public hearings, special meetings, or other such Council or Planning Commission actions as are necessary to process applications.
- B. Escrows.
  - 1) An escrow fee in an amount as established by ordinance may be required on building, construction, demolition, or right of way projects. The escrow fee shall be paid before a permit is issued.
  - 2) The City Building Official or the acting Zoning Administrator shall have discretion to increase the amount of the escrow for any application at any time if the city’s potential costs are reasonably expected to exceed the minimum amount. The City Building Official or the acting Zoning Administrator shall also have discretion to require an escrow deposit even where no minimum amount is specified.
  - 3) Unused escrow amounts, if any, will be returned to the permit applicant when all conditions and approvals of the process are met. No interest shall be paid on escrow deposits.

C. Building and Construction Permits.

- 1) Building and Construction permit and related fees are defined in the Fee Schedule.
- 2) *Project Valuation Determination.* The City and its authorized representatives shall utilize the Building Valuation Data Chart published annually by the Minnesota Department of Administration State Building Codes and Standards Division to compute building valuations for the purpose of establishing the City permit fees. Permit valuation shall include the total value of all construction work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems.
- 3) *Work Without a Permit.* Work commenced without a permit may result in additional fees as specified in MN Rules 1300.0160. Investigative fees are specified in the City fee schedule.
- 4) *Validity, Expiration and Suspension or Revocation of Permits.* The validity, expiration, and suspension or revocation of permits shall be as provided by MN Rules 1300.0120 Permits, Subparts 10,11, and 12.

D. Refunds

- 1) *Application Fee Refunds.* In general, application fees are not refundable once an application has been approved.
- 2) *Rejected Application Fee Refunds.* Upon rejection of any application for a license or permit, the City shall refund the amount paid subject to the following:
  - a) See Building Permit Fee Refund policy.
  - b) Specific license application fees for which work was performed for the application shall not be refunded.
- 3) *Permit Fee Refunds.*
  - a) Building and Construction Permits.

The City may refund up to 80% of the building construction permit fees in which no work has been done and no inspections have been made. Requests for refunds must be made by the permit applicant in writing within 180 days of issuance. Within 10 business days of receipt, the Building Official must review the refund request and determine the amount to be refunded or deny the refund request for cause.

No refunds will be approved or granted for the following:

    - i. plan review fees,
    - ii. state surcharge fees,
    - iii. re-inspection fees,
    - iv. investigative fees, or
    - v. any other services that have previously been rendered.
  - b) All other Permits.

Fees for permits other than building and construction are not refundable.

- 4) *License fees.* License fees, once paid, are not refundable unless approved by the City Council. In addition, specific license fees for which work was performed, such as a background investigation, shall not be refunded.
- 5) *Revoked or Suspended License and Permit Fee Refunds.* Fees for revoked or suspended licenses and revoked or suspended permits are not refundable.
- 6) *Penalty Violation Fees.* Violation penalty fees are not refundable.
- 7) *Late Fees.* A late fee for any license, permit, fine, or violation is not refundable.

#### **105.030. Fee and Charge Processing**

- A. Application fees are due when an application is submitted. Further charges may be incurred and assessed as an application is being processed.
- B. Administrative fees and charges are due and payable when performing the related service or when a citation is issued.
- C. Unless further defined in other chapters of the City Code, license fees are annually based fees with an effective end date of December 31<sup>st</sup> of the year. Permit fees and permit related fees have an effective date as specified in the terms of the permit.
- D. Licenses, permits, variances, or use permits are formally approved when application forms (if any are required), are approved, when funds are processed, and when the license, permit, variance, or use permit is approved by the City Council. In addition, selected specific licenses may also require further approval from other County or State agencies.
- E. All funds shall be payable to the City of Willernie and delivered to the City Clerk along with any related application forms and supporting documentation. All funds collected by the City Clerk will be deposited in the City's accounts.
- F. The preferred form of payment is in the form of a cashier's check, certified check, or personal check payable to the City of Willernie. The City does not accept credit or debit card payments.
- G. If a check is returned by a financial institution for any reason:
  - a) Any related application, permit, or license will be considered null and void; and
  - b) Any penalty or fine will be considered still outstanding and due; and
  - c) A returned check fee will be charged to the party submitting the payment.

## **Chapter 106. FEE SCHEDULE**

### **106.010. Purpose**

- A. The purpose of this Chapter is to provide a single and convenient location for a list of fees, service charges, and penalties levied by the City. This schedule repeals and replaces all existing fees, service charges, and penalties in prior fee schedules. Any other fees or charges imposed by the City which do not appear on the Fee Schedule below will remain in full force and effect.
- B. A municipality may adopt a fee schedule under MN Statutes 462.353 Subd 4a by ordinance or resolution following publication of notice of proposed action on a fee schedule at least ten days prior to a public hearing held to consider action on or approval of the fee schedule.
- C. This schedule may be revised and readopted on an annual basis or as the Council deems necessary.

### **106.020 Administration Fees**

<b>Fee Description</b>	<b>Amount</b>
Paper copies (black & white) per page (city business only)	\$0.25 one sided \$0.50 two sided
Paper copies (color) per page (city business only)	\$2.00
Printed City Code Book Copy	\$100.00
Printed Comprehensive Plan	\$50.00
Election Candidate Filing Fee	\$2.00
Returned check	\$30.00 each

### **106.030 Animal Control Fees**

<b>Fee Description</b>	<b>Amount</b>
Animal License – every two calendar years in January. New licenses in mid-year count as the first year.	\$5.00 per animal
Late Fee	\$5.00 per animal
Duplicate License	\$3.00 per animal
For licensed or unlicensed animals when claimed at impound:	
Animal Impound Fees:	
- Daily boarding fee	\$22.00 per day
- Necessary veterinary services	Actual cost
- Impound fee	\$90.00
For unlicensed animals in violation and not sent to the impound	See penalty section
All fees incurred by the City for an animal are the responsibility of the owner and shall be paid by the animal owner.	

## 106.040 Business License Fees

Fee Description (expire 1 yr after issue date except as noted)	Amount
<b>ALCOHOL Licensing:</b>	
Investigation Initial Fee (in-state)	\$500.00
Investigation Initial Fee (out-state)	\$10,000.00
Investigation Annual Renewal Fee	\$250.00
On-sale	\$1,700.00
On-sale Sunday	\$200.00
Off-sale	\$100.00
Temporary on-sale (up to 4 consecutive days, no more than 10 days per year)	\$100.00 per day
On-sale 3.2% malt liquor	\$200.00
Off-sale 3.2% malt liquor	\$100.00
On-sale wine/culinary	\$200.00
On-sale brewer, distillery	\$1,700.00
Off-sale brewer, distillery	\$200.00
Consumption & display (expires Mar 31 <sup>st</sup> each year)	\$250.00 + \$250.00 payable to AGED (MN Alcohol Gambling Enforcement Dept)
2 AM On-sale	\$200.00 + \$200.00 payable to AGED
BOWLING ALLEY License	\$15.00/alley
ANIMAL KENNEL License	\$100.00
<b>CANNABINOID PRODUCT Licensing:</b>	
Investigation Fee	\$200.00
Cannabinoid Product Retail Sale per location	\$500.00 initial, \$1,000.00 renewal
Cultivator per location	\$500.00 initial, \$1,000.00 renewal
Manufacturer, wholesaler, testing facility per location	\$500.00 initial, \$1,000.00 renewal
Lower potency edible hemp product manufacturer per location	\$500.00 initial, \$500.00 renewal
Lower potency edible hemp product retailer per location	\$125.00 initial, \$125.00 renewal
<b>CHARITABLE GAMBLING Licensing:</b>	
Initial investigation fee	\$100.00
License fee	No charge
GENERAL BUSINESS License – general exchange of goods and services – Chapter 1001	\$100.00
<b>SOLICITOR/PEDDLER/TRANSIENT MERCHANT Licensing:</b>	
Application fee	\$1.00
License fee	\$200.00
<b>THERAPUETIC MASSAGE Licensing:</b>	
Initial investigation fee	\$275.00
License fee	\$200.00
Therapist Individual License	\$50.00

**106.050 Land Use Planning and Zoning Fees**

Fee Description	Amount	Escrow
EXCEPTION PERMITS		
Conditional Use Permit Application	\$200.00 + recording fee	variable*
Special Use Permit Application	\$200.00	variable*
Variance Application	\$200.00 + recording fee	variable*
Conditional Use Permit/Variance Recording Fee (document filed by City Clerk)	Washington County Recorder fee schedule	
Rezoning Change Application	\$200.00	variable*
PLANNED UNIT DEVELOPMENT		
Preliminary review plan	\$300.00	
Application permit	\$650.00	variable*
Amending Application	\$300.00	variable*
MISCELLANEOUS ZONING FEES		
Comprehensive Plan Amendment	\$1,000.00	variable*
Street Vacation fee	\$200.00	
Storm Water Management plan	\$100.00	
CITY STAFF & CONSULTANT BILLING		
Escrow for professional & legal consulting		variable*
Time and expenses for consultant or legal professional, administrative expenses.	Application fees plus actual expenses	
GRADING PLAN REVIEW FEES		
100 cubic yards or less	No charge	
101 – 1,000 cubic yards	\$40.00	
1,001 – 10,000 cubic yards	\$50.00	
10,001 – over	\$300.00	
RENTAL DWELLING LICENSES		
Single family	\$200.00/ 2 yr license	
Two family	\$300.00/ 2 yr license	
3+ units	\$500.00/ 2 yr license	
Inspection fee	\$150.00	
License reinstatement fee	\$100.00	
SIGN PERMITS		
Sign (permanent)	\$10.00 or \$0.10 per sq ft of sign area, whichever amount is larger	

\* amount determined by City Council, also see section 106.110 Escrow

**106.060 Utility Fees**

<b>Fee Description</b>	<b>Amount</b>
Curb turn on/off	\$100.00
Unlawful turning water on again	\$100.00 including any back charges
Utility location – line, device, etc.	\$100.00
Failure to repair a leak within 24 hours after notice given	\$100.00

**106.070 Right of Way Permit Fees**

<b>Fee Description</b>	<b>Amount</b>
Small wireless facility permit fees: <ul style="list-style-type: none"> <li>• Up to 5 small wireless facilities</li> <li>• Each additional small wireless facility after 5</li> <li>• New wireless support structure</li> </ul>	<ul style="list-style-type: none"> <li>• \$500.00 installed on existing structures</li> <li>• \$100.00 installed on existing structures</li> <li>• \$1,000.00 per structure</li> </ul>
Small wireless collocation fees: <ul style="list-style-type: none"> <li>• Rent to collocate on the city structure</li> <li>• Maintenance associated with the collocation</li> <li>• Monthly fee for electrical service</li> </ul>	<ul style="list-style-type: none"> <li>• Up to \$150.00 per year</li> <li>• \$25.00 per year</li> <li>• \$73.00 per radio node less than or equal to 100 maximum watts; or \$182.00 per radio node over 100 maximum watts; or the actual costs of electricity, if the actual cost exceeds the foregoing</li> </ul>
Obstruction Permit	\$50.00/week or any part thereof
Right-of-way & Utility Easement Permit: <ul style="list-style-type: none"> <li>• Distribution System permit</li> <li>• Hole</li> <li>• Trench</li> <li>• Boring</li> <li>• Extension of permit</li> </ul>	<ul style="list-style-type: none"> <li>• System escrow \$5,000.00 *</li> <li>• Repair escrow \$2,000.00 *</li> <li>• \$200.00 per hole</li> <li>• \$200.00 + \$0.50 per lineal foot of trench</li> <li>• \$200.00 + \$0.50 per lineal foot of trench</li> <li>• \$25.00 + \$25.00 per week of extension</li> </ul>
Degradation - estimates for bituminous street <ul style="list-style-type: none"> <li>• New street 0-5 years</li> <li>• Existing street</li> <li>• Street to be constructed in the next 5 years</li> </ul>	To be calculated by the City <ul style="list-style-type: none"> <li>• \$4.00 per square foot</li> <li>• \$2.00 per square foot</li> <li>• \$1.00 per square foot</li> </ul>
Delay penalty: Time Delay	\$60.00/day plus \$20.00/day each day late over 3 days

\* amount determined by City Council

**106.080 Fire Department Fees**

<b>Fee Description</b>	<b>Amount</b>
Fire Department call – billed to property owner	Actual Fire Department charges
Fire Department call – billed to City, obligation of property owner	Actual Fire Department charges

**106.090 Building Permit Fees**

<b>Project Valuation</b>	<b>Fee</b>
\$1.00 to \$500.00	\$23.50
\$501.00 - \$2,000.00	\$23.50 for first \$500.00 plus \$3.05 per additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 - \$25,000.00	\$69.25 for first \$2,000.00 plus \$14.00 per additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 - \$50,000.00	\$391.75 for first \$25,000.00 plus \$10.10 per additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 - \$100,000.00	\$643.75 for first \$50,000.00 plus \$7.00 per additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 - \$500,000.00	\$993.75 for first \$100,000.00 plus \$5.60 per additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 - \$1,000,000.00	\$3,233.75 for first \$500,000.00 plus \$4.75 per additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and greater	\$5,608.75 for first \$1,000,000.00 plus \$3.65 per additional \$1,000.00, or fraction thereof,

<b>State Surcharge Valuation Table</b>	<b>Fee applied to flat rate or value-based projects</b>
\$1,000,000 or less	\$0 base fee + 0.0005 x project valuation
\$1,000,0001 - \$2,000,000	\$500.00 base fee + 0.0004 x (project valuation - \$1,000,000)
\$2,000,001 - \$3,000,000	\$900.00 base fee + 0.0003 x (project valuation - \$2,000,000)
\$3,000,001 - \$4,000,000	\$1,200.00 base fee + 0.0002 x (project valuation - \$3,000,000)
\$4,000,001 - \$5,000,000	\$1,400.00 base fee + 0.0001 x (project valuation - \$4,000,000)
greater than \$5,000,00	\$1,500.00 base fee + 0.00005 x (project valuation - \$5,000,000)

**106.100 Mechanical & Plumbing Permit Fees**

	<b>Fee Description</b>	<b>Amount</b>
Residential	Mechanical (includes HVAC system, mechanical ventilation system, and gas lines)	\$74.50 +\$1.00 surcharge per dwelling unit
	Plumbing	\$74.50 +\$1.00 surcharge per dwelling unit
Commercial	Mechanical (includes HVAC system, mechanical ventilation system, and gas lines)	\$124.00 +\$1.00 surcharge per structure
	Plumbing	\$124.00 +\$1.00 surcharge per structure



**106.110. Other Building and Construction Related Fees**

<b>Fee Description</b>	<b>Amount</b>
Plan review fee for all permits	sixty-five percent (65%) of the relevant building permit fee
Additional plan review required by changes, additions, or revisions to previously approved plans	\$47.00 per hour, minimum charge = ½ hour
Fireplace: <ul style="list-style-type: none"><li>• gas</li><li>• wood</li></ul>	<ul style="list-style-type: none"><li>• \$74.50 +\$1.00 surcharge per dwelling unit</li><li>• Permit valuation based</li></ul>
Escrow amount for additions, garages, accessory structures, possible planner fee	\$3,000.00 * * amount determined by City Council
Inspections: <ul style="list-style-type: none"><li>• outside of normal business hours</li><li>• where no fee is specifically indicated</li><li>• Re-inspection fees (Note: Re-inspection will not be done until the re-inspection fee is paid.)</li></ul>	<ul style="list-style-type: none"><li>• \$47.00/hr, minimum charge 2 hrs *</li><li>• \$47.00/hr, minimum charge ½ hr *</li><li>• \$47.00/hr, minimum charge 1 hr *</li></ul> <p>* Or the total cost to the City whichever is greater. Cost shall include supervision, overhead, equipment, hourly wages, fringe benefits of employees involved.</p>
Investigative Fee, “Work commencing before permit issuance”	In addition to the required permit fee, but may not exceed the permit fee. See penalty fee below.
Use of outside consultants for plan checking and inspections, or both	Actual costs, includes administrative and overhead costs.
Demolition	\$100.00

## 106.120 Penalties

Penalty Fine Description	Amount
<b>ADMINISTRATIVE VIOLATIONS</b>	
<b>PUBLIC HEALTH</b>	
Section 601.020 - Nuisances affecting Health, Comfort	\$300.00
Illicit discharge ordinance violations	\$100.00
Sewage/water ordinance violations	\$300.00
Outside storage, including but not limited to inoperable or unlicensed vehicles, materials, supplies, equipment	\$100.00
<b>PUBLIC SAFETY</b>	
Animal control	\$150.00
Disorderly Conduct, breach of peace	\$300.00
Falsely reporting a fire/false alarm	\$300.00
Fire Code violations	\$100.00
Firearms/Weapons Violations	\$300.00 and/or imprisonment up to 30 days
Section 601.040 - Nuisances affecting Public Peace and Safety	\$300.00
Traffic regulations	\$300.00
Right-of-Way ordinance violations	\$100.00/occurrence
Parking Violations – per offense within a 24-hour period	\$100.00 + towing fee if used
Vehicle impoundment storage per vehicle	\$250.00 + towing fee if used
<b>MISDEMEANORS</b>	
<ul style="list-style-type: none"> <li>Petty Misdemeanor</li> <li>Misdemeanor</li> </ul>	<ul style="list-style-type: none"> <li>\$300.00</li> <li>\$300.00, max \$1,000.00</li> </ul>
<b>BUSINESS LICENSE VIOLATIONS</b>	
Alcohol violations for licensees: <u>Minimum</u> penalty within any 3-yr period <ul style="list-style-type: none"> <li>1<sup>st</sup> violation</li> <li>2<sup>nd</sup> violation</li> <li>3<sup>rd</sup> &amp; subsequent violations</li> </ul> <u>Maximum</u> penalty	<ul style="list-style-type: none"> <li>\$500.00</li> <li>\$1,000.00</li> <li>\$2,000.00</li> </ul> Up to \$2,000.00 per violation
Cannabinoid violations for licensees: <ul style="list-style-type: none"> <li>1<sup>st</sup> violation</li> <li>2<sup>nd</sup> violation 2 times within 36 months</li> <li>3<sup>rd</sup> violation 3 times within 36 months</li> <li>4<sup>th</sup> violation within 36 months</li> </ul>	<ul style="list-style-type: none"> <li>\$500.00</li> <li>\$1,000.00</li> <li>\$2,000.00 + 1 day license suspension</li> <li>License revoked</li> </ul>
Cannabinoid violations for individuals: Sale to an individual under the age of 21	\$50.00
Gambling violations for licensees	\$300.00, max \$1,000.00
Operating a business without a license	Double the license fee
Peddler/solicitation violations	\$300.00

<b>Penalty Fine Description</b>	<b>Amount</b>
<b>ZONING, LAND USE, BUILDING VIOLATIONS</b>	
Zoning ordinances /enforcement	\$300.00
Building codes	\$300.00
Failure to follow a stop work order issued by the City Building Official	\$300.00
Emergency situations when a condition exists that requires immediate action to protect the public health, safety and welfare.	\$300.00
Starting work without an approved permit	Double the permit fee
Fence violations	\$200.00
PUD violations	\$300.00
Building/Property Maintenance and Appearance	\$300.00

### **Section 2. Severability**

In the event that a court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

### **Section 3. Effective Date**

This Ordinance shall be and is hereby declared to be in full force and effect from and after its passage and publication according to law.

Passed by vote of the City Council of the City of Willernie, Minnesota, this 21<sup>st</sup> day of May, 2025.

Mayor Baglio	_____	Council member DeJong	_____
Council member Soderlund	_____	Council member Cook	_____
Council member Siver	_____		

\_\_\_\_\_  
Diane Baglio, Mayor

\_\_\_\_\_  
Attest: Victoria R. Keating, City Clerk